



Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

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

Venue: Council Chamber, Civic Office, Waterdale, Doncaster DN1 3BU

Date: Tuesday, 23rd August, 2022

Time: 2.00 pm

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Damian Allen
Chief Executive

Issued on: Monday, 15 August 2022

Governance Services Officer for this meeting

David M Taylor
01302 736712

Doncaster Metropolitan Borough Council
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 26th July, 2022. 1 - 8
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications. 9 - 68
6. Proposed Deed of Variation to Section 106 Agreement for a residential development at Briars Lane, Stainforth. 69 - 114
- For Information**
7. Appeal Decisions. 115 - 128
8. Planning Enforcement Quarterly Report - June 2022. 129 - 150

Members of the Planning Committee

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

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

Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 26TH JULY, 2022

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 26TH JULY, 2022, at 2.00 pm.

PRESENT:

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

Councillors Bob Anderson, Iris Beech, Sue Farmer, Andy Pickering and Gary Stapleton.

APOLOGIES:

Apologies for absence were received from Councillors Steve Cox, Aimee Dickson, Charlie Hogarth and Sophie Liu.

11 Declarations of Interest, if any

There were no declarations of interest made at the meeting.

12 Minutes of the Planning Committee Meeting held on 28th June, 2022

RESOLVED that the minutes of the meeting held on 28th June, 2022 be approved as a correct record and signed by the Chair.

13 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'.

14 Appeal Decisions

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
21/00102/FUL	Change of use of campsite and amenity block to garden and ancillary granny annex. at Mawson Green Cottage, Mawson Green Lane, Sykehouse, Goole	Appeal Dismissed 01/07/2022	Norton & Askern	Delegated	No
19/01563/FUL	Erection of 4 dwellings at 14 School Lane, Auckley, Doncaster, DN9 3JR	Appeal Dismissed 22/06/2022	Finningley	Non-Determination	No
21/03355/PRIOR	Notification to determine if prior approval is required for raising of roof height in connection with formation of additional storey at 25 St Marys Crescent, Tickhill, Doncaster, DN11 9JN	Appeal Dismissed 29/06/2022	Tickhill & Wadworth	Delegated	No
21/01564/COU	Conversion from single occupancy semi detached house to 3 bed HMO (RETROSPECTIVE) at 29 St Patricks Road, Intake, Doncaster, DN2 5EP	Appeal Allowed 05/07/2022	Wheatley Hills & Intake	Committee	Yes

20/03418/FUL	Erection of two storey and single storey extensions and brick boundary treatment (retrospective application) (being resubmission of 19/03017/FUL) at 1 Church View, Wadworth, Doncaster, DN11 9BZ	Part Refused/ Part Granted 27/06/2022	Tickhill & Wadworth	Delegated	No
21/02686/FUL	Erection of a single storey rear extension (retrospective) at Blacksmiths Lodge, 11 Grove Court, Marr, Doncaster	Appeal Allowed 27/06/2022	Sprotbrough	Delegated	No
21/02276/FUL	New roof to dwelling to provide two usable bedrooms with porch at ground floor level to front at 1 Highfield Road, Bawtry, Doncaster, DN10 6QN	Appeal Allowed 16/06/2022	Rossington & Bawtry	Delegated	No

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 26th July, 2022

Application	1
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Application Number:	21/02399/FUL
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Application Type:	Full Planning Application
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Proposal Description:	Formation of new site entrance (from Worcester Ave)
At:	Crompton Lighting Limited, Wheatley Hall Road, Wheatley, Doncaster

For:	Mr Nigel Griffiths - Ground Group
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Third Party Reps:	5 Letters of objection	Parish:	n/a
		Ward:	Wheatley Hills & Intake

The Planning Application was been deferred to a future meeting pending the receipt of updated tree and landscaping information.

Application	2
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Application Number:	22/00034/3FUL
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Application Type:	Full Planning Permission
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Proposal Description:	Change of use from Use Class C3 dwelling house to Use Class C2 Small Children's Homes including two storey side extension, internal alterations and extension to dropped kerb
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At:	25 Cambourne Close, Adwick Le Street, Doncaster, DN6 7DB
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For:	Doncaster's Children's Trust
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Third Party Reps:	19 representations have been received from members of the public, of which 17 are objections	Parish:	No Parish Council
		Ward:	Adwick Le Street & Carcroft

A proposal was made to grant the Application subject to Conditions.

Proposed by: Councillor Sue Farmer

Seconded by: Councillor Gary Stapleton

For: 7 Against: 0 Abstain: 0

Decision: Planning permission granted subject to Conditions.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Lee Golze and Andy Hood, representing Doncaster Children's Services Trust, the Applicants, spoke in support of the Application for the duration of up to 5 minutes.

Application	3
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Application Number:	22/00413/FUL
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Application Type:	Full Planning Permission
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Proposal Description:	Erection of dwelling in association with proposed childrens home use (Use Class C2).
At:	Plot 250 - Keepmoat Skylarks Grange Development, 1 Dove Lane, Woodlands, Doncaster

For:	Doncaster's Children's Trust
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Third Party Reps:	16 objections have been received from members of the public.	Parish:	No Parish Council
		Ward:	Adwick Le Street & Carcroft

A proposal was made to grant the Application subject to Conditions.

Proposed by: Councillor Gary Stapleton

Seconded by: Councillor Sue Farmer

For: 7 Against: 0 Abstain: 0

Decision: Planning permission granted subject to Conditions.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Steven Halliday, a local resident, spoke in opposition to the Application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Lee Golze and Andy Hood, representing Doncaster Children's Services Trust, the Applicants, spoke in support of the Application for the duration of up to 5 minutes.

Application	4
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Application Number:	22/00414/FUL
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Application Type:	Full Planning Permission
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Proposal Description:	Erection of dwelling in association with proposed children's home use (Use Class C2).
At:	Plot 248 - Keepmoat Skylarks Grange Development, 5 Dove Lane, Woodlands, Doncaster

For:	Doncaster's Children's Trust
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Third Party Reps:	16 objections have been received from members of the public.	Parish:	No Parish Council
		Ward:	Adwick Le Street & Carcroft

A proposal was made to grant the Application subject to Conditions.

Proposed by: Councillor Sue Farmer

Seconded by: Councillor Gary Stapleton

For: 7 Against: 0 Abstain: 0

Decision: Planning permission granted subject to Conditions.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Steven Halliday, a local resident, spoke in opposition to the Application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Lee Golze and Andy Hood, representing Doncaster Children's Services Trust, the Applicants, spoke in support of the Application for the duration of up to 5 minutes.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 23rd August 2022

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.	21/01926/FUL	Thorne And Moorends	Thorne Town Council
2. M	21/02365/FULM	Finningley	Auckley Parish Council

Application	1.
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Application Number:	21/01926/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of one dwelling, private stables, paddock, domestic garage/workshop and associated works (amended application site boundary)
At:	Land Off Land Ends Road Thorne Doncaster DN8 4JL

For:	Mr M Blackham (Mrs Diane Holgate - DCH Consulting acting as agent)
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Third Party Reps:	2 representations in support	Parish:	Thorne Town Council
		Ward:	Thorne and Moorends

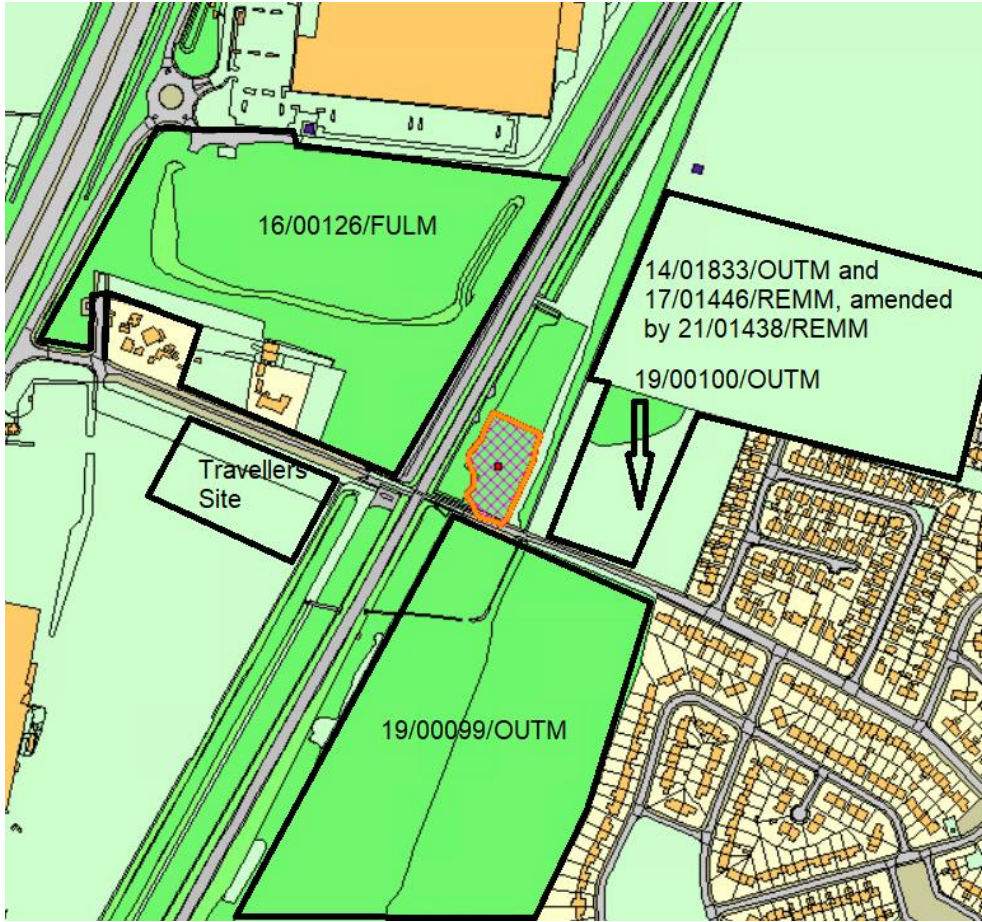
Author of Report:	Dave Richards
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SUMMARY

Planning law and the NPPF requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the benefits of providing one house towards the supply of housing is significantly and demonstrably outweighed by the conflict with the Development Plan as a whole.

The proposal would not deliver any public benefit and would conflict with development plan policies which seek to protect the countryside from encroachment and to encourage sustainable development. The Council can demonstrate a five-year housing land supply, meaning the Development Plan is sound in allocating housing to the hierarchy set out in the Local Plan. The NPPF does not change the statutory status of the Development Plan as the starting point for decision making and the application should be refused.

RECOMMENDATION: REFUSE planning permission



1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee at the request of Cllr Joe Blackham who wishes to support the proposal.
- 1.2 The reasons for 'calling in' the application include a) the opinion that the application site as countryside is at odds with the surrounding area, b) that the assessment fails to recognise the fundamental changes which have already occurred at this location, c) the site was included within the Draft Neighbourhood Plan for Thorne and Moorends and d) a failure of planning to assess this application on its own merits.
- 1.3 During the course of the application, it became apparent that Cllr Joe Blackham is related to the applicant. The application form originally submitted with the application did not acknowledge this relationship and therefore an amended application form was received 06 May 2022. This confirmed that the applicant is Cllr Blackham's son and this would also trigger the need for this application to be presented to planning committee.

2.0 Proposal

- 2.1 This application seeks planning permission for the erection of one detached house on land to the north of Lands End Road, Thorne. The dwelling would be a two-storey house with a dual-pitched roof with front projecting gable features, including contemporary full-height glazing at the entrance. The dwelling would have an attached single-storey triple garage to the side. As amended, the house would be finished in red bricks and graphite natural slate roof tiles. The garage would feature solar panels on the front elevation.
- 2.2 To the rear of the site would sit a workshop and a private stable building, consisting of three stables and a tack room. Both buildings would also feature dual-pitched roofs, with the ridges running north-to-south (perpendicular to the roof of the main house). Approximately 0.14 hectares of grazing land would be located behind the garden area of the dwelling.

3.0 Site Description

- 3.1 The application site is located to the north of Lands End Road, which is a narrow country lane leading west out of Thorne. The site is a largely overgrown and unmaintained plot of land, with some dilapidated shelters sited on the land. At the site boundaries are mature trees and hedgerows. The site is surrounded to the north, east and south by open fields. Immediately to the east of the site is a public footpath. Further to the east, Lands End Road widens to become Alexandra Street, and the character changes to suburban. To the west of the site is a railway lane, with industrial development beyond.
- 3.2 Outline permission for housing on land to the south of Lands End Road has been granted (pending the signing of a section 106 agreement) under application 19/00099/OUTM, including permission for the widening of the road. On land to the immediate east of the site, Planning Committee previously

resolved to grant permission for up to 35 dwellings under application 19/00100/OUTM, and this decision is also pending a section 106 agreement. On land further to the east, adjacent to the existing residential development, planning permission for housing has been granted under 14/01833/OUTM and 17/01446/REMM, amended by 21/01438/REMM. However, the application site itself remains in the Countryside Policy Area.

4.0 Relevant Planning History

4.1 There have been no previous applications of relevance on this site.

5.0 Site Allocation

5.1 The site is located within the Countryside Policy Area as set out on the Local Plan Policies Map. The site is also located within Flood Zone 3 on the Environment Agency Flood Maps.

5.2 National Planning Policy Framework (NPPF 2021)

5.3 In July 2021, The Government published a revised National Planning Policy Framework (“NPPF”) which is the most recent revision of the original Framework, published first in 2012 and updated in 2019, providing the overarching planning framework for England. It sets out the Government’s planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

5.4 Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

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

Annex 1 - Implementation

Annex 2 - Glossary

Annex 3 - Flood risk vulnerability classification

- 5.5 The National Design Guide (2021) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.
- 5.6 NPPF paragraphs 7-11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.7 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.8 Paragraph 48 states local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.9 Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
- 5.10 Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless specific circumstances apply.
- 5.11 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.12 Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.13 Paragraph 124 states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between

applicants, communities, local planning authorities and other interests throughout the process.

- 5.14 Paragraph 127 states that 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. Paragraph 127(f) sets out that planning decisions should create places which provide a high standard of amenity for existing and future users.
- 5.15 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 5.16 Paragraph 170(b) states that planning decisions should recognise the intrinsic character and beauty of the countryside.
- 5.17 Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

5.18 **Local Planning Policies**

- 5.19 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 consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).

- 5.20 The most relevant policies are:

5.21 Policy 1: Spatial Strategy and Settlement Hierarchy (Strategic Policy)

Policy 1 sets out the Settlement Hierarchy for the Borough. It seeks to concentrate growth at the larger settlements of the Borough with remaining growth delivered elsewhere to support the function of other sustainable settlements and to help meet more local needs taking account of existing settlement size, demography, accessibility, facilities, issues and opportunities. This includes giving proportionate support to the Borough's rural communities and rural economy.

5.22 Policy 13: Promoting sustainable transport in new developments

Policy 13 seeks to promote sustainable transport within new developments. It includes the requirement to make appropriate provision for access by sustainable modes of transport to protect the highway network from residual

vehicular impact. The same policies consider the impact of new development on the existing highway and transport infrastructure.

5.23 Policies 18 and 19: Development Affecting Public Rights of Way

Where new developments affect public rights of way, the public right of way should be retained and wherever possible be on the legally recorded alignment. Where a public right of way is affected the development should be designed to accommodate the route based on key principles set out in Policy 19.

5.24 Policy 25 (Part 3): Development in the Countryside Policy Area

In the Countryside Policy Area, planning permission will be granted for dwellings to meet the essential needs of an existing agriculture, forestry, or other enterprise which justifies a rural location, where it can be demonstrated that:

A) there is a demonstrable functional need which relates to a full-time worker that cannot be fulfilled by an existing dwelling in the area; and

B) the enterprise has been established for at least three years, is financially sound, and has a clear prospect of remaining so.

If a new dwelling is essential to support the essential needs of a new agriculture, forestry or other enterprise which justifies a rural location, it should normally, for the first three years, be provided by temporary accommodation that can demonstrate:

C) there is a demonstrable functional need which relates to a full-time worker that cannot be fulfilled by an existing dwelling in the area; and

D) there is clear evidence of a firm intention and ability to develop the enterprise concerned and that the proposed enterprise has been planned on a sound financial basis.

Other proposals for new dwellings in the Countryside Policy Area will be supported in line with national policy for 'entry level' exception sites for housing, rural exception sites for housing and for isolated homes of exceptional design quality.

5.25 Policy 29: Ecological Networks

This states proposals will only be supported which 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;

B) maintaining, strengthening and bridging gaps in existing habitat networks;

C) planting native species and creating new, or restoring existing, national and local priority habitats and/or species; and

D) working with strategic partnerships to deliver conservation projects at a landscape scale where appropriate.

5.26 Policy 30: Valuing Biodiversity and Geodiversity

Policy 30 requires all applications to be considered against the mitigation hierarchy in accordance with National Policy. In line with best practice, the provision of compensation to account for residual biodiversity impacts will not be allowed unless the prior steps of the mitigation hierarchy have been followed, and all opportunities to avoid and then minimise negative impacts have first been pursued. The Council use the DEFRA biodiversity metric to account for the impacts of a proposal on biodiversity and demonstrating that a net gain will be delivered. A minimum 10% net gain will be expected unless national standards increase this in the future.

5.27 Policy 39: Development Affecting Archaeology

Development affecting archaeological remains will be assessed against a number of key principles.

5.28 Policy 41: Character and Local Distinctiveness

Policy 41 states imaginative design and development solutions will be encouraged.

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.

5.29 Policy 44: Residential Design

This policy states developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space.

5.30 Policy 45: Housing Design Standards

Policy 45 states new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants, and

are designed and constructed in a way that enables them to be easily adapted to meet existing and changing needs of residents in Doncaster over their lifetime.

5.31 Policy 46: Design of Non-Residential, Commercial and Employment Developments

This sets out specific design requirements in relation to non-residential and commercial developments. It requires all non-residential and commercial developments, including extensions and alterations to existing properties, to be high quality, attractive, and make a positive contribution to the area by complying with a number of key criteria.

5.32 Policy 47: Safe and Secure Places

This policy aims to achieve a good overall standard of security for buildings and the public and private spaces around them.

5.33 Policy 48: Landscaping of New Developments

This states 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.

5.34 Policy 54: Contamination and Unstable Land

Policy 54 (a) states 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.

5.35 Policy 56: Drainage

This states proposals will be supported therefore in line with the following requirements:

A) There is adequate means of foul sewage disposal and treatment or that capacity can be made available in time to serve the development.

B) They will not increase flood risk on site and ensure no flooding to land or buildings elsewhere.

C) They achieve a reduction in surface water run off on brownfield sites, and no increase on existing rates for greenfield sites.

D) They secure the removal of culverting and avoid building over a culvert or new culverting of watercourses and a 10 metre buffer zone is left free from development from the water's edge;

E) They make use of Sustainable Drainage Systems unless it can be shown to be technically unfeasible.

F) They dispose of surface water appropriately according to the following networks in order of preference:

1. to an infiltration based system wherever possible (such as soakaways).
2. discharge into a watercourse with the prior approval of the landowner and navigation authority (following treatment where necessary).

5.36 Policy 57: Flood Risk Management

Policy 57 states all development proposals will be considered against the NPPF, including application of the sequential test and, if necessary, the exception test.

5.37 **Supplementary planning guidance**

Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to superseded development plan policies, and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The SPD can be treated as a material consideration in decision-making, but with only limited weight.

5.38 **Emerging Policy**

Thorne & Moorends Neighbourhood Plan (NP)

5.39 A neighbourhood plan for Thorne and Moorends is currently in preparation. Pre-submission consultation and publicity has taken place. Development of the plan however has stalled since 2016 and no further preparation has taken place. Consequently, it is considered that the weight to be afforded to the Thorne and Moorends NP is moderate.

5.40 The application site is not allocated within the Neighbourhood Plan.

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.

5.41 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.

5.42 Policy H4 sets out the need for affordable housing.

5.43 Policy DDH3 sets out the need for good design.

5.44 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.

5.45 **Other material planning considerations**

Other Council initiatives include:

5.46 The Doncaster Green Infrastructure Strategy 2014 – 2028

5.47 Doncaster Delivering Together

Launched in September 2021, Doncaster Delivering Together (DDT) is the Council's new 10 year Borough Strategy. DDT is about everyone being able to thrive and contribute to thriving communities and a thriving planet. This strategy does not form part of the adopted development plan but it is important that the policies of the Doncaster Local Plan achieve the aims and objectives of DDT strategy.

The DDT has identified 8 priorities to deliver for Doncaster over the next ten years.

1. Tackling Climate Change
2. Developing the skills to thrive in life and work
3. Making Doncaster the best place to do business and create good jobs
4. Building opportunities for healthier, happier and longer lives for all
5. Creating safer, stronger, greener and cleaner communities where everyone belongs
6. Nurturing a child and family- friendly borough
7. Building transport and digital connections fit for the future
8. Promoting the borough and its cultural, sporting and heritage opportunities

6.0 **Representations**

6.1 The application has been advertised in accordance with the statutory requirements as follows:

- Any neighbour sharing a boundary with the site has received written notification
- Advertised on the Council's website
- Site notice
- Advertised in the local press

6.2 The application was re-advertised following the extension of the application site boundary to the north.

6.3 Two supportive representations have been received, summarised as follows:

- The development delivers a high-quality home
- The development would grow the local economy
- Self-builds lift the profile of the local area
- The property has green credentials
- Other dwellings are being developed around the same area
- The design fits in with its surroundings
- The property would diversify the area
- The current condition of the site is unsightly and attracts anti-social behaviour and fly tipping

6.4 The design of the dwelling in the local context is considered below in the Planning Assessment. The economic benefits of the proposal are a material consideration, but would be limited to employment during construction, and so hold limited weight in the planning balance and are not discussed further below. Similarly, whilst sustainable elements such as solar panels are supported, the environmental benefits hold limited weight when the proposal represents a departure from the development plan, as discussed below.

7.0 Thorne Town Council

7.1 No comments.

8.0 Consultations

8.1 Planning Policy (Housing)

The proposal is contrary to part 3 of policy 25 of the Local Plan. The site's proximity to the development limit is not a compelling argument to justify its development - if this was accepted this could be repeated on practically any land next to a settlement's development limit. As such, it would be wrong to argue that development here is a natural extension to Thorne - even if it were, this would have been progressed as part of the recent preparation and adoption of Doncaster's Local Plan. The Local Plan has assessed housing need and provided sufficient sites to meet this. There is no shortage of five year housing and supply and, in any event, one dwelling would make a negligible contribution. There is no compelling reason why the proposal must be located at this site when other opportunities, particularly in more sustainable locations, outside of Flood Zone 3, will exist elsewhere in the borough.

8.2 **South Yorkshire Police**

Secured by Design standards recommended.

8.3 **Superfast South Yorkshire**

Condition requested in relation to gigabit-capable broadband.

8.4 **Public Rights of Way**

No objection so long as the footpath remains unobstructed - informative recommended

8.5 **Yorkshire Water**

The Flood Risk Assessment is acceptable. Pre-commencement drainage conditions requested.

8.6 **Highways Development Control**

No objections subject to the imposition of conditions securing details of site surfacing and a dropped kerb vehicle crossing.

8.8 **Black Drain Drainage Board**

No objection, subject to the approval of drainage details through condition. Further advice provided.

8.9 **Environment Agency**

No objections subject to being carried out in accordance with the Flood Risk Assessment.

8.10 **Pollution Control**

YALPAG land contamination screening assessment requested and received. Conditions requested in relation to unexpected contamination and imported soils.

8.11 **Ecology**

A Preliminary Ecological Appraisal and Biodiversity Net Gain (BNG) assessment have been submitted. The Ecologist expressed concern that when the application site was enlarged during the assessment process, the BNG calculations would no longer be accurate. However, following discussions with the applicant's Ecologist, the Council's Ecologist is now satisfied that the calculations and proposed outcomes are acceptable. A condition can be used to secure a management plan for proposed on-site habitats.

8.12 Drainage

Further details of drainage strategy requested and provided. No objections subject to conditions.

8.13 Tree Officer

No objections, subject to the boundary hedge being retained. The proposed planting scheme is welcome. Condition requested in relation to the implementation and maintenance of the soft landscaping scheme.

8.14 Planning Policy (flooding)

A sequential test has been submitted, and no alternative reasonably available sites in areas of lower flood risk have been identified. Policy officers have similarly found no alternative sites with lower flood risk within the Countryside Policy Area during online searches. The Environment Agency's response is noted.

8.15 Network Rail

Conditions and informatives requested, mainly in relation to asset protection during construction, drainage, boundary treatments and lighting.

8.16 Environmental Health

No objection in principle, although the proximity to the railway line is noted, and so a scheme of noise protection must be secured through condition.

8.17 South Yorkshire Archaeology Service

Archaeological investigation required, as the site has uncertain potential and it is possible that groundworks could harm or destroy archaeological evidence that may exist within the site. It was initially requested that this be carried out prior to determination, but following some results on nearby sites which have found sporadic results in areas further outside the centre of Thorne, it is considered that the investigation can be left to a pre-commencement condition involving a Written Scheme of Investigation.

8.18 Highways Development Control (HDC)

The driveway width, turning head and position of the gate were initially considered inappropriate to accommodate a car with a horse box to access and egress in a forward-facing gear. A pull-in zone was required in front of the gate to ensure a vehicle would not block the highway whilst opening the gate. The plans have been amended to widen the access and turning circle, with a satisfactory pull-in area created. No objections subject to conditions and informatives.

8.19 Other Consultees

No responses were received from National Grid, Yorkshire Water, Doncaster East Internal Drainage Board, the Area Manager, or Yorkshire Wildlife Trust.

9.0 Assessment

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

- The Principle of the Development
- Visual Impact
- Residential Amenity
- Highway Safety
- Other Matters

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 The application site is located in the Countryside Policy Area (CPA). Policy 25 of the Local Plan permits new dwellings in the CPA only "to meet the essential needs of an existing agriculture, forestry, or other enterprise which justifies a rural location", or where the proposal would be in line with national policy on entry-level or rural exception sites, or homes of outstanding design quality.

9.4 The proposal is for a standard market dwelling, with no link to an agricultural or rural enterprise, and no affordable housing element. The application, whilst featuring micro-renewable energy generation, is not considered to represent outstanding or innovative design, and is of a scale which would not be in keeping with the character of the area (as discussed below in the Visual Impact section).

9.5 As such, the application is contrary to policy 25 of the Local Plan, and a new dwelling cannot be supported in principle. It would deliver a single, private dwelling with little public benefit.

9.6 If the Council is unable to demonstrate a deliverable five-year housing land supply or fails the Government's Housing Delivery Test, policy 1 of the Local Plan allows residential development in the CPA subject to a number of criteria being met, including being adjacent to a development limit of a settlement in levels 1-3 of the settlement hierarchy.

- 9.7 In this case, the Council can demonstrate a housing land supply of 11.26 years, and delivered 232% of the total number of homes required in the 2020 Housing Delivery Test. As such, there is no requirement to provide for additional housing sites in the CPA, and there are no exceptional circumstances to allow the development of a dwelling on this site contrary to policy.
- 9.8 Paragraph 80 of the NPPF, in relation to isolated dwellings, is not considered relevant as the site is close to a settlement and is within walking distance of other dwellings, local services and public transport routes. Neighbouring sites have permission for housing, and so the site would be reasonably well-related to other residential uses. However, paragraph 174(b) is relevant, requiring developments to recognise the intrinsic character and beauty of the countryside. Whilst the site is adjacent to other development, it is considered the erection of an additional dwelling would impact upon the open character of the countryside, introducing further built form and domestic paraphernalia to the urban fringe.
- 9.9 The proposal would result in suburbanisation of the rural edge, and would conflict with the objectives of protecting the countryside from minor but cumulatively significant small-scale developments. Proximity to the development limit does not provide compelling justification for a residential development in the CPA - if this were accepted, similar developments could be repeated on practically any land next to a settlement's development limit, putting pressure on the rural setting of the borough's towns and villages.
- 9.10 Reference has been made to the relevance of the site to the Thorne and Moorends Neighbourhood Plan. However, this plan attracts moderate weight given and the site is not allocated as a housing site in the plan and would not be well related to the existing extent of Thorne or physically and visually integrated successfully with existing development for the reasons set out above. Therefore, it would conflict with policy H2.
- 9.11 It has been suggested that the site integrates to the existing built form of Thorne in light of other housing permissions granted near the site. The major housing developments granted planning permission on neighbouring sites do not provide compelling justification for the erection of a single detached dwelling on the application site, as the site maintains an important green buffer around the expanding settlement, and is not allocated for housing development. It is re-emphasised that there is no identified need for new housing outside allocations or development limits. It also fails to deliver any planning obligations or contributions to local infrastructure, which are required with larger residential schemes.
- 9.12 In addition to the dwelling, the application proposes private stables to the rear of the site. Equestrian development can be acceptable in principle within the Countryside Policy Area, as it represents an appropriate outdoor leisure use. However, the stables are supported by approximately 0.14 hectares of paddock area, even with the application site having been expanded to the north to encompass additional grazing land.

- 9.13 By contrast, the British Horse Society grazing guidelines state that an appropriate rule of thumb is two horses per hectare, and so the land available for grazing is severely deficient. The guidelines are quoted in the Council's Transitional Developer Guidance (paragraph 6.1.5), as well as in the Code of Practice for the Welfare of Horses, Ponies, Donkeys and Their Hybrids (Department for Environment, Food and Rural Affairs, 2017).
- 9.14 Over-grazing is not just an animal welfare issue, but also harms the quality of the landscape. The erection of a building for stabling in the Countryside Policy Area cannot be supported if it is out of proportion with the grazing land available, and so the development is contrary to part 4, criterion D of policy 25, which states that non-residential developments in the CPA will be supported where "the scale and design of the proposal would not have a significant adverse impact on the landscape". The development is also contrary to criterion C, as the scale of the stables building is not commensurate with the use based on the lack of grazing land.
- 9.15 In summary, the proposal for a new dwelling in the CPA does not meet any of the exceptions in policies 1 and 25 of the Local Plan, and is therefore contrary to these policies as a matter of principle. Through cumulative erosion of the rural edge of Thorne, the proposal would also be harmful to the intrinsic character and beauty of the countryside, being contrary to paragraph 174(b) of the NPPF.
- 9.16 Furthermore, the lack of grazing land would not justify the erection of stabling for three horses in this location, being contrary to the Development Guidance and Requirements SPD and to policy 25 (part 4, criteria C and D) of the Local Plan. As a result, the principle of the development is unacceptable.

9.17 SOCIAL SUSTAINABILITY

Residential Amenity

- 9.18 The proposed dwelling is not located in close proximity to any existing dwellings. Although Planning Committee have voted to grant outline permission for adjacent major housing developments, the final layouts and designs are not determined. Furthermore, due to the positioning of the proposed dwelling and the lack of side habitable windows, it is unlikely that the proposal could cause any overshadowing or overlooking to prospective neighbouring dwellings.
- 9.19 The proposed dwelling is of a very large size, within a spacious plot, and would easily exceed the Nationally Described Space Standard, in accordance with policy 45 of the Local Plan.
- 9.20 The site is located adjacent to a railway line, where residents could be disturbed by the noise from passing trains. Environmental Health are satisfied that noise management measures could be secured through condition.

9.21 Overall, the proposal is acceptable in terms of residential amenity.

Conclusion on Social Impacts

9.22 It is not considered that the proposed development would detract from the residential amenity of any neighbouring residential properties, and the development in this respect would accord with policies 44 and 45 of the Local Plan and paragraph 130(f) of the NPPF.

9.23 ENVIRONMENTAL SUSTAINABILITY

Design and Impact on Local Character

9.24 Policies 41 and 44 of the Local Plan require residential developments to display a high standard of design, being appropriate to local context. As discussed above, it is considered that a residential dwelling in this location would be harmful to the intrinsic character and beauty of the countryside, eroding the character of the rural edge. The additional built form and domestic paraphernalia would not be sensitive to the site context, and the visual impact of any residential development on this site would be harmful.

9.25 The scale and design of the proposed dwelling would exacerbate the harm to the character of the countryside, being a very large dwelling which would not be of a size or appearance typical of the rural edge. In particular, the front projecting gable with full-height glazing would be an incongruous feature with the rural landscape, having a contemporary appearance which would be more typical of a commercial building. The three garage doors on the front elevation similarly contribute to a harsh appearance not in keeping with the character of the area.

9.26 The workshop building and stables to the rear of the site would add to the overall scale of built form, and their scale is not justified, particularly due to the lack of grazing land (as discussed above). The stables would be nearly 6 metres in total height, and so would not represent a modest structure to support a rural use. The buildings would be particularly visible from the public footpath to the east of the site, and would erode the sense of a green and spacious rural edge. It is acknowledged that the site is not currently well maintained - however, that does not provide justification for inappropriate development which would not be in keeping with the Countryside Policy Area.

9.27 The visual impact of the development has been assessed primarily in relation to the existing site context, as the major housing developments on the sites to the immediate south and east are in outline form only, and pending the signing of section 106 agreements. As such, it cannot yet be guaranteed that these sites will be developed. Furthermore, if the sites are developed, maintaining the rural edge around these sites will be doubly important to the character of the area, particularly as the public footpath would divide housing development to the east from undeveloped land to the west. The scale of dwelling proposed is also likely to be out of keeping with the more modest dwellings developed through the major developments, as seen on the indicative site plans for the

outline planning applications, where the footprints of dwellings are nowhere near as large as the dwelling proposed under this application.

- 9.28 Overall, the visual impact of the proposal would be unacceptable due to the impact of inappropriate residential development on the intrinsic character and beauty of the countryside and the rural edge, exacerbated by the scale, massing, quantum and design of the proposed development.

Highway Safety

- 9.29 Part A of policy 13 of the Local Plan states that the Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards in Appendix 6 (criterion 4) and development does not result in unacceptable impacts on highway safety (criterion 6).
- 9.30 The plans include ample space for parking in accordance with Appendix 6. However, Highways Development Control (HDC) initially expressed concern over the width of the access and the size of the turning circle, being inadequate for a vehicle with horse box. The positioning of the gates could also create issues with a horse box blocking the highway whilst a driver exits the vehicle to open the gates prior to entering the site. Amended plans were produced which enabled an access of 3.6 metres in width and an enlarged turning circle to be suitable for a vehicle with horse box. The gates have been moved further into the site to create an appropriate pull-in zone.
- 9.31 The Council's Highway Officer now has no objections subject to conditions, and the proposal is acceptable in terms of highway safety.

Archaeology

- 9.32 South Yorkshire Archaeology Service have identified that the site may have unknown archaeological potential, but it has been resolved that investigation could be left to a pre-commencement condition. As such, the proposal is not contrary to policy 39 of the Local Plan.

Trees and Landscaping

- 9.33 The Tree Officer has no objections based on the retention of existing boundary hedgerows, and the implementation and maintenance of the planting/landscaping scheme submitted (which can be secured by condition). The development is in accordance with policies 32 and 48 of the Local Plan.

9.34 Flooding and Drainage

In terms of flood risk, a sequential test has been undertaken and there are no available alternative sites within the specified area of search (the rest of the Countryside Policy Area) in areas of lower flood risk. The Environment Agency are satisfied with the Flood Risk Assessment provided, including measures such as flood resilience measures up to a level of 4.1m AOD and no ground floor sleeping accommodation. Following receipt of an outline drainage

strategy, the Council's Drainage team have no objections subject to conditions, and Yorkshire Water and Black Drain Drainage Board also have no objections subject to conditions. The proposal is in accordance with policies 56 and 57 of the Local Plan.

9.35 Ecology

An ecological appraisal has been carried out to the satisfaction of the Council's Ecologist, and a biodiversity net gain can be achieved through on-site habitat management, being in accordance with policies 29 and 30 of the Local Plan.

Conclusion on Environmental Issues

- 9.36 Whilst the technical matters of protecting amenity, ecology, flood risk, highway safety and landscaping proposed are considered acceptable, the proposal is not deemed acceptable in principle. The site is located within Countryside Policy Area and unallocated residential development on the periphery of Thorne is not supported unless there are clear material considerations. The proposal would lead to a loss of openness of the countryside and, although each application should be judged on its own merits, the acceptance of this proposal could lead to further speculative attempts to develop the countryside beyond settlement boundaries in the Borough. The LPA have been largely successful in defending these speculative efforts at planning appeal.

9.37 ECONOMIC SUSTAINABILITY

- 9.38 The proposal would have limited economic benefits in terms of providing temporary employment opportunities for local tradespeople during construction, and increasing support for local services in the area through the introduction of an additional household to the area.

Conclusion on Economy Issues

- 9.39 The development would have little economic impact, either positive or negative, and as such the proposal would not be contrary to the economic pillar of sustainable development.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 The proposed development would make a nominal addition to the supply of housing but as set out above, the Council's housing land supply is substantially more than 5 years and thus the presumption in favour of sustainable development in paragraph 11 of the NPPF would not apply. There would also be some minor economic benefits such as construction employment and additional residents supporting shops, businesses and community facilities in the area. However, the contribution from a single dwelling would be very small and as such has limited weight.
- 10.2 The proposal would constitute open market housing development in the countryside with no essential need relating to any existing agriculture, forestry,

or other enterprise which might justify this location. As the Council is currently meeting housing delivery targets, there is no justification for new residential development in the CPA. Development at the urban fringe would also be harmful to the intrinsic character and beauty of the countryside and to the rural setting of Thorne, with the harm exacerbated by the scale, massing and design of the proposed dwellinghouse. Taken as a whole, what limited benefits there may be from a large, detached dwelling on the urban fringe would be significantly and demonstrably outweighed by the conflict with the development plan as a whole.

11.0 RECOMMENDATION

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

1. The proposal would constitute the erection of a residential dwellinghouse in the Countryside Policy Area (CPA), with no essential need relating to any existing agriculture, forestry, or other enterprise which might justify a rural location. As the Council is currently meeting housing delivery targets, there is no justification for new residential development in the CPA. Development at the urban fringe would be harmful to the intrinsic character and beauty of the countryside and to the rural setting of Thorne, with the harm exacerbated by the scale, massing and design of the proposed dwellinghouse. Therefore, the development is contrary to policies 1, 25, 41 and 44 of the Doncaster Local Plan (adopted 2021) and to paragraph 174(b) of the National Planning Policy Framework (2021).
2. The proposed stables, including accommodation for three horses, would be accompanied by insufficient grazing land to ensure the quality of the landscape is protected. The grazing land would not be in accordance with the British Horse Society guidelines included within Doncaster Council's Transitional Developer Guidance (April 2022) and the Code of Practice for the Welfare of Horses, Ponies, Donkeys and Their Hybrids (Department for Environment, Food & Rural Affairs, 2017). As such, the scale of the stable building is unjustified and not commensurate with the use, thus the development would have a significant adverse impact on the landscape. The development is therefore contrary to policy 25 (part 4, criteria C and D) 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.

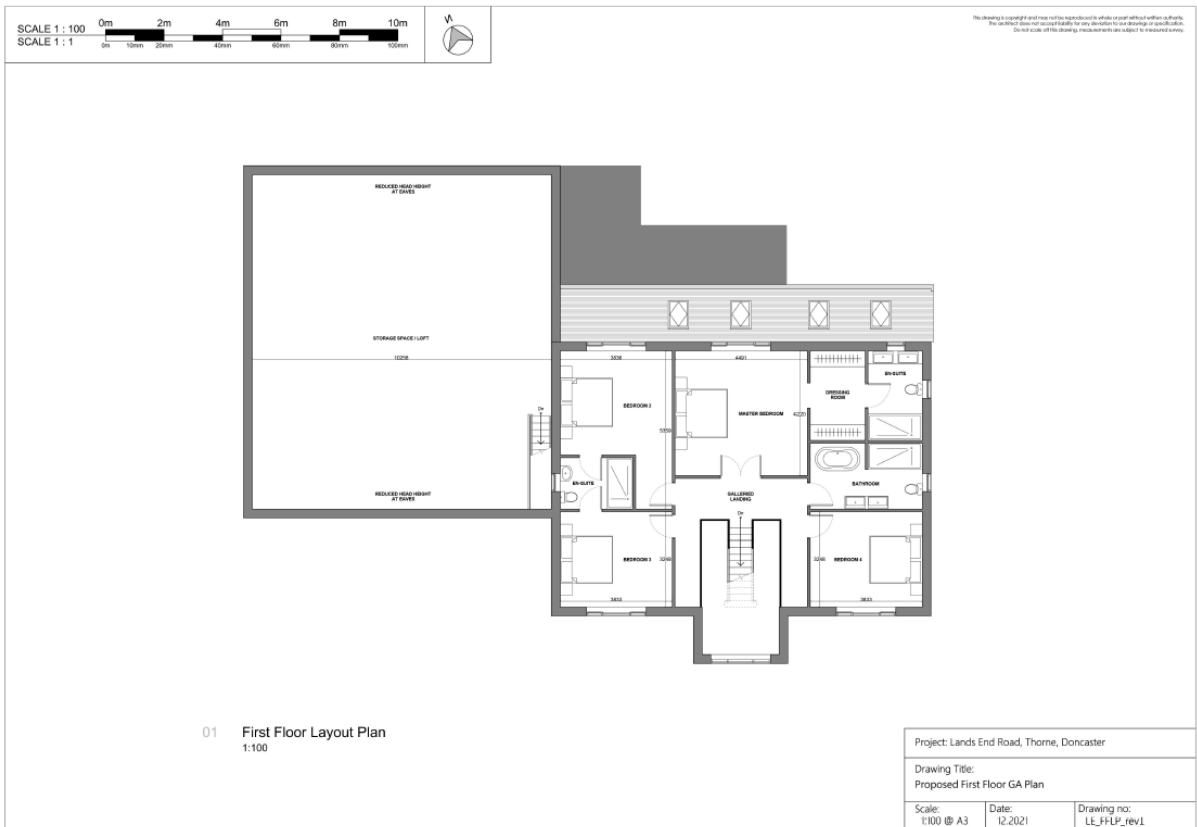
Appendix 1: Location Plan



Appendix 2: Site Plan



Appendix 3: Proposed Floor Plans

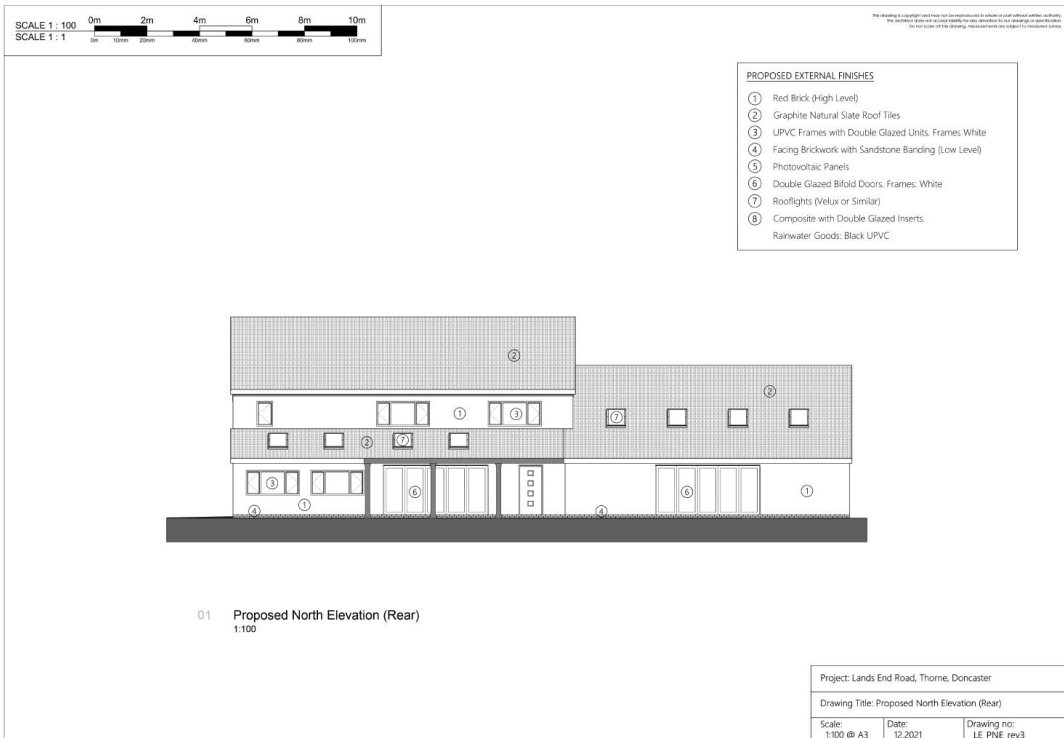


Appendix 4: Proposed Elevations

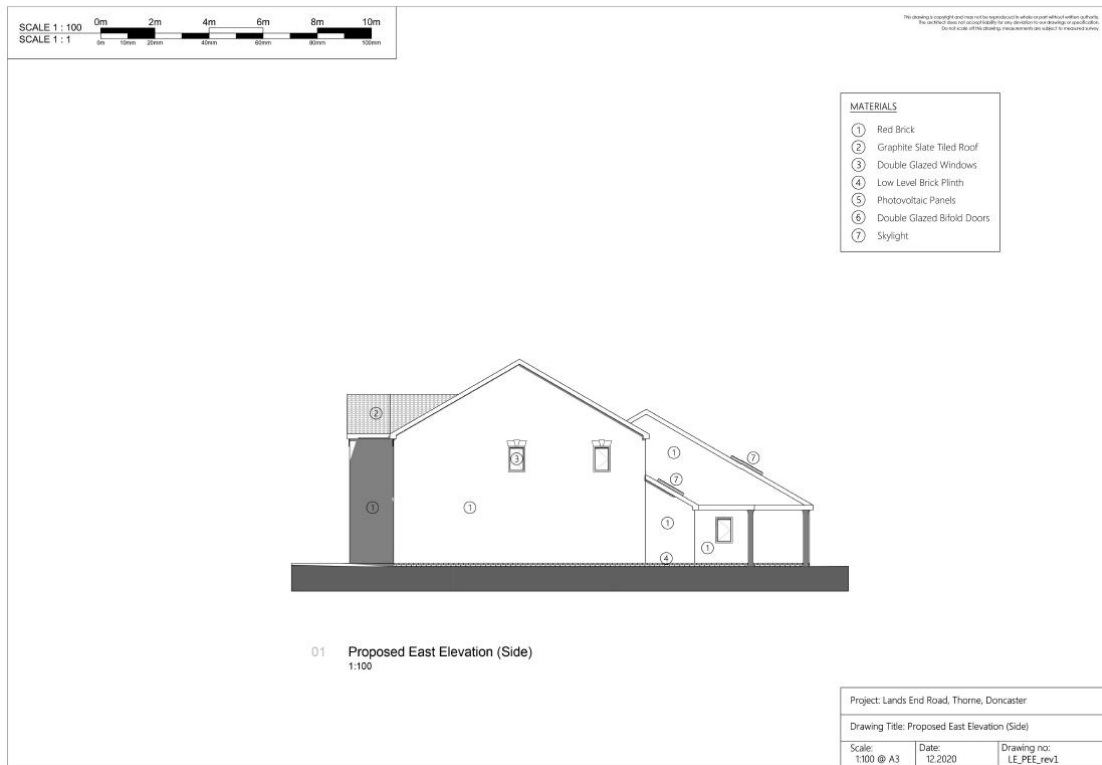
South (Front)



North (Rear)



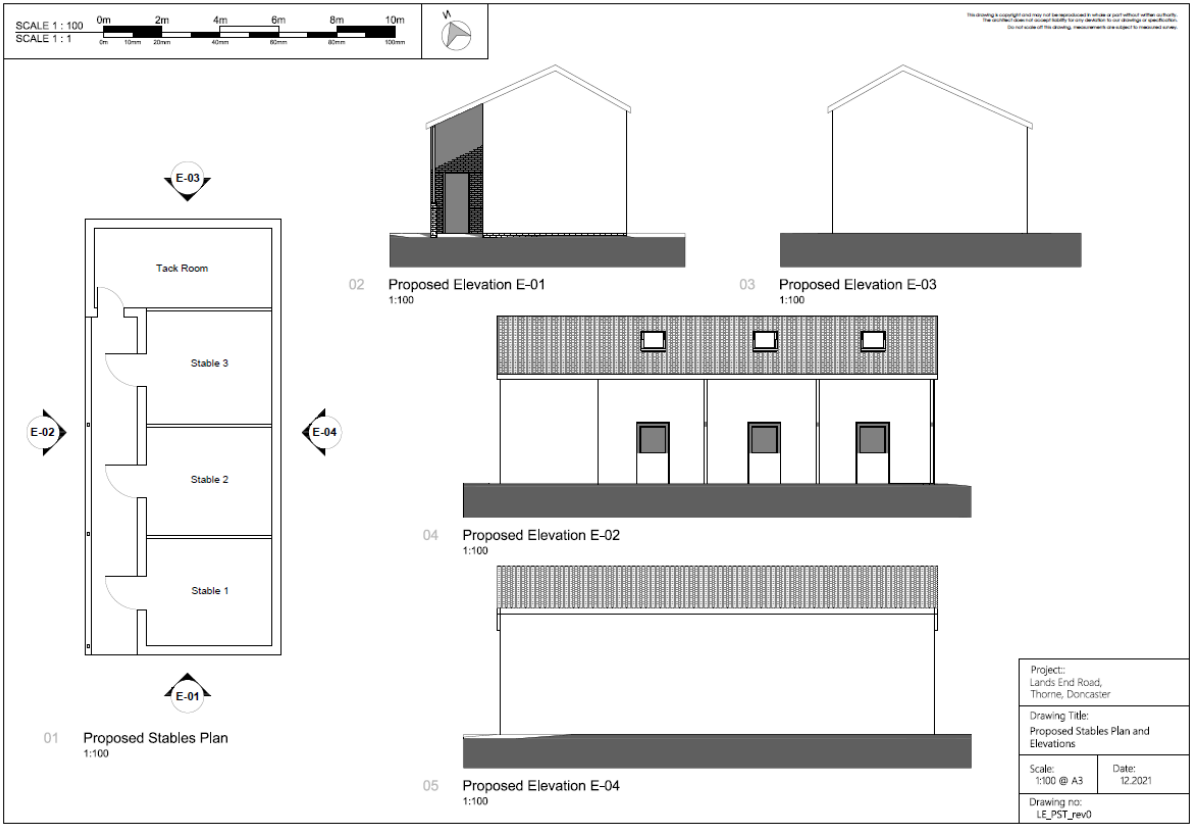
East (side)



West (side)



Appendix 5: Stable Block Plans



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Application	2.
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Application Number:	21/02365/FULM
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Application Type:	Full Planning Permission
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Proposal Description:	Erection of residential development of 27 dwellings on land south west of the junction at First Avenue and Hayfield Lane
At:	Land At First Avenue/Hayfield Lane Auckley Doncaster DN9 3GA

For:	Melissa Kroger - Fenwood Estates Limited
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Third Party Reps:	10 letters of objection.	Parish:	Auckley Parish Council
		Ward:	Finningley

Author of Report:	Garry Hildersley
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SUMMARY

The proposal seeks full planning permission for the erection of 27 dwellings within Residential Policy Area. The proposal is considered to be acceptable in policy terms being designated as Residential Policy Area within the Local Plan and is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2021).

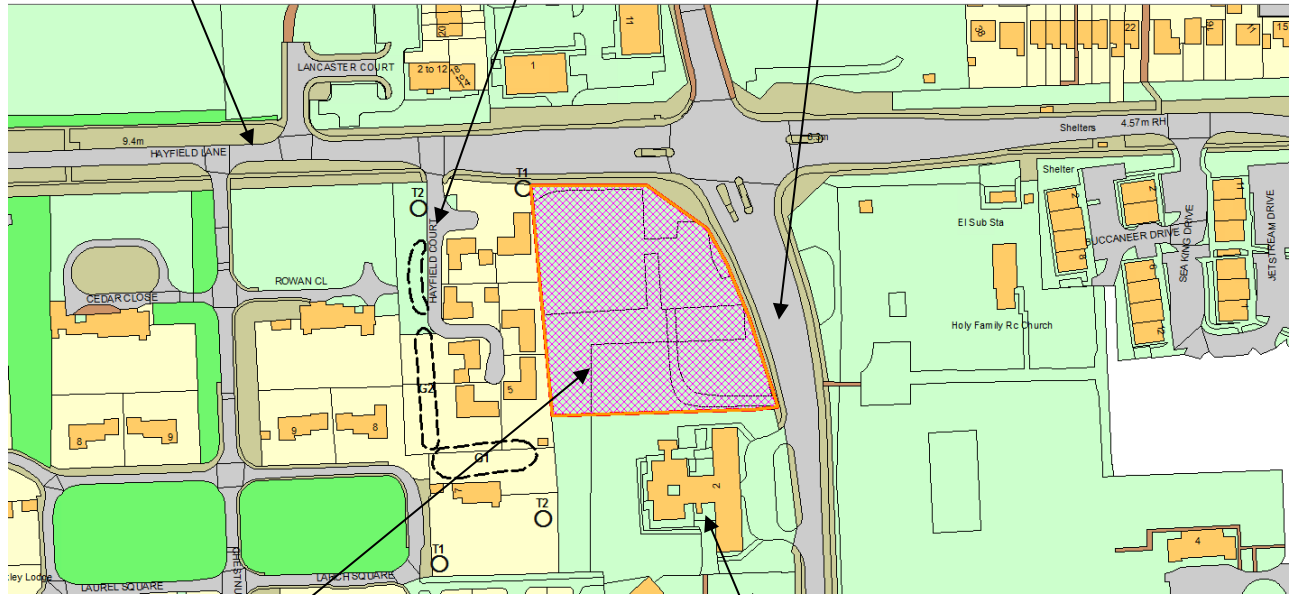
The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, trees or the wider character of the area subject to suitably worded conditions.

RECOMMENDATION: GRANT subject to conditions and signing of a Section 106 agreement.

Hayfield Lane

Hayfield Court

First Avenue



Application Site

Meteor House

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee due to the level of public opposition.

2.0 Proposal and Background

- 2.1 The proposal seeks full planning permission for the erection of 27 dwellings, together with suitable landscaping and parking arrangements. The scheme has been amended several times to take account of comments received by Doncaster's Tree Officer, Urban Design Officer and Highways Officer. The proposal has been reduced from the 28 dwellings initially proposed to 27. Careful consideration has been given to drainage, design, highways, tree protection and viability which have resulted in amendments to the scheme.

3.0 Site Description

- 3.1 The site lies within the settlement of Auckley-Hayfield Green which is a suburb to the south east of Doncaster's centre. The site forms a prominent corner location on the corner of Hayfield Lane & First Avenue.
- 3.2 The site is currently bound by a 5ft high hedge which follows the contour and curvature of the site. The site has been used previously as a car park and the northern section of the site is largely hardsurfaced.
- 3.3 Located centrally within the site lie a number of mature trees which run across the site from east to west. Additionally there are some mature pines and self-set silver birch which lie to the south eastern corner of the site.
- 3.4 To the west of the application site lies a modern housing development site (Hayfield Court) which is accessed from Hayfield Lane, comprised of two & three storey dwellings constructed from red brick and stone detailing. This development site was approved on 19th October 2004 (planning reference 04/4686/P). To the south of the site is Meteor House which is a two storey, flat roofed office block constructed from red brick.

4.0 Relevant Planning History

- 4.1 In 2009 planning permission was sought for erection of mixed use development consisting of 14 apartments, a 241 sqm fast food unit (Class A3/A5) and a 418 sqm retail unit (Class A1) with associated parking and vehicle access on approx 0.64 ha of land (being resubmission of previous application 09/0822/FULM withdrawn 16.07.2009.). The application (09/02983/FULM) was approved on the 29th March 2010 but was not implemented.
- 4.2 Planning permission was approved for 7 dwellings on Hayfield Court located to the west of the application site (planning references Outline: 99/46/4333/P/OTL Reserved matters: 04/4686/P).

5.0 Site Allocation

- 5.1 The site falls within Residential Policy Area, as defined by the Doncaster Local Plan (adopted in 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 NPPF 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 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.7 Paragraphs 55 and 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.
- 5.8 Paragraph 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.
- 5.9 Paragraph 119 requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.10 Paragraph 124 states that planning policies should support the development that makes efficient use of land when taking into account the identified need for different types of housing and other forms of development.
- 5.11 Paragraph 130 states planning decisions should, amongst other things, ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site and are sympathetic to local character and history. Subsection 130 requires developments to be made safe, inclusive and accessible.
- 5.12 Paragraph 174 states planning policies and decisions should contribute to and enhance the natural and local environment, including preventing new and existing development from being put at unacceptable risk from land instability.
- 5.13 Paragraph 183 states planning policies and decisions should ensure that a site is suitable taking account of ground conditions and any risks arising from land instability and contamination.

5.14 Paragraph 184 states where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

5.15 Local Plan

5.16 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 includes the Doncaster Local Plan (adopted 23 September 2021).

5.17 The following Local Plan policies are the most relevant in this case:

5.18 Policy 7 sets out the requirements for the range of housing including the need for affordable housing.

5.19 The site lies within a Residential Policy Area according to Policy 10. This policy supports new residential development providing it, amongst other matters, protects and enhances the qualities of the existing area and contributes to a safe, healthy and prosperous neighbourhood.

5.20 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure.

5.21 Policy 16 seeks to consider the needs of cyclists within new developments.

5.22 Policy 28 deals with open space provision in new developments.

5.23 Policy 30 deals with the need to value biodiversity.

5.24 Policy 32 states that the design process should consider woodlands, trees and hedgerows.

5.25 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions; respond positively to their context, setting and existing site features as well as respecting and enhancing the character of the locality. Developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.

5.26 Policy 42 requires proposals to reflect and respect character and local distinctiveness. In all cases, the components of a development must be designed and assessed to ensure that, amongst other things, it provides safe and secure private property, public areas and the adoptable highway ensuring access points.

5.27 Policy 44 relates to residential design and sets out the key design objectives which residential development must achieve, as well as stating that all developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours.

- 5.28 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.
- 5.29 Policy 55 deals with the need to mitigate any contamination on site.
- 5.30 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.31 Policy 58 deals with low carbon and renewable energy within new developments.
- 5.32 Policy 65 deals with developer contributions.

5.33 Other material planning considerations and guidance

- 5.34 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to superseded development plan policies, and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight.

Emerging Policy

Auckley Neighbourhood Plan (NP)

- 5.35 A NP for Auckley is currently in preparation. At the time of drafting this report, Auckley Parish Council have submitted their NP in line with Regulation 16 (Publication) and representations are currently being invited (closing date 5pm Monday 26th September 2022). At this stage of the neighbourhood plan-making process, it is considered the NP should be afforded 'moderate' weight.
- 5.36 The application site straddles the NP boundary; roughly falling around 75% within the NP area and circa 25% outside of it. The following policies are applicable:
- 5.37 Policy 2 supports new housing development where it fills a gap within the existing development limit, and subject to meeting other criteria, such as not resulting in the overdevelopment of the site, has regard to the character of the area, does not result in the loss of mature trees or hedgerows, satisfactory amenity, and so forth.
- 5.38 Policy 3 requires proposals for 10+ dwellings to provide a mix of house types and sizes to help meet the need for smaller accommodation in the settlement, particularly for younger families and older people through the provision of 1, 2 & 3 bedrooomed properties. Affordable housing should be visually indistinguishable from equivalent market housing and dispersed throughout the development. Starter Homes, Self-Build or Shared Ownership schemes are particularly supported.
- 5.39 Policy 4 requires proposals for new buildings to incorporate low carbon or renewable technologies and materials should follow the design-led approach in line

with the criteria set out in the policy and there is support for living roofs and green walls.

5.40 Policy 6 provides a number of design principles to ensure all new development is of high quality and reflects the character of the local area.

5.41 Policy 9 seeks to ensure development provides net gains for biodiversity.

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, press advertisement and neighbour notification.

6.2 Representations from 10 households have been received raising the following issues:

- The site is overdeveloped
- The proposal is out of character
- The proposal would impact on wildlife
- The drainage systems cannot cope with the proposed development
- The proposal doesn't cater for disabled people
- The proposal doesn't provide affordable housing
- The schools are over capacity
- The proposal would result in significant tree loss
- The proposal appears too crowded
- There is no need for additional housing
- Concerns regarding the proposals proximity to existing traffic lights
- Concerns about the long term impact on the existing infrastructure
- Increased traffic, congestion and pollution
- Overlooking from the block of apartments
- Increased overlooking/loss of privacy as a result of the proposal.
- It is concerning the number of available primary school places as the current information in the application is inaccurate and now out of date. It states Hayfield Lane Primary School capacity for summer 2020 was 420 but the school only has 362 pupils. That is inaccurate. It is claimed that there are 425 pupils, considerably over the 324 the section 106 education contributions form estimates, and oversubscribed. With a considerable number of appeals for places.
- Concerns that the Torneley Quarter on Hayfield Lane (140 dwellings with many yet to be completed) in combination with the application site would impact on school places.

6.3 The following non material objections were raised for which no weight can be afforded:

- Devaluation of property
- Loss of a view

7.0 Relevant Consultations

7.1 **DMBC Highways DC:**

No objections subject to conditions

7.2 Yorkshire Water:

No objections subject to informative

7.3 DMBC Ecology:

No objections subject to condition

7.4 DMBC Tree Officer:

No objections subject to condition

7.5 DMBC Pollution Control:

No objections subject to condition

7.6 DMBC Urban Design:

No objections

7.7 SY Architectural Liaison Officer:

No objections

7.8 SY Archaeological Service (SYAS):

No objections

7.9 Environment Agency:

No objections

7.10 DMBC affordable housing:

No objections

7.11 DMBC Air Quality:

No objections subject to condition

7.12 DMBC Internal Drainage:

No objections subject to condition

7.13 DMBC Education:

Education contributions required for secondary school places.

7.14 DMBC Open Space:

No objections

7.15 DMBC Transportation:

No objections subject to condition

7.16 Ward Member: Councillor Richard Allen Jones:

Previous to my initial desktop observation and comment and after a site visit, reading the associated documents I make the following observations.

The siting of 4 storey housing is incompatible with the surrounding built housing environment within this area in general.

The proposed visual study neglects any reference to the traffic lighted junction so gives a false impression.

Open green space of 6% is 50% below set by council policy and no contribution for this loss has been proffered.

Although surface water runoff has been mitigated there is little thought about the use of grey water recycling within the proposal, today the adjacent road junction is flooded, Proposals to connect this area would suggest an overflow into the appropriate sewer system? From the proposed infiltration system shown.

School places. We introduce a contingency factor into the senior placements why is this not applied to the junior placements?

All trees to be felled for this proposal to be undertaken is not reasonable, the report says they are scattered on the site is totally misleading, these trees have a formal setting and should be used to enhance a modified proposal? No mitigation has been proffered for offsetting the carbo capture loss.

This application and within the master plan area have disregarded the Airport master plan designation page 49.

Housing development and employment.

Great emphasis has been placed on the employment level at the airport and the immediate

See page 47,G3 of the LDP, for further housing to be supported must clearly demonstrated within the Policy area, the relationship when any new housing is being built, another 170 properties into the equation,

Which is more than the allocation set out in the LDP requirements without reference to employment levels Affordable housing proposition.

I have a lack of understanding that modern buildings do not comply with at least the accessibility standard for disable wheelchair at the construction stage. The proposal is not convincing in its reasoning and requires more detail.

8.0 Assessment

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

8.2 The NPPF at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

8.3 This report considers the proposal against the Development Plan (Doncaster Local Plan, Joint Waste Plan), the relevant sections of the NPPF and the National Planning Practice Guidance.

8.4 The main issues are:

- 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
- Financial contributions

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

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

Principle of Development

8.6 The NPPF seeks to significantly increase the overall quantity and quality of housing and to ensure that it is built in sustainable locations. Dealing simply with the principle of development, it is considered that the proposal would be in conformity with the Local Plan and National Planning Policy objectives and as such is considered acceptable in principle. This weighs considerably in favour of the application.

Sustainability

8.7 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

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

SOCIAL SUSTAINABILITY

Impact on neighbouring residential amenity

- 8.9 A number of objections have been received in relation to the potential impact of the development on neighbouring properties in terms of overlooking and loss of privacy. The properties most likely to be affected by the development are those located on the south (Meteor House) & western boundary of the site (properties on Hayfield Court).
- 8.10 The Council has published Transitional Developer Guidance (TDG, April 2022) but this is not an SPD, nor will it be adopted as one. It is guidance to inform developers, applicants and decision-makers about what should be considered when submitting and determining planning applications. It specifically provides guidance on certain elements of design, landscaping, backland and infill, trees, equestrian development and flood risk sequential test.
- 8.11 The TDG states that acceptable day-lighting of interiors is usually achieved if a 25 degree angle is drawn from a point 2 metres above the floor if the façade is not obstructed. Applied to the fronts of 2 storey dwellings, this suggests that a minimum separation distance of 10 metres is required between the front of properties (BRE, 2007). The proposed properties achieve in excess of the 10m minimum requirements. The TDG goes on to state that habitable room windows that overlook neighbouring garden space should normally be at least 10 metres from the boundary which the latest proposal looks to achieve.
- 8.12 The TDG goes on to state that 2-3 storey properties should have back to back distances (between facing habitable rooms) of no less than 21m, and front to front distance of no less than 12m, dependent upon the street hierarchy.
- 8.13 The proposal has been amended to alter the layout of the scheme and this has shown that the proposed properties along the western boundary can achieve rear gardens of 10m and above in line with the Council's TDG guidance. This is considered to allow sufficient distance to avoid excessive levels of overlooking and would result in a scheme that would not give rise to excessive levels of overshadowing. The side elevation properties on Hayfield Court face onto the development site and as a consequence the potential for direct overlooking of neighbouring windows is diminished.
- 8.14 Meteor House, which is made up of office space is located 21m to the south of the nearest residential dwellings and this is considered to be in conformity with the required separation distances.
- 8.15 On balance having assessed the latest layout, 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.

8.16 Conclusion on Social Impacts.

- 8.17 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.
- 8.18 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 (condition 05) and as such this is considered to carry limited weight against the proposal.
- 8.19 It is noted that neighbouring residents view of the site would change should planning permission be granted and the development built. However it has long been held that a right to a view is not a material planning consideration and that planning control is not concerned with the creation or preservation of private rights (see *Wood-Robinson v Secretary of State for the Environment and Wandsworth London Borough Council* [1998]). As such no weight should be afforded to this matter.

8.20 ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 8.21 Concerns have been raised by neighbours that the proposal would be out of character with its surroundings. 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. This is echoed in Policy 6 of the Neighbourhood Plan.
- 8.22 The proposal has shown a mixture of two storey terraced, semi-detached, detached as dwellings of modern appearance and design. The proposal also includes a 4 storey block of apartments located on the north eastern corner of the site and measures 14.48m at its highest point. The dwellings would be seen against the backdrop of properties on Hayfield Court and the offices at Meteor House which are part of a housing development extension in the early part of the 2000's and as part of development servicing the Airport. Whilst the construction of the block of apartments would introduce a new level of development, it is considered that the proposal would form a focal form of development that frames the corner of First Avenue & Hayfield Lane. The apartment building has been designed in a way that it offers a dual aspect to both of these streets to ensure an active street frontage and this is considered important in urban design terms.
- 8.23 Careful consideration has been given to the retention of trees on site as these make an important contribution to the character of the area. Views of the trees are currently taken from First Avenue & Hayfield Lane and negotiations have led to the scheme being significantly altered to retain the important features within the tree-scape. This

is discussed in greater detail within the tree section of the report, however it is felt that the amended scheme has resulted in a form of development that integrates with the existing features of the site.

- 8.24 Doncaster's Urban Design officer had requested amendments to the scheme which have been incorporated into the design of the latest layout and is content that the proposal meets the necessary standards subject to suitably worded conditions. These amendments have included ensuring that the development provides M4(2) and M4(3) housing, which are 'accessible and adaptable dwellings' and 'wheelchair adaptable dwellings'.
- 8.25 On balance having considered the latest proposals and having context to the surrounding area, it is not considered that the proposal would be out of character with its immediate surroundings.

Highways

Access

- 8.26 Doncaster's Highways Development Control officer has commented that the original layout was largely compliant with the required standards. The latest amendments have been checked using the auto-tracking software and the refuse vehicle tracking is acceptable and the parking spaces are to the required standard and size. It was commented that the location of the bin store for plots 19-20 needed to be moved within 5m of the end of the private drive/communal parking area. This has been amended in the latest revisions. As such no objections have been received.
- 8.27 Policy 42 lists safe and secure private property, public areas and the adoptable highway ensuring access points, street design, and 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.
- 8.28 Highways Development Control Officers have assessed the proposal against the required standards and relevant software and it has been concluded that there would be no adverse impact from a highway safety perspective. 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."
- 8.29 In this case, no such harm has been identified and this weighs positively in favour of the application carrying moderate weight.

Location to services

- 8.30 National policy seeks to build prosperous and sustainable communities by improving the economic performance of towns and cities, promoting regeneration and tackling deprivation. It seeks to focus development in existing centres accessible to public transport, jobs, key services and infrastructure so as to promote their vitality and viability, support town centre regeneration and minimise the need to travel. Land should be used efficiently and priority given to re-using well located brownfield land.

- 8.31 The nearest bus stops to the site are located on Hayfield Road (approximately 167m to the west of the application site) and are served by the 57 and 57a buses. They operate on a on a hail and ride basis. These buses operate on a daily basis operating throughout the week and travel to Doncaster's Town Centre located approximately 7km to the North West.
- 8.32 It is widely acknowledged that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 8.33 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.
- 8.34 Chapter 5 (Delivering a sufficient supply of homes) of the NPPF sets out that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 8.35 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.
- 8.36 Doncaster's Transportation team were consulted as part of the application, however as the proposal was less than the 50 dwelling threshold, additional assessment is not required. As a consequence Doncaster's transportation team have raised no objections to the proposal subject to a condition requiring details of the electrical vehicle charging provision on site.
- 8.37 The site lies within 354m (as the crow flies) to a Nisa convenience store and approximately 619m from a Co-Op store. In terms of average walking speeds, the Guidance states that as a general rule of thumb a 5 minute walk equates to a distance of 400 metres for non-disabled people and for different groups of disabled people, these distances are significantly less. This calculation concurs with the Institute for Highways and Transportation (IHT) 'Guidelines for Providing Journeys on Foot'

published in 2000, which calculated a reasonable walking pace as 3 miles or 5 kilometres per hour.

- 8.38 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 is well served by schools with Hill House (350m to the south) Hayfield Primary (530m to the west), 719m to Doncaster College and 869m to Hayfield School. These schools are considered to fall within the desired walking distances.
- 8.39 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.
- 8.40 Taken in the round, the proposal is considered to be located within a sustainable location within a reasonable proximity to bus services and shops carrying significant weight in favour.

Flooding and Drainage

- 8.41 The application site lies within an area designated as Flood Risk Zone 1 by the Environment Agency's flooding maps and by Doncaster's Strategic Flood Risk Assessment (SFRA). This is the lowest area of flood risk.
- 8.42 Doncaster's Drainage team have been consulted as part of the proposal and have commented on the full drainage information that has been submitted. They have concluded that the information submitted is acceptable and provides a clear method for dealing with foul and surface water drainage. A condition has been suggested (condition 03) which requires the submission of a drainage maintenance plan which will require the development to be maintained for the lifetime of the development.

Trees and Landscaping

- 8.43 As set out above, concerns were initially raised that the development of the site would result in a significant loss of existing trees from the site. The concern was that a substantial amount of the central band of trees and existing pines would be lost by the development. Whilst the site does not lie within a conservation area and these trees are not subject to Tree Preservation Orders (TPO), they do have significant value in the street-scene.

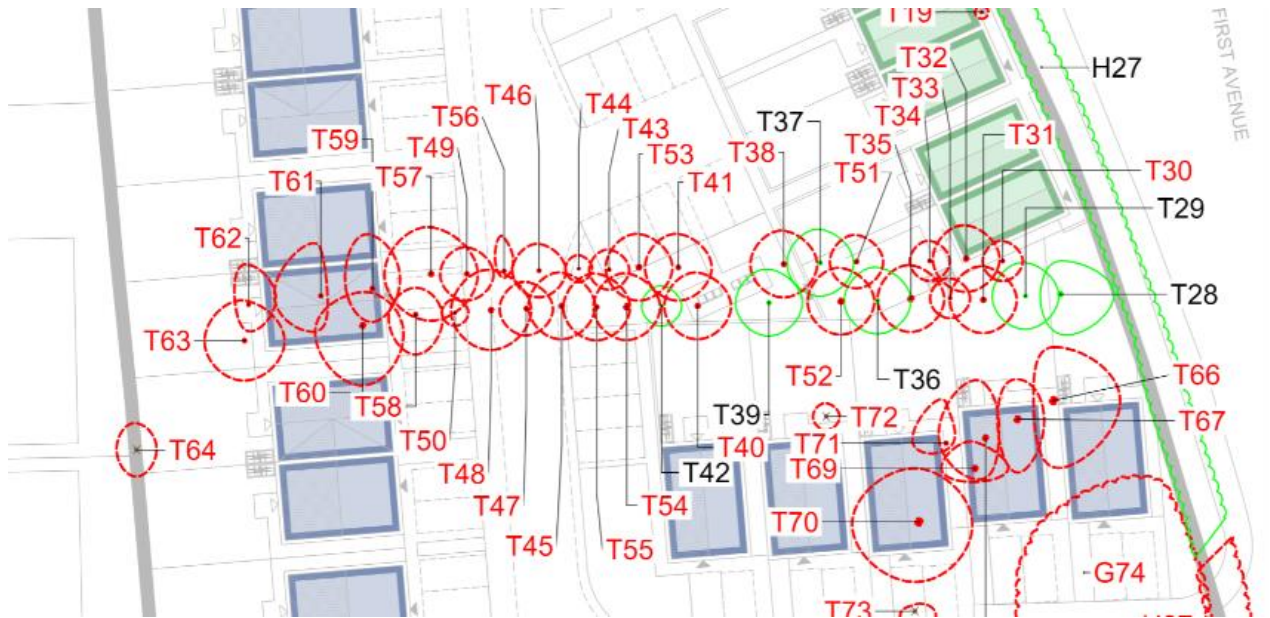


Figure 1.1 (above) – Original scheme

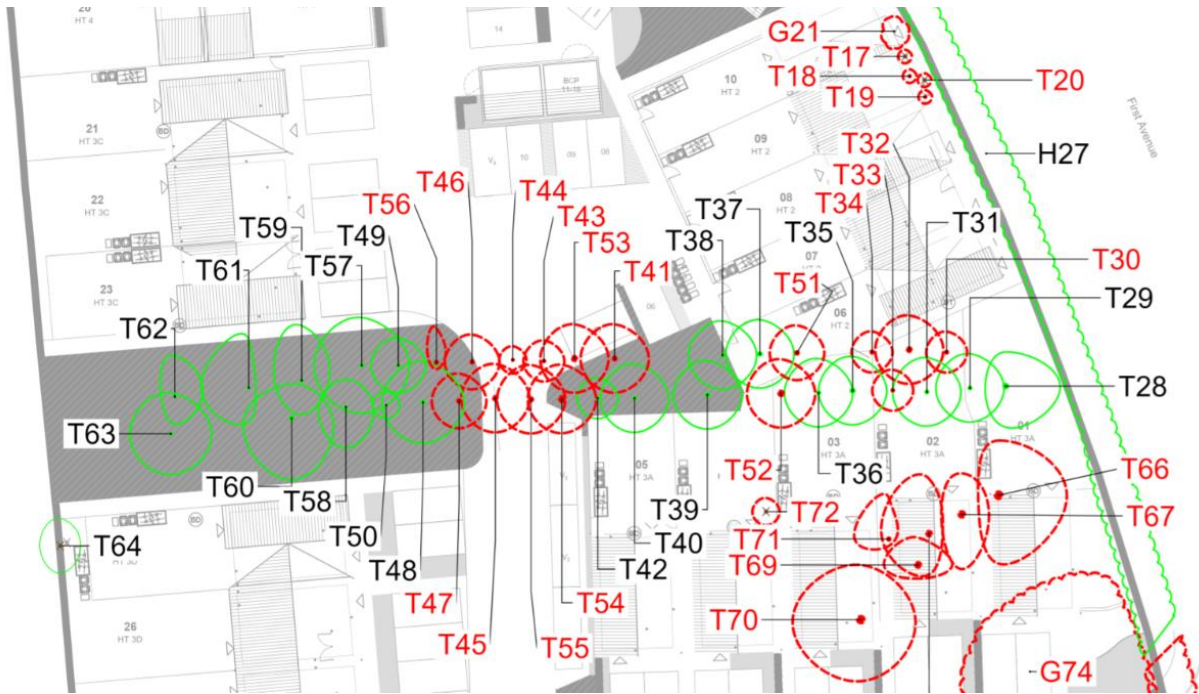


Figure 1.2 (above) – Amended scheme

8.44 Trees T28 – T63 are located towards the centre of the site and run in an east to west direction across the site. The original scheme looked to remove a significant amount of the central band of trees (a total of 29). Negotiations have led to a revised scheme which has retained as far as is possible the central band of trees within the site meaning that 20 of the best trees on site are retained.

8.45 The negotiations have seen an amended layout plan has been provided taking account of the constraints of the site and looking to preserve the most valuable trees within the central core. This has meant that trees T28 - T42 have largely been retained in the latest amendments. The western band of trees have also been largely retained and the road layout has been positioned in a way to account for the poorest quality trees on site. Doncaster's Tree Officer has commented that the latest

proposals are a marked improvement on the initial scheme and as a consequence has been able to remove his objection subject to suitably worded conditions. In addition, the proposal looks to provide off site mitigation to deal with the trees being lost on site. The applicant has, through discussions with Hill House School, been able to secure space to carry out additional planting. This in combination with the revised layout has seen a suitable mitigation package that would offset the loss of trees on site.

Ecology and Wildlife

- 8.46 The latest biodiversity net gain assessment sent through by the applicant's agent provides the most up-to-date assessment based upon the amended layout which was made to reduce the deficit. The outcome of this is that the biodiversity net gain deficit is now -51% which in those terms seems a lot, but is based on a very low baseline level. In biodiversity units the deficit is 1.0 unit. The on-site biodiversity net gain can be conditioned to ensure delivery. The off-site deficit should be secured through a s106 agreement. As a result there are no objections on ecological grounds subject to a condition in relation to a 30 year Management and Monitoring Plan for proposed onsite habitats. On the basis of the imposition of this condition, the proposal is considered to be compliant with the requirements of Policy 30 of the Local Plan together with paragraph 174 of the NPPF and Policy 9 of the emerging Neighbourhood Plan.

Pollution issues

- 8.47 A Preliminary Geo-Environmental Risk Assessment has been submitted and concludes that further investigation is required into *potential* contamination. As such a condition has been suggested which will require a Phase 2 site investigation and risk assessment. 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 and this is covered in the condition suggested.

Air Quality

- 8.48 Doncaster's Air Quality team have been consulted and have raised no objection subject to a condition in relation to EV charging. This would chime with the aspirations of the emerging neighbourhood plan Policy 4.

8.49 Doncaster Sheffield Airport (DSA)

- 8.50 DSA were consulted as part of the application due to the sites proximity to the airport. No objections have been raised but advised that no structure should exceed 15m in height. The highest part of the block of flats is measured at 14.48m and is therefore below the threshold. DSA have also requested that an informative be placed on any future approval to advise that any high reach equipment (including cranes) above 10m in height will need additional consultation and assessment with the airport.

- 8.51 NATS (National Air Traffic Services) Safeguarding were also consulted during the course of the application and confirmed that does not conflict with their safeguarding criteria. Accordingly, NATS (En-Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal

8.52 Conclusion on Environmental Issues

- 8.53 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.
- 8.54 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 tree retention and offsetting, EV charging point integration and onsite BNG delivery.
- 8.55 The proposal has demonstrated that the development is located within a suitable location and this weighs positively in favour of the application carrying significant weight. In addition, the proposal lies within the lowest possible area of flood risk and this weighs positively in favour of the application carrying moderate weight.
- 8.56 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 a former car park to a new housing estate. However, the conditions set out below will help to 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.
- 8.57 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.

8.58 ECONOMIC SUSTAINABILITY

- 8.59 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 whilst the site is under construction and therefore carries limited weight in favour of the application. Whilst there may be some additional uplift for business within Auckley-Hayfield Green/Finningley as a result of additional customers, this uplift is unknown and cannot be quantified at this time and so is afforded limited weight.

8.60 Conclusion on Economy Issues

- 8.61 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.

8.62 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.

8.63 Planning Obligations

8.64 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.

8.65 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.

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

Affordable Housing

8.67 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 there is a policy requirement to provide affordable housing.

Public Open Space

8.68 Policy 28 requires the delivery of onsite public open space (POS) in the first instance. Where this cannot be achieved an offsite contribution may be considered acceptable. The policy requirement is to provide a contribution the equivalent of 15% of the land value.

Education

8.69 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).

The Council's Education team have been consulted and 5 additional secondary school places are required with a total educational contribution calculated at £91,485.00

Viability

- 8.70 The applicant has submitted a viability report that demonstrates that the development of the site in line with the policy asks would be unviable due to a number of factors. Firstly, there are significant 'abnormal' cost implications. These are issues that are not typically found when developing a site. In this case the applicant points to the need to direct an important BT line that runs across the site and which in part serves the Doncaster Sheffield Airport (DSA). In the event that planning permission is granted there will be a requirement to divert this calculated at £172,000.
- 8.71 In addition, the applicant has used market data and a recognised profit margin of 20 per cent (as per the Planning Practice Guidance) and accepted by the Council's viability consultant due to the difficult market conditions to inform their viability appraisal and there is a need to build in a contingency funding stream to ensure that the development is finished. The applicant has therefore made the case that the site is unviable to provide any contributions.
- 8.72 Doncaster duly instructed an independent viability consultant (Dr Golland) to assess the information on behalf of the Council and having considered the additional information and justification from the applicants, the viability consultant has confirmed that there is £7,000 which is capable of being derived from the scheme. Given the proximity to open space and the proliferation of nearby schools, it is considered that this is best placed to be spent towards affordable housing, which is supported by the Council's Housing Team and is to be secured by way of a s106 agreement.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 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 suitable for residential development in the Local Plan and this weighs considerably in favour of the application. In addition the amendments that have been undertaken have 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. The amended scheme has also seen as many of the valuable trees on the site as possible retained and this is now reflected in the overall layout.
- 9.2 All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions or S106 contributions and holistically this weighs moderately in favour of the application.
- 9.3 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.
- 9.4 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.
- 9.5 A viability assessment has shown that the proposal is incapable of providing the full policy requirements but that a £7,000 contribution can be made – confirmed by the Council's own viability consultant.

- 9.6 Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed through the information supplied and further amendments to the scheme. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.
- 9.7 The proposal is therefore, on balance, recommended for approval subject to a Section 106 Agreement and the proposed heads of terms are outlined below.

10.0 RECOMMENDATION

10.1 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) Delivery of off-site tree planting mitigation.
- b) A contribution of £7,000 towards affordable housing.

CONDITIONS/REASONS

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

REASON

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

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

Development details:

- Location Plan – 3x1636-MHA-FS-XX-DR-A-01001 – S2 REV P1
- Amended Site Plan – Drawing number - 3FE3-MHA-FS-XX-DR-A-01010 REV P22
- Housetype 2 GA – Drawing 3FE3–MHA–2X–ZZ-DR-A-02000-S2 REV P7
- Housetype 2 GA Elevations – Drawing 3FE3–MHA–2X–ZZ-DR-A-03000-S2 REV P7
- Amended Boundary treatments – Drawing number - 3FE3-MHA-FS-XX-DR-A-01015 REV P6
- Housetype 3A GA Plans – Drawing - 3FE3–MHA–3A–ZZ-DR-A-02000-S2 REV P6
- Housetype 3A Elevations – Drawing - 3FE3–MHA–3A–ZZ-DR-A-03000-S2 REV P7

- Housetype 3C GA – Drawing - 3FE3–MHA–3C–ZZ-DR-A-02000-S2 REV P1
- Housetype 3C GA Elevations – Drawing - 3FE3–MHA–3C–ZZ-DR-A-03000-S2 REV P1
- Housetype 3D GA – Drawing - 3FE3–MHA–3D–ZZ-DR-A-02000-S2 REV P1
- Housetype 3D GA Elevations – Drawing - 3FE3–MHA–3D–ZZ-DR-A-03000-S2 REV P1
- Flat GA Plans Ground and 1st Floor – Drawing - 3FE3–MHA–4A–ZZ-DR-A-02000-S2 REV P9
- Flat GA 2nd and 3rd Floor – Drawing - 3FE3–MHA–4A–ZZ-DR-A-02001-S2 REV P1
- Block of flats elevations - Drawing - 3FE3–MHA–4A–ZZ-DR-A-03000-S2 REV P8
- Housetype 4 GA – Drawing - 3FE3–MHA–4X–ZZ-DR-A-02000-S2 REV P9
- Housetype 4 Elevation GA – Drawing - 3FE3–MHA–4X–ZZ-DR-A-03000-S2 REV P8

Drainage:

- Drainage Plan – Drawing number 4082/101 REV 5
- Drainage external works – Drawing number 4082/102 REV 3
- Road and Driveway Sections – Drawing number 4082/103 REV 4
- Highways and Drainage – Drawing number 4082/104 REV 3
- Road Longsections – 4082/107 REV 3
- S104 Sewer Plan – 4082/108 REV 5
- S104 Sewer details – 4082/109 REV4
- S104 Location Plan – 4082/110 REV 2
- Flood Route – 4082/111 REV 3

Misc.

- DSA Materials specification – August 2022 received 10.08.2022
- Proposed Bin Store Details – Drawing number - 3FE3–MHA–XX–XX-DR-A-05001-S2 REV P2
- Proposed Bin Store Details – Drawing number - 3FE3–MHA–XX–XX-DR-A-05002-S2 REV P2
- Landscaping plan – Drawing A5374 01 REV C

REASON

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

03.

Prior to the first occupation of the development hereby approved, details of the drainage management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The drainage system for foul and surface water drainage shall be retained, managed and maintained for the lifetime of the development in accordance with the approved drainage management and maintenance plan.

REASON:

To ensure the drainage apparatus of the site is adequately maintained for the lifetime of the development and to accord with Para. 169 c) of the NPPF (2021).

04. Prior to the occupation of the first dwelling, the proposed access and general layout shall be subject to a Road Safety audit Stage 1 & 2 in accordance with DMRB General Principles and Scheme Governance, GG119 Road Safety Audit.

REASON

In the interests of pedestrian and highway safety in accordance with Local Plan Policy 42.

05. No construction works shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and cover the following points:

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

REASON

In the interests of road safety

06. Prior to the commencement of development of the first dwelling a 30 year Adaptive Management and Monitoring Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management and Monitoring plan shall detail the following:

- o A 30 year adaptive management plan for the site detailing the management measures to be carried out in order to achieve the target conditions proposed for each habitat parcel.
- o .Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved.
- o That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 5, 10, , 25 and 30) immediately following habitat creation. GIS files showing the current habitat condition of each habitat parcel will accompany each monitoring report.

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 net gain in biodiversity as required by Local Plan policy 30B and the NPPF paragraph 174d

07.

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

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

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

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

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

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National

08. 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.
09. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON
To ensure that all new housing and commercial developments provide connectivity to the fastest technically available Broadband network in line with the NPPF (para. 114) and Policy 21 of the Doncaster Local Plan.
10. 65 per cent of the dwellings shall be constructed to meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'. 5 percent of the dwellings shall be constructed to meet Building Regulation requirement M4 (3) ' wheelchair adaptable dwellings'. A plan identifying which dwellings meet these requirements shall be submitted prior to the construction of the fifth dwelling. The development shall be constructed in accordance with the approved details and shall be maintained thereafter.
REASON
In order to comply with Policy 45 of the Doncaster Local Plan.
11. No development shall take place on the site until a detailed soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The 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 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 housing plot must be implemented in full accordance with the approved scheme, prior to occupation of the dwelling, 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 48 of the Local Plan.

12. The scheme of protection for all retained trees, including tree management, ground protection measures and the erection of impact resistant protective barriers shall be implemented in full accordance with the requirements contained within the approved ECUS Arboricultural Impact Assessment and Arboricultural Method Statement (ref. 16382 Version 4.0 dated July 2022) before any equipment, machinery or materials have been brought on to site for the purposes of the development. The local planning authority shall be notified of implementation and shall visit site to approve the setting out of the site and location of protective barriers prior to the commencement of development. Thereafter tree protection practices shall be implemented and monitored in full accordance with the approved scheme 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:

In the interests of environmental quality and in accordance with Policy 32 of the Local Plan.

INFORMATIVES

01. INFORMATIVE

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

03. INFORMATIVE: EV Charging

The developer should consider where the EV charging points will be located and indeed how their usage will be allocated.

Given the Government's stated intention with respect to fossil fuelled vehicles the developer may wish to consider increasing the number of points and/or install the civil works to facilitate future expansion

04. INFORMATIVE: Highways

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

05. INFORMATIVE: Street Lighting

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

06. INFORMATIVE: Cranes

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

07. INFORMATIVE: Yorkshire Water

Private (NON YW) apparatus shown on GIS within the development boundary that would be potentially affected by the proposal. This would need to be proven and if the apparatus is still required it would require

diversion with the liaison between the pipes owner and the developer
as this is non YW apparatus

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 Layout



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Doncaster Council

Report

Date: 23rd August 2022

To the Chair and Members of the PLANNING COMMITTEE

Proposed Deed of Variation to Section 106 Agreement for a residential development at Briars Lane, Stainforth.

EXECUTIVE SUMMARY

1. This report seeks the approval of the Planning Committee to a variation to the Section 106 Agreement for an approved residential development for the erection of 152 dwellings on 4.2ha of land at Briars Lane Stainforth.
2. Full planning permission was granted on the 17th February 2015 under reference 13/00897/FULM, with the decision being subject to a Section 106 Agreement dated 11th February 2015. During the application process, the applicants had provided a viability assessment which demonstrated that the scheme could not provide the required 26% affordable housing requirement whilst returning an acceptable level of profit.
3. On this basis, the Council and the developer entered into a s106 legal agreement, that sought to ensure that the viability of the scheme could be reassessed on the third anniversary of the s106 agreement (i.e. 11th Feb 2018). Should the scheme then be shown to be viable, the agreement would allow for either the delivery of built affordable units on the site, or a commuted sum in lieu of should no Affordable Housing provider be identified to take ownership of units.
4. Development was commenced on the site prior to that 3 year trigger, however the site was subsequently mothballed. Since then a new developer has taken ownership of the site and wishes to complete the development. The developer wishes to provide a new viability assessment, however the time to do that was in 2018, and as such the obligation within the existing s106 agreement cannot technically be discharged.
5. Given that the original application was agreed by the Planning Committee, any changes to the associated s106 also require Committee approval. It is intended to vary the original s106, to allow for a revised date for submission of a new viability assessment for the site. In this case, it is recommended that such a reassessment should be provided within 3 months of the date of the new legal agreement. This

will allow the developer to submit the required information, which they previously were not able to do through no fault of their own (the site was acquired by the developer after the previous trigger to submit a viability assessment had passed), and allow the delivery of a stalled housing site.

EXEMPT REPORT

6. The report does not contain exempt information.

RECOMMENDATIONS

7. For the reasons set out below, it is recommended that Planning Committee authorise the Head of Planning to agree a Deed of Variation to vary the terms of the Section 106 Agreement dated 11th February 2015 in accordance with the terms of this report.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

8. The variation to the Section 106 Agreement will enable the developers to submit an up to date viability assessment, and discharge the obligation contained within the s106. The current wording of the s106 does not allow them to do this, and as such is holding up agreed house sales on the site. The amendment to the s106 will allow for an up to date viability assessment of the scheme to be carried out, and should the scheme be shown to be viable, will ensure that an affordable housing contribution can be provided. It will also allow house sales to commence and the completion of a long stalled site within Doncaster.

BACKGROUND

9. The original Agreement requires that an updated viability assessment is provided 3 years from the date of that Agreement, which fell in February 2018. As such, given the time now elapsed, an amendment is required to allow for a revised submission date.
10. As outlined above, following the grant of planning permission for the site in 2015, the applicants sold the site on to another development company. Following this, the necessary pre-commencement conditions were discharged, and a lawful development of the site was commenced. A number of dwellings on the site were substantially completed and infrastructure completed before the developer ran into financial difficulties. This occurred prior to February 2018, and as such an updated viability assessment had not been provided as required by the terms of the s106 Agreement.
11. The site was then essentially mothballed with a number of dwellings substantially completed, and passed into receivership. In the last 12 months, a new developer, Tricolour Homes, has gained ownership of the site with the obvious intention of completing the development. Tricolour have completed circa 40 dwellings on the site, with sales pending. The sales cannot however be completed, as there is the outstanding obligation on the existing s106 legal agreement requiring an updated viability statement to be provided.
12. Tricolour obviously acquired the interest in the site after the February 2018 trigger date, and so through no fault of their own, did not meet the required trigger for submission of a viability assessment in order to comply with the obligation. It is on

this basis that an amendment to the legal agreement is sought, to regularise the situation to address the current circumstances. In addition, Tricolour's purchasers will not complete sales on the houses already reserved or future plots with an outstanding s106 obligation.

13. As such, it is the interest of both the Local Authority and the developer to amend the s106 to allow this obligation to be addressed. The site has been stalled for a number of years now, and without this amendment further development of the site will not be possible.
14. The original s106 agreement set the affordable housing level, for a fully viable development, at 26% of onsite units or an equivalent financial contribution in lieu of. Whilst the current Local Plan sets affordable housing provision at 23%, it is not the intention of this proposed variation to deviate from the 26% previously agreed by the Planning Committee. The original agreement also allowed for a Gross Development Profit (GDP) of 20% - should the viability assessment show a GDP of less than this, no affordable housing provision would be required. 20% GDP is considered to be an appropriate figure in line with the National Planning Practice Guidance (NPPG) and given the residential sales values in this part of the borough and the costs of developing the site.
15. Following consultation with the Council's Strategic Housing team, it is felt that given the existing affordable housing provision in the locality and low sales values, rather than ask for onsite affordable units, should the site be shown to be viable (GDP above 20%), a commuted sum in lieu of onsite provision would suffice in this instance. The formula for calculating the required affordable housing commuted sum will also be updated to the current methodology, given that the original agreement is now some 7 years old – however as previously stated, for a fully viable scheme the ask will still remain at 26% as previously agreed.
16. The applicants have provided a phasing plan, showing the site to be developed in 3 separate phases. Phase 1 of the site is substantially complete and consists of 40 dwellings. It is these plots where sales are currently pending and stalled due to the outstanding s106 obligation. It is intended that the obligations of the amended s106 would not be binding on any individual occupiers of dwellings in phase 1, to allow for these sales to progress. This is not an unusual situation given the nature of the obligation (submission of a viability assessment and payment of an affordable housing commuted sum if the scheme delivers a profit in excess of 20%), and the amended s106 will be drafted to ensure that should an Affordable Housing sum be required, it will be paid to the Council earlier in the development than the current s106 allows for. It is proposed that any commuted sum would be paid within 3 months of an agreed viability assessment which confirms the development is viable. If the agreed viability assessment indicates the development is not producing a profit in excess of 20%, no commuted sum will be payable (in line with the existing s106 obligation).
17. The advantage of accepting this variation is that the Council have certainty and an agreed mechanism to allow a stalled site to come forward and let agreed sales on the site to proceed. The amendments in essence seek to update the legal agreement to accommodate for the current circumstances. The current site owners, through no fault of their own, will struggle to complete sales in phase 1 as it currently stands and may lose buyers. This is preventing sales from completing, and indeed the future development of the rest of the site. The same level of

commuted sum in lieu of onsite affordable housing is still being asked for if the site is shown to be viable.

18. The National Planning Policy Framework (NPPF) states that 'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'
19. Planning obligations should only be sought where they meet all of the following tests;
 - Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably relating in scale and kind to the development.

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

OPTIONS CONSIDERED

21. To not enter into a Deed of Variation would have a negative effect on the delivery of the development, meaning that the developers will not be able to complete on already agreed house sales, nor to allow the further development of a long stalled allocated housing site.

REASONS FOR RECOMMENDED OPTION

22. The Deed of Variation will not materially alter the requirements of the original s106, however is required to address the current circumstances of the site, where the site owners cannot complete sales in phase 1 without the amendments set out above to the previously agreed obligations. A revised trigger date of 3 months from the date of the Deed of Variation to submit and updated Viability Assessment is considered to be reasonable, and will allow the developer to bring forward the site.
23. This report therefore proposes that a deed of variation seeking the following amendments to the s106 Agreement are approved:
 - a) A financial viability assessment to be submitted within 3 months of the completed deed of variation;
 - b) The requirement for onsite affordable housing provision (should the scheme deliver a profit) be removed and replaced with a requirement for a commuted sum in lieu thereof to be paid within 3 months of an agreed viability assessment;
 - c) The formula for calculating the required affordable housing commuted sum in the s106 Agreement to be updated to the current methodology, which calculates property values at 40% of current average property price for the Borough (using Land Registry valuations) x 26% of the total dwellings on the development to give a

total affordable housing commuted sum figure.

- d) To release individual plot owners in phase 1 only (and not any subsequent phases) from any liability under the s106 agreement as varied.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>Agreeing to the recommendation will allow a stalled development to come forward, providing further investment in the Borough, through the creation of jobs during the construction phase</p>
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>Not to agree with the recommendation will mean that the development of the site may stall and that the potential for new and improved housing stock in the settlement will be reduced. Should the development not come forward this will reduce the potential for new families to move to the area which would boost the local economy, and allow existing families to move to new housing and remain in the local area.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	

	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	

RISKS AND ASSUMPTIONS

24. There are no real disadvantages to agreeing the proposed deed of variation. To not enter into the agreement would mean that the site owners are not able to continue the development of the site, and it will remain a stalled allocated housing site which does not contribute to addressing the Borough's housing needs.

LEGAL IMPLICATIONS [Officer Initials SC Date 11/08/22]

25. S106A of the Town and Country Planning Act 1990 provides that a planning obligation may be modified by the parties by deed. The proposals result in a deviation from the previous resolution of Planning Committee in relation to the planning obligations sought. In December 2013 Planning Committee resolved to grant planning permission for the development under reference 13/00897/FULM for the provision of 26% onsite affordable housing following a financial viability assessment on the 3rd anniversary of the date of s106 agreement. The amendments proposed to the s106 agreement set out in this report require a further decision of the Planning Committee.

Consultation has taken place with the Strategic Housing team who are in agreement with the proposals. Ward Members have also been consulted. At the time of writing this report, no comments have been received from Ward Members, however should comments be received following completion of the report, these will be reported verbally to the Planning Committee.

FINANCIAL IMPLICATIONS [BC 12/08/22]

26. The Deed of Variation detailed above will not alter the requirements of the original s106 previously agreed by Planning Committee, which set the affordable housing level for a fully viable development at 26% of onsite units or an equivalent in lieu financial contribution. It will, however, allow the new developer to provide an updated viability assessment which will establish whether an affordable housing contribution can be made and address the current circumstances of the site, enabling the sale of completed houses and allowing development to continue.

The formula for calculating the required affordable housing commuted sum will also be updated to the current methodology. This amendment will ensure the Council are in control of the mechanism, and provide a simple, clearly worked out independent method that all parties can agree to.

As well as the potential receipt of a commuted sum to assist with affordable housing in the Borough, there are also the wider implications of facilitating this development by allowing the variation, such as the increase in future Council Tax receipts and New Homes Bonus grant.

HUMAN RESOURCES IMPLICATIONS [Officer Initial DK Date 11/08/22]

27. There are no direct HR implications to the Briars Lane Committee report.

TECHNOLOGY IMPLICATIONS [Officer Initials.....PW... Date.....11/08/22]

28. There are no identified technology implications.

HEALTH IMPLICATIONS [Officer Initials...CT.....Date11/08/22.....]

29. Access to quality, affordable housing helps create a stable environment for children by reducing frequent family moves. Researchers have found that when families do not have enough income left over to cover the rest of their household budget, children experience poorer health outcomes, lower levels of engagement in school, and emotional/mental health problems. Families are also less likely to be able to afford the food they need for a healthy, active life.

Public Health agrees that development of the site and sale of homes needs to progress and supports the recommendation to vary the original s106 to allow for a revised date for submission of a new viability assessment for the site.

EQUALITY IMPLICATIONS [Officer Initials...RS Date.....15.08.2022.....]

30. There are no identified equality implications

CONSULTATION

31. Consultation has taken place with the Strategic Housing team.

BACKGROUND PAPERS

32. Original Section 106 dated 11th February 2015, Committee Report dated 10 December 2013 and Proposed Site Plan showing Phasing

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

REPORT AUTHOR & CONTRIBUTORS

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Dan Swaine
Director of Regeneration and Environment

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 10th December 2013

Application

Application Number:	13/00897/FULM	Application Expiry Date:	30th August 2013
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of 152 dwellings on 4.2 ha of land with associated car parking and landscaping.
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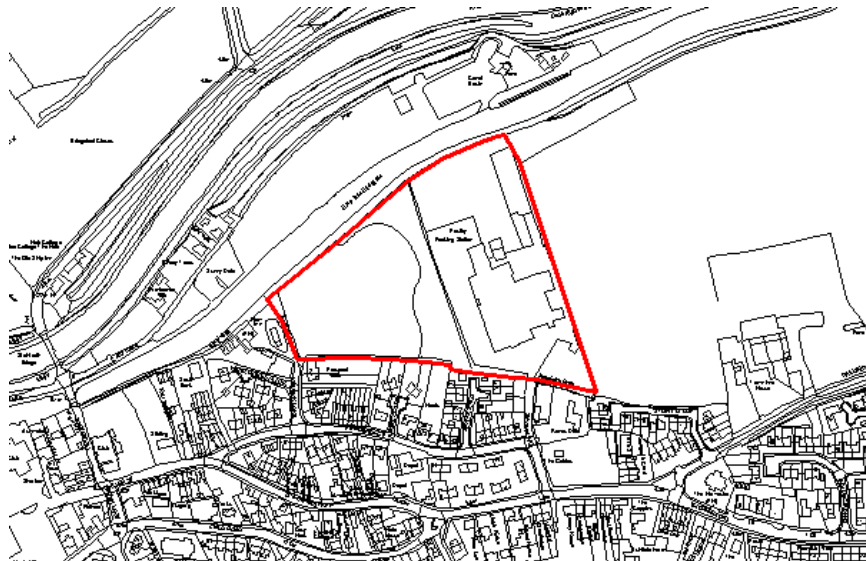
At:	Land At Former Industrial Estate Briars Lane Stainforth Doncaster
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For:	Prospect Estates Ltd
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Third Party Reps:	2	Parish:	Stainforth Town Council
		Ward:	Stainforth And Moorends

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

The application is being presented to the Planning Committee as the proposal represents a departure from current adopted local planning policies. The proposed development is for residential development, although part of the site is currently allocated for employment uses.

2.0 Proposal and Background

2.1 The submission seeks full planning permission for 152 dwellings on approximately 4.2ha of land with associated car parking and landscaping. The site is located to the northern side of Stainforth, just off New Inn Lane and at the end of Briar's Lane. The land itself is split into two parts, the slightly larger portion on the western side is greenfield and overgrown, whilst the section on the eastern side is a cleared brownfield site formerly housing a poultry factory. The site is bound by the Stainforth and Keadby Canal on its northern boundary, agricultural land to the east, with residential properties to the south.

2.2 The application as originally submitted consisted of 170 dwellings, however has been reduced to 152 units following amendments to the scheme. Two access points into the site are proposed, from New Inn Lane in the south-western corner, and from Briar's Lane in the south-eastern corner. A central area of public open space is shown, with a main internal loop road providing access to the dwellings and to secondary cul-de-sacs and lower order roads. Properties along the north western boundary are positioned to be fronting on to the canal side. A wide variety of house types are proposed across the site, including 2, 3, and 4 bedroomed properties, and a mix of detached and semi-detached. A block of apartments is also proposed within the scheme.

2.3 A previous application was submitted on the site for the erection of 172 dwellings, however, this was withdrawn following issues around the flood risk sequential test.

3.0 Relevant Planning History

08/03023/OUTM - Outline application for erection of 172 dwellings with associated car parking, landscaping and waterside park on approximately 4.38ha of land - Land Between Briars Lane, Fleet Lane and the Stainforth and Keadby Canal, Stainforth - Withdrawn

4.0 Representations

4.1 The application has been advertised in accordance with Circular 15/92, by way of site notice, neighbour letters, and a notice in the local press.

4.2 Representations have been received from 2 neighbouring properties. The main points of objection raised relate to the drainage of the site and whether existing systems would be able to cope with this level of development, and also highways and traffic matters

5.0 Relevant Consultations

DMBC Highways – no objections, suggested conditions

DMBC Transport – no objections

DMBC Urban Design – no objections, suggested conditions

Environment Agency - no objections, suggested conditions

DMBC Environment Team – object on the provision of open space within the site

Yorkshire Water – request further details relating to surface water strategy, suggested conditions

DMBC Internal Drainage - no objections, suggested conditions

DMBC Pollution Control - no objections, suggested conditions

Natural England – defer to DMBC Ecology

DMBC Ecology – object to loss of biodiversity

6.0 Relevant Policy and Strategic Context

6.1 National Planning Policy Framework (NPPF):

Principle 6 Delivering a wide choice of high quality homes

Principle 7 Requiring Good Design

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

6.2 Doncaster Core Strategy (CS):

Policy CS1 - Quality of Life

Policy CS2 - Growth and Regeneration Strategy

Policy CS4 – Flooding and Drainage

Policy CS9 – Providing Travel Choice

Policy CS12 - Housing Mix and Affordable Housing

Policy CS14 - Design and sustainable construction

Policy CS16 – Valuing our Natural Environment

7.0 Planning Issues and Discussion

Principle of Development

7.1 Within the Core Strategy, Stainforth is identified as a Potential Growth Town under the provisions of Policy CS2 – Growth and Regeneration Strategy. In such locations, significant housing growth can be sustainably accommodated as part of economic developments of regional/national significance. Over the plan period, Potential Growth Towns are expected to deliver approximately 13% of the total housing allocation for the Borough. In terms of Stainforth and Hatfield, the proposed housing figure for the plan period is 1200, which will be tied to the DN7 project, which will deliver a new link road to the motorway and employment uses. The application site does not lie within the DN7 project area, and is not proposed to be counted as part of the Potential Growth Town concept. Instead, this site, and others, will provide an additional supply of housing as per para.32 of Policy CS2 of the Core Strategy, which says,

“Similarly, it is envisaged that at Stainforth/ Hatfield housing growth will be co-ordinated/phased with the delivery of:

- jobs and infrastructure including Hatfield Power Park and power station and M18 link road;
- improvements to existing housing areas and Local Retail Centres;
- refurbishment of the railway station and the creation of a rail/bus/park and ride interchange; and;
- suitable flood risk mitigation.

In both cases there are also opportunities within the existing settlement boundaries including those arising from housing renewal/urban remodelling which may provide improved or additional housing.”

On this basis, the principle of additional housing is acceptable under the terms of Policy CS2.

7.2 The application site is split into two parts, with the western side greenfield and overgrown, whilst the section on the eastern side is a cleared brownfield site formerly housing a poultry factory. This split is also reflected within the current policy allocations within the UDP inset map, with the western part of the site being allocated for housing under PH9 / 27, and the eastern part of the site allocated for employment use under Policy EMP6 of the UDP, reflecting the former use of the site. Given that this policy seeks to ensure that employment uses are retained on these sites, the application therefore represents a departure from the current adopted policies.

7.3 The site is however shown within the forthcoming Sites and Policies DPD as allocated for housing under proposed policy SP16. The western part of the site is referred to as site 56, r/o of Finkle Street, and shown to deliver approximately 66 units. The eastern part of the site is referred to as site 486, Poultry Packing Station and shown to deliver approximately 80 units. The policy does note that this site was formerly allocated by the UDP as an Employment site.

7.4 Given that the western part of the site has both an existing and proposed housing allocation, there is no issue with the principle of development on this part of the site. In terms of the eastern section of the site, there would normally be a requirement to demonstrate that there has been no demand for employment uses coming forward following marketing of the site. In this case, given that the land has been undeveloped for a number of years, and is proposed to be allocated by the Council for housing, it is considered that whilst a departure from the current allocation, the principle of residential development on this part of the site has already been accepted by the Council.

Residential Amenity and Site Layout

7.5 Saved Policy PH11 of the Unitary Development Plan is applicable in this case, dealing generally with developments for housing, and more specifically with residential standards. The policies state that such proposals will be viewed in terms of their density and impact upon the character of their surroundings, their effect upon the amenities of neighbouring properties, as well as looking at issues of highway safety, parking, landscaping and general layout principles.

7.6 Similarly, Policy CS14 (Design and Sustainable Construction) of the Doncaster LDF Core Strategy sets out guiding design principles when dealing with new developments. The policy seeks to ensure that new housing developments will meet relevant Building for Life criteria.

7.7 The Council's Urban Design team have been consulted as part of the application process. Initially, objections were raised to the proposed scheme, on a number of grounds. The site layout originally showed 170 dwellings. The main concerns with the original layout was the legibility of the scheme, that there was no character area and the proposed road layout would be disorientating due to the lack of hierarchy, focal points and significant variations in the built form. This was compounded by a lack of public open space within the site, which would have helped to break up the built form and provide a focal point within the development. More specific points concerning visitor parking provision, garage size, layout and relationship of individual dwellings (in terms of separation distances and garden areas) were also raised.

7.8 Positive elements of the proposal were noted also, including connections to the canal side with properties fronting on to this attractive aspect. The scale of the development was considered to complement the existing (predominantly residential) area being of mainly 2 storey with some 3 storey properties fronting the canal and performing marker building

roles. The layout will integrate well with existing properties along the site's southern boundary in terms of impacts upon privacy and amenity for existing properties.

7.9 Following these initial comments, and those made by the Highways Officer (to be discussed), the proposal has gone through a series of amendments to address the concerns raised. This has resulted in the scheme presented to the Planning Committee. The main change to the layout has been the provision of a centrally located area of open space. This has the effect of opening up the housing layout, providing a focal point within the development, and achieving a scheme which is much more legible and not as dense. The open space will also provide amenity value for future residents. Policy CS14 of the Core Strategy states that;

The components of development, including use mix, layout (movement patterns, townscape, landscape, open space and public realm), density (intensity of development) and form (scale, height, massing; and architectural details of buildings), will be assessed to ensure that the development proposed is robustly designed, works functionally, is attractive.

7.10 As such, the amended scheme now addresses the above concerns. The development provides for a mixture house types which will be attractive to a variety of potential occupiers, has now been laid out so as to be more legible, open and functional, is less dense than previously proposed, and the proposed dwellings are in keeping with the form of the existing neighbouring residential properties. The proposed dwellings meet the normal standards in terms of separation distances, garden areas, parking provision and their designs. The proposed housing is also located an acceptable distance from neighbouring properties to the south of the site, and so is considered to be acceptable in terms of the impact upon living conditions of existing neighbouring occupiers.

7.11 The proposed open space on site, which includes the central area and a smaller pocket in the south east of the site, amounts to approximately 9% of the total site area. For developments in this part of the borough the normal expectation would be 15%, a fact raised by the Council's Environment Team. However, in this case it is considered that the open space is acceptable. The applicants have provided a viability statement with the application, which shows that the scheme is at the edge of being viable with the current layout, and the loss of further units could not be borne. This is coupled with consultation responses from the local Stainforth ward members, who have raised concerns with the provision of more areas of open space in their ward, and the potential for maintenance and anti-social behaviour issues in the future. Given the Core Strategy policies, and the contribution to an acceptable layout and amenity value for future residents the open space makes, a compromise of having less than the normal requirement is acceptable in this case. In addition, the application site fronts on to the canal which provides additional amenity value for future residents.

7.12 The applicants have not provided details as to how the scheme will meet the required energy efficiency requirements of Policy CS14. However, they have indicated that they will be able to achieve this without affecting the viability of the scheme through a fabric first approach. As such a condition to ensure these details are agreed and implemented will be imposed upon the consent.

7.13 On the basis of the above, the proposal is deemed to be acceptable in design terms and in accordance with Policy CS14. The applicants have gone through numerous amendments, resulting in the loss of 18 units, to achieve an acceptable layout, and the scheme is now much improved from the initial submission. The layout is more legible, less dense, takes advantage of its surroundings, provides a mixture of house types and meets the normal residential standards expected.

Highways and Parking

7.14 As part of the application process, the Council's Highways and Transport teams have been consulted and provided responses to the proposal. Again, Policy CS14 of the Core Strategy is applicable in this regard, seeking to ensure that new developments are acceptable in terms of permeability, movement patterns, legibility, and the safety of the highway. Policy CS9 is also applicable, stating that proposals will be supported which make an overall contribution to the improvement of travel choice and the transport network. New developments of this scale should be accompanied by a transport assessment and travel plan.

7.15 The application site is proposed to have two access points, from New Inn Lane in the south west corner of the site and from Briars Lane in the south east. A main estate road loops around the development, serving mews courts and private drives off this. Mixes of on and off street parking together with parking courts are shown.

7.16 As stated previously, the proposal has gone through a number of amendments to reach its current position. Aside from the lack of open space, one of the main issues has been the internal road layout and parking provision. Previous versions of the site layout had inadequate visitor parking provision, footways along the roads, and several areas of the development did not work in terms of turning and servicing areas. The normal technical requirements for residential developments are contained within the South Yorkshire Residential Design, and the applicants were referred to this to achieve the required standards. Following numerous amendments to the layout, the Highways team no longer raise objections to the scheme. The level of parking proposed is acceptable and in line with the requirements of the South Yorkshire Residential Design Guide, as are internal turning areas and visibility, and the scheme can accommodate larger service vehicles such as bin lorries.

7.17 A representation received by a neighbouring property on New Inn Lane questioned the accuracy of the submitted plans in terms of the tie in between the new estate road and New Inn Lane. Following a site visit and the taking of measurements, the applicants were asked to accurately show how this arrangement, as well as the tie in to Briars Lane would work. The plans were amended to show the access points correctly surveyed and able to achieve the requisite width to serve the development.

7.18 The Council's Transport team have also raised no objections to the scheme, confirming that the development would not have a detrimental impact upon the highway network, and would not result in queuing on the busier roads of Finkle Street, Silver Street and Thorne Road to the south of the development site.

7.19 In terms of cycling and walking, the application site is located close to the main amenities within the settlement and is considered to be in a sustainable location. Cycle storage is proposed for the apartments on site, and the footways shown on the layout are of an acceptable width, linking in to the surrounding existing streets.

7.20 A public right of way does cross the site to the west, leading from New Inn Lane to the canal tow path. The applicants have provided a plan to show how this link can be maintained through the site so that this route is not lost.

Drainage

7.21 Policy CS4 of the Core Strategy is concerned with flooding and drainage, and states that developments will be directed towards areas of lowest flood risk within the Growth and Regeneration Strategy, with an emphasis on brownfield sites. Developments within flood risk areas will be supported where they pass the sequential and / or exception tests. Proposals which are in accordance with both allocations and other LDF policies will normally be deemed to have passed the sequential test.

7.22 A flood risk assessment has been provided as part of this application as required by virtue of both the size of the site and its location within a higher risk flood zone 3A. Given that both parts of the site are proposed to be allocated for housing within Sites and Policies document, the land has already been subject to a borough wide sequential test as part of the formation of that document. Although the eastern part of the site currently holds an employment allocation under the saved UDP policies, the Environment Agency have confirmed that they have no objections to the sequential test work undertaken by the Council. On this basis, given the current and proposed allocations of the application site, and the sequential test work already undertaken, the scheme is deemed to have passed the sequential test.

7.23 As part of the application process the Environment Agency have commented on the proposal and the submitted Flood Risk Assessment. Although within a higher risk flood zone, the site does benefit from flood defences on the river. The EA have confirmed also that there is not considered to be a significant risk of flooding from the adjacent Stainforth and Keadby Canal.

7.24 The Environment Agency initially objected to the scheme on the basis that the Flood Risk Assessment had insufficient details of finished floor levels for the properties to Ordnance Datum. Following the receipt of these comments the applicants revised the Flood Risk Assessment to show floor levels at an acceptable level to mitigate against a possible flooding event. The Environment Agency now raise no objections to the scheme on flood risk grounds subject to the imposition of conditions to ensure that the development is carried out in accordance with the measures outlined within the submitted FRA.

7.25 Yorkshire Water has also been consulted as part of the application, and has recommended that conditions be imposed on any permission so that full details of the drainage systems are submitted and agreed. Yorkshire Water stated that it did not find the FRA acceptable as it indicated that surface water will be discharged to the public sewer when some consideration should be given to a watercourse adjacent to the site. Following these comments the applicants updated the FRA to show more details of the surface water strategy outlining the principles to be followed. This establishes the Stainforth Drain as the preferred option, with the sewer as an alternative if this is not viable. The IDB has confirmed a discharge rate to the drain, and so capacity can be built into the scheme if required to meet this rate. Yorkshire Water's final comments will be reported at the Planning Committee.

7.26 The Council's Drainage officer raises no objection to the scheme subject to the imposition of conditions.

Trees and Ecology

7.27 Policy CS16 of the Core Strategy is concerned with the Natural Environment and sets out requirements in respect of the impact of developments upon ecology and trees and

hedgerows. Proposals will be supported which enhance ecological networks, as well as retaining and protecting appropriate trees and hedgerows, incorporating new tree, woodland and hedgerow planting.

7.28 The applicants have commissioned and provided ecology surveys as part of the planning application, which confirms that there are no protected species on the site which would be affected by the proposed development. The Council's ecologist has raised no objections to the surveys provided, however has recommended that a Precautionary Method Statement for Reptiles is conditioned as time constraints curtailed the reptile surveys which were undertaken.

7.29 The ecologist has however objected to the loss of biodiversity on the site, with no mitigation or compensation included within the proposals. The Council is discussing with the applicant the best way to achieve this, either through further on site mitigation or through Biodiversity Offsetting. The outcomes of this will be reported to the Planning Committee.

7.30 There are no significant trees within the application site however, the site is bound by hedgerows to its northern and eastern boundaries. The applicants initially showed the removal of the hedgerows on the eastern boundary however, this is now retained. The hedgerows themselves are actually outside of the application boundary, although the development in parts does show building up to these boundaries. On this basis, a condition will be imposed to ensure that any loss of hedgerows on the boundaries will be replaced by planting of native species rich hedgerows.

S106 Contributions

7.31 In accordance with Policy CS12 of the Core Strategy, developments of more than 15 dwellings will normally include affordable houses on site, except where a developer can justify an alternative scheme in the interests of viability. For schemes of 10 family units or more, a contribution towards open space is also required, on a site of the size of the application site this would be an onsite provision. In the case of Stainforth, this would equate to 15% of the site area.

7.32 The issue of open space has previously been discussed in the report. The scheme originally contained a minimal open space area in the south eastern corner of the site, which was deemed to be insufficient to serve the needs of the development. An argument of viability was put forward by the applicant, and local ward members also stated that they considered further open space in the ward may bring issues of anti-social behaviour and maintenance problems in the future. However, in the interests of good design and providing an acceptable layout the applicants amended the scheme, in the process losing 18 units, to provide a centrally located area of open space. Although the total area of onsite open space is around 9% rather than 15%, this is deemed to be an acceptable compromise given local ward members views on this issue.

7.33 The loss of units has had an impact upon the viability of the scheme, such that currently no affordable housing can be provided. The applicants have provided a viability statement, outlining the associated costs of developing the site which includes remediation, raising levels to meet flood risk requirements, drainage proposals, house build costs etc. This is set against the proposed revenues the scheme will bring from the value of the housing. On this basis, it is recommended that the Council enter into a s106 Agreement with the developers which will ensure that a review of the scheme takes place after a set time period where the viability of the development can be looked at again. Should the scheme become more profitable at that point, the developers will make a contribution

towards affordable housing. Given that part of the site has been allocated for housing since 1998 without being developed, and this allocation is proposed to be rolled forward in the Sites and Policies document, it is felt that the granting of permission here on this basis will enable development to come forward within a settlement which has seen little investment over recent years, whilst also helping to meet the housing targets contained within the Core Strategy. The review mechanism will allow the question of viability to be re-addressed in the future, with the possibility of affordable housing being delivered.

Other Issues

7.34 The Council's Pollution Control team have been consulted, and raised no objections subject to the imposition of standard conditions.

8.0 Summary and Conclusion

8.1 On the basis of the above, the application is recommended for approval subject to the signing of a s106 legal agreement. The site is partly allocated for housing under the current UDP policies, and the whole of it is proposed to be allocated under the Sites and Policies DPD. As such, the principle of housing is accepted in this location. The scheme has gone through a number of amendments and is now acceptable in terms of design and highways layout. The Environment Agency has raised no objections with regards to flood risk, and although Yorkshire Water has requested further information it has no objections in principle to the proposed drainage arrangements. The outstanding issue of ecology will be addressed at the Committee meeting. As such, the proposal is accordingly recommended for approval.

RECOMMENDATION

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

A) THE PROVISION OF 26 PER CENT AFFORDABLE HOUSES ON SITE, FOLLOWING AN INITIAL 3 YEAR REVIEW PERIOD FROM THE DATE OF THE AGREEMENT TO ASSESS THE FINANCIAL VIABILITY OF THE DEVELOPMENT

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

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

02. U36722 Before the development commences, samples of the proposed external materials, including, hard and soft landscaping, boundary treatments and bin stores 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
In order that the Council may be satisfied as to the details of the proposal.
03. U36723 Prior to the commencement of development, full details of the layout, landscaping and any equipment to be laid out on the approved Public Open Space, together with a scheme for the long term management and maintenance of said Public Open Space, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON
To provide an appropriate area of public open space for the community
04. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.
REASON
To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.
05. HIGH3 Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.
REASON
To ensure that adequate parking provision is retained on site.
06. U36724 The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) compiled by Eastwood & Partners, Revision C, dated November 2013, and the following mitigation measures detailed within the FRA:
1. Finished ground floor levels shall be set no lower than 4.65 metres above Ordnance Datum (mAOD) for 2 storey properties and 5.10mAOD for single storey properties (ie bungalows and ground floor apartments). In addition to the above, finished ground floors levels should also be set a minimum of 300mm above adjacent road levels at the site. Road levels shall not be set lower than the existing ground levels. Existing ground levels are shown in mAOD in the FRA appendix, drawing number 3915.
2. Provision for flood flow routes through the site.
3. Production of a flood evacuation plan for the properties, including detail on access and egress and the use of the Environment Agency's flood warning service.
REASON

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To ensure safe access and egress from and to the site.

07. U36725 The development hereby permitted shall not be commenced until such time as a scheme detailing surface water drainage arrangements has been submitted to, and approved in writing by, the local planning authority.
The scheme shall limit surface water flows from the site to a maximum of 5 litres/ second/hectare if to the sewer or 1.4 litres/second/hectare if to the IDB drain. The scheme shall also be designed to store the calculated flows for a 1 in 100 year return period, with an allowance of 30% for climate change, without causing flooding to property or adjacent land.
The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
REASON:
To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
08. U36726 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
REASON
In the interest of satisfactory and sustainable drainage
09. U36727 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
REASON
To ensure that the site is properly drained and in order to prevent overloading of the local public sewerage network, surface water is not discharged to the foul/combined sewerage system
10. U36728 No development shall take place until details of the proposed means of disposal and treatment of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.
REASON
To ensure that the development can be properly drained and that waste water can be adequately treated to the required standard)
11. U36729 Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
REASON
To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal
12. U36730 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

REASON

In the interest of satisfactory drainage

13. VQ17

No development shall take place on the site until details of a landscaping/planting scheme have been agreed in writing with the Local Planning Authority. This scheme shall indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those which are to be retained, those proposed for removal and those requiring surgery. The scheme should also indicate, where appropriate, full details of new or replacement planting. All planting material included in the scheme shall comply with Local Planning Authority's 'Landscape Specifications in Relation to Development Sites'. Planting shall take place in the first suitable planting season, following the commencement of the development. Any tree or shrub planted in accordance with the scheme and becoming damaged, diseased, dying or removed within five years of planting shall be replaced in accordance with the above document.

REASON

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

14. CON1

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

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

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

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

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

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

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

REASON

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

15. CON2

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

REASON

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

16. CON3

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

REASON

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

17. U36731 No development shall take place in implementation of this permission until the applicant has submitted to and received approval thereto in writing from the local planning authority a statement explaining how CO2 emissions from the development will be reduced by providing at least 10% 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 this, will be above and beyond what is required to comply with Part L 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 dwelling is occupied or sold, the local planning authority shall be satisfied that the measures have been installed. This 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.

18. U36732 Before the development commences, the applicant shall submit for approval a Code for Sustainable Homes pre-assessment, demonstrating how code level 3 will be met. Unless otherwise agreed, the development must take place in accordance with the pre-assessment. Prior to the occupation of any building, a post construction review should be carried out by a licensed assessor and submitted for approval. This will enable the planning condition to be fully discharged.

Advice should be sought from a licensed code assessor at an early stage to ensure that the required performance rating can be achieved. A list of licensed assessors can be found at www.breeam.org.

REASON

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

01. U07361 Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas – Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

02. U07362 Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council

Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans – Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

03. U07363 Access arrangements including shared private parking courts should conform to Approved Document B Volume 1 Part B5 Sect. 11.2-11.5 inc. It should be noted that any shared parking courts should be designed to withstand a minimum carrying capacity of 26 Tonnes without deflection in accordance with Building Regulations Volume 1 document B5.
04. U07364 The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. The deposition of material on the public highway is an offence under the Road Traffic act. In the event that material is deposited on the public highway, the operator should note that only licenced operators are permitted to carry out cleaning of the public highway. At present, DMBC can remove such deposits, and the operator responsible can be charged for this.

Reasons(s) for Granting Planning Permission:

STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2012

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 layout to comply with highways and design requirements, amendments to the Flood Risk Assessment to comply with Environment Agency comments.

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

HOUSE TYPE C. ELEVATIONS



HOUSE TYPE D. ELEVATIONS



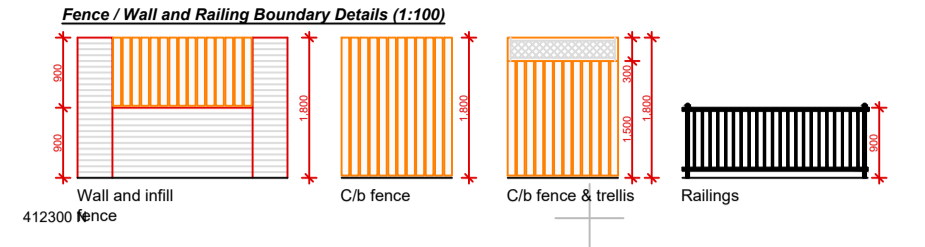
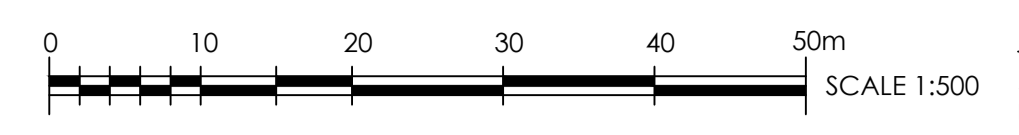
HOUSE TYPE E. ELEVATIONS



GARAGE APARTMENT J. ELEVATIONS

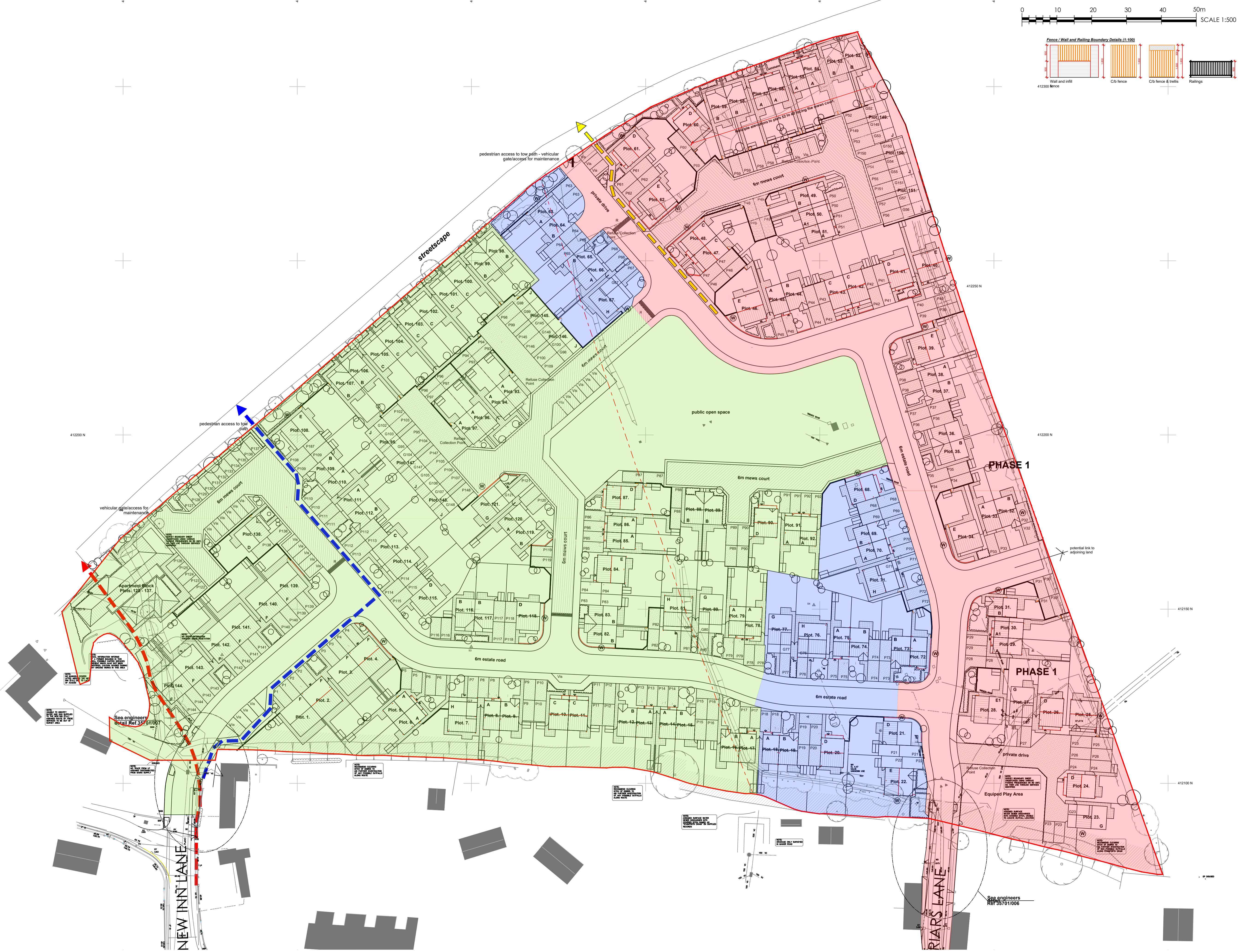
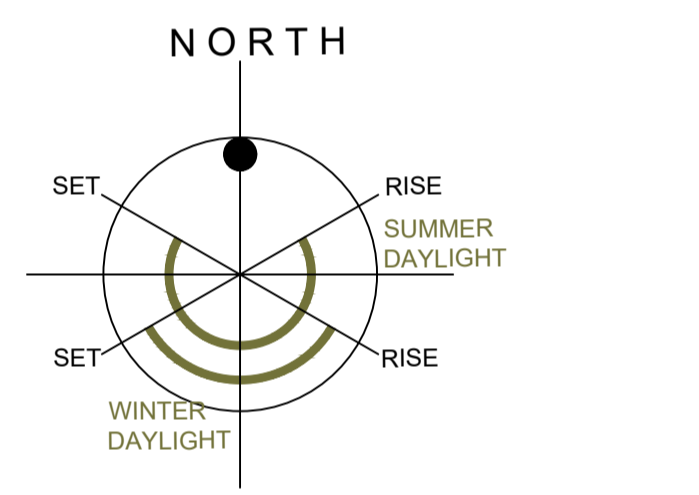


Typical elevations



NOTES
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.

- Legend**
- 900mm high wall
 - 1800mm high wall with piers and fence panels between
 - 1800mm high 1500mm c/b timber fence with 300mm trellis
 - 1800mm high c/b timber fence
 - 900mm high railings
 - W Gable window locations
 - R Position of ramps within highway
 - S Position of rumble strips within highway
 - Proposed sheds (2 & 3 bed units without garages)
 - Proposed shrub planting to adopted highways
 - Vis Communal visitor spaces
 - Vis 12 Property visitor spaces
 - P17 Property parking spaces
 - G17 Property garage spaces
 - 6m s/w easement / culverted stream
 - Indicative tree planting
 - Position of existing footpath link
 - Position of new/diverted footpath link
 - Position of addition footpath link to tow path
 - Phase 1
 - Phase 2
 - Phase 3



F	Phase 3 added for clarity report	JC	18/07/22
E	Plot 26 reworked as requested	JC	15/06/21
D	Revision A alterations reworked and plots renumbered to suit plot 26 also reworked plots 22 to 40 reworked - most alterations facing the mews court - and garaging and zoning to plots 22 & 44 reworked as requested	JC	17/06/21
C	Plot 26 reworked as requested	JC	16/03/21
B	Plot 25 reworked as requested	JC	16/03/21
A	Site layout amended north west corner. POC included, numbering altered to suit. Phase 3 added reworked.	JC	07/12/20

LOROC ARCHITECTS
25A PARK SQUARE WEST, 3RD FLOOR, 86 - 90 PAUL STREET, LEEDS, LS1 2PW, LONDON, EC2A 4AE
T: 0113 233 7755 W: www.loroc.co.uk

CUSTOMER	TRICOLOR HOMES
PROJECT	LAND AT STAINFOTH DONCASTER
TITLE	GENERAL ARRANGEMENT Planning Information PROPOSED SITE PLAN
DRAWING NO.	1606-100 REVISION F
SCALE	1:500 @ A1 DATE OCT 2020
DRAWN BY	JR CHECKED BY

- PURPOSE OF ISSUE
- PLANNING
 - COMMENT
 - BUILDING REGS
 - INFORMATION
 - TENDER
 - CONSTRUCTION

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DATED

11th February

2015

**PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND
COUNTRY PLANNING ACT 1990 RELATING TO LAND AT BRIARS LANE
STAINFORTH DONCASTER**

between

DONCASTER BOROUGH COUNCIL

and

PROSPECT ESTATES LIMITED

and

SVENSKA HANDELSBANKEN AB (PUBL)

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*AS FOR
P12*

SCHEDULE

SCHEDULE 1	COVENANTS TO THE COUNCIL	12
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THIS DEED is dated

11th February

2015

- (1) **DONCASTER BOROUGH COUNCIL** of Civic Office, Waterdale, Doncaster DN1 3BU (**Council**).
- (2) **PROSPECT ESTATES LIMITED** (company number 03189093) whose registered office is at Prospect Court 2 Courthouse Street Otley West Yorkshire LS21 1AQ (**Owner**).
- (3) **SVENSKA HANDELSBANKEN AB (PUBL)** (incorporated in Sweden) of 3 Thomas More Square, London E1W 1WY and whose address for service is Earl Grey House, 75-85 Grey Street, Newcastle upon Tyne NE1 6EF ("**Mortgagee**")

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) The Owner is the freehold owner of the Property registered at the Land Registry under Title Numbers SYK316974 and SYK515511
- (C) The Owner has made the Planning Application and is proposing to carry out the Development.
- (D) The Mortgagee is the registered proprietor of the charges dated 10 April 2013 referred to in entry number 4 of the charges registers of Title Numbers SYK316974 and SYK515511 and has agreed to enter into this deed to give its consent to the terms of this deed.
- (E) The Council as local planning authority has decided that Planning Permission should be granted for the Development subject to the prior completion of this deed.

AGREED TERMS

1. INTERPRETATION

1.1 The definitions and rules of interpretation in this clause apply in this deed:

Affordable Housing: shall be as defined in accordance with the National Planning Policy Framework (NPPF) Appendix 2 or subsequent legislation or guidance

Affordable Dwelling Value: the value or values attributable to each of a 2 bedroomed Dwelling 3 bedroomed Dwelling, 4 bedroomed Dwelling by the FVA for a prospective sale to a Social Landlord of such Dwellings as either Affordable Rented Housing or Shared Ownership Housing but which values shall not be less than:

	Social Rented	Shared Ownership
2 bedroom	£42,000	£58,000
3 bedroom	£46,000	£94,000
4 bedroom	£50,000	£100,000

Affordable Housing Element: the provision of 40 Dwellings to be constructed on the Property in accordance with Schedule 1 and subject to the FVA in Schedule 1.

Affordable Housing: built Dwellings being either 2 bedroomed Dwellings, 3 bedroomed Dwellings, 4 bedroomed Dwellings or a number of each type of Dwelling the combined total of which shall be no more than six Dwellings to be built on the Property. Such housing can be Social Rented Housing, and/or Affordable Rented Housing and/or Shared Ownership Housing subject to the provisions elsewhere of this Agreement and as defined by the National Planning Policy Framework annex 2.

Affordable Rented Housing: housing let by the Council or Private Registered Providers of Social Housing to households who are eligible for Social Rented Housing and subject to rent controls that require a rent of no more than 80% of the local market rent (including service charge, where appropriate)

Base Rate: the higher of 5% and the base rate from time to time of Co-operative Bank plc.

Commencement of Development: the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 but disregarding for the purposes of this deed and for no other purpose, the following operations:demolition works;site clearance;ground investigations;site survey works;temporary access construction works;archaeological investigation; anderection of any fences and hoardings around the Property.

Commence and Commences shall be construed accordingly.

Commencement Date: the date Development Commences.

Commuted Sum: a figure payable where the Gross Development Profit is at or above 20% and is calculated as follows:

$$CS = [P/AH] \times 105\% \times 100$$

Where

P= the cost to the Owner of providing on site Affordable Housing (Total Y Transfer value)

AH= the net percentage of open market dwellings where Affordable Housing is met by on site provision

Default Interest Rate: 4% per annum above the Base Rate.

Development: the development of the Property authorised by the Planning Permission.

Dwelling:a residential unit to be constructed on the Land in accordance with the Planning Application and “Dwellings” should be construed accordingly

FVA: a financial viability appraisal of the Development that will show the projected level of Gross Development Profit (if any)

Gross Development Profit: the level of return on investment either anticipated by the Owner as shown in the FVA or achieved from the Development as shown in the Final FVA calculated as follows:

$$R - (A+B+C)$$

Where:

A= the purchase price for the Land and all legal fees disbursements, Stamp Duty Land Tax and Land Registry fees expended by the Owner;

B = the build costs for all Dwellings (whether or not Affordable Housing) including associated abnormal costs and development infrastructure (including roads, drains, utility services, walls, fences and other boundary structure or items);

C=all professional fees, contractors fees and all or any other costs expended in decontamination or other remedial works to make the Land suitable for the Development;

R= the anticipated sales revenue generated by sales of Dwellings erected or to be erected on the Development including Dwellings that may be made available for Affordable Housing and the revenue for such Affordable Housing shall be assessed using the Affordable Dwelling Value excluding any amount paid for items as extras such items not falling within the standard specification of a Dwelling

Index Linked: increased in accordance with the following formula:

Amount payable = the payment specified in this deed x (A/B) where:

A= the figure for the Retail Prices Index (All Items) that applied immediately preceding the date the payment is due.

B= the figure for the Retail Prices Index (All Items) that applied when the index was last published prior to the date of this deed.

Open Market Value: the sales value of the Affordable Housing at the date of the FVA as freehold property with vacant possession determined by reference to the definition and guidance contained in the Royal Institution of Chartered Surveyors Appraisal and Valuation Manual (“the Red Book”) current at the date of the FVA

Private Registered Providers of Social Housing: providers as defined in Section 80 of the Housing and Regeneration Act 2008

Shared Ownership Housing: housing for shared ownership or shared equity or such other form of intermediate affordable housing that meets the criteria of Annex 2 to the National Planning Policy Framework and made available on shared ownership terms.

Social Landlord: a landlord registered with the Homes and Communities Agency pursuant to the Housing Act 1996 (or as defined by any amendment, replacement or re-enactment of such Act and “Social Landlords” shall be construed accordingly

Social Rented Housing: housing for which guideline target rents are determined through the national rent regime and owned by the Council, Private Registered Providers of Social Housing or which are owned by other persons and provided under equivalent rental regimes as agreed with the Council or the Homes and Communities Agency

Plan: the plan attached to this deed.

Planning Application: the application for full planning permission registered by the Council on 5th December 2013 under reference number 13/00897/FULM.

Planning Permission: the planning permission to be granted by the Council in respect of the Planning Application.

Property: the land at former industrial estate at Briars Lane Stainforth Doncaster

TCPA 1990: Town and Country Planning Act 1990.

VAT: value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement and any additional replacement tax.

Working Day: a day (other than a Saturday, Sunday or public holiday in England) when banks in London are open for business.

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.7 A reference to any party shall include that party's personal representatives, successors or permitted assigns and in the case of the Council the successors to its respective statutory functions.
- 1.8 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time; provided that, as between the parties, no such amendment, extension or re-enactment shall apply to this deed to the extent that it would impose any new or extended obligation, liability or restriction, on, or otherwise adversely affect the rights of, any party.
- 1.9 A reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** does not include faxes or e-mail.
- 1.11 A reference to "this deed" or to any other agreement or document referred to in this deed is a reference to this deed or such other document or deed as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.

- 1.12 References to clauses, plans, schedules and appendices are to the clauses, plans, schedules and appendices of this deed.
- 1.13 An obligation in this deed on a person not to do something includes an obligation not to agree or allow that thing to be done.
- 1.14 Any phrase introduced by the terms **including, include, in particular** or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms.
- 1.15 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

2. STATUTORY PROVISIONS

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972, Section 1 of the Localism Act 2011 and any other enabling powers.
- 2.2 The covenants, restrictions and obligations contained in this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 The covenants, restrictions and obligations contained in this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

3. CONDITIONALITY

With the exception of clauses 2, 3, 11, 13, 15, 20, 21 and 25 (which take effect immediately), this deed is conditional on the grant and issue of the Planning Permission;

4. COVENANTS TO THE COUNCIL

The Owner and the Mortgagee covenants with the Council to:

- (a) observe and perform the covenants, restrictions and obligations contained in Schedule 1.
- (b) give at least seven Working Days written notice to the Council of the intended Commencement Date.

~~5. COVENANTS BY THE COUNCIL~~

~~The Council covenants with the Owner to observe and perform the covenants, restrictions and obligations contained in Schedule 2.~~

6. INDEXATION

6.1 All financial contributions payable to the Council shall be Index Linked.

6.2 Where reference is made to an index and that index ceases to exist or is replaced or rebased then it shall include reference to any index which replaces it or any rebased index (applied in a fair and reasonable manner to the periods before and after rebasing under this deed) or in the event the index is not replaced, to an alternative reasonably comparable basis or index as the Council shall advise the Owner in writing.

7. RELEASE

No person shall be liable for any breach of a covenant, restriction or obligation contained in this deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.

8. MORTGAGEE'S CONSENT

The Mortgagee acknowledges and declares that this deed has been entered into by the Owner with its consent and that the Property shall be bound by the obligations contained in this deed and that the security of the mortgage over the Property shall take effect subject to this deed PROVIDED THAT the Mortgagee shall otherwise have no liability under this deed unless it takes possession of the Property in which case it too will be bound by the obligations as if it were a person deriving title from the Owner.

9. DETERMINATION OF DEED

The obligations in this deed (with the exception of clause 11) shall cease to have effect if before the Commencement of Development, the Planning Permission:

- (a) expires;
- (b) is varied or revoked other than at the request of the Owner; or
- (c) is quashed following a successful legal challenge.

10. LOCAL LAND CHARGE

This deed is a local land charge and shall be registered as such by the Council.

11. COUNCIL'S COSTS

The Owner shall pay to the Council on or before the date of this deed:

- (a) the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed.
- (b) the Council may apply five per cent of any sums payable to the Council under the terms of this deed towards the cost of negotiating administering monitoring and collecting payments attributable to this and any other agreement completed by the Council pursuant to section 106 of the TCPA.

12. INTEREST ON LATE PAYMENT

Where any sum or amount has not been paid to the Council by the date on which it is due, the Owner shall pay the Council interest at the Default Interest Rate on that amount for the period from the due date to and including the date of payment.

13. OWNERSHIP

- 13.1 The Owner warrants that no person other than the Owner and the Mortgagee has any legal or equitable interest in the Property.
- 13.2 Until the covenants, restrictions and obligations in Schedule 1 have been complied with, the Owner will give to the Council within seven Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:
 - (a) the name and address of the person to whom the disposition was made; and
 - (b) the nature and extent of the interest disposed of.

14. REASONABLENESS

Any approval, consent, direction, authority, agreement or action to be given by the Council under this deed shall not be unreasonably withheld or delayed.

15. CANCELLATION OF ENTRIES

- 15.1 On the written request of the Owner at any time after each or all of the obligations have been performed or otherwise discharged (and subject to the payment of the Council's reasonable and proper costs) the Council will issue a written confirmation of such performance or discharge.
- 15.2 Following the performance and full satisfaction of all the terms of this agreement or if this deed is determined pursuant to clause 9 (and subject to the payment of the

Council's reasonable and proper costs and charges) the Council will on the written request of the Owner cancel all entries made in the local land charges register in respect of this deed.

16. DISPUTES

If any dispute arises out of this deed, the dispute shall be referred to an arbitrator appointed jointly by the parties. If the parties cannot agree on the arbitrator's identity the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors. The arbitrator shall act in accordance with the Arbitration Act 1996 and the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction, then equally).

17. NO FETTER OF DISCRETION

Nothing (contained or implied) in this deed shall fetter or restrict the Council's statutory rights, powers, discretions and responsibilities.

18. NO COMPENSATION PAYABLE

No compensation shall be payable by the Council as a result of the obligations contained in this deed.

19. WAIVER

No waiver (whether express or implied) by the Council of any breach or default by the Owner in performing or observing any of the covenants, restrictions or obligations of this deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions contained in this deed or acting on any subsequent breach or default of this deed.

20. FUTURE PERMISSIONS

Nothing in this agreement shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or modification, variation or amendment thereof) granted after the date of the Planning Permission.

21. AGREEMENTS AND DECLARATIONS

The parties agree that:

- (a) nothing in this deed constitutes a planning permission or an obligation to grant planning permission; and

- (b) nothing in this deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.

22. NOTICES

22.1 Any notice required to be given under this deed shall be in writing and shall be delivered personally, or sent by pre-paid first class post or recorded delivery or by commercial courier, to any person required to receive the notice at its address as set out below:

- (a) Council: Head of Development Management, Civic Office, Waterdale, Doncaster DN1 3BU;
- (b) Owner: Prospect Court 2 Courthouse Street Otley West Yorkshire LS21 1AQ.

or as otherwise specified by the relevant person by notice in writing to each other person.

22.2 Any notice or other communication shall be deemed to have been duly received:

- (a) if delivered personally, when left at the address and for the contact referred to in this clause;
- (b) if sent by pre-paid first class post or recorded delivery, at 9.00 am on the second Working Day after posting; or
- (c) if delivered by commercial courier, on the date and at the time that the courier's delivery receipt is signed.

23. THIRD PARTY RIGHTS

No person other than a party to this deed, and their respective successors and permitted assigns, shall have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

24. SEVERANCE

24.1 If any court or competent authority finds that any provision of this deed (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this deed shall not be affected.

24.2 If any invalid, unenforceable or illegal provision of this deed would be valid, enforceable and legal if some part of it were deleted, [the provision shall apply with the minimum modification necessary to make it legal, valid and enforceable.

25. VALUE ADDED TAX

25.1 All consideration given in accordance with the terms of this deed shall be exclusive of any VAT properly paid.

25.2 If at any time VAT is or becomes chargeable in respect of any supply made in accordance with the terms of this deed then to the extent that VAT has not been previously charged in respect of that supply the party making the supply shall have the right to issue a VAT invoice to the party to whom the supply was made and the VAT shall be paid accordingly.

26. GOVERNING LAW

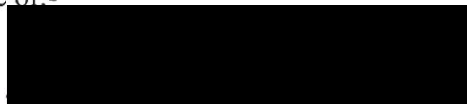
This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

Executed as a Deed by affixing

THE COMMON SEAL of

Doncaster Borough Council
in the presence of:-



Authorised by Assistant Director
Legal and Democratic Services

Seal No. 63780

EXECUTED as a DEED by

PROSPECT ESTATES LIMITED

in the presence of:-



EXECUTED AS A DEED by

SVENSKA HANDELSBANKEN

Authorised Signatory

AB (PUBL) acting by two authorised

signatories:

Authorised Signatory

**"Executed as a deed on behalf of
SVENSKA HANDELSBANKEN AB (publ)
a public banking Company
Incorporated in Sweden.**

by..

and

**being persons who, in accordance with the laws of that territory,
are acting under the authority of the Company"**

Schedule 1 Covenants to the Council.

- 26.1 On the third anniversary of the date of this agreement the Owner shall complete and submit to the Council a scheme for the provision of Affordable Housing
- 26.2 The scheme for the provision of the Affordable Housing shall be assessed against the following requirements:
- (a) The Owner shall undertake complete and submit to the Council an FVA on the third anniversary of the date of this agreement
 - (b) The FVA shall be submitted to the Council by guaranteed delivery and shall be deemed to have been received by the Council on the day after its submission
 - (c) If the Council fail to respond in writing to the Owner as the case may be about the FVA and/or Gross Development Profit within 12 weeks of the date of deemed receipt of the FVA, the FVA will be deemed approved by the Council
 - (d) The Council and the Owner will use all reasonable endeavours to agree the Gross Development Profit within 12 weeks from the date of deemed receipt of the FVA by the Council
 - (e) If no agreement is reached between the Council and the Owner on the Gross Development Profit then the matter shall be referred to independent surveyor for determination in accordance with the terms of clause 15 of this deed. The Council agrees the Owner may continue with construction of and sales of Dwellings notwithstanding determination of Gross Development Profit has then to be determined
 - (f) Any Affordable Housing to be provided shall accord with the approved plans referred to under the Application and be constructed in accordance with the Owner's standard product specifications and appropriate Building Regulation approvals. The Developer shall notify the Council of the commencement date of the construction of the Affordable Units and completion/handover dates. Prior to commencement the Developer shall obtain written approval from the Council to the location and house type mix and designs being offered.
 - (g) If the agreed GDP is 20% or less then the Council agree that the Owner shall not make available any Affordable Housing or pay a Commuted Sum
 - (h) If the GDP is more than 20% then the following provisions shall apply
 - (i) The Owner shall use all reasonable endeavours to identify a Social Landlord or Social Landlords who may be willing and able to purchase Affordable Housing on the Development and shall enter into negotiations with such Social Landlord or Social Landlords.

- (j) The Owner and the Social Landlord shall determine the Affordable Housing to be offered for sale by adopting the following formula:

CS

(OMV – ADV)

Where:

“CS” is the Commuted Sum;

“OMV” is the Open Market Value; and

“ADV” is the combined total of the Affordable Dwelling Value to be taken for a 2 bedroomed Dwelling, 3 bedroomed Dwelling, 4 bedroomed Dwelling or a number of each type of Dwelling for either Affordable Rented Housing, Social Rented Housing or Shared Ownership Housing or a mix of such Dwellings and use. The result (in whole positive numbers only rounded up or down to the nearest whole number and where the fraction is .5 the number shall be rounded down) shall be the number of Dwellings the Owner shall make available as Affordable Housing within the Development.

- (k) The Owner will offer for sale in writing to the Social Landlord it has identified and with which negotiations have occurred the freehold title to the Affordable Housing and shall use all reasonable endeavours to secure a contract for and complete the sale of the Affordable Housing on reasonable terms satisfactory in all respects to the Owner.
- (l) If having offered for sale the Affordable Housing the Social Landlord does not wish to purchase the Affordable Housing or does not enter into a contract to purchase the Affordable Housing within two months from the date of the offer having first been made in writing to that Social Landlord then the Owner shall in conjunction with the Council identify a second Social Landlord in accordance with the provisions of paragraphs 1.2(k) and (l) of this Schedule and in the event that second Social Landlord declines to acquire the Affordable Housing the process shall be repeated with a third Social Landlord and in the event that the third Social Landlord declines to acquire the Affordable Housing then:
- (i) There shall be no continuing obligation upon the Owner to provide Affordable Housing and all covenants to do so shall henceforth be released; and
 - (ii) The Commuted Sum shall become payable to the Council in lieu of the provision of Affordable Housing on the Development.
- (m) The Owner shall provide written evidence to the Council of its contact with and negotiations with each of the Social Landlords it approaches in relation to the provision of Affordable Housing on the Development.
- (n) The Commuted Sum shall be payable as follows:
- 30% within three months of the date of either a Social Landlord refusing a written offer for sale of the Affordable Housing or a Social Landlord

failing to enter into a legal binding contract at arm's length for value for the purchase of such Affordable Housing within six months from the date of the offer having first been made in writing to that Social Landlord whichever is the latest ("the First Instalment");

- the balance (if any) within 12 months of having paid the First Instalment

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Date: 23rd August, 2022

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

1. The purpose of this report is to inform members of appeal decisions received from the planning inspectorate. Copies of the relevant decision letters are attached for information.

RECOMMENDATIONS

2. That the report together with the appeal decisions be noted.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

3. It demonstrates the ability applicants have to appeal against decisions of the Local Planning Authority and how those appeals have been assessed by the planning inspectorate.

BACKGROUND

4. Each decision has arisen from appeals made to the Planning Inspectorate.

OPTIONS CONSIDERED

5. It is helpful for the Planning Committee to be made aware of decisions made on appeals lodged against its decisions.

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

7.

	Outcomes	Implications
	Working with our partners we will provide strong leadership and governance.	Demonstrating good governance.

RISKS AND ASSUMPTIONS

8. N/A

LEGAL IMPLICATIONS [Officer Initials SC Date 10/08/2022]

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 10/08/2022]

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 10/08/2022]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 10/08/2022]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 10/08/2022]

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

EQUALITY IMPLICATIONS [Officer Initials RR Date 10/08/2022]

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
21/02802/FUL	Siting of two 8 x 20 feet shepherd huts within the 15 acre site to be used as holiday lets at Fields View, Common Lane, Clifton, Rotherham	Appeal Dismissed 26/07/2022	Conisbrough	Delegated	No
20/03301/FUL	Erection of a two storey office building (9.6m x 9.6m) for a temporary period (to be removed by January 2034). at Hazel Lane Quarry, Wakefield Road, Hampole, Doncaster	Appeal Allowed 13/07/2022	Sprotbrough	Committee	Yes

REPORT AUTHOR & CONTRIBUTORS

Miss R Reynolds
01302 73863

TSI Officer
Rebekah.reynolds@doncaster.gov.uk

Dan Swaine
Director of Economy and Environment

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Appeal Decision

Site visit made on 24 May 2022

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal Ref: APP/F4410/W/21/3287370

Fields View, Common Lane, Clifton, Doncaster S66 7RX

- 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 Mrs Janet Brown against the decision of Doncaster Council.
 - The application Ref 21/02802/FUL, dated 31 August 2021, was refused by notice dated 4 November 2021.
 - The development proposed is the siting of two 8 by 20 feet shepherd huts within the 15 acre site to be used as holiday lets.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The decision notice and the appeal form refer to Rotherham in the site address. I have however used the address stated in the application form and am satisfied that the location of the appeal site is clear from the submitted documents, including the plans.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on highway safety; and,
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriateness

4. The proposal is for the siting of two shepherd huts. The Council considers that the huts do not fall within the definition of a building for planning purposes and this has not been disputed by the appellant. As such, the proposal involves a change of use of land for the siting of the huts. Policy 1 of the Doncaster Local Plan 2015 – 2035 adopted September 2015 (Local Plan) states, amongst other things, that within the Green Belt, national planning policy will be applied.

Paragraph 150 of the National Planning Policy Framework (the Framework) states that material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

5. I note that the Council considers that the proposal, which is for a tourism related use, does not fall within the uses listed at paragraph 150 e) of the Framework. However, this particular criterion of the Framework does not set out a closed list of uses but refers to any material changes in the use of land. The reference in this paragraph to outdoor sport or recreation, or cemeteries and burial grounds are merely examples. The material change in the use of land from agricultural to tourist related activities need not therefore be inappropriate development providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
6. Whilst the timber huts would be sited within a slightly depressed area of land with raised banking beyond, they would nevertheless be visible given their height, elevated position relative to Common Lane and the limited screening provided by the existing stock fencing. The proposal would introduce two new structures together with associated paraphernalia such as steps and car parking into an open area, currently free from development. I note that the huts could be stained/painted a suitable colour, that additional landscaping could be provided and that only part of the appeal site would be affected. However, none of these factors would overcome the harm to openness that would result from the proposal.
7. The proposal would have a moderate impact on the visual aspect of openness and would lead to a significant loss of openness having regard to its spatial dimension. It would therefore lead to significant harm to openness.
8. Paragraph 138 of the Framework sets out the five purposes of the Green Belt. One of these is to assist in safeguarding the countryside from encroachment. The proposal would have the effect of spreading development into an open area of land forming part of the countryside. The use of the land for the siting of the huts, and associated development would therefore contravene the purposes of including land within it, namely, to assist in safeguarding the countryside from encroachment.
9. I therefore conclude that the proposal would be inappropriate development in the Green Belt as it would not preserve its openness and would conflict with a purpose of including land within it. It would be contrary to the relevant paragraph of the Framework and would also conflict with Policy 1 of the Local Plan, which requires, amongst other matters, that openness and permanence of Doncaster's Green Belt to be preserved.

Character and Appearance

10. The open fields of the appeal site form part of the surrounding rolling countryside. The fields are bounded by hedges and open timber fencing which allow for far reaching views and give the area a tranquil and verdant rural character.
11. The elevated position of the proposed huts, despite being set within a localised depression and not adversely impacting on the skyline means that the proposal

would introduce structures into a hillside location that currently has limited screening and where any future planting would take time to establish. Though the number of huts is limited to two, their longer elevations would be parallel to Common Lane, making them highly visible from the road. I note the appellant's intention for them to be not moved around, but this positioning, despite the muted timber finish of the huts, would be harmful to the surrounding rural landscape. The siting of the huts and their use, and that of the wider appeal site for tourism, would diminish the existing tranquillity of the area.

12. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area. It would therefore be contrary to Policy 33 of the Local Plan, which seeks, amongst other matters, development that conserves the landscape character and local distinctiveness of the area. It would also be contrary to relevant policies within Section 12 of the Framework.

Highway Safety

13. The Council considers that insufficient highway information has been provided and requested details including the access width to allow two vehicles to pass as well as other details regarding turning provisions. The appellant has referenced the existing arrangements which she considers to be adequate.
14. From my site observations, the access from Common Lane for a distance of around 10m allows for two vehicles to pass and there is a sizable parking and turning area beyond it which would allow for the parking of vehicles for users of the huts and for larger vehicles such as a fire engine to turn. As such, although plans of this were not supplied by the appellant, based on the existing arrangements, I consider that the proposal would make adequate provision for access, parking and turning within the appeal site.
15. I therefore conclude the proposal would not cause harm to highway safety. As such, it would not conflict with Policies 13 and 47 of the Local Plan, which seek, amongst other matters, to ensure that development does not result in an unacceptable impact on highway safety.

Other Considerations

16. The appellant has stated that she has improved the land since it was purchased when it was in a poor condition. This is reference to a past improvement and is not a benefit of the proposal. It is further stated that the huts would support an existing alpaca business by providing on site accommodation for helpers and those undertaking training. Although this weighs in favour of the proposal, I have not been provided with information as to whether this is the only means to provide such accommodation.
17. The appellant has made a general reference to other similar sites in the Green Belt. Although some details of these have been provided, I am not aware of the circumstances of these referenced cases and whether they are directly comparable to the appeal proposal. I therefore give them limited weight.
18. The huts are designed to sleep two people each and there would be no pets permitted which would assist in minimising traffic movements and the loss of tranquillity in the area. The appellant has also set out the lack of harm in relation to noise and light pollution, but these are neutral matters as are other factors, such as the adequacy of the septic tank for foul and surface water.

19. The appellant has also referenced the planning history of the appeal site and difficulties in obtaining planning permission. However, this is a matter which is outside the scope of this appeal.

Conclusion

20. I have found that the appeal development would be inappropriate development, which the Framework clearly sets out is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework says that substantial weight should be given to any harm to the Green Belt. The development would also be harmful in relation to the character and appearance of the area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
21. The acceptability of the scheme in relation to highway safety is a neutral matter and does not weigh in favour of the proposal.
22. I have set out the other considerations and give limited weight in favour of the scheme in relation to providing accommodation for those helping the business and undertaking training.
23. With this in mind, the substantial weight I have given to the Green Belt harm and other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
24. The proposal is contrary to the development plan when taken as a whole and there are no material considerations that justify a decision not in accordance with the development plan. Therefore, the appeal is dismissed.

F Rafiq

INSPECTOR



Appeal Decision

Site visit made on 12 April 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2022

Appeal Ref: APP/F4410/W/21/3287817

Hazel Lane Quarry, Hazel Lane, Hampole, Doncaster

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ronnie Harrod of Catplant (Quarry) Ltd against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/03301/FUL, dated 26 November 2020, was refused by notice dated 16 September 2021.
 - The development proposed is described in the application form as: 'The Construction of a New Office Building'.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new office building at Hazel Lane Quarry, Hazel Lane, Hampole, Doncaster in accordance with the terms of the application, Ref 20/03301/FUL, dated 26 November 2020 subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Since its decision, the Council has adopted the Doncaster Local Plan 2015-2035 (2021) (the DLP). I have therefore determined the appeal on the basis of the most up to date policies.
3. Hazel Lane Quarry has temporary planning permission¹ for the extraction of limestone and clay and reclamation through waste disposal granted for 30 years from the date of commencement (the quarry permission). Both parties agree that this permission expires on 12 January 2034. The removal of all buildings and site infrastructure by that date is required by condition 37 of the quarry permission. The appellant is seeking temporary planning permission for the proposed office building for the remainder of the quarry permission. I have determined the appeal accordingly.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; and

¹ 01/0817/P/MINA

- whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

5. The appeal site is located to the edge of a car park serving an active quarry and landfill site that lies within the Green Belt. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. Paragraph 149 of the Framework sets out that other than several exceptions the construction of new buildings in the Green Belt should be regarded as inappropriate development. One such exception is listed at 149. d) which allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
7. Paragraph 150 goes on to list other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include at 150. a) mineral extraction. Policy 1 of the DLP relates to new development within the Green Belt and states that national planning policy will be applied, including the presumption against inappropriate development, except in very special circumstances.
8. It is proposed to construct a new office building that would be two storeys in height with a flat roof. The building would be constructed in an area currently occupied by relatively young trees. Although located on a different position on the site, the building would effectively replace three single storey cabins used as offices at present which would be removed and replaced with car parking.
9. I accept that in certain circumstances the 'replacement of a building', with regard to Framework paragraph 149, could extend to a situation where more than one building is being replaced. However, in this instance whilst the existing buildings may be comparable to the proposed building in terms of total ground floor footprint, the proposed building would be two storeys in height and considerably taller than the existing cabins. It would therefore be materially larger than the group of buildings that would be replaced. Consequently, it would not meet the exception at 149. d).
10. Whilst the proposal is related to the use of the site as a quarry and landfill site, the proposed development is not, in itself, mineral extraction. Whilst the appellant states that the proposal is not inappropriate because the development would be ancillary to mineral extraction, I have not been directed to any up-to-date national or local policy that supports this assertion. Indeed, the Framework is clear that the construction of new buildings in the Green Belt should be regarded as inappropriate development.
11. Consequently, the proposal would be inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 148 of the Framework, this is a matter to which I attach substantial weight.

Openness

12. Paragraph 137 of the Framework states 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 appeal site is enclosed by mature trees, with the only public views gained from Hazel Lane as it passes the entrance to the site. The upper sections of the existing buildings can be glimpsed from this point, as they lie behind a hedge (which also screens this part of the car park) and are seen against the backdrop of trees. The three buildings are seen positioned in a line at this point, extending for much of the length of the car park.
14. The appeal proposal would involve the construction of a new building on a site beyond but adjacent to the existing car park. This location would be a less prominent position than that of the existing buildings, being located notably further away from the entrance. The proposed plans show the removal of the existing buildings which would improve openness at this point, particularly as the new car park spaces that would replace the buildings would be screened by the existing hedge.
15. Nevertheless, notwithstanding this improvement to openness, and that the proposed building would be in a less prominent location than existing buildings, it would nonetheless be two storeys in height which would cause it to become a notably more dominant feature in the rural landscape. Whilst I recognise that the harm would be temporary, given that temporary planning permission is sought until January 2034, this would nonetheless adversely affect openness for the duration of this time.
16. Whilst the Council would prefer a building painted a muted colour, the use of stone in the exterior walls of the building would not be incongruous in this location, an area where stone is a traditional building material. To my mind, the use of this material would not adversely affect openness or result in the building appearing out of place or overly prominent.
17. Nonetheless, for the above reasons, I conclude that the proposal would result in moderate harm to the openness of the Green Belt, contrary to the provisions of the Framework in this regard. The proposal would conflict with Policy 1 of the DLP for the same reasons.

Other Considerations

18. Whilst the quarry permission expires in 2034, the appellant has stated that it is likely that a presence would need to be maintained on site until the 2060s. It has also been suggested by the appellant that, due to lower levels of landfill being produced, they are likely to apply to extend the temporary period of the quarry permission in the future. Concerns have been raised by local residents in this regard. However, no permission has been granted for an extended period, nor to my knowledge has any application been submitted.
19. Nevertheless, I am required to consider each application on its own merits and on the basis of what is before me, which, as described above, is a proposal for a building for a temporary period until January 2034 in line with the current quarry permission. Whilst I can appreciate the concerns of local residents with regard to this matter, the issues arising from any future extension of the time

period of the quarry permission could be considered if and when such an application came forward.

20. Hazel Lane Quarry is a large quarry providing significant mineral reserves, landfill capacity and employment. The appellant argues that the existing cabins do not provide accommodation which meets modern standards for employee welfare and working conditions. It is also understood that the existing cabins are close to the end of their serviceable life. Furthermore, it is planned to increase the number of employees from 21 to 25 which would create a demand for more office space. The need for new office space has not been disputed by the Council and this would represent an economic benefit in terms of supporting the existing quarry.
21. The cladding of the proposed building in stone would allow the appellant to showcase the stone arising from the quarry. This is understandable and I saw that stone is a common building material around the vicinity of the site.
22. The existing cabins occupy part of the quarry car park, and the siting of the proposal outside of this area would allow for additional car parking to serve the expanded workforce and would allow staff vehicles to be safely parked away from the access road used by HGVs accessing the quarry.

Planning Balance

23. The proposal would be inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that harm. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. I have reasoned above that any harm to the openness of the Green Belt would be moderate, albeit temporary. There is a clear and pressing need for new office accommodation to serve the quarry in this location within the Green Belt, including in the interests of staff welfare and working conditions. The proposal would allow the business to expand the number of employees, resulting in economic benefits. The proposal would also allow for the provision of additional car parking for the expanded workforce, away from the main route of the HGVs. There would also be benefits to the quarry business in terms of being able to showcase the stone that is quarried.
25. These considerations, collectively, carry great weight and I conclude that they amount to very special circumstances, sufficient to outweigh the harm to the Green Belt, by reason of inappropriateness and the effect on openness.

Other Matters

26. I have had regard to several objections from local residents relating to the operation of the quarry and landfill site as well as alleged breaches of the quarry permission. However, given that I am considering a proposal for a new office building, that would replace existing structures, rather than any extension to the quarry, these matters have limited relevance to the scheme before me.

Conditions

27. I have imposed conditions requiring compliance with the approved plans, and details of external finishes, in the interests of certainty and in order that the proposal integrates appropriately with its surroundings. I have amended certain conditions proposed by the Council to ensure they meet the relevant requirements in the Framework without altering their aim.
28. Conditions are necessary with regard to foul, surface water and land drainage in order to ensure the development is provided with an adequate drainage system in accordance with the drainage hierarchy set out in the Planning Practice Guidance. I have condensed the Council's suggested drainage conditions into one condition that meets their collective aim. In doing so, I have removed reference to other statutory processes.
29. As the appellant is seeking temporary permission for the proposed development, and in line with my reasoning above I have imposed a condition requiring the building to be removed from the site by 12 January 2034.

Conclusion

30. Having considered the development plan as a whole, the approach in the Framework, and any other relevant considerations, I conclude that the appeal should be allowed subject to the conditions set out below.

Paul Martinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 10160C/02B Rev C; 2014-03; 10160/01.
- 3) Prior to the commencement of the construction of the external walls of the building hereby approved, full details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and shall be retained as such thereafter.
- 4) The office building hereby approved shall not be first occupied until surface water, foul drainage (including any septic tank) and land drainage works have been completed in accordance with a drainage scheme based on sustainable drainage principles and incorporating permeability tests that has first been submitted to and approved in writing by the local planning authority. The drainage shall be managed and maintained in accordance with the approved plan thereafter.
- 5) The building hereby permitted and all materials and equipment brought on to the land in connection with its use shall be removed, the use hereby permitted shall be discontinued, and the land restored to its former condition on or before 12 January 2034 in accordance with a scheme of works that shall first have been submitted to and approved in writing by the local planning authority.



**Doncaster
Council**

Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report June 2022

Introduction

This report provides Doncaster Metropolitan Borough Council's Planning Enforcement performance in the second quarter of 2022/23.

The Planning Enforcement Team now consists of 5.5 Enforcement Officers and despite previous Covid restrictions, the team has now returned to normal duties.

<u>Case Updates – Second Quarter (1st April – 30th June 2022)</u>	
Total Cases Still Under Investigation as at end of June 2022.	455
Total Cases Recorded in the Second Quarter (1 st April – 30 th April 2022)	148
Total Cases Closed Down in the Second Quarter (1 st April – 30 th April 20)	94

Prosecution Cases.

No new prosecution case outcomes this quarter.

Notices Served.

Home Farm - Stockbridge Lane – Owston.



Before



After

As previously reported, on the 28th October 2021 an Enforcement Notice was served on the property, which came into effect on the 8th December 2021, the appeal (APP/F4410/D/21/3281015) against it was dismissed on the 16th February 2022 and the owners had until the 22nd March to remove carport. The owner failed to comply by the required deadline and was granted a time extension until the 8th June 2022. The owner has now complied with the Enforcement Notice and the car port has been removed.

105 Thorne Road – Wheatley – Doncaster.



As previously reported a complaint was received regarding an unauthorised installation of metal fencing and gates along the highway boundary without planning permission.

A Conservation Officer was consulted and the metal gates/fencing were considered to be detrimental to the character and appearance of the Thorne Road Conservation Area. After multiple letters sent to the owner, no planning application had been submitted. The owner did respond by claiming that the fencing and gates had both been erected 4 years prior to receiving correspondence. Historical images on Google Street View show that the metal gate had been erected for over 4 years which makes it immune from enforcement action, however, the fencing was not seen to be erected from images in 2016, 2017 and 2018.

On the 14th of January 2022 an Enforcement Notice was served on the property, which came into effect on the 25th of February 2022. The owner engaged a planning agent, who submitted an application for “proposed use”, but should have submitted a “certificate of lawful development”. However, at this current stage the application remains invalid, and advice has been given regarding the correct submission of the “certificate of lawful development”. Following the outcome of this submission, if the metal fence is not demonstrated to be lawful (through the passage of time), the Council will seek a prosecution for non-compliance.

7 Market Street – Highfields.



As previously reported an Enforcement Notice was served on the 19th January 2022, to reduce the height of the fence, which came into effect on the 2nd March allowing until the 2nd April 2022 to comply.

An extension for compliance was granted for the 8th June 2022, however the owner has failed to comply and a prosecution case is now pending.

99 Meadowfield Rd - Barnby Dun.



As mentioned in a previous quarterly report, an enforcement investigation found that the front garden wall erected at the front of 99 Meadowfield Road, Barnby Dun breached a planning condition, which removes permitted development rights to erect walls, fences or other means of enclosure, on land between the walls of any dwellings fronting a highway and the highway boundary.

The owner submitted a retrospective application for the wall on 4th December 2020. The application was refused on the 24th February 2021, with the planning officer concluding that the wall causes harm to the open character of the area.

An appeal was lodged against the Council's decision to refuse permission for the wall. The Planning Inspectorate dismissed the appeal on the 29th September 2021, thereby advocating the removal of the wall.

The owner was given 28 days following the outcome of the appeal to remove the wall, in order to comply with the planning condition, but this was not complied with.

A Breach of Condition Notice was therefore served on the 3rd February 2022, requiring the removal of the wall in its entirety within 30 days of the date of the notice.

A follow up visit was conducted on 25th May 2022 confirming that the wall had been removed in accordance with the requirements of the notice.

9 Doncaster Road – Barnburgh.



As discussed in previous quarterly reports, an investigation was carried out regarding the alleged development and encroachment on to land without the relevant planning permission. Previous attempts to obtain planning permission 18/02039/FUL were refused on the 13th January 2019, the owner appealed Doncaster Council's decision and the application was part granted (Erection of stables) and part refused (Change of use of the land) by the Planning Inspectorate on the 16th August 2019. On the 12th April 2022 an Enforcement Notice was re-served on 9 & 10 Doncaster Road Barnburgh, as it was discovered that not all interested parties had been served correctly. They had until the 26th June 2022 to comply with the Enforcement Notice. The owner has failed to comply by the required deadline and a prosecution case is now pending.

10 Doncaster Road – Barnburgh.



As discussed in previous quarterly reports, an investigation was carried out regarding the alleged development and encroachment on to land without the relevant planning permission which resulted in an enforcement notice being served.

On the 12th April 2022 an Enforcement Notice was re-served as it was discovered that not all interested parties had been served correctly. They had until the 26th June 2022 to comply with the Enforcement Notice. The owner has failed to comply by the required deadline and a prosecution case is now pending.

2 Airstone Road – Instoneville – Askern.



On the 3rd February 2021 a complaint was received regarding the erection of a 6ft wooden fence to the front and side of the property that was positioned at the end of the road encompassing a junction. After consultation with the Planning and Highways Teams, the owner was written to and requested to reduce the fence down to a maximum height of 1 metre within 28 days. This was due to the fence being adjacent to the highway, along with health and safety issues for road users and pedestrians.

Despite numerous attempts the owner failed to take remedial action and an Enforcement Notice was served on the 9th June 2022, for the fence to be reduced or removed, the owner has until the 19th August 2022 to comply, unless an appeal is made against the enforcement notice.

12 Lodge Road – Skellow.



On the 4th March 2021, a complaint was received regarding the alleged erection to the front of 12 Lodge Road, Skellow. A site visit was carried out where it was confirmed an extension had been erected to the front of the property, without seeking planning permission. After consultation with the Planning Department it was confirmed an

application would not be supported. The owners were written to and advised to remove the extension. On the 30th June 2021, confirmation was received from the owner that they would be submitting a retrospective planning application. That application was refused on the 19th May 2022 and an Enforcement Notice was served on the 13th June 2022, to remove the extension. The owners have until the 21st October 2022 to comply unless an appeal is made against the application and/or enforcement notice.

The Old School - Barnby Dun.



On the 30th May 2022 a complaint was received from the Tree Officer in relation to development taking place before the approved planning permission (20/00769/FUL) pre commencement conditions, had been discharged. Concerns were raised that protected trees were being damaged without the required protection methods being put in place.

A site visit was carried out on the 30th May 2022, where evidence was gathered that work had taken place without the necessary requirements as stipulated in the planning permission. Immediately a telephone discussion was held with the developer and they were advised not to carry out any further work until the conditions have been discharged, this was also confirmed in writing to them on the same day.

Despite Planning Enforcements warning, work commenced on the site and a Temporary Stop Notice and a Breach of Condition Notice were served on the developer and the site, on the 10th June 2022. All activities were to cease immediately until the conditions have been discharged. The Temporary Stop Notice expired on 8th July. No application to discharge conditions has been received and the site is being monitored.

(Recent Update 15th August 2022):

No application has been received seeking to discharge the outstanding conditions. Hence the applicant will be contacted to provide the documentation required, and the site will continue to be monitored for any further activity.

The Fox Inn - Church Street – Conisbrough.



As mentioned in previous reports a complaint was received regarding the unauthorised development of a former public house into flats. Over the course of the investigation it was discovered that 11 flats had been created, the majority of work, flats 1 – 9 had been completed over 4 years ago and was therefore immune from enforcement action. Flats 10 – 11 were still inside the time constraints and though the owners were invited to submit a planning application, they failed to comply and an Enforcement Notice was issued on the 8th April 2022, which came into effect on the 19th May 2022, the Enforcement Notice has been appealed with the Planning Inspectorate and a decision is pending.

Appeals.

6 Shires Close – Sprotbrough.



It was raised in a previous quarterly report that an appeal had been lodged against the Council's decision to serve an Enforcement Notice regarding the unauthorised installation of an air source heat pump at 6 Shires Close in Sprotbrough.

The Planning Inspectorate dismissed the appeal on 16th May 2022 and the Enforcement Notice was upheld. Following the Inspector's decision, the owner was given a month to comply with the Enforcement Notice, which required the heat pump to be removed from the property or relocated to a position that complies with permitted development rights. A recent site visit has confirmed that the requirements of the Enforcement Notice have not been complied with. As a result, the Council will now be preparing a prosecution case for non-compliance.

Section 215 Notices.

Section 215 (S215) of the Town & Country Planning Act 1990 provides a Local Planning Authority (LPA) with the power, in certain circumstances, to take steps requiring properties and land to be cleaned up when its condition is deemed to adversely affect the amenity of the area.

Land off Queensgate – Waterdale – Doncaster City Centre.



On 29th November 2021 a complaint was received regarding buildings that have been demolished on Queensgate, Waterdale and the land now looks untidy and unkempt.

Site visits were conducted which established damaged HERAS fencing that was constantly being knocked down to allow unauthorised access. There is a large pile of hardcore and brick rubble on the site, open utility chambers, and graffiti on the surrounding walls. The site can be seen from College Road and Waterdale and is used as a main thoroughfare for pedestrians and was deemed as detrimental to the amenity of the area. Letters were sent to the owners, requesting works to improve the condition of the site.

Adequate time was allowed to bring the land back to an acceptable condition, however this was not carried out, so it was considered appropriate and expedient to take enforcement action.

On 3rd May 2022 a Notice was served under Section 215 of the Town and Country Planning Act 1990, requesting that the following works be carried out:

- i. Remove the HERAS fencing from around the perimeter of the site and dispose of the resultant materials in an approved manner.
- ii. Erect hoarding fencing at 2 metres high around the perimeter of the site which will improve the visual amenity of the area and prevent unauthorised access onto the site.

The notice came into effect on 14th June 2022 and the compliance date is 13th August 2022. A site visit will be conducted following the expiry of the notice to check that these works have been carried out.

57 Christ Church Road – Doncaster.



On 2nd November 2021, a complaint was received regarding an empty commercial premises which is boarded with rubbish and discarded furniture found on the rear of the premises, which looks untidy and unkempt.

Site visits were conducted which established that the empty premises has had hoarding erected around the frontage of the shop, which is located on a corner plot between Christ Church Road and Copley Road. Waste, wood, discarded furniture and a sofa were seen on the flat roof extension, to the rear of the property and within the rear garden, which is visible from the highway on Copley Road. It was considered that the boarding that had been used had fallen into a very poor state aesthetically and appeared to have encouraged detriment to the streetscape. The current condition of the site was deemed as having a detrimental effect on the amenity of the area. Letters were sent to the owners requesting works to improve the condition of the site. Adequate time was allowed to bring the premises back to an acceptable condition, however this was not carried out so it was considered appropriate and expedient to take enforcement action. On 17th May 2022 a Notice was served under Section 215 of the Town and Country Planning Act 1990 requesting that the following works be carried out;

- i. Remove and replace all damaged and missing hoarding panels to the ground floor front and side elevations including all roof panels.
- ii. Ensure that all the hoarding is tidied up and repainted uniformly in black.
- iii. Remove all rubbish and disregarded items (for example but not limited to 3 seater sofa, plastic barrels, metal and wood) from the rear garden and roof of the rear ground floor extension to the premises.

The notice came into effect on 28th June 2022 and the compliance date is 26th July 2022. A site visit will be conducted following the expiry of the notice to check that these works have been carried out.

(Recent Update 15th August 2022) – Current situation:



The owner has used advertisement boards for the cladding of the structure, therefore the requirements of the S.215 notice have not been complied with. Further communication will now take place to ensure that the boards are painted a suitable colour (i.e. black).

Land to the rear of High Street – Dunsville – Doncaster.



On 14th July 2021 a complaint was received regarding a piece of land to the rear of residential properties on High Street, Dunsville, Doncaster.

Site visits were conducted which found that fencing had been erected by the farmer around the perimeter of the field, that sits to the rear of properties on High Street. The fencing was made up of HERAS fencing panels and mismatched palisade fencing. There were two old railway carriages with no roof that had been positioned next to the boundary fencing. The fencing and carriages looked unkempt and unsightly and was having a detrimental effect on the amenity of the area and the neighbouring properties. A letter was sent requesting works to improve the condition of the site.

Adequate time was allowed to bring the premises back to an acceptable condition, however this was not carried out, so it was considered appropriate and expedient to take enforcement action. On 20th June 2022, a Notice was served under Section 215 of the Town and Country Planning Act 1990, requesting that the following works be carried out:

- i. Remove all temporary HERAS style fencing from the area highlighted in blue on the red lined plan.
- ii. Replace the fencing with stock fencing at least 1.2 metres high and use additional strands of galvanised steel wire (plain or barbed) if extra height is needed however should not exceed a total height of 2 metres.
- iii. Ensure that stock fencing is fixed to at least 1.8 metre posts from ground level which should be set at least 75 centimetres into the soil and use packed soil or concrete to secure each post in place.
- iv. Remove from the land the two railway carriages from the boundary fence as highlighted in purple on the red lined plan or alternatively relocate the railway carriages to the opposite side of the land and away from the boundary fence and restore the carriages to a presentable condition.

The notice will come into effect on 1st August 2022 and the compliance date is 30th October 2022. A site visit will be conducted following the expiry of the notice to check that these works have been carried out.

General Cases.

The following are a few examples of cases currently under investigation by the Planning Enforcement Team:

40 Grange Avenue – Bawtry.



A complaint was received, stating that the rear of the property had been sectioned off for use as a car park. The property was purchased a number of years ago by the owner of the business opposite the rear garden – Longstone Tyres and road planings put down. The owner was informed that if it was the intention to use the land in connection with the business operating opposite a formal application would be required – and due to the close proximity to residential properties, and dependent on the proposed use, a submission may not be successful. The owner stated there was no specific intention to utilise the land for any business use, and if it was causing distress to the residents, the land would not be used. As the planings provided a permeable surface and no change of use had taken place, planning permission was not required.

38 Howden Avenue – Skellow.

Before

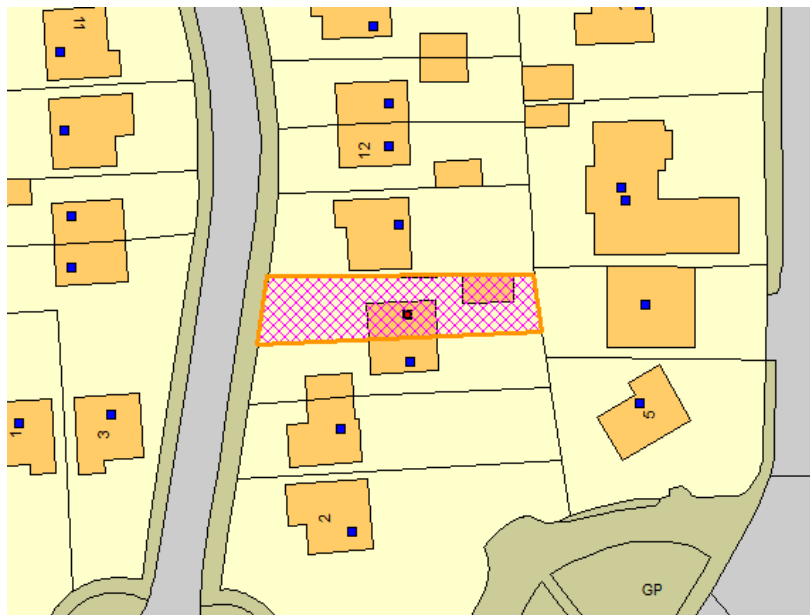


After



A complaint was received regarding the erection of a shed in the front yard of the property, during a site visit the owner was advised to remove the shed and place it either to the side of the property or in the back yard as development was not supported to the front elevation of a property. Within the allocated 28 days, the owners complied and removed the shed.

8 Birchwood Gardens – Braithwell.



A complaint was received regarding an unauthorised business use in operation from the property, which was the sale of tools. It was alleged that the owner received multiple deliveries from various courier services in connection with the business use. After speaking to the owner, it was found that he ran a tool franchise, where no customers came to the property, and all orders were delivered directly by the owner. It was requested that a Non-Domestic Permitted Development Enquiry form would be the best way to resolve the reported issue. After assessment by a Planning Officer, it was considered that the tool sale business was found to be an acceptable use from a domestic property.

Liberty House - Goodison Boulevard – Cantley.



An application was submitted for the above site under Reference No. 16/02268/FULM - Erection of 75 bed care home.

A complaint was raised concerning Condition No. 5 – non-implementation of a zebra crossing.

As an update to the previous entry. The information required was been provided by the applicant and submitted to the Highways Team for consideration and has been accepted. An update provided by Highways states that once the legal agreement has been signed, a date can be arranged for the installation of the crossing

100 Bentley Road – Bentley.



A complaint was received regarding the erection of a treehouse, without the relevant planning permission. Officers have attended the site on numerous occasions, but to no avail. Furthermore, the owners/occupiers have failed to respond to all correspondence sent to the property. During the course of the investigation the property was sold and the tree house was removed.

International Community Centre - 30 Nether Hall Road – Doncaster.



On 16th October 2020, a complaint was received regarding an unauthorised erection of a metal staircase and installation of a first floor external door to the front elevation of the premises.

The Council attempted to remediate the identified breaches of planning control by attempting to work pro-actively with the landowner to remove the metal staircase, first floor external door and reinstate the previous windows, at first floor level.

However, these requests proved unsuccessful, therefore an Enforcement Notice was served on 8th June 2021 that came into effect on 20th July 2021. The notice requires the owners to carry out the following steps by 20th August 2021:

- (i) Remove in its entirety the metal staircase located on the front elevation of the building;
- (ii) Remove the first floor door installed to the front elevation of the building and reinstate the 2 x White UPVC top hung casement windows to the first floor front elevation;
- (iii) Following compliance with step (i) to (ii) above, permanently remove the resultant materials from the land.

A planning application was submitted on 5th May 2021 to create a front side enclosed extension for access to first and second floor flats, and installation of pedestrian access lift (application reference number 21/01527/FUL). This application was subsequently granted permission on 15th December 2021. A recent site visit confirms that the unauthorised metal staircase has now been removed and the front extension works have commenced. This case has now been closed following compliance with the Enforcement Notice.

Banners and advertisements displayed without consent or permission.

In the first quarter 2022, 14 companies and organisations were identified as displaying banners and advertisements within the borough of Doncaster, without consent. There was 6 banners, 3 A boards and 25 signs dealt with. Initial contact was made resulting in 11 companies directly removing their displays within the required time period (2 days). One company received a written warning and complied with the required time period (2 days). The remaining 2 companies received a verbal warning due to being their first incident and their displays were removed.

Examples of illegal advertisements:

Market Road – Doncaster.

Following a check of the Doncaster area, a company’s banners were identified on street furniture. Following direct contact with our Enforcement Officer, the company, agreed to remove all items displayed in Doncaster, without consent or planning permission. A verbal warning was also issued, regarding future occurrences.

The following photographs show the advertisements on a piece of highway furniture in Doncaster centre and attached to fencing on Trafford Way.

Before

After



Church Road – Wadworth.

Whilst undertaking duties on district, signage was found, being displayed for a landscaping company on street furniture at Church Road, Wadworth and three other locations in surrounding villages. Calls were made to the company, messages were left. Unfortunately it was not possible to locate a trading address or other contact details, hence the signs were directly removed from the council street furniture. At a later date another sign was found, verbal contact was undertaken, resulting in a warning regarding future occurrences.

The following photographs show the advertisements on a piece of highway/DMBC land in Wadworth Doncaster.

Before:

After:



Gatewood Lane - Old Cantley.

Following a patrol of the district, a concrete suppliers advertisement sign without consent or planning permission, was identified. Following contact, with the company from West Butterwick, near Scunthorpe, they personally removed all their signage from the highway street furniture, and a verbal warning was issued.

Before:

After:



For Sale/ To-Let Boards.

Since April 2021, following complaints of Estate Agents' boards causing a blight in specific parts of the urban/town centre area. An initial project, identified 280 locations, displaying either "for sale/to-let" boards. Whilst it is not an offence to display these boards, all the relevant companies were contacted by the Enforcement Team, to ensure that businesses are aware of the required standards of Class 3(A) of The Town and Country Planning (Control of Advertisements) (England) Regulation 2007.

In this first quarter 26 of the boards being monitored were no longer displayed, either due to their expiry or for being incorrectly displayed (i.e. several boards for the same company displayed on one property). However, there were 26 new displays of "for sale/to-let" boards established.

Hence, the Enforcement Team will continue to monitor the 85 boards identified and if required, take the appropriate action, to ensure compliance with the current planning regulations and guidance.

Quarterly Enforcement Cases.

Quarter 2 (April - June 2022)	
Received Enforcement Cases	148
Total Cases Pending	455
Closed Enforcement Cases	94

Case Breakdown	
Unlawful Advertisements	15
Breach of Conditions	22
Unauthorised Change of Use	26
Unauthorised Works to Listed Building	1
Unauthorised Operational Development	79
Unauthorised Works to Protected Trees	4

Areas Where Breaches Take Place	
Adwick and Carcroft	8
Armthorpe	34
Balby South	5
Bentley	4
Bessacarr	6
Conisbrough	13
Edenthorpe and Kirk Sandall	3
Edlington and Warmsworth	2
Finningley	8
Hatfield	5
Hexthorpe and Balby North	4
Mexborough	5
Norton and Askern	14

Roman Ridge	2
Rossington and Bawtry	11
Sprotbrough	9
Stainforth and Barnby Dun	4
Thorne and Moorends	11
Tickhill and Wadworth	9
Town	12
Wheatley Hills and Intake	8

Formal Enforcement Action	
Notices Issued	10*
Prosecutions	0
Injunctions	0

*Including 3 x S.215 Notices.

Report Prepared By:

Planning Enforcement (Part of the Enforcement Team, Regulation & Enforcement, Economy and Environment).

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