



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
Waterdale, Doncaster

Date: Tuesday, 20th September, 2022

Time: 2.00 pm

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Damian Allen
Chief Executive

Issued on: Friday, 9 September, 2022

Governance Services Officer for this meeting

Amber Torrington
Tel 737462

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 23 August, 2022 1 - 12
- A. Reports where the Public and Press may not be excluded.**
For Decision
5. Schedule of Applications 13 - 70
For Information
6. Appeal Decisions 71 - 94

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, 23RD AUGUST, 2022

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 23RD AUGUST, 2022, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

Apologies for absence were received from Councillors Aimee Dickson.

15 Declarations of Interest, if any

In accordance with the Members' Code of Conduct, the Chair, Councillor Susan Durant declared a non-registerable interest in relation to Application No 21/01926/FUL, Agenda Item No.5 (1).

In accordance with the Members' Code of Conduct, Councillor Steve Cox, declared an interest in relation to Application No. 21/02365/FULM, Agenda Item No. 5(2), by virtue of being a Local Ward Member.

16 Minutes of the Planning Committee Meeting held on 26th July, 2022

RESOLVED that the minutes of the meeting held on 26th July, 2022 be approved as a correct record and signed by the Chair.

17 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'.

18 Adjournment of Meeting

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 2.57 p.m. and 3.17 p.m. respectively to be reconvened on this day at 3.02 p.m. and 3.20 p.m.

19 Reconvening of Meeting

The meeting reconvened at 3.02 p.m. and 3.20 p.m. respectively.

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

The Committee considered a report which sought approval 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.

It was reported that Full Planning Permission was granted on the 17th February, 2015 the decision being subject to a S106 Agreement. 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. On this basis, the Council and the Developer entered into a Section 106 legal agreement, that sought to ensure that the viability of the scheme could be reassessed on the third anniversary of the S106 agreement which was 11th February, 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.

Members were informed that development commenced on the site prior to that 3 year trigger, but the site was subsequently mothballed. However, a new Developer had now taken ownership of the site and wished to complete the development. The Developer wished to provide a new viability assessment, but the time to do that was in 2018, and as such, the obligation within the existing S106 agreement could not technically be discharged. Given that the original application was agreed by the Planning Committee, any changes to the associated S106 also required Committee approval. It is therefore proposed 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 an assessment should be provided within 3 months of the date of the new legal agreement. This would allow the Developer to submit the required information, which they previously were not able to do through no fault of their own as 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.

RESOLVED that the Head of Planning be given delegated authority 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.

21 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
21/02802/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

22 Planning Enforcement Quarterly Report - June 2022

The Committee considered a report, which was presented by Garry Hildersley, Planning Manager, that detailed all Planning Enforcement performance in the second Quarter of 2022/23.

The Planning Manager requested that if Member had a specific question relating to any Enforcement Cases, they submit their question in writing to the Team Manager for the Enforcement Team, Scott Forbes, who would provide a written response.

RESOLVED that the report on Planning Enforcement performance in the second Quarter of 2022/23, be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 23rd August, 2022

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 & Moorends

A proposal was made to grant the Application which was contrary to the Officer's recommendation.

Proposed by: Councillor Steve Cox

Seconded by: Councillor Garry Stapleton

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

Decision: Planning permission granted subject to the following Conditions:-

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

REASON

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

- 02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the approved plans and documents below:**

**Application form amended 06/05/2022 received 05 May 2022
Location plan received 06 December 2021
Site plan Amended 12/04/2022 received 12 April 2022
Drainage plan and Flood Risk Assessment received 10 March 2022
Ecological Appraisal received 11 January 2022
Stables received 30 December 2021
Ground Flood Plan received 09 December 2021
First Floor Plan received 06 December 2021
North elevation received 09 December 2021
South elevation received 06 December 2021
East elevation received 06 December 2021
West elevation received 06 December 2021**

REASON

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

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

REASON

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin. Details are required prior to the commencement of development to ensure a drainage strategy is in place before the property is constructed.

- 04. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:**

- The programme and method of site investigation and recording.**
- The requirement to seek preservation in situ of identified features of importance.**
- The programme for post-investigation assessment.**

- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

REASON

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

05. Unless as shall be specifically approved in writing by the Local Planning Authority, the scheme of soft landscaping shall be implemented in full accordance with the approved plans and particulars (ref. AB Ecology Landscape Plan Project No. 2017/15 Drawing No. 2 dated 28.11.20) during the first available planting season following the completion of the development hereby granted and the local planning authority notified in writing within 7 working days of the completion of the landscape works to inspect and approve practical completion in writing; which shall be based upon an agreed planting and maintenance (for five years) schedule. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

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

06. No development shall take place until there has been submitted to and approved in writing by the local planning

authority a plan indicating the access arrangement, together with the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. Unless otherwise approved in writing by the local planning authority, the details as approved shall be completed before the occupation of any buildings on site.

REASON

To ensure that the access arrangement is acceptable to ensure that highway safety and neighbouring amenity is maintained. Details are required prior to the commencement of development to ensure the boundary treatments are agreed before the property is constructed.

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

REASON

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

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

REASON

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

09. 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.

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

REASON

To ensure that the materials are appropriate to the area.

11. The finished ground floor level of the dwelling shall be at least 4.5m AOD with flood resilience measures to be agreed in writing by the local planning authority up to 5m AOD. The development shall be implemented in accordance with the agreed details prior to the first occupation of the dwelling. There shall be no ground floor sleeping accommodation.

REASON

To protect life from flood risk.

12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

REASON

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

13. The discharge from the septic tank hereby approved, whether to a drainage field/mound or wetland/reedbed shall be in accordance with Part H of the Building Regulations. Details of the drainage system shall be submitted to and approved by the Local Planning Authority and be fully operational before the development is occupied.

REASON

To avoid pollution of the local land drainage system and in the interests of amenity.

14. The dwelling shall be provided with its own Waste Water Treatment Plant, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The wastewater treatment plant shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

To ensure that the site is adequately drained.

15. No building shall be erected within 10 metres of the watercourse or culvert, which passes through/runs adjacent to the site.

REASON

To ensure adequate access at all times and to protect the culvert from damage.

16. The stables hereby approved shall be for private use only and shall not be used for any trade or business purposes.

REASON

To ensure that the use remains appropriate for the location.

17. The development shall be carried out in accordance with the submitted flood risk assessment (reference '13678-FRA and Drainage Strategy-03', dated 2 March 2021 produced by Waterco Consultants) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.5 metres above Ordnance Datum (AOD)
- Flood resistance and resilience measures shall be incorporated up to level of 4.1m AOD (as set out on page 13 of the FRA)
- There shall be no ground floor sleeping accommodation as shown on the submitted floor plans LE_GFLP_rev1 and LE_FFLP_rev0.

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

REASON

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

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

REASON

The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy 25 of the Doncaster Local Plan.

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

REASON

The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy 25 of the Doncaster Local Plan.

INFORMATIVES

01. In order to discharge the drainage conditions DA01, SuDS, D54B, DM13, DO15, DNQ17, the applicant is advised that they would be expected to submit information using the guidance provided by the DMBC drainage officer provided within the application.
02. There is a recorded public right of way, Thorne Footpath No. 6, which runs in close proximity to the eastern boundary of the development area. At all times this public footpath must remain unobstructed and not be interfered with in any way by the development.

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

Councillor Steve Cox requested that his concerns be noted with regard to the process of the determination and agreement of proposed Conditions with the Applicant in the event that a Planning Application, which was recommended for refusal, was subsequently overturned and granted.

In response, Garry Hildersley, the Planning Manager, explained that when a Planning Application recommended for refusal was overturned and subsequently granted, the Planning Application would normally be subject to suitable planning Conditions. Procedurally, there was a requirement for the

Planning Committee in its decision making role, to attach Conditions that it considered met the tests set out in paragraphs 55 & 56 of the National Planning Policy Framework. To avoid the subsequent delay in issuing the decision notice, a pre prepared list of Conditions was subsequently circulated to the Members of the Planning Committee. In accordance with Section 100ZA of the Town and Country Planning Act, 1990, the Planning Case Officer had received agreement the with the Applicant on the Conditions proposed, in the event that Planning Committee Members resolved to overturn the recommendation to refuse planning permission. Subsequently, the Vice-Chair, Councillor Duncan Anderson, proposed that this issue be subject to a further discussion between the Chair and Vice-Chair of the Planning Committee, the Head of Planning and Planning Manager, to determine a more open, transparent and robust decision making process.

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

A proposal was made to defer the Application for a Site Visit in order to understand the drainage impacts of the proposal and proximity to local Schools and public transport facilities, and for Officers to provide a breakdown of the abnormal costs associated with the viability of the scheme.

Proposed by: Councillor Susan Durrant

Seconded by: Councillor Gary Stapleton

For: 10 Against: 0 Abstain: 0

Decision: Planning Application deferred for a Site Visit to understand the drainage impacts of the proposal and proximity to local Schools and public transport facilities, and for Officers to provide a breakdown of the abnormal costs associated with the viability of the scheme.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr Alastair Gooderham, a local resident and Governor of the Hayfield Lane Primary School, 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 Graham Fennell, representing the Applicant and Ms Amy Gaskell, the Agent, spoke in support of the Application for the duration of up to 5 minutes.

DONCASTER METROPOLITAN BOROUGH COUNCIL

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.

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Scott Cardwell
Assistant Director of Economy and Development
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

NOTE:- Site Visited applications are marked 'SV' and Major Proposals are marked 'M'
Any pre-committee amendments will be detailed at the beginning of each item.

Application	Application No	Ward	Parish
1. SV	21/02365/FULM	Finningley	Auckley Parish Council
2.	21/02399/FUL	Wheatley Hills And Intake	
3.	21/03150/FUL	Edenthorpe And Kirk Sandall	Barnby Dun /Kirk Sandall Parish Council

Application	1.
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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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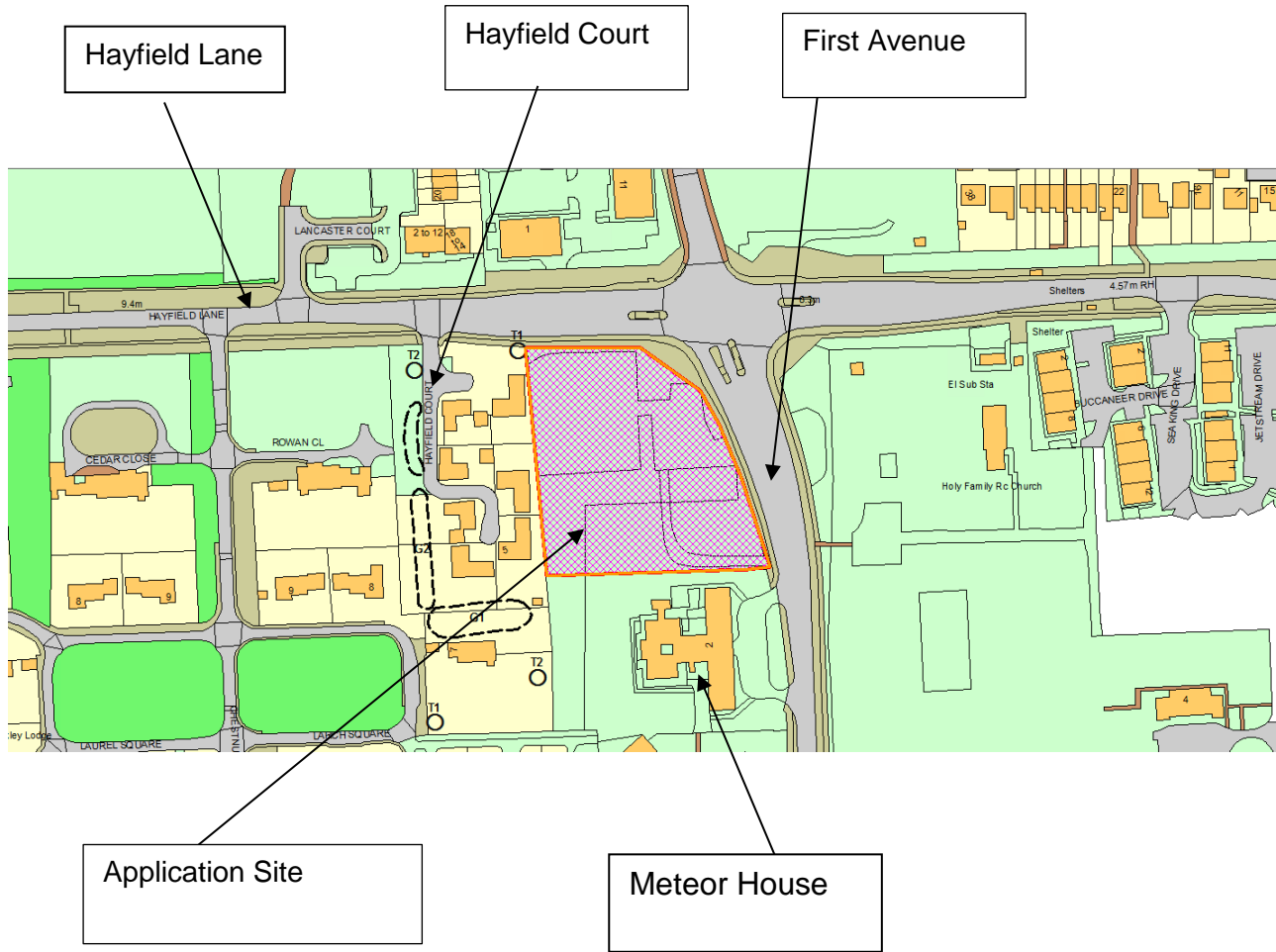
SUMMARY

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.

The application was deferred from the 23rd August 2022 Planning Committee for a site visit, to understand the drainage impacts of the proposal and proximity to local schools and public transport facilities and for officers to provide a breakdown of the abnormal costs associated with the viability of the scheme.

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



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.
- 2.2 The application was deferred from the 23rd August 2022 Planning Committee for a site visit, to understand the drainage impacts of the proposal and proximity to local schools and public transport facilities and for officers to provide a breakdown of the abnormal costs associated with the viability of 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 bedrooled 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. Page 23

I have a lack of understanding that modern buildings do not comply with at least the accessibility standard for disabled 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 Since the report was last presented to planning committee, the applicant has provided additional information in relation to the sites proximity to the nearest schools. In terms of primary schools it states that Hayfield Primary School is a 7min walk from the site and is on the 57a bus route. Auckley Junior and Infant School is a 21 minute walk from the site and is also accessible via the 57a bus route. In addition St Oswald's CofE academy lies 1.5 miles from the site and is accessible via a 30min walk or via the 57f us route. Other primary schools highlighted by the applicant include Rossington St Michael's (50min walk), Branton St Wilfrid's (43min walk) and Rossington Tornedale (1 hour walk).
- 8.40 The applicants have also provided secondary school locations being; Hayfield School located at a 9min walk from the site, Hill House (7 min walk) to the south of the application site and Rossington All Saints Academy (located 1 hour 10mins walk – or by boarding the 57c or 57a Bus).
- 8.41 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.
- 8.42 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

- 8.43 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.
- 8.44 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

8.45 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.

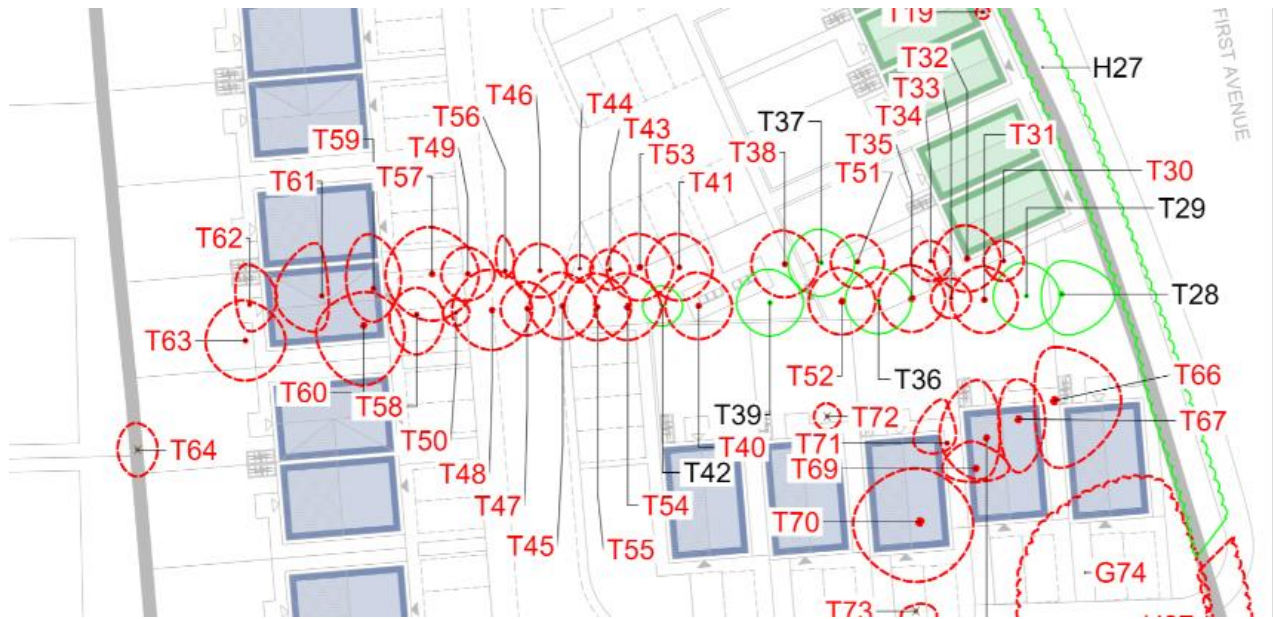


Figure 1.1 (above) – Original scheme

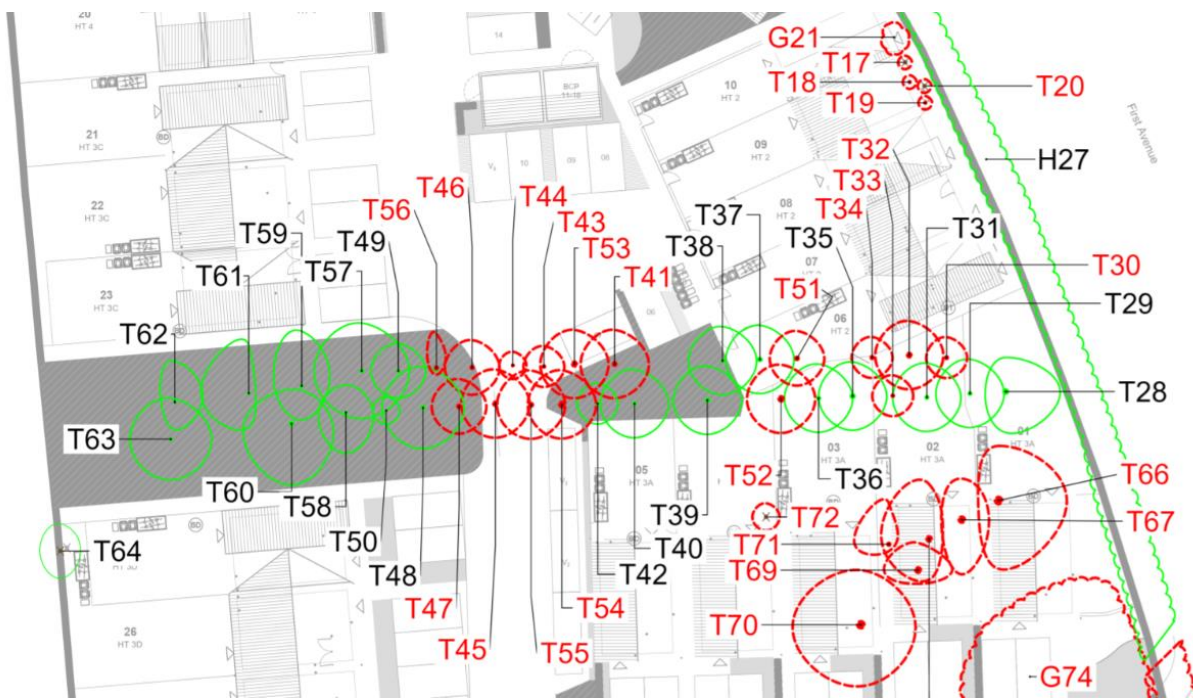


Figure 1.2 (above) – Amended scheme

- 8.46 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.
- 8.47 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

- 8.48 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

- 8.49 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

- 8.50 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.

Doncaster Sheffield Airport (DSA)

- 8.51 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.
- 8.52 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

8.53 Conclusion on Environmental Issues

- 8.54 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.
- 8.55 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition 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.
- 8.56 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.
- 8.57 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.
- 8.58 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.

8.59 ECONOMIC SUSTAINABILITY

- 8.60 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.

8.61 Conclusion on Economy Issues

8.62 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.

8.63 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.

8.64 Planning Obligations

8.65 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.

8.66 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.

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

Affordable Housing

8.68 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

8.69 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

8.70 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).

- 8.71 The Council's Education team were initially consulted on the original submission and advised that 5 additional secondary school places were required with a total educational contribution calculated at £91,485.00. In light of the deferral the education team have been asked to reassess the site. They have confirmed that there remains a NIL requirement for primary school places and that the number of secondary school places has in fact decreased from 5 to 4 since the initial assessment. However the monetary requirement for each school place has increased and as a result whilst the number of secondary school places has decreased, the financial contribution has increased from £91,485 to £107,056.

Viability

- 8.72 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.
- 8.73 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.
- 8.74 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 REV 4
- 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 Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

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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Application	2
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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 and Intake

Author of Report:	Mark Ramsay
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SUMMARY

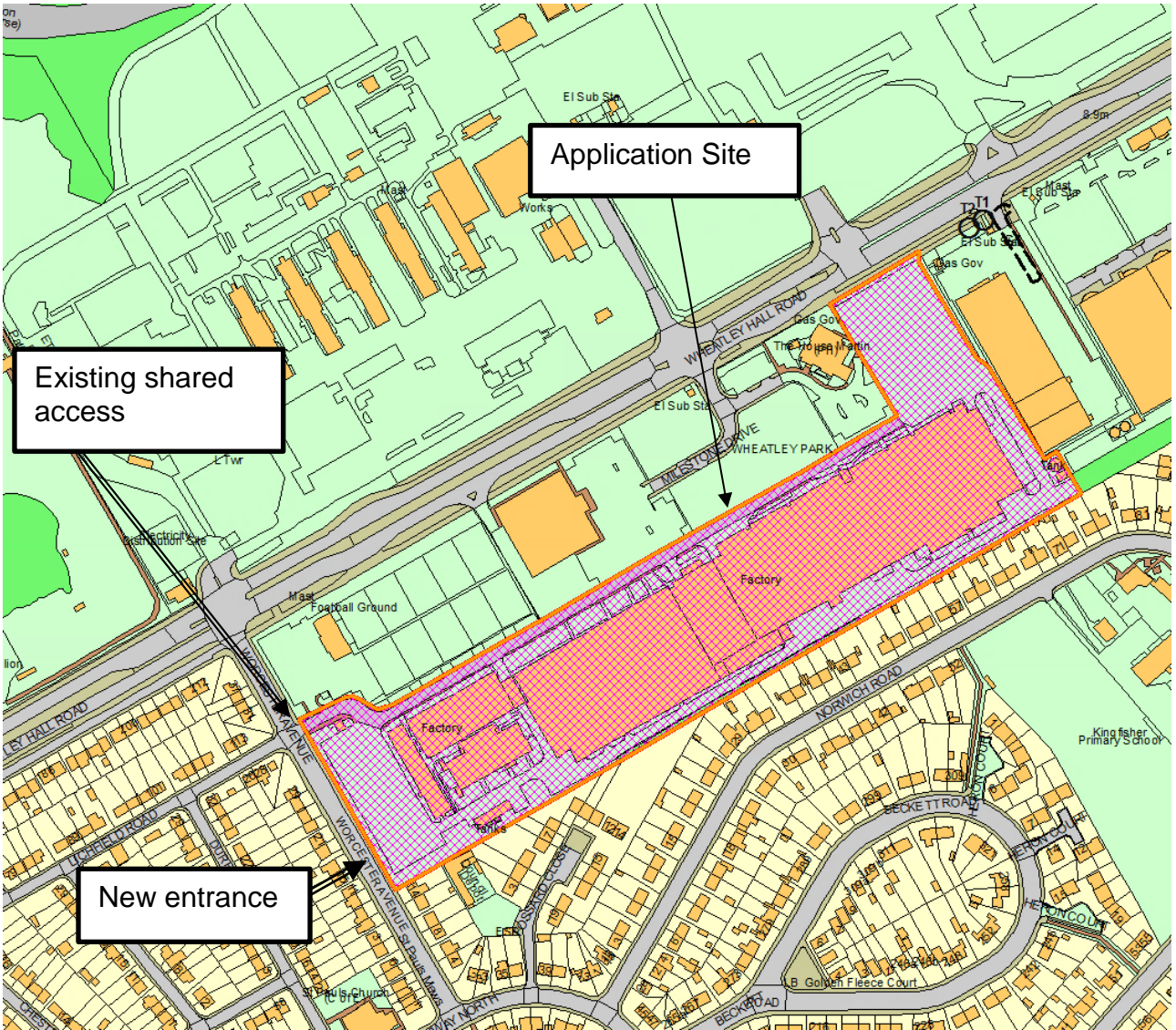
The proposal is for a new vehicle access to land to the west of the former Crompton Electrical factory building also known as Xenon Park. This would be to provide direct access to the existing car park and building instead of via the access to Worcester Avenue that is shared with 'Goals' football centre.

The access would be further south along Worcester Avenue than the current access and delivery vehicles would need to traverse part of the avenue that is subject to a weight restriction, however the traffic order that is in place only applies to through traffic.

The site is allocated as employment land in the Doncaster Local Plan 2015-2035.

The proposal continues to ensure access to a site allocated for employment uses, while moving the access will inevitably lead to commercial traffic movements passing some residential premises, the impact on amenity will be limited and therefore the proposal is recommended for approval.

The application was deferred for decision at the meeting in June 2022 in order to receive further information in relation to the impact on trees affected by the development. The tree officer has been consulted and the relevant section report has been updated below.



1.0 Reason for Report

1.1 The application is being presented to Members due to the number of representations made to the proposal.

2.0 Proposal and Background

2.1 Planning permission is sought for permission to create a new direct access to the car parks and buildings forming Xenon Park, former Crompton Electrical Site rather than the shared access with the Goals football centre. There are potential civil matters between the users of the shared access that may mean that it is no longer available to the occupants of the factory site, so the possibility of a dedicated access is necessary.

2.2 At the opposite end of the site a direct access to Wheatley Hall Road has been approved to service a speculative new development, which would be separated from the rest of the site. This further amplifies the requirement for a dedicated access.

3.0 Site Description

3.1 The site lies to the east of Worcester Avenue and is populated by former factory buildings which are now leased out as business units. The site is bounded by a mesh fence on the boundary with Worcester Avenue. There are detached two storey properties fronting Worcester Avenue opposite the site and other housing along the southern boundary which aren't directly affected by this proposal. The existing driveways around the factory site and its car park would remain otherwise unaltered.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
21/02682/FUL	Proposed new site entrance (from Wheatley Hall Road)	Granted 14 February 2022

5.0 Site Allocation

5.1 The site is identified within the Local Plan as Employment Policy Area.

5.2 National Planning Policy Framework (NPPF 2021)

5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

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

- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraphs 55-56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.6 Paragraph 83 recognises that decisions should the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations contributing to a strong competitive economy.
- 5.7 Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Local Plan

- 5.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.9 Policy 4, Employment Policy Area, broadly supports commercial, storage and industrial uses and other uses that support these uses or are sufficiently specialist.
- 5.10 Policy 12 Strategic Transport Network states that developments which generate large volumes of freight traffic or involve the transport of bulk materials should be located close to the strategic transport network, where this can be accommodated within the existing capacity of the network

Other material planning considerations and guidance

- National Planning Policy Guidance

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification.
- 6.2 Following this publicity, a total of 5 letters of objection were received. A summary of the material planning issues raised is set out below:

- Loss of amenity through noise, disturbance and delivery traffic passing and turning close to dwellings, changes in character and appearance from adjacent dwellings

7.0 Parish Council

7.1 The location is not currently a parished area

8.0 Relevant Consultations

8.1 Yorkshire Water

No objections

8.2 Highways

The applicant has shown that vehicles will be able to safely turn in and out of the site without compromising parked vehicles. While noting that the access is inside the weight restriction on Worcester Avenue, it is 'except for access' so that vehicles accessing the site would not actually be breaching the order although it would be preferred if the weight restriction was moved, should the application be approved. This would entail a separate process requiring a traffic order which has its own consultation process under the relevant legislation and is separate from planning law. Tracking was carried on the proposed layout and found that vehicles were able to turn into the site without affecting parked cars, so there isn't a requirement for double yellow lines to be applied to part of the street.

8.3 Environmental Health

Concern was raised with regards to the impact on the properties opposite the site. The applicant provided information showing that the number of vehicle movements in and out of the site were small in terms of commercial vehicles and only within normal working hours and the movements were not at anti-social times of the day. The officer commented that movements are relatively small and would only have a limited noise impact on residents and properties immediately opposite may result in limited light intrusion from headlights shining across the road caused by vehicles leaving the site.

8.4 Trees

The trees along the boundary of the site have been heavily pollarded and this can be seen in street view images from recent years when the trees were not in leaf. The tree officer is not concerned regarding whether they are retained but has asked for a scheme to be put together for tree planting and landscaping to provide some replacements for those removed (see para. 9.15 below).

9.0 Assessment

9.1 The proposal seeks permission for a new access from Worcester Avenue. In considering the proposal the main material planning considerations are outlined below:

- The impact on the character of the area
- The impact on neighbouring residential properties

- The impact on the highway network and highways standards

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

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little
- No

Appropriateness of the proposal

9.3 The Local Plan supporting Policies Map show this site is allocated as part of an Employment Policy Area and the proposal will ensure the site can continue to be accessed should the operator no longer be in a position to use the access shared with the Football centre. The associated buildings are in use for various commercial purposes, which is deemed in line with the Local Plan policies.

Sustainability

9.4 The National Planning Policy Framework (NPPF 2021) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs

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

SOCIAL SUSTAINABILITY

Impact on Residential Amenity

9.6 The impact on residential amenity is significant as there is currently restrictions reducing the amount of heavy goods vehicles traversing Worcester Avenue. The impact on amenity will come from additional vehicles passing the frontages of properties on Worcester Avenue to access the site, which otherwise would have turned off the road before reaching those dwellings or turned away, driving towards Wheatley Hall Road. Currently there is no proposal to alter the premises within the wider site and the new access would not generate extra traffic because of its creation.

9.7 The additional movements would be largely within regular working hours and the numbers are relatively small when based on the existing comings and goings. The applicant carried out a survey of vehicles accessing and leaving the site over a two week period and the daily number of trips ranged from 20 up to a maximum of 39. Around a third of those each day being trips by car with the remainder being vans or HGV's.

- 9.8 This would only become relevant if and when changes within the wider site mean that they would no longer be able to share the existing access with 'Goals'. Changes of use within the site that require planning permission would also trigger the requirement for those impacts to be further assessed at the time a planning application is submitted.
- 9.9 In order to limit any impact to the immediate surroundings, it would be prudent to make provision that prior to the site coming into use, a traffic management agreement is put in place so that commercial traffic arriving and leaving the site departs towards Wheatley Hall Road and could also be applied to avoid arrivals at anti-social times of day.

9.10 Conclusion on Social Impacts.

- 9.11 While there are significant and recognisable impacts on the amenities of nearby occupiers, particularly between the shared access with Goals and the proposed access, the number of additional movements that would affect adjacent occupiers is relatively low and the likelihood is that they would not be at anti-social times. Given this could be further limited by agreeing a traffic management plan, the amount of weight afforded to these impacts against the development is limited.

9.12 ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 9.13 The impact would be limited as it would only require a new vehicle turning introduced part way along the edge of the existing car park. A condition requiring prior approval of the fencing, gates and replacement landscaping has been suggested in the recommendation below. This would ensure that replacement planting and boundary treatments are appropriate to the part commercial part residential setting along the edge of the site.

Highways/Access

- 9.14 The Highways officer has not objected to the proposal and by adopting a traffic management plan that seeks to direct commercial traffic to Wheatley Hall Road it complies with the Local Plan policy that seeks to keep traffic travelling to and from sites in employment areas close to the strategic transport network. Wheatley Hall Road is a key part of the main routes around the borough linking to the arterial routes in and out of the centre.

Trees

- 9.15 The Trees along the boundary with Worcester Avenue have been heavily pollarded and therefore not regarded as benefiting from retention and the tree survey shows that of the 5 that need to be removed, only 2 are category B and one additional tree should also be removed because of its poor condition. It is accepted that the screening function that they provided cannot be replaced in the same location due to the proposed development although it has been examined whether replacement planting could be accommodated elsewhere in the site.

9.16 Rather than transplanting the affected trees, which was originally proposed, a scheme for planting a total of 7 new trees, has been developed that has identified an area that can be used along the driveway that runs parallel to the north side of the building, and is shown in appendix 3. A condition has been included requiring this to be implemented with the new trees installed and maintained following the development of the entrance.

9.17 Conclusion on Environmental Issues

9.18 Para. 8 of the NPPF (2021) indicates that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land. Creating a new access to the site ensures the continuing viability of a site allocated as an employment use as well as maintaining links to the strategic transport network. The change in appearance is limited to the new opening into the existing car park seen in the setting of the existing former factory buildings within the site

9.19 In conclusion of the environmental issues, the impacts are limited and it is considered that issues raised in relation to amenity, highways and changes to the boundary treatment can be dealt with subject to suitably worded conditions.

9.20 ECONOMIC SUSTAINABILITY

9.21 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application. In terms of the local economy, keeping the site connected to the local highway network and enabling businesses within the wider site to continue trading without interruption is important and given modest weight.

9.22 Conclusion on Economy Issues

9.23 Para 8 a) of the NPPF (2021) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

9.24 Whilst the economic benefit of the proposal is slight in isolation, the wider benefit of ensuring this allocation is sustainable is afforded modest weight, as it will maintain the economic vitality of this existing employment site and the borough in general. For that reason this weighs in favour of the development.

10.0 PLANNING BALANCE & CONCLUSION

10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on an existing employment site in the Local Plan and this weighs considerably in favour of the application.

10.2 The noise and disturbance associated with the extra vehicle movements is potentially significant in terms of the occupants of nearby dwellings. However the

impact is limited and can be restricted by the imposition of a traffic management plan requiring limits on the hours vehicles should be entering and leaving the site. The short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

11.0 RECOMMENDATION

11.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS:

Conditions / Reasons:

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

REASON

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

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

2021-047-02C Proposed New Access

2021-047-03A Site Location Plan

REF AWA 4509 Tree Planting Plan submitted 19 August 2022

REASON

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

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

REASON

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

04. Prior to the access being brought into use, a Traffic Management Plan (TMP) shall be submitted to and agreed in writing by the Local Planning Authority. The TMP shall detail:

- movements of commercial vehicles moving to and from the site and directing them towards Wheatley Hall Road;
- the times that access to the site will be permitted.
- the details required of a commercial vehicle record

The operation of the site shall be carried out in accordance with the approved TMP plan unless otherwise agreed in writing with the Local Planning Authority. The approved TMP shall be implemented upon the access hereby approved coming into use and shall be adhered to for the lifetime of the development.

REASON

In the interests of amenities of nearby occupiers.

05 A Commercial Vehicle Record shall be maintained which details; operator details, vehicle registration number, dates, times and numbers of all commercial vehicle movements associated with the site which enter and exit the site. These records shall be maintained for the lifetime of the development and shall be made available for inspection by the Local Planning Authority within two working days of a verbal or written request being received.

REASON

In the interests of amenities of nearby occupiers.

06. No development of the access shall take place until a plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall show the positions, design, materials, height, and type of boundary treatment to be erected on site, including any proposed lighting, walls, fences or gates. Unless otherwise approved in writing by the Local Planning Authority, the details as approved shall be completed before the new access is brought into use.

REASON

To ensure the satisfactory appearance of the development.

07. The development shall be implemented in accordance with the replacement planting scheme - plan REF AWA 4509 - unless otherwise agreed with the Local Planning Authority. The agreed scheme shall be implemented no later than the first planting season following the commencement of development and thereafter maintained for a minimum period of five years. Should any replacement tree required by this condition die or become damaged, diseased or removed within five years of planting, it shall be replaced with another tree as previously specified in the planting scheme unless otherwise agreed in writing with the Local Planning Authority

REASON

To help ensure the establishment of the replacement tree

REASON

To ensure that all proposed trees and planting are in a healthy condition on the completion of the development and for the specified period afterwards.

INFORMATIVES

01. INFORMATIVE (CONDITION 06)

If additional lighting is required for the purpose of illuminating the newly created vehicle access, details can be submitted alongside details of boundary treatments as part of an application to discharge condition 06. This will show the position, height and type of any illumination proposed.

02. INFORMATIVE

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

03 INFORMATIVE

Cadent Gas own and operate the gas infrastructure within the area of your development. Contact the Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.cadentgas.com. This service is free of charge.

04. INFORMATIVE

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980 and adoption roads within the development shall be carried out under Section 38 of the Highways Act. The S38 and S278 agreements must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

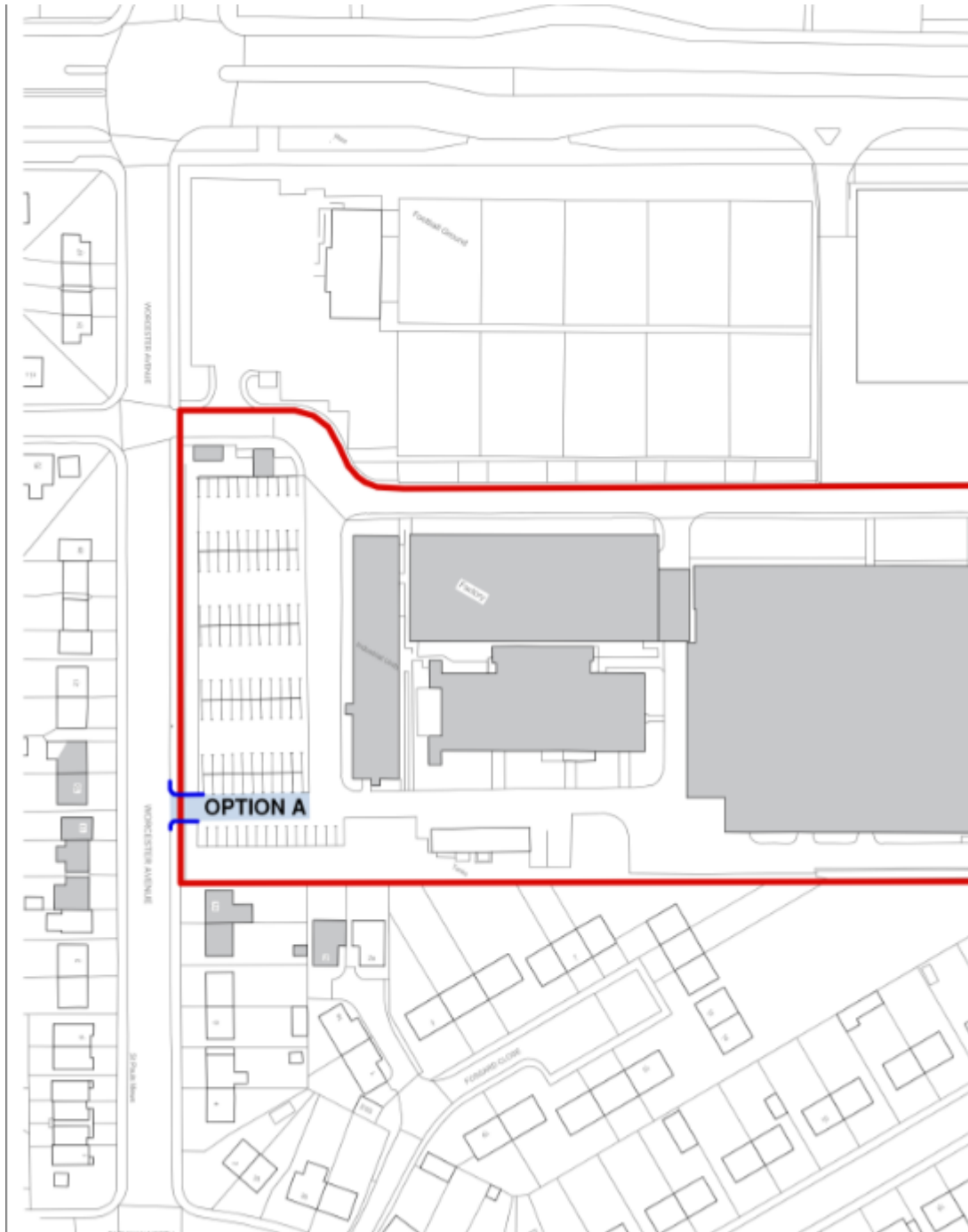
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

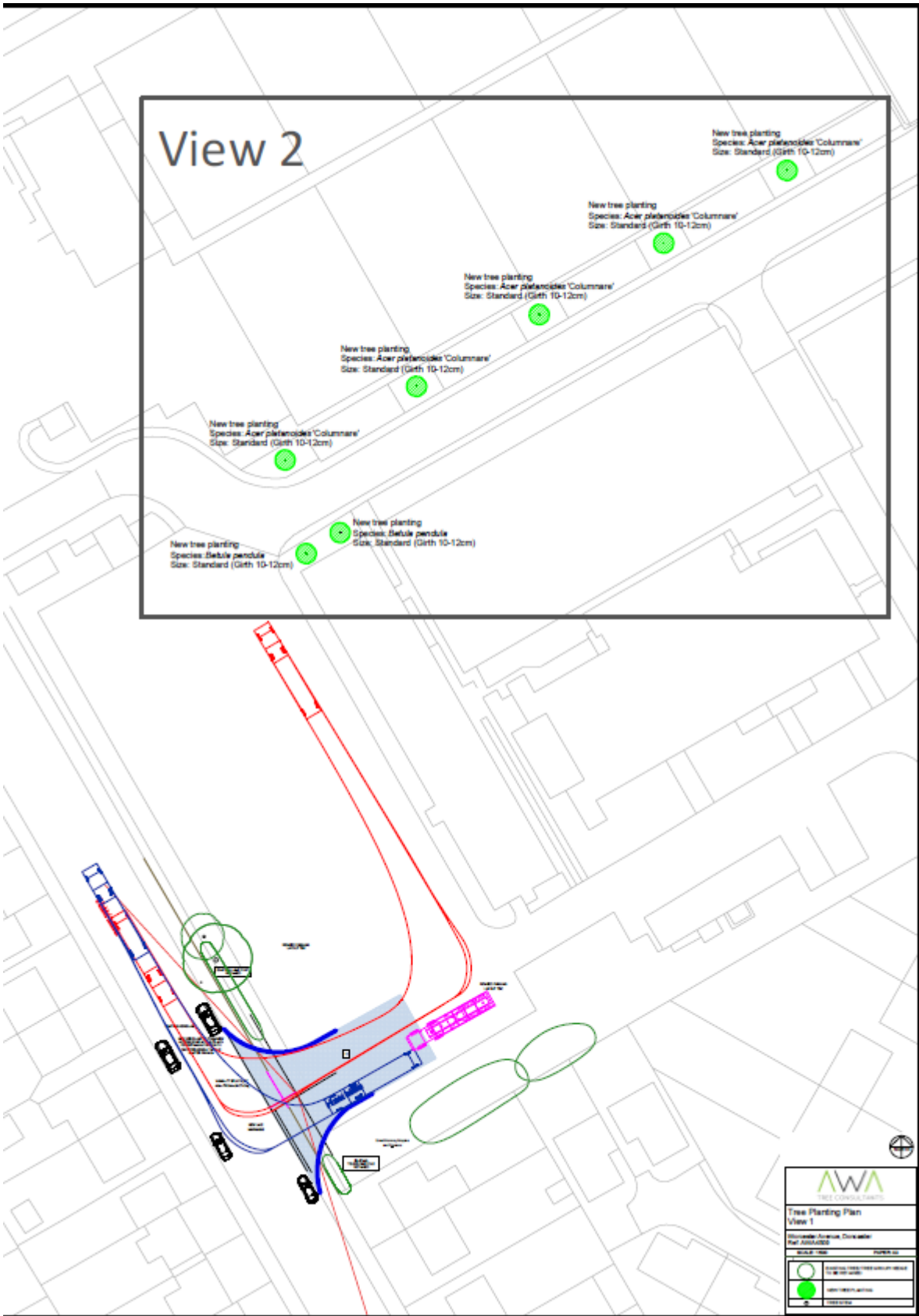
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Additional information in relation to movements to and from the site
- Amendments to the plans to details

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 and Location Plan





Appendix 3 Replacement Planting

Application	3
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Application Number:	21/03150/FUL
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Application Type:	Householder Application
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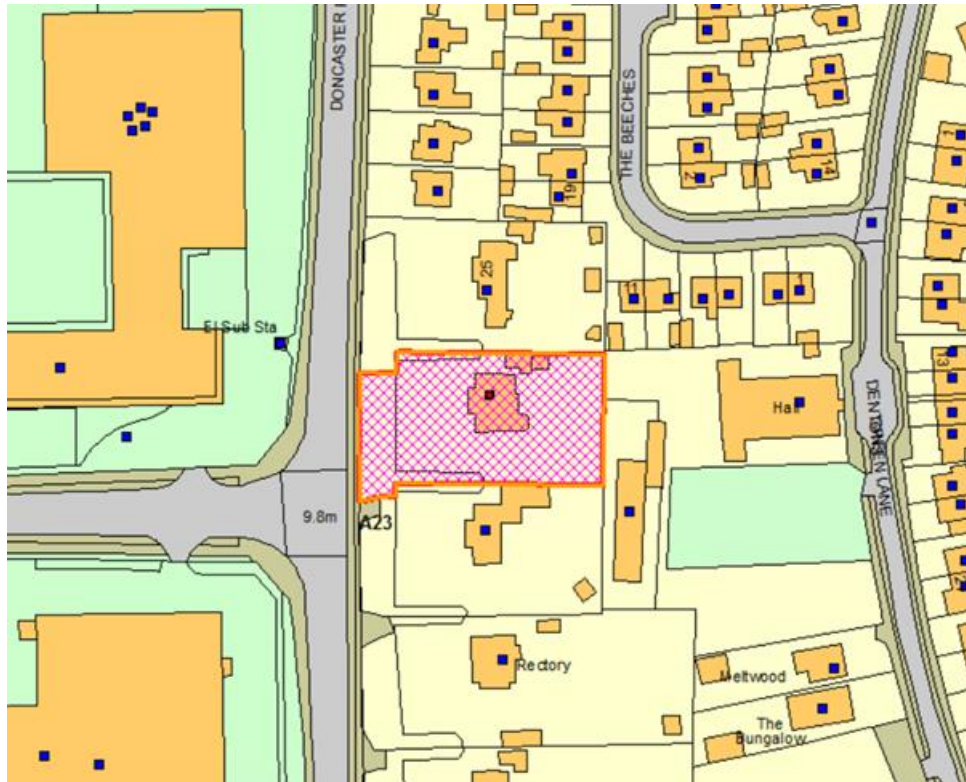
Proposal Description:	Erection of detached double garage and extending driveway to front
At:	27 Doncaster Road Kirk Sandall Doncaster DN3 1HP

For:	Mr A Robinson (Agent: Mr John Mason - INK Architectural Design Ltd)
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Third Party Reps:	None.	Parish:	Barnby Dun/Kirk Sandall
		Ward:	Edenthorpe and Kirk Sandall

Author of Report:	Dave Richards
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<p>SUMMARY</p> <p>This application seeks planning permission for a detached double garage, including extending an existing driveway.</p> <p>Planning law and the NPPF requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. There are no objections from consultees, neighbours and the proposal is in accordance with the Development Plan.</p> <p>RECOMMENDATION: APPROVE planning permission subject to conditions</p>
--



1.0 Reason for Report

1.1 This application is being presented to planning committee as the applicant's spouse is a Councillor.

2.0 Proposal

2.1 Planning permission is sought for the erection of a double garage to the front of 27 Doncaster Road.

2.2 Planning permission is required as Class E of the General Permitted Development Order does not allow for outbuildings forward of the principal elevation of a property.

2.3 The height of the proposed garage is 4.3m to the ridge, 2.1m to the eaves. It is 5.5m when including the cupola. The extent of the driveway would continue along the front of the dwelling to service the garage area.

3.0 Site Description

3.1 The application site is a detached two-storey house located on the east side of Doncaster Road, Kirk Sandall. The neighbourhood is a mixture of residential development on the eastern side of the road with commercial and industrial development to the west. The adjacent dwellings are in similar large, well treed plots, which give these homes a sylvan character.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
93/1409/P	Consent to crown thin by 15% two horse chestnuts minimal crown thin one beech and one oak and fell one ash (being subject to A23 of Doncaster RDC Tree Preservation Order NO 11 Barnby Dun and Kirk Sandall) - Granted 14.06.1993conservatory to rear and erection of bay window to front elevation of detached house.	Granted 14.06.1993
99/4138/P	Consent to fell one ash and crown thin one horse chestnut by 20% (being subject to A23 Tree Preservation Order no 11 Barnby Dun and Kirk Sandall 1970)	Granted 25.11.99
01/4267/P	Erection of pitched roof conservatory at rear of detached house	Granted 20.12.01
13/01966/TPO	Consent to clear building by 2-3m, crown lift to 5m to clear views from bedroom window, reduce height of wandering laterals/terminals by up to 2m and rebalance crown throughout of one Horse Chestnut tree nearest the property; crown lift frontage Oak x2, Beech x1 and Horse Chestnut x1 to 5.5m over garden; all trees being subject to G23 of Doncaster Rural District Council Tree Preservation Order (No.11) 1970: Barnby Dun with Kirk Sandall	Granted 18.09.13
15/01310/FUL	Erection of ground floor pitched roof kitchen extension to rear of detached house and pitched roof garden room/w.c./workshop	Granted 14.07.15

	extension to rear of detached garage, following demolition of existing store	
21/01315/TPO	Consent to remove one horse chestnut; the tree being within A23 of Doncaster Rural District Council Tree Preservation Order (No.11) 1970 Barnby Dun with Kirk Sandall	Granted 14.05.21

5.0 **Site Allocation and Relevant Planning Policies**

5.1 The site falls within a Residential Policy Area, as defined by the Policies Map of the Doncaster Local Plan (adopted 2021). Within the site are trees protected by a Tree Preservation Order.

5.2 National Planning Policy Framework 2021 (NPPF)

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. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

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 3 - Plan making

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

5.5 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.

- 5.6 Paragraph 130 of the National Planning Policy Framework seeks, amongst other things, to ensure developments will function well and promote health and well-being with a high standard of amenity for existing and future users.
- 5.7 Doncaster Local Plan (adopted 2021)
- 5.8 The development plan consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).
- 5.9 Policy 32 states proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process
- 5.10 Policy 41 states that developments will be supported where they are of a high quality design that contributes to local distinctiveness, respond positively to their context and integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale.
- 5.11 Policy 44 states that 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.

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:
- Advertised on the Council website
 - Notification letters sent to all neighbouring properties with an adjoining boundary

6.2 No representations have been received.

7.0 Parish Council

7.1 No response received.

8.0 Consultations

8.1 Tree Officer

No objections subject to the following informative:

“The trees on the site frontage are protected by virtue of being subject to Doncaster Rural District Council Tree Preservation Order (No.11) 1970 Barnby Dun with Kirk Sandall. The development hereby granted shall not imperil these trees through the construction activities. It is advised, therefore,

that during the construction of the development hereby approved the following activities are prevented from occurring:

- 1) the stockpiling of building materials under the crown spread of any tree;*
- 2) the parking or operating of machinery under the crown spread of any tree;*
- 3) fires within 10m of the crown spread of any tree;*
- 4) chemical spillages (including the rinsing out of cement mixers) under the crown spread of any tree.*

It is a criminal offence to wilfully damage any protected tree and failure to adhere to this advisory note may be deemed to constitute wilful damage. Preventing damage to the trees is in the interests of tree health and also in the interests of safety of persons and property.”

9.0 Assessment

9.1 The main planning considerations relevant to this proposal are whether the development would have a negative impact upon the character of the area, neighbouring amenity or highway safety.

9.2 Sustainability

9.3 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. There are three strands to sustainability, social, environmental and economic.

Principle

9.4 There are no issues with the principle of considering residential development that is incidental to the main use of the property as a dwelling i.e. a garage and driveway.

9.5 SOCIAL SUSTAINABILITY

Residential Amenity

9.6 The proposed garage would be well distanced from the closest residential neighbour, therefore any loss of light or overshadowing would be limited. No other neighbouring properties would be affected.

Conclusion on Social Impacts

9.7 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 Policy 44 of the Local Plan and Paragraph 130(f) of the NPPF.

9.8 ENVIRONMENTAL SUSTAINABILITY

Design and Impact on Local Character

- 9.9 The immediate street scene on the east side of Doncaster Road is mixed in character with properties of varying age and styles set within a sylvan street scene of residential plots.
- 9.10 The proposed garage would be visible in the street, however it would appear subservient both to the host dwelling and the surrounding character of well treed plots. The Tree Officer has confirmed that the garage would not pose a long term threat to the long term health or retention of the trees located within the plot.

Highway Safety

- 9.11 The proposal includes the extension of the driveway to serve the garage. The existing access to Doncaster Road would continue to be utilised and there is sufficient space within the curtilage to turn and leave in forward gear.

Drainage

- 9.12 Surface water runoff from the proposed garage and extended driveway would be dealt with via an onsite soakaway.

Conclusion on Environmental Issues

- 9.13 The proposal will have neutral environmental implications in terms of design, character, visual impact, ecology, biodiversity, or tree protection.

9.14 ECONOMIC SUSTAINABILITY

- 9.15 The proposal would likely bring about a very limited benefit in terms of local construction labour and the purchase of materials.

Conclusion on Economy Issues

- 9.16 To a limited extent, the proposal would support the economic objective of sustainable development as set out in paragraph 8 of the NPPF.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions set out below. Under the provisions of the NPPF, the application is considered to be a sustainable form of development.

11.0 RECOMMENDATION

- 11.1 **MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW:**

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 must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below unless otherwise agreed in writing with the Local Planning Authority:

- Dwg No. 21028-001 Rev B Proposed Plans and Elevations
- Site Plan

REASON

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

03. The materials to be used in the construction of the external materials of the development hereby permitted shall match those used in the existing dwelling unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure that the finished appearance of the development will enhance the character and visual of the amenities of the area, and to comply with Doncaster Local Plan Policies 41 and 44.

Informatives

The trees on the site frontage are protected by virtue of being subject to Doncaster Rural District Council Tree Preservation Order (No.11) 1970 Barnby Dun with Kirk Sandall. The development hereby granted shall not imperil these trees through the construction activities. It is advised, therefore, that during the construction of the development hereby approved the following activities are prevented from occurring:

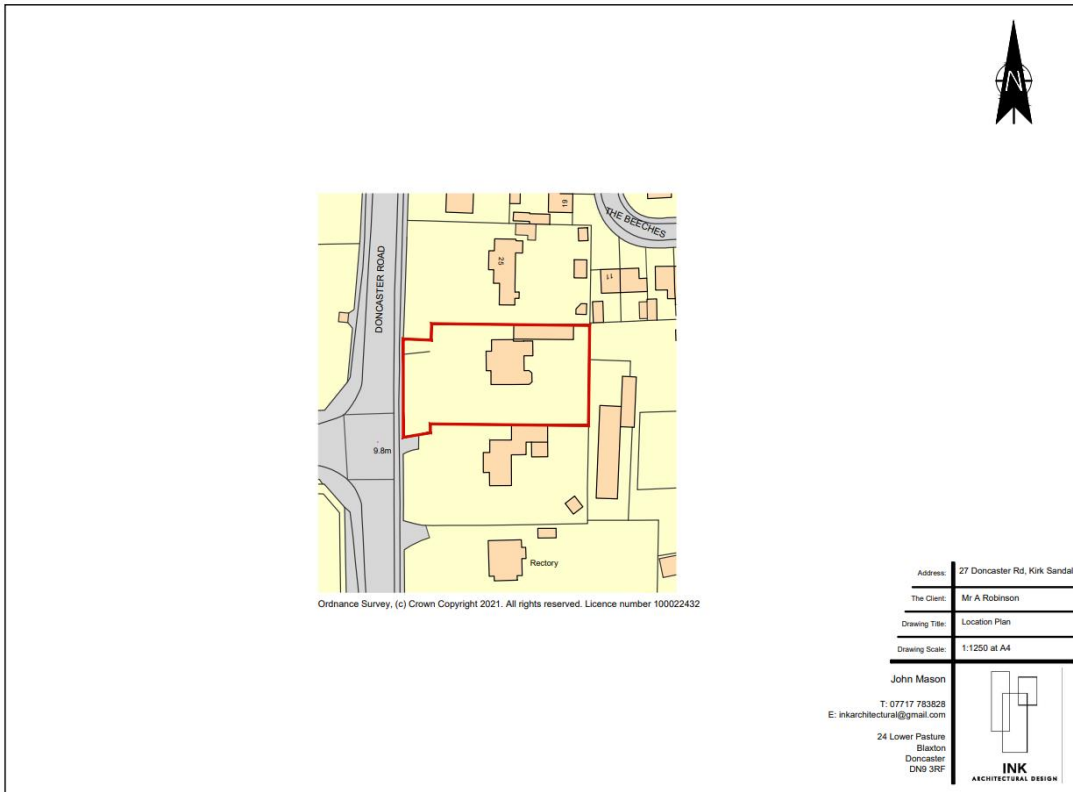
- 1) the stockpiling of building materials under the crown spread of any tree;
- 2) the parking or operating of machinery under the crown spread of any tree;
- 3) fires within 10m of the crown spread of any tree;
- 4) chemical spillages (including the rinsing out of cement mixers) under the crown spread of any tree.

It is a criminal offence to wilfully damage any protected tree and failure to adhere to this advisory note may be deemed to constitute wilful damage. Preventing damage to

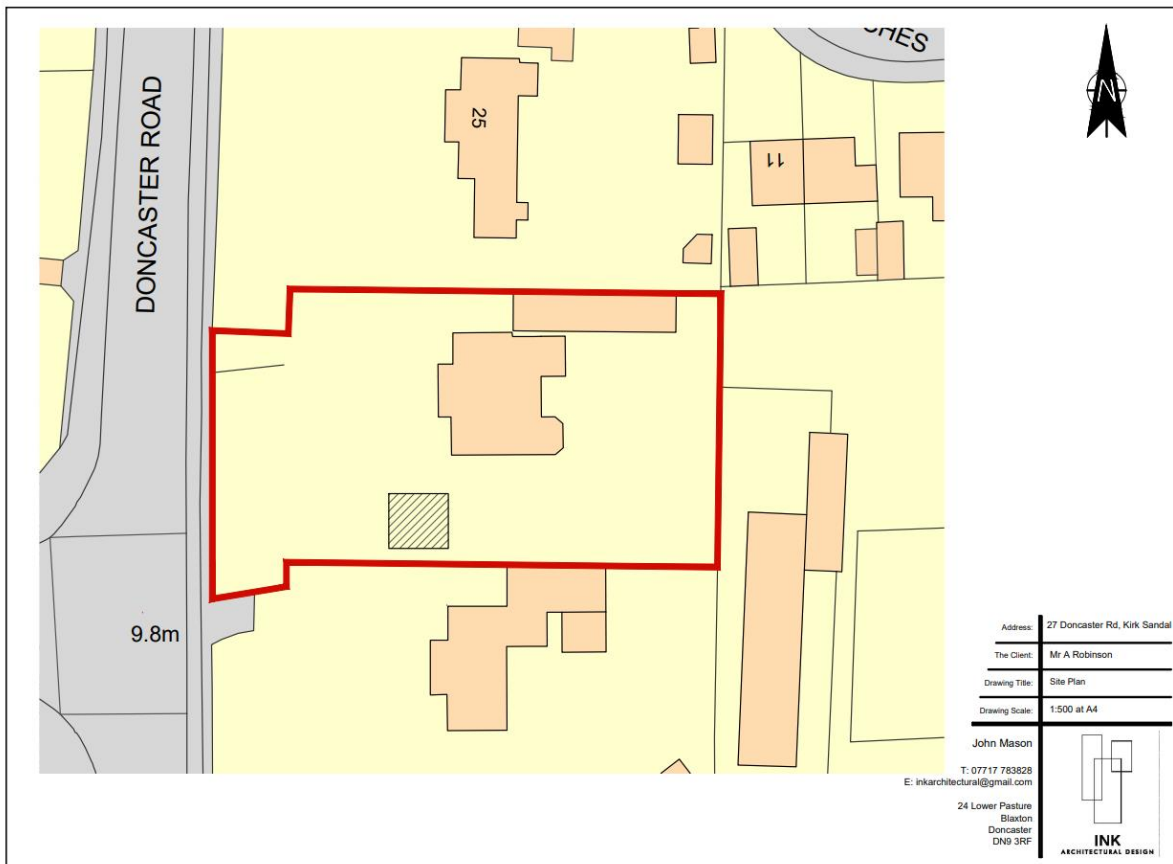
the trees is in the interests of tree health and also in the interests of safety of persons and property.

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



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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 07/09/2022]

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 07/09/2022]

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 07/09/2022]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 07/09/2022]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 07/09/2022]

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

EQUALITY IMPLICATIONS [Officer Initials JB Date 07/09/2022]

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
21/01016/FUL	Erection of a detached dwelling (Section 73 application to vary condition 2 of planning application 19/00986/FUL). at Land Off Fox Lane, Barnburgh, Doncaster, DN5 7ET	Appeal Dismissed 24/08/2022	Sprotbrough	Delegated	No
21/03186/OUT	Outline application (access and siting to be agreed) for the erection of a detached dormer bungalow and associated works (AMENDED APPLICATION SITE BOUNDARY) at Land Adjacent Homelea , Remple Lane, Hatfield Woodhouse, Doncaster	Appeal Dismissed 31/08/2022	Hatfield	Delegated	No
21/02978/OUT	Outline application for the erection of detached dwelling and garage including construction of new access on 0.03ha of land (all matters reserved). at Land East Of Guelder Cottage, West End Road, Norton, Doncaster	Appeal Allowed 23/08/2022	Norton And Askern	Committee	Yes
22/00556/FUL	Erection of front porch with canopy to front and erection of rear kitchen extension (Retrospective) at 59 Paxton Crescent, Armthorpe, Doncaster, DN3 2AW	Part Refused / Part Granted 26/08/2022	Armthorpe	Delegated	No
21/01503/FUL	Erection of a single storey front garage extension, a two storey side extension and a supported canopy to the front elevation. at 45 Cherry Tree Drive, Dunscroft, Doncaster, DN7 4JZ	Appeal Dismissed 26/08/2022	Hatfield	Delegated	No

REPORT AUTHOR & CONTRIBUTORS

Mrs J Bailey
01302 734603

TSI Officer
jane.bailey@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: 24 August 2022

Appeal Ref: APP/F4410/W/22/3291631

Land off Fox Lane, Doncaster DN5 7ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Simon Askew against the decision of Doncaster Council.
- The application Ref 21/01016/FUL, dated 26 March 2021, was refused by notice dated 27 September 2021.
- The application sought planning permission for the erection of a detached dwelling without complying with a condition attached to planning permission Ref 19/00986/FUL dated 12 February 2020.
- The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:*

2782 0101 Rev. H - Received on 11.02.2020

2782 0102 Rev. H - Received on 11.02.2020

2782 0103 Rev. H - Received on 11.02.2020

- The reason given for the condition is: *To ensure that the development is carried out in accordance with the application as approved.*
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Simon Askew against Doncaster Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal proposal seeks to erect a house of a different design to that approved in February 2020. The changes consists of an additional window on the ground floor that would serve the kitchen/dining area and a pair of floor to ceiling openings at first floor level to the sides of the roof terrace.

Main Issue

4. The main issue is whether the disputed condition is necessary having regard to whether the proposed development would preserve or enhance the character or appearance of the Barnburgh Conservation Area (CA).

Reasons

5. The appeal site is situated to the periphery of Barnburgh, a rural village which is on a hilltop location. Although there is no Conservation Area Appraisal for this CA, the varying topography, the narrow lanes and the collection of mainly stone traditionally formed buildings, with features such as small windows and stone boundary walls make a positive contribution to both its special character and appearance. Despite some variation in the built form, these features, as well as the views out over rural and agrarian land use around the village contribute to the distinctly rural character.
6. The proposal would see the introduction of openings to the two-storey outrigger at the rear of the proposed dwelling. Although the extent of the changes from the approved scheme are minor in elevational terms when comparing the approved and proposed plans, they would be sited in a prominent, elevated position serving the roof terrace.
7. Although some concerns have been raised on how representative the Computer Generated Image's are, I was able to observe the appeal site from one such area beyond the fields to the south and individual features such as windows would not be readily apparent. The proposed openings at first floor level would also not be seen from Fox Lane. However, the rear of the appeal property would be visible from private gardens and other land closer to the site. Some of these areas may be outside the CA and the appeal site itself is close to the edge of the CA. Nevertheless, such views from outside the CA do provide a strong link with the appeal site's rural surroundings and contribute to the significance of the CA.
8. The additional floor to ceiling window on the eastern elevation would be at ground floor level and set a short distance from the side boundary. It would therefore be discreetly sited and be of a similar height to the window and door openings on that elevation. As such, I do not consider it would be harmful.
9. The appellant has set out that the appeal proposal represents a positive change and will benefit the significance of the CA. I have been provided with little explanation of why an increase in glazing would be an aesthetic benefit in this instance. The approved dwelling already has a number of large windows, and the proposal would result in a further increase in glazing. I acknowledge that subjective planning matters such as design considerations will require a judgement to be made and that CA status should not stifle individual design flair. In the case of this appeal proposal, the removal of masonry on the upper floor would contrast with the predominantly traditionally formed buildings that have limited size openings and be harmful to the CA.
10. Having regard to the National Planning Policy Framework (the Framework), I consider the proposal would result in less than substantial harm to the CA. However, this does not equate to a minor harm as great weight does need to be given to the asset's conservation. The public benefits of the proposal need to be weighed against this harm according to Policy 37 of the Doncaster Local Plan 2015-2035 (Local Plan) and the Framework
11. The importance of improving the energy efficiency of the building through reduced artificial lighting and reduced heating cost is acknowledged given the effects of climate change. However, from the plans before me, the proposed ground floor window would be to a room already served by a number of large,

glazed openings and there is no substantive evidence that the approved scheme would provide inadequate light internally. Similarly, the first-floor openings would serve a roof terrace which also benefits from a large opening. In this context, the reduction in energy usage would represent a limited public benefit, which would not be sufficient to outweigh the identified harm to the significance of the heritage asset.

12. Given the above, I conclude that the disputed condition is necessary in its current form to preserve the character or appearance of the CA. As such, the proposal would be contrary to Local Plan Policy 37, which seeks, amongst other matters, to ensure that proposals do not detract from the heritage significance of a conservation area by virtue of form or design. It would also be contrary to Paragraph 189 of the Framework insofar as it seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.

Other Matters

13. Reference has been made to the Council's handling of the application, including a reliance on the Conservation Officer's consultation response in coming to a decision. This is addressed in the accompanying costs decision.
14. The proposal would not adversely impact neighbouring residents living conditions. The scale and design, including the materials of the proposed dwelling would remain as approved and the site is not located within the setting of any listed structures. These are neutral matters and not ones which weigh in its favour.
15. The appellant has made reference to an approved planning application on a site that is said to be in a more prominent position on Doncaster Road. I have been provided with limited details of this referenced development, including the location of the site and if it is in a CA. From the information provided, reference is made to that building being a modern suburban house and its circumstances do not appear to be comparable to this appeal development. I can confirm I have dealt with this appeal on its own merits.

Conclusion

16. I have found that the development would conflict with the development plan read as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. Therefore, I conclude that the appeal is dismissed.

F Rafiq

INSPECTOR

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Appeal Decision

Site visit made on 28 June 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2022

Appeal Ref: APP/F4410/W/22/3294693

Land adjacent to Homelea, Remple Lane, Hatfield Woodhouse DN7 6NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Lee Dudgeon against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/03186/OUT, dated 10 October 2021, was refused by notice dated 10 January 2022.
 - The development proposed is described as 'outline application (siting and means of access to be agreed) for a detached dormer bungalow'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would provide a suitable location for housing with respect to the Council's settlement strategy; and
 - The effect of the proposed development on the character and appearance of the area.

Procedural Matter

3. This is an outline proposal and the details considered at this stage are the layout of the development and the means of access from Remple Lane.

Reasons

Location of the development

4. The appeal site is adjacent to the property known as Homelea on a field which includes a number of small buildings. This adjoins but is just outside of the development limits of Hatfield Woodhouse as defined by the Doncaster Local Plan 2015-2035 (Local Plan), adopted September 2021.
5. Hatfield Woodhouse is defined within Policy 1 of the Local Plan as one of a number of settlements with limited services which houses commuters to elsewhere. Some development is allowed within the defined development limits. However, areas outside of these boundaries (where not within the Green Belt), such as in this case, are defined by paragraph 5 of Policy 1 as being within the Countryside Policy Area (CPA).

6. Within the CPA, Policy 1 does provide for some circumstances where residential development may be allowed such as where the Council is not meeting its five-year housing land supply or the housing delivery test. There is no dispute in this case that these circumstances do not apply. Therefore, again as defined within Policy 1, it is necessary to consider whether the proposal would comply with Local Plan Policy 25 which sets out when development in the CPA will be allowed.
7. The appellant does not argue that there is any essential need for the dwelling with respects to agriculture, forestry or other rural enterprise. The proposal does not comply with that or any other of the provisions of policy 25 of the Local Plan with respect to new dwellings in the CPA.
8. In relation to this main issue, the proposal would not provide a suitable location for housing because it would not comply with Local Plan Policies 1 and 25 for the reasons set out above.

Character and appearance

9. Within the development limits the adjacent streets of Remple Avenue, Remple Lane and Lauroid Avenue are suburban in nature, characterised by detached houses and bungalows. Beyond the development limits are agricultural fields, narrow lanes and high hedges. The appeal site itself is understood to have been a paddock and features an agricultural garage, stables and hay store. The land to the south of the appeal site is in commercial/storage use and features numerous scattered vehicles and small ancillary structures, albeit large portions of it remain green and open. There is also a small caravan site and a detached house at the southern end of Remple Lane. The area where the site is located does however have a rural feel and appearance which is distinct from the more suburban character of the land within the settlement.
10. The site benefits from some hedgerow screening and, ultimately, the appearance and scale of the development are reserved matters. However, the proposed dwelling would still likely be visible above the hedgerow and in views through the access, and there is no guarantee existing screening would subsist indefinitely. Whilst there is existing residential development to the north and east, and the proposed plot size may be generous, the proposal would extend the suburban character of the village beyond the current development limits and along Remple Lane, introducing additional domestic buildings, activity and other paraphernalia into the CPA and beyond the built-up area of Hatfield Woodhouse.
11. The use and condition of the adjacent land to the south is noted, however this appears to be less structured and of a more transient nature than the development proposed. This does not change my view that the site and surrounding land is rural as opposed to the clear built-up land within the settlement.
12. The wider paddock is much larger than the curtilage of the proposed dwelling, and within there is no defined boundary to the southern and western edges of the appeal site. The openness of the wider paddock and the form of the appeal site in relation to existing development precludes it from appearing as a logical 'rounding off' of the existing settlement. Similarly, whilst there are existing dwellings to the north and east, and agricultural buildings to the south, there is no residential development to the south or west, and the proposal would not

close an obvious gap in the street scene. The proposal would therefore appear more as an extension of the residential area of the village into an adjacent field beyond, rather than an 'infill' of a gap in the existing settlement.

13. For these reasons, in relation to this main issue, the proposal would harm the character and appearance of the area. Accordingly, it would be contrary to Policy 1 of the Local Plan. This policy seeks, amongst other things, to protect the character, setting and appearance of settlements and the intrinsic character and beauty of the surrounding countryside.

Other Matters

14. Paragraph 79 of the National Planning Policy Framework (the Framework) provides some support for development in rural areas located where it will enhance or maintain the vitality of rural communities. It is acknowledged the proposal would contribute to housing delivery in a position close to an existing settlement. Benefits of the proposal such as the creation of temporary construction jobs, council tax contributions and support for local services and facilities are also noted. However, given the small scale of the development overall these would be modest contributions of limited weight. Further benefits may accrue through biodiversity net gain, and efforts can be made to ensure the dwelling is of sustainable design. However, details of such measures are not before me, and so again little weight can be given to them.
15. My attention has been drawn to various examples of other similar applications and appeals in the area by both the appellant and the Council. Notably, all the examples referred to appear to be of decisions made prior to the adoption of the Local Plan whereas I must make my decision based upon the development plan that exists now. The circumstances of each case also differ from the appeal before me, and ultimately each case must be considered on its own merits. Therefore, whilst I have had regard to the information provided, I have afforded only limited weight to these examples in reaching a decision.

Conclusion

16. The other matters raised do not outweigh my conclusions on the main issues or the identified conflict with the development plan. Therefore, for the reasons given above, the appeal is dismissed.

Ryan Cowley

INSPECTOR

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Appeal Decision

Site visit made on 16 August 2022

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 August 2022

Appeal Ref: APP/F4410/W/22/3297929

Land east of Guelder Cottage, West End Road, Norton, Doncaster DN6 9DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms S Peacock against the decision of Doncaster Council.
 - The application Ref 21/02978/OUT, dated 10 January 2022, was refused by notice dated 31 March 2022.
 - The development proposed is the erection of detached dwelling and garage including construction of new access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of detached dwelling and garage including construction of new access at land east of Guelder Cottage, West End Road, Norton, Doncaster DN6 9DH in accordance with the terms of the application, Ref 21/02978/OUT, dated 10 January 2022, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Ms S Peacock against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline with all matters reserved for future consideration (including access). I have determined the appeal on this basis, treating supporting plans as illustrative.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is an area of land enclosed by a low wooden fence. It sits on the corner of West End Road, one of the main roads through the settlement, and Fir Tree Drive, a small cul de sac. The proposed development would comprise the construction of one dwelling. Although access is a reserved matter, the indicative layout plan shows an access point onto Fir Tree Drive. The appellant has indicated that the proposed dwelling would be two storeys.
6. The site is surrounded by residential properties of a mixed type, style and design. The properties fronting onto West End Road in the vicinity of the site occupy plots of various sizes, although they generally have quite modest front

gardens, a number of which include hard surfaced areas and a boundary wall adjacent to the pavement. Fir Tree Drive has a more uniform streetscape, comprising mainly semi-detached and detached bungalows. The property at the entrance to Fir Tree Drive opposite the site is a two storey detached dwelling enclosed by a stone wall.

7. The site does provide an open relief among the built form in the vicinity, but this in itself is uncharacteristic. The proposal would introduce a new dwelling and associated features on a site that is presently essentially open, which would inevitably alter its appearance.
8. However, while the open nature of the site is apparent when viewed from Fir Tree Drive, it is only clearly discernible from West End Road when in relatively close proximity. This is due to the screening effect of the built form fronting onto the road and the context in which the site is viewed, which is mainly against the backdrop of existing built development. The site does not therefore play an active role in the character and appearance of the area beyond the immediate vicinity. Thus, while the site may be undeveloped and therefore provides a degree of openness between the built development, it is not a significant visual gap in terms of making a positive contribution to the character and appearance of the area.
9. I am mindful of the indicative scale and layout of the dwelling shown on the submitted plans, but the appellant is not bound by this given that these matters are reserved for future consideration. Nonetheless, although the proposal would change the site's visual appearance, the plot's size could accommodate a dwelling that respects the siting, scale, massing and appearance found in the surrounding area. With careful siting of the dwelling, this would include space for a garden bordering West End Road, which would help maintain the open aspect fronting onto the streetscape when viewed from certain nearby vantage points.
10. The properties on Fir Tree Drive are bungalows. However, a two storey dwelling would be in keeping with the scale of much of the development in the vicinity of the site, including that fronting onto West End Road and the property at the entrance to Fir Tree Drive opposite.
11. I am therefore satisfied that a new dwelling could be built on the site that would integrate with its surroundings and respect the character and appearance of the area.
12. Reference has been made to the plot of land being originally designated as an open green area. The submitted information highlights that previous applications for a dwelling at the site have been refused permission due to the effect on visual amenity through the loss of open space.
13. From the submitted information, it is not possible to conclude with any certainty that the site was intended as a landscaped area associated with the adjacent housing development. Furthermore, the policy context has materially changed since the previous applications were considered, with the adoption of the 2021 Doncaster Local Plan 2015 – 2035 (the Local Plan). The site is within a Residential Policy Area as defined in Policy 10 of the Local Plan, where new residential development will be supported, subject to certain criteria being met.

14. In addition, the submitted information highlights that the site was considered for allocation as local green space as part of the evidence base exercise supporting the Local Plan preparation, but was not of the required significance. The Council appears to be satisfied that the requirements of Policy 27 of the Local Plan relating to the protection of open space do not apply to the site. There is no substantive evidence before me that would persuade me to take a different view.
15. I therefore conclude that the proposed development would not harm the character and appearance of the area. Consequently, it would accord with the requirements of Policies 41A and 42B.2 of the Local Plan. Amongst other matters, these policies require development to recognise and reinforce character and local distinctiveness and integrate with the surrounding area.

Other Matters

16. The site lies within Flood Zone 1, which is at low risk of flooding. Appropriate measures can be put in place to manage surface water and drainage to ensure that there would be no unacceptable increase in flood risk.
17. The detailed access information would be assessed at reserved matters stage. However, given the scale of development and based on the submitted information and plans, there is no clear evidence to suggest that there would be an unacceptable impact on highway safety in terms of additional traffic generation or visibility for entering and leaving the driveway at 4 Fir Tree Drive or the junction of the drive with West End Road. There is also no clear evidence to suggest that the proposed development would give rise to an unacceptable increase in on-street parking, given that the illustrative plan indicates that there would be scope for the required number of on-site parking spaces.
18. The scale, appearance and layout of the dwelling would be assessed at a future stage. Having considered the size of the site and its relationship with adjacent properties, there is no reason why a dwelling with an appropriate design and layout could not sit comfortably within the plot without causing significant harm to neighbouring residents in terms of privacy, outlook and light. While noting that the adjacent Guelder Cottage is a relatively modest two storey dwelling, there is no evidence to suggest that an acceptable design could not be achieved which fully respects this property.
19. I appreciate the concerns about the implications that the proposal may have for future development at the neighbouring property. However, based on the submitted evidence, this would appear to be a theoretical possibility rather than a definite proposal, and as such I give it only limited weight. The location of any garage at the site would be assessed at a future stage.

Conditions

20. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
21. In the interests of certainty, relevant conditions concerning the timescales for the commencement of development, the submission of the reserved matters and the approved plans are necessary.

22. To ensure that the site is connected to suitable drainage systems, details of the discharge of surface and foul water and land drainage are required. These details are required prior to commencement of development to ensure that the relevant details are acceptable and compliance with their requirements at a later time could result in unacceptable harm.
23. In the interests of biodiversity, a condition is necessary to require an ecological enhancement plan. In the interests of human health and the environment, a condition is necessary to address potential contamination. To prevent the over development of the site, a condition is necessary to restrict the development to no more than one dwelling.

Conclusion

24. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should succeed.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, layout, scale, appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan - Received 10th February 2022.
- 4) The development hereby permitted shall not be begun until details of the foul, surface water and land drainage systems (based on sustainable drainage principles (SuDS)) and all related works necessary to drain the site have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out concurrently with the development hereby permitted and the drainage system shall be operating in accordance with the approved details prior to the first occupation of the development, and retained thereafter.
- 5) On submission of reserved matters, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the development or an alternative timescale to be approved in writing by the Local Planning Authority and retained thereafter:
 - a scheme of native species shrub planting in appropriate locations within the final site layout; and
 - the provision of two woodcrete bird nest boxes integrated into the walls or attached externally to the dwelling with the type, location and orientation specified by a suitably qualified ecologist.
- 6) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the Local Planning Authority and all associated works shall cease. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
- 7) The development shall comprise no more than one dwellinghouse or residential unit.

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Appeal Decision

Site visit made on 17 August 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/F4410/D/22/3301725

59 Paxton Crescent, Armthorpe, Doncaster DN3 2AW

- 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 & Mrs Wrenn against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/00556/FUL, dated 22 April 2022 was refused by notice dated 17 June 2022.
 - The development proposed is rear extension and front porch extension.
-

Decision

1. The appeal is dismissed in so far as it relates to the front porch extension. I allow the appeal as it relates to the rear extension at 59 Paxton Crescent, Armthorpe, Doncaster DN3 2AW in accordance with the terms of the application Ref 20/00556/FUL, dated 22 April 2022, subject to the following condition:-
 - 1) Within three months of the date of this permission, the external walls of the rear extension hereby permitted shall be rendered in a colour to be submitted to and agreed in writing by the Local Planning Authority, and the single-storey outbuilding shall be demolished, and the material removed from site and disposed of at a licensed facility.

Procedural Matter

2. The application form to the Council was completed by Mr Andrew Cockcroft, who was the builder for the proposal at the time. In error, Mr Cockcroft, completed the form and listed himself as agent and applicant. Ownership certificates were completed on behalf of Mr & Mrs Wrenn. It only came to light when the new agent for the appeal listed Mr & Mrs Wrenn (the homeowners) as the appellants and prepared a Statement of Case on their behalf.
3. Mr Cockcroft has subsequently declared in writing that the application form was completed in error with his name as applicant. Having visited the site, I can confirm that Mr & Mrs Wrenn are the homeowners and appellants and neither party has been prejudiced by the correction of the information.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the area. In light of the separate aspects of the proposal, I will subdivide this into sections relating to the rear extension and the front porch.

Reasons

5. The appeal property is located in an area made up of predominately residential development. The property is part of a terraced row, with some front gables to properties at points within the row (including the appeal dwelling), but the dwellings are of a greater size than a traditional terraced row, typical of the properties constructed of that time within the mining villages of South Yorkshire, housing families connected with mining. Many front garden areas have been converted to off-street parking facilities for the residents and some have made external alterations of various types.
6. There is access to the rear of the properties from a track, and the appellant and some other residents have also used this to park at the rear and many have garages located to the rear of their properties in the private amenity space.
7. The proposals would see the retention of a single-storey rear extension, the demolition of an existing rear single-storey outbuilding and the construction of a single-storey front porch.

Rear Extension

8. The rear amenity space of the appeal property is dominated by a single-storey structure that is a single-storey garage building with a side single storey attachment that was described as a summerhouse, containing a hot-tub and a storage area. There is a canopy area to the front of the summerhouse that effectively creates a covered area.
9. The single-storey outbuilding to be demolished is located close to the appeal dwelling and close to the boundary with 61 Paxton Crescent. It is of brick and tile construction and appears to be used for storage purposes. Its demolition would clear some amenity space to the rear of the property, making a shared access more available and would not harm the character and appearance of the area.
10. At present, to the rear of the appeal dwelling and the rear of a number of properties along the terraced row, including the adjacent dwellings there are a number of structures and outbuildings that have been constructed. I find that to penalise the appeal property for the rear extension as being harmful to the character and appearance of the area is somewhat disingenuous when most of the character is formed by the plethora of buildings to the rear at a number of properties, and these cannot be seen within the street scene in any event.
11. With regard to this element of the proposal, I find that there would be sufficient amenity space available for the use of the property after the demolition of the single-storey outbuilding, and the single-storey extension that is the subject of this appeal is already in-situ and does not affect the amenities of the adjacent properties. A condition to ensure that the extension is rendered to the satisfaction of the Council will be acceptable in terms of external appearance.

12. With regard to this part of the proposal, I find no conflict with policies 41 and 44 of the Doncaster Local Plan (2021) (the LP) which, amongst other matters, expect development to respond positively to their context and site features, integrate visually and functionally and have adequate amenity space. I also find no conflict with the Transitional Design Guidance (2022) and the guidance in relation to design and amenity set out in the National Planning Policy Framework (the Framework).

Front Porch

13. The proposal would also include the enlargement of the hallway and utility area, In terms of projection for the porch and its relation to the adjacent property (No 57) there would be some afternoon overshadowing to the ground floor window.
14. With regard to the appearance of the front extension, there is an element of symmetry to the terraced row of properties, and the use of front gables in the overall row design is an interesting feature that adds character to the area. There has undoubtedly been some alteration and extension to properties over the passage of time, including the use of bay windows to the front elevation in some cases, and also many of the properties have converted front garden areas to off-street parking areas.
15. Nonetheless, despite these changes, there still remains a general symmetry to the row. The addition of a front porch extension to the property would undermine that symmetry and I find that this would cause harm to the character and appearance of the area.
16. With regard to the front porch, I find conflict with Policies 41 and 44 of the LP, which collectively expect development to respond positively to their context and site features and integrate visually and functionally. I also find conflict with the guidance set out in Paragraphs 130 and 134 of the Framework.

Conditions

17. The Council have suggested the standard conditions, but as I am issuing a split decision, there is only the relevance of the rear extension. This aspect of the development is already built, so there is no requirement for a standard commencement condition, approved plans conditions or matching materials condition.
18. However, there is a need to ensure that the blockwork construction is rendered, to the approval of the Local Planning Authority, as well as ensuring the rear outbuilding is demolished and removed safely from site and disposed of, in the interests of visual and residential amenity. I have set a time limit for these works to be carried out of three months, which should be more than sufficient.

Conclusion

19. For the reasons set out above and having had regard to all other matters raised, I consider that the appeal should fail in respect to the front porch extension but succeed in respect to the rear single storey extension. A split decision is therefore issued.

Paul Cooper

INSPECTOR

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Appeal Decision

Site visit made on 17 August 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/F4410/D/22/3302315

45 Cherry Tree Drive, Dunscroft, Doncaster DN7 4JZ

- 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 Michael Witton against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 21/01503/FUL, dated 29 April 2021, was refused by notice dated 21 April 2022.
 - The development proposed is erection of a single storey front garage extension, a two-storey side extension and a supported canopy to the front elevation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal property is a detached dwelling located in a predominately residential area. The locality is made up of detached and semi-detached dwellings, some of which already benefit from extensions. Despite some variation in form, the properties in the area present a discreet arrangement that contribute towards local character.
4. The proposal would see the erection of a two-storey side extension with a single storey garage attached to front of that, forward of the front elevation, and a supported canopy to the existing front elevation.
5. I find that due to the scale and forward projection combination of the two-storey side extension and the front garage extension, it would appear dominant and incongruous in the context of both the host property and the street scene. Such an overwhelming departure from the established built form would be inconsistent and appear unsightly. It would result in a front projecting single-storey garage protruding from the original building line of the dwelling, being of significant scale and to the detriment of the host dwelling.
6. The design, scale and siting would significantly unbalance the harmony of the appeal property and would be at odds with the simple design nature of the existing property, appearing uncharacteristic and cause material harm to the character and appearance of the locality with the introduction of such a dominant feature that is at odds with the aesthetics of the area.

7. Thus, it would appear overpowering to the frontage and out of character with the architectural style of the host dwelling. Furthermore, it would not be reflective of the street scene creating an unwelcome focal point at this junction location, appearing as an incongruous addition, disrupting the rhythm and scale of existing dwellings within the street scene.
8. For the reasons given above, I conclude that the combination of the two-storey side extension and the single-storey front garage extension would harm the character and appearance of the host property and the surrounding area.
9. As a result, I find that it would be contrary to policies 41 and 44 of the Doncaster Local Plan (2021) which collectively, amongst other matters, expect development to be of high-quality design, contributing to local distinctiveness, integrate visually with the surrounding area at a settlement and be sympathetic to the character of the area.
10. I also find conflict with the guidance set out in Paragraph 130 of the National Planning Policy Framework and that of the Doncaster Development Guidance and Requirements Supplementary Planning Document (2015).

Other Matters

11. I have noted the comments of the appellant regarding the inconsistency of decision making from the Council, and the submission of similar proposals that have gained approval.
12. I do not have the full details of these alternative proposals, and I have to determine the appeal on the merits of the case in front of me. I have identified harm to the character and appearance of the area with regard to this appeal and the presence of other similar development to the appeal proposals in another context does not make the proposal acceptable.

Conclusion

13. The proposal conflicts with the development plan, taken as a whole and there are no other material considerations, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

Paul Cooper

INSPECTOR