



City of Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

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

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

Date: Tuesday, 17th October, 2023

Time: 2.00 pm.

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**Damian Allen
Chief Executive**

Issued on: Monday, 9 October 2023

Governance Services Officer for this meeting

Amber Torrington
Tel. 01302 737462

**City of Doncaster Council
www.doncaster.gov.uk**

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| 1. | Apologies for Absence | |
| 2. | To consider the extent, if any, to which the public and press are to be excluded from the meeting. | |
| 3. | Declarations of Interest, if any. | |
| 4. | Minutes of the Planning Committee Meeting held on 19th September, 2023 | 1 - 6 |
| A. | Reports where the Public and Press may not be excluded. | |
| | <u>For Decision</u> | |
| 5. | Schedule of Applications. | 7 - 130 |
| 6. | Consideration of Section 106 Agreement following Viability Assessment for Residential Development at Owston Road, Carcroft (19/01514/OUTM) | 131 - 254 |
| | <u>For Information</u> | |
| 7. | Appeal Decisions | 255 - 270 |

Members of the Planning Committee

Chair – Councillor Susan Durant
 Vice-Chair – Councillor Sue Farmer

Councillors Duncan Anderson, Iris Beech, Steve Cox, Aimee Dickson, Charlie Hogarth, Sophie Liu, Emma Muddiman-Rawlins, Andy Pickering and Gary Stapleton

Agenda Item 4.

CITY OF DONCASTER COUNCIL

PLANNING COMMITTEE

TUESDAY, 19TH SEPTEMBER, 2023

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 19TH SEPTEMBER, 2023, at 2.00 pm.

PRESENT:

Chair - Councillor Susan Durant
Vice-Chair - Councillor Sue Farmer

Councillors Bob Anderson, Iris Beech, Steve Cox, Aimee Dickson, Charlie Hogarth, Sophie Liu and Gary Stapleton.

APOLOGIES:

Apologies for absence were received from Councillors Duncan Anderson and Andy Pickering.

30 Declarations of Interest, if any

No declarations of interest were made at the meeting.

31 Minutes of the Planning Committee Meeting held on 22nd August, 2023

RESOLVED that the minutes of the meeting held on 22nd August, 2023 be approved as a correct record and signed by the Chair.

32 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'.

33 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 decisions of the Council, be noted:-

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
20/00276/M	Appeal against enforcement action for alleged unauthorised	ENF- Appeal Dismissed, ENF	Adwick Le Street & Carcroft		No

	erection of extension under grounds (a) at 175 South Street, Highfields, Doncaster, DN6 7JH	Notice Upheld 14/08/2023			
22/01655/CPL	Certificate of proposed lawful development for erection of a 2m boundary fence to the north east and north west boundries. at 2 Rectory Gardens, Wheatley, Doncaster, DN1 2JU	Appeal Dismissed 24/08/2023	Town	Delegated	No
20/00575/M	Appeal against enforcement action for alleged unauthorised installation of pallisade fencing adjacent to public footpath under grounds (a) (f) and (g) at Land Adjacent To 25, Kendal Crescent, Conisbrough, Doncaster	ENF- Appeal Allowed Subject to Correction 25/08/2023	Conisbrough		No
22/01126/FUL	Running of child-minding business from residential property (retrospective) (being variation of condition 5 of planning application 21/02966/FUL granted 10/12/2021 - change from 16 to 21 children) at 41 Lower Pasture, Finningley,	Appeal Dismissed 14/08/2023	Finningley	Delegated	No

	Doncaster, DN9 3RF				
22/01232/FUL	Conversion of upper floors of building to create 6 x apartments with associated works (resubmission of 21/03125/FUL, withdrawn on 12/01/22). at The Plant Hotel, 6 Hexthorpe Road, Hexthorpe, Doncaster	Appeal Dismissed 24/08/2023	Hexthorpe And Balby North	Delegated	No
23/00187/FUL	Erection of rear single storey extension, formation of roof terrace with balustrade above and increased in height of gate piers to approximately 2m (being resubmission of 19/02561/FUL refused 17.10.2022) (RETROSPECTIVE) at 8 Auckland Road, Wheatley, Doncaster, DN2 4AG	Appeal Dismissed 10/08/2023	Town	Delegated	No

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 19th September, 2023

Application	01		
Application Number:	23/00108/FUL		
Application Type:	Full Planning Permission		
Proposal Description:	Conversion of existing dwelling with erection of rear extension to create 7 - one bed HMO units and conversion of rear outbuilding to create a one bed apartment		
At:	18 Lifford Road, Wheatley, Doncaster, DN2 4BY		
For:	Mr Kay		
Third Party Reps:	32 representations objecting to the proposal and petition with 90 signatures	Parish:	N/A
		Ward:	Town

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

Proposed by: Councillor Gary Stapleton

Seconded by: Councillor Susan Durant

For: 4 Against: 5 Abstain: 0

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

Subsequently, a proposal was made to refuse the Application which was contrary to the Officers recommendation.

Proposed by: Councillor Bob Anderson

Seconded by: Councillor Steve Cox

For: 4 Against: 4 Abstain: 1

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

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

For: 4 Against: 5 Abstain: 1

Subsequently, a proposal was made to defer the Application to obtain further information with regards to the clarification on the number of parking permits allowed for each resident, the number of permits currently issued in the street, and the assessment of the noise impact on the party wall with No. 20.

Proposed by: Councillor Susan Durant

Seconded by: Councillor Aimee Dickson

For: 7 Against: 2 Abstain: 0

Decision: Deferred to obtain further information with regards to the clarification on the number of parking permits allowed for each resident, the number of permits currently issued in the street, and the assessment of the noise impact on party the wall with No. 20.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Richard Maddox, a member of the public, spoke in opposition to the Application for the duration of up to 5 minutes.

(Receipt of two additional representations objecting to the Planning Application and the amendment of Condition 02, were reported at the meeting).

Application	02
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Application Number:	22/00848/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of 38 residential units and 56 retirement living homes, including landscaping and access
At:	Land on the North East side of Sandford Road, Balby

For:	Stacey Chappell - Hooper Urban Partnership
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Third Party Reps:	Petition (51) against 1 letter in support.	Parish:	
		Ward:	Balby South

A proposal was made to defer the Application to allow the re-advertisement of the application with the amended description.

Proposed by: Councillor Gary Stapleton

Seconded by: Councillor Steve Cox

For: 9 Against: 0 Abstain: 0

Decision: Deferred to allow the re-advertisement of the Application with the amended description.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Ms Andrea Brough, representing Together Housing and Ms Katrina Crisp, the Agent, spoke in support of the Application for the duration of 5 minutes.

(Receipt of an amendment to the description of the proposal was reported at the meeting).

CITY OF DONCASTER 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 wellbeing or the rights of others to enjoy their property.
3. Whether restriction on one is proportionate to the benefit of the other.

Copyright Implications

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Scott Cardwell
Assistant Director of Economy and Development
Directorate of Place

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.	23/00108/FUL	Town	
2. M	22/00255/REMM	Edenthorpe And Kirk Sandall	Edenthorpe Parish Council
3. M	21/00398/MINA	Edlington And Warmsworth	Edlington Town Council
4.	22/02392/FUL	Bentley	

Application	01
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Application Number:	23/00108/FUL
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Application Type:	Full Planning Permission
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Proposal Description:	Conversion of existing dwelling with erection of rear extension to create 7 - one bed HMO units and conversion of rear outbuilding to create a one bed apartment
At:	18 Lifford Road, Wheatley, Doncaster, DN2 4BY

For:	Mr Kay
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Third Party Reps:	32 representations objecting to the proposal and petition with 90 signatures	Parish:	N/A
		Ward:	Town

Author of Report:	Mark Ramsay
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SUMMARY

This application was deferred on the 19th September for the following reasons:

Clarification on the number of parking permits allowed for each resident, the number of permits currently issued in the street, and the assessment of the noise impact on the party wall with No. 20.

The application relates to a proposed House of Multiple Occupation (HMO) with 7 one-bedroom units in Wheatley and conversion of an outbuilding to a single stand-alone apartment. This would be achieved by extending and converting a 5-bedroom house with a two-storey extension to the rear.

The application proposal has been amended to satisfy the previous consultee objections by changes to the internal layout and reduction of the number of bedrooms. Since the previous meeting minor changes have been made to the internal layout so the access to unit 2 is from the hallway rather than the shared living space and indicative layout showing possible bin and cycle storage in the rear yard and these changes are reflected in appendix 2 and 1 respectively. Additionally, the proposed rear doors on the outbuilding have been removed in the interests of security.

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

RECOMMENDATION: GRANT planning permission subject to conditions



1.0 Reason for Report

- 1.1 This application is being presented to planning committee at the request of Councillor Coby, due to concerns over the proliferation of Houses in Multiple Occupation (HMO's) in the area and the number of objections received to the proposal.

2.0 Proposal

- 2.1 Planning permission is sought for the change of use of a 5-bedroom dwelling house (Use Class C3) to a 7-bedroom HMO (Use Class Sui Generis) with a converted outbuilding forming a single apartment at the rear.
- 2.2 No external alterations are proposed to the front elevation of the property. However, a two-storey extension is proposed to the rear of the building.
- 2.3 All the parking provision on Lifford Road is provided on street. The proposal does not include dedicated parking spaces for occupiers and objections haven't been raised by Highways due to its sustainable location.
- 2.4 The proposal originally sought permission for 8 bedrooms but following comments from the Environmental Health Officer, the scheme has been reduced in scale in order to provide an acceptable standard of accommodation in terms of space, light and ventilation inside the building.

3.0 Site Description

- 3.1 Lifford Road has a uniform character, consisting of two storey, terrace housing. The majority of the properties are red brick. All of the properties have bay-windows to the front, at the ground floor level. A small minority of the dwellings have extended up into the roof space.
- 3.2 Most of the properties on the same side of Lifford Road have small courtyard gardens to the front, which can be used for bin storage. This property is at the end of the terrace and there is a footway along the side of the property that serves to provide external access to the rear of the property storage and has an alleyway to the rear of the property.
- 3.3 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps and is therefore at low risk of flooding.

4.0 Relevant Planning History

- 4.1 The site has no relevant planning history

5.0 Site Allocation

- 5.1 The site is allocated as Residential Policy Area as defined by the Doncaster Local Plan. The following policies are applicable:

5.2 National Planning Policy Framework (NPPF 2023)

5.3 The National Planning Policy Framework 2023 (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 Paragraphs 7 to 11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development. One of the three overarching objectives of the NPPF is to ensure a significant number and range of homes are provided to meet the needs of present and future generations (paragraph 8b).

5.5 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 60 outlines the Government's objective of significantly boosting the supply of housing, noting the importance of a sufficient amount and variety of land coming forward where it is needed and that the needs of groups with specific housing requirements are addressed.

5.7 Paragraph 62 requires a mix of housing size, type and tenure to come forward on developments to meet housing need, including those who require affordable housing.

5.8 Paragraphs 92(b) aims to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion

5.9 Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.10 Paragraph 119 notes the importance of making efficient use of land, whilst decisions should promote an effective use of land in meeting the needs for homes, in a way that makes best use of previously developed land.

5.11 Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126).

5.12 Paragraph 130 states that planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.

5.13 Planning decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 185).

5.14 Local Plan

5.15 The site lies within the Residential Policy Area as allocated in the Doncaster Local Plan (Policy 10).

5.16 Policy 9 deals specifically with HMOs and how they will be supported under strict circumstances. The criterion of this policy is set out later in the report.

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

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

5.19 Policy 47 (Safe and Secure Places) states that developments will be supported which are designed in a way that reduces the risk of crime and the fear of crime.

5.20 Other Material Planning Considerations

5.21 Doncaster Council's previous suite of adopted 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.

5.22 The Transitional Developer Guidance (TDG) (Updated August 2023) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. This guidance is attached limited weight.

5.23 National Planning Policy Guidance

5.24 The South Yorkshire Residential Design Guide (SYRDG) has also been revoked as an SPD but retained as guidance and is also afforded limited weight.

6.0 Representations

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

6.2 There was a petition of 90 signatures objecting to the application when it was initially publicised and 16 objections were also received. When the amended scheme was publicised a further 16 objections were received.

6.3 The matters raised included concerns regarding;

- pressure on drainage
- fly tipping in the alleyway
- anti-social behaviour
- pressure on parking in the locality

- noise nuisance, loss of privacy
- harm to the character of the area

7.0 Parish Council

7.1 No parish council exists for this area.

8.0 Relevant Consultations

8.1 **Environmental Health** – Following discussion with the agent the proposal was modified to reduce the number of bedrooms and ensure there is sufficient space and light for each room. The officer withdrew their objections subject to conditions requiring a scheme for noise insulation and waste management required to be agreed and implemented before occupation.

8.2 **Area Manager** – Noted concerns of residents regarding egress in case of fire, increase in noise, waste storage and the appropriateness of an HMO in this location.

8.3 **Public Health** - Concerns raised regarding internal design, ventilation, light and noise in original proposal have been addressed through the amendments made following discussions with Environmental Health. Also queried promotion of active travel and whether outdoor space would be landscaped.

8.4 **Highways** - The proposed HMOs are located within a dwelling situated on Lifford Road within Wheatley. This road is made up of residential dwellings, it has on street parking provisions in place that requires parking permits this will need to be made clear to future residents of the HMO's. It is also within walking distance approximately 300m to bus stops that provide regular services to the City Centre. Given the above information and the close proximity to the City Centre, the hospital and the connection links, no concerns are raised over this development.

9.0 Assessment

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

- Principle of Development
- Space Standards
- Impact upon Neighbouring Properties
- Location
- Concentration of HMO's in the area
- Landscape
- Heritage
- Highways

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

- Substantial
- Considerable

- Significant
- Moderate
- Modest
- Limited
- Little or no weight

Principle of Development

- 9.3 The application site is washed over by Residential Policy Area and as such Policy 10 of the Doncaster Local Plan supports residential development in principle, providing that it does not adversely affect the character of the area or detrimentally affect neighbouring properties through for example excessive overshadowing, over dominance or loss or privacy.
- 9.4 Policy 9 sets out a strict criteria in relation to the development of HMOs. The policy states that there are concerns around the quality of living for occupants of these dwellings. Proposals for HMOs will only be supported under very strict circumstances which provide adequate internal living standards, communal areas, provide sufficient accommodation for the number of residents, capable of conversion without harming the amenities of neighbouring residents and not result in an over concentration within a locality.
- 9.5 The site is located within the Article 4 Direction area which removes the permitted development right to change the use of C3 dwelling houses to C4 HMO's without the need for planning permission (C4 is a dwellinghouse used as an HMO for up to 6 people). However, this development would have required planning permission for the alterations to the building and because the development is for more than 6 occupants.
- 9.6 The Article 4 Direction does not ultimately result in all HMO's being refused. However, it does mean the design and position of all proposed HMO can be scrutinised by the LPA in further detail rather than just the larger ones that accommodate more than 6 people.
- 9.7 While the Article 4 Direction is not directly relevant to this proposal, it does mean that, irrespective of the size of HMO proposals that may come forward, the total number of HMO's in a stretch of 20 properties on the same side of the street, would be limited to this development and one other. The concentration of HMO's is discussed further within this report at paragraphs 9.28 onwards.

Sustainability

- 9.8 The NPPF sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.9 There are three strands to sustainability, social, environmental, and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favor of sustainable development.

9.10 SOCIAL SUSTAINABILITY

Space Standards

- 9.11 The Housing Act 2004 outlines the legal minimum individual room size for one person as 6.51 square metres. However, in order to obtain an HMO License, the Council encourages bedroom sizes (including space for en-suite facilities) of at least 10 square metres and since the scheme was amended, all the proposed bedrooms exceed this threshold. Concerns were raised as to the arrangements for unit 2, the ventilation of the en-suite would come under the building regulations and mechanical extraction though the roof space could be used for this as well as the other internally positioned bathrooms and the entrance door of unit 2 now opens to the hallway rather than the shared living area.
- 9.12 The Environmental Health Officer has confirmed that based on the revised layout, the applicant would be able to obtain the HMO License and the space standards are satisfactory for the proposed use. The shared kitchen, dining and living space encourages tenants, to mix and interact, which contributes to social and healthy wellbeing. As such the overall size and layout of the property is considered to be suitable for the proposed use. Thus, the proposal weighs positively in terms of the internal space and carries significant weight.
- 9.13 The converted outbuilding is considered against the Nationally Described Space Standards and the unit provides 48 sq. m of internal space. This exceeds the minimum standards for a one bed unit (39 sq. m) and meets or exceeds the other requirements for bedroom size and storage so is considered acceptable.

Impact Upon Residential Amenity

- 9.14 Local Plan Policy 10 states that residential development will be permitted in Residential Policy Areas whereby it does not detrimentally affect the amenities of occupiers of nearby properties.
- 9.15 The application site is bordered by existing residential development on either side of the house and on the opposite side of the road. There is an alleyway that separates houses to the south that front Ferrers Road.
- 9.16 The extension to the rear of the property provides additional bedroom space at first floor and provides the shared facilities at ground floor with the rest of the ground floor becoming bedrooms. The new windows would face the rear, overlooking the existing yard so not introducing overlooking or loss of privacy to adjacent properties and is sufficiently set in from adjacent boundaries that it is not over dominant or introduce harmful overshadowing.
- 9.17 While the unit at the rear is sufficiently large to be occupied separately, the rear garden is shared between the HMO and the unit at the rear and is in the same ownership and would be rented out alongside the HMO rooms. The outbuilding is single storey so the upper windows in the house will look over the top of this unit and the closest window would serve the common kitchen area and the door/window

to unit 2 would largely be obscured from the rear unit by the projection on the rear of the house, so not introducing an unacceptable loss of privacy to occupants.

- 9.18 The garden has a secure gated access, onto the alleyway at the rear and down the side of the house so there is space to store bins within the curtilage of the house. HMOs generally remain eligible for the same level of service as traditional forms of housing, but the Council may provide an additional 240 litre black bin for HMOs where necessary. The manager of a HMO must make additional arrangements for excess waste produced by their tenants where the Council's standard service provision proves inadequate, requests for additional capacity would be dealt with as commercial agreements with charges for collections.
- 9.19 The building owner/management company must ensure that a documented waste management plan is produced and implemented, so as to ensure a designated person/body keeps the storage area clean, free from uncontained waste and pests and to facilitate any other actions necessary to ensure the waste storage area is properly managed and maintained. A scheme of waste storage to be agreed has been recommended by the Environmental Health Officer and any required measures can be dealt with through this process.

Conclusion on Social Impacts.

- 9.20 Paragraph 8 of the NPPF indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The design of the extension is considered to not adversely affect neighbouring residential properties through excessive overlooking or loss of privacy.
- 9.21 The objections raised in regard to loss of amenity are noted however there are existing bedrooms on the 1st and 2nd floor that already abut the same bedroom walls without any enhancements. It is further noted that the numbers of occupants would not excessively exceed that possible if the original dwelling was filled by a large family given that the roofspace has already been converted.
- 9.22 However, a scheme of enhanced airborne sound insulation for application to the party wall with the neighbouring property will need to be submitted to the authority for approval and has been requested as a condition by the Environmental Health Officer. The developer would need to show that the standard they will meet is equivalent to that required for a new build semi-detached house under Part E of the Building Regulations. This scheme, once agreed, has to be implemented in full before the building is occupied as an HMO. This would ensure that the noise from activities in the adjacent bedrooms such as talking on a phone, playing music, watching TV etc. does not adversely impact the occupants of the adjoining dwelling.
- 9.23 In conclusion the property provides adequate internal space standards and meets the criteria in terms of obtaining the relevant HMO License from Doncaster Council. The shared living space, as well as the access to outdoor area, encourages social interaction and is considered to provide suitable accommodation. Page 17

9.24 ENVIRONMENTAL SUSTAINABILITY

Location

- 9.25 The application site is positioned in a sustainable location. The site is approximately 1.1 miles from Doncaster City Centre and the Doncaster Transport Interchange, thus within suitable walking distance. In terms of connectivity, the application site is located approximately 200m from Beckett Road and Thorne Road which are both served by regular bus services to the City Centre and other destinations across the Borough.
- 9.26 Beckett Road also provides a variety of shops and local amenities within walking distance of the application site and the site is also a short distance from the Hospital, Doctor and Dentist surgeries.
- 9.27 Whilst the application proposal does not provide dedicated off-street parking spaces, considering the above, the application site lies within a sustainable location close to the City Centre and sustainable methods of transport. The Highways Department have not raised objections to the proposal. This weighs in favours of the application carrying significant weight.

Concentration of HMOs

- 9.28 The Wheatley Area is considered to be the most populated area of Doncaster in terms of HMO properties. This is mainly due to its proximity to the hospital for doctors and nurses. The size and scale of the traditional housing in this area also means that the existing properties can easily be converted to provide multiple bedrooms.
- 9.29 As such, the Article 4 Direction was brought into force to cover this area, along with the rest of the Town Ward and much of Hexthorpe. This requires that all HMO development requires planning permission and not just development such as this proposal that provides for accommodation for more than 6 people.
- 9.30 Policy 9 (a,b and c) sets out strict criteria in relation to the development of HMOs. The policy states that there are concerns around the quality of living for occupants of these dwellings. Proposals for HMOs will only be supported under very strict circumstances where:
- Internal standards are suitable for multiple occupation, including bedrooms with good soundproofing, privacy, outlook, light, ventilation and have good communal facilities;
 - Sufficiently sized external communal areas to accommodate waste and recycling bins; cycle storage and on-site parking.
 - The overall size of the dwelling is sufficient to provide proper and adequate accommodation and living space for the number of residents;
 - The existing dwelling is capable of conversion without causing harm to the area or the amenity of nearby residents;

9.31 Policy 9 (e) also makes it clear that proposed HMO's must not result in an over-concentration of HMOs within a community/locality/street/row or result in a significant adverse impact to local amenities. The policy states that '*proposals must not create:*

1. *more than two HMOs side by side.*
2. *the sandwiching of a single self-contained house or flat between two HMOs.*
3. *more than two HMOs within a run of twenty properties on one side of the road; or*
4. *more than one HMO in a road of fewer than twenty properties on one side of the road.'*

9.32 As discussed above, the internal standards meet the requirements for licensing and subject to the amended scheme provides sufficient privacy, light, ventilation, and communal facilities. There is over 75 sq. m of external communal space at the rear which is sufficient to accommodate bin storage and outdoor circulation space for residents. A scheme of noise insulation to the party wall and a scheme for waste storage has been requested to be included as conditions included in the decision. The layout plan has been amended to show possible locations of typical bin and cycle storage footprints and a condition requiring a detailed scheme for their implementation is also recommended to be included in any positive decision.

9.33 Using the HMO License data, provided by the Council's Licensing Department, we can see that there are no other HMOs on Lifford Road and so is compliant with the above requirements of Policy 9.

9.34 It is important to highlight that local and national planning policy promotes that there is a housing mix to support a variety of market demand and to support different needs within the community.

9.35 There are a small number of HMO's located on surrounding streets as shown on the map at Appendix 4, so it is not considered to adversely affect the character of the surrounding area as they are spaced apart.

Landscape

9.36 As mentioned in Paragraph 9.27 tenants have access to the rear courtyard. In terms of landscaping, this consists of hard landscaping only, such as paving and gravel. There is little vegetation, as the emphasis on ensuring this is maintained is difficult to enforce on tenants.

9.37 The small courtyard to the front of the property, consists of similar materials.

Heritage

9.38 The proposal has no impact upon any heritage assets or Conservation Areas.

Highways

9.39 The existing parking provision is provided on-street and controlled by the issuing of permits. As such, the proposal includes no dedicated parking spaces. As explained previously, the application site is in a sustainable location with good links to public

transport, as well as being within walking distance to local amenities and facilities. Given the type of accommodation, residents are less likely to have private transport and given location and proximity to services and public transport, no objections were raised by the Highways engineer.

- 9.40 In Lifford Road itself there are parking areas along each side of the carriageway with space for approximately 45 spaces and serves 40 properties (see appendix 6). Of those, 4 have direct access to off-street parking and the alleyways access garages to the rear of various properties although it isn't clear how many are in use.
- 9.41 The area is subject to a permitting scheme which allows residents to apply for a permit to park their car in the marked bays on Lifford Road and other streets in the Wheatley North parking permit area (see appendix 5). The rules of the scheme allow a maximum of 5 permits per property and the vehicle registration (also known as V5) must be registered at the same property. Additionally, a block of 50 visitor permits (valid for one day) can be purchased once each year for each property. It has not been possible to break down the numbers of permits issued solely to properties on Lifford Road. There are approximately 450 properties within the area and at the time of writing 390 residential permits had been issued along with 45 carer parents.

Conclusion on Environmental Issues

- 9.42 Paragraph 8 of the NPPF indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.43 Given that the application is utilising an existing property, the impact upon Environmental issues is very limited. There are no other properties on Lifford Road that currently operate as an HMO, and therefore this proposal is not considered to harmfully impact on the character of the area or surrounding environment.
- 9.44 The application is not in a Conservation Area, thus there being no impact upon any Heritage assets. The application site is located in a sustainable location, which is well connected and has good links to public transport and local amenities. The proposal does not detrimentally affect the surrounding environment. This weighs moderately in favour of the application.

9.45 ECONOMIC SUSTAINABILITY

- 9.46 As the majority of the works, to facilitate the change of use, have already been undertaken, the economic impact, in terms of employing tradesmen and construction workers has already concluded.
- 9.47 When fully occupied, the property will be occupied by 7 individual tenants and the occupant of the apartment at the rear. The residents will most likely work and pay into the local economy. However, given the scale of the development, the benefits in terms of economic activity are limited.

Conclusion on Economy Issues

- 9.48 Paragraph 8 of the NPPF sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.49 The proposal would result in some economic benefit, by increasing the occupancy of the property from a 5-bedroom property to a 7 bed HMO plus single apartment. Though, the scale of this increase is limited. As such the proposal carried limited weight in favour of the application.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the adopted development plan and adopted policies and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

11.1 GRANT planning permission subject to conditions:

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

REASON

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

02. The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:
002 Rev A Floor Plans as proposed dated Aug 2023

004 Existing and Proposed Elevations dated July 2023

REASON

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

03. Prior to first occupation of the building, the applicant shall submit for approval by the LPA, a waste management plan addressing waste storage and its presentation for collection. All approved requirements shall be implemented prior to first occupation and subsequently complied with at all times.

REASON

In the interests of amenity of residents

04. Prior to first occupation of the building, the applicant shall submit for approval by the LPA, a scheme of enhanced airborne sound insulation to the party wall with the adjoined residential property. All approved requirements shall be implemented prior to first occupation and subsequently complied with at all times.

REASON

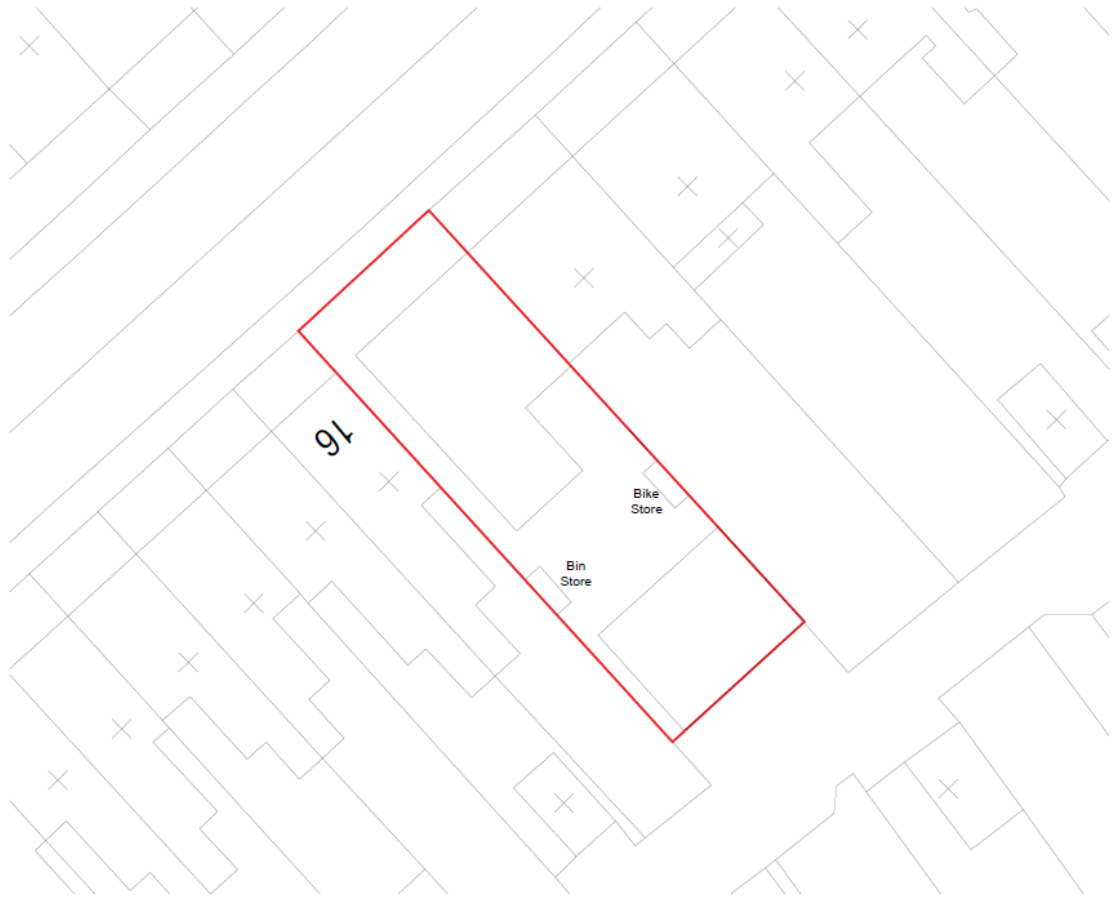
In the interests of amenity of residents

05. Prior to any occupation of the development hereby permitted full details of secure cycle storage facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be fully implemented and made available for use prior to first occupation of the property and shall be retained thereafter.

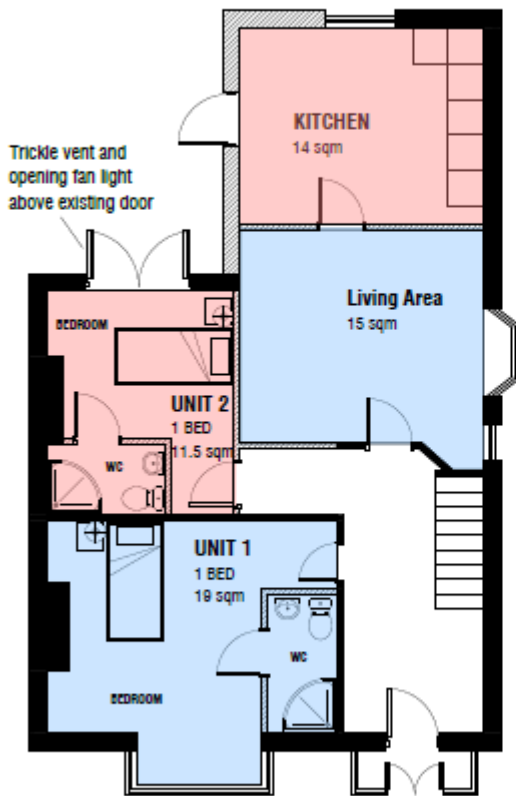
REASON

To promote non-car methods of use for the development to reduce parking demand in the area.

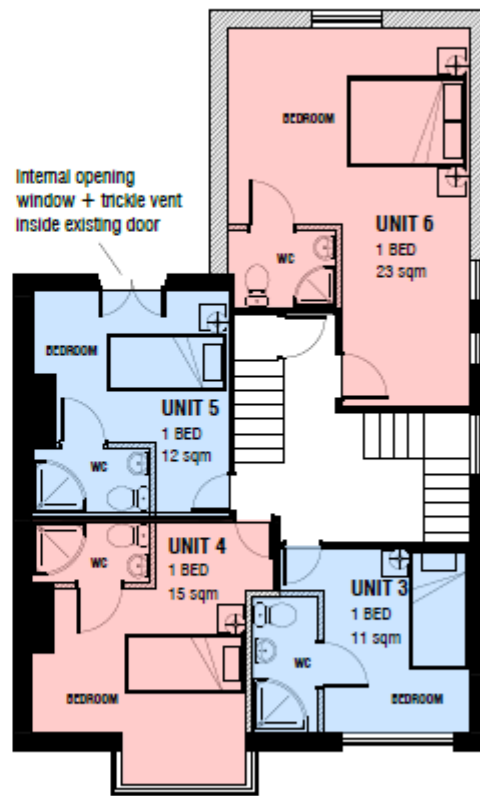
APPENDIX 1- Site Layout



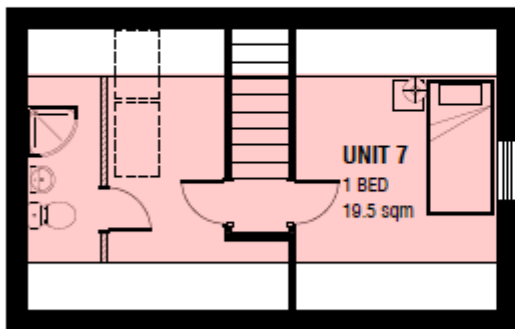
APPENDIX 2 - Internal Layout



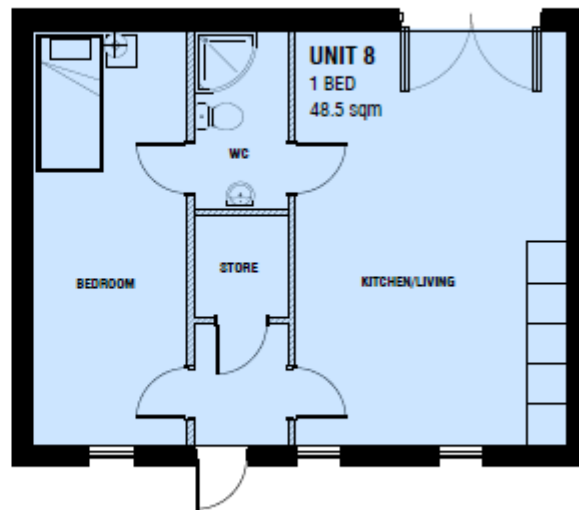
GROUND FLOOR PLAN 1:50



FIRST FLOOR PLAN 1:50



SECOND FLOOR PLAN 1:50



OUTBUILDING PLAN 1:50

Appendix 3: Elevations

Proposed Elevations 1:100



Lifford Road Elevation



Side Elevation

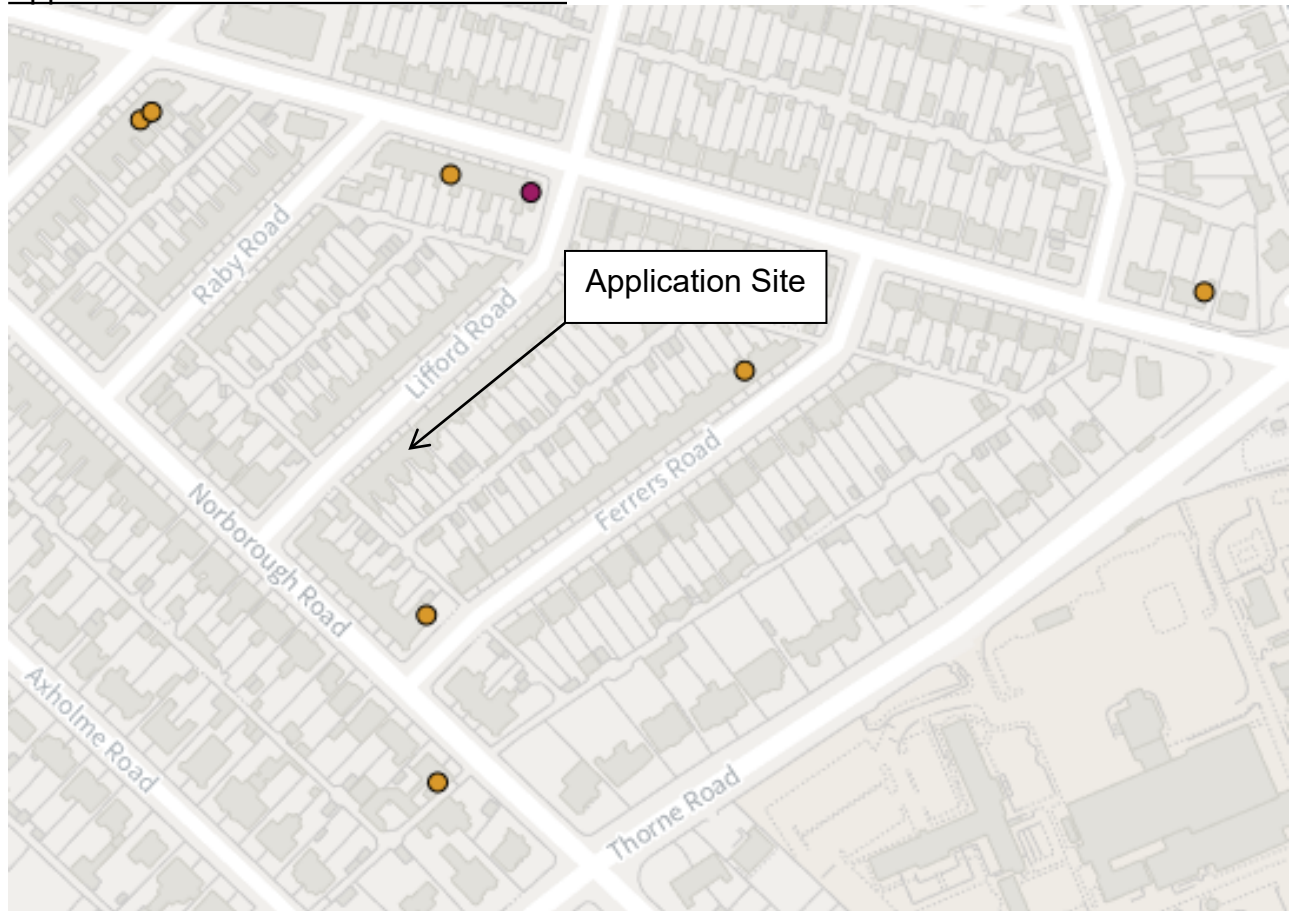


Rear Elevation



Side Elevation

Appendix 4 Location of licensed HMO's



Appendix 5: North Wheatley Parking Permit area



Appendix 6 Parking Bays



Application	2
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Application Number:	22/00255/REMM
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Application Type:	Reserved Matters
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Proposal Description:	Details of Access, Appearance, Landscaping, Layout and Scale of design for 248 units with 25 affordable units and 223 open market units (being matters reserved in outline application previously granted permission under ref 15/01278/OUTM on 05/02/2019). (Amended Plans and Description)
At:	Land to the east of Mere Lane, Edenthorpe, Doncaster, DN3 2BF

For:	Avant Homes
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Third Party Reps:	13 Objections	Parish:	Edenthorpe Parish Council
		Ward:	Edenthorpe & Kirk Sandall

Author of Report:	Stephen Gill
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SUMMARY

Outline planning permission reference 15/01278/OUTM was granted for residential development (for up to 600 dwellings) on the overall site in February 2019 by way of appeal. The subject of this application is one parcel of the overall site known as Phase 1 of the development, and the application is a reserved matters application for 248 dwellings. This application is considering the matters reserved as part of the outline planning permission including access, scale, layout, appearance, and landscaping. The principal of residential development is not in question as this has already been accepted as part of the outline planning permission. It should also be noted that following the adoption of the current Local Plan, this site is now an allocated site for residential development under reference MUA51.

Each reserved matter is considered in depth in this report; however, the following is a summary of the assessment:

Access

The position of the main access point into the site was agreed (in principle) as part of the outline planning permission. The access point will be constructed off the A630 and will comprise a three-arm roundabout with footways either side. The access arrangement, which is known as Phase 1a of the development on the approved phasing plan has been submitted and agreed as part of reserved matters application 22/00178/REMM.

Scale

In terms of the scale, there are 14 different house types proposed in this application, which range from 2 to 2.5 storey in height. They are a mixture of semi-detached and detached properties in either a 1, 2, 3, 4 or 5 bed formats. The scale of the house types used and their positioning within the site has been reviewed and accepted by the Urban Design Officer. On that basis, the scale of development is considered acceptable, and this complies with Local Plan Policy 41, Edenthorpe Neighbourhood Plan Policy 1, and the approved Design Code for the site.

Appearance

In relation to the appearance, there is variation in the use of materials across the site. The main material will be brick, including red, multi and buff brick. Some house types will be finished in an off-white render, and buff brick to add some variation, but render is not a primary material. The house types proposed generally have a pitched roof design and the roof will be finished in either grey slate or terracotta. The door and window designs are standard in their appearance for the house types proposed. The Urban Design Officer has reviewed the house types and does not object to the appearance of the house types. Therefore, it is concluded that the appearance meets the tests of Local Plan Policies 41 (a), 42 (b), 44 (b) and NPPF Section 12.

Layout

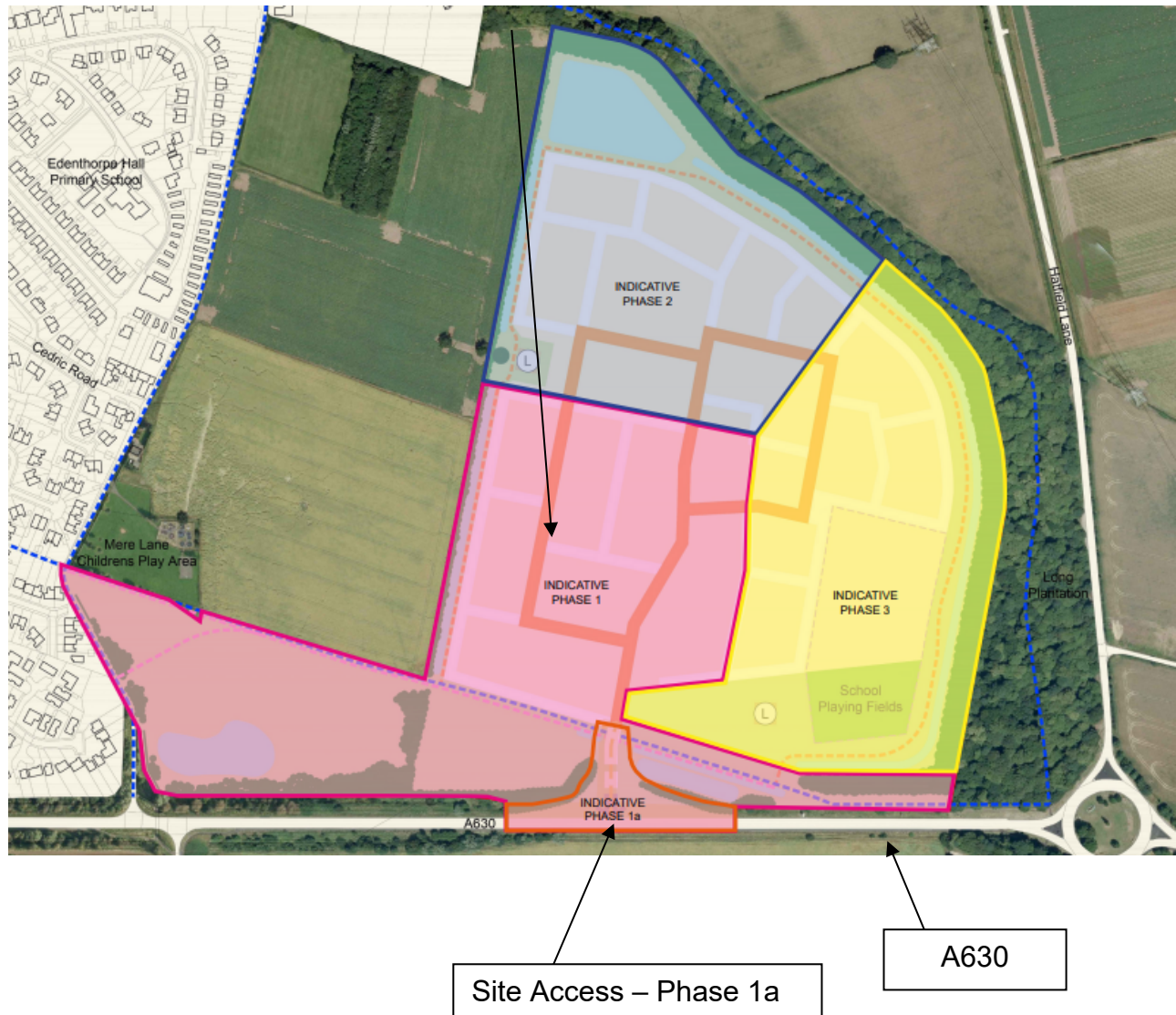
Much work has been put in by both the Council and the applicant to produce a layout that works for Phase 1 of the development. The Urban Design Officer concludes that the general layout of the development now broadly conforms with the approved Design Guide for the site, and we also have a development that is fully NDSS compliant. A large, useable area of open space will be created to the south of Phase 1. There are no objections to the layout on drainage grounds, and the parking and highway requirements have been met. Therefore, it is considered that the development complies with Local Plan Policies 13, 41, 42, 44, 45 and 56 as well as NPPF at Section 12.

Landscaping

The applicant has submitted a comprehensive hard and soft landscaping scheme. A mixture of extra heavy standard, heavy standard, and standard trees are proposed throughout the layout. Tree lined streets will be created on both the primary and secondary streets throughout, as envisaged by the approved design code for the site. Where parking is not situated to the front of properties, grassed turf is proposed, along with ornamental shrub and hedge planting. A mixture of shrub and hedge planting is also proposed along the western boundary of the site. Overall, the proposed landscaping scheme is acceptable.

RECOMMENDATION: APPROVE RESERVED MATTERS subject to conditions

The Site – Phase 1



1.0 Reason for Report

- 1.1 The application is being presented to Members due to the high level of public interest in the application.

2.0 Proposal and Background

- 2.1 In terms of background, outline planning permission was granted in February 2019 with all matters reserved, following the Secretary of State's decision to allow an appeal against the refusal of outline planning application 15/01278/OUTM (appeal reference APP/F4410/W/17/3169288). The description of the development in that application was as follows:

"Outline application for residential development with open space, landscaping and associated access (Approval being sought for access)"

2.2 It should be noted that during the appeal public inquiry, the matter of access was also reserved as part of that process, so the outline planning application became an application for residential development with all matters reserved.

2.3 This application follows on from the outline planning permission and assesses the matters reserved as part of the outline planning permission. It is a reserved matters application that considers access, scale, appearance, layout, and landscaping for a development of 248 dwellings (223 open market and 25 affordable properties).

3.0 Site Description

3.1 The site subject of the application forms part of a large 31-hectare site in Edenthorpe. The wider area is surrounded by a well-established and mixed residential area.

4.0 Relevant Planning History

4.1 Planning history for the application site as follows:

Application Reference	Proposal	Decision
22/00178/REMM	Reserved Matters application for delivery of initial infrastructure phase comprising access on land at Mere Lane, Edenthorpe (Phase 1a of outline planning permission 15/01278/OUTM - the first phase of development as per the approved phasing plan).	Granted September 2023
15/01278/OUTM	Outline application for residential development with open space, landscaping and associated access (Approval being sought for access)	Granted at appeal – February 2019

5.0 Site Allocation

5.1 The site forms part of a larger area that is allocated for residential development in the Local Plan under reference MUA51.

5.2 Local Plan

5.3 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:

- Local Plan Policy 5: Housing Allocations (Strategic Policy)
- Local Plan Policy 13: Promoting sustainable transport in new developments
- Local Plan Policy 29: Ecological Networks (Strategic Policy)
- Local Plan Policy 30: Valuing Biodiversity and Geodiversity (Strategic Policy)
- Local Plan Policy 32: Woodlands, Trees and Hedgerows
- Local Plan Policy 41: Character and Local Distinctiveness (Strategic Policy)
- Local Plan Policy 42: Good Urban Design (Strategic Policy)
- Local Plan Policy 44: Residential Design (Strategic Policy)
- Local Plan Policy 45: Housing Design Standards (Strategic Policy)
- Local Plan Policy 56: Drainage

5.5 National Planning Policy Framework (NPPF 2023)

5.6 The National Planning Policy Framework 2023 (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:

- Section 2: Achieving sustainable development
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

5.7 Neighbourhood Plan (NP).

5.8 Edenthorpe Neighbourhood Development Plan ("ENDP") was adopted in July 2021, and the following are the relevant policies for a development of this type:

- Policy 1: New Residential Development
- Policy 3: Housing Type and Mix
- Policy 5: General Development Principles
- Policy 11 Sustainable Transport

5.10 Other material planning considerations and guidance

5.11 The following Supplementary Planning Documents (SPDs) have been adopted and can therefore be treated as a material consideration in decision-making.

- Biodiversity Net Gain SPD (adopted September 2022);

- Flood Risk SPD (adopted August 2023);
- Local Labour Agreements SPD (adopted August 2023);
- Loss of Community Facilities and Open Space SPD (adopted August 2023); and
- Technical and Developer Requirements SPD (adopted August 2023).

5.12 Doncaster Council's previous suite of adopted 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 (August 2023) 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.

IMPORTANT

5.13 In relation to the requirements of the Local Plan, the ENDP, and the newly adopted SPD's, it should be noted that the outline planning permission was granted prior to the adoption of the Local Plan, the ENDP and SPDs. This reserved matters application is bound by the requirements and conditions of the outline planning permission, and because the reserved matters is bound by the outline planning permission, the Local Planning Authority cannot enforce the more recently adopted policy requirements, as the outline planning permission was not assessed against these policies. This has been confirmed through discussions with the Councils legal team.

5.14 Notwithstanding the above, it should be noted that the applicant has worked with the Council in a proactive manner to try and meet the relevant requirements of the Local Plan, the ENDP and the newly adopted SPD's and this report will set out what policies have been met.

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 council website and neighbour notification letters.

6.2 Thirteen representations were received as part of the consultation process. The representations raise the following concerns (in summary):

- The existing sewer infrastructure cannot cope with the existing properties, and by adding more properties on the scale proposed means the problem will worsen considerably.

- The pumping station at Hunger Hill Woodland continually breaks down and requires constant repair.
- The drainage infrastructure needs to be updated prior to this development coming forward.
- Development needs to be more focused where employment is to alleviate the rise in fuel costs, not all people can afford electric vehicles.
- There are very few medical facilities available for the existing residents in the area, and this development will only make this situation worse.
- The development will destroy the existing wildlife around the site.
- Yorkshire Water currently object to the application, and this must be considered.
- The existing schools in the area will become oversubscribed.
- The traffic impacts will be unacceptable and will cause a huge amount of congestion.
- The Government is very keen to reduce carbon emissions, but this scheme combined with the development at Hungerhill will increase carbon emissions through congestion.
- The application makes no reference to the Edenthorpe Neighbourhood Plan.
- The application fails to consider the overhead power cables which cross the site.
- The site has poor public transport linkages.
- The level of affordable housing provision is poor.
- The new roundabout leading into the site is likely to cause more congestion
- The loss of open space will adversely impact the wellbeing of residents.
- Existing brownfield land in the Borough should be considered before this land.
- The development does not bare any similarity to what has been agreed in the approved Design Guide.

7.0 Parish Council

- 7.1 Edenthorpe Parish Council object to the application because (in summary) the drainage infrastructure in the area is inadequate and unable to cope with another 1000+ properties. The Parish Council assert that the Environment Agency said, "Water is a precious resource that is under pressure across the country" and that taking more from natural stores is "posing a real risk to chalk streams, river, and wetland habitats." While one water company said it has "resilient, long term" plans to increase supplies but is also trying to reduce demand. This is only if the supply hasn't been polluted.
- 7.2 The Parish Council have also noted Yorkshire Water's objection to the application due to concerns in respect of the potential impacts to groundwater. The Parish Council note that once the principal aquifer is polluted nothing can be done to alleviate the damage caused.

7.3 The Parish Council also raise concerns in respect of public services, and the fact that they are unable to cope with demand or are currently non-existent, and this development will only worsen this problem.

8.0 Relevant Consultations

8.1 **CDC Drainage Officer** – No objection

8.2 **CDC Ecology Officer** – Raises a concern because no Construction Environmental Management Plan has been submitted with the application (a requirement of Condition 12 of the outline planning permission). It should be noted that Condition 12 of the outline planning permission does not specify the need to submit this detail as part of the reserved matters application. The applicant has submitted a Construction Environmental Management Plan as part of discharging condition 12 under Discharge of Condition application 23/01250/COND, and is being considered separately.

8.3 **CDC Highway Officer** – No objection subject to conditions

8.4 **CDC Pollution Control Team** - No objections

8.5 **CDC Landscaping**– No objection subject to conditions

8.6 **CDC Waste and Recycling Officer** – No objection

8.7 **CDC Environmental Health** – No objection

8.8 **CDC Urban Design Officer** – Concludes overall that the scheme has improved significantly, and we have a full NDSS compliant scheme. Does raise concerns in respect of parking dominated frontages in small pockets of the scheme. In addition, concerns have been raised for some plots in respect of the relationship between the position of the detached garage and the front elevation of the properties.

8.9 **CDC Public Right of Way** – No objection

8.10 **CDC Open Space** – No objection

8.11 **CDC Strategic Housing** – No objection

8.12 **CDC Public Health** – No objection

8.13 **South Yorkshire Fire and Rescue** – No objection

8.14 **South Yorkshire Mayoral Combined Authority** – No objection

8.15 **South Yorkshire Police** – No objection

8.16 **Superfast South Yorkshire** – No objection

8.17 **Yorkshire Water** – No objection

9.0 **Assessment**

Principle of development

9.1 In terms of the principle of residential development, this was assessed as part of the outline planning application 15/01278/OUTM and subsequently appeal reference APP/F4410/W/17/3169288 and was approved. Therefore, the principle of residential development cannot be re-assessed as part of this application. In addition, since the outline planning permission was granted, a new Local Plan has been adopted for Doncaster, and the Local Plan allocates the phase subject of this application and the wider site for residential development under reference MUA51.

9.2 The main consideration in determining this application is whether the details submitted for the matters reserved as part of the outline planning permission namely access, appearance, landscaping, layout, and scale are acceptable, and these matters will be considered below in this report.

Access

9.3 Local Plan Policies 13, 42 and 46 requires, amongst other criteria, that site layouts function correctly and development should not result in unacceptable impacts on highway safety. Section 9, paragraph 110 of the NPPF states that development proposals should mitigate against any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety

ENDP Policy 1 states that residential development must demonstrate adequate highway infrastructure to enable ease of access and does not exacerbate existing environmental or highway problems.

9.4 The position of the main access point into the site was agreed (in principle) as part of the outline planning permission and this is illustrated on the approved Parameters Plan reference 5428-L-02 Revision P. The access point will be constructed off the A630, and will comprise a 65m ICD roundabout, with 3 arms and 2m footways either side of the access road and will continue towards the north side of the A630 to the east of the proposed access. This detail has been assessed as part of the Phase 1a works submitted under reserved matters application 22/00178/REMM. This application has been approved and will provide the main access in and out of the site.

9.5 The access agreed for the site has undergone extensive discussions between the Council's Highways Engineers and the applicant. The access details will require a Section 278 agreement between the applicant and the Council, which the applicant

is currently undertaking, however, this is separate to the planning process. Overall, no objections have been raised by the Council Highway Engineers in relation to this development and its ability to be accessed from the details agreed as part of application 22/00178/REMM. On that basis, this complies with Local Plan Policies 13, 42 and 46, ENDP Policy 1 and NPPF section 9.

Scale

- 9.6 Local Plan Policy 41 states (in summary) that development proposals will be supported where they integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street, and plot scale.
- 9.7 ENP Policy 1 states that primary and secondary streets should differentiate from one another in scale, level of enclosure, use of materials and landscaping features to help provide a clear and distinctive highway network.
- 9.8 The Parameters Plan (reference 5428-L-02 Rev P) approved as part of the outline planning permission states that the overall site will incorporate up to 15.34 hectares of land for residential development for up to 600 dwellings. This development represents Phase 1 of the overall site, with the remaining Phases (Phases 2 & 3) yet to come forward. With that considered, the development proposed sits well within the scale of development envisaged for the site (up to 600 dwellings) and no concerns are raised in this regard.
- 9.9 The approved Design Code for the site (approved under discharge of condition application 19/02863/COND) sets out how the form and scale of the development should evolve for the site. For primary streets, the Design Code states that a higher density arrangement would be expected, with the use of 2.5 to 3 storey properties considered to be acceptable in principle. For secondary streets, a medium density arrangement is expected with the predominant use of 2 storey house types. A lower density arrangement is expected for Green Lanes, with the predominant use of 2 storey house types within the layout, and the 2 storey house types with a mixture of dwelling heights expected for the Mews.
- 9.10 The house types proposed and their overall appearance, will be discussed below, however in terms of their scale, there are 14 different market house types proposed, and 2 affordable house types (16 in total) which range from 2 to 2.5 storey in height and are semi-detached and detached. The scale of the house types used and their positioning within the site on the primary and secondary streets as well as on Green Lane and the Mews has been reviewed by the Urban Design Officer. The Urban Design Officer does not object to the scale, or the positioning of the various house types within the layout, and on that basis, the scale of development is considered acceptable, and this complies with Local Plan Policy 41, ENP Policy 1, and the principles agreed in the approved Design Code.

Layout

General Layout

- 9.11 Local Plan Policy 44(A) 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. In addition, Local Plan Policy 45 sets out a requirement that all new homes must meet the criteria in the Nationally Described Space Standards (“NDSS”)
- 9.12 Paragraph 130 of the NPPF 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.
- 9.13 When considering living standards and residential amenity, separation distances are an important factor to ensure the existing and future occupants have adequate levels of privacy. The Transitional Developer Guidance states that 21m should be achieved (back-to-back) for 2 storey properties and no less than 12m front to front. The layout has seen a reduction of 15 dwellings as part of the application process. This has created greater levels of space within the site, which means that separation distances proposed are acceptable. The Urban Design Officer has reviewed the layout in this regard and has not raised any concerns.
- 9.14 In relation to garden sizes, the South Yorkshire Residential Design Guide (SYRDG) recommends the provision of at least 50sqm of private outdoor amenity space for 2-bedroom dwellings, and at least 60sqm of outdoor amenity space for 3 or more-bedroom dwellings. All the garden sizes proposed meet this requirement.
- 9.15 In relation to the NDSS, M42, and M43 requirements set out in Local Plan Policy 45, the outline planning permission was granted prior to the adoption of the current Local Plan. This means, as described earlier, that this application is bound by the requirement of the outline planning permission. Therefore, the Local Planning Authority cannot enforce the requirements of Local Plan Policy 45 on the layout, specifically the requirements for NDSS, M4(2) and M4(3).
- 9.16 Notwithstanding the above, the Council have worked with the applicant, and the applicant has agreed to propose house types that meet the requirements of Local Plan Policy 45. This should be considered as a significant benefit in the planning balance, given that in this instance there is no requirement for the applicant to do this.
- 9.17 The development layout proposes a mix of house types including 1, 2, 3, 4 and 5 bed properties, and some of the house types will include a detached garage. There is no policy in the Local Plan which specifies what housing mix is expected from an applicant, however, the Doncaster Council Housing Needs Study 2019 (30 HINS”) does provide some information on what the housing need position is in Doncaster. The

present need is for 2, 3 and 4 bed properties according to the HNS. The layout proposes 98 - 3 bed properties, 38 - 2 bed properties and 67 – 4 bed properties, the remaining is for 17 – 1bed units and 3 - 5 bed units. The development will make a very strong contribution to the house types needed in the borough, specifically for 2, 3 and 4 bed properties, and this weighs in favour of the development in the planning balance.

- 9.18 The layout also proposes 25 affordable housing units, which is 10% of the overall layout. The HNS indicates that there is an ongoing need for, 2, 3 and 4 bed affordable housing in the borough. The layout proposes 13 - 2 bed properties and 12- 3 – bed properties (affordable). 10% provision is what was agreed through the outline planning permission, and this was subject to a viability assessment. The requirement for 10% affordable housing is also set out in the signed Section 106 (S106) agreement.
- 9.19 In terms of how the affordable housing will be managed, the requirements are clearly set out in the S106 agreement, and prior to commencement of any development an Affordable Housing Scheme will need to be submitted and agreed in writing with the Local Planning Authority.
- 9.20 There has been a lot of work undertaken between the Council and applicant in respect of the general layout. Whilst the Urban Design Officer has noted that the layout has improved substantially over the application process, and the quality of the scheme overall is good, there are still some areas of concern from the Urban Design Officer's perspective. Concerns include parking dominated frontages in certain areas of the layout, and garages positioned to the front of properties on some plots. Those comments have been considered carefully, and when we balance these comments against the overall quality of the scheme and improvements made to the scheme overall, these factors together are considered to outweigh the concerns of the Urban Design Officer in this instance.
- 9.21 In relation to boundary treatments, the approved Design Code for the site states that at the rear and side of properties close boarded timber fences should be used and where plots border streets / areas of public realm then boundary walls should be used. ENP Policy 1 states that boundary treatments should reinforce the sense of continuity of the building line and help define the street, appropriate to the character of the area. Boundary treatments should not impair natural surveillance
- 9.22 There is a mixture of boundary treatments proposed. This includes 1.2m high post and rail fencing, which will be primarily used as a boundary divide between properties at the rear. 1.8m high close boarded timber fencing will be used as screen fencing mostly to the rear boundary of properties. 1.8m high brick wall and fencing will be used on corner plots where gardens will face the street scene. 450mm high timber knee rail fencing is proposed in areas to separate the green space from the properties, and 1.2m high metal railings are also proposed, which would be positioned as a boundary treatment to the front of properties. The boundary

treatments proposed are well considered and will complement the layout, and on that basis, there are no objections.

- 9.23 A large area of open space is also proposed as part of this scheme, which is situated to the south of the residential development. The area is divided by the access road into the site, and the large area to the west will be utilised for recreation. The area to the west of the access will include a meadow, with a turfed kick about area directly adjacent. A basketball & 5 aside net, an adventure play area and toddler / junior area is also proposed in this space. The Open Space Officer does not object to the equipment or uses proposed for this area of the site. No specific information has been submitted in terms of the specification or appearance of the proposed equipment; however, the submission of this information can be conditioned. A large amount of mixed landscaping is also proposed in this area, which is discussed in detail in the landscape section of this report.
- 9.24 The area to the east, will be an area of soft landscaping, and will be absent of any recreational equipment. The open space area overall will provide a pleasant buffer to the A630, which is welcomed.
- 9.25 The signed S106 Agreement sets out a requirement to ensure that the open space is transferred to a management company. The Council will have opportunity to assess the management companies' suitability prior to any transfer of the open space. The agreed management company will be responsible for the maintenance of the open space as agreed in the signed s.106 agreement.

Site Drainage - Layout

- 9.26 Local Plan Policy 56 (Drainage) states that development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure wastewater and surface water run-off are managed appropriately and to reduce flood risk to existing communities.
- 9.27 The site is within Flood Zone 1 and is not considered to be at a high risk of flooding from main river sources. An overall site wide drainage strategy has been agreed for the site as part of discharging condition 10 of the outline planning permission as discussed below. The applicant has also submitted a drainage strategy to demonstrate how the site drainage proposed for this phase will fit into the overall site wide drainage strategy. The Lead Local Flood Authority (LLFA) have reviewed the information submitted and do not object to the drainage strategy proposed for this phase of development. This phase of development will drain to a new infiltration pond, which is proposed to the south of the site near to Phase 1a. The LLFA have reviewed these proposals, and do not have any fundamental concerns.
- 9.28 Yorkshire Water raised some concerns initially in respect of the potential impacts on a principal aquifer and requested the completion of a Hydrogeological Risk Assessment. It should be noted that condition 12 of the outline planning permission deals with groundwater, and there is no requirement to discharge this condition as

part of the reserved matters. However, given that this is a concern that has been raised as part of the representations, and by the Parish Council, it was considered necessary by the Council and the applicant to deal with this matter as part of the reserved matters.

- 9.29 In response to Yorkshire Water's concerns, the applicant applied to discharge condition 12 (and other conditions) (reference 23/01250/COND), in which they submitted a Construction Environmental Management Strategy, undertaken by Lithos. The document sets out several measures to ensure that groundwater quality will be protected, the measures relate to plant and equipment maintenance, oils, fuels and chemicals, emergency procedures in the event of a spill, borehole protection and decommissioning, and groundwater quality monitoring. Yorkshire Water have reviewed the information submitted and are now satisfied with the measures proposed. Therefore, Yorkshire Water have now removed their objection to the application, and no further concerns are raised in relation to groundwater.
- 9.30 In terms of the site levels, the land is generally flat as it exists presently. The proposed drainage infrastructure and development overall will not raise the existing levels unacceptably. The level increases demonstrated on drainage plan reference 47856 XX XX DR C 0002 P04 are generally between 0.5 and 0.8m from the existing levels and given that the development is not immediately adjacent to any residential or commercial properties, these minor increases will not have any adverse impacts to the amenity of the surrounding area or the character.
- 9.31 Overall, the development will incorporate satisfactory measures for dealing with any additional surface water that will be generated by the proposed layout. The improvements that will be made to the existing drainage infrastructure as part of discharging condition 10 of the outline planning permission (details set out below) will also ensure that the drainage infrastructure around the site is fit for purpose. The LLFA and Yorkshire Water do not object to the scheme on drainage grounds, and this complies with Local Plan Policy 56, and the Flood Risk SPD.

Highways - Layout

- 9.32 Paragraph 110 of the NPPF states that development proposals should mitigate against any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety. Local Plan Policies 13, and 42, amongst other criteria, that site layouts function correctly, and development should not result in unacceptable impacts on highway safety.
- 9.33 The overall highway impacts of the development to the existing highway network, were assessed as part of the outline planning permission, and these will not be revisited as part of this application, as there is no requirement to do so.
- 9.34 The only highway matters that will be considered is whether the proposed layout is acceptable in highway terms. The Council's Highway Engineer has reviewed the final layout and after much discussion, does not object to the current scheme. There are

no objections to the level of parking provision proposed, the quality of the parking spaces or the road network that will run through the site. The road and footways within the layout are considered fit for purpose, and no objections are raised to the proposed layout on highway grounds, and this complies with Local Plan Policies 13, 42 and 46.

Conclusion on Layout

- 9.35 Overall, much work has been undertaken by both the Council and the applicant to produce an acceptable layout for Phase 1 of the development. The Urban Design Officer concludes that the general layout of the development now broadly conforms with the approved Design Guide for the site, and we also have a development that is fully NDSS compliant. A large, useable area of open space will be created as part of the layout, which is supported by the Open Space Officer (subject to condition). There are no objections to the layout on drainage grounds, and the parking and highway requirements have been met. Therefore, it is considered that the development complies with Local Plan Policies 13, 41, 42, 44, 45 and 56 as well as NPPF at Section 12.

Appearance

- 9.36 In terms of appearance, Local Plan Policies 41 (a), 42 (b), 44 (b) all seek for development to be sympathetic to the character of the area and to integrate well with the immediate and surrounding environment.
- 9.37 ENP Policy 5 states that development should complement and should be well integrated with neighbouring properties in the immediate locality in terms of scale, density, massing, separation, layout, materials, and access.
- 9.38 The approved Design Code for the site at chapter 8.2, states that in terms of appearance the buildings should have a well-proportioned building form with simple, facades and fenestration with the avoidance of over-elaboration, fussy detailing, and pastiche.
- 9.39 The applicant has submitted a materials plan, which demonstrates variation right across the site. The main material to be used will be brick, including red, multi and buff brick. Some house types will be finished in an off-white render, and buff brick to add some variation, but render is not a primary material. The house types for the most incorporate pitched roof designs and the roof will be finished in either grey slate or terracotta. The door and window designs are standard in their appearance for the house types proposed. The Urban Design Officer has reviewed the house types and does not object to the appearance, or the materials proposed. The type, size and design of the proposed boundary treatments has been set out above, and these are acceptable in terms of appearance.
- 9.40 The site is not immediately adjacent to existing residential properties. However, in the wider vicinity, the site is surrounded to the north, west and south by existing

residential properties. Most of these properties are either bungalow or two storey house types, and they are a mixture in size, materiality, and styles. Given the distance between the development and other residential properties, and considering the house types and materials proposed, it is not considered that the development will look out of character with the area in terms of appearance.

- 9.41 Overall, considering the above, the varied use of the materials for the house types is welcomed, and will add some interest to the overall appearance of the site. Therefore, it is concluded that the development meets the tests of Local Plan Policies 41 (a), 42 (b), 44 (b), ENDP Policies 1 & 5 and NPPF Section 12.

Landscaping

- 9.42 Local Plan Policy 32 states that proposals will be supported where it can be demonstrated that woodlands, trees, and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. In addition, Local Plan Policy 33 supports proposals that take account of the quality, local distinctiveness, and the sensitivity to change of distinctive landscape character areas and individual landscape features. Local Plan 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.
- 9.43 The applicant has submitted a comprehensive hard and soft landscaping scheme with the application. A mixture of extra heavy standard, heavy standard, and standard trees are proposed throughout the layout. Tree lined streets will be created on both the primary and secondary streets throughout, as envisaged by the approved design code for the site. Where parking is not situated to the frontage of properties, grassed turf is proposed, along with ornamental shrub and hedge planting. A mixture of shrub and hedge planting is also proposed along the western boundary of the site.
- 9.44 In terms of the open space area to the south of the site, an attenuation pond will be created to the west, which will act as drainage for the site, but will also add amenity value. As is the case for the landscaping proposed within the housing scheme, a mixture of heavy duty and standard tree species are proposed, along with ornamental shrub planting, native hedgerows, with a mixture of wildflower grass seed mix and meadow seed mix.
- 9.45 The landscaping scheme has been reviewed by the Urban Design Officer and Landscape Officer, and no objections have been raised to the position of the planting or the species proposed. On that basis, the development is considered to comply with Local Plan Policy 48.

OTHER MATTERS

Outline Planning Conditions & s.106 Requirements

- 9.46 This section discusses the technical matters that need to be considered as part of assessing the reserved matters. In addition, there are also planning conditions, which are attached to the outline planning permission, which require information to be submitted prior to or as part of the reserved matters, and these will also be discussed in this section.

Outline Planning Conditions

- 9.47 As part of the outline planning permission, the following conditions require technical information to be submitted either prior to or on submission of a reserved matters application:

Condition 3 – Development Framework Plan

- 9.48 Condition 3 of the outline planning permission set out a requirement for a Development Framework Plan, including details of development phasing (to be submitted prior to the submission of the first reserved matters application). These details were submitted as part of discharge of condition application 19/02863/COND and the information submitted was sufficient to discharge Condition 3.

Condition 5 – Design Guide

- 9.49 Condition 5 of the outline planning permission set out a requirement for a design guide for the whole site, which follows the principles of the design and access statement submitted with the outline application (to be submitted prior to the submission of the first reserved matters application). These details were submitted as part of discharge of condition application 19/02863/COND and the information submitted was sufficient to discharge Condition 5.

Conditions 9 – Archaeological Evaluation

- 9.50 Condition 9 of the outline planning permission requires an archaeological evaluation of the application site. Archaeology details to discharge the condition were submitted as part of application 19/02864/COND. South Yorkshire Archaeology Service concluded that the condition could be partially discharged to allow phase 1a and 1 of the development to come forward.

Condition 10 – Site Wide Drainage Strategy

- 9.51 Condition 10 of the outline planning permission requires a site wide drainage is submitted to and approved in writing prior to the first reserved matters. The applicant has submitted a site wide drainage plan, which has been accepted. It has been agreed between the developer and the Council that some work will be needed to

upgrade the existing drainage network to facilitate the site wide drainage strategy proposed. The scope of work needed has been agreed between the Council's drainage team and the applicant and the applicant has provided the necessary funding to carry out the work, which includes the following:

- Access preparation for diking with robotic flail cutter
- Monitored root cutting of 85mts of 375mm surface water drainage (90% roots mass)
- Diking to include fall of 50mts from outfall downstream, inlet 50mts upstream
- Robotic cutting of roots in preparation for lining
- Provide and install 85mts of 375mm UV liner from outfall upstream to inlet,
- Provide a post CCTV survey of drainage system on completion of works

9.52 The work will be carried imminently, and with that considered, the Lead Local Flood Authority have confirmed that they are satisfied to discharge condition 10 in full.

Condition 11 – Lighting Strategy (Bats)

9.53 Condition 11 states that on submission of the reserved matters for each phase, a lighting design strategy for the public realm relating to bats must be submitted and approved. A lighting design strategy has been submitted with the application, and following a review by the Council's Ecologist, the details are acceptable. Therefore, condition 11 is part discharged in relation to this phase of development.

Other Outline Planning Conditions

9.54 As set out throughout the report there are several pre commencement conditions attached to the outline planning permission for a range of technical matters including:

- Condition 6 – Materials
- Condition 7 – Tree Protection
- Condition 8 – Hard and Soft Landscaping
- Condition 12 – Construction Environment Management Plan
- Condition 13 – Contamination
- Condition 14 - Contamination
- Condition 15 – Acoustic Fence (noise)
- Condition 16 – Construction Method Statement (demolition)
- Condition 17 – Construction Traffic Management Plan
- Condition 18 – Access details
- Condition 19 – Highway Improvement Works

9.55 The outline planning permission also has several preoccupation conditions that will need to be satisfied for the following:

- Condition 20 – Surfacing and Drainage of Highways
- Condition 21 – Travel Plan

- Condition 22 – Vehicle Charging Points

9.56 The above pre commencement and pre-occupation conditions do not prevent the reserved matters application from being determined. The applicant will need to submit information as part of separate discharge of condition applications if they have not already.

s.106 Requirements

9.57 As part of the outline planning permission, a s.106 agreement was signed, which stated that as part of the development, obligations will need to be met in relation to the following:

- Affordable Housing
- Bus Service Level Agreement
- Education Commuted Sum
- Open Space
- School Land
- Transport Improvement Bond
- West Moor Link Commuted Sum

9.58 None of the requirements and obligations set out for each of the matters listed above will prevent the reserved matters application from being determined.

10.0 PLANNING BALANCE & CONCLUSION

10.1 The details submitted for reserved matters are acceptable and will ensure the development is delivered in an appropriate way in line with the outline planning permission.

10.2 The house types proposed are acceptable, and the housing mix put forward for both the market and affordable housing should be considered as a benefit in the planning balance, given that they will help to address an ongoing need in the borough.

10.3 The applicant has worked proactively with the Council to meet the policy requirements of the Local Plan and ENDP. The areas of concerns raised by the Urban Design Officer have been considered and noted, and it is felt that overall, the scheme is acceptable, and the concerns raised would not form a reasonable basis to refuse this application.

10.4 In conclusion, there are no objections to the details submitted as part of this reserved matters application for Access, Scale, Layout, Appearance and Landscaping, and overall, it is considered that the development complies with Local Plan Policies 32, 41, 42, 44, 45, 48 and 56, ENDP Policies 1, 3, 5 and 11 and NPPF sections 2, 9, 11, 12, 14 and 15

11.0 RECOMMENDATION – APPROVE RESERVED MATTERS

11.1 MEMBERS RESOLVE TO APPROVE RESERVED MATTERS FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS:

Conditions / Reasons

1. 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:

- Location Plan Ref 100 Rev X
- Proposed Site Layout – Ref: 4202-201 Revision D
- Landscape Masterplan – Ref: R/2563/1E
- POS Masterplan – Ref: R/2563/2B
- POS Details Ref: 2563/3A
- Landscape Details Ref: R/2563/5B
- Landscape Details Ref: R/2563/6A
- Landscape Details Ref: R/2563/7B
- Landscape Details Ref: R/2563/8A
- Landscape Details Ref: R/2563/9A
- Proposed House Types Brochure – Second Issue September 2023
- Drainage Assessment (Mere Lane, Edenthorpe) dated 24.08.2023
- Boundary Treatments 0.45m Post and Rail Ref: 4153/208.18
- Boundary Treatments 1.2m & 4 rail Ref: 2101-208.04
- Boundary Treatments 1.8m High Brick Pier & Panel Wall Ref: 2101/208.01
- Boundary Treatments 1.8m High Screen Fence Ref: 2101-208.02
- Appraisal Sheet Layout Sheet 1 – Ref: 47856 XX XX DR C 0002 P04 (Drainage)
- Appraisal Sheet Layout Sheet 2 – Ref: 47856 XX XX DR C 0003 P02 (Drainage)
- Plot 1 Elevation and Floor Plan Only – Ref: FER/BAI-P1-001

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

2. Prior to any above ground works for Phase 1 of the development details of the recreational equipment proposed in POS Masterplan layout (plan reference R/2563/2A) shall be submitted to and approved in writing by the Local Planning Authority for the following proposals:

- Basketball / 5 aside net area
- Adventure Play Area
- Toddler / Junior Play Area

The approved details shall be completed prior to the occupation of the 150th dwelling.

REASON - To ensure that the recreational equipment proposed for the public open space is appropriate, and is implemented accordingly having regard to Policy 28 of the Doncaster Local Plan 2021

3. Prior to any above ground works and the signing of any S38 agreement, details of the proposed tree pits and utilities siting and alignments within the adoptable highway shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a detailed specification for tree pit construction that utilises either grass verges or a professionally recognised crate system construction to provide the minimum rooting volume set out in the Council's Transitional Developer Guidance and a load-bearing capacity equivalent to BS EN 124 2015 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a timescale of implementation, and where required a maintenance specification until trees are adopted by the Council.

Thereafter, the landscape scheme and utility design shall be implemented in full accordance with the approved details, with the crating system laid prior to any utilities. The Local Planning Authority shall be notified prior to the backfilling of any engineered tree pits to inspect and confirm compliance and within seven days of the completion of landscape works to inspect and approve practical completion in writing.

4. Following the commencement of the development and before 30th September of every year during the implementation period (either phased or in full) and 5 year aftercare period, a 'Landscaping Implementation Report' shall be prepared by a suitably qualified landscape architect and / or contractor, and submitted by the developer to the Local Planning Authority in order to demonstrate that the landscaping has been carried out in full accordance with the approved landscaping details. The report should record the landscaping operations carried out on the land since the date of commencement, or previous report / aftercare meeting, and set out the intended operations for the next 12 months. It shall cover the following matters in particular, but not limited to, species, size, location, planting and aftercare specification, and be illustrated with evidence such as an overall progress summary, inspection site visit notes, a schedule of maintenance operations undertaken, before and after photos of any remedial plantings or completed works. If required, the developer shall arrange to attend a site meeting with the Local Planning Authority to inspect the planting and ongoing maintenance requirements.

REASON: To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policy 48 of the Doncaster Local Plan 2021.

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

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

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

REASON: To ensure that adequate parking provision is retained on site.

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

The applicant has amended the proposal during the consideration of the application to reduce the number of dwellings from 4 to 3 and to change the design from 2-storey to bungalows.

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

APPENDIX 1 – Proposed Site & Landscaping Plan



Application	3
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Application Number:	21/00398/MINA
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Application Type:	Planning FULL Major
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Proposal Description:	Proposed northerly extension of the quarry workings into around 31.6ha of land to include mineral extraction; in-pit primary processing and transfer of mineral to plant site. Proposals also include creation of peripheral screen mounds, advance planting and progressive restoration of workings.
At:	Land north of Holme Hall Quarry, Stainton

For:	Breedon Southern Ltd
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Third Party Reps:	64 against 25 in support	Parish:	Edlington Town Council
		Ward:	Edlington and Warmsworth

Author of Report:	Mel Roberts
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SUMMARY

RECOMMENDATION: Minerals Planning Permission granted

The proposal is considered appropriate development in the Green Belt given its limited impact on the openness and temporary nature. Notwithstanding that no very special circumstances need to be demonstrated, there is a need for the material.

The main issue causing concern for those that have objected is possible vibration and damage to buildings as a result of the blasting that takes place on site. Conditions and monitoring are to be imposed to ensure that this is not the case.

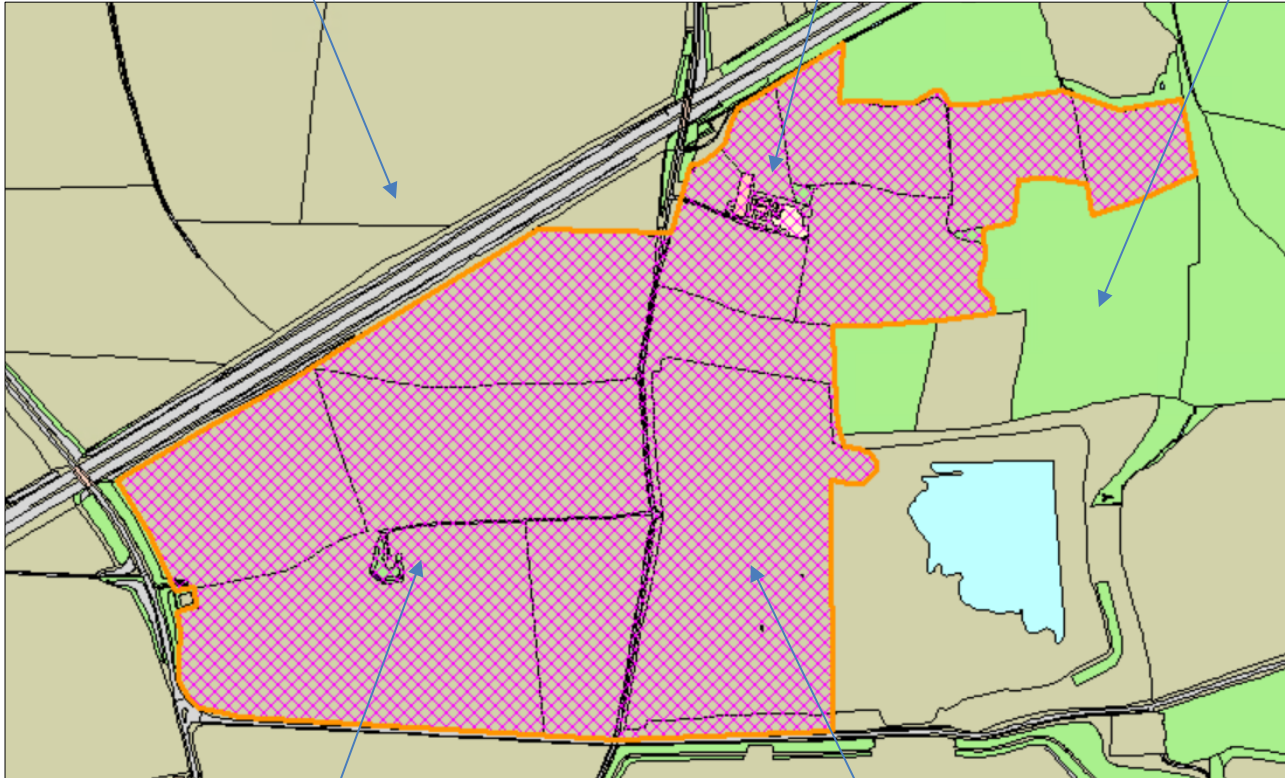
All other issues such as air quality, noise, highways and archaeology have been assessed through the submission of an Environmental Statement and no objections have been raised by any consultees.

There will be a deficit of the best and most versatile agricultural land, but this is offset by a high uplift in biodiversity through restoration of the site. The loss of agricultural land is outweighed by the need for the material, economic benefits and significant increase in biodiversity on site.

M18 Motorway

Peter Wood Farm

Wadworth Wood



"Cockhill West"

"Cockhill East"

1.0 Reason for Report

- 1.1 This application is being reported to planning committee due to the number of representations made.

2.0 Proposal and background

- 2.1 This application seeks permission for a northerly extension to the Magnesian Limestone quarry workings, together with the deposit of mineral wastes (such as overburden) to create temporary landscaped screen mounds. In addition, the proposals seek to provide a consolidated approach to mineral extraction and restoration under the extant permission within the “*Cockhill East*” and “*Cockhill West*” areas to allow for the integration of the proposed extension (as approved most recently under a Review of Old Minerals Permissions or ROMP application reference 16/01220/REVA). Figures 1 and 2 show how this application includes the “*Cockhill West*” and part of the “*Cockhill East*” areas, which already benefit from consent to extract minerals under the ROMP consent. This proposal seeks to extend the quarry in the area to the north of “*Cockhill West*” and “*Cockhill East*” up to the M18 motorway.

- 2.2 The proposal includes the following:

- a northerly extension to the quarry workings into an area of around 32 hectares;
- demolition of buildings associated with Peter Wood Farm;
- the tipping of soils and mineral wastes (overburden) to create screening landforms around the periphery of the quarry workings;
- infill planting (gapping up) and planting of new lengths of hedgerow around the site at the outset of the development;
- planting of woodland belts and infill blocks around the periphery of the quarry;
- creation of permissive rights of way (bridleways) to provide additional connectivity to the existing network;
- amendment to the “*Cockhill East*” and “*Cockhill West*” permitted development scheme to enable those extraction areas to be worked and restored as part of the proposed northern extension development;

- 2.3 A second planning application (under reference 21/00433/MIN) has been submitted and this seeks to extend the duration of the approved operations within the extant planning permission for a period of up to 10 years to allow for the continued extraction operations and completion of restoration works by 11th June 2035 as well as ensure that the provisions of the extant permission and any new permission are consistent. This application is currently under consideration.

- 2.4 The proposed northern extension and amendments to the approved working scheme would yield around 19 million tonnes of limestone reserves. Based on the annual rate of extraction of 2.4 million tonnes per annum, this would increase the life of the mineral extraction operations by up to 8 years beyond the current approved cessation date. For the avoidance of doubt, a new cessation date of 11th June 2035 is being applied for.

- 2.5 The quarry complex has two points of access onto the highway network. The first access is gained off a four-arm roundabout on Stainton Lane, to the west of the village of Stainton. Stainton Lane is a standard dual lane carriageway with a footpath on the northern side and street lighting at the roundabout. Signage is

present at the junction to direct “*All Quarry Traffic*” to turn left towards the quarry; a 7.5 tonne weight restriction exists on Stainton Lane to the east of the roundabout. The second access is located on Hirst Lane/Raw Lane to the north of Stainton. Hirst Lane/Raw Lane is also a standard width dual lane carriageway but does not have any pavement or lighting. Again, signage is present to direct “*All Quarry Traffic*” to turn right towards the quarry; again a 7.5 tonne weight restriction exists south of the junction.

- 2.6 In terms of the wider highway network, Stainton Lane joins the B6427 some 1.2km to the west of the roundabout junction. The B6427 in turn provides access to the A634 to the south in Maltby which then provides a link to Junction 1 of the M18 at Helaby. Hirst Lane to the north provides access to the B6094 which in turn provides access to the A630 and then the A1(M) at Junction 36. Planning permission was granted in 2014 for a new access onto the B6094, to the north-west of the plant site.
- 2.7 Development of the proposed northern extension can be divided into the following key stages:
- i) Site preparation – namely infill/new hedgerow planting and soil/overburden stripping.
 - ii) Mineral extraction.
 - iii) Mineral processing and export and
 - iv) Restoration.
- 2.8 As an established mineral operation site, infrastructure is already in place including site access points onto the public highway, an access road (between the access and processing plant), a processing plant, weighbridges, wheel wash, workshop and administrative facilities (within the plant site) and internal secondary haul roads and conveyer lines between face and plant/overburden disposal areas.
- 2.9 The site preparation works within the proposed northern extension would be similar to other areas of the existing quarry. This would involve the removal of vegetation and stripping of soils and overburden to expose the rock head. The buildings associated with Peter Wood Farm within the development footprint would be removed as part of the development.
- 2.10 It is proposed to work the proposed northern extension in a similar fashion to the existing workings within the quarry complex, with the extension progressively being assimilated into the wider quarry workings of the Cockhill area (see Figure 3).
- 2.11 The restoration of this site would follow the same principles as the approved restoration for the rest of the Holme Hall Quarry. The overall restoration strategy is to create a balance between productive agricultural land and habitats for nature conservation which reflect the local landscape character. The scheme incorporates local and UK priority habitats which would extend the local habitat networks to best support UK and local priority species. There is also provision for local public access. The site would be restored progressively as the extraction advances. The proposed landcover for the restored site comprises agricultural grassland fields with hedgerow boundaries, bare ground/magnesian limestone grassland, conservation grassland, native broadleaved woodland planting, perimeter hedgerow planting in advance of extraction and lakes in the eastern part of the former extraction areas, with shallows for fringe reedbeds (see Figures 4 and 5).

3.0 Site Description

- 3.1 The Holme Hall Quarry complex is located around 8km to the south-west of Doncaster to the south of the M18. A number of small villages surround the quarry complex with Maltby to the south-west; Stainton to the south-east; Wadworth to the north-east; and Braithwell to the west. The village of Stainton is the closest to the existing quarry permission area, being around 30m from the planning permission boundary.
- 3.2 Land associated with the existing planning permission extends to around 322 hectares and can be divided into three distinct blocks. The southern block lies between Stainton Lane in the south and Cockhill Lane in the north and contains the operations of Marshal Natural Aggregate and Hargreaves Maltby Limited, along with the site access to the quarry. The middle block lies between the B6094 in the north and Cockhill Lane to the south and comprises the Batty Holt South and Batty Holt North quarry areas; the former is now restored whilst the latter contains the processing plant and associated stock yard. The northernmost block lies to the north of the B6094 and south of the blocks of woodland, lying on both sides of Rakes Lane and is known as the “Cockhill East” and “Cockhill West” quarry areas.
- 3.3 The proposed northern extension lies to the north of the quarry workings within the Cockhill area, within a broadly triangular area bounded by the M18 motorway and Peter Wood to the north and an area of woodland (Wet Holt) to the east. It is bisected north to south by Rakes Lane, with Peter Wood Farm lying within the eastern part. The extension area also takes in a belt of land lying between the approved extraction boundary and the M18 within the Cockhill West area. Finally, the proposed application site will also include land within Cockhill area to allow for the integration of the proposed extension and an amended restoration scheme within the Cockhill West area. In total, the proposed application site covers an area of around 81 hectares of which the new extraction area totals around 32 hectares.
- 3.4 Land within the proposed extension is predominantly in agricultural use and forms fields of varying size; fields within the western part tend to be larger. Within the eastern part of the proposed extension are the farm buildings associated with Peter Wood Farm which comprise a farmhouse, outbuilding and a large barn.

4.0 Relevant Planning History

- 4.1 Quarrying operations at the Holme Hall Quarry complex date back over 70 years with the first planning permission granted in March 1948 (reference DR135). Since then, a further fourteen permissions have been granted, with some later consents superseding earlier ones.
- 4.2 Under the provisions of the Environment Act 1995, the Mineral Planning Authority served notice in 2013 on Hope Ready Mix Concrete Ltd, Marshalls Mono Ltd, and Maltby Colliery Ltd that 15 planning permissions were subject to a review of the working and restoration conditions. In April 2016, a submission was made under the 1995 Act for *“Review of old mineral permissions for the extraction of limestone and subsequent restoration to a mixture of woodland, grassland, agriculture and waterbodies with footpaths and bridleways”*. This submission, under reference 16/01220/REVA was accompanied by an Environmental Statement. At the same time a parallel application under section 73 of the Town and Country Planning Act 1990 was submitted to amend conditions 1 and 22 of planning permission 15/00429/WCCC to allow the continuation of mineral extraction and for the site to

be restored by 11 June 2027. Through the ROMP process, a new set of planning conditions, which affect the whole of the quarry complex, was issued on 23 May 2018 and the extended time for restoration was allowed under the section 73 application.

5.0 Planning Policy Context

National Planning Policy Framework (NPPF 2023)

- 5.1 The National Planning Policy Framework 2023 (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.
- 5.2 The NPPF confirms that the purpose of planning is to help achieve sustainable development. There are three overarching objectives to sustainable development, which are:
- i) An economic objective – to 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;
 - ii) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and;
 - iii) An environmental objective – to contribute to protecting and enhancing our 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.
- 5.3 Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.4 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 (paragraph 111).
- 5.5 Paragraph 137 indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.6 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 147).

- 5.7 It states at para 150 that certain forms of development are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it and this includes mineral extraction.
- 5.8 Paragraph 174 states that decisions should recognise the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 5.9 Paragraph 180 relates to the conservation and enhancement of biodiversity including support for development, which can secure measurable net gains for biodiversity.
- 5.10 It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation (para 209).
- 5.11 It states at paragraph 211 that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:
- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
 - b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
 - c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
 - d) not grant planning permission for peat extraction from new or extended sites;
 - e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
 - f) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and
 - g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

Doncaster Local Plan (2021)

- 5.12 The Local Plan identifies the site as falling within the Green Belt.

- 5.13 Policy 1 states that the openness and permanence of Doncaster's Green Belt will be preserved. Within the Green Belt, national policy will be applied including the presumption against inappropriate development except in very special circumstances.
- 5.14 Policy 13 requires new developments to provide as appropriate Transport Statements.
- 5.15 Policy 29 states that proposals will only be supported which deliver a net gain for biodiversity and protect, maintain and enhance the Borough's ecological network.
- 5.16 Policy 30 requires the need to protect ecological habitats and species.
- 5.17 Policy 32 states that the design process should consider woodlands, trees and hedgerows.
- 5.18 Policy 39 deals with archaeology.
- 5.19 Policy 54 requires the need to take into account air and noise pollution.
- 5.20 Policy 60 states that proposals on non-allocated sites that involve the significant loss of the best and most versatile agricultural land (grades 1, 2 and 3a) will only be supported where there are no other suitable alternative locations on lower quality agricultural land (or non-agricultural land) available, or the land can be reinstated back to its previous state (where possible).
- 5.21 Policy 61 states that extraction and production aggregate minerals will be supported through a number of principles including contributing toward local provision by maintaining, where possible, a landbank of permitted reserves for at least 10 years for aggregate limestone.
- 5.22 Policy 62 states that proposals for mineral development including aggregate extraction will be supported where all impacts are addressed and appropriately mitigated in accordance with policies in the Local Plan, national policy and planning practice guidance.
- 5.23 Policy 63 states that proposals for mineral extraction will be supported where they include a phased sequence of extraction, restoration, reclamation and implementation of the planned aftercare, specifically benefitting climate change mitigation, biodiversity, our green infrastructure network, informal recreation, local agriculture and/or geodiversity.

Proposals will need to demonstrate that:

- a) the surrounding landform and landscape impacts are taken into account and appropriately mitigated;
- b) the requirements for the reinstatement of the lost or damaged habitat / landscape type, or provision of new habitat types have been fully considered;
- c) an appropriate aftercare period is in place in order to ensure successful restoration;
- d) consideration has been given to long term after-use of the site when designing the restoration proposals;
- e) are in place to ensure that the restoration is technically and economically feasible, and can be successfully completed;

and f) feasible geological features are retained for scientific study and local appreciation

Other material planning considerations

- 5.24 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) was 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 in September 2021. Since then, the Council are in the process of drafting new SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan.
- 5.25 Following public consultation the Council has adopted five SPDs under the Local Plan with respect to Biodiversity Net Gain, Flood Risk, Technical and Developer Requirements, Loss of Community Facilities and Open Space, and Local Labour Agreements. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight.

6.0 Representations

6.1 The application has been advertised in the local press, on site and with letters posted to properties close to the site.

6.2 64 letters of objection have been received and these can be summarised as follows:

- i) Edlington has had enough issues with lorries hurtling through the streets.
- ii) it would be a shame to lose more of our beautiful land.
- iii) Edlington Lane is already an extremely busy road and there is concern about the impact on air quality.
- iv) the extra workings will produce noise and dust.
- v) the workings will desecrate the place where airmen died.
- vi) nuisance of regular flow of traffic through surrounding villages including vibrations from lorries.
- vii) potential for increase in road accidents.
- viii) impact on historic buildings and noise from blasting.
- ix) the blasts are causing damage to properties.
- x) harmful impact on the landscape.
- xi) encroachment into ancient woodland including Edlington Wood.
- xii) impact on wildlife.
- xiii) detrimental to access for recreational use of the surrounding countryside.
- xiv) potential future use of large holes in ground for landfill and refuse disposal in the future.
- xv) negative impact on house prices with the area – this is not a material planning consideration.

6.3 25 letters of support have been received and these can be summarised as follows:

- i) availability of suitable limestone is limited within the region and Holme Hall quarry has become critical to meeting that demand for businesses.
- ii) the proposal will give job security to those already involved and possibly increase jobs. For people in the area, it will give them the opportunity for jobs in their local area.
- iii) this is a positive business to have in the local community.

iv) Holme Hall is up there with the best in relation to everyday practices and commitment to community.

7.0 Relevant Consultations

- 7.1 **National Highways:** Have raised no objections subject to conditions.
- 7.2 **Transportation:** The current permission has a number of conditions attached to it. It is proposed that these conditions be retained and this is supported. There is a condition that restricts operating hours and another that limits the number of HGVs allowed per day. As these conditions are to be retained, current traffic levels will not change. A Traffic Management Plan is also proposed to be submitted which will detail how the impact caused by traffic generated by the proposals can be minimised/mitigated.
- 7.3 **Highways:** Have raised no objections subject to previous conditions (on the ROMP) being repeated.
- 7.4 **Ecology:** No formal response has yet been received and this will be reported to Planning Committee as a pre-committee amendment.
- 7.5 **Natural England:** Has raised no objections subject to conditions.
- 7.6 **Yorkshire Wildlife Trust:** Has requested a wider buffer to the woodland than 15m given the scale of the works. Some of the factors affecting dust deposition e.g. rainfall and windspeed/direction are detailed and it is essential that these form part of a Dust Management Plan (which could form part of the CEMP), which should detail conditions under which blasting is not permitted. Biodiversity Net Gain requires habitats to be managed for a minimum of 30 years and therefore the mechanism by which this is to be secured should be included within the application.
- 7.7 **Trees:** The Tree Officer has responded and has raised no objections.
- 7.8 **Environment Agency:** A Water Management System similar to the existing quarry site will be adopted, although some modification will be necessary to manage additional volumes of water. Given the restrictions on licensing of abstractions in this area, it is possible that further modification to a Water Management System will be required as a result of conditions on a new abstraction licence (if granted). No objections have been raised subject to a number of conditions.
- 7.9 **Yorkshire Water:** has responded and has raised no objections.
- 7.10 **Internal Drainage:** Have raised no objections subject to a condition requiring further details of on-site drainage.
- 7.11 **SYAS:** Have responded and have raised no objections subject to a condition.
- 7.12 **Conservation Officer:** The northern extension would lead to the demolition of all the buildings at Peter Wood Farm and the report assesses that some heritage value would be lost through the demolition. I would not disagree with this, but do not consider that the heritage significance lost requires more than preservation by record and this could be secured by a condition as proposed by South Yorkshire Archaeology Service.

- 7.13 **Air Quality:** Chapter 6 of the Environment Statement concludes that there would be no significant impact on air quality with regards to the objectives set in the Air Quality (England) Regulations 2000, as amended 2002. The use of standard methodology to screen the development gives confidence to these conclusions and there is no significant increase in vehicle movements. There are no objections on air quality grounds.
- 7.14 **Contamination:** I have checked the historic maps and there is nothing of concern for this site. The Environment Agency have already commented with regards to the protection of controlled water and so there is no further comment for contaminated land.
- 7.15 **Environmental Health:** has responded and has raised no objections subject to conditions.
- 7.16 **South Yorkshire Mining Advisory Service (SYMAS):** Having reviewed the submitted documentation to this application along with the relevant mining and geological records for the area, I can confirm that no coal mining legacy risks are anticipated in the area – this is also confirmed by the fact that the site does not lie in a Coal Authority high-risk referral area. Deep coal mining in this vicinity has ceased and no deep coal mining activity/settlement issues are anticipated for the foreseeable future. In common with other quarry workings, the excavations at Holme Hall Quarry must be designed by a geotechnical specialist in accordance with the Quarries Regulations 1999. These regulations ensure the quarry operations cause no adverse impacts on the health and safety of surrounding land users by maintaining the ongoing stability of surrounding structures. The minerals planning authority should not seek to duplicate the requirements of statute. The positions and standoffs of quarry high walls (typically 15m high faces) must be designed by a geotechnical specialist and maintained at a suitable distance from adjacent land and structures such as the M18. The operator is also required to implement a frequent inspection and monitoring/assessment regime during excavation operations.
- 7.17 **PROW:** Have responded and have raised no objections.
- 7.18 **NATS:** Has raised no objections, as the proposal does not conflict with its safeguarding criteria.
- 7.19 **Rotherham Council:** Has been consulted but has made no comments.

8.0 Town Councils

- 8.1 Edlington Town Council object to this proposed development for an extension to Breedon's existing quarrying permissions. The Town Council whole-heartedly support the existing objections from the local community with various reasons for so doing. In particular, the Town Council would like to register its particular objections in respect of-

1) Highways issues - there has been no traffic impact assessment and the extension of operations for a further 10 years will lead to a proliferation of HGV wagons travelling through Edlington on route to the A1/M18 leading to potential speeding, pollution to the environment and risk to pedestrians, especially near Hilltop Academy where school pupils cross the road, as well as additional wear and

tear to the highway from the level of likely vehicle volumes that will result. There are already far too many HGV wagons travelling through the village.

2) Local strategic/national/local planning policies - the impact of climate emergency implications and the target of contributing towards achieving net zero emissions by 2050. The Town Council declared a climate emergency and is fully supportive of Friends of the Earth twenty-point plan for Towns & Parishes to help contribute towards the emissions targets and feel that the impact of this application (if approved) would be of detriment to the wider climate emergency and biodiversity interests of the local community.

3) Noise/disturbance & smells/fumes - the local community has lobbied the Town Council regarding blasting from existing operations at the quarry often causing a noise and tremors to local dwellings in Edlington & Old Edlington and any extension of existing permissions would simply exacerbate the situation and number of reported incidences. The existing operations add to poorer air quality from dust caused by existing permissions and an extension would worsen the situation.

4) Adverse impact on nature conservation & biodiversity opportunities - linked to the observations above relating to a climate emergency. The Town Council feel that any extension of quarrying will have an adverse impact on local wildlife and species currently evident in the area and be detrimental to their existence and contribution they make to the area's wider biodiversity.

5) Effect on listed buildings and conservation area - there are 3 listed building in our Parish area, all situated in Old Edlington and the impact of blasting and tremors reported and any extension of operations for quarrying will simply exacerbate the effects upon and risks to these listed buildings.

8.2 Stainton Parish Council fully supports this planning application, as this extension is essential due to the critical need for construction aggregates in the region. The application accords with policy 61 of the Local Plan. Breedon plays a significant part in providing jobs in our local area. Stainton Parish Council and the Trustees of the Village Hall Trust regularly meet with representatives from Breedon to discuss local matters important to the community, such as the impact of HGV's in and around the parish. On all occasions, where necessary, Breedon have put in additional measures to ensure that agency drivers obey the weight restrictions. Stainton Parish Council commend Breedon on how well managed the site is and how time and effort has been put in to lessen the impact of the quarry on the local community, both practically and visually. Breedon engage very well with the local parishes, which was clearly evident when Breedon hosted an open day weekend in 2022. The event attracted a significant amount of residents who enjoyed seeing the history of the site and the vision for the future.

8.3 Braithwell with Micklebring Parish Council fully supports this planning application, as it complies with Policy 61 of the Local plan for Doncaster. Breedon work extremely closely with the parishes which surround the existing quarry and offer an open door policy to residents to discuss any matters or concerns. So much so that in 2022 they opened the quarry for a Fun Day which was extremely well attended. Residents enjoyed learning about the history of the site and also plans for the future. Breedon have regenerated the dug areas brilliantly, which has added hundreds of trees and this has had a real positive impact on wildlife in the area. We recognise that this extension is essential due to the critical need for

construction aggregates in the region. We also recognise that Breedon plays a significant part in providing jobs in our local area.

8.4 Conisbrough Parks Parish Council raises no objections. However, the Parish Council notes that there are regular occurrences of materials falling from the HGVs as they navigate the roundabouts at 5 Lane Ends and has therefore requested that Breedon be asked to make sure their drivers take extra care and to ensure that the roundabouts are regularly swept so as to keep them clear and safe.

8.5 Maltby Town Council would like to make a request for a traffic plan to be implemented to ensure that the quarry traffic avoids the use of the smaller roads, which are already heavily congested with heavy goods vehicles. The Town Council would like to make a request for a planning condition to be enforced to ensure all vehicles leaving the site are cleaned thoroughly to reduce the ongoing issues with mud on the local highways. The Town Council would also like a planning condition implemented to ensure all lorries travelling to and from the site are fully covered to reduce the ongoing issues with dust in the local community. Finally, the Town Council would like to make a request for the roads used by quarry traffic to be cleaned on a regular basis to avoid a build-up of dust and mud.

9.0 Ward members

9.1 Councillor Rachael Blake (of Rossington and Bawtry ward) has asked if there can be a routing agreement to make lorries stick to the Motorway, rather than having a huge impact on the roads in many of our villages such as Bawtry and Rossington.

9.2 Councillor Glyn Jones (of Hexthorpe and Balby ward) objects to the application, as it will generate more heavy traffic onto the roads of Old and New Edlington, Warmsworth and Balby, specifically B6376 Edlington Lane and the A630 High Road/Warmsworth Road through Warmsworth and Balby. Also, the residents of Edlington note that the noise & dust associated with this type of development would be extremely menacing, still recovering from the environmental impact and consequences of Coal mining.

10.0 Assessment

10.1 The issues for consideration under this application are as follows:

- Principle of development including Green Belt issues
- Need for the material
- Vibration
- Landscape and visual impact
- Ecology
- Trees and Landscaping
- Cultural Heritage
- Highway safety and traffic
- Flooding and drainage
- Noise
- Air Quality
- Agricultural Land
- Economy
- Overall planning balance

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

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

Principle of Development

10.3 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act require that planning decisions be taken in accordance with the development plan unless material considerations indicate otherwise. The site lies within the Green Belt, as allocated in the Doncaster Local Plan.

Green Belt

10.4 The Government attaches great importance to Green Belts and the fundamental aim of policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The purposes of the Green Belt are; to check unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration.

10.5 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In considering applications, substantial weight should be given to any harm to the Green Belt. The NPPF adds that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

10.6 NPPF paragraph 150 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include mineral extraction and engineering operations (such as formation of screen bunds). This does not mean that a minerals development is automatically allowable in Green Belt, as consideration needs to be given to how it affects openness for example.

10.7 A judgment in February 2020, the Supreme Court in R (Samuel Smith Old Brewery (Tadcaster) and others) v North Yorkshire County Council [2020] UKSC 3 shows that it is necessary to assess whether the development would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. NPPF paragraph 150 must mean that some level of operational development for mineral extraction in the Green Belt would preserve its openness and would not conflict with its purposes, and that beyond that level, the development would become inappropriate in the Green Belt and so the exception would no longer apply.

- 10.8 Given that an essential characteristic of Green Belt is ‘openness’, it is important to understand what this means. There has been significant argument around the concept of openness and the extent to which it encompasses visual effects as opposed to just the physical / volumetric effect of new development. This was largely resolved by the Court of Appeal in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466, where Sales LJ said: “The concept of ‘openness of the Green Belt’ is not narrowly limited to the volumetric approach suggested by [counsel]. The word ‘openness’ is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is now and how built up it would be if redevelopment occurs ... and factors relevant to the visual impact on the aspect of openness which the Green Belt presents”.
- 10.9 Subsequently, in the *Samuel Smith* case, there was general support for the *Turner* decision, but further analysis of openness was provided: “The concept of “openness” in Paragraph 90 of the NPPF [the previous version] seems to me a good example of such a broad policy concept. It is naturally read as referring back to the underlying aim of Green Belt policy, stated at the beginning of this section: “to prevent urban sprawl by keeping land permanently open ...”. Openness is the counterpart of urban sprawl and is also linked to the purposes to be served by the Green Belt. As Planning Policy Guidance (PPG) 2 made clear, it is not necessarily a statement about the visual qualities of the land, though in some cases this may be an aspect of the planning judgement involved in applying this broad policy concept. Nor does it imply freedom from any form of development. Paragraph 90 shows that some forms of development, including mineral extraction, may in principle be appropriate and compatible with the concept of openness. A large quarry may not be visually attractive while it lasts, but the minerals can only be extracted where they are found, and the impact is temporary and subject to restoration. Further, as a barrier to urban sprawl a quarry may be regarded in Green Belt policy terms as no less effective than a stretch of agricultural land” (Paragraph 22).
- 10.10 And: “[Openness] is a matter not of legal principle but of planning judgement for the planning authority or the inspector” (Paragraph 25). Thus, harm to the Green Belt, and specifically its openness, is a planning judgement which can be shaped by a number of factors including:
- The extent to which there is urban sprawl;
 - How built up the Green Belt is now and would be;
 - The extent to which a proposal conflicts with the five purposes served by Green Belt and ;
 - Visual impact on the aspect of openness which the Green Belt presents.
- 10.11 The Planning Practice Guidance states at paragraph 1 that when “assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume

- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation"

10.12 In relation to unrestricted sprawl of large built-up areas, the site includes the existing limestone quarry and ancillary development (worked and unworked areas), which are situated in a rural area, of mainly agricultural land and ancient woodland, bisected by the M18. There are a small number of villages within the vicinity of the site, including Old Edlington at 0.8km to the north-west, Wadworth at approximately 2km to the east, Braithwell at 1.5km to the south west and Clifton at 1.5km away to the west and also the town of New Edlington at 0.8km to the north. There is also a small collection of buildings at a property known as Woodacres at 0.2km away, north of M18. The proposed development would thus not appear as an extension to any settlement. Due to a combination of landform and vegetation cover, there is little perception of large built-up areas from most of the publicly accessible viewpoints in the area. The proposed development would re-align the approved footprint of temporary screening bunds with grassy flanks and vegetation around much of the perimeter, during operational phases only. Although these bunds can have the appearance of engineered structures, they would be positioned behind new sections of advance infill hedgerow planting and would be removed as part of restoration and replaced with woodland planting blocks. The visual separation of the site from the nearest built-up area reduces the overall perception of any outward spread of an urban or development edge. It is therefore considered that the potential for the development to be perceived as sprawl from an adjacent settlement is limited.

10.13 Coalescence is considered to be the merging of two nearby settlements. In relation to preventing neighbouring towns from merging one into another, there is a low amount of settlement in the study area surrounding the site, with the "*Stainton to Edlington Limestone Plateau*" character area being described as including "*sparsely scattered farmsteads and traditional stone built nucleated settlements*" which is "*very rural and tranquil in some areas*". The addition of the northern extension area and modifications to the approved limestone quarrying workings and restoration scheme would not result in neighbouring settlements appearing to merge. This is in part due to the degree of separation and intervening rolling agricultural landform and vegetation cover, but also the characteristics of the proposed development itself.

10.14 Encroachment is considered to be the construction of built development in open countryside. In relation to assisting in safeguarding the countryside from encroachment, the proposed development would ensure the future restoration to low-level agricultural land, with exposed rock faces and open water / wetland, with extensive woodland and hedgerow planting. Thus, the development would only constitute the construction of built development on open countryside, in terms of its engineered landforms. However, the visibility and perception of change is very localised and would be being mostly hidden within a strong framework of existing and proposed tree and hedgerow planting.

10.15 In relation to preserving the setting and special character of historic towns, there are no known heritage designations within the application site and Old Edlington is the nearest Conservation Area, with three Listed Buildings (including the Church of St Peter), at 0.8km to the north-west, north of the M18. There are no historic towns identified within the study area and therefore the development is unlikely to conflict with this purpose in visual terms.

- 10.16 The nature of the infrastructure proposed as part of the scheme is not considered excessive for a hard stone quarry. In this respect, plant and machinery within the quarry workings is restricted to a mobile primary crusher and field conveyor sited within the workings (below the surrounding ground level) to link the crusher with the main processing plant. The processing plant (which does not form part of the application site for the northern extension) is again typical for a hardstone quarry producing in the order of 2 million tonnes per annum of aggregates. The main processing plant is also existing (and not a new development) and thus part of the baseline. Finally, in line with best practice, soils and overburden are stored in peripheral screen mounds; again, typical for a hard stone quarry. The size of the mounds are not considered to be excessive for the development given the Green Belt location. The temporary soil and overburden storage mounds would be relatively low and grass seeded, thus avoiding high, steeply rising, engineered pinnacles. They would also be removed as part of final restoration. To facilitate extraction, defined haul roads are required to allow access to the working areas for plant and machinery as well as allow the extracted mineral to be transported from the face to the plant site/neighbouring businesses. Notwithstanding this, in-pit crushing is used to crush the blasted stone to a size that can be conveyed to the plant site using field conveyors; this reduces the number of dumper movements required and is seen as a sustainable method of transferring material from the face to the processing plant. As such it is an essential part of the operation.
- 10.17 Accordingly, there is an acceptance that some ancillary development can be acceptable within the Green Belt and so the starting point is not that all ancillary development is inappropriate. The level of infrastructure has to be proportionate to the nature of the mineral deposit, reflecting any operational requirements that may dictate how the site is worked. Otherwise, if an overly restrictive/prescriptive approach is taken, it runs the risk of rendering a site unworkable and thus neutering the effect of paragraph 150 in the NPPF.
- 10.18 Overall, therefore, it is considered that whilst there would be impacts, the scheme does not significantly affect the purposes of the Green Belt. The proposed development would, notwithstanding its duration, be a temporary activity and, therefore, would not conflict with the fundamental aim of Green Belt policy. In a similar manner, whilst the proposal would disturb the site for a period of time, it would not conflict with the five purposes of Green Belt, as the site would be progressively returned to an open state following completion of extraction. In view of this, it is considered that the exceptions for mineral extraction and engineering operations at Paragraph 150 of the NPPF would apply, and the proposed development is, therefore, not inappropriate development in the Green Belt.
- 10.19 In following the approach to considering minerals development in the Green Belt, it is considered that any impact would be temporary and there would be no permanent harm to the Green Belt. The proposal would not be inappropriate development in the Green Belt and it would not be harmful to the openness of the Green Belt and the purposes of including land within it and as such, very special circumstances do not need to be demonstrated.

Need for the material

- 10.20 Policy 61 of the Local Plan states that extraction and production aggregate minerals will be supported through a number of principles including contributing toward local provision by maintaining, where possible, a landbank of permitted

reserves for at least 10 years for aggregate limestone. It states at para 209 of the NPPF that 'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.' It states at paragraph 211 that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

- 10.21 The headline statement from the Local Aggregate Assessment indicates that there are sufficient reserves of limestone within the Doncaster sub-region, with a landbank of between 22.5 and 30.9 years depending on the annual production rate used (i.e. 3 year or 10 year averages respectively). For this reason, no new sites were allocated in the Local Plan. However, the actual position is not so categorical.
- 10.22 Firstly, there are currently three operational sites (including Holme Hall Quarry) within the Doncaster sub-region, one of which is predominantly within North Yorkshire (Barnsdale Bar). From the information available, Holme Hall Quarry currently produces the vast majority of aggregates within the sub-region (being in excess of 80%). Moreover, a large proportion of aggregate production in the sub-region is consumed within the South and West Yorkshire sub-regions. These are significant considerations. Other operational quarries produce industrial minerals or other decorative products and thus do not compete with Holme Hall Quarry.
- 10.23 Two further aggregate quarries are currently inactive (Harrycroft and Cadeby). Reserves across these two sites are understood/estimated to be in the order of 12 to 13 million tonnes. Moreover, neither quarry could, if re-opened, replace the capacity of Holme Hall Quarry and even if both quarries re-opened, the joint capacity would still be less than 50% of Holme Hall Quarry. Looking at Google Earth imagery, it would seem that the processing plant at Cadeby Quarry has been removed, meaning that new investment would be needed at that site.
- 10.24 Should production cease at Holme Hall Quarry, there would be a significant deficit in aggregate supply from within the sub-region. This could not be met by current operational or dormant quarries and so the sub-region (and adjoining areas) would be reliant on imports from other areas, such as Derbyshire to ensure continuity of supply. With a significant proportion of aggregates from Holme Hall Quarry supplied to the South Yorkshire and West Yorkshire markets, importing aggregates from farther afield cannot be considered sustainable due to the increased distances travelled. Notably, this would increase the carbon emissions associated with aggregate supply and so run contrary to the aims of the NPPF (paragraph 8). This is best demonstrated by the supply of aggregates from Holme Hall Quarry to the Tarmac and Marshall's operations, whereby the material is supplied without the need to travel on public highways using dump trucks. Should Holme Hall close, then this material would need to be imported by HGVs travelling substantial distances from quarries in Derbyshire; for each dump truck, 1.5 to 2 HGVs would be required to transport the equivalent amount.
- 10.25 A solution to counter imports would be to open a new 'green field' quarry; however, extensions to existing operations are considered more preferable to opening new sites, as the environmental issues are typically more readily understood and measures already imposed to ameliorate the effects. Moreover, extensions can make use of existing infrastructure, thereby reducing the need for substantial investment in new plant etc. (and thus reducing carbon emissions associated with the manufacture and erection of new plant and machinery). Notwithstanding this, no sites have been allocated in the adopted Local Plan for new limestone

resources and so, in policy terms, a green field site is no better than extending Holme Hall Quarry.

- 10.26 If not developed as a logical extension to Holme Hall Quarry, it is unlikely that the resource would be developed at some point in the future as a standalone operation. It is theoretically possible that the area to the east of Rakes Lane could be developed, but the area is too small to allow for the development of a processing plant. As such, it could only be worked as a low output operation using mobile plant. This would not be as efficient as developing the area as an extension and would not yield the same reserves. As such, it would not present itself as an attractive development option. There is therefore a high risk that the reserves would be sterilised.
- 10.27 Supply of aggregates aside, the closure of Holme Hall Quarry would also be detrimental to the local economy, as it would result in the loss of a long-standing local employer and, consequently, the loss of employment for the local skilled workforce who operate the site and the loss of demand for locally sourced goods and services. Moreover, importing aggregates from farther afield would inevitably be more expensive to the local construction sector, thereby reducing or delaying their financial capacity to invest further in the local economy.
- 10.28 Holme Hall Quarry is such a productive site because it is the only Upper Permian Dolomitic Limestone quarry in South Yorkshire region which has limestone reserves of a consistently high enough quality to produce significant quantities of aggregates to industry specifications; for example, Type 1 sub base and concrete aggregate products.
- 10.29 There is clearly a need for the product and even though the site is not allocated in the Local Plan, it falls in line with national policy requirements NPPF paragraphs 209 to ensure that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs, para 211 where great weight should be given to the benefits of mineral extraction, including to the economy) and 213 where Minerals planning authorities should plan for a steady and adequate supply of aggregates. The loss of supply from Holme Hall Quarry would result in a significant impact to the continuity of supply and productive capacity within the sub-region. There is no evidence to suggest that other quarries with reserves accounted for in the landbank will be able to make up the loss of supply. The proposed extension would release an additional 19 million tonnes of aggregate and test results from the boreholes within this area indicate that the quality is consistent and would be able to produce a continuation of product supply.

Sustainability

- 10.30 The NPPF (2023) 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
- 10.31 There are three strands to sustainability and these are social, environmental and economic. Paragraph 10 of the NPPF states in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

SOCIAL SUSTAINABILITY

Vibration

- 10.32 In order to produce rock fragmentation and break up the rock mass in the quarry face, it is necessary to use controlled explosive charges. In common with the existing permitted operations and indeed the vast majority of all other stone quarries, the nature of the rock means that no other form of mechanical breaking would be practical.
- 10.33 In general terms, stone deposits are worked by drilling a row or rows of boreholes (often referred to as shot holes) into the rockhead above, and behind, the working quarry face using an air flushed drill rig with dust suppression equipment. Predetermined quantities of explosive are placed into each hole and the spaces between the charges and the top sections of the holes are 'stemmed', usually with 10mm aggregate. Each charge is connected to the next in line and fired sequentially by the use of millisecond delay detonators. This delayed sequence, together with the amount of explosive charge and the shot hole spacing is employed to reduce both noise and ground vibration caused by the explosion in accordance with good environmental practice. The detonation of explosive charges in a borehole generates stress waves causing localised distortion and cracking of the rock mass. Outside of this immediate vicinity permanent deformation does not occur. Instead, the rapidly decaying stress waves cause the ground to exhibit elastic properties whereby rock particles are returned to their original position.
- 10.34 All blasting operations would follow recognised best practice and would be designed by an appropriately qualified person. Blasting only occurs within set times of the day and holes are only charged within a few hours of use. The proposed northern extension would not alter the current blasting practices. The frequency of blasting operations that would be undertaken would still be around two per week.
- 10.35 The main form of mitigation for the effects of blast induced vibration is the imposition of suitable vibration limits in planning conditions. Condition 35 on the approved ROMP consent provides a limit of 6mm/s at the 95% confidence level, with no individual blast exceeding a limit of 12mm/s. These limits are fully in line with modern guidance and best practice and will be carried over under any new consent for this quarry extension.
- 10.36 An assessment of predicted blast-induced vibration levels has been made to nearby vibration-sensitive receptors. The predictions are based on 41 blast induced vibration events which were measured at various locations around the existing site. Using the measured data, a blast regression line has been plotted and a maximum instantaneous charge weight of 12.75kg has been derived at 275m, which is the approximate distance the closest blasting operations approach to the nearest vibration sensitive receptor, namely Woodacres. The assessment has shown that the criterion of 6.0mm/s at 95% confidence can be achieved by suitable blast design using the suggested instantaneous charge weights.
- 10.37 Blasting at Holme Hall Quarry has been subject to extensive design optimisation and has been improved significantly since this application was submitted in 2021. Breedon has made a major investment in technology and software to optimise blasting design to minimise potential impacts. Breedon has taken practical steps to reduce the amount of explosive used in each blast by reducing the size and area of each blast and the diameter of drilled boreholes, increasing the spacing between

drilled holes and adopting a technique called 'double-decking' where explosive at the top and bottom is separated by an aggregate layer. These changes have been employed to keep impacts to a minimum, not because blasts were close to exceeding the permitted limits.

- 10.38 British Standard 6472:2008 'Guide to evaluation of human exposure to vibration in buildings Part 2: Blast-induced vibration' gives guidance on human exposure to blast-induced vibration in buildings and is primarily applicable to blasting operations associated with mineral extraction. The document states that for up to 3 blasts per day in daytime hours at residential properties, a satisfactory magnitude is 6.0-10.0 mm/s.
- 10.39 BS 7385-2: 1993 '*Evaluation and Measurement for Vibration in Buildings: Guide to Damage Levels from Groundborne Vibration*' gives guidance on the levels of vibration above which building structures could be damaged. This sets out that magnitudes of ground vibrations that are considered to be able to cause structural damage to residential buildings are above 15 mm/s – research has indicated that at this level, damage would be limited to increasing the size of an existing crack in plaster.
- 10.40 The Environmental Statement considers this in more detail and highlights that no damage has occurred in any of the published data at vibration levels of less than 12.7mm/s. Cracks develop in residential properties for a variety of reasons, such as fatigue and ageing of wall coverings, drying out of plaster finishes, swelling/shrinkage of wood and differential foundation settlement particularly after times of prolonged dry weather.
- 10.41 The nearest residential property from the working face at Holme Hall is Newlands Farm at approximately 300 metres, whereas Old Edlington is around 1km. Breedon is carrying out monitoring at Newlands Farm and this is recording less than 2mm/s. Vibration dissipates with distance, so surrounding settlements like Edlington, Braithwell, Stainton and Wadworth at 1km+ distance will register extremely low readings - on several occasions in Old Edlington the monitoring equipment which is set to record above 0.5mm/s, did not pick up any vibration readings at all.
- 10.42 For context, a person will become aware of blast-induced vibration at levels of around 1.5mm/s although under some circumstances this can be as low as 0.5mm/s. Typical day-to-day activities result in vibration within a property, such as walking on a wooden floor (2.3mm-s) and closing a door (2.8 mm-s), which are higher than the vibration levels from blasting at Holme Hall.
- 10.43 External consultants, Blast Log, have undertaken independent monitoring of vibration at Holme Hall. In addition, the measurements have been employed in scaled distance regression analysis for data quality. In basic, scaled distance regression is essential a model built on several historic measurements, that enables the prediction of vibration magnitude at different distances related to the maximum explosive charge initiated in the blast. The 2022 survey undertaken by Blast Log recorded vibration levels of 0.41 mm/s in Old Edlington. The level predicted by the scaled distance regression model was 0.49mm/s, thus impacts were consistent with previous similar operations, below the level of human perception and well within the limits set by planning conditions.
- 10.44 When blasting is carried out, energy is also transmitted from the site in the form of airborne pressure. This is also attenuated by distance and topography and is

considered in detail within the submitted Environmental Statement. Notably, according to BS 6472-2:2008 there is no known evidence of structural damage occurring in the UK as a result of air overpressure levels from blasting associated with mineral extraction. The highest levels normally measured in the United Kingdom are generally less than 1% of the levels known to cause structural damage.

- 10.45 In certain weather conditions, the influence of air overpressure will be enhanced and can be perceptible to humans. The most recent 2022 survey undertaken by Blast Log measured air overpressure at a level of 106 dB(lin) in Old Edlington. Putting this into context, air overpressure levels of 120 dB(lin) are equivalent to the pressure generated by a constant wind velocity of 5m/s (Beaufort force 3, gentle breeze). 106 dB (lin) would be potentially perceptible, but is much lower than the level that would produce rattling of windows.
- 10.46 Therefore, vibration generated by blasting events is not considered to be a limiting factor in continued blasting within the proposed northern extension area of the quarry.

ENVIRONMENTAL SUSTAINABILITY

Landscape and visual impact

- 10.47 A Landscape and Visual Impact Assessment (LVIA) has been carried out as part of the submitted Environmental Statement. The LVIA has assessed the potential landscape and visual implications of the proposed extension to Holme Hall Quarry. This includes a baseline study of the existing site and its surroundings, a study of the landscape and visual characteristics of the proposed development and an assessment of the residual landscape and visual effects likely to be generated after mitigation has been considered and their significance.
- 10.48 The application site does not form part of any national valued landscape designation, such as a National Park or Area of Outstanding Natural Beauty (AONB), although the edge of an Area of Special Landscape Value (local landscape designation) is approximately 500m to the west.
- 10.49 The landscape strategy for the proposal focuses primarily on avoiding the ancient woodland areas to the east and north of the site, retention of Rakes Lane (and avoiding the currently permitted diversion), the formation of screening bunds and the management and infill planting of existing hedgerows around the site boundaries. Phased and final restoration would also follow on as soon as practical on an area-by-area basis, to reinstate a more diverse, wooded agricultural landscape pattern, with wetlands. The proposed restoration scheme follows the principles, landscape elements, features and overall character set out in the approved scheme.
- 10.50 Doncaster Council's Landscape Character Assessment and Capacity Study (2006/2007) describes the site as located within C1 "*Stainton to Edlington Limestone Plateau*" landscape character area, which extends for approximately 2km around the site. This character area is described in the publication as having a moderate landscape capacity for mineral working. At a local level, the proposed development would alter the current classification of the northern part of the application site from "*Gently Rolling Agricultural Land with Farmsteads*" to "*Active Mineral Workings*". This would extend the existing classification of the south-

eastern corner of the site. However, part of the agricultural land within the southern and western parts of the site is already due to change, as it is worked in accordance with the approved scheme for mineral working. Following progressive and final restoration, it is anticipated that the local classification would become "*Gently Rolling and Low-Level Agricultural Land, Woodland and Wetland*". Again, this would occur over much of the site in the absence of the proposed development, in accordance with the approved working and restoration scheme. The potential effect relating to overall landscape character within the "*Stainton to Edlington Limestone Plateau*" character area would be no more than minor and adverse during operational phases, becoming beneficial after final restoration.

- 10.51 Visibility of the site from local residential receptors and changes to views and visual amenity would be limited. The inhabitants of the nearest properties at Woodacres to the north, or Newland's Farm to the south-west would have barely noticeable changes (negligible and neutral). Similarly, users of the local road network connecting villages and settlements (such as Rakes Lane through the centre of the site, Wood Lane and M18 to the north and B6094 to the south and west) and recreational visitors to the study area (such as visitors to Wadworth Wood along the public bridleway to the east and the footpath leading from Woodacres to Edlington Wood to the north) would have varying degrees of generally limited change. The greatest effects are concentrated to a restricted number of close-in views along the roads near to the site boundaries, but which are mitigated by the existing vegetation and bunds and the proposal for comprehensive infilling of hedgerows.
- 10.52 Additional hedgerow planting would reduce the effects of the proposed northern extension. This comprises sections of new hedgerow along Long Gate (B6094) along with the gapping up of existing hedges around the site. This planting work would be undertaken during the first season following the grant of planning permission, with the hedgerow species being the same as proposed for the restoration scheme. The inclusion of advance infill hedgerow planting as part of the mitigation strategy is in keeping with a key characteristic of the area of "*Mature roadside hedges restrict views*" and several of the key characteristics would be reinstated, enhanced or extended during restoration, such as "*occasional springs, ponds and also streams in localised dips in the landform*" and "*many small blocks trees and wooded strips along roads*".
- 10.53 To assist in screening the proposed operations, landscaped screen mounds and bunds would be created along the boundary of the proposed northern extension. This mound would be constructed from soils and/or overburden stripped from the footprint of the proposed northern extension, with soils spread over the surface. Overall, there are no significant landscape and visual effects predicted as a result of the proposed development.

Ecology

- 10.54 An extended Phase 1 vegetation and habitat survey of the application site has found that most of the land is under agricultural use with arable and improved grassland. Other semi-natural features are hedgerows, many of which include one or more tall mature trees. There are small areas of plantation, small areas of scrub and the site is bounded to the north east, south east and south by woodlands. These woodlands are all designated as Local Wildlife Sites, some of which are ancient semi-natural and the others, Planted Ancient Woodland Sites (PAWS). There are two small ponds; one ephemeral and one ornamental and several buildings forming Peter Wood Farm.

- 10.55 Due to the inherent low nature conservation value of most of the land to be lost or affected by working of the proposed extension, effects are limited largely to a small number of protected/notable species and restricted to a small number of habitats, principally the loss of hedgerows, small areas of semi-improved calcareous grassland and a very small pocket of woodland. For species, the most significant is roosting bats in several of the farm buildings. The findings of the surveys and the nature of the impacts from working of the quarry has however meant that such effects are limited and temporary and there is the potential for long term overall beneficial effects as a result of the habitats to be created on restoration.
- 10.56 As bats and their roosts are afforded strict protection, measures are required to avoid harm to bats and compensate for the loss of the roosts. Mitigation has been proposed to provide alternative roosts through provision of several rocket bat boxes and conventional boxes to be in areas where bats from the farm building roosts currently seem to commute to forage. To avoid harm to bats, a licence would be required from Natural England to demolish the buildings under the supervision of a licenced bat ecologist. Measures have been provided to minimise any effect on foraging bats through new hedgerow and woodland planting, which would also provide for foraging and nesting birds and in the longer-term, agricultural restoration for ground nesting birds and particularly skylark.
- 10.57 Effects on other species are assessed to be either Minor or Negligible and simple embedded mitigation measures have been included in a proposed Construction Environmental Management Plan (CEMP) to avoid deliberate harm to badgers, reptiles and hedgehog. The potential for dust impacts on the surrounding ecological sites is considered to be not significant.
- 10.58 The proposed restoration involves provision of several habitats, which are to be established once the quarrying activities are complete. This includes creating 27.78 hectares of habitat comprising woodland, agriculture hedgerows, deep water, reedbeds and grasslands. The plans include conversion of Rakes Lane into a bridleway with circular footpaths into an open access site with information boards on nature conservation. Additionally, part of the site will be returned to agricultural use.
- 10.59 A Biodiversity Net Gain Assessment has been submitted with the application. Based on available evidence, all habitats were assessed to be in poor to moderate condition. The baseline value of the habitats was calculated as 75.21 Habitat units and 5.54 hedgerow units. Habitats retained on-site include lowland calcareous grassland, temporary lakes, ponds and pools and cereal crops. The value of the habitats retained is 5.5 habitat units. The Post-restoration biodiversity value for on-site habitats (created and retained) was calculated as 106.42 habitat units. Based on the current proposals and outlined assumptions, the working and restoration of the proposed extension is predicted to result in an overall net gain of approximately 41.5% of habitat units and approximately 13.5% of hedgerow units. These values exceed the 10% net gain target for habitat and hedgerow units as required by Policy 29 of the Local Plan.
- 10.60 Overall, in the longer term following final restoration, it is concluded that there is the potential for an overall significant beneficial effect on biodiversity, as the type and range of habitats to be created would provide for and attract a wider range of species than presently use the site. The application therefore accords and exceeds policies 29 and 30 of the Local Plan.

Trees and Landscaping

- 10.61 The potential for significant effects on Edlington Wood SSSI has been considered as part of the Environmental Statement. Based on a distance of over 300m, the M18 motorway lying between the proposed extension and the SSSI and the nature of the woodland (dry calcareous), there was no potential for working of the proposed extension to have a significant effect on the features for which the SSSI is designated. It was concluded that there was a negligible risk and thus a negligible effect. However, a CEMP would be submitted and would include measures to further reduce the risk of the potential for any significant effects on Edlington Wood SSSI and the woodlands adjacent to the proposed extension.
- 10.62 In general, other than the south-west corner of Peter Wood, there is at least 15m stand-off from the woodlands bounding the proposed extension and these stand-offs are very similar to those from the west side of Four Acre Holt (ancient woodland and Local Wildlife Site), against which current permitted extraction is taking place and other woodlands where quarrying has been completed. Most of these are also ancient woodlands and/or Local Wildlife Sites. The buffer between the extraction boundary and the south-west end of Peter Wood, which is the only location where there is less than 15m between the woodland and the extraction boundary will be increased to at least 15m. Around the rest of the perimeter, the stand-off is more than 15m to avoid any physical impact on the woodlands. Along the west side of Four Acre Holt where extraction is currently taking place, no adverse effects are evident along the edge of the wood. The application therefore accords with Policy 32 of the Local Plan.

Cultural Heritage

- 10.63 This application has archaeological implications. Previous phases of archaeological investigation at Holme Hall Quarry have recorded two Iron Age/Romano-British settlement enclosures of regional importance. These enclosures fit into a wider prehistoric/ Romano-British landscape comprising trackways and field systems, elements of which have also been recorded. Scatters of flint, other prehistoric features, medieval boundaries and post-medieval features such as lime kilns attest to the long and varied activity on site over many millennia. The fieldwork undertaken so far has identified a low archaeological potential, although it is to be expected that remains associated with Iron Age/Romano-British settlements and field systems identified in the wider area might be present.
- 10.64 A comprehensive scheme of archaeological assessment and evaluation for the proposed northern extension area was discussed and agreed with South Yorkshire Archaeological Service (SYAS) prior to the application being submitted. This included a desk-based assessment, a geophysical survey, fieldwalking, trial trenching and an historic building appraisal of Peter Wood Farm. The work has enabled a thorough understanding of the archaeological potential of the proposed site to be gained.
- 10.65 Further archaeological features were identified within the proposed application area, but the density and complexity of those features is perhaps not of the same magnitude as those previously recorded. However, the extensive groundworks associated with the scheme would cause substantial harm to those archaeological features and finds present. As such, a scheme of archaeological mitigation is required and SYAS recommend that this be secured by a condition. Mitigation will

include a scaleable watching brief on soil stripping activities enabling an appropriate response for the recording of any archaeological remains identified.

- 10.66 There would be moderate adverse effects upon the historic built environment due to the demolition of Peter Wood Farm, which contains a number of 19th century vernacular farm buildings with modest illustrative historical value including the farmhouse itself, a barn and three stable blocks. Further recording of the buildings at Peter Wood Farm is to be secured by a condition.
- 10.67 Overall, there would also be a slight to moderate adverse impact upon the historic landscape due to the removal of a number of historically important hedgerows and part of a historic landscape which has been assorted out of what was formerly ancient woodland. These impacts would be temporary and medium term (around 10 years duration) and would reduce to slight adverse once the restoration is completed. Thenceforth, the landscape character would resort to wooded agricultural land with new hedgerows and woodland blocks, alongside engineered horizontal and vertical benches, softened by planting. This would be a newly created 21st century landscape, but would be integrated within the historic landscape character of the wider area.
- 10.68 A representation from a local resident has been made asserting that this is the crash site of a Lancaster bomber. A metal detector survey was therefore carried out. 26 iron objects were recovered and plotted during the course of the survey, all of which were interpreted as either farming detritus aside from a single probable 19th century furniture fitting. None of the artefacts were considered to be associated with an aircraft and no probable crash site was identified. Evidence gathered suggests that the crash site is actually located near York. The application therefore accords with Policy 39 of the Local Plan.

Impact upon Highway Safety and traffic

- 10.69 A chapter of the submitted Environmental Statement considers the effect of traffic on the local highway network in terms of capacity, safety and loss of amenity arising from the transportation of aggregates from the quarry via the approved access points. The quarry is accessed via a private road that bypasses the village of Stainton to its north-west. There is also a network of surfaced and haul routes within the quarry to facilitate transport to and from the different operators.
- 10.70 Heavy goods vehicle (HGV) movements for the quarry will remain at those already permitted. The permitted maximum traffic movements are 400 HGV movements in and out per day. The existing routes used by quarry traffic have been designed to reduce the flow of quarry traffic through the local residential areas. These include:
- i) internal haul routes between Cockhill East and Batty Holt North;
 - ii) internal haul routes between the two operators and around the quarry in general;
 - iii) a designated hard surfaced route north of Stainton Lane to the quarry entrance;
 - iv) a designated haul route between Maltby Colliery and the Colliery Waste tip in the south of Holme Hall.
- 10.71 The application site is located with good links to the principal road network. As an established mineral operation, highways/site infrastructure is already in place including site access points onto the public highway, an internal access road running between the site access and the processing plant and internal secondary haul roads running between face and plant/overburden disposal areas. The site

location is considered well situated to support the movement of HGVs associated with the proposed development.

- 10.72 A total of 8 road traffic incidents were recorded as occurring within the study area and specified time frame, 4 of which resulted in injuries categorised as 'slight' and 4 of which resulted in injuries categorised as 'serious'; no incident resulted in fatality. Following a thorough review of the data provided by South Yorkshire Local Transport Plan Partnership including a detailed examination of each incident on an individual basis, it has been concluded that no incident occurring within the identified study area for the period 1st January 2015 to 15th July 2020 may be attributed to a highway deficiency of any kind and that all recorded incidents are attributable to driver error. Eight incidents over a duration of 66 months constitutes a markedly low incident rate; this in itself is not suggestive of the presence of a highways deficiency within the area. As such, it is considered that no highway deficiency exists within relevant proximity of the application site access junctions or surrounding highway infrastructure that may now or in the future pose a detrimental effect upon highway safety in the vicinity.
- 10.73 The level of vehicular trips generated by the operational phases of the proposed development can be accommodated on the local and wider highway network. Mitigation measures are proposed to further minimise the level of impact that may be caused by operational traffic generated by the application proposals including the provision of a Traffic Management Plan. A planning condition will also secure the routing of vehicles to ensure that no vehicles access or egress the site via Raw lane and prohibit the use of the section of Rakes Lane between Cockhill Lane and B6094 Long Gate (see figure 6).

Flood Risk, Foul and Surface water drainage

- 10.74 The proposed extension area is located entirely within Flood Zone 1 and the risk of fluvial flooding to and from the development during operations and after restoration is 'low'. The risk of flooding to the proposed extension area from other sources of flooding (surface water, groundwater and sewage/water mains) is 'very low'.
- 10.75 There are no watercourses in the immediate vicinity of the application site due to the free-draining nature of the limestone bedrock. The closest watercourse, Salter Sike, a tributary of St Catherine's Well Stream, lies 2 km to the northeast and does not have a hydraulic connection to the Cadeby Formation. The geology comprises easterly dipping Permian limestones and marls resting on mudstones of the Carboniferous Coal Measures. The Permian Cadeby Limestone, which would be worked in the application site, is classed as a 'Principal Aquifer'.
- 10.76 Groundwater monitoring indicates a regional groundwater gradient to the east. There are no surface discharges from the Cadeby Formation to the east of the application site and it is thought that groundwater flow eventually recharges the Sherwood Sandstone aquifer, approximately 5.5 km to the east. To the south, the easterly groundwater flow has been modified by dewatering in the existing Holme Hall Quarry. Water removed from the quarry voids is pumped southwards to eventually be discharged into Ruddle Dike via the consented discharge points. There are no public water supply abstractions in the vicinity of the application site and the area does not lie within a source protection zone. Apart from licensed abstractions within the existing quarry held by Breedon, the nearest abstraction licence is 2 km to the north.

- 10.77 The proposed quarry extension would lead to the modification of inputs to the quarry water balance; the lateral increase in area would create a larger rainfall catchment whilst deeper sub-water table working would generate a greater volume of groundwater ingress. The current water management system would therefore have to be modified to manage these greater volumes of water. An additional, supplementary location to discharge water in the vicinity of the application area was sought, but despite intensive investigation, it was concluded that a suitable receptor does not exist. Therefore, future water management would be achieved by essentially utilising the current arrangements, modified suitably to provide temporary water storage within the curtilage of the site boundary. The eastern part of the proposed extension will proceed to levels below the water table and dewatering will be required. A proportion of incident rainfall is anticipated to infiltrate freely from the western quarry void. Excess water will be managed by the water management system in the existing quarry. The existing system involves staged pumping between a series of sumps and balancing ponds before discharge of excess water is made under licence to Ruddle Dike.
- 10.78 Restoration will not involve imported materials. The post-restoration landform will comprise a mixture of grasslands, woodlands and lakes. Rainfall will drain directly to the former quarry void and there will be no discharge from the site. Some water will infiltrate to the underlying limestone and the waterbodies will exist in perpetuity. The post-restoration landform is considered to possess adequate capacity to accommodate the anticipated volume of water ingress.

Noise

- 10.79 Noise has been considered as part of the submitted Environmental Statement. The noise assessment was based on survey data presented in the 2016 ROMP and a 2020 baseline sound survey undertaken over midweek and weekend periods at a location considered representative of the nearest noise-sensitive receptors to the north (not included in the 2016 ROMP).
- 10.80 Noise predictions for the quarry operations are based on the worst-case scenario where all plant is working simultaneously at their closest approach to each receptor and at the highest position in the quarry. The assessment has shown that if all operations were to operate simultaneously, at each receptor assessed, the cumulative noise level would be below the limit of 55dB LAeq,1hour, (except at Woodacre where the exceedance would be just 0.3dB(A)) and, when operating during the night, processing plant operations would be below the limit of 42dB LAeq,1hour. However, in practice, not all operations would be undertaken concurrently in the same general area of the workings. Therefore, the predicted noise levels are likely to be lower than those shown. With the adoption of best practice, it is considered that the existing limit would not be breached and so no change or additional mitigation is being proposed. It is therefore considered that the operational noise being generated by the site would have an overall 'Negligible' impact with a level of effect of 'Negligible' during all time periods in conjunction with the relevant guidance. It is therefore considered that noise impacts associated with the operation of the northern extension will not be significant.
- 10.81 Under condition 7 of the current ROMP permission, a noise monitoring scheme has been agreed with the local planning authority. This scheme will be expanded to include monitoring at Woodacre to demonstrate compliance with the noise limit. It is proposed that operations would continue to follow the approved operating hours of 7am to 6pm Monday to Friday and 7am to 1pm on Saturday and blasting to only

take place between 9am and 4pm during the 'development phase' of the extraction phases and between 10am and 2pm Monday to Friday and 10am to 1pm thereafter. It is therefore concluded that noise should not pose a material constraint for the development of the proposed northern extension. The application therefore accords with Policy 54 of the Local Plan.

Air quality

- 10.82 Chapter 6 of the Environmental Statement assesses the potential for the proposed development to impact upon air quality in the vicinity of the application site. The assessment considers any potential significant environmental effects that the proposed development would have on the baseline environment; the mitigation measures required to prevent, reduce or offset any significant adverse effects; and the likely residual impacts after these mitigation measures have been employed.
- 10.83 The potential impacts of the development have been assessed in terms of potential emissions of particulates (dust). Two assessments have been undertaken; the first to assess the fine fraction (dust with a particle size of less than ten micrometres) for which Air Quality Standards exist, and the second to assess the coarse fraction dust which is typically associated with amenity issues.
- 10.84 The assessment of fine dust particles with a diameter of less than 10 micrometre (known as PM10) and 2.5 micrometre (known as PM2.5) was completed following appropriate guidance considering background particulate matter levels and distance to receptors. Background levels are well below the limit. The proposed development of the northern extension is not considered to lead to a significant increase in either PM10 or PM2.5 emissions which would lead to an exceedance of the Air Quality Objective.
- 10.85 A qualitative assessment of deposited dust was undertaken which identified the potential additional sources of dust onsite. The risk of dust impact at residential receptors was assessed as acceptable or insignificant considering the distance to onsite operations and frequency of exposure.
- 10.86 With the implementation of mitigation measures undertaken onsite in accordance with best practice, and as required by the current planning conditions, the residual impact is considered to be acceptable or insignificant. All potential dust impacts from the proposed development are considered to be reversible i.e. the risk of impact will cease on completion of the extraction and restoration activities at the site, with no significant impacts on local air quality on the completion of the development.
- 10.87 Overall, it is therefore considered that the potential impacts from dust and particulate matter arising from the development of the northern extension area do not present a material constraint to the development proposals. The application therefore accords with Policy 54 of the Local Plan.

Agricultural Land

- 10.88 A soil resources and agricultural land quality survey has been undertaken. The survey has shown soils developed in two main types of parent materials: Dolostone and reddish mudstone. The soils on the limestone are loamy and free-draining, while those on the mudstone are heavy-textured and poorly-draining.

- 10.89 A detailed soil resource and agricultural quality survey was carried out in September 2020. There is land of grade 2, sub-grade 3a and sub-grade 3b on the site. 32 per cent of the site (8.5 hectares) is made up of grade 2 land, 17 per cent (4.40 hectares) is made up of subgrade 3a land and 51 per cent (13.7 hectares) is subgrade 3b land (see figure 7).
- 10.90 Policy 60 of the Local Plan states that proposals on non-allocated sites that involve the significant loss of the best and most versatile agricultural land (grades 1, 2 and 3a) will only be supported where there are no other suitable alternative locations on lower quality agricultural land (or non-agricultural land) available, or the land can be reinstated back to its previous state (where possible).
- 10.91 In terms of minerals, they can only be worked where they are found and so it is not always possible to direct the search to areas of lower quality agricultural land. Adherence to soil stripping and restoration recommendations by protecting soil resources (as controlled by planning conditions) would potentially enable land to be returned to its current agricultural quality. The concept restoration plan shows that there will be some agricultural land to replace the 12.9 hectares of grade 2 and sub-grade 3a land, but not to the same level. Although there will therefore be a loss of the best and most versatile agricultural land contrary to Policy 60 of the Local Plan, there will be a large uplift in Biodiversity as a result of the proposed restoration for the site. The overall restoration strategy creates a balance between productive agricultural land and habitats for nature conservation which reflect the local landscape character.

ECONOMIC SUSTAINABILITY

- 10.92 Quarry operations at the Holme Hall site currently supports a workforce of 36 employees. In addition, there are 3 employees in support roles also employed at the site. However, the overall number of jobs that are attributable to quarrying and related activities at the site amounts to 101 jobs at a UK level. Of these, 56 jobs are supported through procurement and suppliers (including contracting jobs found on-site). There is also an estimated 6 jobs supported off-site through downstream multiplier effects, including those supported by the spending of wages by the site's workforce. Of the national total of 101 jobs, an estimated 81 jobs (80%) are located in South Yorkshire.

11.0 PLANNING BALANCE & CONCLUSION

- 11.1 The site lies within the Green Belt as allocated in the Doncaster Local Plan. NPPF paragraph 150 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it and these include mineral extraction. It is considered that the proposed extension to the quarry site would not conflict with the five purposes of the Green Belt. The temporary nature of the proposal, the limited use of plant and machinery, the limited visual impact of the works and the low-level restoration means that the proposal would not impact on the openness of the Green Belt and can therefore be considered appropriate development, for which no very special circumstances need to be demonstrated.
- 11.2 The applicant has demonstrated that there is a need for the material and is therefore in accordance with guidance in the NPPF. The proposal will bring about economic benefits by supporting businesses that rely on the use of this material and also through the continuation and creation of jobs.

- 11.3 The report has demonstrated that all issues such as vibration, noise, air quality have been assessed under the submitted Environmental Statement and have been shown to cause no significant impact. The proposal is contrary to Policy 60 of the Local Plan in that there will be a deficit of the best and most versatile agricultural land, but this is offset somewhat by the significant increase in biodiversity as a result of the proposed restoration works.
- 11.4 The loss of some best and most versatile agricultural land weighs against the proposal. However, the need for the material, the significant uplift in biodiversity and the economic benefits of the scheme outweigh this. On balance, the benefits of the scheme outweigh the loss of agricultural land.

12.0 RECOMMENDATION

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

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

1. The development hereby permitted shall cease on 11th June 2035 with all restoration having been completed.
REASON
To ensure that the development is carried out in an appropriate timescale.
2. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
Drawing number HH 2/1 dated Oct 2020 (Site location plan)
Drawing number HH 2/3 dated Jan 2021 (Site plan)
Drawing number H004_2020_004 Rev C dated 08.1.21 (Concept Restoration Plan)
Drawing number H004_2020_007 dated October 2020 (Restoration sections)
Drawing number HH 3/1 dated Oct 2020 (Directional Working Plan)
Drawing number 2021_05_H14_001 dated May 2021 (Standoff to ancient woodland)
REASON
To ensure that the development is carried out in accordance with the application as approved.
3. With the exception of site derived mineral wastes (i.e. overburden and interburden), no importation and deposition of waste material shall take place at the site.
REASON
For the avoidance of doubt and for the protection of local amenity and to ensure that water resources are protected.
4. From the commencement of development to its completion, a copy of this planning permission, including all plans and documents hereby approved and any plans and documents subsequently approved in accordance with this permission, shall be kept on site at all times.

REASON

To ensure that the site operators are aware of the details of the planning permission.

5. No vehicles loaded with mineral aggregates or soils shall leave the site entrance to join the public highway unless they have been securely sheeted.

REASON

To minimise the impact of dust and mud on the roads.

6. In the event that the landowner confirms in writing to the Mineral Planning Authority of the permanent cessation of the development hereby permitted on the site, then within eighteen months of such notification an amended scheme of restoration shall be submitted for the written approval of the Mineral Planning Authority.

The aforesaid scheme shall include, but not be limited to:

- i) details of final restoration levels
- ii) surface treatment
- iii) drainage
- iv) landscape
- v) at least five years aftercare
- vi) the timing of restoration.

Once approved the scheme shall be fully completed in accordance with the approved details, including timescale.

REASON

In the interest of the proper restoration of the site.

7. The Mineral Planning Authority shall be notified within 7 calendar days of the commencement of the development hereby permitted.

REASON

To establish a date of commencement for the development and to assist in the effective monitoring of the site.

8. Quarry working, movement of inert restoration material, secondary aggregate recycling and restoration works shall take place in the hours of 7.00 am to 6.00 pm on Monday to Friday and 7.00 am to 1.00 pm on Saturday (excluding Bank Holidays) and not at all on Sundays or Bank Holidays.

REASON

In the interest of residential amenity.

9. The number of Heavy Goods Vehicles (including those resulting from works in other parts of the quarry) leaving the site and gaining access directly onto the public highway shall not exceed a total of 400 per working day averaged out over a 12 months period.

REASON

In the interests of highway safety.

10. Prior to the commencement of any soil stripping, a Traffic Management Plan shall be submitted to the Mineral Authority for approval. The development shall thereafter be carried out in accordance with the approved Traffic Management Plan.

REASON

In the interests of highway safety.

11. Vehicular site access shall only be via the existing access routes; these being Stainton Lane, Hirst Lane and B6094 Long Gate. Access to Cockhill East and

Cockhill West will be by using the haul route between Batty Holt North and Cockhill East that passes under the B6094.

REASON

In the interests of highway safety.

12. The operator shall ensure that no vehicle used to carry out material shall enter the public highway unless its wheels and chassis are clean. The operator shall at regular intervals monitor the condition of the site entrance and public highway in the vicinity of the entrance for dust and dirt.

REASON

In the interests of highway safety.

13. The operator shall maintain records of all HGVs and collection vehicles entering the site and these records shall be made available for inspection by the Mineral Planning Authority within four working days of a verbal or written request.

REASON

In the interests of highway safety.

14. No excavation of limestone shall be carried out within 50m of the following National Highways assets:

- i) 3157 Raikes Lane (two-span simply-supported RC beam and slab overbridge)
- ii) 23749 Motorway Signal 7621A (steel cantilever MS3)
- iii) 23750 Motorway Signal 7622B (steel cantilever MS3)
- iv) 23751 Portal Gantry 7624A (steel truss)

until ground investigations have been undertaken in accordance with Section 7 of the SLR Report. The results of the ground investigations shall be reported in accordance with CD 622 'Managing Geotechnical risk' and certified by National Highways in accordance with CD 62. Prior to any workings within 50m of these assets, the applicant shall provide to National Highways a signed Geotechnical Certificate for National Highways counter signature in accordance with CD 622 Managing Geotechnical risk.

REASON

In the interests of highway safety.

15. Part A (pre-commencement)

No soils shall be stripped from the site, or any demolition and groundworks carried out, 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 Mineral Planning Authority. The WSI shall include:

- i) The programme and method of site investigation and recording.
- ii) The requirement to seek preservation in situ of identified features of importance.
- iii) The programme for post-investigation assessment.
- iv) The provision to be made for analysis and reporting.
- v) The provision to be made for publication and dissemination of the results.
- vi) The provision to be made for deposition of the archive created.
- vii) Nomination of a competent person/persons or organisation to undertake the works.

- viii) 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 Mineral 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.

16. All soil handling operations shall be carried out in accordance with:
a) The methodology detailed within the Planning Statement (January 2021), notably Sections 3.13 along with Appendix 2/2, and
b) Defra's Good Practice Guide for Handling Soils, Sheets 1-4 (handling soil using 360° excavators and dumptrucks) and sheet 15 where low ground pressure bulldozers are to be used during topsoil replacement.

REASON

To protect the condition of the soil and in the interests of the agricultural resource.

17. Within 3 months of the formation of storage bunds the operator shall submit a plan to be approved in writing by or on behalf of the MPA showing the location, contours and volumes of the bunds, and identifying the soil types and units contained therein.

REASON

To protect the condition of the soil and in the interests of the agricultural resource.

18. The stripping and movement of topsoil and subsoil shall only be carried out when the materials to be moved are in a dry and friable condition and the ground upon which they are to be placed is in a similarly dry condition.

REASON

To protect the condition of the soil and in the interests of the agricultural resource.

19. At least seven days' notice in writing shall be given to the Mineral Planning Authority prior to the commencement of topsoil stripping in any phase or part phase of the development.

REASON

To protect the condition of the soil and in the interests of the agricultural resource.

20. No soils shall be stripped from the site until such time as a Water Management System has been submitted to, and approved in writing by, the mineral planning authority. The scheme shall be implemented as approved.

REASON

To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement N6 (Water and development planning) of the 'The Environment Agency's approach to groundwater protection.'

21. Noise monitoring shall be carried out in accordance with a scheme submitted for the approval of the Mineral Planning Authority. The scheme will be submitted for approval within 6 months of the date of this planning permission.

REASON:

In the interest of residential amenity.

22. The 'A' weighted continuous free-field noise level attributable to the operations throughout the site measured at or projected to any noise sensitive properties identified in the submitted Environmental Statement shall not exceed:
- i) 70dB(A) in any one hour period, as measured at the noise sensitive properties identified in the noise receptor plan Figure 11.1 during exceptionally noisy operations such as the construction and removal of soil baffle mounds, and
 - ii) 55dB(A) in any one hour period, as measured at the noise sensitive properties identified in the submitted Environmental Statement, during all other site operations.

REASON:

In the interest of residential amenity.

23. In the event of complaints attributable to the operations undertaken at the site relating to noise, monitoring shall be carried out by the operator to identify the source. The Mineral Planning Authority shall be given seven days written notice in advance of any monitoring exercise required. The results will be reported within 7 working days to the Mineral Planning Authority and measures proposed to mitigate the noise to acceptable limits. Any mitigation measures shall thereafter be carried out in accordance with an agreed timescale.

REASON:

In the interest of residential amenity.

24. Efficient silencers for engines shall be fitted to and used and maintained on all vehicles, plant and machinery used on the site. All equipment will be maintained in accordance with the manufacturer's requirements and specification so as to minimise any adverse noise impact as a result of their operation.

REASON:

In the interest of residential amenity.

25. Dust mitigation measures as detailed in Table 6.5 of the accompanying Environmental Statement dated January 2021, shall be carried out for the duration of the development.

REASON:

In the interest of residential amenity.

26. In the event of complaints attributable to the operations undertaken at the permission site relating to dust, monitoring shall be carried out by the operator to identify the source. The Mineral Planning Authority shall be given seven days written notice in advance of any monitoring exercise. The results will be reported within 7 working days and measures proposed to mitigate the dust deposition to acceptable limits. Any mitigation measures shall thereafter be carried out in accordance with an agreed timescale.

REASON:

In the interest of residential amenity.

27. Except in emergencies, blasting shall only take place between the hours of 9.00 am to 4.00 pm during the 'development phase' of the extraction phases and only between the hours of 10.00 am to 2.00 pm Monday to Friday and 10.00am to 1.00pm thereafter, excluding Bank Holidays.

REASON

In the interest of residential amenity.

28. The blast design shall be such that ground vibration levels arising from the blasting shall not exceed a peak particle velocity of 6mms-1 in any mutually perpendicular plane, calculated with a 95% confidence limit and no individual blast shall exceed a peak particle velocity of 12mm s-1 as measured at any vibration sensitive properties.
REASON
In the interests of residential amenity.
29. The operator shall carry out blast monitoring at times and intervals to be approved in writing by the Mineral Planning Authority. The details of all blasts will be recorded and the results of the monitoring carried out made available to the Mineral Planning Authority upon request.
REASON
In the interests of residential amenity.
30. Blasting mitigation measures as set out in paragraph 8.75 of the Vibration chapter in the submitted Environmental Statement dated January 2021 shall be carried out for the duration of the development.
REASON
In the interests of residential amenity.
31. All areas restored to amenity woodland, wetland, nature conservation grassland and agricultural use shall undergo aftercare management for a five year period in accordance with a detailed aftercare scheme submitted for the approval of the Mineral Planning Authority, 12 months prior to cessation of mineral extraction. This aftercare period shall commence on the date that restoration is completed, the date of which shall be notified to the Mineral Planning Authority.
REASON
In the interest of the proper restoration of the site.
32. During the period of aftercare, prior to the 30th April every calendar year, the mineral operator shall submit a detailed annual programme to the Mineral Planning Authority. The programme shall include:
(a) Proposals for managing the land in accordance with the rules of good husbandry, including planting, cultivation, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming twelve months;
(b) A record of aftercare operations carried out on the land during the previous twelve months.
REASON
In the interest of the proper restoration of the site.
33. All topsoil and subsoil storage mounds and any overburden mounds, which will remain undisturbed for a period of 6 months, shall be seeded with a grass mix, which shall first be approved in writing by the Mineral Planning Authority, to prevent surface wind entrainment.
REASON
To protect the soil resource until it is required for restoration purposes.
34. The development hereby granted shall not be begun until details of the surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Mineral Planning Authority. These works shall be carried out concurrently with the development and the drainage

system shall be operating to the satisfaction of the Mineral 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 Mineral Local Planning Authority before any works begin.

35. Upon completion of limestone extraction and processing, all plant and machinery, buildings, hardstandings and haul roads shall be removed from the site within 6 months unless they are to be retained as part of the approved restoration details.

REASON

In the interest of the proper restoration of the site.

36. All areas of the site shall be restored in accordance with the Concept restoration plan (Drawing number H004_2020_004 Rev C dated 08.1.21) and the details included within the accompanying Environmental Statement dated January 2021 and in accordance with a detailed restoration scheme submitted for the approval of the Mineral Planning Authority, within 12 months of commencement of soil stripping and shall include:

- i) The creation, restoration and enhancement of semi-natural habitats
- ii) The restoration of agricultural land.
- iii) The creation of woodland areas.
- iv) Management of woodland buffer zones including enhancement measures.
- v) Tree, hedgerow shrub and wildflower planting specifications.

REASON

In the interest of the proper restoration of the site.

37. The routing of Heavy Goods Vehicles from the site shall be in accordance with Figure 13-15 in the submitted Environmental Statement. Details of methods for ensuring that drivers adhere to this route shall be submitted to and approved in writing by the local planning authority before any materials are taken off site.

REASON

To ensure that the development is carried out in accordance with the submitted details and for the avoidance of doubt.

38. Prior to the stripping of soils, a Construction Environmental Management Plan shall be submitted to the mineral planning authority for approval and then implemented in accordance with the approved details. Measures to include:

- i) Identify potentially damaging construction activities in relation to wildlife and habitats.
- ii) A method statement for the protection of amphibians reptiles and other terrestrial fauna that may be encountered on site: to include destructive searches, watching briefs and translocation areas.
- iii) Identification of areas where protective fencing and protective barriers may be installed to protect wildlife and sensitive ecological features.
- iv) Making safe all workings to protect nocturnal fauna from entrapment.
- v) Measures to protect the Local Wildlife Sites Cockhill Plantation, Wet Holt LWS and Wadworth Wood (South) LWS.

REASON:

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

39. Prior to the cessation of the permitted activities, a Biodiversity Net Gain Management and Monitoring Plan for proposed onsite habitats shall be submitted to the Mineral Planning Authority for approval in writing. The Management Plan shall be based on the proposals set out in an updated Biodiversity Net Gain assessment using the original site habitat baseline and ensure that a minimum of 10% net gain is achieved. The plan shall include:

i) The baseline biodiversity assessment against which an uplift in biodiversity unit value will be monitored.

ii) The project's biodiversity unit targets.

iii) A detailed adaptive management plan setting out how habitats will be created or enhanced and describing the proposed ongoing management for a minimum of 30 years from completion of restoration works.

iv) The details of when target condition will be achieved and how it shall be maintained.

v) A detailed monitoring plan that will be used to inform any potential changes to the ongoing management and assess the progress towards achieving target condition. This should outline the surveys that will be used to inform condition monitoring reports.

vi) Monitoring reports will be provided to the Mineral Planning Authority by the end of years 1,2,5,10,20, and 30 of the monitoring period.

vii) The roles, responsibilities and professional competencies of the people involved in implementing and monitoring the biodiversity net gain delivery.

viii) Evidence that the necessary resources are available to deliver the proposed biodiversity net gain plan and the ongoing management.

Once approved the Management and Monitoring Plan shall be implemented in full and any subsequent changes to management as a result of findings from the monitoring agreed in writing with the Mineral Planning Authority.

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.

40. Prior to the commencement of permitted activities, a scheme of monitoring the impacts of dust deposition in the adjacent woodlands Cockhill Plantation and Four Acre Holt shall be submitted to the mineral planning authority. The monitoring scheme shall include the following:

i) The use of survey methods for the estimation of dust on trees and woodland ground flora as detailed in Section 2 of the report : PBECOLOGY Survey for Signs of Effects of Quarry Dust on Woodland August 2021 (amended March 2022)

ii) The establishment of baseline conditions prior to commencement of permitted activities.

iii) The woodland will be surveyed in years 1,3 and 5 following the commencement of permitted activities and results of surveys submitted to the MPA for review.

REASON

To ensure the ecological interests of the site and adjacent habitats are maintained in accordance with Local Plan policy 29.

INFORMATIVE

Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the

disposal of all water entering, arising on or leaving the site during the permitted operations.

INFORMATIVE

Prior to the commencement of development, and throughout the period of working, restoration and aftercare, it shall be the responsibility of the developer to make enquiries and, in consultation with the MPA, take appropriate steps to prevent the spread of any soil-borne plant or animal diseases.

INFORMATIVE

Please provide hydraulic calculations to show that the balancing pond is sufficiently sized. Please ensure you have read the SY interim guidance for SuDS and the guidance for developers producing drainage strategies, to ensure you have supplied sufficient drainage information for the planning application. The documents can be found on the website:

<https://www.doncaster.gov.uk/services/planning/development-and-floodrisk>.

Please also review Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems (March 2015)

INFORMATIVE

The applicant should provide the Local Planning Authority with evidence that a licence has been issued by Natural England (or another relevant licencing authority) pursuant of Regulation 53 of the Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.

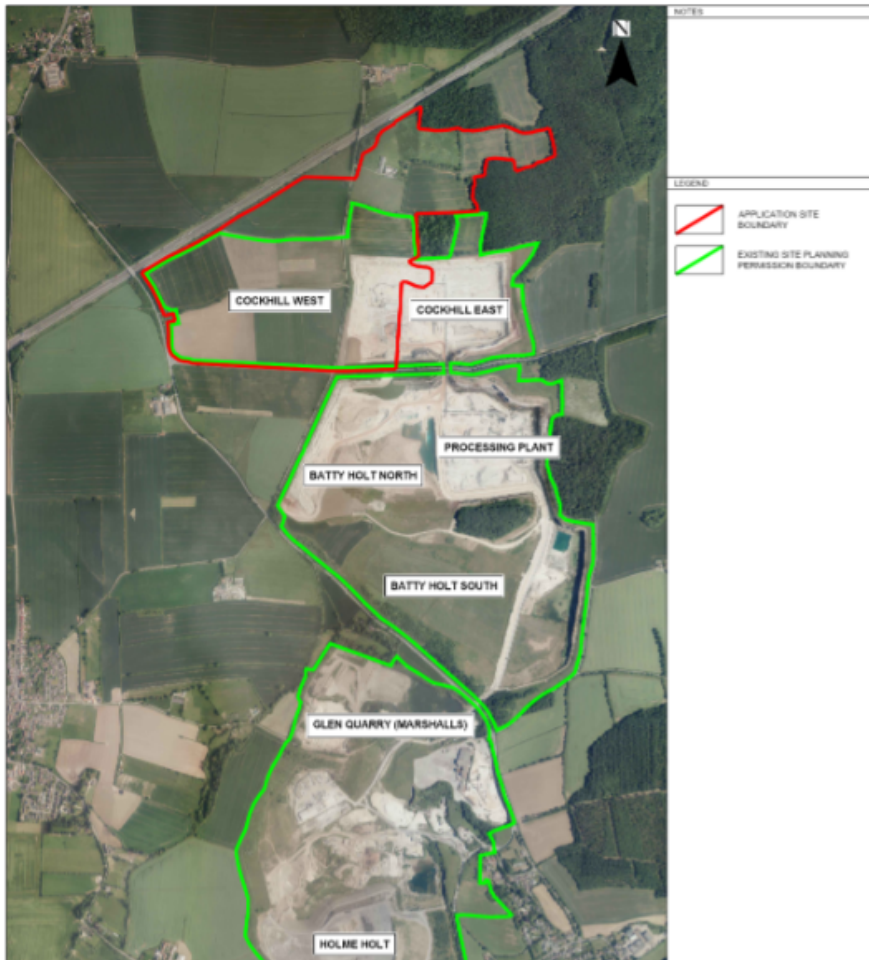


Fig 1: Aerial photo showing how the application site includes the 'Cockhill West' and part of 'Cockhill East' areas, which already benefit from consent for mineral extraction under the ROMP consent in 2018.

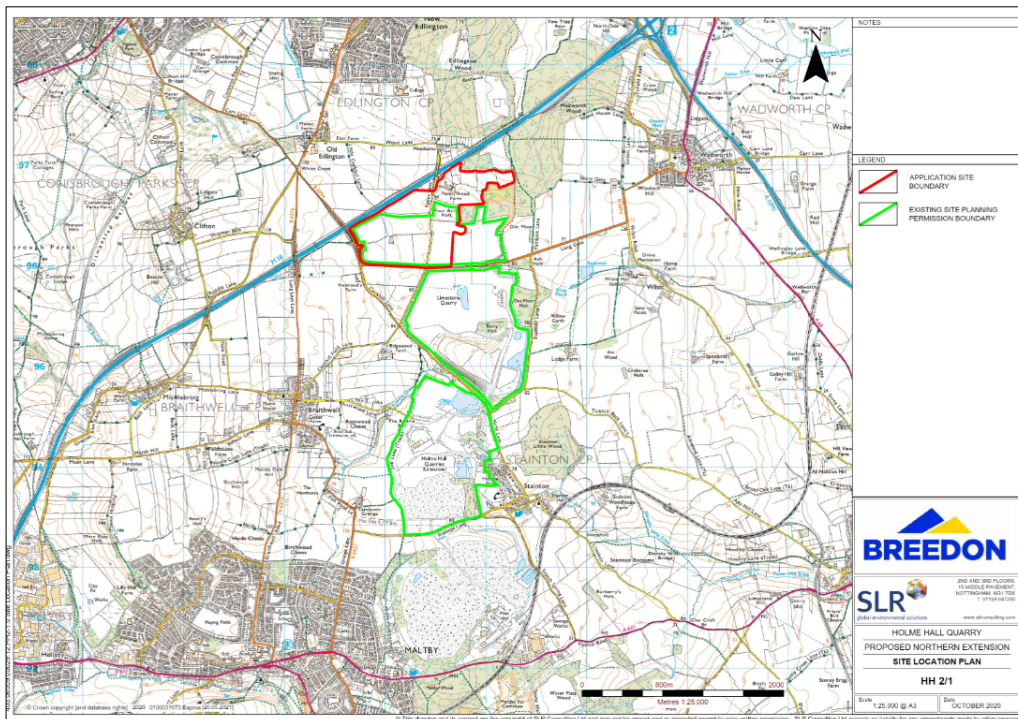


Fig 2: Map showing extent of application site.

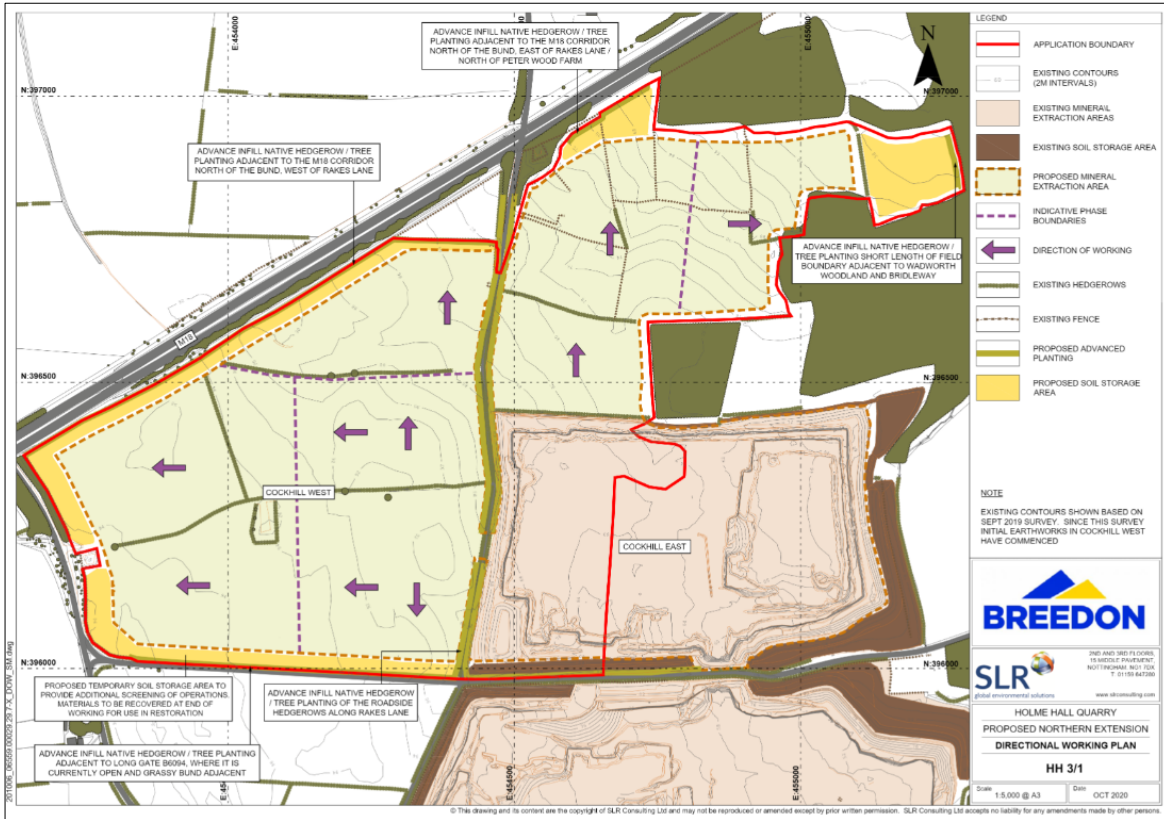


Fig 3: Plan showing proposed direction of working



Fig 4: Proposed Restoration Plan.

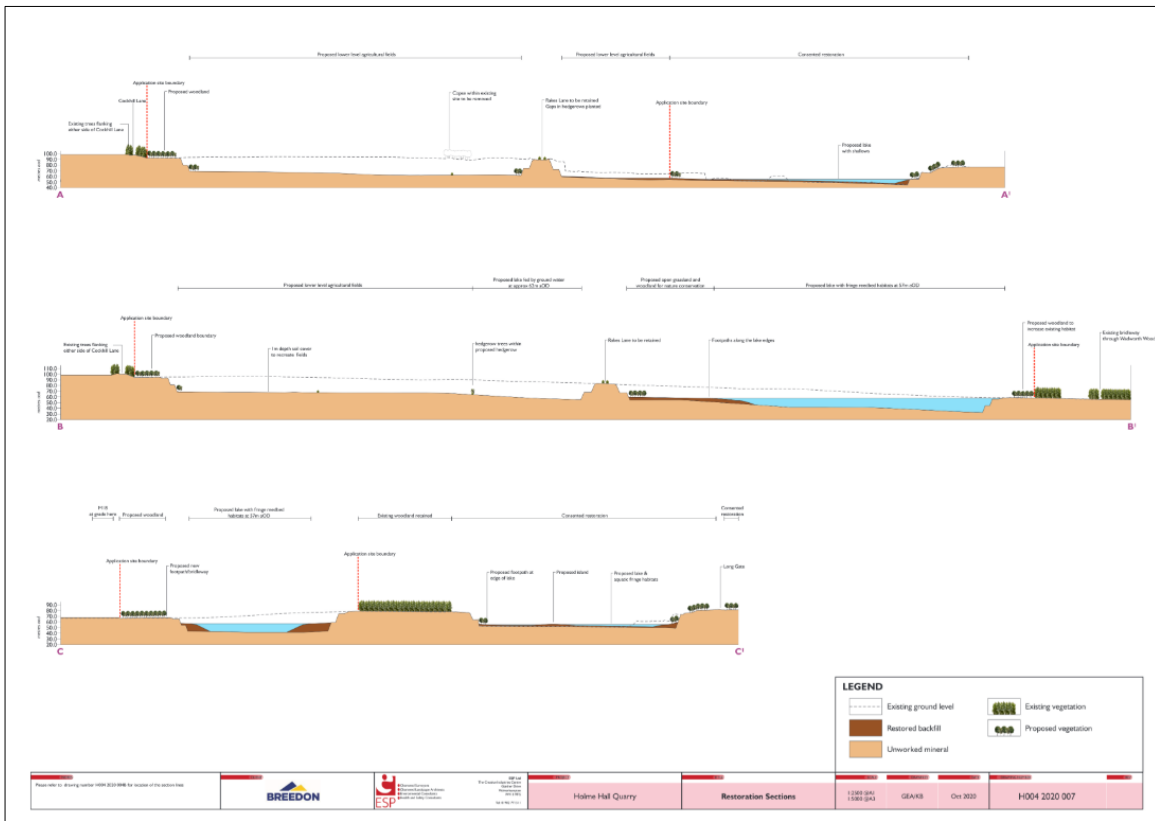


Fig 5. Proposed restored site levels.

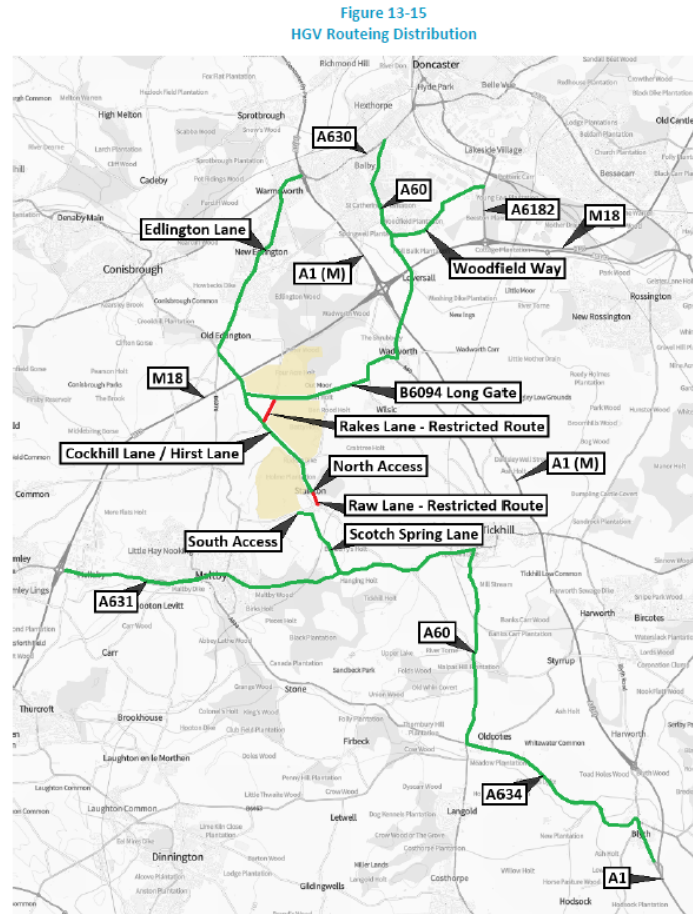


Fig 6. Restricted HGV Route.



Fig 7. Agricultural Land Classification.

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Application	4
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Application Number:	22/02392/FUL
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Application Type:	Full Application
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Proposal Description:	Erection of a sales office building and associated works. Change of use of land to caravan storage and sales
At:	Vacant Land East of Adwick Lane, Toll Bar, Doncaster, DN5 0RE

For:	Mr. Lee - Adwick Caravans
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Third Party Reps:	17 objections and 10 representations in support	Parish:	
		Ward:	Bentley

Author of Report:	Nicola Howarth
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SUMMARY

The proposal seeks full planning permission for the erection of a sales office building and associated works together with a change of use of land to caravan storage and sales.

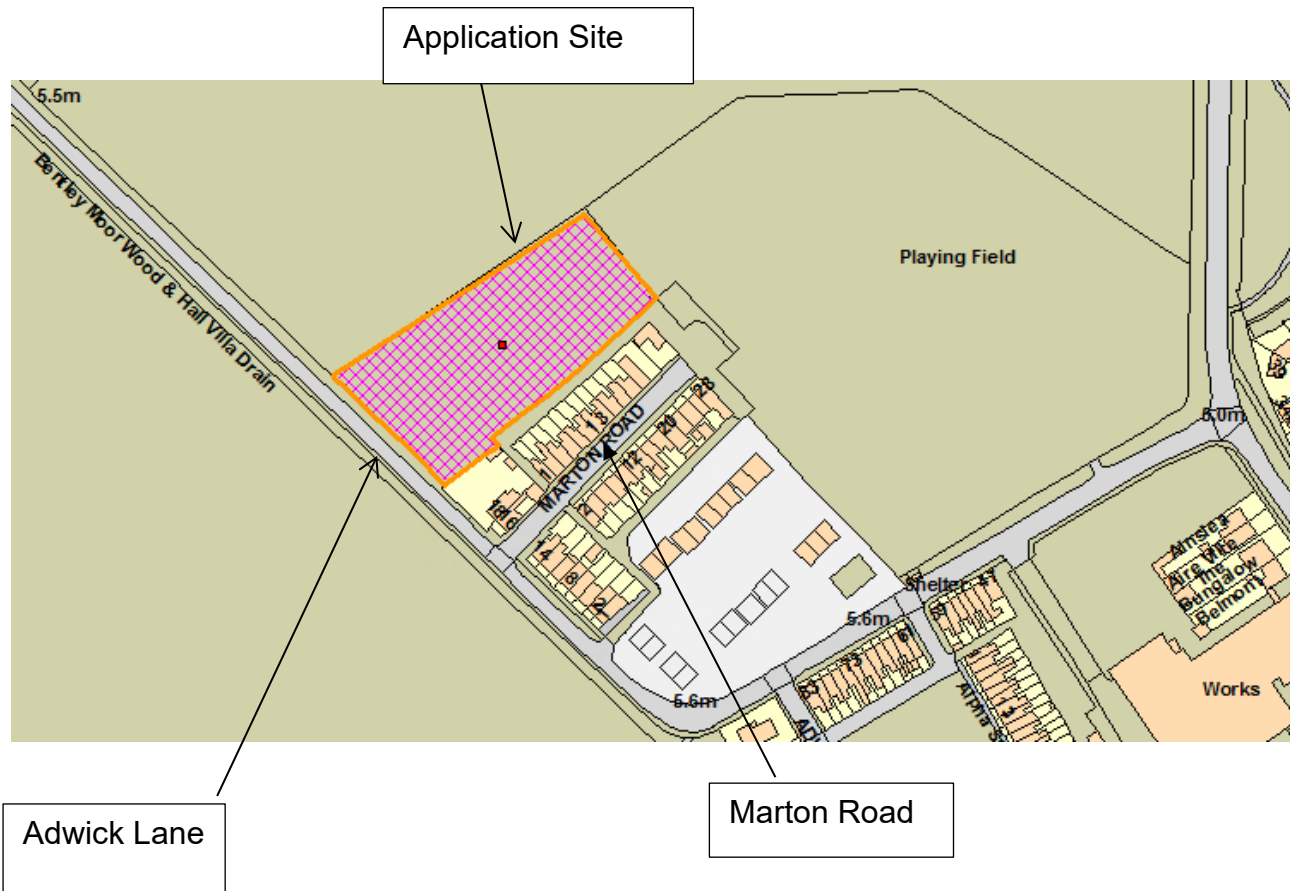
The site is currently a level grassed paddock, with some trees and hedgerow screening. It is bounded by Adwick Lane to the south, a vehicular access road and the rear gardens of housing on Marton Road lie to the southeast, playing field to the north west and agricultural fields to the west.

The application site (0.6 Ha) forms the southern edge of a much larger site (approx. 49.2 Ha) allocated as a Potential Employment Development Site (Carcroft Common) within the adopted Doncaster Local Plan.

Whilst the Local Plan (Policy 22) seeks to direct these specialist retail uses to existing local employment sites, the Applicant has demonstrated that there is a lack of suitable sequentially preferable sites available to enable the successful expansion of the current business. The application submission demonstrates that this smaller site which is in separate landownership to the larger strategic allocation can be delivered for this specialist commercial/retail related use without detriment or prejudice to the future deliverability of the potential strategic employment development site. The proposal has been amended to satisfy previous consultee objections by changes to the landscaping, layout, drainage and access design.

The report demonstrates that the development would not cause an undue level of harm to neighbouring properties, the highway network, ecology, trees, flood risk, archaeology, or the wider character of the area subject to suitably worded conditions.

RECOMMENDATION: GRANT planning permission subject to conditions



1.0 Reason for Report

1.1 The application is being presented to Members due to the level of public interest.

2.0 Proposal and Background

2.1 This application seeks planning permission for the erection of a sales office building and associated works and a change of use of land to caravan storage and sales.

2.2 The scheme proposes a sales and office building together, with customer parking and the creation of a new access road off Adwick Lane. The existing hedges will be retained on the site with the exception of a 10 m section of hedge at the front of the site which will need to be removed to create the access road and sight lines. It will also be necessary to remove the vegetation/trees within the site.

- 2.3 The application is proposed to accommodate the expansion of the current business (Adwick Caravans) based at Toll Bar Garage, Askern Road in Toll Bar. The Applicant proposes to use the existing Toll Bar Garage site for motorhome sales and repair/service work, while the new site will be for touring caravan sales and storage.
- 2.4 It is the Applicant's intention to only store touring caravans awaiting customer collection which have been sold. They can have up to 20% of stock sold at any time, so there will be a general split of approx. 80% caravan sales and 20% storage. The proposal is not for the storage of caravans belonging to the general public.

3.0 Site Description

- 3.1 The site is greenfield and lies adjacent to the development boundary of Toll Bar. To the south east is the rear vehicular access road and the residential rear gardens of properties on Marton Road and side garden of 18 Adwick Lane. To the south is Adwick Lane, to the north east is a playing field and west are agricultural fields. See Appendix 1 of this report.
- 3.2 The proposed sales office is a single storey brick building measuring approx. 10 m x 10 m and 3.8 m high together with associated parking and paving areas. Detailed site layout and building elevations are shown on Appendix 2 and 3 of this report.

4.0 Relevant Planning History

- 4.1 There is no site history.

5.0 Site Allocation

- 5.1 The site is part of a much larger site, allocated as a Potential Employment Development Site (PED01 - Carcroft Common) as defined by the adopted Doncaster Local Plan (2021). It is understood that the larger allocation is owned by the Council whilst the application site is not within the ownership of the Council.
- 5.2 Appendix 2 of the Local Plan sets out the Development Requirements for allocated sites; It identifies the site constraints and consideration and where specific developer contributions may be required.
- 5.3 The site also lies within Flood Zone 3 according to Environment Agency Flood Maps so is at high risk from main river flooding.

5.4 Local Plan

5.5 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:

- Local Plan Policy 1: Settlement Hierarchy (Strategic Policy)
 - Local Plan Policy 3: Employment Allocations (Strategic Policy)
 - Local Plan Policy 4: Employment Policy Areas (Strategic Policy)
 - Local Plan Policy 13: Promoting sustainable transport in new developments
 - Local Plan Policy 22: Locating Main Town Centre Uses (Strategic Policy)
 - Local Plan Policy 29: Ecological Networks (Strategic Policy)
 - Local Plan Policy 30: Valuing Biodiversity and Geodiversity (Strategic Policy)
 - Local Plan Policy 32: Woodlands, Trees and Hedgerows
 - Local Plan Policy 39: Development Affecting Archaeology
 - Local Plan Policy 41: Character and Local Distinctiveness (Strategic Policy)
 - Local Plan Policy 42: Good Urban Design (Strategic Policy)
 - Local Plan Policy 46: Design of Non-Residential, Commercial and Employment Developments (Strategic Policy)
 - Local Plan Policy 48: Landscaping of New Developments
 - Local Plan Policy 54: Pollution
 - Local Plan Policy 55: Contamination and Unstable Land
 - Local Plan Policy 56: Drainage
 - Local Plan Policy 57: Flood Risk Management
- Appendix 2: Development Requirements

5.6 The relevance of each policy will be discussed in the assessment of the application below.

5.7 National Planning Policy Framework (NPPF 2023)

5.8 The National Planning Policy Framework 2023 (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:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 6 – Building a strong and competitive economy
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

5.11 Other material planning considerations and guidance

- 5.12 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) was 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 in September 2021. Since then, the Council are in the process of drafting new SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan.
- 5.13 Following public consultation the Council has adopted five SPDs under the Local Plan with respect to Biodiversity Net Gain, Flood Risk, Technical and Developer Requirements, Loss of Community Facilities and Open Space, and Local Labour Agreements. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight.
- 5.14 The Transitional Developer Guidance (Updated August 2023) provides supplementary guidance on certain elements, including design, whereby updated SPDs have not yet been adopted. The Transitional Developer Guidance should be referred to during the interim period, whilst further 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.

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 council website, site notice and neighbour notification letters.
- 6.2 A significant number of representations were received as part of the consultation process with support and objections to the development.
- 6.3 Approximately 10 representations were in support of the development summarised below:
- Amazing idea as it is local and there's not much in the area.
 - Its local and would provide local employment
 - Local regeneration in the area
 - Help the community grow specially after the pandemic and closing of businesses.
 - Having worked for the business owner and family on a self employed basis for approximately 18 years, found them to be honest, trustworthy and a hard working employer.
- A new business in the area will help provide jobs and an income for the local community

6.4 Approximately 17 representations have raised the following concerns (in summary):

- Flooding concerns – The area and surroundings flooded in 2007 causing local devastation.
- Increased surface water run off causing flooding to new housing development.
- The new access would increase accident rate onto Adwick Lane
- Destruction of the beautiful paddock.
- Crime – caravan theft and attraction of criminals to the site potentially impacting neighbouring residents.
- Wildlife – removal of trees and hedges would impact local wildlife.
- Visual impact of the development on the semi-rural area.
- Increased traffic and noise from vehicles.

7.0 Parish Council

7.1 N/A

8.0 Relevant Consultations

8.1 Business Doncaster:

This is a development led by Adwick Caravans, a local caravan business based in Toll Bar employing six members of staff. The applicant is well known to Business Doncaster, having first contacted the Council's Economic Development team back in 2017 looking for land to establish their business. Since then, the business has grown and has been seeking further space for expansion. The proposed development east of Adwick Lane, if approved, would enable Adwick Caravans to increase their storage and sales capacity, thereby enabling business growth. The applicant has noted that the increase in capacity unlocked by the development would support the creation of approx. 20 new jobs across its two, jobs they would seek to recruit to from within the Doncaster area - in keeping with their company ethos. In light of the above, Business Doncaster supports this application.

8.2 Drainage:

Following the submission of a revised FRA and drainage plan no objections subject to conditions.

8.3 Environment Agency:

The new site plan that has been submitted confirms that the floor levels and ground levels have not been changed. As such, we have no objection to the change subject to planning conditions.

8.4 Environmental Health:

No objections subject to conditions.

8.5 Ecology:

No objections following submission of BNG assessment and metric. Advised conditions to secure BNG.

8.6 Highway Officer:

As per the recommendations set out within the Transport Assessment section 6.3 – 6.3.3 the existing vegetation that is required to be cut back as stated within TA under 6.3.3 is acceptable and this is to ensure that the 2.4m X 120m visibility splays are not obstructed. The vegetation should be kept and maintained as such which will become a condition as set out later in the email.

Whilst there is a slight overrun shown in the tracking within the attached document DNAL 009, due to the low traffic flows and lower speeds as referenced in table 6 (85th percentile) of 43 mph I am content that the minimal overhang over the centre line does not give us significant cause for concern. I also note within the DNAL 009 plan the proposed tactile crossings and the extension of the existing footpath into the development, this is deemed acceptable and would form part of the section 278 agreement.

The provided document DNAL 008 depicts the extent of the surfacing for the development, permeable paving is an acceptable surfacing type. I note the comments relating to private waste collection that will be outside of peak hours set out within the Transport Assessment 5.4.2 which is deemed acceptable.

Based on the analysis above I am content to support the application, should planning permission be granted I would ask for the following conditions and informatives to be applied. Conditions – HIGH 1, 3 and 5 and CTMP Condition.

8.7 Pollution Control:

Recommended standard condition 'CON 1' (minus Part a) is attached to any favourable permission.

8.8 Planning Policy (Employment):

The adopted Doncaster Local Plan and the associated Policies Map allocate the site as being part of a 'Potential Development Site' – PED01 – Carcroft Common. Policy 3: Employment Allocations applies. The site (PED01) is also subject to the development requirements set out in Appendix 2 of the Local Plan.

Carcroft Common is suitable for employment development but is not considered developable within the plan period. This is because the site requires a mixture of public and private investment over the long term to improve accessibility to and from the A19 and A1(M). Investment is also needed to mitigate flood-risk impacts.

Policy 3 also states that proposals that would remove the anticipated employment potential will not normally be supported unless it is demonstrated that employment is ever likely to be viable.

The proposed use would not be considered to be employment development but instead is a specialist use (such as a car showroom) which are supported in principle within local employment sites (Policy 22 – Part 3, criteria B).

Carcroft Common is not a local employment site or Employment Policy Area – instead it is a Strategic site as covered by Policy 3: Employment Allocations.

A key issue in this case is whether the proposal removes or harms the potential of the wider site to be developed in the future. Would the loss of the application site harm or make the wider Potential Development Site unviable for employment use? The applicant addresses these issues in the Planning Statement including why the site is suitable for this particular business. They have explained the locational benefits of being located in this site/in the area.

Having read those arguments put forward by the applicant, I understand the issues/arguments being put forward and consider that they have some merit. However, the proposal is for a non-employment related use and it would be the first part of the site to be developed, in essence a piecemeal development. It is considered that the applicant needs to undertake some additional work looking at available existing employment sites across the borough, as it is these sites (in line with Policy 22 and therefore Policy 4: Employment Policy Areas) where this proposed use of caravan sales and storage would be acceptable. If and when this exercise has been undertaken, the proposal can be looked at again from a policy perspective.

Following the submission of a detailed Alternative Sites Assessment and reconsultation, no objections were raised.

8.9 Planning Policy (Flooding):

No objection subject to EA & Drainage comments being satisfied.

8.10 Stronger Communities:

Feedback from our perspective is that the approach road to the site specified is very tight for vehicles to pass and would be particularly difficult if being used to transport caravans to and from site.

8.11 South Yorkshire Archaeology Service (SYAS):

The site appears to have been enclosed from Bentley Moor c.1830. By the late 19th century, the adjacent field housed a brick works consisting of clay pits and kilns. This closed in the early 20th century and housing developed in another field adjacent to the south. There is little to suggest that these uses extended into the proposed site. There is even less data to suggest significant earlier activity on the site. Given this and the small size of the site, SYAS advises that if the site is brought forward for development, no archaeological investigation is required. The desk-based assessment by York Archaeology is thorough and confirms earlier conclusion no archaeological investigation required for this site.

8.12 **Tree Officer:**

The site is constrained by existing important hedgerows that are around the field/land boundary. The Pre 1845 Hedgerow - Dun drainage N River Don (1839) - Tall Shrub Hedge and as a result of protected by the hedgerow regulation 1997. The change of use of the land, shouldn't change this protection status.

Due to the change of use there will be a significant need to include new tree and hedgerow planting around the site perimeter. This may help soften the site in the wider landscape and address concerns of neighbours.

However, if the visual impact of the proposed on the amenity of the landscape and/or neighbouring properties is potentially a reason for refusal. New tree and hedgerows planting shouldn't be relied upon to mitigate the issue. This is because there are operations that are part and parcel of tree and hedgerow management, which could leave the site exposed. For example hedgerow coppicing and tree removal for safety reasons.

There is no objection to the proposal from a trees and hedgerows perspective subject to conditions and informatives.

8.13 **Waste and Recycling:**

No objections.

8.14 **Urban Design Officer:**

No objections to the principle of the development, recommend condition to secure detailed landscaping and further input from the Tree Officer.

8.15 **National Grid:**

No comments received.

8.16 **Yorkshire Water:**

No objections subject to conditions.

8.17 **Yorkshire & Humber Drainage Board:**

No objections. Confirmed that they are happy that the proposed discharge into the riparian watercourse will enter the same catchment, terminating at Goosepool Pumping Station, and therefore have no objection to the discharge at this location. While the Lead Local Flood Authority may have their own requirements, given the terminal outfall location and relatively small discharge rate we would not generally require any modelling to be submitted in this situation. The discharge will require separate Land Drainage Consent, which we are happy to be issued following planning permission if necessary. This may also require landowner permission if you are not the riparian owner, although land ownership is outside our remit.

9.0 **Assessment**

9.1 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’.

9.2 The National Planning Policy Framework (2023) 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.

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

- Principle of development
- Design and Character
- Impact upon highway safety
- Flood Risk and Drainage
- Trees
- Ecology
- Contaminated Land

- Archaeological assets
- Impact upon residential amenity
- Economic Benefits
- Overall Planning Balance

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

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

Principle of development

9.5 In terms of development of the site, the site has an allocation in the adopted Local Plan for strategic employment albeit this is envisaged to be beyond the plan period due to the size of the site and the necessary delivery requirements.

9.6 However, the proposal is for the storage and sales of caravans/motorhomes on part of the larger allocated employment site and consideration needs to be given as to whether this is an appropriate use in this location and also whether accepting such a use would prejudice the longer term development on the larger employment allocation.

9.7 Policy 22, part 3 gives support for certain types of retail provision in out-of-centre locations, with preference for accessible sites which are well connected to centres. Part 3B of the policy supports specialist shops (including car showrooms) and trade centre developments within local employment sites.

9.8 The proposed use would not be considered to be a traditional employment development use but instead is a specialist use which is supported in principle within existing local employment sites.

9.9 Policy 4: Employment Policy Areas (Strategic Policy) advises that buildings or land, the use of which fall within Use Classes B2 and/or B8 within Employment Policy Areas, as defined on the Policies Map, will continue to be supported primarily for these uses. Where possible existing land and premises used for offices, research and development and light industrial (Use Class E(g)) will be retained.

9.10 Policy 3 of the Local Plan relates to Strategic Employment Allocations. In respect of sites designated as Potential Employment Development Sites, it advises that the site is suitable for employment development but not currently considered developable in the plan period and will be additional to the allocated land supply. Proposals that

would remove the anticipated employment potential will not normally be supported unless it is demonstrated that employment is unlikely to ever be viable.

- 9.11 In respect of the above guidance, following the submission of further information at the request of the Local Plans Policy (Employment) Officer, the evidence provided in the sequential assessment of alternative sites satisfactorily demonstrates that there are very limited sequentially preferable and suitably available sites located in the north-west of the Borough. In terms of defining the search area, the Applicant has put forward a business case that the expansion of the business needs logistically to be in close proximity with the existing caravan sales site at Toll Bar garage, Askern Road, Toll Bar as the two sites will interchange stock and staff so logistically it is beneficial and more cost effective to be in close proximity.
- 9.12 The LPA has accepted the site search area and conclusions of the study. The study found 15 sites allocated for employment under Policy 3, these were either unsuitable in size or already developed out. The 53 business parks, industrial estates or other Employment Policy Areas which fall under Policy 4, are either fully developed and while some have vacant properties available, do not have the plots of land required to support the caravan sales/storage use.
- 9.13 The limited available sites were then discounted due to being poorly located on the employment site i.e. back land areas and poorly suited for a sales use. Some sites were also discounted as they were the same flood Zone 3. The main source of unconstrained land is Redhouse, Adwick-Le-Street, a strategic B2/B8 location where the remaining plots are not readily available.
- 9.14 Whilst the development does not comply strictly with Policy 22 in terms of not being located on an existing employment site, the LPA has accepted the sequential assessment and the use is one that is complimentary to B1, B2 and B8 employment use. In addition, Class B1 is now incorporated within Class E which offers a much more flexible and wider range of uses.
- 9.15 In terms of whether the development will prejudice the delivery of the larger strategic allocation. The Applicant's submission has made the following points in this respect:
- Site Access- the proposed access does not in any way prejudice the development and future planning of the larger site. The site is relatively minor in scale and the access is discretely placed off the main road and mirrors a number of access points in the near vicinity. The scheme does not in any way prevent or preclude any access points to the larger site and there are no ransom strips created between this or any other land holding subject to the larger allocation.
 - Size and Appearance- the site consists of a self-contained site with established boundaries which visually consists of one distinct parcel of land. The site consists of a very modest 0.59 hectares and when considering the

size of the larger allocation, is very minor. Even if it was to be physically incorporated into the large allocation it would make no notable difference in terms of the size of the overarching allocation.

- Economic Effects- there is no evidence to suggest that the proposed development of this site for a caravan storage business would put the remaining site at risk practically or financially. The larger extent of site is not expected to come forward until around 2033 and this appears to be very much reliant on other potential development works on the highways network. Therefore, it is the applicant's case that this site could be developed now without any direct or indeed direct negative repercussions on the larger extent of the allocated site.
- The site is required to support and extend the applicants current caravan business which is a matter of a few minutes' drive from the proposed site. The google maps image below demonstrates just how close the site is to the business for which it is intended to support and act as an ancillary/satellite site to the established business.

9.16 The LPA is also of the view that the development will not prejudice the delivery of the larger strategic allocation. It is not known whether or when this larger site will come forward and the application site is under separate land ownership. The larger site is in single ownership (CDC), therefore it can be delivered comprehensively without the need for the smaller site. The larger site also requires a masterplan and design guide to be developed with the Council prior to the submission of a planning application. In addition, the Local Plans Policy (Employment) Officer has not objected to the development.

9.17 With quality landscaping the proposal can integrate effectively visually with any future development of the larger site. The development of the smaller site may also act as a catalyst for further developer interest in the larger site.

9.18 Accepting the principle of the development, consideration is then given to whether the proposed use is appropriate in terms of scale, design and its location will not adversely affect surrounding land uses through environmental, amenity or traffic concerns.

ENVIRONMENTAL SUSTAINABILITY

Design and Character

9.19 Section 12 of the NPPF states that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development; and b) are visually

attractive as a result of good architecture, layout and appropriate and effective landscaping.

- 9.20 The design of the employment related use on this site should meet the requirements of Policy 46 of the Local Plan, specifically sympathetic to local character in terms of their layout, siting, height, massing, form, scale, detailing, materials, landscaping and ensuring there are no unacceptable negatives effects upon the amenity of neighbouring lands uses or the environment.
- 9.21 The built development on the site is considered to be small scale, consisting of the office/sales building. This is not judged to be intrusive in its design and it will be located in the southern corner of the site close to the site entrance.
- 9.22 In terms of materials and appearance, the design of the office development is single storey, brick constructed and functional.
- 9.23 It is accepted that the caravan sales use is appropriate in this employment policy area and although the building, fencing, and hardstanding, are functional and utilitarian in design, they will not intrinsically harm the character or appearance of the area subject to landscaping both retained and newly planted.
- 9.24 The Development Guidance and Requirements SPD recommends landscaping along commercial sites and this use will remove some of the landscaping along the site boundary frontage. Further hedgerow and trees along the other site boundaries are proposed to strengthen the site edges. The Urban Designer initially objected to the removal of some of the existing hedgerow along the site's western boundary however, this has now been retained and further landscaping is shown along the eastern and western site boundaries and has resulted in an improved landscape scheme. Thus, there are no objections from the Urban Designer subject to a condition that a detailed landscaping scheme be conditioned.

Highway Safety

- 9.25 Paragraph 110 of the NPPF states that development proposals should mitigate against any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety. Para 111 of the NPPF advises 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. Local Plan Policies 13 and 46 requires, amongst other criteria, that site layouts function correctly and development should not result in unacceptable impacts on highway safety.
- 9.26 A Transport Assessment/Statement has been submitted as part of the application proposal. This confirms that as part of the development the existing footway on the northern side of Adwick Lane will be continued into the site. Dropped kerbs and tactile paving will be provided on both sides of Adwick Lane within the ~~vicinity~~ ^{vicinity} of the site.

- 9.27 In respect of traffic movements, the proposal is likely to have up to 36 two—way vehicle trips per day (i.e. 18 in and 18 out). This indicates that the development is significantly below the indicative thresholds for further assessment and is therefore not considered to be a significant amount of movement.
- 9.28 Overall, it is considered that the proposed development would have a negligible impact on the operation of the local highway network.
- 9.29 The Highways Development Control Officer has reviewed the information submitted and does not object to the application following amendments made to the site layout.
- 9.30 The proposal is acceptable in terms of highways safety and accords with the Policy 13 of the Local Plan and the NPPF.

Drainage / Flood Risk

- 9.31 Local Plan Policy 56 (Drainage) states that development sites must incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities. Policy 57 concerns Flood Risk Management and requires inter alia that development proposals will be considered against the NPPF, including application of the sequential test and, if necessary, the exception test.
- 9.32 The site is within Flood Zone 3a, which is at a high risk of flooding from main rivers. A revised FRA and a flood warning and evacuation plan form part of the application. Amongst other technical matters, this confirms that the site was flooded during the 1947 and 2007 events. The FRA confirms that there is a risk of flooding due to overtopping and breach at the proposed development site. However, the proposal is a low vulnerability use building and storage area.
- 9.33 The FRA determines that following the drainage hierarchy it is recommended that the site discharge into the nearby local watercourse adjacent to Adwick Road. It also proposes that SUDS be incorporated into the scheme in order to reduce surface water run off. The pavement surfaces will be permeable material either concrete block paving or porous asphalt with crushed stone on top.
- 9.34 A drainage strategy had already been agreed in principle for the site (Appendix 5 of the report) and this comprises a combination of permeable paving with crushed stone, 500 mm swale and a pump which will direct the surface water to the existing watercourse. The strategy follows the drainage hierarchy as stated in the National Planning Practice Guidance, with the aim to discharge surface water run-off as high up the drainage hierarchy, as reasonably practicable. Here a hybrid solution is proposed with surface water infiltration (SUDS) and discharging to a surface water body. The Yorkshire and Humber Drainage Board have agreed this in principle and will be subject to separate Land Drainage Consent.

- 9.35 In respect of flood risk, the Applicant needs to demonstrate that there are no 'Reasonably available sites' in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development (Policy 57, part A).
- 9.36 The submission documents include an Alternative Sites Assessment (sequential assessment). This has been conducted due to the strategic employment allocation of the site but also equally applies to flood risk. The sequential assessment search area has been agreed on the basis that the Applicant needs to be in a location close to their existing business on Askern Road in order to meet their business expansion plans and for staff to be able to travel between the premises avoiding excessive car journeys etc. Therefore, the area of search was limited to the north west of the City.
- 9.37 The results of the search indicate that other employment sites are not available, suitable for the needs of the business or are in flood zone 3, therefore not sequentially preferable. The LPA accepts the results of the detailed site search and the development is justified on the basis of Local Plan Policy 57 Part A) and Council's Technical Guidance.
- 9.38 In respect of technical consultees, the Environment Agency have been consulted and commented on the application. The existing site level is to be maintained at a level of 4.5mOD. The ground floor level of the proposed building is to be at 5mOD as stipulated by the Environment Agency. A flood warning and evacuation plan has been produced for the site. The EA are satisfied that the measures proposed are sufficient to minimise the risk of flooding.
- 9.39 The Lead Local Flood Authority ("LLFA") have been consulted and have requested a condition that will ensure that drainage details are submitted and agreed prior to the commencement of development.
- 9.40 Yorkshire Water and the Drainage Board are satisfied with the proposed drainage strategy and there is no objection from either subject to conditions.
- 9.41 There have been concerns raised by residents relating to the potential of the site to increase the flood risk of their nearby residential properties. A significant amount of work and detail has been provided by the Applicant in order to address the concerns raised and also in response to technical consultee objections (which have now been resolved). Subject to the imposition of conditions and the implementation of the proposed drainage strategy the LPA is satisfied that the surface water run-off will be managed appropriately and will not lead to increased flood risk elsewhere thus the proposal accords with Policies 56 and 57 of the Local Plan.

Impacts on Trees

- 9.42 Local Plan Policy 32 states that proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon

public amenity or ecological interest has been avoided. There will be presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees. In addition, Local Plan Policy 33 supports proposals that take account of the quality, local distinctiveness and the sensitivity to change of distinctive landscape character areas and individual landscape features.

- 9.43 The Tree Officer initially objected to the scheme due to the proposed removal of some of the existing hedgerows along the site boundaries. These hedgerows are important hedgerows protected by the Hedgerows Regulations 1997 because they pre-date 1845 and as a result are “historic”.
- 9.44 The amended scheme and habitats plan now shows the hedgerow boundaries retained with the exception of the access. It will be necessary to remove some of the trees at the front and in the middle of the site, however the Tree Officer did not object to this subject to satisfactory replacement which is shown on the Habitats Area Plan (Appendix 2).
- 9.45 Therefore, subject to the necessary landscaping condition, the development is acceptable against Local Plan Policy 32 and Policy 33.

Ecology

- 9.46 Local Plan Policy 29 states proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks. Local Plan Policy 30 requires all applications to be considered against the mitigation hierarchy in accordance with National Policy. The Council use the DEFRA biodiversity metric to account for the impacts of a proposal on biodiversity and demonstrating that a net gain will be delivered. A minimum 10% net gain will be expected unless national standards increase this in the future.
- 9.47 The proposed development would occupy land which is a mix of grassland, trees, hedges and some overgrown areas. The ecologist advised that a biodiversity net gain assessment would be required to demonstrate that a BNG can be achieved on site. A biodiversity Net Gain Report was submitted with the relevant metric and this confirmed that post development a BNG would be created in excess of the 10%. This would be achieved through the planting of approx. 15 trees, approx. 2680 sqm of neutral grassland and 150 m of new native species hedgerow.
- 9.48 Overall, the development is considered to comply with Local Plan Policies 29 & 30 and there is no objection on ecological grounds.

Contaminated Land

- 9.49 Local Plan Policy 54 (A) requires an assessment of the risks to public health to be provided and assessed. Local Plan Policy 55 states that land suspected of being contaminated due to its previous history or geology, or that will potentially become

contaminated as a result of the development, will require the submission of an appropriate Preliminary Risk Assessment.

- 9.50 A detailed Stage 1 Contaminated Land desk top assessment and walkover survey has been submitted as part of the application. This concluded that the site has limited potential for ground contamination. The Pollution Control Team have reviewed the assessment and recommended conditions that would require a further phase 2 contaminated land assessment to be carried out and submitted prior to commencement of development, should permission be granted. This would ensure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the NPPF.
- 9.51 Overall, subject to conditions, the development will comply with Local Plan Policies 54 & 55.

Archaeological assets

- 9.52 Policy 39 deals with the need to take into account archaeological assets. An archaeological desk-based assessment was undertaken and submitted as part of the application. This concluded that the potential for the presence of Iron Age, Roman and prehistoric/medieval remains within the site is considered to be low to moderate. The available evidence suggests that conditions for the preservation of archaeological remains within the site are moderate to high, apart from at the northeast edge, which was formerly part of a later 19th-century clay pit associated with a brickworks.
- 9.53 The South Yorkshire Archaeology Service have been consulted on the Application confirmed that that there are no archaeological concerns with this application.

Conclusion on Environmental Issues

- 9.54 In conclusion of the environmental issues, it is considered that there have been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition. The development as proposed is acceptable in terms of layout, highways, ecology, flood risk, trees, archaeology and contaminated land. The proposal is considered in accordance with the relevant Local Plan Policies and the environmental impact of the development is considered to be acceptable.

SOCIAL SUSTAINABILITY

Residential Amenity

- 9.55 Paragraph 130 of the NPPF 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.
- 9.56 Policy 46 requires all non-residential and commercial developments, including extensions and alterations to existing properties, to be designed to be high quality, attractive, and make a positive contribution to the area in which they are located meeting a number of requirements. Specifically, they should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.
- 9.57 A number of objections have been received in respect of the proposal in terms of potential impacts of the development, relating to residential amenity and environmental impacts have been raised in the representations submitted.
- 9.58 Given that this is an allocated Potential Employment Development Site, some level of employment related development and activity is envisaged on the wider site, albeit not envisaged in the current plan period. The level of activity associated with the caravan sales use is comparable to an employment related use, potentially less so. There have been no objections from technical consultees and the LPA has no evidence to the contrary to not accept this type of specialist use on the site. Such a use is preferable on employment sites rather than in Residential Policy Areas for example.
- 9.59 It is located on the edge of the settlement and the nearest residential properties lie to the east of the site on Marton Road and 18 Adwick Lane. In respect of the properties on Marton Road, the back gardens of residential properties are approx. 6 m away from the application boundary. The back gardens do not adjoin the site boundary there is a rear vehicular access road between the two boundaries. This access road is Residential Policy Area and forms the extent of the settlement boundary. The site boundary does meet the side garden of 18 Adwick Lane. It is not expected that there will be any overlooking or overshadowing from the sales building with it being single storey and located away from the eastern site boundary.
- 9.60 The development will be visible to residents mainly from the upper floor windows and this will affect their current views in that the character of the site will change from one which is a rural paddock to that of a developed site. However, the development on the site will be low level, single storey and consist of the office building, touring caravans and associated hardstanding etc. Therefore, subject to the retention of the existing site boundary hedges and additional landscaping being provided, the scheme specifically on the eastern boundary it is not considered to cause significant harm to visual amenity.

Conclusion on Social Impacts.

- 9.61 In conclusion, the appearance of the site will undoubtedly change from that of a currently green rural paddock area to that of a developed site. The single storey

development and associated caravan storage is not considered unduly visually harmful to residential amenity and the low intensity specialist caravan retail use is not judged to have any significant amenity impacts in terms of noise from the comings and goings of customers and staff. The EHO has advised conditions to control the business hours and hours of works during construction. Overall, the proposal will not have any unacceptable impacts on the surrounding residents, and this complies with Local Plan Policy 46 and the NPPF and carries moderate weight in favour of the application.

10.0 ECONOMIC SUSTAINABILITY

10.1 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. There will however be further economic benefits to the scheme once it has become an established business on the site and it will bring local employment and encourage tourism and staycations etc. The economic benefits and job creation are matters which have been identified within the letters of support for the proposal.

10.2 In respect of employment creation, Policy 3 of the Local Plan does advise that for employment or other developments that propose 20 or more direct jobs, the Council will seek to enter into a local labour agreement with the developer/applicant. The planning application form states that the proposal will provide 6 full time jobs but the consultation response from Business Doncaster advises that up to 20 jobs could be created from the two sites. Given the uncertainty on the number of jobs likely to be created it would be unreasonable to require a local labour agreement. In addition, this is a local family run business and there are clear benefits from the business expansion in terms of job creation and also job security for existing staff.

10.3 Conclusion on Economy Issues

10.4 Para 8 a) of the NPPF (2023) 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.

10.5 There will be some economic benefits of the proposal including the planned provision of a purpose designed site for caravan sales on an allocated employment site, supporting local employment and tourism and providing wider economic benefits for the wider economy of the borough and for that reason weighs in favour of the development.

11.0 PLANNING BALANCE & CONCLUSION

- 11.1 On balance, whilst the proposal does not comply with Policy 22 part 3 of the Local Plan, the Applicant has demonstrated that there is a lack of suitable sequentially preferable sites available to enable the business expansion of this specialised retail use. In addition, the use of the site for caravan storage and sales is not considered to prejudice the delivery of the wider strategic employment site in the future. There are also wider longer term economic benefits to supporting the expansion of a local business.
- 11.2 Overall, the environmental impacts arising from the development can be mitigated through condition and the relatively small scale development would not give rise to any significant residential amenity impacts.

12.0 RECOMMENDATION

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

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

REASON

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

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

Location Plan DNAL001 Jul 22

Proposed Site Plan DNAL 003 Sept 23 received 26.09.2023

Elevations & Floor Plan DNAL 005 Oct 22

Habitat Area Plan – DNAL 008 Sep 23 received 27.09.2023

Highway Plan – DNAL 009 Oct 23 received 02.10.2023

Drainage Layout - EWE/2934/01 Revision A

REASON

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

3. The development shall be carried out in accordance with the submitted flood risk assessment (ref February 2023 / EWE Associates / 2022/2934) and the following mitigation measures it details:

- Finished floor levels of the sales office shall be set no lower than 5 metres above Ordnance Datum (AOD)
- Ground levels will be maintained at the existing 4.5m above Ordnance Datum (AOD).

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.

4. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

REASON

In the interest of satisfactory and sustainable drainage.

5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

REASON

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network

6. 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 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.

7. The development hereby granted shall not be commenced until a schedule of tree surgery and hedgerow work has been submitted to and approved in writing by the Local Planning Authority. Best arboricultural practice shall be employed in all work, which shall comply with British Standards BS3998:2010 Tree Works Recommendations and, unless as may be specifically approved in writing by the Local Planning Authority, all tree work shall be completed before the demolition or development commences.

REASON

To ensure that all tree work is carried out to the appropriate high standard and Policy 32: Woodlands, Trees and Hedgerows section B of the adopted Doncaster Local Plan 2015 – 2035.

8. Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with British Standard 5837: 2012 Trees in Relation to Design, Demolition and construction shall be submitted to the Local Planning Authority for approval. Tree protection shall be implemented on site in accordance with the approved scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON

To ensure that retained trees are protected from damage during construction and Policy 32: Woodlands, Trees and Hedgerows section B of the adopted Doncaster Local Plan 2015 – 2035

9. No development shall take place on the site until a detailed hard and soft landscape scheme based on the approved Habitat Area Plan (DNAL 008 Sep 23) has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials and fencing types. The soft landscape scheme shall include a soft landscape plan and schedule providing:
- Details of hedgerow restoration work (i.e. Plant up gaps with shrubs and trees native to your local area, consider laying or coppicing to increase the density of hedges as appropriate) for retained hedges and trees around site boundaries identified in the Pre-development Arboricultural Report (Ref: OWA0192 PDR).
 - New planting and tree numbers and details of the species, which shall comply with the Council's Transitional Developer Requirements Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; a detailed specification for tree pit construction for the trees within highway that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's guidance and a load-bearing capacity equivalent to BS EN 124 2015 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation.

Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority shall be notified in writing within 7 working days to approve practical completion of any planting. 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 Local Plan policy 48.

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

REASON

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

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

REASON

To ensure that adequate parking provision is retained on site.

12. Before the development is brought into use, the sight lines as shown on the approved plan Highway Plan – DNAL 009 Oct 23 shall be rendered effective by removing or reducing the height of anything existing on the land hatched black on the said plan which obstructs visibility at any height greater than 900mm above the level of the near side channel line of the public highway. The visibility thus provided shall thereafter be maintained as such, unless otherwise approved in writing with the local planning authority.

REASON

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

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

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

REASON

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

14. The development shall not be brought into use until highway improvement works, as indicated on plan reference Highway Plan – DNAL 009 Oct 2023 have been completed in accordance with a detailed scheme previously submitted to and approved in writing by the local planning authority.

REASON

In the interests of highway and pedestrian safety.

15. Within one month of commencement, a lighting design strategy for light-sensitive biodiversity in the peripheral areas shall be submitted to and approved in writing by the Local Planning Authority:

The strategy shall show how, external lighting is specified, located and orientated so that it can be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural areas of the site and surrounding green spaces by bats and other species of wildlife. Any luminaries used in the peripheral areas of the site adjoining areas of greenspace should be of the LED type which provide a lower intensity of light. The use of warm white spectrum (preferably 2700Kelvin) should be adopted to reduce the blue light component with a wavelength exceeding 550nm.

The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note GN08/23: Bats and Artificial Lighting at Night. All external lighting shall be installed in accordance with the specification and locations set out in the strategy and maintained as such. The strategy shall be carried out once approved.

REASON

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

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

-An adaptive management plan for the site detailing the management measures to be carried out over the phased restoration of the site in order to achieve the target conditions proposed for each habitat parcel.

Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved.

-A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.

That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 5, 10, 20, 25 and 30) immediately following habitat creation.

Once approved in writing the management measures and monitoring plans shall be carried out as approved.

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 174.

17. 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).

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.

18. 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, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

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

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

20. No machinery shall be operated, no process shall be carried out and no construction traffic shall enter or leave the site between the hours of 07.00 hours and 18.00 hours Monday to Friday, nor between the hours of 08.00 hours and 13.00 hours on

Saturdays, nor at any time on Sundays or Bank Holidays unless previously approved in writing by the Local Planning Authority.

REASON

To ensure that the amenities of adjacent properties are not adversely affected by noise during construction.

21. Operating hours for the site shall be between 07:00 and 18:00 between Monday and Saturday and 09:00 – 17:00 on Sundays and Bank holidays, there shall be no deliveries or collections to and from site outside these hours.

REASON:

To ensure that the amenities of adjacent properties are not adversely affected by noise

Informatives

1. Important hedgerows on site

Hedgerows at the site date from the Pre 1845 Hedgerow - Dun drainage N River Don (1839) - Tall Shrub Hedge Enclosure Award and are therefore deemed to be 'Important' under the historic criteria of the Hedgerow Regulations (1997). This confers protection upon these hedgerows and they cannot be removed without prior notification to the Local Planning Authority.

2. Nesting birds

Please be aware that this decision does not constitute an exemption under the Wildlife and Countryside Act 1981 (as amended). It is an offence to disturb nesting birds. The pruning/felling of the trees and/or hedgerows should not be carried out unless it has been verified that no active bird nests are present within them.

3. Section 278 – Malc Lucas

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.**

4. Permit Scheme

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

The 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 – Layout/Habitat Area Plan



KEY	
	Shared access road Impermeable 393m/sq
	Neutral grassland 2680m/sq
	15 Medium trees
	Existing Native species Hedgerow
	Native species Hedgerow 150m
	Permeable paving 2809m/sq
	Reception Building 100m/sq

Drawing Title

**HABITAT AREA PLAN
ADWICK LANE
TOLL BAR, DONCASTER**

Ref DNAL 008	Scale @ A3 1:500	Date SEPT/23
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APPENDIX 3: Elevations



END ELEVATION
VIEW ON 'A'

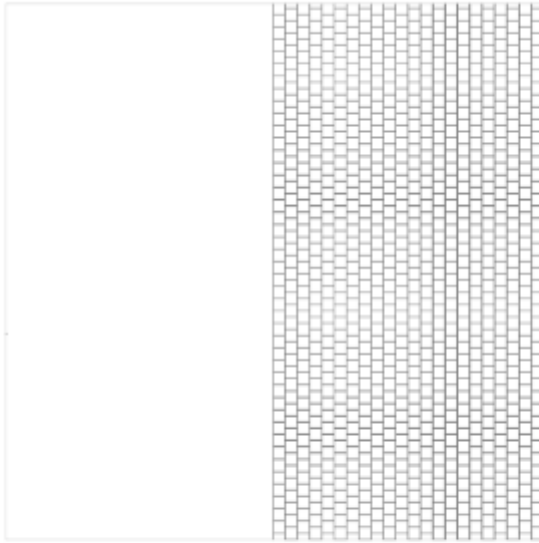
FRONT ELEVATION
VIEW ON 'B'



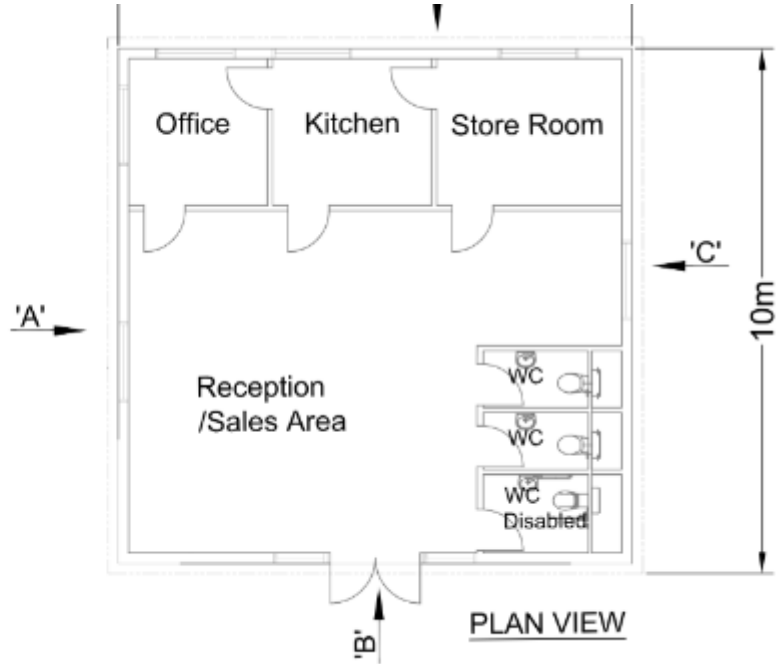
REAR ELEVATION
VIEW ON 'D'

END ELEVATION
VIEW ON 'C'

APPENDIX 4: FLOOR PLAN

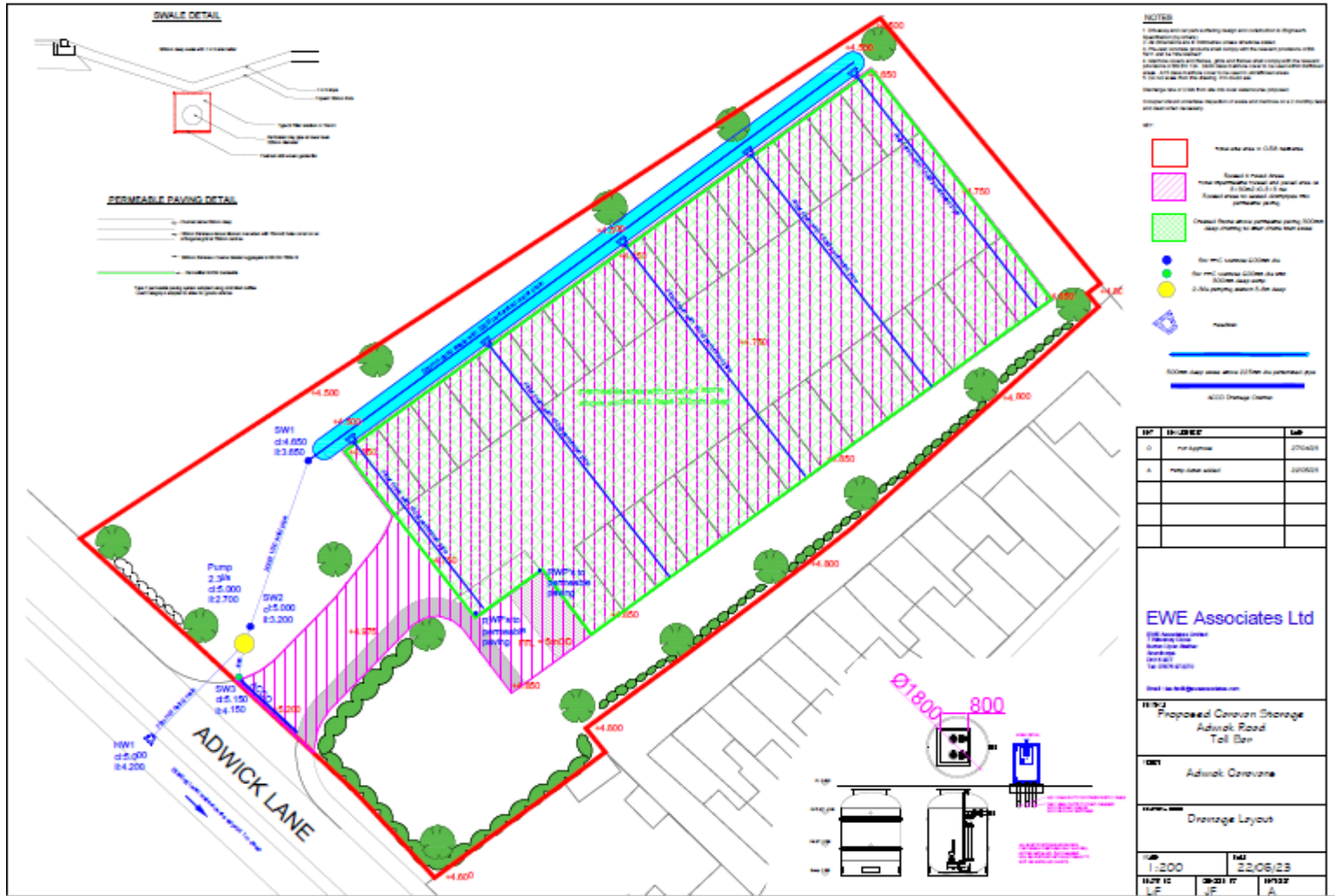


PLAN VIEW DETAIL



PLAN VIEW

APPENDIX 5: DRAINAGE LAYOUT





City of Doncaster Council

Report

Date: 17th October 2023

To the Chair and Members of the PLANNING COMMITTEE

Consideration of Section 106 Agreement following Viability Assessment for Residential Development at Owston Road, Carcroft (19/01514/OUTM)

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Phil Cole	Adwick le Street & Carcroft	No

EXECUTIVE SUMMARY

1. This report seeks the approval of the Planning Committee to a variation to the Section 106 Agreement for a development of residential housing at Owston Road, Carcroft.
2. Outline planning permission was granted under delegated authority on the 16th December 2019, with the decision being subject to a Section 106 Agreement dated 13th December 2019. The Agreement sought to deliver the following obligations;
 - Delivery of 26% on site built units for affordable housing. The tenure split required 75% to be Social Rented dwellings and 25% to be Shared Ownership dwellings.
 - Commuted sum of £201,267.00 to provide 11 secondary school places at Outwood Academy
 - On site Public Open Space (POS) and scheme for maintenance
3. A copy of the Officer Delegation Report is appended for reference.

EXEMPT REPORT

4. This report does not contain exempt information, however the financial information contained within the supporting evidence is confidential and not in the public domain.

RECOMMENDATIONS

5. For the reasons set out below, it is recommended that Planning Committee authorise the Head of Planning to agree a Deed of Variation to vary the terms of the Section 106 Agreement dated 13th December 2019 to remove the requirement to provide affordable housing and to remove the requirement for

a commuted sum in lieu of education in accordance with the terms of this report. The provisions relating to POS are unchanged.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

6. The variation to the Section 106 Agreement will remove the requirement to deliver any affordable housing.
7. The variation will remove the requirement to provide 11 secondary school places at Outwood Academy.
8. Whilst this is not an allocated housing site in the Local Plan, it does form part of a larger site identified as a 'Potential Development Site' in the Local Plan. These sites are identified as suitable for housing development but are not currently considered developable in the plan period. These identified sites will be supported in accordance with Local Plan policies. The development will nevertheless benefit the local community as it will deliver a range of new homes, on a previously developed (brownfield) site by providing a range of new 1,2,3 and 4 bedroomed homes and thus a good mix of house types. The site is also one that experiences frequent fly tipping as witnessed by the case officer on site visit.

BACKGROUND

9. Outline Planning Permission was granted on the 16th December 2019 for residential development on approx. 1.87ha of land (approval sought for access only). The decision was issued following the signing of a Section 106 agreement dated 13th December 2019.
10. The site has subsequently been sold on and the current owner has submitted a Reserved Matters application (Ref: 22/02277/REMM). The application is seeking approval of the details of Appearance, Landscaping, Layout and Scale for the erection of 63 dwellings. The application initially proposed 73 dwellings but has since been reduced in order to overcome highway and design related issues.
11. The Applicant submitted a Deed of Variation (DOV) accompanied by a Full Viability Appraisal (FVA) concurrently with the submission of the Reserved Matters application. Since submission, the FVA has also been updated to reflect the current number of dwellings proposed.
12. Policy 66 of the Local Plan states that where the applicant can demonstrate that particular circumstances justify the need for a Viability Appraisal, the Council will take a pragmatic and flexible approach to planning obligations and consider their genuine impact on viability of development proposals on an independent and case-by-case basis.
13. In September 2023 the FVA was assessed by an independent external consultant. The level of profit a scheme should make has been the subject of debate and it is widely accepted at appeal that schemes should make between 15 and 20% profit on sales (Gross Development Value). The consultant has appraised the scheme using the nationally accepted profit level of 17.5% on GDV which is taken to represent a reasonable return for a scheme such as this. The conclusion of the assessment shows that the scheme with the policy compliant amount of affordable housing and education



contributions would make this scheme unviable.

OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION


14. To not enter into a Deed of Variation would have a negative effect on the viability of the scheme and result in the non-delivery of the proposed housing development.
15. To enter into a Deed of Variation to vary the terms of the Section 106 Agreement as discussed would allow the developer to reduce the contributions provided by the scheme, whilst remaining viable for the developer.
16. This in line with the NPPF, which allows the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. Doncaster Local Plan Policy 66 also reflects this stating the Council will take a pragmatic and flexible approach to planning obligations and consider their genuine impact on viability of development proposals on an independent and case-by-case basis.
17. The viability has been robustly assessed by an independent consultant who has concluded that the scheme submitted under the Reserved Matters application is not viable to make the affordable housing and education contributions required under the current Section 106 Agreement.

IMPACT ON THE COUNCIL'S KEY OUTCOMES


18. This report is considered to impact on the following key outcomes.

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change	✓			
Comments: The housing development will include a landscape scheme including planting of trees within streets and within green open spaces. Homes will be fitted with EV charging facilities and will also be required to meet building regulation requirements for energy efficiency. This can be in the form of such as ground source heat pumps, solar panels.				
 Developing the skills to thrive in life and in work			✓	


Comments: Provision of school places is considered during the consideration of a residential development. In this case a commuted sum of £201,267.00 to provide 11 secondary school places at Outwood Academy was required as part of the S106 Legal Agreement. However, this Deed of Variation request seeks to remove this element of the obligation.

	<p>Making Doncaster the best place to do business and create good jobs</p>	<p>✓</p>			
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Comments: The development will contribute by creating jobs locally in the short term during the construction period. The site is sustainably located so will generate more footfall locally to support local services and also sustainably located to the city centre so will generate more footfall and use of services/facilities within the city centre.

	<p>Building opportunities for healthier, happier and longer lives for all</p>	<p>✓</p>			
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Comments: The development will create a healthy living environment with green spaces, play area and quality landscaping, including tree lined streets. Overall the development will help to create a sense of place and wellbeing for residents.

	<p>Creating safer, stronger, greener and cleaner communities where everyone belongs</p>	<p>✓</p>			
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Comments: The development will contribute to achieving this priority by provision of on site open space which will be ensured to be maintained, along with provision of children's play area. The development has been designed to achieve a safe place to live with opportunities for natural surveillance of overlooking of play areas. The developer will also be encouraged to achieve 'Secure By Design' accreditation.

	<p>Nurturing a child and family-friendly borough</p>	<p>✓</p>			
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<p>Comments: The housing development will provide a range of family homes, predominantly 1,2 and 3 bedroomed housing with green spaces and a children's play area which will create a healthy, family friendly, place to live.</p>				
	<p>Building Transport and digital connections fit for the future</p>	<p>✓</p>		
<p>Comments: Each property will be connected with Superfast Broadband internet connection. Each property will have its own designated on-site parking space and EV charging provision.</p>				
	<p>Promoting the borough and its cultural, sporting, and heritage opportunities</p>			<p>✓</p>
<p>Comments: The planning merits of the development do not include consideration of cultural, sporting or heritage opportunities given that this is an overgrown greenfield site with no heritage assets on site which proposes a moderately sized housing development. The development will not impact on or provide for sporting opportunities.</p>				
<p>Fair & Inclusive</p>				<p>✓</p>
<p>Comments: In line with the corporate approach for compliance against the Equality Act 2011 due regard must be shown across all activity within the Council. The planning application has been advertised in the local press, online and individual letters of notification have been sent to all adjoining neighbours. Therefore, there are no detailed impacts on any people, groups or individuals on which to base a due regard statement.</p>				

LEGAL IMPLICATIONS [Officer Initials SC Date 5.10.23]

- A planning obligation may not be modified or discharged except by agreement with the LPA within the first five years beginning with the date the obligation is entered into. After that period an application can be made to the LPA to so modify or discharge an obligation. As the five year period has not yet elapsed, the LPA must agree to the modification or discharge. If the LPA is minded to agree to discharge the obligations relating to the provision of affordable housing and school places as set out in the report, the agreement must be entered into by way of a deed.

FINANCIAL IMPLICATIONS [Officer Initials CS Date 04.10.2023]

- As a result of this decision the developer won't be providing the affordable housing element and the commuted sum of £201,267 for education places, without the education sum there will no longer be funding available for the

future 11 spaces.

HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 03.10.2023]

21. There are no direct HR Imps in relation to this report, but if in future staff are affected or additional specialist resources are required then further consultation will need to take place with HR.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 03.10.2023]

22. There are no technology implications in relation to this report.

RISKS AND ASSUMPTIONS

23. None.

CONSULTATION

24. Chair and Vice Chair of Planning Committee,
Ward Members

BACKGROUND PAPERS

25. Appendix 1 - Delegated report – **16TH DECEMBER 2019**.
Appendix 2 – S106 Legal Agreement
Appendix 3 – Applicant's Viability Appraisal

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

26. NPPF – National Planning Policy Framework 2023

REPORT AUTHOR & CONTRIBUTORS

Andrea Suddes, Principal Planning Officer
01302 735240 andrea.suddes@doncaster.gov.uk

Dan Swaine
Director of Economy and Environment



Development and Planning

Delegation Report

AUTHORITY UNDER LOCAL GOVERNMENT ACT 2000
DELEGATED POWERS

Application No:	19/01514/OUTM
Case Officer:	Mrs Andrea Suddes
Recommendation:	Planning Permission GRANTED (Sec106)
Date of Recommendation:	13th December 2019

Delegation Compliance:

1. This application is in accordance with adopted scheme of delegation.

Yes

Senior / Principal Officer Declaration

I certify that, in my opinion, the determination of the application meets the Agreed Scheme of Delegation and that the Recommendation is acceptable.

Delegation and Recommendation Authorised By:

N Elliott

Date:

16.12.2019

This application is in accordance with adopted scheme of delegation:

Yes

19/01514/OUTM

Introduction

The application seeks outline permission for residential development on a site that is currently overgrown shrub land. It seeks approval for residential development on approximately 1.87ha of land following demolition of the existing buildings. Approval is being sought for access only with all other matters of scale, appearance, landscaping and layout reserved for future consideration.

Relevant Site Characteristics

The site is a rectangular parcel of land situated to the rear of properties fronting Owston Road, and rear of properties fronting Askern Road. The site is approx. 1.87ha in size and was previously used as allotments and a depot and contains hardstanding and a range of derelict sheds and buildings associated with these uses. The land is currently heavily overgrown with vegetation and in some parts inaccessible.

There is an independent access from Owston Road, this is to be retained and improved to provide access to the development. The application site and the properties fronting Owston Road are separated by a narrow access track that provides access for residents. This track falls outside of the application site so will remain unaffected.

Relevant Site History

There is no relevant site history

Site Allocation

The site is allocated as a residential site with a unique policy reference number PH1 3/15 as defined by the saved Doncaster Unitary Development Plan 1998.

Relevant, Local, National Policies

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.

NPPF

Section 5 requires the delivery of a sufficient supply of homes
Section 12 requires achieving well designed places

Policy CS1 - Quality of life
Policy CS 9 promotes travel choice
Policy CS14 requires developments to be of high quality design.
Policy CS17 - Criteria D) ensures provision for open space facilities

Saved Doncaster Unitary Development Plan

Policy PH 11 supports residential development in Residential Policy Areas

Policy RL4 requires developments of more than 10 family units to provide a commuted sum in lieu of open space provision.

The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Local Plan has been approved at Full Council on the 25th July and Regulation 19 Publication period ended on the 30th September 2019. The Council is aiming to adopt the Local Plan by summer 2020. Given the relatively early stage of preparation of the emerging Local Plan, the document carries limited weight at this stage, although the following policies would be appropriate:

Policy 6: Housing Allocations
Policies 13, 14,15,17,18 : Transport and highways policies
Policy 42 : Character and Local Distinctiveness (Strategic Policy)
Policy 45 : Residential Design (Strategic Policy)
Policy 47: Design of Non-residential
Policy 49: Landscaping
Policy 55: Pollution
Policy 57/58: Drainage and flooding

Other Policy Considerations:

Supplementary Planning Document: Development Guidance and Requirements (Adopted July 2015)

Consultations

Local Plans (Open Space): 15% on site provision of POS as carcroft is deficient 3/5 open space typologies.

Tree and Landscaping: A tree survey has been submitted but the indicative proposed layout does not take account of the tree survey therefore concerns are raised. However the proposed layout is only indicative and issues around the proposed tree planting within the scheme can be addressed at reserved matters stage. An informative note will be included advising as such. A landscaping plan is also requested by condition.

Highways: No objections subject to conditions/advisory notes for the applicant.

Pollution Control: Due to the long standing previous use as allotments it is possible contamination could remain on site, with potential sources of contamination including; poor storage or accidental spills of chemicals/paints, persistent use of pesticides/fertilisers, ash and furnace slag brought onto site (for used as soil conditioner), asbestos sheeting is commonly found on such sites and the burning of waste is often prevalent.

It is also noted the site adjoins a depot, and part of the site is over former depot land. In light of this conditions are included for a desk top assessment, and remediation works.

Pollution (Air Quality): No response received.

Strategic Housing (Affordable): The development will require a 26% contribution in line with Core Strategy Policy CS 12. Evidence from the recent Housing Needs Study (2019) suggests there is a net Affordable Housing Need for the Carcroft/Skellow area, as a result of this need the full policy ask of 26% (18.46 units) on site delivery rather than commuted sum. In general a split of 75%/25% affordable rent/Shared Ownership, however if affordability is an issue in this area then we would like to see 100% affordable rented. In terms of mix we would suggest 2/3/4beds.

Education: Education requires a contribution for secondary school places amounting to 3 places X 5 year groups X 0.71 dwellings = 11 additional places required

11 places @ £18,297 = £ 201,267.00

This figure is therefore included within the s106 legal obligation.

Internal Drainage: No objections raised.

Shire Internal Drainage Board: No objections raised. An informative note advising consent is required from the drainage board is included.

Yorkshire Water: No objections raised subject to conditions in relation to the public sewer that crosses the site, protection of public sewerage infrastructure and details of discharge of surface water.

Environment Agency: No objections raised subject to condition for finished floor levels to be included and flood evacuation measures being in place. An informative note has been included to advise the applicant/occupiers to sign up to the Environment Agency's Floodline Warning Direct

Local Plans (Flooding): The flooding Sequential Test (ST) is required as the site lies within flood zones 2 and 3. The submitted ST satisfies the requirements and demonstrates that there are no other available sites in a lower risk of flooding.

This application has been advertised in accordance with Article 15 of the Development Management Procedure Order (DMPO), by means of site notice and individual letters of notification to nearby neighbours. Two letters of representation has been received in opposition to the application for the following reasons;

-the ability to access properties from the rear access road

The application site does not include the existing rear access road that currently serves the existing residents living on Owston Road, therefore access will be unaffected.

-Concerns that the existing parking provision adjacent to number 46 will be retained-it is within the householders ownership.

This will be considered as part of the detailed Reserved Matters application.

-Concerns regarding possible number of properties

Again, this application is in outline only and therefore no details are provided at this stage.

-Noise from construction

A condition is included for details of a construction method statement to be submitted and agreed which will cover noise from construction.

Cllr David Hughes has also raised concerns due to potential numbers of vehicles using the access and highway safety concerns.

Planning Assessment

The application is seeking outline consent for residential development with approval of access only. All other matters of design, layout, appearance and landscaping are reserved. The main issues for consideration are therefore the principle of residential development and highways.

Principle

This is an allocated residential site with its own unique policy reference number within the Doncaster Unitary Development Plan and is therefore identified as an area to be developed for housing; as such residential development is acceptable in principle, subject to assessment against other policy criteria.

Planning Obligations

Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of

conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

In paragraph 56 it is stated that planning obligations should only be sought where they meet all of the following tests (Community Infrastructure Levy Regulations 2010);

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

This proposal includes a Section 106 Agreement which provides for the direct provision on site, or necessary contributions towards mitigating the direct impacts that arise from this development off-site which includes the following;

Public Open Space

Doncaster UDP Policy RL 4 is relevant which states that the council will seek to remedy local public open space deficiencies within existing residential areas and will require the provision of public open space principally of benefit to the development itself in accordance with a criterion of standards as set out a-f within the policy.

In line with UDP Policy RL4 b), states that 15% of the total site area of new developments with over 20 family dwellings to be laid out as public open space where the site falls within or adjoins an area of existing local public open space deficiency..."

As the Carcroft Community Profile Area is deficient in 3/5 open space typologies, we would expect to see 15% of this site being provided as useable public open space, including provision suitable for children's play.

It is also noted that the applicants have proposed 10.2% of the site as open space on the indicative layout, albeit 2 parts of the site. This would therefore fall short of the policy ask. Officers take issue with the spaces provided and would not support the proposal as it currently stands. However wording of the s106 legal agreement requires policy on site provision. This is considered necessary and directly related to the development, to meet an identified deficiency in public open space in this area.

Affordable Housing

If the reserved matters development proposes more than 15 units this triggers the requirement for a 26% affordable housing contribution in accordance with Core Strategy Policy CS 12. The starting point for provision in the first instance is on site in accordance with criteria A) 1 of the policy which states that sites of 15 or more houses should include affordable houses on site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment.

The Strategic Housing Officer has advised that evidence from the recent Housing Needs Study (2019) suggests there is a net Affordable Housing Need for the Carcroft/Skellow area. As a result of this need we would like to see fully policy ask of 26% (18.46 units) on site delivery rather than commuted sum. In general the LPA would be looking for a split of 75%/25% affordable rent/Shared Ownership, however if affordability is an issue in this area then we would like to see 100% affordable rented. In terms of mix it is suggested 2/3/4beds.

This is considered necessary and directly related to the development, to meet an affordable housing need in this area.

Education

Policy CS 1 (A) of the Core Strategy states that as a means to securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported which contribute to the Core Strategy objectives and in particular provide opportunity for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities. As such, the Education team have been consulted and have identified that based on the indicative layout provided, there are currently spare places available at Carcroft Primary therefore no primary school education contribution is required. Therefore, a Primary contribution would not be required. However, there is a deficiency in secondary school places at Outwood Adwick Academy. Given the number of properties proposed on the indicative layout (71 dwellings), a further 11 places are required at a cost of £201,267.00. This is considered necessary and directly related to the development, as without this sum there would be a deficiency in primary school places which would be a direct result of this development.

Flooding

Flooding

The site is located within Flood Risk Zones 2 and 3 as defined by the Environment Agency's Flood Maps. As such, in accordance with the NPPF and policy CS 4 of the Doncaster Council Core Strategy, a site specific Flood Risk Assessment has been submitted and considered by the Environment Agency, who raises no objection to the proposal subject to an advice note for the applicant to consider the use of a range of flood resilient/flood proof construction techniques.

National and local policy, also normally requires proposals in Flood Risk Zone 2 & 3 areas to pass a flood risk Sequential Test. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding.

The Doncaster Development & Flood Risk SPD (adopted October 2010) sets out how flood risk policy should be applied in respect to the Doncaster borough. Table 3; page 31 of the SPD sets out the area of search for housing proposals. The site is identified in the Core Strategy as being in the Renewal Town of Carcroft/Skellow and is allocated for residential use therefore the area of search is identified as being as borough wide. However, the SPD

predates adoption of the Core Strategy which gives the Renewal Towns an indicative housing target of 1,660 dwellings over the plan period but no breakdown as to how they should be distributed to each of the 4 settlements as that was a job for the Sites & Policies DPD that had to be withdrawn in 2014.

The LPA has therefore already accepted through other planning applications at the Renewal Towns (such as Moorends) that the area of search should be restricted to sites elsewhere at the same settlement (in this case Carcroft-Skellow). Because the site is allocated for housing then the applicant needs to look for any other sites (either larger or cumulatively several smaller sites that could deliver the number of houses to the scheme being proposed) that are reasonably available and sequentially preferable, but any sites with permission can be discounted. The Council's evidence base such as Residential Land Availability (RLA)/5Year Housing Land Supply (5YHLS)/HELAA should be used to ascertain whether any such sites are available; it would also be reasonable to just look at sites either allocated or within the settlement boundaries as per the UDP so can rule out Green Belt urban extension sites as not being reasonably available.

The submitted ST looks at and assesses a number of sites within the Carcroft area using site data from the RLA, and HELAA. All sites have been discounted on account of not being in a lower flood risk area, or land allocated as Green Belt. Additionally, the remaining sites do not cumulatively cannot accommodate the development and there are no other available sites of similar size to accommodate the development. The ST is thereby deemed to be passed.

Notwithstanding the above, national policy also requires that residential proposals in FRZ3, as 'more vulnerable development', will be required to satisfactorily demonstrate they can pass the Exception Test which should be informed by a site specific Flood Risk Assessment to demonstrate the residual risks to the development can be managed and do not put the occupants, or existing neighbouring uses at risk.

A Flood Risk Assessment (FRA), prepared by Flood Risk Consultancy Limited accompanies the application. The principal potential flood mechanisms, identified are fluvial flooding from the Old Ea Beck and Wellsyke Dike; and also, pluvial due to an increase in surface water runoff associated with the development.

The findings of the FRA conclude that the risk of flooding from overtopping of the flood defences of the Old Ea Beck is considered to be low, although there will be some residual flooding from the breach of the flood defences. The flood risk from Wellsyke Dike is also residual in nature. It is part of the Danvm DC network of land drainage channels and watercourses; and the recommended measures to mitigate against flooding from Old Ea Beck will be sufficient to also provide protection to new properties from flood risk associated with Wellsyke Dike.

Mitigation measures include:

Finished floor levels to be set at a minimum of 0.6m above existing ground level or

5.87mAOD, whichever is the highest.

Flood Resistance/resilience material and construction methods are to be incorporated into the development plan

Residents to sign up to receive flood warnings & alerts from the Environment Agency via the free Flood Warning's Direct Service

Residents to prepare a personal flood evacuation plan

Safe refuge to be provided within all dwellings at first floor level for residents to retreat to in case of the rapid onset of flooding

Surface water management is to include sustainable methods and will discharge to the IDB land drainage network of channels and watercourses at a rate not exceeding 1.4l/s/ha (2.5l/s) to and including the 1 in 100-year + 40% climate change storm event. Flows in excess of this will be attenuated on-site prior to discharge.

With regards to the Exceptions Test, the NPPF in para 160 states that 'for the exceptions test to be passed it should be demonstrated that (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The site is an allocated housing site within the development plan that will much needed housing including affordable housing accommodation in Carcroft. The development of the site will will transform the site into useable space; attract significant s106 contributions, which overall will benefit the community, that taking into account the conclusions of the FRA can be safely developed without increasing the risk of on-site flooding. The proposal is thereby deemed to pass the Exceptions Test.

Highways

The application seeks approval for the access into the site. In this case Policy CS14 is pertinent in that safety and security of the highway is one of the 9 criteria set out in Policy CS 14 to ensure that there are no negative effects upon the amenity of neighbouring land or the environment. Additionally Policy CS 9: Providing Travel Choice is also pertinent as it seeks to ensure that new developments provide the delivery of travel choice and sustainable opportunities for travel.

The access into the site is proposed via a natural gap between nos 46 and 71 Owston Road. A layout plan is submitted that shows grass verge adjacent no 46. The resident at 46 has raised concerns that the existing parking provision adjacent to their property will be retained as it is within their ownership. This will be considered at reserved matters stage as the layout submitted is indicative only.

The Highways DC officer has raised no objections in principle to the development and any forthcoming reserved matters application is to provide the minimum residential parking standards as defined within the Councils' Development Guidance and Requirements SPD.

A Transport Assessment was also submitted and which has been assessed by officers. The assessment highlights that the Owston Road/site access junction is forecast to operate within capacity in 2024 should the development be built out within the planning approval 3 year timeframe. However the Owston Road/Askern Road/Station Road/Skellow Road crossroads is already operating over capacity. DMBC traffic signals have checked the modelling for the above junction and are content with the findings. They are aware that the junction is already operating over capacity and work to improve this junction in the future is planned.

No objections are raised in regard to Transportation issues subject to conditions for electric vehicle charging points. The application thereby satisfies policy CS9.

Summary

In summary, taking account of all of the material planning issues it is considered that residential development is acceptable in this location subject to consideration of other issues such as appearance, layout, scale and landscaping, with a reserved matters application. Additionally, the proposed access will not result in a significant detrimental impact on highway or pedestrian safety. The application is thereby deemed acceptable and recommended for approval subject to the terms of the s106 agreement.

Conditions / Reasons

01. STAT2 The development to which this permission relates must be begun not later than whichever is the later of the following dates:- i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates the final approval of the last such matter to be approved.
REASON
Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.
02. STAT3 In the case of the reserved matters, application for approval must be made not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 92(as amended) of the Town and Country Planning Act 1990.
03. U0072476 Approval of the details of the appearance, landscaping, layout and scale (hereinafter referred to as reserved matters) shall be obtained from the Local Planning Authority before the commencement of any works.
REASON
The application is in outline and no details having yet been furnished of the matters referred to in the outline they are reserved for subsequent approval by the Local Planning Authority.
04. U0072477 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:
Site location Plan and Existing Block Plan Dwg No A(01)001 Rev D
REASON
To ensure that the development is carried out in accordance with the application as approved.
05. U0072475 Notwithstanding the approved plan the proposed layout as shown on the Site Plan Dwg No A(10)001 Rev E is indicative only and does not comprise of any part of this consent.
REASON
For the avoidance of doubt and clarity as to the extent of this consent.
06. U0072455 The development shall be carried out in accordance with the submitted flood risk assessment (FRA) by Flood Risk Consultancy Ltd (report no

N2019-031 revision C dated 18 June 2019) and the following mitigation measure it details:

Finished floor levels shall be set 0.6m above the existing ground level or 5.87m above Ordnance Datum (AOD) whichever is the higher value, as stated in Section 7.1 of the FRA.

The mitigation measure 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.

07. U0072456 A Construction Environmental Management Plan shall be submitted to the Local Planning Authority for approval with any Reserved Matters application, and be implemented in accordance with the approved details.

- o A risk assessment of the potentially damaging construction activities in relation to wildlife and habitats.

- o A method statement for the protection of terrestrial fauna that may be encountered on site.

- o The use of protective fencing, exclusion barriers, and wildlife safety measures.

REASON

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

08. U0072457 Any reserved matters application should include a reptile survey with results and evaluation that will inform any development proposals such as layout site works and the precautionary method statement.

REASON

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

09. U0072458 Where reserved matters applications include the removal of trees on the eastern boundary of the site, bats surveys must be carried out and the results submitted with the application to ensure that protected species are given appropriate levels of protection and mitigation.

REASON

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

10. U0072459 Any reserved matters application shall include a Biodiversity Enhancement Master Plan to be submitted and approved in writing by the Local Planning Authority. The content of the Plan shall include;
- o Implementation of a biodiversity offsetting scheme that identified and quantifies loss
 - o Identification of the mitigation and/or compensation areas within the development site, including SUDS features.
 - o Baseline specifications for biodiversity creation and enhancement works and other ecological features specific to mitigation proposals for habitats, faunal groups and species. These to be based on site survey data and Local Biodiversity Action plan priorities.
 - o Provision of roosting and nesting opportunities in woodland and new dwellings

REASON

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

11. U0075301 The development hereby permitted shall not be commenced until a Construction Traffic Management Plan (CTMP) for that phase of development is submitted to and subsequently approved in writing by the Local Highway Authority. The approved plan shall be adhered to throughout the construction phase. I would expect the CTMP to contain information relating to (but not limited to):
- o Volumes and types of construction vehicles
 - o Parking of contractors vehicles
 - o identification of delivery routes;
 - o Contractors method for controlling construction traffic and adherence to routes
 - o Size, route and numbers of abnormal loads
 - o Swept path analysis (as required)
 - o Construction Period
 - o Temporary signage
 - o Measures to be taken within the curtilage of the site to prevent the deposition of mud and debris on the public highway.

REASON

In the interests of highway safety in accordance with policy CS14.

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

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

REASON

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

13. HIGH3 Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

14. HIGH5 Before the development is brought into use, the sight lines as shown on the approved plan shall be rendered effective by removing or reducing the height of anything existing on the land hatched black on the said plan which obstructs visibility at any height greater than 900mm above the level of the near side channel line of the public highway. The visibility thus provided shall thereafter be maintained as such, unless otherwise approved in writing with the local planning authority.

REASON

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

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

REASON

To avoid damage to the verge.

16. U0075703 Detailed layout, engineering and drainage details for the proposed access arrangements shall be submitted for inspection and written approval by the Local highway authority before works commence on site. The design shall include for alteration to the existing handrail and relocating the existing bench.

REASON

In the interests of highway and pedestrian safety in accordance with Policies CS 14.

17. U0075705 Private single and shared driveways are to be surfaced with a bound material to prevent any stones, gravel or similar items from being

deposited on the adoptable area. Reason: In the interests of highway safety.

REASON

In the interests of highway and pedestrian safety in accordance with Policies CS 14 and CS 9.

18. U0072469 No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public 250 mm diameter rising main located to the east of the site i.e. a protected strip width of 6 (six) metres, that crosses the site . If the required stand -off distance is to be achieved via diversion or closure of the sewer , the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

REASON

In order to allow sufficient access for maintenance and repair work at all times.

19. U0072470 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

REASON

In the interest of satisfactory and sustainable drainage.

20. U0072471 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority .

REASON

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

21. U0075302 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 shall not be occupied until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

REASON

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

22. CON1B

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

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

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

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

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

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

REASON

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

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

23. CON2

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

REASON

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

24. CON3

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

REASON

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

25. U0075706 No development shall take place, including any works of demolition, until a Construction/Demolition Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

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

REASON

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

26. U0075726 Before first occupation of any part of the development hereby permitted, a Flood Evacuation Plan shall be submitted to and approved in writing by the local planning authority. The Flood Evacuation Plan shall include the following details:

- i) flood warning procedures;
- ii) safe points of extraction and evacuation;
- iii) the areas of responsibility for those participating in the Plan;
- iv) implementation procedures;
- v) communication strategies for occupiers; and
- vi) details of a scheme to update the Plan.

The Flood Evacuation Plan shall thereafter be maintained and adhered to.

REASON

To ensure that measures are in place for residents to be evacuated safely during times of flood.

01. U0013544

INFORMATIVE: TREE GUIDANCE FOR RESERVED MATTERS

In order to maximise the benefits of tree planting, the council will expect a minimum of 1 tree per dwelling (that can realistically establish and reach maturity), including a number of street trees to be designed into the public realm where appropriate. Planting can be particularly advantageous on prominent frontages, in front of houses and on the edge of green space and open countryside. Where sight lines are important, for example near pathways, low growing shrubs and trees with 2m clear stem heights should be chosen. Landscape planting should therefore be considered as an integral part of the urban design and layout of all housing development, and should include linear features, for example boulevards of large canopied specimen trees, and / or feature planting at junctions or community focal spaces along streets where they can aid legibility and place-making. Most streets in a new development should provide sufficient space to accommodate some tree planting within the public realm.

From the indicative layout, the development appears to have too many plots to achieve this and provide enough trees with realistic prospects. This is why with the reserved matters layout the landscaping and new planting should be recognised from the outset as an integral part of the development scheme. Tree planting should be purposefully designed to complement the proposed features of the development.

The landscape scheme should include:

- i) A planting plan and schedule of trees including appropriate trees and shrubs along the property frontage, tree planting within/beside the Public Open Spaces and spine roads and indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those, which are being retained, those proposed for removal and those requiring surgery.
- ii) Details of soft and hard landscaping;
- iii) A landscape and establishment specification, noting the requirement to replace any trees which do not become established;

02. U0013622

INFORMATIVE: BREEDING BIRDS

Birds may be nesting in trees and shrubs proposed for removal. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb nesting birds, and vegetation removal should be timed therefore to avoid the nesting season (March to August inclusive).

03. U0013624

INFORMATIVE: SHIRE IDB's

It is advised that the Applicant/Developer should take note of the consultation advice from the IDB;

The applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.

The planning application may relate to work in, on, under or near a watercourse within the Internal Drainage Board (IDB) Drainage District and requires CONSENT from the IDB in addition to any landowner agreements for works, access, easements and PLANNING PERMISSIONS.

The IDB as a Consultee give the following comments/recommendations:

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

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

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

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

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

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

For further guidance, pre-application advice & consent form visit: www.shiregroup-idbs.gov.uk, and select "Danvm DC" Page 156

For direct enquiries e-mail: planning@shiregroup-idbs.gov.uk

04. U0013626 INFORMATIVE: SITE LAYOUT

The proposed site layout as shown on Dwg No A (10)001 Rev E is indicative only and does not form part of this consent.

05. IFWI INFORMATIVE

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

06. U0014040 INFORMATIVE: WORKS WITHIN/ON A HIGHWAY

o Works tying into or 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.

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

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

- o 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 Malc Lucas - Tel 01302 735110 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.
- o Roads other than shared private drives shall be constructed to an adoptable standard and offered for adoption on completion under (the provisions) Section 38 of The Highways Act (1980). Engineering and surface water drainage details shall be submitted for inspection and approval in writing by the (Local Planning Authority) Highways Authority before works commence on site.
- o The proposed access and future general layout shall be subject to Road Safety Audits in accordance with DMRB Volume 5 Section 2 Part 2 Road Safety Audit (GG119).
- o The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the highway is an offence under provisions of The Highways Act 1980.
- o Whilst no information is given at this stage about the method of disposal of highway drainage, I am mindful of restrictions on surface water disposal and the emphasis on the use of sustainable solutions. I make this point as the use of a soakaway system has to be located outside the carriageway and at least 6m from any building may further affect the layout shown. Based on a standard soakaway capacity of 10m³ a commuted sum of £7800 to be used towards the future maintenance costs of each highway drain soakaway, shall be paid to the Council. An additional 780 extra will be added for each additional cubic metre of storage.
- o Any trees to be provided in the public highway are to have a clear stem of 2m and require a commuted sum for maintenance purposes of £1500 per tree (£300 pounds per annum for a period of 5 years) to be paid to the Council, prior to the issue of the Part 2 Certificate.

Justification

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:
Further highway information.

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

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DATED

2019

13 December

**PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY
PLANNING ACT 1990 RELATING TO LAND AT LAND TO REAR OF 22 - 72 OWSTON
ROAD, CARCROFT**

between

DONCASTER BOROUGH COUNCIL

and

CHRISTOPHER ROBSON

and

KATHRYN JANE BROCKLEHURST

and

ANTHONY ROBSON

and

HELEN MAY ROBSON

and

RAYMOND DAVID CALDER

and

STUART DAVID TURNER

PLANNING REFERENCE: 19/01514/OUTM

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THIS DEED is dated
2019

13 December

- (1) DONCASTER BOROUGH COUNCIL of Civic Office, Waterdale, Doncaster DN1 3BU (**Council**).
- (2) CHRISTOPHER ROBSON, KATHRYN JANE BROCKLEHURST, ANTHONY ROBSON and HELEN MAY ROBSON of 43 Cemetery Road, Woodlands, Doncaster DN6 7RX (**Owner**)
- (3) RAYMOND DAVID CALDER of The Old Rectory 2 Watnall Road Nuthall Nottingham NG16 1DG and STUART DAVID TURNER of 112 Haxey Lane Haxey Doncaster DN9 2NE (**Developer**)

BACKGROUND

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) The Owner is the freehold owner of the Property free from encumbrances which is registered at the Land Registry under Title Number SYK416753.
- (C) The Owner has agreed to enter into this deed with the intention that the obligations contained in this deed may be enforced by the Council against the Owner and their respective successors in title pursuant to Section 106 of the TCPA 1990 and to be bound by and observe and perform the covenants agreements conditions and stipulations hereinafter contained on the terms of this deed to the extent specified herein.
- (D) The Council as local planning authority is desirous of encouraging the application as a whole but would be unwilling to approve or conditionally approve the Planning Application in the absence of this deed.
- (E) The Developer has the benefit of an option to purchase the land owned by the Owner dated 12 February 2019 and has agreed to be party to this Deed to acknowledge the terms contained therein.

AGREED TERMS

1. INTERPRETATION

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

Affordable Housing: means housing provided to eligible households whose needs are not met by the market in accordance with the definition in Annex 2 of the National Planning Policy Framework or any subsequent equivalent document and in the Housing and Planning Act 2016 (or such other legislation that amends replaces or supplements it) in relation to low cost starter homes for first time buyers.

Affordable Housing Mix means the mix of tenure of the Affordable Housing Units which shall be 75% Affordable Rented Units and 25% Intermediate Units unless otherwise proposed by the Owner and agreed in writing by the Council.

Affordable Housing Scheme(s): means the scheme for the provision of the Affordable Housing Units for a Phase or the Development as a whole (as the case may be) or as otherwise agreed in writing between the Owner and the Council providing details of the location of the Affordable Housing Mix and the size and type of the Affordable Housing Units.

Affordable Housing Units means 26% of the total number of Dwellings comprising those Dwellings within the approved Affordable Housing Scheme(s) complying with the definition of Affordable Housing consisting of Affordable Rented Units and Intermediate Units or as otherwise agreed and reference to “**Affordable Housing Unit**” shall be construed accordingly.

Affordable Rented Units” means those units of Affordable Housing comprising 75% of the Affordable Housing Units the size and mix as may be agreed in the Affordable Housing Scheme to be constructed in accordance with the Planning Permission and Reserved Matters Approval(s) and to be let by a Registered Provider to households who are eligible for social rented housing subject to rent controls that require a rent of no more than 80% of the

local market rent (including service charges, where applicable) and reference to "**Affordable Rented Unit**" shall be construed accordingly.

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

Commence Construction: means in relation to any of the Dwellings to be constructed as part of the Development the date on which the construction of the built foundations of the Dwelling is commenced.

Commencement of Development: means the carrying out in relation to the Development (or where in the context so referred in this deed the relevant Phase or Phases) of any material operation as defined by section 56(4) of the TCPA 1990 but disregarding for the purposes of this deed and for no other purpose, the following operations: demolition works; site clearance; ground investigations; site survey works; temporary access construction works; archaeological investigation; and erection of any fences and hoardings around the Property and reference to "**Commences**" shall be construed accordingly.

Commencement Date: means the date of Commencement of Development.

Committed: means for the purposes of paragraph 1.3 of Schedule 2 monies shall be deemed to have been committed if the Council has entered into any contract or given any undertaking (whether enforceable in law or otherwise) the performance or fulfillment of which will require the Council to expend funds in the future and such monies are so expended no later than 12 months beyond the specified repayment date.

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

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

Dwelling: means a residential unit that may be built on the Property in accordance with the Planning Permission and reference to "**Dwellings**" shall be construed accordingly.

Education Commuted Sum: means the sum of £201,267 (two hundred and one thousand and two hundred and sixty seven pounds) Index Linked payable in accordance with paragraph 2 of Schedule 1 to be applied towards the provision of additional secondary school places at Outwood Adwick Academy and / or the provision of the School the need for which arises directly from the Development.

Homes and Communities Agency: means the Homes and Communities Agency or any bodies undertaking the existing functions of the Homes and Communities Agency within the meaning of Part 1 of the Housing and Regeneration Act 2008.

Index Linked: means increased or decreased in accordance with the following formula:

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

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

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

Intermediate Units: means those units of Affordable Housing comprising 25% of the Affordable Housing Units the size and mix as may be agreed in the Affordable Housing Scheme to be constructed in accordance with the Planning Permission and Reserved Matters Approval(s) to be made available as shared ownership housing or shared equity housing that meets the criteria set out in the definition in Annex 2 of the National Planning Policy Framework or any subsequent equivalent document and in the Housing and Planning Act 2016 (or such other legislation that amends replaces or supplements it) in relation to low cost starter homes for first time buyers and reference to "**Intermediate Unit**" shall be construed accordingly.

Management Company: means a limited company or companies registered at Companies House which may already be in existence or which may be formed

by the Owner for the purposes carrying out future maintenance of the Open Space and: -

1. which is incorporated in England and Wales or Scotland;
2. which has its registered office in England or Scotland; and
3. whose primary objects permit it to maintain and renew open space areas.

Open Market Value: means the open market value of all or any of the Affordable Housing Units having regard to all relevant circumstances on the assumption that: -

1. the Affordable Housing Units are provided for private open market sale on a private residential estate with vacant possession; and
2. none of the restrictions relating to the provision of Affordable Housing contained in this deed apply thereto.

Open Space: means an area of public open space equivalent to not less than 15% of the Property for recreational use including provision for children's play equipment, details to be agreed with the Council pursuant to the Planning Permission and Reserved Matters Approval.

Phase: means a phase of the Development being an area of the Property for which an application is made to the Council for Reserved Matters Approval pursuant to the Planning Permission or such other areas of the Property which shall be agreed in writing between the Council and the Owner and reference to "**Phases**" shall be construed accordingly.

Plan 1: means the plan marked "Plan 1" attached to this deed.

Planning Application: means the application for outline planning permission validated by the Council on 21 June 2019 under reference 19/01514/OUTM.**Planning Obligations:** means the obligations, conditions and stipulations set out in Schedule 1 and reference to "**Planning Obligation**" shall be construed accordingly.

Planning Permission: means a planning permission which may be granted pursuant to the Planning Application and the Appeal.

Property: means the land to the rear of 22 - 72 Owston Road, Carcroft shown edged red on Plan 1 and registered at the Land Registry with absolute title under title number SYK416753.

Reasonable Endeavours: means that it is agreed by the parties that the party under such an obligation will not be required to take proceedings (including any appeal) in any court, public inquiry, or other hearing (unless specified to the contrary) but subject to these and to other terms of this deed such party will be bound to attempt to fulfil the relevant obligation by the expenditure of such effort and/or sums of money and the engagement of such professional or other advisers as in all the circumstances may be reasonable to expect.

Registered Provider: means a registered provider within the meaning of the Housing Regeneration Act 2008 (and any amendment re-enactment or successor provision) and registered under the provisions of the Housing and Regeneration Act 2008 or any company or other body approved by the Homes and Communities Agency for receipt of social housing grant as may be proposed by the Owner and approved by the Council.

Reserved Matters Approval: means a reserved matters approval or reserved matters approvals granted by the Council in relation to a Reserved Matters Submission.

Reserved Matters Submission: means any reserved matters application(s) made pursuant to the Planning Permission.

TCPA 1990: means the Town and Country Planning Act 1990 (as amended).

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

Working Day: means a day (other than a Saturday, Sunday or public holiday in England) when banks in London are open for business and reference to "Working Days" shall be construed accordingly.

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

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

2. STATUTORY PROVISIONS

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972, section 1 of the Localism Act 2011, section 2 of the Local Government Act 2000 and any other enabling powers.
- 2.2 The covenants, restrictions and obligations contained in this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 The covenants, restrictions and obligations contained in this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.
- 2.4 The Owner agrees to its interest in the Property being bound by the provisions of this deed.

3. CONDITIONALITY

With the exception of clauses 2, 3, 4(b), 10, 12, 15, 16, 20, 21 and 25; and paragraph 1.1 of Schedule 1 (which take effect immediately), this deed is conditional on: -

- 3.1 the grant and issue of the Planning Permission; and
- 3.2 the Commencement of Development.

4. COVENANTS TO THE COUNCIL

Subject to clause 3 the Owner covenants with the Council to: -

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

5. COVENANTS BY THE COUNCIL

The Council covenants with the Owner to observe and perform the covenants, restrictions and obligations contained in Schedule 2 and where applicable in Schedule 1.

6. INDEXATION

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

7. RELEASE

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

7.1.2 if he or it shall be an occupier or owner or tenant of a Dwelling;

7.1.3 if it is a Statutory Undertaker which has an interest in any part of the Property for the purposes of its undertaking.

8. DETERMINATION OF DEED

Save where a section 73 permission to which clause 19.3 applies has been granted which remains extant, the obligations in this deed (with the exception of clause 10) shall cease to have effect if before the Commencement of Development, the Planning Permission:

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

9. LOCAL LAND CHARGE

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

10. COUNCIL'S COSTS

10.1 The Developer shall pay to the Council on or before the date of this deed the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed.

11. INTEREST ON LATE PAYMENT

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

12. OWNERSHIP

12.1 The Owner warrants that no person other than the Owner has any legal or equitable interest in the Property.

12.2 Until the covenants, restrictions and obligations in Schedule 1 have been complied with, the Owner will give to the Council within seven Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property: -

(a) the name and address of the person to whom the disposition was made; and

(b) the nature and extent of the interest disposed of

PROVIDED THAT this obligation shall not apply to the disposal by the Owner of any individual dwellings constructed on the Property.

13. REASONABLENESS

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

14. CANCELLATION OF ENTRIES

14.1 On the written request of the Owner at any time after each or all of the obligations have been performed or otherwise discharged (and subject to the payment of the Council's reasonable and proper costs) the Council will issue a written confirmation of such performance or discharge.

14.2 Following the performance and full satisfaction of all the terms of this deed or if this deed is determined pursuant to clause 8 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council will on the written request of the Owner cancel all entries made in the local land charges register in respect of this deed.

15. DISPUTES

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

16. NO FETTER OF DISCRETION

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

17. NO COMPENSATION PAYABLE

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

18. WAIVER

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

19. FUTURE PERMISSIONS

19.1 Nothing in this deed shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or specified in a section 73 application to which clause 19.3 below applies) granted (whether or not on appeal) after the date of this deed.

- 19.2 In the event that a condition or conditions to the Planning Permission is or are varied pursuant to Section 96A of TCPA 1990 this deed shall continue in full force in respect of the Planning Permission with the relevant condition or conditions as so varied.
- 19.3 In the event that an application is made pursuant to Section 73 of TCPA 1990 for an amendment to the Planning Permission and planning permission is granted in respect of the application (and the Council is satisfied that no revised planning obligations are required as a result of such amendment) references to Planning Permission in this deed shall be to the new planning permission granted pursuant to Section 73 of TCPA 1990 and this deed shall apply to and remain in full force in respect of that new planning permission without the need for a further agreement to be entered into pursuant to Section 106 of TCPA 1990.

20. AGREEMENTS AND DECLARATIONS

The parties agree that:

- 20.1 nothing in this deed constitutes a planning permission or an obligation to grant planning permission; and
- 20.2 nothing in this deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.

21. NOTICES

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

21.1.1 Council: Head of Planning, Civic Office, Waterdale, Doncaster DN1 3BU;

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

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

21.2.1 if delivered personally, when left at the address and for the contact referred to in this clause;

21.2.2 if sent by pre-paid first class post or recorded delivery, at 9.00 am on the second Working Day after posting; or

21.2.3 if delivered by commercial courier, on the date and at the time that the courier's delivery receipt is signed.

22. THIRD PARTY RIGHTS

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

23. SEVERANCE

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

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

24. VALUE ADDED TAX

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

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

25. GOVERNING LAW

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

DEVELOPERS CONSENT

The Developer is party to this Agreement to acknowledge the terms and provisions contained herein but it shall not be liable for the obligations herein unless and until it acquires an interest in the Property being more than an option to purchase following which it will become liable as successor in title to the Owner

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

**Schedule 1
(Covenants to the Council)**

The Owner covenants with the Council as follows: -

1. AFFORDABLE HOUSING

1.1 Prior to the Commencement of Development or the Commencement of Development of each Phase (as the case may be) to submit an Affordable Housing Scheme for the Development or for that Phase to the Council and obtain the Council's approval in writing to the Affordable Housing Scheme for the Development or for that Phase. The Scheme shall include:

1.1.1 the numbers, type, tenure and location on the Property of the Affordable Housing provision to be made which shall consist of not less than 26% of housing units;

1.1.2 the timing and construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

1.1.3 The arrangements for the transfer of the affordable housing to an affordable housing provider or, in the event that a transfer of the Affordable Housing cannot be achieved, the payment to the Council of a commuted sum to be agreed with the Council;

1.1.4 The arrangements to ensure that such provision is affordable for first and subsequent occupiers of the affordable housing; and

1.1.5 The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. EDUCATION COMMUTED SUM

2.1 Following the receipt of a Reserved Matters Approval not to construct the roof covering of: -

- 1.1.1 more than 25% of the Dwellings to be constructed in accordance with that Reserved Matters Approval until 25% of the Index Linked Education Commuted Sum relative to the number of Dwellings to be constructed in accordance with that Reserved Matters Approval has been paid to the Council;
- 1.1.2 more than 50% of the Dwellings to be constructed in accordance with that Reserved Matters Approval until 50% of the Index Linked Education Commuted Sum relative to the number of Dwellings to be constructed in accordance with that Reserved Matters Approval has been paid to the Council;
- 1.1.3 more than 75% of the Dwellings to be constructed in accordance with that Reserved Matters Approval until 75% of the Index Linked Education Commuted Sum relative to the number of Dwellings to be constructed in accordance with that Reserved Matters Approval has been paid to the Council;
- 1.1.4 more than 90% of the Dwellings to be constructed in accordance with that Reserved Matters Approval until 100% of the Index Linked Education Commuted Sum relative to the number of Dwellings to be constructed in accordance with that Reserved Matters Approval has been paid to the Council.

3. PUBLIC OPEN SPACE

- 3.1 To layout and provide the Open Space in accordance with the Planning Permission and Reserved Matters Approval together with approved plans.
- 3.2 Upon the completion of the works specified in paragraph 3.1 of this Schedule to the Council's reasonable satisfaction to transfer the Open Space to a Management Company (having first supplied to the Council a certified copy of the Memorandum and Articles of Association of the Management Company) on terms to be agreed between the Owner, the Management Company and the Council and all further maintenance shall be thereafter carried out by the Management Company **PROVIDED THAT** the

Management Company shall covenant in the said transfer / dedication so as to bind the land transferred into whatsoever hands the same may come to maintain and keep open the land transferred and not to permit it to be used for anything other than public open space.

**Schedule 2
(Covenants by the Council)**

1. EDUCATION COMMUTED SUM

- 1.1 To pay the Education Commuted Sum into a separately identified interest-bearing section of the Council's combined accounts as soon as reasonably practicable.
- 1.2 To apply the Education Commuted Sum for the purposes referred to in the definition of Education Commuted Sum (whether by the Council or another party) and not apply the Education Commuted Sum for any other purposes and the Council shall (on the reasonable written request of the payee or the payee's nominee) provide evidence that the monies have been so applied.
- 1.3 In the event that the Education Commuted Sum has not been spent or Committed for expenditure by the Council within five years following the date of receipt of the final instalment the Council shall refund to the Owner (or the Owner's nominee) any part of the Education Commuted Sum which has not been spent or Committed for expenditure, together with any accrued interest.

Section 106 Agreement

Executed as a Deed by affixing

THE COMMON SEAL of
Doncaster Borough Council
in the presence of:-



Authorised by Assistant Director
Legal and Democratic Services

Seal No. 68532

**EXECUTED AS A DEED BY
CHRISTOPHER ROBSON**

in the presence of:



Signature



Name of witness ALAN FORY.

Address 95, GALFRID ROAD. BILTON -
HULL. HULL A.H.C.

Occupation

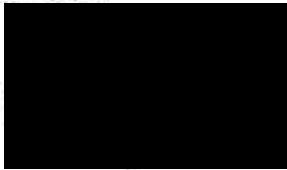
RETIRED POLICE OFFICER

**EXECUTED AS A DEED BY
HELEN MAY ROBSON**



in the presence of:

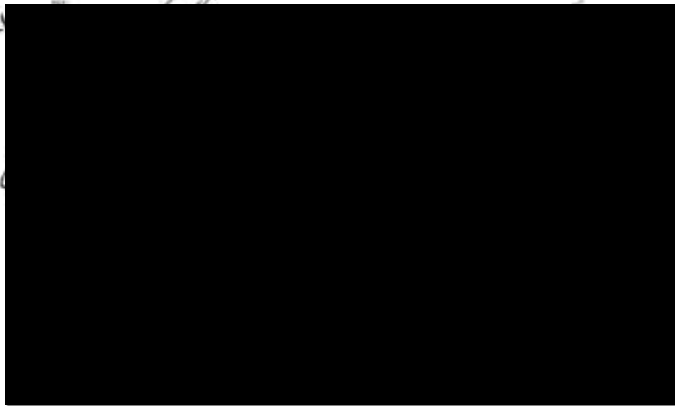
Signature



Name of witness *ALAN FORY*

Address *25, GALFRID ROAD, BILTON,
HULL HU11 4HG*

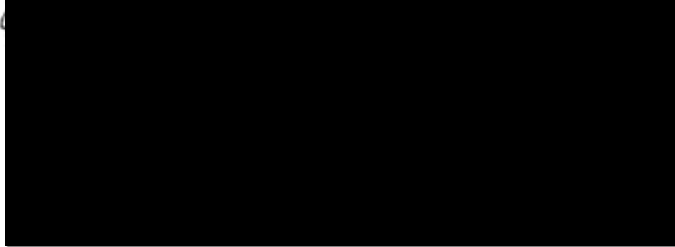
Occupation *RETIRED POLICE
OFFICER*



**EXECUTED AS A DEED BY
RAYMOND DAVID CALDER**

in the presence of:

Signature



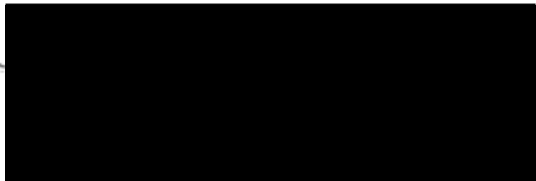
Name of witness

Address

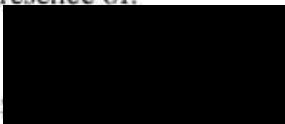
Occupation

PAUL VINCENT BULLEN
SOLICITOR
10 ALBION PLACE
DONCASTER DN1 2EG

**EXECUTED AS A DEED BY
KATHRYN JANE BROCKLEHURST**



in the presence of:



Signature

Name of witness ALAN FURY.

Address 95, GARFERN ROAD BILTON.
HULL. HULL NG6.

Occupation

RETIRED POLICE OFFICER

**EXECUTED AS A DEED BY
ANTHONY ROBSON**



in the presence of:



Signature

Name of witness BEN COUCH

Address 120 Bridge Street Workshop

Occupation

Solicitor

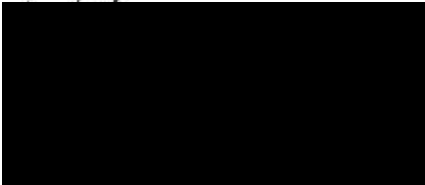
Section 106 Agreement

**EXECUTED AS A DEED BY
STUART DAVID TURNER**

in the presence of:



Signature



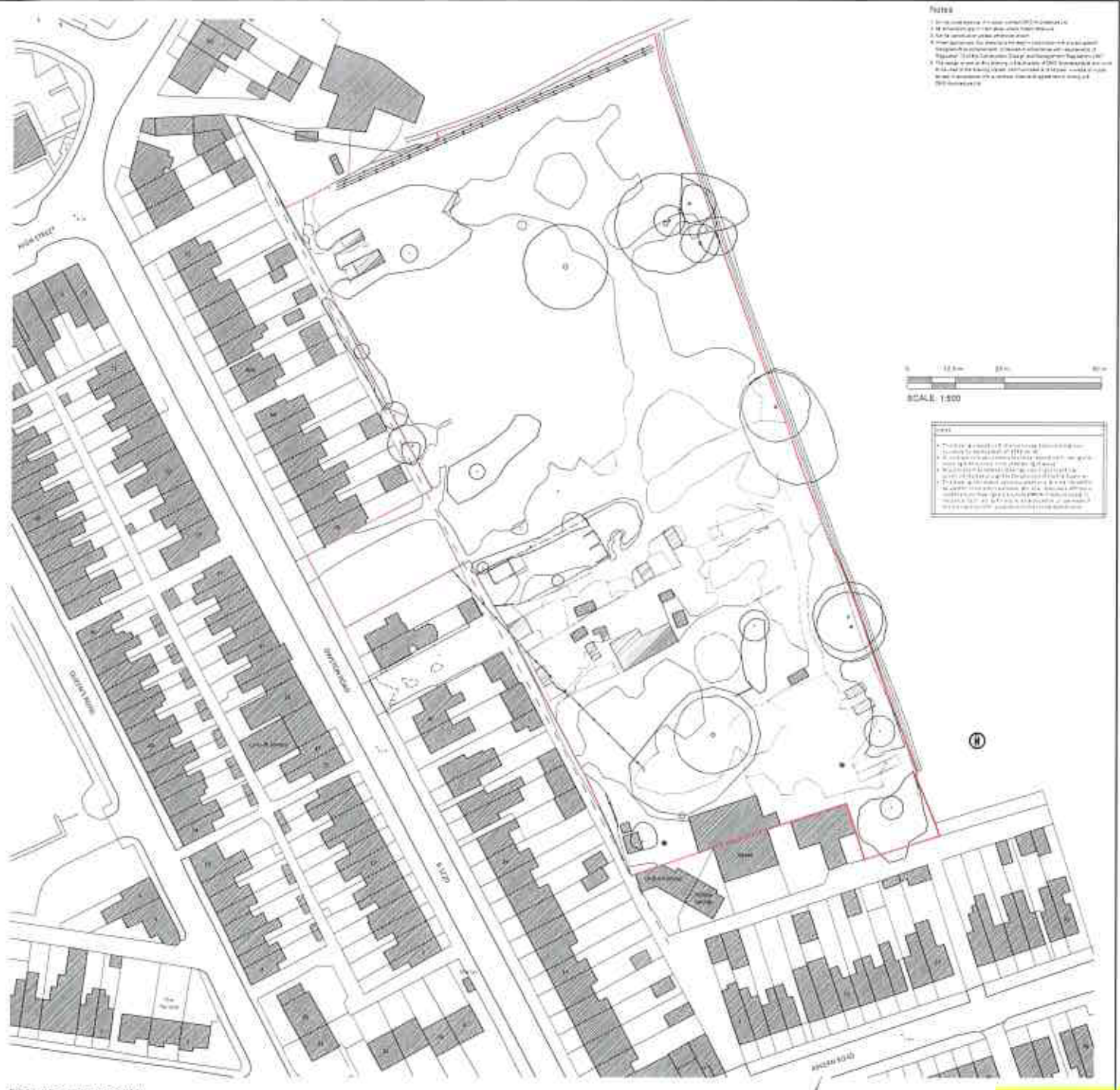
Name of witness

Address

Occupation

PAUL VINCENT BULLEN
SOLICITOR
10 ALBION PLACE
DONCASTER DN1 2EG

100
100



- NOTES**
1. Site boundary as shown on the site plan.
 2. All buildings are shown as existing.
 3. All roads are shown as existing.
 4. All trees are shown as existing.
 5. All boundaries are shown as existing.
 6. All boundaries are shown as existing.
 7. All boundaries are shown as existing.
 8. All boundaries are shown as existing.
 9. All boundaries are shown as existing.
 10. All boundaries are shown as existing.

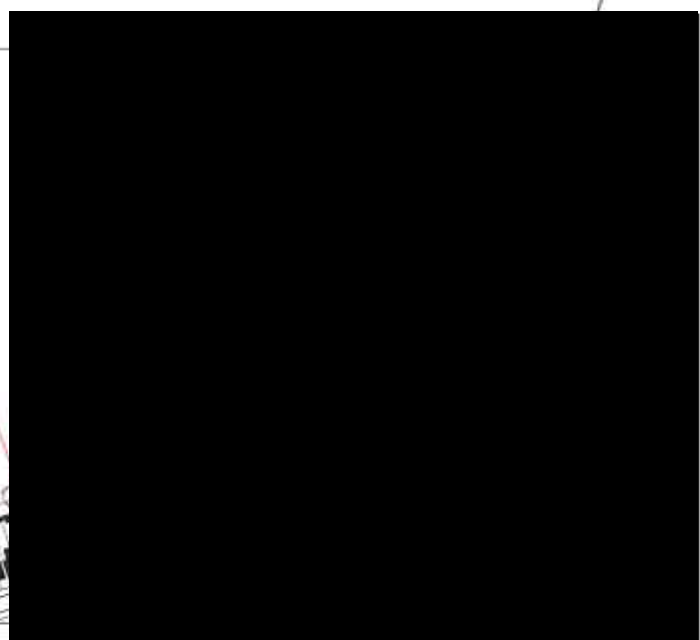


- LEGEND**
- 1. Proposed site boundary.
 - 2. Existing site boundary.
 - 3. Existing buildings.
 - 4. Existing roads.
 - 5. Existing trees.
 - 6. Existing boundaries.
 - 7. Existing boundaries.
 - 8. Existing boundaries.
 - 9. Existing boundaries.
 - 10. Existing boundaries.

EXISTING SITE BLOCK PLAN
2014.1.2010



SITE LOCATION PLAN
2014.1.2010



1	2014.1.2010	Final Design	2014.1.2010
2	2014.1.2010	Final Design	2014.1.2010
3	2014.1.2010	Final Design	2014.1.2010
4	2014.1.2010	Final Design	2014.1.2010
5	2014.1.2010	Final Design	2014.1.2010
6	2014.1.2010	Final Design	2014.1.2010
7	2014.1.2010	Final Design	2014.1.2010
8	2014.1.2010	Final Design	2014.1.2010
9	2014.1.2010	Final Design	2014.1.2010
10	2014.1.2010	Final Design	2014.1.2010

DMS	
ARCHITECTURE	
THE CUPFOLD STATION ROAD STREET COMMUNITIES OFFICE	
100-110 CUPFOLD STATION ROAD LEEDS LS10 2JQ	
TEL: 0113 275 0000	
WWW.DMSARCHITECTURE.CO.UK	
PROJECT	
PROPOSED RESIDENTIAL DEVELOPMENT ON LAND TO THE EAST OF OVSTON ROAD, CARCROFT DONCASTER	
TYPE	
SITE LOCATION PLAN & EXISTING BLOCK PLAN	
DATE	
2014.1.2010	
SCALE	
1:1250 & 1:500 @ A1	
DRAWN	
DMS	
NO	
DATE	
2014.1.2010	
SCALE	
1:1250 & 1:500 @ A1	
DRAWN	
DMS	
NO	
DATE	
2014.1.2010	

100

100



Financial Viability Assessment Report

Land to the east of Owston Road, Carcroft, Doncaster, DN6 8DL

January 2023

Executive Summary

Avison Young has been instructed to undertake an updated Financial Viability Assessment on behalf of Newett Homes following amendments made to the proposed scheme by the developer. The assessment relates to the proposed redevelopment of the property known as land to the east of Owston Road, Carcroft, DN6 8DL. The proposals are to form the basis of a reserved matters planning application for a new residential development of 63 dwellings.

The property which forms the subject of this report comprises of a broadly rectangular shaped parcel of land situated to the east of Owston Road extending to 4.62 acres (1.87 ha) gross. This parcel of land will comprise of all the proposed development. It is therefore referred to as 'the site' or 'the property' hereafter. At the present time, the site comprises derelict buildings and arable land, used for grazing. There is also a watercourse running parallel to the northern boundary of the site.

The site currently benefits from extant outline planning permission (ref: 19/01514/OUTM), for residential development. As the site currently has outline planning consent for an alternative residential scheme, we consider that the market would determine the Existing Use Value (EUJ) for the site to be the value of the site with planning consent for residential housing, as opposed to the value of the land at present. This same methodology will in turn inform the Benchmark Land Value.

Financial viability for planning purposes is defined within the RICS guidance note (GN94/2012) as 'An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project. To improve clarity and accountability it is an expectation that any viability assessment is prepared with professional integrity by a suitably qualified practitioner and presented in accordance with National Planning Guidance. Practitioners should ensure that the findings of a viability assessment are presented clearly.

In this respect, we understand that this report is to be submitted to the Local Planning Authority (LPA) for due consideration in support of an application for full planning approval on the site. We confirm that we have undertaken all necessary due diligence to inform and support our assessment. We also confirm that we have taken full account of relevant published guidance in respect of the independent assessment of Financial Viability in Planning. This specifically includes the guidance note, Financial Viability in Planning, issued in 2012 by the RICS. Whilst not mandatory, adherence to RICS guidance notes is considered to represent 'Best Practice'. In addition, we have taken full account of the Financial Viability in Planning: Conduct and Reporting RICS Professional Statement dated May 2019, which contains mandatory requirements. We have also given due consideration to the Government's National Planning Policy Framework (NPPF). This framework was updated in July 2021 and includes the Planning Policy Guidance (PPG) for viability.

We have considered the financial viability of the proposed development by considering both the Existing Use Value of the site and the Benchmark Land Value, in reference to evidence of comparable land transactions. As the site currently benefits from implementable outline planning consent for residential development, we consider this consent to form the basis of the Existing Use Value. We have also considered the level of return for the developer based on the proposed scheme.

As defined in the PPG, the Benchmark Land Value should be established based on the Existing Use Value of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. However, in this instance, as the EUV is determined as being the value of the site with the benefit of implementable outline planning consent for residential development, we consider that this value also is reflective of the Benchmark Land Value. In this instance, we do not consider it appropriate to add a premium to the EUV to arrive at the Benchmark Land Value, as the premium the landowner would receive is implicit within the uplift in land value achieved when the site is sold in the open market with the benefit of such consent.

In this respect, our assessment has identified the following outputs:

- Existing Use Value (EUV) - £1,039,500
- Minimum Benchmark Land Value - £1,039,500
- Developer's Profit with old policy compliant scheme (i.e. 26% affordable housing) – 5.12% Profit on GDV
- Developer's Profit with assumed policy compliant scheme (i.e. 15% affordable housing) – 9.03% Profit on GDV
- Developer's Profit with a 0% affordable housing content scheme - 13.28% Profit on GDV

In this instance, given that the site benefits from extant outline planning permission for resident development, the EUV is the value of the site with its current planning permission. The compliant and non-compliant appraisals assume that planning approval is in place for the 63 residential dwellings scheme as proposed.

We have appraised three scenarios in support of this viability assessment and in keeping with acceptable practice, have undertaken sensitivity analysis to identify the impact of these scenarios of the level of return for the developer. In each scenario, we have considered the viability of the proposed development based on an old policy compliant Section 106 agreement scheme which was the old adopted planning policy at the time when outline planning consent was granted, an assumed current policy compliant Section 106 agreement scheme and a non-policy compliant scheme. In each scenario however, we have assumed the per dwelling monetary contribution in respect of additional Section 106 agreement obligations, as advised by the Developer.

The report has been prepared and signed by Dai Powell MRICS, a Director and RICS Registered Valuer in the Avison Young Land and Development team. Input has also been provided, along with review and panelling by Joe Wherity MRICS, an Associate Director in the same team. We confirm that these individuals have the necessary qualifications, knowledge and experience to provide this advice.

We confirm that we believe that this report represents a robust independent assessment of the financial viability of the proposed development. We confirm that in completing this report, we have acted with objectivity, impartially, without interference and with reference to all appropriate sources of information.

Contents

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Appendices

Appendix I	Letter of Instruction
Appendix II	Abnormal Costs Detailed Summary
Appendix III	Development Appraisal of Current Policy Compliant Scheme (9 affordable units)
Appendix IV	Development Appraisal of Old Policy Compliant Scheme (16 affordable units)
Appendix V	Development Appraisal of Non - Policy Compliant Scheme (0 affordable units)

Prepared By: Dai Powell MRICS, Director and RICS Registered Valuer.

Review and panelled by Joe Wherity MRICS, Associate Director.

Status: FINAL

Date: January 2023

For and on behalf of Avison Young (UK) Limited

1. Instructions

Avison Young has been instructed to undertake an updated Financial Viability Assessment of an amended proposed development on behalf of Newett Homes. A copy of our Letter of Instruction is attached at **Appendix 1**.

The assessment is concerned with the proposed redevelopment of the site known as land to the east of Owston Road, Carcroft, DN6 8DL. The proposals are to form the basis a reserved matters planning application a new residential development of 63 dwellings relating to a previously consented outline planning application (ref: 19/01514/OUTM). The proposed scheme will be a high-quality development, providing a collection of one, two, three and four bedroom properties, with a mixture of maisonette, semi-detached and detached dwelling types. The new development will be situated within the established residential area of Carcroft.

We understand that this report is to be submitted to the Local Planning Authority (LPA) for due consideration as part of the planning application. In this respect, we confirm that we believe that it represents a robust independent assessment of the financial viability of the proposed development.

Reliance

In preparing this assessment we confirm that we have relied upon the following documents which have been provided to us by Newett Homes, subject to the independent verification and scrutiny of details by ourselves where necessary: -

- Proposed scheme layout by Newett Homes
- Proposed abnormal costs by Newett Homes

In undertaking this assessment, it has been necessary to make various assumptions based on our own knowledge and experience of the Doncaster residential market and development sector. Any assumptions made, and the supporting rationale, are clearly stated within this report.

Date of report

The date of the report is January 2023. However, it is important to note that in undertaking this report and the accompanying viability appraisals, it has been necessary to consider evidence, which is historical, as is the case when considering comparable evidence.

We confirm that this report is not provided as, and should not be regarded as, formal valuation advice in accordance with the latest edition of the Valuation – Global Standards effective from 31 January 2022 (the Red Book) as published by the Royal Institution of Chartered Surveyors. This report should not therefore be regarded or relied upon as formal valuation advice. It is provided to inform related parties on the financial viability of the proposed development and assist potential negotiations related to the proposed full planning application on the property and related considerations.

However, we confirm that we have undertaken all necessary due diligence to inform and support our assessment. We also confirm that we have taken full account of relevant guidance as published in respect of the independent assessment of Financial Viability in Planning. This specifically includes the guidance note, Financial Viability in Planning, issued in 2012 by the RICS (Ref. 1st Edition GN 94/2012). Whilst not mandatory, adherence to RICS Guidance Notes is considered to represent 'Best Practice'. In addition, we have taken full account of the Financial Viability in Planning: Conduct and Reporting, RICS Professional Statement dated May 2019, which contains mandatory requirements. We have also given due consideration to the Government's National Planning Policy Framework (NPPF) as referenced within both of the above documents. This framework was updated in July 2021 and includes the Planning Policy Guidance (PPG) for viability.

We confirm that in completing this report, no performance related or contingent fees have been agreed. We also confirm that we are not aware of any conflict or risk of conflict of interest which exists and prevents us from providing this advice.

2. Background

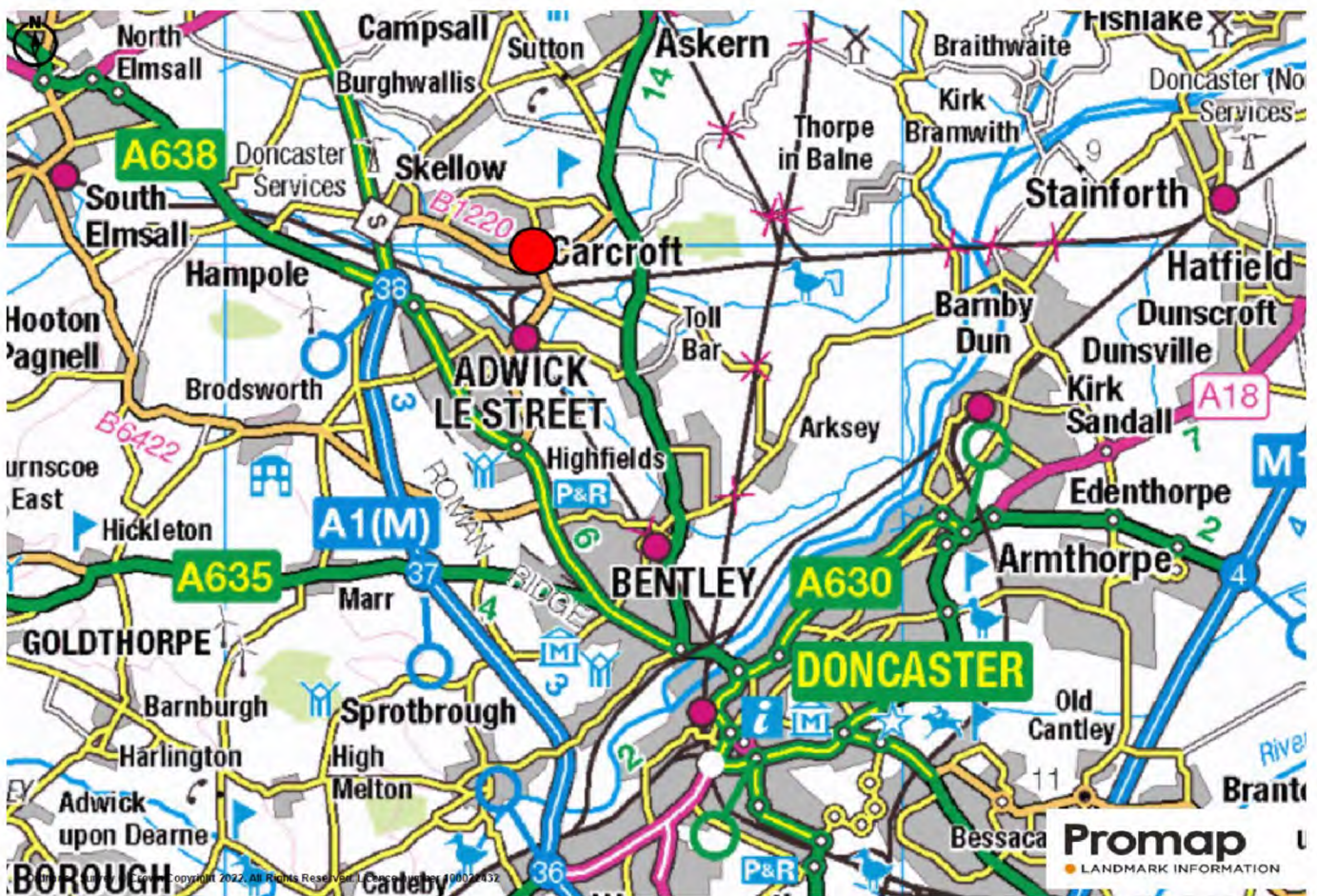
Location and Situation

The site is located on the outskirts of Carcroft, a village and civil parish in the Metropolitan Borough of Doncaster, South Yorkshire. Carcroft is situated on the B1220 between the A1 to the west and the A19 to the east. Doncaster is situated circa 5 miles to the south, South Kirkby is circa 5.5 miles to the west, Thorne is approximately 9 miles to the east and Pontefract is circa 9 miles to the north.

Carcroft benefits from good road connections and the site is situated approximately 1 mile to the east of the A1 and 1 mile west of the A19. Regular bus services run along Owston Road which provide regular connections to Doncaster and the surrounding villages. The nearest train station to the site is Adwick which is approximately 0.7 miles south of the subject site. Adwick Train Station provides regular connections to Sheffield, Doncaster and Leeds, where national connections can be made.

The property is located to the east of Owston Road and accessed via a private driveway. It is situated in an established residential area in an ‘edge of town’ location and therefore benefits from a semi-rural aspect and position.

The location of the site is identified approximately on the plan below:



Description

The property which forms the subject of this report comprises of a broadly rectangular shaped parcel of land situated to the east of Owston Road extending to 4.62 acres (1.87 ha) gross. We have used ProMap software to measure the site area.

The site consists of predominantly undeveloped cleared land with some small derelict buildings on the site also. Three boundaries of the site are bounded by existing residential housing and the other consists of agricultural land. There is also a watercourse running on the site parallel to the northern boundary.

The net development area is shown outlined in red on the plan below:



The property is located within an established residential area. The property comprises of a broadly rectangular parcel of land which is occupied by arable land as well some small derelict buildings which are set to be demolished as part of the development. We have included a demolition cost within our appraisal to account for this.

The site is bound to the east by an open field which appears to be in agricultural use. The site is bounded to the west by residential development, which separates the site from Owston Road. To the southern boundary, the site is bound by gardens of residential properties on Askern Road. These properties back onto the site boundary. To the north, the site is bound by further residential properties and arable land on Owston Road.

The site is not located in a conservation area and there are no listed buildings on site.

Title

We understand that Newett Homes (the 'Developer') does not currently own the freehold interest in the site. The property is held under one title number. SYK416753 covers the entirety of the subject site. We have not been provided with a report on Title in respect of this interest. However, for the purposes of our appraisal, we have assumed that the Title is not affected by any encumbrances or restrictive covenants.

3. Planning Context

A Planning Statement has been compiled by the Developer. Avison Young provides a detailed assessment of the National Planning Policy Framework ("the Framework"). This section of the report outlines those elements of the documentation that are relevant to the subject site and this report.

National Planning Policy Framework (NPPF) (2019)

The Framework was updated on 20 July 2021 and sets out the Governments planning policies for England and how these are expected to be applied. At the heart of the Framework is the "presumption in favour of sustainable development" which for decision-making means: -

- "approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole". The Framework defines sustainable development as three overarching objectives: economic; social; environmental. Paragraph 9 of the Framework says that the objectives "should be delivered through the... application of [its] policies", but that "they are not criteria against which every decision can or should be judged".

The focus of the Framework is on the delivery of new houses. Indeed, it confirms at Paragraph 60 that Government's objective is "significantly boosting the supply of homes". To help achieve that objective, the Framework requires local planning authorities to do several things, including ensuring that there is always a specific five-year supply of deliverable housing sites (Paragraph 74). The Framework sets out how housing land supply should be calculated and sets out the implications for planning application decision-making where an LPA cannot demonstrate a five-year supply of deliverable housing land.

There is a focus towards early engagement with Local Planning Authorities by developers, which the applicant has sought to do prior to the submission of a formal planning application.

Of reference is paragraph 58, which states that: "Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."

The Planning Practice Guidance ("the Guidance") provides greater detail regarding the inputs required in a Viability Assessment. We understand that in time this might lead to a standardised template, but that as yet has not been made available.

Regarding affordable housing, paragraph 65 states:

"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site."

Local Development Plan – The Doncaster Local Plan (2021)

The development plan applicable to this residential development is The Doncaster Local Plan which was adopted on 23 September 2021. The Local Plan is now the statutory development plan for Doncaster Council and replaces the Core Strategy and the saved policies of the Unitary Development Plan. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The site is allocated for new residential development within the Doncaster Local Plan, under Policy PHD09.

Planning Permissions

The site currently benefits from outline planning permission (ref: 19/01514/OUTM). These proposals are to form the basis of a reserved matters planning application for the development of 63 new residential dwellings relating to the previously consented outline planning application. The proposed scheme will be a high-quality development, providing a collection of one, two, three and four bedroom properties, with a mixture of maisonette, semi-detached and detached dwelling types.

S.106 Contributions

Details of the anticipated S106 contributions following the reserved matters planning application are as follows:

Affordable Housing

An overall requirement of 15% being nine units.

Education

As the education contribution attached to the outline planning consent is index linked, we have updated this using Retail Price Index figures. Using this approach we consider that a contribution of £248,424 is required.

Community Infrastructure Levy (CIL)

Doncaster Council has made the decision not to make CIL chargeable on new developments within the Borough at the present time, given the Government has stated an intention to replace CIL with a nationally set Infrastructure Levy.

We understand that Doncaster Council do not stipulate transfer values for affordable units and have therefore assumed all affordable rent units will achieve 55% of open market value and intermediate units will achieve 75% of open market value.

4. Development Proposals

As detailed above, we have assumed that full planning approval has been obtained on these proposals for the purposes of our assessment.

The Developer has also provided us with a copy of their most recent accommodation schedule for the proposed development. We detail this below:

House Type	House Type Description	Area (sq ft)	Quantity	Total Area (sq ft)
Whitebream 2	1 bedroom maisonette 2 storey	538	2	1,076
Whitebream 2	1 bedroom maisonette 2 storey	733	2	1,466
Whitebream 3	1 bedroom maisonette 2 storey	640	2	1,280
Whitebream 3	2 bedroom maisonette 2 storey	755	2	1,510
Ripponden	2 bedroom semi-detached 2 storey	753	10	7,530
Ripponden	2 bedroom end-terrace 2 storey	753	2	1,506
Ripponden	2 bedroom mid-terrace 2 storey	753	1	753
Dalton	3 bedroom semi-detached 2 storey	908	8	7,264
Saxton	3 bedroom detached 2 storey	939	8	7,512
Saxton	3 bedroom semi-detached 2 storey	939	4	3,756
Burneston	3 bedroom detached 2 storey	1,012	2	2,024
Grassington	3 bedroom semi-detached 2.5 storey	970	10	9,700
Grassington	3 bedroom end-terrace 2.5 storey	970	2	1,940
Grassington	3 bedroom mid-terrace 2.5 storey	970	1	970
Silkstone	4 bedroom detached 2 storey	1,223	1	1,223
Ledsham	4 bedroom detached 2.5 storey	1,138	6	6,828
TOTAL			63	56,338

We understand that the existing buildings on the site will be demolished as part of the development proposal. An area at the north of the site will include an underground surface water attenuation tank in addition to a local equipment area for play (LEAP). We provide a copy of the site plan below:



Old Policy Compliant Accommodation Schedule

As previously detailed, the site has previously obtained outline planning consent for new residential development. The adopted local planning policy at the time of this site gaining planning consent has now been replaced by updated local planning policy.

The Local Planning Authority's previous policy was for developments of this size and nature within this area of Doncaster to deliver a 26% mixed tenure affordable housing provision, where this can be supported. In our assessment of a scheme compliant with previous planning policy, we have therefore assumed the following notional tenure split:

- Private dwellings – 47 dwellings – 44,982 sq ft
- Affordable dwellings – 16 dwellings – 11,356 sq ft

For the purposes of our *past policy compliant assessment*, we have notionally assumed the following accommodation and tenure split.

House Type	House Type Description	Area (sq ft)	Quantity	Total Area (sq ft)
AFFORDABLE DWELLINGS				
Whitebream 2	1 bedroom maisonette 2 storey	538	2	1,076
Whitebream 2	1 bedroom maisonette 2 storey	733	2	1,466
Whitebream 3	1 bedroom maisonette 2 storey	640	2	1,280
Whitebream 3	2 bedroom maisonette 2 storey	755	2	1,510
Ripponden	2 bedroom semi-detached 2 storey	753	5	3,765
Ripponden	2 bedroom end-terrace 2 storey	753	2	1,506
Ripponden	2 bedroom mid-terrace 2 storey	753	1	753
Total Affordable Dwellings			16	11,356
PRIVATE DWELLINGS				
Ripponden	2 bedroom semi-detached 2 storey	753	5	3,765
Dalton	3 bedroom semi-detached 2 storey	908	8	7,264
Saxton	3 bedroom detached 2 storey	939	8	7,512

House Type	House Type Description	Area (sq ft)	Quantity	Total Area (sq ft)
Saxton	3 bedroom semi-detached 2 storey	939	4	3,756
Burneston	3 bedroom detached 2 storey	1,012	2	2,024
Grassington	3 bedroom semi-detached 2.5 storey	970	10	9,700
Grassington	3 bedroom end-terrace 2.5 storey	970	2	1,940
Grassington	3 bedroom mid-terrace 2.5 storey	970	1	970
Silkstone	4 bedroom detached 2 storey	1,223	1	1,223
Ledsham	4 bedroom detached 2.5 storey	1,138	6	6,828
Total Private Dwellings			47	44,982
TOTAL OVERALL			63	56,338

Current Policy Accommodation Schedule

Current adopted local planning policy in Doncaster sets out that developments of this size and nature within this area the Borough must deliver a 15% mixed tenure affordable housing provision, where this can be supported. In our assessment of a policy compliant scheme, we have therefore assumed the following notional tenure split:

- Private dwellings – 54 dwellings – 50,253 sq ft
- Affordable dwellings – 9 dwellings – 6,085 sq ft

For the purposes of our *current policy compliant assessment*, we have notionally assumed the following accommodation and tenure split.

House Type	House Type Description	Area (sq ft)	Quantity	Total Area (sq ft)
AFFORDABLE DWELLINGS				
Whitebrean 2	1 bedroom maisonette 2 storey	538	2	1,076
Whitebrean 2	1 bedroom maisonette 2 storey	733	2	1,466
Whitebrean 3	1 bedroom maisonette 2 storey	640	2	1,280

House Type	House Type Description	Area (sq ft)	Quantity	Total Area (sq ft)
Whitebream 3	2 bedroom maisonette 2 storey	755	2	1,510
Ripponden	2 bedroom mid-terrace 2 storey	753	1	753
Total Affordable Dwellings			9	6,085
PRIVATE DWELLINGS				
Ripponden	2 bedroom semi-detached 2 storey	753	10	7,530
Ripponden	2 bedroom end-terrace 2 storey	753	2	1,506
Dalton	3 bedroom semi-detached 2 storey	908	8	7,264
Saxton	3 bedroom semi-detached 2 storey	939	4	3,756
Saxton	3 bedroom detached 2 storey	939	8	7,512
Burneston	3 bedroom detached 2 storey	1,012	2	2,024
Grassington	3 bedroom semi-detached 2.5 storey	970	10	9,700
Grassington	3 bedroom end-terrace 2.5 storey	970	2	1,940
Grassington	3 bedroom mid-terrace 2.5 storey	970	1	970
Silkstone	4 bedroom detached 2 storey	1,223	1	1,223
Ledsham	4 bedroom detached 2.5 storey	1,138	6	6,828
Total Private Dwellings			54	50,253
TOTAL OVERALL			63	56,338

5. Approach to Financial Viability Assessment

To improve clarity and accountability it is an expectation that any viability assessment is prepared with professional integrity by a suitably qualified practitioner and presented in accordance with National Planning Guidance and industry guidance. Practitioners should therefore ensure that the findings of a viability assessment are presented clearly.

Financial viability for planning purposes is defined within the RICS guidance note (GN94/2012) as *'An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate Site Value for the landowner and a market risk adjusted return to the developer in delivering that project.'*

The assessment of financial viability is therefore an accepted principle in national planning policy, in the context of delivering development. Planning policy identifies Existing Use Value (EUV) as the starting point for assessing the uplift in value, or premium, which is required to incentivise the release of land. This must be considered having regard to the site value in the context of the development proposed. In this respect, the residual method is recognised as the basis for establishing site value in the context of a specific development proposal. It is therefore necessary to consider the EUV in addition to the site value supported by the scheme when considering any uplift in value and financial viability.

The residual method, recognises that the value of a development scheme is a function of several elements:

- the value of the completed development, also known as the gross development value (GDV);
- the direct costs of developing the property;
- the return to the developer for taking the development risk and delivering the scheme;
- the cost of any planning obligations, and
- the cost or value of the site

The residual method of valuation is typically used in two basic ways. In the first instance (option one) it can be used to assess the level of return (profit) generated from the proposed project where the cost of the land is an input into the appraisal. In the second option it can be used to establish a 'residual site value' by inputting a predetermined level of profit. The consequential outputs of options one and two can then be compared to a benchmark to assess the viability of the scheme.

For the purposes of this assessment, we have adopted the first option. This can be expressed through the simple calculation below:

Gross Development Value (GDV) (minus) Total Costs (including Land Value) = Developer's Profit

The approach is to value the completed development as proposed, the Gross Development Value (GDV), which in this instance includes the value of the private sale and the affordable dwellings. Construction costs including housing build, externals, infrastructure, professional fees, development abnormalities and sale fees, etc. are then deducted from the resulting GDV. The amount by which the GDV exceeds the total cost equates to a surplus. This surplus can be used to support developer's profit, land value and other contributions or allowances.

Developer's Profit

A key element of viability is to allow a risk adjusted market return to the developer. Without this there is no commercial justification to a developer investing money into a site. Profit can be considered a reflection of development risk. Paragraph 018 of PPG states that 15% to 20% of Gross Development Value may be considered a suitable return to developers.

In our opinion, Carcroft is a reasonably good housing market area and is situated a commutable distance from the major employment areas of Doncaster, Wakefield and Leeds. The site is situated in an attractive edge of town location, which benefits from a semi-rural position and aspect.

There are several risks associated with the site, such as the significant levelling issues, which have impacted on the amount of abnormal costs associated with the proposed development. Risks associated with the site include the significant remediation work required as well as the need for a pumping station on the northern boundary of the site. These factors have impacted on the amount of abnormal costs associated with the proposed development.

As a result, we would expect that a developer would require a profit of at least 17.50% on GDV to undertake a residential scheme on the subject site.

Sensitivity Analysis

We have appraised three scenarios in support of this assessment and in keeping with acceptable practice, have undertaken sensitivity analysis to identify the impact of these scenarios on the level of Developer's profit within the proposed scheme.

The first scenario assumes a policy compliant Section 106 agreement scheme, in terms of the old adopted local planning policy which was the adopted local policy when outline planning consent for the site was achieved. This scenario assumes the provision of 26% mixed tenure affordable housing on site, together with an assumed per dwelling monetary contribution in respect of additional Section 106 agreement obligations, as advised by the Developer and discussed in more detail in Section 3 of this report.

The second scenario considers the viability of the proposed development based on an assumed current policy compliant Section 106 agreement scheme. This assumes the provision of 15% mixed tenure affordable housing on site, together with an assumed per dwelling monetary contribution in respect of additional Section 106 agreement obligations.

The third scenario assumes a non-policy compliant scheme, providing zero affordable housing but still providing the assumed per dwelling monetary contribution, in respect of additional Section 106 agreement obligations.

Viability Assessment Approach

We have carried out this Viability Assessment on a desktop basis and have relied upon the information which has been supplied by the Developer, subject to our own independent assessment where necessary. We have also undertaken our own due diligence and applied our own knowledge and experience of the local market and development sector. This includes the assessment and interpretation of comparable evidence.

Our assessment of financial viability therefore considers and the site's EUV and the value of the subject site, as supported by the proposed development. Typically, these values would be considered having regard to the level of premium that a landowner can reasonably be expected to require as an incentive to bring the site forward for the development intended, as defined by the guidance.

However, in this instance, as the EUV is determined as being the value of the site with the benefit of implementable outline planning consent for residential development, we consider that this value also is reflective of the Benchmark Land Value. In this instance, we do not consider it appropriate to add a premium to the EUV to arrive at the Benchmark Land Value, as the premium the landowner would receive is implicit within the uplift in land value achieved when the site is sold in the open market with the benefit of such consent.

Furthermore, our assessment of financial viability also seeks to address what would be considered as an appropriate level of profit for a developer to deliver this scheme in the market.

In undertaking this exercise, we have used the Argus Developer software package for assessing residual land value. This package is widely used within the development industry.

We are satisfied that the approach we have adopted reflects current industry guidance and practices.

6. Viability Analysis

As detailed above, we have approached our assessment of financial viability by considering the site's Existing Use Value (EUV) which in turn has informed the Benchmark Land Value. We have also considered what would be an appropriate level of profit or risk adjusted return for a developer to deliver this scheme in the market. We comment on each of these areas in turn, as follows:

Existing Use Value (EUV)

As the subject site currently benefits from outline planning consent for residential development, to establish the Existing Use Value, we have considered comparable land transactions in and around Carcroft, for sites which have sold with the benefit of planning consent for residential development.

In line with PPG guidance, we have made reasonable endeavours to obtain the full transaction details of the evidence below and where appropriate, identified any adjustments necessary to reflect the cost of policy compliance (including affordable housing), or differences in the quality of land and site scale.

It should be noted certain information can be difficult to verify first-hand, given the lack of transparency within the residential land sector, compared to other property sectors. Also, each site and each development proposal have specific characteristics and factors which impact on value.

We detail our evidence of relevant land transactions below, highlighting any updated evidence for clarity.

Address	Developer	Size	Price	Date of Sale	Comments
Land lying to the north of Common Lane, Norton, Doncaster	Sold at auction	0.54 acres (0.22 ha)	£176,500 (£326,852 per acre)	Dec-21	<ul style="list-style-type: none"> Former grazing land which was sold at auction with planning consent for four detached residential development.
Land on the west side of Lakeside Boulevard, Doncaster	Keepmoat Homes - Cygnet	3.7 acres (1.5 ha)	£1,638,000 (£442,703 per acre)	Mar-21	<ul style="list-style-type: none"> Keepmoat Homes secured planning permission for 156 units comprising of both residential houses and flats. The scheme includes 41 affordable units reflecting a 26% affordable housing provision. S.106 contributions included an ecology contribution of £300,000, an education contribution of £778,967, an open space contribution of £346,575 and a travel plan monitoring contribution of £10,000.
Mount Vernon Hospital, Mount Vernon Road, Barnsley	Orion Homes - Mount Vernon Place	6.56 acres (2.65 ha)	£1,500,000 (£228,659 per acre)	Apr-21	<ul style="list-style-type: none"> S.106 contributions included an education contribution as well as a Public Open Space contribution. As part of the signed S.106 the developer was required to pay a commuted sum of £193,180 in a location where there is a policy requirement of 10% affordable housing. We are also aware that there was £715,014 of abnormal costs associated with the site.
Land at Doncaster Rail Maintenance Depot, Ramsden Road, Hexthorpe, Doncaster	Countryside Properties - Pullman Green	70.62 acres (28.58 ha)	£7,920,000 (£112,150 per acre)	Dec-20	<ul style="list-style-type: none"> As part of the S.106, the development was required to provide a 25% provision for affordable housing. The developer was able to negotiate out of paying any further contributions through a S.106 agreement. We understand that there was approximately £8,000,000 of abnormal costs associated with the site.

Address	Developer	Size	Price	Date of Sale	Comments
Former Eastfield Hall Care Home, Moss Road, Askern, Doncaster	Highstone Homes – Eastfield Hall Close	1.27 acres (0.51 ha)	£372,000 (£292,913 per acre)	Jun-18	<ul style="list-style-type: none"> Highstone Homes gained planning permission for 28 supported living accommodation. As the development is of a C2 Use Class it therefore benefited from limited 'planning gain' contributions and no requirement to provide affordable housing.
Land on the north side of Ridge Balk Lane, Woodlands, Doncaster	Heneghan Homes – Woodland Ridge	1.09 acres (0.44 ha)	£315,000 (£288,991 per acre)	Feb-17	<ul style="list-style-type: none"> Heneghan Homes achieved planning consent for 14 units. As this scheme comprised of less than 15 units and the site area is below 0.5 ha there was no requirement for the provision of affordable housing. We understand that the developer paid an open space commuted sum of £38,500.
Land on the west side of Carr House Road, Doncaster	Hooper Homes – Thorpe Gardens	4.36 acres (1.77 ha)	£2,000,000 (£458,716 per acre)	Mar-20	<ul style="list-style-type: none"> Hooper Homes gained planning consent for 66 units in February 2020. The developer paid a commuted sum of £280,962 in lieu of any on site affordable housing. This was in the context of an affordable housing policy requiring the provision of 26% affordable housing. As part of the S.106 agreement the developer paid an education commuted sum of £180,000 and a transport bond contribution of £7,143.84.
Land on the south side of Sheffield Road, Warmsworth, Doncaster	Ben Bailey Homes – The Halt	1.67 acres (0.67 ha)	£663,000 (£397,006 per acre)	Jul-20	<ul style="list-style-type: none"> Ben Bailey Homes achieved planning consent for 19 units in April 2020. The scheme provided an affordable provision of 26%. As part of the S.106 agreement the developer paid an education commuted sum of £60,715 and an open space commuted sum of £55,000.

Address	Developer	Size	Price	Date of Sale	Comments
Land at Lakeside Boulevard, Gliwice Way, Doncaster	Lovell Partnerships - Willow Grange	13.79 acres (5.58 ha)	£6,720,000 (£487,309 per acre)	Dec-17	<ul style="list-style-type: none"> The development consists of 147 new residential units. 5 affordable units were delivered on the scheme which equates to an affordable housing provision of 3%. As part of the S.106 the developer paid a biodiversity contribution of £18,000, a bus contribution of £10,000, a cycle path contribution of £10,000, an open space contribution of £183,354.51, a school contribution of £376,433 and a travel plan contribution of £15,442.35.

We consider that transactions made for the land at Common Lane, the Woodland Ridge scheme by Heneghan Homes as well as both Keepmoat Homes' and Lovell Partnerships' transactions for land at Doncaster Lakeside provide a useful reference point in terms of the Existing Use Value of the subject site, given the location and quality of these developments.

The Willow Grange scheme by Lovell Partnerships and the Cygnet development by Keepmoat Homes are situated approximately 6 miles south east of the subject site in the Doncaster Lakeside area. The Willow Grange site extends to circa 5.58 hectares (13.79 acres) and was purchased in December 2017 for £6,720,000 which devalues to circa £487,309 per acre. The Cygnet site is approximately 1.5 hectares (3.7 acres) and was purchased in March 2021 for £1,638,000. This devalues to approximately £442,703 per acre.

We would consider these sites to be a relevant land comparable. However as Carcroft is a less valuable housing market and housing land market area, it may be argued that land in Carcroft is less valuable than land at the Doncaster Lakeside area and would therefore achieve lower capital values per acre in comparison. These transactions can therefore be seen as useful upper limit reference points in terms of the Existing Use Value of the subject site

The Woodland Ridge development by Heneghan Homes is situated approximately 1.5 miles south west of the subject site in Woodlands. The site extends approximately 0.44 hectares (1.09 acres) and comprises of 12 new build residential dwellings. We understand that the site was purchased in February 2017 for £315,000, equating to £288,991 per acre. We understand that this scheme did not deliver any affordable housing due delivering less than 15 units on a site of under 0.5 hectares. The developer paid an open space commuted sum of £38,500 as part of the S.106 agreement.

We would also consider this to be a relevant land comparable due to the proximity of this development to the subject site and as Woodlands is a similar value housing market area in comparison to Carcroft. Although due to recent growth in both the local housing market and the housing land market, it may be argued that this land could be more valuable now, the development did not provide any affordable housing, and this will have

significantly impacted the land value. This is also the case for the Eastfield Hall Close scheme by Highstone Homes as this scheme is of a C2 Use Class it therefore benefited from limited planning gain contributions and no requirement to provide affordable housing. We consider that due to these schemes providing no affordable housing units that the land values achieved here will be higher than what would be achieved for the subject site.

The land at Common Lane is situated approximately 3.3 miles north of the subject site in Norton. This land was sold at auction with planning permission for four detached units in December 2021. The site extends approximately 0.22 hectares (0.54 acres). We understand that the site was sold for £176,500, which equates to £326,852.

We consider that the subject site will achieve lower capital values per sq acre. This is due the smaller scale and quantum of the Common Lane site which allows it to achieve a high price per acre. Furthermore, further value is added to the land here as the development at Common Lane will likely provide no affordable housing and limited planning gain contributions.

We consider that the Pullman Green development by Countryside Properties can be seen as a lower limit reference point in terms of the Existing Use Value of the subject site. This is because of the large scale of this development which we consider to, typically, achieve lower capital values per acre than smaller sites.

Based on the location of the site, the specific site characteristics and the comparable evidence listed above, we consider the residential land value of the subject site, assuming it had planning consent for the scheme Newett Homes are proposing, to be in the order of **£225,000 per acre**. Accordingly, it is our view that this value represents the base value against which any site value should be compared with, in terms of the assessment of financial viability.

Benchmark Land Value

Para 013 of the PPG provides guidance on the issue of benchmark land values and states that:

“A benchmark land value should be established on the basis of the Existing Use Value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to comply with policy requirements. Landowners and site purchasers should consider policy requirements when agreeing land transactions. This approach is often called ‘Existing Use Value plus (EUV+)’”

In determining the benchmark land value, PPG states at Para 014 what factors should be considered when establishing the benchmark land value. It states that the benchmark land value should:

- Be based upon Existing Use Value (EUV);
- Allow for a premium to landowners;
- Reflect the implications of abnormal costs; site specific infrastructure costs; and professional fees; and
- Be informed by market evidence including current uses, costs and values. Where recent market evidence is used to inform assessment of benchmark land value this evidence should be based on developments which are compliant with policies, including for affordable housing. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.

We are of the opinion that as the site currently benefits from outline planning consent for a residential development scheme, we consider the Benchmark Land Value in this instance will be in line with the Existing Use Value of the site. As discussed above, any developer purchasing the site in the open market would look to pay the landowner the value of the site with the benefit of this planning permission, rather than the value of the arable land that currently occupies the site.

Whilst it is typically accepted practice that a Benchmark land Value is the Existing Use Value plus a premium, we do not consider the addition of a premium to be appropriate in this instance, as the EUV is reflective of the uplift in land value because of the benefit of planning consent for residential development on site. This implicitly applies a premium to the land, over and above its current use.

It is therefore our opinion that a landowner’s expectation in respect of the sale of the subject site would be to achieve a value in the region of £1,039,500 for the site, which reflects a land value of £225,000 per acre. We consider this land value to be supported by the comparable evidence discussed in the EUV section above.

Residual Site Value – Proposed Development of 63 Residential Dwellings

We have appraised the proposed development using the Argus Developer software. The appraisal represents an analysis of the development intended where the land value is a residual element derived from several variables, predominantly Gross Development Value and Total Development Costs, including the return to the developer for taking the development risk and delivering the scheme (profit). We detail our assessment of each of these variables in respect of the development proposed as follows:

Comparable Residential Sales Values

To assess the likely sales values achievable at the subject site, we have undertaken research into the new homes market in and surrounding Carcroft. We consider the most comparable schemes are set out below:

Keepmoat Homes – Skylark Grange, Long Lands Lane, Woodlands, DN5

Situated circa 1.7 miles to the south west of the site is the new Keepmoat Homes scheme. Skylark Grange provides a collection of two, three and four bedrooms homes, offering a range of detached and semi-detached house types. The site occupies a similar 'edge of town' location to the subject site.

Based on a search of Rightmove Land Registry data, we have found the following transactional evidence:

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
18 Miners Drive	Semi-detached	1,054	£184,995	£175	Sep-21
10 Miners Drive	Semi-detached	1,054	£192,995	£183	Aug-21
14 Miners Drive	Semi-detached	645	£144,995	£225	Aug-21
23 Miners Drive	Semi-detached	1,054	£190,995	£181	Aug-21
17 Miners Drive	Semi-detached	1,054	£190,995	£181	Jul-21
4 Miners Drive	Semi-detached	645	£142,995	£221	Jun-21
15 Miners Drive	Semi-detached	1,054	£190,995	£181	Jun-21
39 Creek Drive	Terraced	645	£141,995	£220	May-21
21 Miners Drive	Semi-detached	764	£162,995	£213	May-21
7 Miners Drive	Semi-detached	645	£142,995	£221	Apr-21
9 Miners Drive	Semi-detached	764	£162,995	£213	Apr-21
3 Miners Drive	Semi-detached	645	£142,995	£221	Apr-21
1 Miners Drive	Semi-detached	645	£142,995	£221	Apr-21

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
11 Miners Drive	Detached	764	£162,995	£213	Apr-21
5 Miners Drive	Detached	645	£142,995	£221	Apr-21
41 Creek Drive	Detached	645	£142,995	£221	Apr-21
37 Creek Drive	Terraced	645	£141,500	£219	Apr-21
33 Creek Drive	Detached	861	£187,995	£218	Apr-21
Average				£208	

The Skylark Grange is a useful comparable as it is the closest recent new build development which we have been able to transactional evidence from and many of the units on the scheme are of a similar size to the proposed units on the subject site. This scheme appears to have sold well, averaging a sales rate of approximately 3 units per month over the past two years. This indicates that there is strong demand for new housing in the local area.

We consider that the subject site occupies a similar value housing market area, however due to growth in the local housing market the proposed units on the subject site would achieve higher capital values per sq ft.

Keepmoat Homes – The Springs, Campsall Road, Askern, DN6

Situated circa 2.3 miles to the north of the subject site is The Springs development. This large development provides 227 new build dwellings offering a range of terraced, semi-detached, and detached properties. All of the units appear to have now been sold.

We have not been able to obtain any new build sales evidence from the Land Registry on this scheme, however, we present below the current asking prices for the scheme.

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
74 Llewelyn Crescent	Terraced	839	£130,995	£156	Oct-20
84 Llewelyn Crescent	Terraced	839	£129,995	£155	Oct-20
82 Llewelyn Crescent	Terraced	839	£131,995	£157	Oct-20
76 Llewelyn Crescent	Terraced	839	£131,995	£157	Oct-20
78 Llewelyn Crescent	Detached	1,044	£160,995	£154	Sep-20
86 Llewelyn Crescent	Terraced	1,054	£154,995	£147	Sep-20
57 Llewelyn Crescent	Terraced	839	£130,995	£156	Aug-20

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
45 Llewelyn Crescent	Semi-detached	839	£129,995	£155	Jun-20
10 Bathhouse Lane	Detached	1,044	£159,995	£153	Mar-20
12 Bathhouse Lane	Detached	1,044	£159,995	£153	Mar-20
49 Llewelyn Crescent	Semi-detached	839	£129,995	£155	Mar-20
47 Llewelyn Crescent	Semi-detached	839	£129,995	£155	Mar-20
8 Bathhouse Lane	Detached	1,044	£155,995	£149	Feb-20
43 Llewelyn Crescent	Semi-detached	839	£129,995	£155	Feb-20
6 Bathhouse Lane	Semi-detached	1,054	£156,995	£149	Feb-20
4 Bathhouse Lane	Semi-detached	1,054	£156,995	£149	Feb-20
58 Airstone Road	Detached	1,044	£155,995	£149	Jan-20
2 Bathhouse Lane	Detached	1,140	£182,995	£160	Jan-20
Average				£154	

We consider this scheme by Keepmoat Homes to be situated in a lower value housing market area than the subject site. Due to this and growth in the local housing market the proposed units on the subject site would achieve higher capital values per sq ft.

Gleeson Homes – Spa Fields, Sutton Road, Askern, Doncaster, DN6

This scheme comprises of 76 two, three and four bedroom units. The scheme is located approximately 2.6 miles north east of the subject site, just east of The Springs scheme by Keepmoat Homes. At the time of writing four units are currently being offered to the market.

Based on a search of Rightmove Land Registry data, we have found the following transactional evidence:

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
81 St Peters Drive	Detached	1,044	£159,995	£153	Jun-21
64 St Peters Drive	Semi-detached	818	£143,995	£176	Jun-21
105 St Peters Drive	Semi-detached	764	£128,995	£169	Mar-21
103 St Peters Drive d	Semi-detached	645	£107,995	£167	Mar-21

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
74 St Peters Drive	Semi-detached	645	£104,995	£163	Mar-21
109 St Peters Drive	Detached	818	£148,995	£182	Feb-21
72 St Peters Drive	Semi-detached	764	£134,995	£177	Feb-21
83 St Peters Drive	Detached	775	£137,995	£178	Sep-20
2 St Peters Drive	Detached	1,065	£171,995	£161	Aug-20
91 St Peters Drive	Detached	1,044	£143,995	£138	Jul-20
89 St Peters Drive	Detached	775	£169,995	£219	Jul-20
Average				£193	

The Gleeson Homes, Spa Fields scheme is a recent new residential development in close proximity of the subject site and therefore provides a useful comparable. However, based on our experience in the market and our visibility of the Gleeson Homes product, size and specification, we consider that the proposed units at the subject site would achieve a higher capital value per sq ft.

Persimmon Homes - Hastings Place, Watch House Lane, Bentley Rise, Doncaster, DN5

This development by Persimmon Homes is situated c. 3 miles to the south of the subject site and provides a large development of 170 homes, offering two, three and four bedroom homes. The development offers a range of terraced, semi-detached and detached homes.

Based on a search of Rightmove Land Registry data, we have found the following transactional evidence:

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
68 Dominion Road	Detached	850	£180,000	£212	Nov-20
66 Dominion Road	Detached	1,065	£219,999	£206	Oct-20
74 Dominion Road	Semi-detached	850	£170,000	£200	Sep-20
72 Dominion Road	Semi-detached	850	£170,000	£200	Sep-20
9 Union Drive	Detached	947	£190,000	£201	Aug-20
102 Dominion Road	Detached	1,065	£210,000	£197	Jul-20
110 Dominion Road	Terraced	893	£154,999	£173	Jun-20

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
108 Dominion Road	Terraced	893	£145,000	£162	Jun-20
98 Dominion Road	Detached	1,205	£225,999	£187	Jun-20
131 Dominion Road	Terraced	893	£145,000	£162	Jun-20
100 Dominion Road	Detached	850	£175,000	£206	Jun-20
106 Dominion Road	Terraced	893	£155,000	£173	Jun-20
104 Dominion Road	Detached	850	£175,000	£206	Jun-20
1 Dominion Road	Detached	947	£200,000	£211	May-20
129 Dominion Road	Terraced	893	£159,999	£179	May-20
1 Union Drive	Detached	947	£194,999	£206	May-20
3 Union Drive	Detached	1,205	£225,999	£187	Apr-20
5 Union Drive	Detached	1,065	£219,999	£206	Apr-20
8 Union Drive	Detached	850	£179,990	£212	Feb-20
43 Union Drive	Semi-detached	678	£127,999	£189	Feb-20
6 Union Drive	Detached	947	£192,999	£204	Feb-20
41 Union Drive	Semi-detached	742	£127,999	£172	Feb-20
Average				£193	

We consider the Hastings Place scheme to be situated in a slightly higher value housing market area to the subject site. However, due to growth in the local housing market the proposed units on the subject site would achieve higher capital values per sq ft than the units on the Persimmon Homes development.

Taylor Wimpey – Wheatley Hall Mews, Wheatley Hall Road, Doncaster, DN2

Wheatley Hall Mews is a new collection of three and four bedroom properties located in Doncaster, circa 3.8 miles to the south east of the subject site. This development of 145 units includes a range of two, three and four bedroom dwellings.

Although we have been unable to find any evidence of recent transactions on this scheme, we have collected we have conducted a search of the asking prices of units currently being marketed to provide the following evidence:

Unit Type	House Type	Area (sq ft)	Asking Price	Asking Price per sq ft
Gosford	Mid-Terrace	866	£209,995	£242
Gosford	End-terrace	866	£219,995	£254
Gosford	Semi-detached	866	£223,995	£259
Easedale	End-terrace	931	£219,995	£236
Easedale	Semi-detached	931	£221,995	£238
Braxton	Semi-detached	1,092	£232,995	£213
Average				£241

The evidence in the table above is indicative of asking prices only, due to the information available.

We consider this to be useful comparable evidence as this is the current pricing that Taylor Wimpey expects to be achievable for units in the surrounding area. We note that this scheme is located within a higher value housing market area and consider that the proposed units on the subject site would achieve lower capital values per sq ft on average.

Barratt Homes – Park Edge, Wheatley Hall Road, Doncaster, DN2

This scheme is located directly to the west of Taylor Wimpey's. Wheatley Hall Mews scheme This development comprises of 188 units including a mix of two, three and four bedroom homes.

Based on a search of Rightmove Land Registry data, we have found the following transactional evidence:

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
11 Farmall Drive	Detached	850	£205,000	£241	Jun-21
9 Farmall Drive	Semi detached	828	£186,000	£224	May-21

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
7 Farmall Drive	Semi detached	828	£180,000	£217	Apr-21
3 Farmall Drive	Semi detached	828	£188,000	£227	Apr-21
20 Harvester Lane	Semi detached	1,119	£206,146	£184	Mar-21
4 Farmall Drive	Detached	936	£227,000	£242	Mar-21
6 Farmall Drive	Detached	1,076	£248,000	£230	Mar-21
16 Harvester Lane	Detached	1,227	£272,995	£222	Mar-21
1 Farmall Drive	Detached	936	£224,995	£240	Mar-21
22 Harvester Lane	Semi detached	1,119	£216,995	£194	Mar-21
27 Yarborough Drive	Detached	1,076	£249,000	£231	Feb-21
18 Harvester Lane	Detached	1,108	£249,995	£225	Jan-21
Average				£223	

We have also contacted the sales team for this development to collect current asking prices for units currently being marketed on the scheme.

Unit Type	House Type	Area (sq ft)	Asking Price	Asking Price per sq ft
Moresby	Detached	855	£230,000	£269
Moresby	Detached	855	£238,000	£278
Moresby	Detached	855	£238,000	£278
Kingsville	End-terrace	1,072	£245,000	£229
Kingsville	Detached	1,072	£245,000	£229
Denby	Detached	880	£255,000	£290
Chester	Detached	1,032	£265,000	£257
Chester	Detached	1,032	£267,000	£259
Windermere	Detached	1,073	£272,000	£253

Unit Type	House Type	Area (sq ft)	Asking Price	Asking Price per sq ft
Windermere	Detached	1,073	£272,000	£253
Average				£260

The evidence in the table above is indicative of asking prices only, due to the information available.

We consider the Park Edge development to possess a superior micro-location to the subject site due having better road connections than the subject site, overlooking a large woodland are and the River Don as well as being closer to more services and amenities than the subject property. We consider that the units on the subject site will, generally, achieve lower capital values per sq ft in comparison to the units on this scheme.

Albemarle Homes – Grove Farm, Grove Road, Kirk Sandall, DN3

This development of 95 new homes which has now been completed in full. The scheme comprises of a range of two, three and four bedroom dwellings. The scheme is located circa 4.1 miles south east of the subject site and has now been completed in full.

Based on a search of Rightmove Land Registry data, we have found the following transactional evidence:

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
6 Old School Drive	Semi detached	710	£145,950	£205	Dec-20
4 Old School Drive	Semi detached	710	£145,950	£205	Dec-20
40 Old School Drive	Semi detached	882	£169,950	£193	Nov-20
42 Old School Drive	Semi detached	882	£170,950	£194	Aug-20
50 Old School Drive	Semi detached	882	£170,950	£194	Aug-20
45 Old School Drive	Semi detached	882	£199,950	£227	Jun-20
38 Old School Drive	Detached	882	£199,950	£227	Jun-20
37 Old School Drive	Semi detached	882	£169,000	£191	May-20
53 Old School Drive	Semi detached	688	£144,950	£210	Apr-20
Average				£198	

We consider that the subject site is located in a similar value housing market area to this scheme. Due to growth in the local housing market we consider that the proposed units on the subject site would achieve higher capital values per sq ft than the sales evidence we have collected for this site.

Lovell Homes – Willow Grange, Lake View, Doncaster, DN4

This development includes a collection of new two, three and four bedroom properties located south east of Doncaster City Centre, circa 5.6 miles to the south west of the subject site. The scheme includes 147 units offering a range of detached, semi-detached and terraced units.

Based on a search of Rightmove Land Registry data, we have found the following transactional evidence:

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
42 Chester Drive	Semi-detached	871	£199,000	£228	Nov-21
28 Pond Close	Semi-detached	871	£200,000	£229	Nov-21
26 Pond Close	Terraced	871	£200,000	£229	Nov-21
12 Pond Close	Semi-detached	871	£200,000	£229	Nov-21
10 Pond Close	Semi-detached	871	£200,000	£229	Nov-21
18 Pond Close	Semi-detached	914	£219,495	£240	Sep-21
22 Pond Close	Terraced	914	£219,995	£240	Sep-21
5 Lake View	Detached	1,453	£348,000	£239	Aug-21
8 Pond Close	Semi-detached	710	£169,495	£239	Jul-21
2 Pond Close	Semi-detached	710	£169,495	£239	Jun-21
17 Swan Road	Semi-detached	871	£208,995	£240	Jun-21
39 Lake View	Detached	1,754	£396,995	£226	Jun-21
15 Blackberry Road	Semi-detached	914	£215,995	£236	May-21
6 Swan Road	Semi-detached	871	£211,495	£243	May-21
5 Blackberry Road	Semi-detached	775	£179,995	£232	May-21
3 Blackberry Road	Semi-detached	775	£179,995	£232	May-21
9 Blackberry Road	Semi-detached	775	£179,995	£232	May-21
11 Blackberry Road	Semi-detached	914	£217,995	£238	Apr-21

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
1 Blackberry Road	Detached	1,033	£239,495	£232	Apr-21
7 Blackberry Road	Semi-detached	775	£179,995	£232	Apr-21
23 Chester Drive	Semi-detached	710	£168,995	£238	Apr-21
Average				£234	

This Lovell Homes scheme is located in the attractive Lakeside Doncaster area which overlooks the lakeside and has great connections to local amenities and is within close proximity to Doncaster Train Station which provides national services. This development has averaged a sales rate of approximately 3 units per month over the past year highlighting demand for new build residential housing within Doncaster.

We consider that due to the superior location of the Willow Grange that the proposed units on the subject site will achieve lower capital values per sq ft on average when compared to units of a similar size.

Keepmoat Homes – Willow Heights, Thurnscoe, S63

This Keepmoat Homes development located approximately 5.8 miles south west of the subject site, consisting of 352 homes. The scheme includes a range of two, three and four bedroom units including terraced, semi-detached and detached units.

We have conducted a search of sales values on Rightmove which uses Land Registry data to provide the following evidence:

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
24 Lingamoor Leys	Detached	861	£172,000	£200	Sep-21
54 Emerald Green Grove	Detached	861	£172,995	£171	Jul-21
6 Willow Way	Semi-detached	1,054	£179,995	£144	Apr-21
4 Willow Way	Semi-detached	1,108	£159,995	£144	Apr-21
25 School Street	Semi-detached	1,108	£115,995	£180	Feb-21
32 Lingamoor Leys	Semi-detached	1,054	£156,995	£149	Jan-21
34 Lingamoor Leys	Semi-detached	1,054	£159,995	£152	Jan-21
30 Lingamoor Leys	Detached	828	£159,995	£193	Jan-21
Average				£167	

We have also contacted the sales team for this development to collect current asking prices for units currently being marketed on the scheme.

Unit Type	House Type	Area (sq ft)	Asking Price	Asking Price per sq ft
Abbey	Semi-detached	668	£164,995	£247
Abbey	Semi-detached	668	£164,995	£247
Danbury	Semi-detached	818	£177,995	£218
Bamburgh	Semi-detached	1,005	£206,995	£206
Bamburgh	Semi-detached	1,005	£207,995	£207
Bamburgh	Semi-detached	1,005	£207,995	£207
Average				£222

The evidence in the table above is indicative of asking prices only, due to the information available.

We consider the subject site is located within a higher value housing market area than this scheme and therefore the proposed units on the subject site will achieve higher capital values per sq ft.

Barratt David Wilson – Torne Farm, West End Lane, Rossington, DN11

This development is also located on the former Rossington Colliery. The scheme consists of 182 new residential units which include a mixture of two, three and four bedroom homes.

We have conducted a search of sales values on Rightmove which uses Land Registry data to provide the following evidence:

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
11 Jenkin Close	Semi-detached	613	£145,000	£236	Dec-21
9 Jenkin Close	Semi-detached	613	£146,000	£238	Dec-21
7 Jenkin Close	Semi-detached	613	£148,000	£241	Dec-21
17 Jenkin Close	Semi-detached	828	£191,000	£230	Nov-21
19 Jenkin Close	Semi-detached	828	£191,000	£230	Nov-21
5 Jenkin Close	Semi-detached	828	£191,000	£230	Nov-21

Address	House Type	Area (sq ft)	Sale Price	Price per sq ft	Sale Date
1 Jenkin Close	Semi-detached	850	£203,000	£239	Nov-21
93 Davy Road	Semi-detached	828	£188,000	£227	Sep-21
89 Davy Road	Semi-detached	828	£190,000	£229	Sep-21
46 Davy Road	Semi-detached	828	£183,000	£221	Sep-21
91 Davy Road	Semi-detached	936	£215,000	£230	Sep-21
85 Davy Road	Semi-detached	1,076	£228,000	£212	Sep-21
50 Davy Road	Semi-detached	613	£144,000	£235	Sep-21
48 Davy Road	Semi-detached	613	£142,000	£231	Sep-21
52 Davy Road	Semi-detached	613	£142,995	£233	Jun-21
54 Davy Road	Semi-detached	613	£142,000	£231	Jun-21
Average				£231	

The Torne Farm scheme is located on the popular redevelopment of the former Rossington Colliery. We consider Rossington be a higher value housing market area than Carcroft. However, due to growth in the local housing market we consider that the proposed units on the subject site will achieve generally similar capital values per sq ft when compared to units of a similar size on this scheme.

Summary of New Build Values

There is limited directly comparable new build evidence within Carcroft. Where evidence is available it is for schemes which we consider to be somewhat dated, thereby affecting the price per sq ft achieved as the housing market has moved on since these sales.

Keepmoat Homes' The Springs and Skylark Grange are, in our view, the most comparable schemes in the surrounding area based on unit sizing and the proximity of the schemes, albeit we would expect the units on the proposed units on the subject site to achieve slightly higher selling prices on a £ per sq ft basis given the passage of time and improved market conditions.

Re-sale Evidence

Due to the limited transactional evidence of new build schemes near the subject site, we have considered re-sale evidence of modern estate housing within 1 mile of the postcode of the subject site, to provide further context for our opinion of unit pricing.

Address	House Type	Area (sq ft)	Re-Sale Price	Price per sq ft	Re-Sale Date
21 Crossfield Drive, Skellow	Semi-detached	614	£132,000	£215	Aug-22
27 Osborne Avenue, Woodlands	Semi-detached	1,130	£190,000	£168	Aug-22
35 Falcon Close, Adwick-Le-Street	Detached	710	£156,000	£220	Jul-22
2 Dalecroft Road, Carcroft	Semi-detached	732	£170,000	£232	Jul-22
36 Milton Road, Carcroft	Semi-detached	947	£138,500	£146	Jun-22
62 Milton Road, Carcroft	Semi-detached	915	£118,000	£129	May-22
22 Merlin Close, Adwick Le Street	Semi-detached	732	£163,000	£223	May-22
40 Woodcock Way, Adwick Le Street	Detached	990	£260,000	£263	Apr-22
128 Markham Avenue, Carcroft	Semi-detached	1,087	£130,000	£120	Apr-22
7 Bridgewater Park Drive, Skellow	Detached	1,744	£250,000	£143	Mar-22
2 Kestrel Drive, Adwick Le Street	Detached	1,259	£282,000	£224	Mar-22
30 Manor Farm Close, Adwick-Le-Street	Detached	1,033	£188,000	£182	Nov-21
46 Kestrel Drive, Close, Adwick-Le-Street	Detached	1,389	£270,000	£194	Jun-21
51 Kingfisher Road, Adwick-Le-Street	Detached	1,152	£261,000	£227	Jun-21
21 Buttercross, Old Skellow	Detached	1,023	£197,500	£193	Jun-21
Average				£192	

Whilst all the transactions listed in the table above are for modern estate housing, we would expect that values for the units at the subject site to achieve higher than the average capital value listed above, given the units will provide high quality new build residential accommodation and therefore attract a premium in comparison to their older re-sale counterparts.

Proposed Unit Pricing

Based on the evidence above, the location and high-quality specification of the proposed development, our opinion of unit pricing for the current policy compliant scheme is as follows:

House Type	House Type Description	Area (sq ft)	Price per sq ft	Price per unit	Quantity	GDV per unit Type
AFFORDABLE DWELLINGS						
Whitebream 2	1 bedroom maisonette 2 storey	538	£150	£80,700	2	£161,400
Whitebream 2	1 bedroom maisonette 2 storey	733	£153	£112,149	2	£224,298
Whitebream 3	1 bedroom maisonette 2 storey	640	£147	£94,080	2	£188,160
Whitebream 3	2 bedroom maisonette 2 storey	755	£150	£113,250	2	£226,500
Ripponden	2 bedroom mid-terrace 2 storey	753	£138	£103,914	1	£103,914
Total Affordable Dwellings					9	£904,272
PRIVATE DWELLINGS						
Ripponden	2 bedroom semi- detached 2 storey	753	£240	£180,720	10	£1,807,200
Ripponden	2 bedroom end-terrace 2 storey	753	£235	£176,955	2	£353,910
Dalton	3 bedroom semi- detached 2 storey	908	£230	£208,840	8	£1,670,720
Saxton	3 bedroom semi- detached 2 storey	939	£230	£215,970	4	£863,880
Saxton	3 bedroom detached 2 storey	939	£240	£225,360	8	£1,802,880
Burneston	3 bedroom detached 2 storey	1,012	£235	£237,820	2	£475,640
Grassington	3 bedroom semi- detached 2.5 storey	970	£230	£223,100	10	£2,231,000

House Type	House Type Description	Area (sq ft)	Price per sq ft	Price per unit	Quantity	GDV per unit Type
Grassington	3 bedroom end-terrace 2.5 storey	970	£225	£218,250	2	£436,500
Grassington	3 bedroom mid-terrace 2.5 storey	970	£220	£213,400	1	£213,400
Silkstone	4 bedroom detached 2 storey	1,223	£230	£281,290	1	£281,290
Ledsham	4 bedroom detached 2.5 storey	1,138	£235	£267,430	6	£1,604,580
Total Private Dwellings					54	£11,741,000
TOTAL OVERALL					63	£12,645,272

We have outlined an affordable housing tenure mix on the site of 75% affordable rented units and 25% intermediate units in line with the City of Doncaster Local Plan. In the absence of stipulated transfer values within Doncaster's planning policy we have assumed 55% of market value for the affordable rent units and 70% of market value for the intermediate units, hence the pricing provided above.

We have applied a blended approach to the affordable housing units using the tenure mix set out in local planning policy combined with our assumed transfer values in the absence of stipulated transfer values within Doncaster's planning policy. We have applied this approach to the equivalent private sales revenues we consider that these units would generate if sold to private purchasers.

Proposed Development Revenue – Assumed Policy Compliant Scheme

Based on an assumed policy compliant scheme (reflecting 15% Affordable Housing provision) we have undertaken our own review of the GDV having regard to our assessment of the comparable evidence as detailed above. We believe this is appropriate based on the comparable evidence considered which has highlighted the improvement in the local housing market over the past twelve months as highlighted.

Proposed Development Revenue – Old Policy Compliant Scheme

We have also undertaken a review of the GDV based on an old policy compliant scheme (reflecting 26% Affordable Housing provision). In this scenario we have calculated a total GDV for the scheme of £12,142,268. In this scenario we have complied with the increased affordable housing requirement though designating an increased amount of Ripponden house type units on the scheme as affordable housing, we consider that these units would achieve between £144 - £138 per sq ft as affordable housing units depending on their specific arrangement.

We have undertaken a development appraisal to determine the level of developer's profit that can be achieved for the proposed scheme on an old and current policy compliant basis. We detail our appraisal assumptions and development costs and inputs below:

Appraisal Assumptions

- All pricing is exclusive of VAT
- Inflation is explicitly excluded from the appraisal
- Assumed the site has the benefit of full planning permission
- The scheme is delivered is in line with the drawings and site layout for 63 residential dwellings
- No deleterious materials are present on site
- No environmental issues exist
- Access appropriate to the scale of the development can be gained from the adopted highway (Owston Road) and no additional highway works are required other than those explicitly accounted for in this report.
- There are no restrictive covenants affecting the Title
- Adequate service connections are available to the site which would not require upgrading for the purposes of the proposed scheme.

Appraisal Costs and Inputs

Standard Build Costs

We have adopted the current RICS Building Cost Information Service (BCIS) last updated on 31st December 2022 for 'Estate Housing Generally' and rebased to the Doncaster area. BCIS provides a range in build costs for Estate Housing Generally. The range for Estate Housing Generally in the past 5 years is from a lower quartile of £109 per sq ft (£1,176 per sq m) to an upper quartile of £143 per sq ft (£1,535 per sq m), with a median figure of £123 per sq ft (£1,328 sq m).

For the purposes of our assessment, we have adopted the lower quartile figure of £109 per sq ft (£1,176 per sq m) and added an additional 10% for external works and connections. Therefore, within our appraisal, we have adopted a standard build cost of £120 per sq ft. We consider this to be appropriate and proportionate for the size and nature of the proposed development.

Abnormal Development Costs

The Developer has provided us with a detailed breakdown of the abnormal costs associated with the development of this site. These costs are listed below:

These individual costs have each been provided by quantity surveyors, generated by Newett Homes' technical team based upon what they are experiencing on their other schemes. These figures represent the projected costs of constructing the scheme, based on the current proposals.

- Dwelling Structure Abnormals: £42,315
- Abnormals Off Site Works: £34,540
- Abnormals Site Clearance / Protection: £98,545
- Abnormals Main Siteworks: £1,136,419
- Abnormals Substructure: £202,390
- Abnormals Local Siteworks: £183,525
- Abnormals Utility Works: £42,500
- Abnormals Site Overheads: £25,000
- Abnormals Other: £73,550

These abnormal costs amount to a total of £1,838,784, which equates to £29,187 per plot. These abnormal costs are significant and naturally have a significant impact on the viability of this development. We attach at **Appendix 4** to this report, a detailed summary of the breakdown of the abnormal costs with costing for these from independent contractors and quantity surveyors where they have been provided with by the Developer.

Development Inputs

We detail the other additional inputs within our appraisal below:

Proposed Policy Complaint Scheme for 63 residential dwellings (9 of which are affordable)	
Gross Development Value (GDV)	<ul style="list-style-type: none"> Based on the scheme layout we have been provided and assuming a policy compliant development of 63 residential dwellings (traditional family housing), our total GDV is £12,645,272. The GDV of the 54 private dwellings is £11,741,000. The GDV of the 9 affordable dwellings is £904,272. In the absence of stipulated transfer values within Doncaster's planning policy we have assumed 55% of market value for the affordable rent units and 70% of market value for the intermediate units, hence the pricing provided above.
Construction Costs	<ul style="list-style-type: none"> As discussed above we have adopted the BCIS lower quartile figure for 'Estate Housing Generally' rebased over the last 5 years to Doncaster. We have then applied a 10% uplift to this figure to represent external works, such as connections to mains services. The figure we have adopted within our appraisal is £120 per sq ft.
Other Construction Costs - Abnormals	<ul style="list-style-type: none"> As discussed above, we have been provided with a detailed breakdown of the abnormal costs associated with developing this site. This figure is £1,862,534, which we have adopted in our appraisal. These individual costs have each been provided by quantity surveyors, generated by Newett Homes' technical team based upon what they are experiencing on their other schemes. We are satisfied that these represent an appropriate level given the proposed development on site. A breakdown of these costs can be found at Appendix 4.
Contingency	<ul style="list-style-type: none"> We have adopted a 5% contingency on the construction costs.
Phasing and Timescales	<ul style="list-style-type: none"> We have assumed the development will be delivered in a single phase. We have assumed a 30-month development programme. Given the nature of the development on site, we have assumed that several of the private units will be sold as the wider development is ongoing. Therefore, we have assumed that private unit sales will commence in month 9. We have assumed a sales period of 22 months, which reflects a sales rate on the private units only of 2.5 units per month. We would consider a sales rate of between 2 to 3 units a month to be appropriate.

Proposed Policy Complaint Scheme for 63 residential dwellings (9 of which are affordable)	
	<ul style="list-style-type: none"> We have assumed that the nine affordable units will all be sold to a Registered Provider on practical completion in month 12 of the sales period. There is an overlap of 8 months from the practical completion of construction to the final unit being sold.
Professional Fees	<ul style="list-style-type: none"> We have assumed 8% professional fees.
S.106 Costs	<ul style="list-style-type: none"> We have reflected the S.106 financial contributions within our appraisal that are discussed in Section 4 of this report and are advised by the Developer. These financial contributions total £248,424 and can be disaggregated as follows: <ul style="list-style-type: none"> Education: £248,424
Finance Rate	<ul style="list-style-type: none"> Assumed 100% debt financed, at a rate of 6.00%
Land Value	<ul style="list-style-type: none"> To determine the viability of the proposed policy compliant scheme and in accordance with the residual valuation methodology set out above, we have inputted our opinion of the land value (EUV) as a fixed cost within our appraisal. Based on the evidence detailed earlier in this section, we are of the opinion that the EUV of the site is in the order of £225,000 per acre on a net development area basis. This reflects a total land value of £1,039,500.
Acquisition Costs	<ul style="list-style-type: none"> We have allowed for costs associated with land acquisition, such as Stamp Duty land Tax (SDLT) at the prevailing rate, legal fees and agent's fees. We have allowed for legal fees of 0.50% of the land value. We have allowed for agent's fees of 1% of the land value.
Disposal Costs	<ul style="list-style-type: none"> We have assumed marketing, sales and legal fees of 2.50% of the total sales rates, for the private units only.

Based on the current policy compliant scheme as detailed above, the development generates a Profit on GDV of 9.03% and a Profit on Cost of 9.92%. Clearly this still falls short of the minimum 17.50% Profit on GDV that we set as our minimum benchmark in Section 5 of this report and in line with the PPG.

A full copy of our old policy compliant development appraisal can be found at **Appendix 5**.

Old Policy Compliant Scheme Viability Assessment and Sensitivity Analysis

We have carried our further sensitivity analysis to determine the viability of the scheme and to understand the level at which it delivers an appropriate an appropriate risk adjusted market return for the developer.

We have based this scenario on an old policy compliant scheme (including an affordable housing provision of 26% as outlined in Section 4) which was the adopted policy at the time of outline planning consent, the development generates a Profit on GDV of 5.12% and a Profit on Cost of 5.39%. Clearly this falls short of the minimum 17.50% Profit on GDV that we set as our minimum benchmark in Section 5 of this report and in line with the PPG.

A full copy of our policy compliant development appraisal can be found at **Appendix 6**.

We have therefore followed accepted practice and carried out sensitivity analysis on our appraisal to determine the viability of the proposed development.

Non-Policy Compliant Scheme Viability Assessment and Sensitivity Analysis

We have carried our further sensitivity analysis to determine the viability of the scheme and to understand the level at which it delivers an appropriate an appropriate risk adjusted market return for the developer.

In this scenario, we have assumed that all the variables within our appraisal remain the same as the policy compliant scenario, except that all dwellings would now be for private sale within the open market and there would be no affordable housing provision on site. Our appraisal for this scenario can be found in **Appendix 7**.

In summary, this appraisal supports a developer's profit of 13.28% Profit on GDV and a Profit on Cost of 15.31%. The return to the developer is greater in this scenario but falls short of the 17.50% Profit on GDV that we set as our minimum benchmark and is the minimum profit level that a developer should expect to achieve, as stipulated in the PPG.

Whilst this level of developer's profit is somewhat below the minimum level set as our benchmark, the scheme still provides the assumed per dwelling monetary contribution in respect of additional Section 106 Agreement obligations, as advised by the Developer. Furthermore, we consider that the scheme delivers an appropriate land value to the landowner.

7. Conclusions and Additional Commentary

As detailed above, we have considered the financial viability of the proposed development by considering the Existing Use Value of the site, which in turn has informed the Benchmark Land Value and the site value supported by the proposed scheme under an old policy compliant, current policy compliant and non-policy compliant position. The approach of a financial viability assessment is to assess the land value at which a landowner would be incentivised to sell at while reflecting a reasonable market return for the developer.

Traditionally within viability assessments, the pricing level a landowner would be incentivised to sell at would be reflective of the EUV of the site plus a premium. However, in this instance, as the site currently benefits from extant outline planning consent for residential development, we consider that the premium over and above the EUV of the site that a landowner would achieve upon the sale of the site, to be implicit within the land value, given that the site benefits from this planning permission. Therefore, any developer looking to purchase this site would pay the landowner the value of the site with the benefit of planning consent for residential development, rather than the value of the land that the site currently comprises.

In this respect, our assessment has identified the following outputs:

- Existing Use Value (EUV) - £1,039,500
- Minimum Benchmark Land Value - £1,039,500
- Developer's Profit with old policy compliant scheme (i.e. 26% affordable housing) – 5.12% Profit on GDV
- Developer's Profit with assumed policy compliant scheme (i.e. 15% affordable housing) – 9.03% Profit on GDV
- Developer's Profit with a 0% affordable housing content scheme - 13.28% Profit on GDV

Accordingly, based on our analysis and the assumptions we have made as detailed above; we believe that our assessment demonstrates that the development proposed would be financially unviable in both our old policy compliant and assumed policy compliant scenarios. The old policy compliant scenario provides for 26% affordable housing as well as the full assumed monetary contributions for the additional S.106 contributions. It also provides the landowner with our opinion of the benchmark land value for the site. However, it delivers a developer's profit on GDV of 5.12% and a Profit on Cost of 5.39%. Clearly this falls short of the minimum 17.50% Profit on GDV that we set as our minimum benchmark in Section 5 of this report and in line with the PPG.

The assumed policy compliant scenario provides for 15% affordable housing as well as the full assumed monetary contributions for the additional S.106 contributions. It also provides the landowner with our opinion of the benchmark land value for the site. However, it delivers a developer's profit on GDV of 9.03% and a Profit on Cost of 9.92%. Clearly this also falls short of the minimum 17.50% Profit on GDV that we set as our minimum benchmark in Section 5 of this report and in line with the PPG.

We have then appraised the scheme assuming a non-policy complaint position (i.e., no affordable units are delivered as part of the scheme) whilst still assuming the full monetary contributions for the additional S.106 contributions, as in the previous two appraisals. The resulting developer's profit increases to a 13.28% Profit on GDV and a Profit on Cost of 15.31%. Although in this scenario the developer's profit level is somewhat less than the minimum benchmark of 17.50% on GDV, it is foreseeable that a developer might, in this instance, consider this scheme to be broadly viable and consider it reasonable to proceed with the scheme.

As a result, we conclude that to deliver this site for residential development, whilst ensuring the landowner receives an appropriate return for their land and the developer receives an appropriate market return for their investment, we do not consider that any affordable housing should be required to be delivered as part of this scheme.

The report has been prepared and signed by Dai Powell MRICS, Director and RICS Registered Valuer in the Avison Young Land and Development team. Input has also been provided by Joe Wherity MRICS, Associate Director in the Avison Young Land and Development team. Joe Wherity has reviewed and panelled this report and the appraisals contained, to provide a counter signature. We confirm that these individuals have the necessary qualifications, knowledge and experience to provide this advice.

This viability report is provided on the understanding that it is to be submitted to the LPA in support of an application for full planning approval on the property solely for the purpose of assessing the financial viability of the proposed scheme.



Dai Powell MRICS
RICS Registered Valuer
Director
Land and Development



Joe Wherity MRICS
Associate Director
Land and Development

For and on behalf of Avison Young (UK) Limited
January 2023

For and on behalf of Avison Young (UK) Limited
January 2023

Appendix I

Letter of Instruction

Subject: FW: Carcroft, Doncaster - AY proposal to provide financial viability assessment support

From: [REDACTED]

Sent: 2 [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

You

Subject: Carcroft, Doncaster - AY proposal to provide financial viability assessment support

Hi Ben,

Just coming back to you with a fee proposal on this one.

Very much along the line of what we are doing on your other sites, whilst also addressing the revised affordable housing percentage.

Stage 1 – Viability Assessment, scope

This will involve the following:

- Completion of a baseline appraisal adopting key market parameters and the *old* policy compliant position on affordable housing and other S106 contributions.
- Completion of an alternative baseline appraisal adopting the same assumptions as the first appraisal but using the *new* policy compliant position on affordable housing and other S106 contributions. We'll cover off the narrative you require stressing that this should be the real baseline position.
- Completion of an alternative appraisal using the same assumptions as the baseline appraisal, but with a reduced affordable/S106 provision to evidence viability.
- Write and provide a viability report setting out the assumptions behind the various inputs, market evidence and justification for non-policy compliant position on affordable housing and/or reduced contributions.

Within the report we will need to identify abnormal/infrastructure costs, the approach to land value and profit, all of which will be important in proving a viability position. As you say in your email below, we'll use the costs you've provided as placeholders and update these as your receive quotes or QS confirmed figures. Please provide the known figures as they are supplied to you.

In terms of the planning section of our report it would be helpful if you or your planning consultant (if you have one) can provide some text for this – normally a cut and paste from other documents forming the application. Please refer to the *** report as a guide for the content and level of detail.

Upon completing a draft of the report, we will run through this with you, look at the sensitivities and agree any changes together. Once this is complete we can then issue it to the Council.

The time required to complete the report will be largely dependent on the availability and speed of provision of any technical information and scheme specific costs. Albeit, the draft can be pulled together within a few weeks of our appointment.

Stage 1 – Viability Assessment, fee proposal

£*** + VAT. Payable on provision of our draft report to you.

Stage 2 – Clarification and Negotiations post submission of viability report, scope

The second stage will involve direct discussions with the council officers/their valuer and the following tasks:

- Meetings with the Council/valuer
- Responding to clarifications

- Updates to the report required due to changes to the scheme
- Negotiations
- Complete new appraisals as necessary
- Agree heads of terms on revised s106 package

This second stage is unpredictable in relation to time, but we would aim to drive these processes forwards on your behalf as efficiently as possible.

Stage 2 – Clarification and Negotiations post submission of viability report, fee proposal

£*** + VAT, payable at agreement of s106.

Terms of appointment

I attach our standard terms of appointment. This email is essentially the 'letter of appointment' for the purpose of both pieces of work (the 'Client' in the terms of appointment document being Newett Homes Limited).

If you can confirm your instructions for the job back to me in writing that would be helpful for our files and allow us to programme the work.

All the best again,

Dai.

Dai Powell

Director



Appendix II

Abnormal Costs Detailed Summary

Economic Viability Assessment (EVA)

SITE: Carcroft
73 Plots - Feasibility Layout - 1



Dwelling Structure Abnormals

Electrical Vehicle Charging £ 42,315.00 £ 42,315.00

Abnormals Off Site Works

Connection to Owston Road / Tie-In / Finishes / Drainage £ 34,540.00 £ 34,540.00

Abnormals Site Clearance / Protection

Additional Site Clearance & Demolition (inc. fly tipping) £ 74,295.00
Site Clearance of Trees & Vegetation £ 14,250.00
Tree Protection Measures £ 10,000.00 £ 98,545.00

Abnormals Main Siteworks

On-Site Abnormal Sewers (Exc. Attenuation) £ 268,460.00
On-Site Abnormal Sewers (Attenuation) £ 534,955.00
Off-Site Abnormal Sewers £ 15,000.00
On-Site Abnormal Site Works (Earthworks to Dev. Platform) £ 101,404.00
On-Site Abnormal Site Works (Other) £ 216,600.00
Off-Site Abnormal Site Works £ - £ 1,136,419.00

Abnormals Substructure

Abnormal Foundations £ 202,390.00
Tanking to Split Level Plots £ - £ 202,390.00

Abnormals Local Siteworks

Retaining Walls / Details £ 161,625.00
General Land Drainage £ 21,900.00 £ 183,525.00

Abnormals Utility Works

Utility Diversions / Lowering (Excluded) £ -
Substation £ 42,500.00 £ 42,500.00

Abnormals Site Overheads

Associated Management £ 25,000.00 £ 25,000.00

Abnormals Other

POS Works - Grading/Topsoiling & Landscaping £ 23,550.00
LEAP £ 50,000.00 £ 73,550.00

Total £ 1,838,784.00



Sirius Remediation Ltd
4245 Park Approach
Thorpe Park
Leeds
LS15 8GB

0113 264 9960
www.thesiriusgroup.com

Ben Botham
Newett Homes
Thorp Arch Grange
Walton Road
Thorp Arch
Wetherby
West Yorkshire
LS23 7BA

26th October 2022

Our Ref: SR4570/JPB/2610

Dear Ben

**RE: DEMOLITION, SITE CLEARANCE & EARTHWORKS AT OWSTON ROAD,
CARCROFT**

Ben

Further to your enquiry, we have visited site and reviewed the ground investigation provided, in order to inform the works described above.

Existing allotment/smallholding buildings have largely been either demolished or have collapsed, with associated waste being left in-situ. The Easternmost building adjacent the boundary has an asbestos cement roof, which has deteriorated and asbestos cement products are dotted around the site and within vegetation. An asbestos survey will be required, though we've tried to capture disposal costs within this quotation.

We've included for tree clearance within the costs detailed on the attached schedule and suggest surface vegetation is stockpiled on-site, to allow degradation and reduce ultimate disposal costs. We've added a provisional sum for future disposal of residual vegetation.

Topsoil is present across the Northern area of the site, at an average 300mm thickness, though it's unclear as to what percentage would be suitable for reuse within the development. Only four samples of topsoil have been tested, with two of these failing reuse criteria. Careful segregation and testing of topsoil is recommended, with a view to generating a quantity that will be reusable. Approximately 3,000m³ of topsoil will be generated and we would expect around 1,000m³ of topsoil would be required, if placed at 150mm thick to garden areas. A rate only item for disposal of unsuitable topsoil is provided on the schedule.

Localised soil contamination has been recorded around the site, including Arsenic, Zinc, Lead and Asbestos. Given the uplift in levels, there will be opportunity to delineate, process and relocate problem soils to specific areas, which will not be subject to future excavation and will receive a clean soils cover layer. Though we would look to relocate problem soils to a limited

area of open space and gardens, which will necessitate a clean soils cover layer, there will inevitably be requirement for a degree of validation for uplift of soils, above formation level, across the site. A formal Remedial Strategy will be required, for submission to local authority, which we would be happy to prepare on your behalf.

We've carried out a ground modelling exercise, using the topographical survey provided, along with development levels detailed on Pell Frischmann drawing included within the Abbeydale phase 2 ground investigation report. The levels presented on this drawing align with your advice of development levels being set at 5.87m or 600mm above existing level. When comparing a formation level 750mm below development levels to estimated underside of topsoil level, a soils shortfall of approximately 2,200m³ has been calculated. This shortfall could be made up from development arisings, imported soils, or a combination of both.

In addition to soils required to reach formation level, there will be a 2nd stage earthworks (groundworker) exercise to reach underside of topsoil in garden areas and underside of driveways, which will likely require a further 3,000m³. A better understanding of likely development arisings quantity would inform a whole development earthworks strategy, though we would expect development arisings could be reused above formation level, spread locally, if soils are well managed and protected. On this basis, we have made allowance for import and placement of 2,200m³, to reach the formation level described above (750mm below FFL). There will be alternative approaches to soil import and management and we're happy to assist with considering and costing alternative theories, as design information develops.

Level change beneath proposed highway areas are relatively minor and it is unlikely earthworks will influence performance of formation level. Abbeydale's ground investigation suggests a CBR value of 2.5% for design purposes.

Our budget quotation of **£155,600 (one hundred and fifty-five thousand six hundred pounds)** for site clearance and preparatory earthworks is outlined above and detailed on the attached schedule of works. For clarity, our quote is offered on the following basis:

- No allowance has been made for disconnection, diversion or any works associated with live services
- No allowance has been made for boundary or tree protection fencing (which we could include on provision of design)
- Separate allowance will need to be made for supply, placement and validation of soils above formation level
- The works will not be subject to retention

We trust our appraisal meets with your expectations and please let us know if you have any queries or would like to discuss in more detail.

Yours sincerely



JP Bowden
For and on behalf of
Sirius Remediation Ltd



Sirius Remediation Schedule of Works

CLIENT : Newett Homes
 CONTRACT : Owston Road, Carcroft
 CONTRACT NO: SR4570

Description	Quant	Unit	Rate	£ Total
PRELIMINARIES & SITE CLEARANCE				
Disconnection of live services				<i>by developer</i>
Mobilisation/De-Mobilisation of Plant to/from site	1	sum	£4,400.00	£4,400
Site clearance of trees & vegetation within development area	1	sum	£14,250.00	£14,250
Demolition & site clearance of surface waste	1	sum	£39,035.00	£39,035
Contractor's Preliminary Costs (Supervision & Site Engineering, environmental controls)	7	weeks	£3,480.00	£24,360
			<u>Sub Total</u>	<u>£82,045</u>
EARTHWORKS TO DEVELOPMENT PLATFORM				
Excavate topsoil to stockpile	3,000	m ³	£3.25	£9,750
Excavate, process & re-locate made ground from Southern site area	5,800	m ³	£4.35	£25,230
Break-out & crush concrete bases, foundations & other obstructions				included
Import, place & compact fill to achieve formation levels	2,200	m ³	£9.80	£21,560
Trim, level & compact formation	18,800	m ²	£0.23	£4,324
			<u>Sub Total</u>	<u>£60,864</u>
PROVISION OF CONSULTANCY SUPERVISION, TESTING & VALIDATION OF THE WORKS				
Attendance by Resident Engineer and preparation of Validation Statement for the works	7	weeks	£1,010.00	£7,070
Geotechnical & chemical testing	1	sum	£5,620.00	£5,620
			<u>Sub Total</u>	<u>£12,690</u>
			<u>Grand Total</u>	<u>£155,599</u>
ADDITIONAL, PROVISIONAL & RATE ONLY SUMS				
Provisional sum for future disposal of residual vegetation	1	sum	£17,500.00	£17,500
Disposal of unsuitable topsoil		m ³	£31.20	

Appendix III

Development Appraisal of Current Policy Compliant Scheme (9 affordable units)

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
Whitebream 2 - AH (Mai)	2	1,076	150.00	80,700	161,400
Whitebream 2 - AH (Mai)	2	1,466	153.00	112,149	224,298
Whitebream 3 - AH (Mai)	2	1,280	147.00	94,080	188,160
Whitebream 3 - AH (Mai)	2	1,510	150.00	113,250	226,500
Ripponden - AH (Mid)	1	753	138.00	103,914	103,914
Ripponden (Semi)	10	7,530	240.00	180,720	1,807,200
Ripponden (End)	2	1,506	235.00	176,955	353,910
Dalton (Semi)	8	7,264	230.00	208,840	1,670,720
Saxton (Semi)	4	3,756	230.00	215,970	863,880
Saxton (Det)	8	7,512	240.00	225,360	1,802,880
Burneston (Det)	2	2,024	235.00	237,820	475,640
Grassington (Semi)	10	9,700	230.00	223,100	2,231,000
Grassington (End)	2	1,940	225.00	218,250	436,500
Grassington (Mid)	1	970	220.00	213,400	213,400
Silkstone (Det)	1	1,223	230.00	281,290	281,290
Ledsham (Det)	6	6,828	235.00	267,430	1,604,580
Totals	63	56,338			12,645,272

NET REALISATION

12,645,272

OUTLAY

ACQUISITION COSTS

Fixed Price	1,039,500		
Fixed Price (4.62 Acres @ 225,000.00 /Acre)		1,039,500	
			1,039,500
Stamp Duty		41,475	
Effective Stamp Duty Rate	3.99%		
Agent Fee	1.00%	10,395	
Legal Fee	0.50%	5,198	
			57,067

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost
Whitebream 2 - AH (Mai)	1,076	120.00	129,120
Whitebream 2 - AH (Mai)	1,466	120.00	175,920
Whitebream 3 - AH (Mai)	1,280	120.00	153,600
Whitebream 3 - AH (Mai)	1,510	120.00	181,200
Ripponden - AH (Mid)	753	120.00	90,360
Ripponden (Semi)	7,530	120.00	903,600
Ripponden (End)	1,506	120.00	180,720
Dalton (Semi)	7,264	120.00	871,680
Saxton (Semi)	3,756	120.00	450,720
Saxton (Det)	7,512	120.00	901,440
Burneston (Det)	2,024	120.00	242,880
Grassington (Semi)	9,700	120.00	1,164,000
Grassington (End)	1,940	120.00	232,800
Grassington (Mid)	970	120.00	116,400
Silkstone (Det)	1,223	120.00	146,760
Ledsham (Det)	6,828	120.00	819,360
Totals	56,338 ft²		6,760,560
Contingency		5.00%	338,028
			7,098,588

Other Construction

Dwelling Structure Abnormals	42,315
Abnormals Off Site Works	34,540
Abnormals Site Clearance / Protec	98,545
Abnormals Main Siteworks	1,136,419
Abnormals Substructure	202,390
Abnormals Local Siteworks	183,525
Abnormals Utility Works	42,500
Abnormals Site Overheads	25,000
Abnormals Other	73,550

APPRAISAL SUMMARY**AVISON YOUNG**

				1,838,784
Section 106 Costs				
Education Contribution			248,424	248,424
PROFESSIONAL FEES				
All Professional Fees	8.00%		540,845	540,845
DISPOSAL FEES				
Sales, Legals and Marketing	2.50%		316,132	316,132
FINANCE				
Timescale	Duration	Commences		
Construction	22	Jan 2023		
Sale	22	Sep 2023		
Total Duration	30			
Debit Rate 6.000%, Credit Rate 0.000% (Nominal)				
Land			120,512	
Construction			208,282	
Other			35,469	
Total Finance Cost				364,264
TOTAL COSTS				11,503,604
PROFIT				1,141,668
Performance Measures				
Profit on Cost%		9.92%		
Profit on GDV%		9.03%		

Appendix IV

Development Appraisal of Old Policy Compliant Scheme (16 affordable units)

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
Whitebream 2 - AH (Mai)	2	1,076	150.00	80,700	161,400
Whitebream 2 - AH (Mai)	2	1,466	153.00	112,149	224,298
Whitebream 3 - AH (Mai)	2	1,280	147.00	94,080	188,160
Whitebream 3 - AH (Mai)	2	1,510	150.00	113,250	226,500
Ripponden - AH (Mid)	1	753	138.00	103,914	103,914
Ripponden - AH (Semi)	5	3,765	144.00	108,432	542,160
Ripponden - AH (End)	2	1,506	141.00	106,173	212,346
Dalton (Semi)	8	7,264	230.00	208,840	1,670,720
Saxton (Semi)	4	3,756	230.00	215,970	863,880
Saxton (Det)	8	7,512	240.00	225,360	1,802,880
Burneston (Det)	2	2,024	235.00	237,820	475,640
Grassington (Semi)	10	9,700	230.00	223,100	2,231,000
Grassington (End)	2	1,940	225.00	218,250	436,500
Grassington (Mid)	1	970	220.00	213,400	213,400
Silkstoen (Det)	1	1,223	230.00	281,290	281,290
Ledsham (Det)	6	6,828	235.00	267,430	1,604,580
Ripponden (semi)	5	3,765	240.00	180,720	903,600
Totals	63	56,338			12,142,268

NET REALISATION

12,142,268

OUTLAY

ACQUISITION COSTS

Fixed Price	1,039,500		
Fixed Price (4.62 Acres @ 225,000.00 /Acre)		1,039,500	
			1,039,500
Stamp Duty		41,475	
Effective Stamp Duty Rate	3.99%		
Agent Fee	1.00%	10,395	
Legal Fee	0.50%	5,198	
			57,067

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost
Whitebream 2 - AH (Mai)	1,076	120.00	129,120
Whitebream 2 - AH (Mai)	1,466	120.00	175,920
Whitebream 3 - AH (Mai)	1,280	120.00	153,600
Whitebream 3 - AH (Mai)	1,510	120.00	181,200
Ripponden - AH (Mid)	753	120.00	90,360
Ripponden - AH (Semi)	3,765	120.00	451,800
Ripponden - AH (End)	1,506	120.00	180,720
Dalton (Semi)	7,264	120.00	871,680
Saxton (Semi)	3,756	120.00	450,720
Saxton (Det)	7,512	120.00	901,440
Burneston (Det)	2,024	120.00	242,880
Grassington (Semi)	9,700	120.00	1,164,000
Grassington (End)	1,940	120.00	232,800
Grassington (Mid)	970	120.00	116,400
Silkstoen (Det)	1,223	120.00	146,760
Ledsham (Det)	6,828	120.00	819,360
Ripponden (semi)	3,765	120.00	451,800
Totals	56,338 ft²		6,760,560
Contingency		5.00%	338,028
			7,098,588

Other Construction

Dwelling Structure Abnormals	42,315
Abnormals Off Site Works	34,540
Abnormals Site Clearance / Protec	98,545
Abnormals Main Siteworks	1,136,419
Abnormals Substructure	202,390
Abnormals Local Siteworks	183,525
Abnormals Utility Works	42,500

APPRAISAL SUMMARY**AVISON YOUNG**

Abnormals Site Overheads		25,000	
Abnormals Other		73,550	
			1,838,784
Section 106 Costs			
Education Contribution		248,424	
			248,424
PROFESSIONAL FEES			
All Professional Fees	8.00%	540,845	
			540,845
DISPOSAL FEES			
Sales, Legals and Marketing	2.50%	303,557	
			303,557
FINANCE			
Timescale	Duration	Commences	
Construction	22	Jan 2023	
Sale	22	Sep 2023	
Total Duration	30		
Debit Rate 6.000%, Credit Rate 0.000% (Nominal)			
Land		120,512	
Construction		230,699	
Other		42,851	
Total Finance Cost			394,062
TOTAL COSTS			11,520,827
PROFIT			621,441
Performance Measures			
Profit on Cost%	5.39%		
Profit on GDV%	5.12%		

Appendix V

Development Appraisal of Non - Policy Compliant Scheme (0 affordable units)

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
Whitebream 2 (Mai)	2	1,076	250.00	134,500	269,000
Whitebream 2 (Mai)	2	1,466	255.00	186,915	373,830
Whitebream 3 (Mai)	2	1,280	245.00	156,800	313,600
Whitebream 3 (Mai)	2	1,510	250.00	188,750	377,500
Ripponden AH (Semi)	10	7,530	240.00	180,720	1,807,200
Ripponden (End)	2	1,506	235.00	176,955	353,910
Ripponden (Mid)	1	753	230.00	173,190	173,190
Dalton (Semi)	8	7,264	230.00	208,840	1,670,720
Saxton (Semi)	4	3,756	230.00	215,970	863,880
Saxton (Det)	8	7,512	240.00	225,360	1,802,880
Burneston (Det)	2	2,024	235.00	237,820	475,640
Grassington (Semi)	10	9,700	230.00	223,100	2,231,000
Grassington (End)	2	1,940	225.00	218,250	436,500
Grassington (Mid)	1	970	215.00	208,550	208,550
Silkstone (Det)	1	1,223	230.00	281,290	281,290
Ledsham (Det)	6	6,828	235.00	267,430	1,604,580
Totals	63	56,338			13,243,270

NET REALISATION

13,243,270

OUTLAY

ACQUISITION COSTS

Fixed Price	1,039,500		
Fixed Price (4.62 Acres @ 225,000.00 /Acre)		1,039,500	
			1,039,500
Stamp Duty		41,475	
Effective Stamp Duty Rate	3.99%		
Agent Fee	1.00%	10,395	
Legal Fee	0.50%	5,198	
			57,067

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost
Whitebream 2 (Mai)	1,076	120.00	129,120
Whitebream 2 (Mai)	1,466	120.00	175,920
Whitebream 3 (Mai)	1,280	120.00	153,600
Whitebream 3 (Mai)	1,510	120.00	181,200
Ripponden AH (Semi)	7,530	120.00	903,600
Ripponden (End)	1,506	120.00	180,720
Ripponden (Mid)	753	120.00	90,360
Dalton (Semi)	7,264	120.00	871,680
Saxton (Semi)	3,756	120.00	450,720
Saxton (Det)	7,512	120.00	901,440
Burneston (Det)	2,024	120.00	242,880
Grassington (Semi)	9,700	120.00	1,164,000
Grassington (End)	1,940	120.00	232,800
Grassington (Mid)	970	120.00	116,400
Silkstone (Det)	1,223	120.00	146,760
Ledsham (Det)	6,828	120.00	819,360
Totals	56,338 ft²		6,760,560
Contingency		5.00%	338,028
			7,098,588

Other Construction

Dwelling Structure Abnormals	42,315
Abnormals Off Site Works	34,540
Abnormals Site Clearance / Protec	98,545
Abnormals Main Siteworks	1,136,419
Abnormals Substructure	202,390
Abnormals Local Siteworks	183,525
Abnormals Utility Works	42,500
Abnormals Site Overheads	25,000
Abnormals Other	73,550

APPRAISAL SUMMARY**AVISON YOUNG**


				1,838,784
Section 106 Costs				
Education Contribution			248,424	248,424
PROFESSIONAL FEES				
All Professional Fees	8.00%		540,845	540,845
DISPOSAL FEES				
Sales, Legals and Marketing	2.50%		331,082	331,082
FINANCE				
Timescale	Duration	Commences		
Construction	22	Jan 2023		
Sale	22	Sep 2023		
Total Duration	30			
Debit Rate 6.000%, Credit Rate 0.000% (Nominal)				
Land			120,512	
Construction			181,531	
Other			28,587	
Total Finance Cost				330,631
TOTAL COSTS				11,484,921
PROFIT				1,758,349
Performance Measures				
Profit on Cost%			15.31%	
Profit on GDV%			13.28%	



Contact Details


Enquiries

Dai Powell



Joe Wherity

07985 479 561



Visit us online

avisonyoung.co.uk

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Date: 17th October 2023

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.

EXEMPT REPORT

2. This report is not exempt.

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. 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

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

OPTIONS CONSIDERED






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




REASONS FOR RECOMMENDED OPTION

7. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

8.

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Developing the skills to thrive in life and in work	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Making Doncaster the best place to do business and create good jobs	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Building opportunities for healthier, happier and longer lives for all	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Creating safer, stronger, greener and cleaner communities where everyone belongs	✓			

Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Nurturing a child and family-friendly borough	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Building Transport and digital connections fit for the future	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
 Promoting the borough and its cultural, sporting, and heritage opportunities	✓			
Comments: Quality planning decisions contribute to the Councils Great 8 Priorities				
Fair & Inclusive	✓			
Comments: Demonstrating good governance				

LEGAL IMPLICATIONS [Officer Initials SC Date 04/10/2023]

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 04/10/2023]

- 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 04/10/2023]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 04/10/2023]

- 12. There are no technology implications arising from the report

RISK AND ASSUMPTIONS

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

CONSULTATION

- 14. N/A

BACKGROUND PAPERS

- 15. Decisions on the under-mentioned applications have been notified as follows:-

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
22/00572/FUL	Erection of 2 bedroom bungalow in rear garden of No. 23 Hazel Grove (Resubmission of refused scheme - 21/02799/FUL, refused: 4.11.2021). at 23 Hazel Grove, Conisbrough, Doncaster, DN12 2JD	Appeal Dismissed 15/09/2023	Conisbrough	Delegated	No
22/00160/M	Appeal against enforcement action for alleged unauthorised erection of fence to front under grounds (a) and (g). at 8 Briar	ENF- Appeal Dismissed, ENF Notice Upheld	Adwick Le Street and Carcroft		No

	Road, Skellow, Doncaster, DN6 8HY	07/09/2023			
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Copies of the appeal decisions are appended to this report.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

16. N/A

REPORT AUTHOR & CONTRIBUTORS

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Appeal Decision

Site visit made on 3 April 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/F4410/W/22/3312619

23 Hazel Grove, Conisbrough, Doncaster DN12 2JD

- 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 Antony Reynolds against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 22/00572/FUL, dated 4 March 2022, was refused by notice dated 17 June 2022.
- The development proposed is the erection of a 2-bedroom bungalow in the rear garden.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant indicated on Part E of the appeal form that the description of the development had been changed from that stated on the planning application form. While the change was not a major one, I have used the amended description in the banner heading above as it reflects the proposal as it was considered by the Council. I have however omitted the repeated site address and the reference to it being a resubmission of an earlier refused planning application¹, as these elements are not descriptive of development.
3. The Government published a revised National Planning Policy Framework (“the Framework”) on 5 September 2023, replacing the version published in July 2021. The amendments made did not have any bearing on the issues in this appeal, and it was therefore not necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the September 2023 version.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the development would provide acceptable living conditions for occupiers of the existing dwelling and the proposed bungalow, with particular regard to outlook, privacy and overlooking, and overshadowing; and
 - The effect of the proposed development on highway safety.

¹ LPA Ref: 21/02799/FUL

Reasons

Character and appearance

5. The appeal property is a two-storey house, the end property in a short terrace of four dwellings at the head of Hazel Grove, a short cul-de-sac. The rear gardens of the appeal property and its terrace back on to Sheffield Road, the main road into Conisbrough from the west, from which they are separated by a concrete post and concrete or timber panel fence. The surrounding area is predominantly residential; Hazel Grove forms part of an estate development of similar houses to the appeal property, arranged either in semi-detached pairs or groups of four.
6. The appeal property, as a consequence of being both an end-terrace house and at the edge of the development, has a larger side and rear garden than typical for the estate. The proposed development is the subdivision of the rear garden, and the erection of a two-bedroom bungalow towards the rear of the site; this would be accessed by a new driveway from Sheffield Road. The plan form of the bungalow would perhaps best be described as being a truncated right-angled triangle, with its angled side facing towards the rear of the existing dwelling. The bungalow would be faced in red brickwork with panels of white render, and would have grey concrete roof tiles.
7. The housing to the east of the appeal site, including its neighbours No 77A Sheffield Road and Rock Villa, as well as other properties on Sheffield Road and Ellershaw Road, displays a greater degree of variety in design, scale and materials than is found on Hazel Grove and the other streets north and west of the appeal site. However, the location and siting of the proposed bungalow would make it visually and spatially part of the same estate as the appeal property, and its layout and form would be at odds with the much more regular form of the housing blocks within that development. While the proposed materials would reflect some of those found in the wider area, the bungalow's unusual plan form (and the consequent relatively complex array of angled walls, gables and roof pitches) would give it a discordant and intrusive appearance.
8. The proposed form and siting of the bungalow would also give it the appearance of having been squeezed onto an awkward (in terms of both its shape and orientation) site. Furthermore, the subdivision of the appeal site, and the infilling of part of the rear garden with a small dwelling, would disrupt the sense of spaciousness and separation between the housing and the busy Sheffield Road which the garden provides in its existing form and which, while modest in scale, makes a positive contribution to the area.
9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. It would therefore conflict with Policies 41 and 42 of the 2021 Doncaster Local Plan ("the DLP"); together, and among other things, these policies seek to ensure that new development recognises and reinforces local character, and responds positively to its context and setting, including in layout, form and appearance.

Living conditions

10. The development would see the appeal site divided into two broadly similarly sized parts; the rear gardens of the host property and the proposed bungalow

would sit side-by-side, divided by a boundary fence. The proposed layout would result in there being little separation between the two dwellings, and several first-floor windows on the existing dwelling would be very close to the proposed bungalow and its garden. In particular, I saw on my site visit that a rear bedroom would allow views of the bungalow's main living room and garden and, while those views would be oblique rather than perpendicular, they would still allow for considerable overlooking from a short distance.

11. In respect of actual separation distances, the appellant referred to advice in both the Residential Backland and Infill Development Supplementary Planning Document ("the SPD") and the South Yorkshire Residential Design Guide ("the SYRDG"). The Council explained that the SPD had been revoked on the adoption of the DLP in 2021, while neither the SYRDG or its Transitional Developer Guidance ("TDG") to which it also referred had been formally adopted as supplementary planning documents. The revoked SPD is no longer a relevant material consideration, while their informal status means that I give both the SYRDG and the TDG very limited weight in reaching my decision.
12. Nevertheless, the TDG states that the distance between habitable room windows should be at least 21m apart to prevent harmful overlooking being introduced, and that habitable room windows that overlook neighbouring garden space should be at least 10m from the boundary. The bedroom window at the rear of No 23 would only be around 11m from the angled rear elevation of the proposed bungalow (by the Council's measurement, though this has not been disputed by the appellant). Regardless of the informal status of the Council's guidance at present, the proposed separation distance would be very short by any standard, and would be likely to lead to a significant lack of privacy. In this context, the appellant's point that the rear bedroom window would be 12.6m or so from the proposed bungalow's boundary *measured perpendicularly* (and so would comply with the guidance) is not an argument which carries significant weight in the scheme's favour.
13. There are three further windows on the first floor of the existing dwelling which face the site of the proposed bungalow; two serve a bathroom (and would be even closer to the bungalow than the bedroom window), and the third serves the landing. None has obscure glazing at present, although the appellant indicates that this would be fitted as part of the appeal scheme. Nevertheless, the four windows in total would cumulatively be a dominating and overbearing presence when seen at close range either from within the bungalow or from its rear garden; even the use of obscure glazing for three of the windows would therefore be unlikely to adequately mitigate either the loss of privacy or the perceived loss of privacy which would result.
14. The bi-fold doors on the rear of the proposed bungalow would be the principal window serving the main living space (although there would be another window in the kitchen area). The doors would be only 4m or so from the boundary fence; this would be likely to lead to there being a limited and oppressive outlook from the main living room, as well as potentially overshadowing (and a consequent lack of daylight) from the proposed 2.1m high boundary fence. The same fence would be around 6.6m from the main living room of the existing host dwelling; while this would not be as oppressive as for occupiers of the bungalow, it would again be likely to lead to the occupiers of the house having a limited outlook.

15. In my view this combination of poor outlook, overshadowing, and a loss of (or lack of) privacy would be likely to prevent future occupiers of the bungalow from enjoying their home and garden as they might reasonably expect to do. The limited outlook from the main rear living room of the host dwelling would also be detrimental to the quality of life for the occupiers of that property. The Council considered that the amount of garden space which would be retained for the host property and provided for the proposed bungalow would be acceptable. In terms of the size of the gardens, I see no reason to disagree. However, this is not a consideration which would mitigate the other harm I have found.
16. I conclude that, for the reasons set out above and summarised in the preceding paragraph, the proposed development would not provide acceptable living conditions for occupiers of the existing dwelling and the proposed bungalow, with particular regard to outlook, privacy and overlooking, and overshadowing. It would therefore conflict with Policy 10 of the DLP which, among other things, seeks to ensure that new residential development provides an acceptable level of residential amenity for both new and existing residents.

Highway Safety

17. Sheffield Road to the south of the appeal site, from which the new vehicular access serving the proposed bungalow would be created, has a 40mph speed limit. The appellant submitted drawings indicating that two car parking spaces would be provided on the site, and that it would be possible for either independently to enter and leave the site in a forward gear. At present, however, visibility along Sheffield Road in both directions would be constrained by boundary walls and fences either side of the appeal site; these are the 2m high fences to the gardens of houses on Hazel Grove west of the site (including the immediate neighbour at No 25), and the boundary wall adjoining the shared access way to Rock Villa and No 77A Sheffield Road to the east. Because of this, the required 120m x 2.4m visibility splays could not be provided as things stand, and so safe access and egress would not be possible.
18. The evidence put before me suggests that the appellant has negotiated the future purchase of a narrow triangle of land at the rear of No 25 Hazel Grove; it is asserted that this would allow the fence line to be moved back to allow the 120m visibility splay to be created to the west. The appellant also submitted (though it was not accepted by the Council at the time the planning application was being determined) a revised plan showing this area included within the "red line boundary". However, that land is not within the appellant's ownership or control and, while I note his suggestion that a condition could be imposed to "require the visibility splay land to be transferred to the proposed bungalow plot to ensure the splay is retained for the lifetime of the development", having regard to the tests set out in Paragraph 55 of the Framework, and the advice in the Planning Practice Guidance, I am not satisfied that such a condition would be enforceable, precise or reasonable in all other respects.
19. The appellant described the Rock Villa/No 77A Sheffield Road boundary wall to the east as a "dwarf wall", though I note the Council's concern that the actual height of the wall has not been provided, and agree based on what I saw on site that drivers of lower vehicles (such as sports cars) would be unlikely to be able to see over the wall. However, even if I were to otherwise accept the appellant's argument that the height of the neighbouring walls means that they

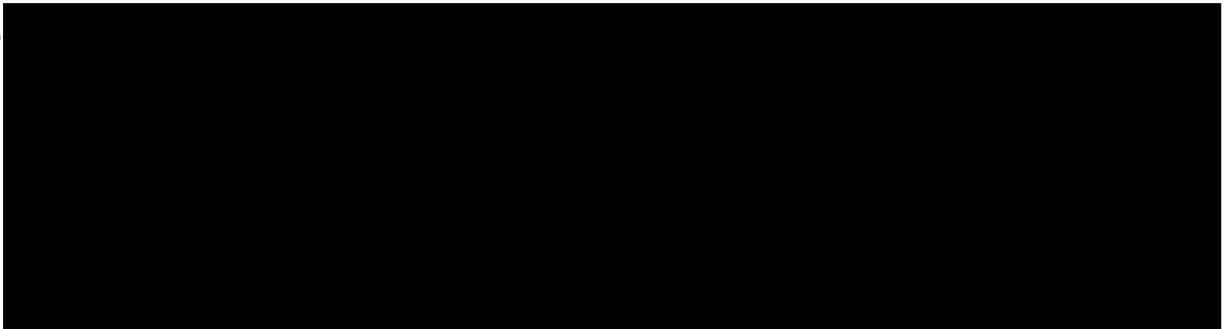
“do not affect visibility significantly”, I also saw on site that they are topped with planted vegetation, and that retaining adequate visibility would be dependent on keeping this trimmed back. Again, this is outside the appellant’s control, and it is not a matter which could reasonably be addressed by a condition. The appellant also alluded to “the future possibility of conjoining the accesses to further improve highway safety for all three plots”, but while this might be a way in which the matter could be better addressed, at present it is merely a vague prospect which does not weigh significantly in my decision.

20. I therefore conclude that, because of poor sightlines from the proposed driveway, the development would have an adverse effect on highway safety. The proposal therefore conflicts with Policy 13 of the DLP which seeks to promote sustainable transport in new development and which, among other things, seeks to ensure that development does not have an unacceptable impact on highway safety. For the same reasons, the proposal would conflict in this respect with the provisions of paragraph 111 of the Framework.

Other Matters

21. The appellant has made various amendments and alterations to the proposal during the application process in an attempt to come up with a workable scheme. This is commendable but, while I note that the Council had no *in principle* objections to the scheme (and nothing which has been put before me leads me to a different view on that point), I have nevertheless found significant harm as I have described above.

22.



Conclusion

23. I have found that the proposed development would be harmful to the character and appearance of the area, would not provide acceptable living conditions for future occupiers, and would be harmful to highway safety. These are matters which carry considerable weight, and outweigh the benefits associated with the proposal. The scheme would conflict with the development plan taken as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh this conflict.
24. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector

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Appeal Decision

Site visit made on 8 August 2023

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH SEPTEMBER 2023

Appeal Ref: APP/F4410/C/22/3312629

Land at 8 Briar Road, Skellow, Doncaster DN6 8HY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended ("the Act"). The appeal is made by Mr Adeola Doherty, Limestone Properties Ltd against an enforcement notice issued by Doncaster Metropolitan Borough Council.
 - The notice was issued on 27 October 2022.
 - The breach of planning control as alleged in the notice is the Land has without planning permission, the unauthorised development of the erection of a 1.75 metre in height wooden fencing and gate and concrete posts to the front and side boundaries of a residential property adjacent to a highway on the Land in the position as shown coloured blue, 'on the Site Plan attached to the notice'.
 - The requirements of the notice are to: (i) reduce the height of the wooden fencing and gate and concrete posts to no more than 1 metre in height on the Land; or (ii) remove in their entirety from the Land the wooden fencing and gate and concrete posts from the Land; (iii) Upon completion of either (i) or (ii) above to either remove permanently from the Land all the resultant materials and debris arising from compliance with the aforementioned requirements of 'the notice'.
 - The periods for compliance with the requirements are: Steps (i) or (ii) One month; Step (iii) Two months, from the date the notice comes into effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is dismissed, and the enforcement notice upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Preliminary Matter

2. The breach of planning control as alleged in the notice is the erection of a 1.75 metre (m) in height wooden fencing and gate and concrete posts as shown on the site plan accompanying the notice. There is no dispute between the parties on the alleged breach of planning control. However, as I saw the 1.75m wooden fencing consists of timber panels supported by the concrete posts and concrete gravel boards with the gate attached to a concrete post and the property. Therefore, for clarity I have taken the concrete gravel boards to be also part of the alleged breach, and I shall refer to the 1.75m wooden fencing, concrete gravel boards and concrete posts together as 'the fence' in the decision.

The appeal on ground (a) and the deemed planning application (DPA)

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. Briar Road is within a predominantly residential area with a mix of semi-detached dwellings constructed of brick and render. Most of the front boundaries to the properties are marked by low picket, timber fencing or brick walls with low level vegetation abutting the boundaries which gives the street a pleasant soft-landscape and of open character and appearance.
5. The appeal site is a semi-detached property and is a house in multiple occupation (HMO). There is an existing low level picket fence and hedgerow to the front boundary with some vegetation growing along the boundary with No.6. The fence is sited behind the picket fence and hedge and the gate is attached to the fence and the property. The position of the gate is adjacent to the driveway belonging to No.10.
6. The fence is of a considerable length and width wrapping around and enclosing the front garden with the attached gate. Given the height, position and prominence, of the fence combined with the attached gate, it forms a large obtrusive and incongruous feature in the street scene which is at odds with the prevailing character and lower height of other enclosures and boundary treatments immediately along Briar Road. This is exacerbated by the stark appearance due to the height, style and finish of the fence and gate. Thus, the development is not sympathetic to the area and results in a detrimental impact on the established character and appearance of the immediate and wider street scene.
7. I saw at the time of the site visit there is a mature hedge to the front of the appeal site and vegetation along the boundary with No.6. However, these and the limited setback from the pavement edge of the fence did little to reduce the views of the fence and gate when viewed along the footpath when approaching from the north. In addition, this existing hedge and vegetation would likely be sparse in density during the winter months so it would not ensure a soft boundary design or that the height of it could be maintained throughout the year. Therefore, resulting in the fence and gate being significantly more prominent when viewed within the street scene.
8. Whilst I note the appellant's circumstances of erecting the fence and gate at the property. I have no substantive evidence to support those concerns that the fence and gate were erected out of necessity to protect the property from criminal damage, anti-social behaviour or trespassing. The matter of criminal activity taking place at the appeal site would be for the relevant judicial authority. Moreover, I am not persuaded that the only option for the appellant and occupiers of the property as a deterrent was to erect the fence and gate.
9. The appellant has also drawn my attention to Policy 47 of the Doncaster Local Plan 2015-2035, (2021) (LP), relating to safe and secure places and paragraph 97 of the National Planning Policy Framework (the Framework). The Council did not refer to these within the notice or in refusing planning

permission¹ for the same development. Even, if I considered that the fence was designed to meet the policy principles and objectives of the Framework it is not without caveat. Policy 47 requires that private spaces are appropriate to the character of the area and security fencing does not contribute to a hostile environment. The Framework seeks achieving well designed places and ensures developments are visually attractive including that development that is not well designed should be refused. As I have identified above the fence and gate causes harm to the character and appearance of the area and is therefore not well designed.

10. For the reasons given above, I conclude the development has caused unacceptable harm to the character and appearance of the surrounding area. It does not accord with Policies 10, 41 and 44 of the LP. Taken together, amongst other matters the policies seek high quality design; respecting and enhancing the character of the locality; and supports development where they respond positively to the context and character of existing areas. Moreover, the development is also contrary to the Framework, chapter 12 which seeks well designed places.

Other Matters

11. The appellant has drawn my attention to other examples of boundary treatments and that there are a small number of other tall fences and hedges within the surrounding area of the appeal site. I do not have full details of those and cannot be sure they are directly comparable to the appeal development. However, those I saw were limited and the existence of these does not justify the development before me. In any event, I have determined the appeal on the basis of the evidence before me and site observations.
12. A representation was received that the development impacts on highway safety. However, I saw that there was an existing dropped kerb to access the driveway at No.10 and the fence was setback from this vehicular access point, albeit limited. I noted there were no restrictions for on street parking along Briar Road. Moreover, it appears from the evidence there have been no concerns from the Council's Highway Officer to the development, and the plan FF-176-5 revision A annotates a 2m x 2m visibility splay. Therefore, the development does not, in my view, cause any detrimental harm to highway safety. Nevertheless, this lack of harm is neutral and does not outweigh the significant harm to the character and appearance of the area.
13. The matter raised concerning the use of the property as an HMO is not the development attacked by the notice, therefore it is not a matter for me to consider under this appeal. Although the development does not cause harm to the living conditions of neighbouring properties this is a neutral matter that weighs neither for nor against the proposal.

Conclusion

14. Therefore, for the reasons given above, I conclude that the appeal under ground (a) should fail and that planning permission should be refused in respect of the DPA in full.

¹ Application reference 22/01378/FUL, refused 22 September 2022

The appeal on ground (g)

15. An appeal under ground (g) is made on the basis that any period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed. The notice requires compliance for either steps (i) or (ii) within one month and for step (iii) within two months, of it coming into effect.
16. The appellant seeks a period of two months for steps (i) and (ii), and three months for step (iii) to comply with the notice. This is stated to be in the context that the property operates as an HMO and the management company requires to investigate alternative arrangements and to ensure the property remains secure. This includes getting quotations and then commissioning suitable trades people to comply with the requirements.
17. The appellant has provided no substantive evidence to support their ground (g) appeal. However, the notice requirements do not impose an overly difficult operation to complete, and I see no reason now why the fence and gate could not be removed or reduced in height within the specified period.
18. Moreover, the reasons why the Council issued the notice are that the unauthorised development is causing significant harm to the character and appearance of the surrounding area and fails to integrate or enhance the qualities of the area. Therefore, it is in the public interest for the breach of planning control to be remedied as soon as reasonably possible. This provides a further reason not to extend the compliance period beyond the current specified period. Accordingly, the appeal on ground (g) fails.

Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the Act.

K A Taylor

INSPECTOR