



# City of Doncaster Council

## Agenda

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To all Members of the

## **PLANNING COMMITTEE**

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

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

**Date:** Tuesday, 14th November, 2023

**Time:** 2.00 pm

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

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Issued on: Monday, 6 November 2023

**Governance Services Officer for this meeting**

Amber Torrington  
Tel 01302 737462

**City of Doncaster Council**  
**[www.doncaster.gov.uk](http://www.doncaster.gov.uk)**

1. Apologies for Absence
  2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
  3. Declarations of Interest, if any.
  4. Minutes of the Planning Committee Meeting held on 17th October, 2023 1 - 10
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications 11 - 200
  6. Deed of Variation 201-324
- For Information**
7. Appeal Decisions 325-360

### **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, 17TH OCTOBER, 2023

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 17TH OCTOBER, 2023, at 2.00 pm.

#### PRESENT:

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

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

#### APOLOGIES:

Apologies for absence were received from Councillors Aimee Dickson and Andy Pickering

#### 34 DECLARATIONS OF INTEREST, IF ANY.

In accordance with the Members Code of Conduct, Councillor Emma Muddiman-Rawlins declared an interest in Application No 23/00108/FUL Agenda Item 5(1) and took no part in the discussion and left the meeting for the duration of the consideration of the application.

#### 35 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 19TH SEPTEMBER, 2023

RESOLVED that the minutes of the meeting held on 19th September, 2023 be approved as a correct record and signed by the Chair.

#### 36 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'.

#### 37 ADJOURNMENT OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 2.55 p.m., to be reconvened on this day at 3.05 pm.

#### 38 RECONVENING OF MEETING.

The meeting reconvened at 3.05 p.m.

39 CONSIDERATION OF SECTION 106 AGREEMENT FOLLOWING VIABILITY ASSESSMENT FOR RESIDENTIAL DEVELOPMENT AT OWSTON ROAD, CARCROFT (19/01514/OUTM)

The Committee considered a report seeking approval to the variation to the Section 106 Agreement for a development of residential housing at Owston Road, Carcroft.

It was advised that 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 objections:-

- Delivery of 26% on site built units for affordable housing. The tenure split 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; and
- On site Public Open Space (POS) and scheme for maintenance.

Committee were informed of the background to the application and its subsequent amendments. It was advised that the applicant had submitted a Deed of Variation accompanied by a Full Viability Appraisal (FVA) concurrently with the submission of the Reserved Matters application.

In September 2023, the FVA was assessed by an independent external consultant and the conclusion of the assessment showed that the scheme with the policy compliant amount of affordable housing and education contributions would make the scheme unviable.

Committee noted the amendment to the report at paragraph 4 which should read 'This report does not contain exempt information'.

Before members went into debate the Legal Officer outlined the relevant tests for modifying s106 obligations. Advice was given that the usual planning considerations are not engaged in such a case and the question for Members was whether the planning obligations continued to serve a useful purpose in the public interest such that they should be maintained and the request refused, or alternatively that they no longer served a useful purpose in order that the request should be approved.

During debate Members discussed the impacts on education provision. Members sought that the report be deferred to the next Committee meeting to allow officers from Education to attend and provide Committee with further education information.

RESOLVED the report be deferred to the next meeting to allow officers from Education to attend and provide further information on the impacts on education provision.

40 DURATION OF MEETING.

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

41 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:-

| <b>Application No.</b> | <b>Application Description &amp; Location</b>   | <b>Appeal Decision</b>                                  | <b>Ward</b>                   | <b>Decision Type</b> | <b>Committee Overturn</b> |
|------------------------|---|---|-------------------------------|----------------------|---------------------------|
| 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 DN12 2JD | Appeal Dismissed<br>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 Road, Skellow, Doncaster DN6 8HY                     | ENF – Appeal Dismissed, ENF Notice Upheld<br>07/09/2023 | Adwick Le Street and Carcroft | Delegated            | No                        |

## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 17th October, 2023

|                    |    |
|--------------------|----|
| <b>Application</b> | 01 |
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|                            |              |
|----------------------------|--------------|
| <b>Application Number:</b> | 23/00108/FUL |
|----------------------------|--------------|

|                          |                          |
|--------------------------|--------------------------|
| <b>Application Type:</b> | Full Planning Permission |
|--------------------------|--------------------------|

|                              |  |
|------------------------------|--|
| <b>Proposal Description:</b> | 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 |
| <b>At:</b>                   | 18 Lifford Road, Wheatley, Doncaster, DN2 4BY  |

|             |        |
|-------------|--------|
| <b>For:</b> | Mr Kay |
|-------------|--------|

|                          |  |                |      |
|--------------------------|--|----------------|------|
| <b>Third Party Reps:</b> | 32 representations objecting to the proposal and petition with 90 signatures | <b>Parish:</b> | N/A  |
|                          |  | <b>Ward:</b>   | Town |

**A proposal was made to REFUSE Planning Permission contrary to officer recommendation.**

**Proposed by: Councillor Steve Cox**

**Seconded by: Councillor Iris Beech**

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

**Decision: The application be refused contrary to officer recommendation for the following reasons:-**

- 01. The proposal is overdevelopment of the site which results in poor living conditions for future occupants by virtue of the provision of small room sizes. The proposal will result in the loss of amenity through noise impacts for both the intended occupants and nearby neighbours as a result of the number of intended occupants. There is inadequate waste bin provision and inadequate rear garden space for the amount of residents proposed. There is also considered to be a lack of adequate**

**on street parking. The proposal is therefore contrary to Doncaster Local Plan Policy 9 Parts A, B, C and D).**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', the following individuals spoke on the application for the duration of up to 5 minutes each:-**

- Mr Richard Maddox spoke in opposition to the Application; and**
- Councillor Dave Shaw spoke in opposition to the Application**

**(It was noted that Councillor Gemma Cobby was due to speak in opposition to the application, however, was unable to attend).**

**(The receipt of an additional representation received from Councillor Jake Kearsley outlining concerns on Proliferation of such properties, Parking, Noise pollution and impact on neighbouring properties was reported at the meeting)**

**(An amendment to the report at 9.41 which refers to 5 permits per property – Further clarification from parking services confirmed that this should read per household. This means that all residents would be eligible to apply for car park permits if registered to the same address).**

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| <b>Application</b> | 02 |
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| <b>Application Number:</b> | 22/00255/REMM |
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|--------------------------|------------------|
| <b>Application Type:</b> | Reserved Matters |
|--------------------------|------------------|

|                              |  |
|------------------------------|--|
| <b>Proposal Description:</b> | 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). |
| <b>At:</b>                   | Land to the east of Mere Lane, Edenthorpe, Doncaster DN3 2BF   |

|             |             |
|-------------|-------------|
| <b>For:</b> | Avant Homes |
|-------------|-------------|

|                          |               |                |                           |
|--------------------------|---------------|----------------|---------------------------|
| <b>Third Party Reps:</b> | 13 Objections | <b>Parish:</b> | Edenthorpe Parish Council |
|                          |               | <b>Ward:</b>   | Edenthorpe & Kirk Sandall |

**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 Sue Farmer**

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

**Decision: Reserved Matters Approved subject to conditions**

**In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Charlotte Hatton of Avant, Applicant spoke in support of the Application for the duration of 5 minutes.**

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| <b>Application</b> | 03 |
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| <b>Application Number:</b> | 21/00398/MINA |
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| <b>Application Type:</b> | Planning FULL Major |
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| <b>Proposal Description:</b> | Proposed northerly extension of the quarry workings into around 31.6ha of land to include material 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. |
| <b>At:</b>                   | Land north of Holme Hall Quarry, Stainton  |

|             |                      |
|-------------|----------------------|
| <b>For:</b> | Breedon Southern Ltd |
|-------------|----------------------|

|                          |                             |                |                          |
|--------------------------|-----------------------------|----------------|--------------------------|
| <b>Third Party Reps:</b> | 64 against<br>25 in support | <b>Parish:</b> | Edlington Town Council   |
|                          |                             | <b>Ward:</b>   | Edlington and Warmsworth |

**A proposal was made to GRANT Minerals Planning Permission**

**Proposed by:** Councillor Gary Stapleton

**Seconded by:** Councillor Charlie Hogarth

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

**Decision: Minerals Planning Permission granted.**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', the following individuals spoke on the application for the duration of up to 5 minutes each:-**

- **Mr John Parkes, Local resident, spoke in support of the Application;**
- **Parish Councillors Sarah Brown of Stainton Parish Council and Mike Addenbrooke of Braithwell and Micklebring Parish Council spoke in support of the application (5 minutes collectively);**
- **Councillor Martin Greenhalgh, Ward Member, spoke in support of the Application;**
- **Councillor Phil Cole, Ward Member, spoke in support of the Application; and**

- **Mr Kris Furness of Breedon, the Applicant, spoke in support of the Application.**

**(The receipt of a further two letters of support raising similar issues were reported at the meeting).**

**(It was noted that the Council had received 60 letters of support that had been submitted. These were redacted and include the 25 letter already mentioned in the report. The letters cite reasons for support including the creation of jobs, need for material and that Breedon are a good company).**



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| <b>Application</b> | 04 |
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| <b>Application Number:</b> | 22/02392/FUL |
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| <b>Application Type:</b> | Full Application |
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|------------------------------|--|
| <b>Proposal Description:</b> | Erection of a sales office building and associated works. Change of use of land to caravan storage and sales |
| <b>At:</b>                   | Vacant land East of Adwick Lane, Toll Bar, Doncaster DN5 0RE   |

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|-------------|--------------------------|
| <b>For:</b> | Mr Lee – Adwick Caravans |
|-------------|--------------------------|

|                          |   |                |         |
|--------------------------|---|----------------|---------|
| <b>Third Party Reps:</b> | 17 objections and 10 representations in support | <b>Parish:</b> |         |
|                          |   | <b>Ward:</b>   | Bentley |

**A proposal was made to GRANT Planning Permission subject to conditions.**

**Proposed by: Councillor Steve Cox**

**Seconded by: Councillor Iris Beech**

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

**Decision: Planning Permission Granted subject to conditions**

**In accordance with Planning Guidance, ‘Having Your Say at Planning Committee’, the following individuals spoke on the application for the duration of up to 5 minutes each:-**

- Councillor James Church, Ward Member, spoke in opposition to the Application; and**
- Angela Simmonds, the Agent, spoke in support of the application.**

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## 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.

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| Application | Application No | Ward                           | Parish                                     |
|-------------|----------------|--------------------------------|--|
| 1. M        | 23/01305/4FULM | Bessacarr                      |  |
| 2. M SV     | 22/00848/FULM  | Balby South                    |  |
| 3. M        | 22/01032/FULM  | Town                           |  |
| 4.          | 23/01702/COU   | Hexthorpe And Balby<br>North   |  |
| 5.          | 22/02382/OUT   | Edenthorpe And Kirk<br>Sandall | Barnby Dun /Kirk Sandall Parish<br>Council |

|                    |    |
|--------------------|----|
| <b>Application</b> | 1. |
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|                            |                |
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| <b>Application Number:</b> | 23/01305/4FULM |
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|--------------------------|----------------------------------|
| <b>Application Type:</b> | Planning FULL (DMBC Reg 4) Major |
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|                              |   |
|------------------------------|---|
| <b>Proposal Description:</b> | Erection of residential development with public open space and associated landscaping, drainage and infrastructure. (Being resubmission of application 22/01710/4FULM refused on 14/04/2023.) |
| <b>At:</b>                   | Land North Of The Railway Line<br>Rose Hill Rise<br>Rose Hill<br>Doncaster<br>DN4 5LE   |

|             |                                       |
|-------------|---------------------------------------|
| <b>For:</b> | Mr Adam Pitman - Miller Homes Limited |
|-------------|---------------------------------------|

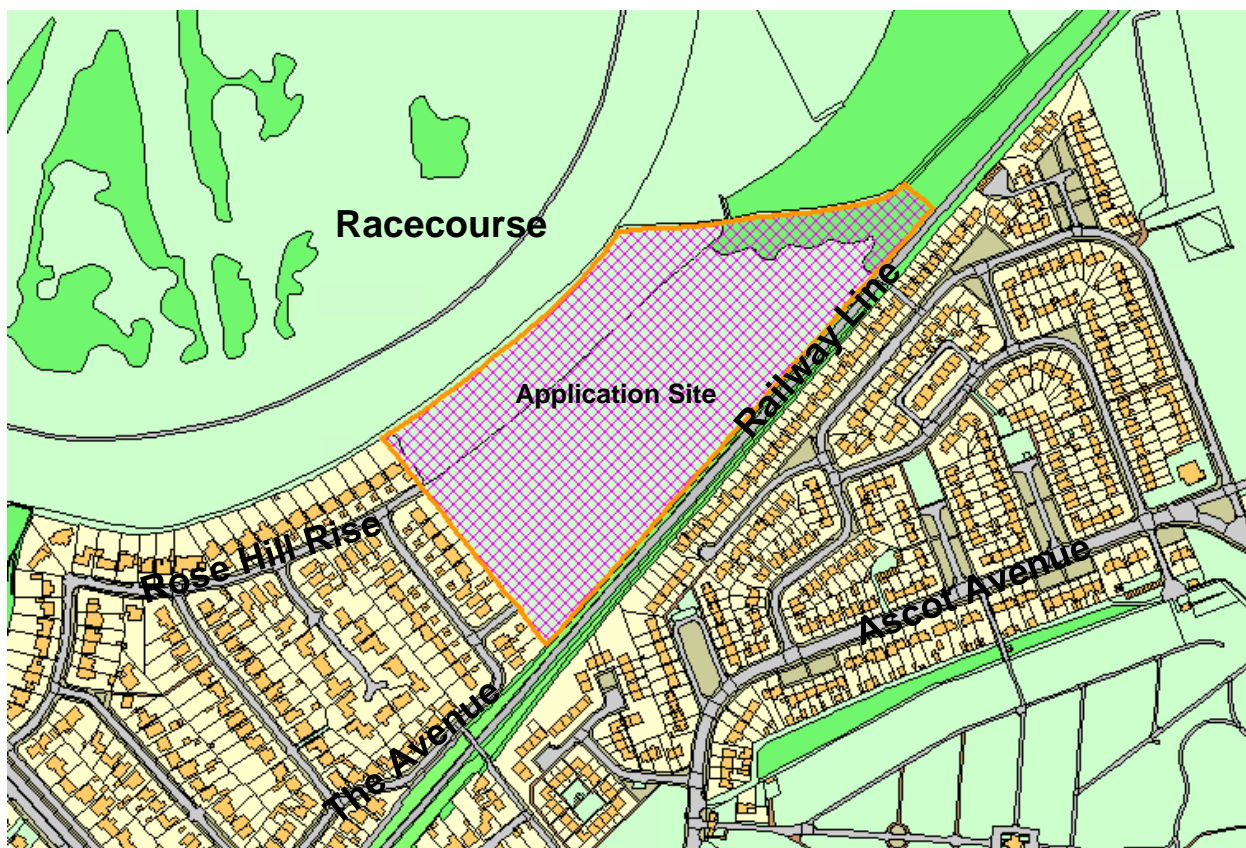
|                          |                          |                |           |
|--------------------------|--------------------------|----------------|-----------|
| <b>Third Party Reps:</b> | 111 Letters of objection | <b>Parish:</b> | None      |
|                          |                          | <b>Ward:</b>   | Bessacarr |

## SUMMARY

The proposal is a resubmission of a previously refused scheme seeking permission for the same quantum of development. Updated ecology and transportation surveys and reports have been submitted to accompany this resubmission application and it is considered that these overcome the previous reasons for refusal. As such, this resubmitted scheme for the erection of 121 dwellings and public open space with associated infrastructure, landscaping and drainage, is considered to be acceptable in policy terms given the site is designated within the Local Plan as a Housing Development Allocation, Site Ref: MUA56 – Rose Hill, Cantley, with an indicative housing capacity of 166 dwellings. Overall, the proposal is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2023).

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development has been sympathetically designed to maximise the ecological interest of the site and would not cause undue harm to neighbouring properties, heritage and ecological assets, the highway network or the wider character of the area.

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



## 1.0 Reason for Report

1.1 This application is being reported to planning committee as this is a site within Council ownership and due to the number of representations that have been received.

## 2.0 Proposal and Background

2.1 Planning permission is being sought for the erection of 121 dwellings including the formation of a new access, landscaping and public open space. The application is a resubmission of an application previously submitted under ref 22/01710/4FULM which was refused by Planning Committee on 31<sup>st</sup> March 2023. The Notice of Decision was issued on 14.04.2023 citing three reasons for refusal.

- 1) The application will result in traffic impacts both during the construction period and also post development arising from increased volumes of traffic on the A638 Bawtry Road and Rose Hill Rise. The application is therefore contrary to Doncaster Local Plan Policy 13 Part A)6 and NPPF paragraph 111.
- 2) The application will result in the loss of a non-designated open space that provides an important social and ecological role. The application is therefore contrary to Doncaster Local Plan Policy 27 B) and paragraph 98 of the NPPF.

- 3) The application will result in the loss of biodiversity and adversely impact on wildlife including protected species and is thereby contrary to Doncaster Local Plan Policy 30 Part B) and paragraph 180 a) of the NPPF.

2.2 In terms of what has changed since the previous application refusal, this resubmission application has sought to overcome the reasons for refusal in the following ways:

- 1) With regards to Reason 1 and traffic impacts and volumes of traffic during the construction period and also post development. The Applicant has updated traffic surveys done previously. The Transport Assessment is, in the main, the same as previously submitted, however further counts and modelling of the U-Turn on Bawtry Road, have been undertaken to include a future year of 2033 as opposed to 2032.

Traffic counts have been updated from 2021 and undertaken in May 2023. However, the counts taken in 2021 were higher, more robust, so these counts have been used as opposed to the 2023 counts.

- 2) With respect to Reason 2, this cites the loss of a non-designated open space. Whilst it is acknowledged that this site is a physical open space, on reading the Local Plan “as a whole” it is allocated for development and thus is not afforded protection under Policy 27b. “Non-designated open space” is referred to in the policy justification at 10.16 as being incidental small areas of land within verges etc., that are not significant enough to be separately identified. Officers advise that this reason for refusal is untenable in this case and if members are minded to refuse the application this reason should not be included.
- 3) With regards to loss of biodiversity and the adverse impact on wildlife, ecology surveys undertaken in 2021 and 2022 have been updated –this includes vegetation, bats, reptiles, badger and breeding birds. Ecological impacts have been reconsidered. Biodiversity Net Gain demonstrates an improvement of units to be secured offsite.

2.3 The site has had a longstanding allocation in the Doncaster Unitary Development Plan for housing which was adopted in 1998. The allocation has been reallocated through the adopted Doncaster Local Plan (September 2021). The Unitary Development Plan site allocation included a Development Brief that set out the planning requirements and development guidelines to inform and advise on any proposed scheme being brought forward. This Development Brief has since been updated and more recently, the current Local Plan allocation also includes Site Development Requirements at Appendix 2 for this site. The issues highlighted at Appendix 2 for this site include consideration of the following issues;

- Archaeology
- Biodiversity
- Design
- Education
- Public Open Space
- Transport
- Trees and Hedgerows

2.4 Pre-application advice was sought and provided with the previously refused application and this current proposal is submitted as a result of informal advice provided.

### 3.0 Site Description

3.1 The site is an area of unmanaged grassland. It is generally level and was previously cultivated. The site is located on the northern edge of the Cantley and Bessacarr housing estates, approximately 2 miles southeast of Doncaster City Centre.

3.2 The site is bound to the southwest by existing residential development; to the southeast by a mineral railway line, with residential development immediately behind; to the north-west by Doncaster Racecourse/Common; and to the north by agricultural land and Redhouse Plantation woodlands.

3.3 Doncaster Common and Redhouse Plantation are both designated as Local Wildlife Sites.

3.4 The site falls within a Site of Special Scientific Interest (SSSI) Impact Risk Zone associated with the Sandal Beat SSSI, situated approximately 750m to the northeast.

3.5 The site lies adjacent to an existing well established residential estate and is accessed via two existing adopted metalled roads with footpaths, leading from Rose Hill Rise and The Avenue and which extend to the site boundary at its southwestern end.

3.6 The site is approximately 400m east of the A638 Bawtry Road, a major strategic route into Doncaster City Centre and from which the site is accessed.

### 4.0 Relevant Planning History

4.1 Application site history:

| Application Reference | Proposal   | Decision  |
|-----------------------|--|---|
| 23/00030/REF          | Erection of residential development and public open space with associated infrastructure, landscaping and drainage                                 | Appeal in Progress                                  |
| 22/01710/4FULM        | Erection of residential development and public open space with associated infrastructure, landscaping and drainage                                 | Refused 14.04.2023<br>(Currently subject to appeal) |
| 21/03161/FULM         | Erection of residential development comprising of 157 units, with public open space and associated landscaping, drainage and infrastructure. DRAFT | Withdrawn 29.06.2022                                |
| 21/01523/PREAPP       | Proposed residential development (162 dwelling)  | Enquiry Closed<br>23.07.2021                        |



|                 |   |                              |
|-----------------|---|------------------------------|
| 19/01530/PREAPP | Erection of 164 dwellings and associated works. | Enquiry Closed<br>09.08.2019 |
|-----------------|---|------------------------------|

4.2 As further background to this site, the most recent history is the application refused under reference 23/01305/4FULM. The applicant has submitted an appeal against the refusal of this application (Appeal ref APP/F4410/W/23/3329658 and Council appeal ref 23/00030/REF). The start date for the appeal was 03.10.2023. The appellant has requested the appeal be heard by way of a Hearing and the appeal hearing date is set for 23.01.2024 at 10.00 in the Council Chamber, Civic Office.

4.3 Prior to submitting the appeal, the applicant also resubmitted this current scheme with additional updated information, following the refusal in order to overcome Planning Committee's reasons for refusal.

## 5.0 Site Allocation

5.1 The site is allocated for housing as designated within the Doncaster Local Plan, Site allocation ref: MUA56 – Rose Hill, Cantley. The indicative capacity for housing within the site, which provides a general guide for potential housing numbers, is shown to be approximately 166 dwellings. The proposal is for 121 units; this remains unchanged from the previous application, which is an overall reduction of 27% of the potential development site.

## 5.2 National Planning Policy Framework (NPPF 2023)

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

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

5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption 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).

5.6 Paragraph 55 of the NPPF states that planning authorities should consider whether 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 imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

5.7 Paragraph 63 requires on site provision of affordable housing where a need is identified.

- 5.8 Paragraph 110 sets out that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
  - b) safe and suitable access to the site can be achieved for all users.
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 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 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).
- 5.11 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 5.12 Paragraph 180 further states that when determining applications, the LPA should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission.
- 5.13 Planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 185).
- 5.14 Paragraph 194 relates to proposals affecting heritage assets, requiring that the impact on any heritage asset is assessed and where heritage assets have or has the potential to include an archaeological interest, an appropriate desk-based assessment and where necessary a field evaluation should be submitted.
- 5.15 Local Plan**
- 5.16 The site is allocated for housing within the Local Plan, Site allocation MUA56 – Rose Hill, Cantley. This allocation is also accompanied by a Development Brief along with Developer Requirements set out at Appendix 2 of the Local Plan.
- 5.17 Policy 1 sets out the Doncaster Settlement Hierarchy and is the overarching strategic policy that informs the decision-making process on where the location and scale of development should take place in Doncaster. Policy 1 identifies Bessacarr as being located within the 'Main Urban Area', this is the area defined as the contiguous built-up area of Doncaster comprising of a number of connected districts around the now City Centre. Doncaster Main Urban Area provides services for the whole City, and to strengthen this role and to meet growth objectives and regeneration needs it states that this area will be the main focus for growth. In terms of housing provision this

policy states that 45% of new homes provision for the borough will be provided in the 'Main Urban Area.'

- 5.18 Policy 1 should be read in conjunction with Policy 2 as this policy sets out the level of growth and states that the Local Plan's strategic aim is to facilitate the delivery of at least 920 net new homes each year over the plan period (2018-2035) (15,640 net homes in total). This would therefore equate to the provision of 7,038 homes within the 'Main Urban Area' over the plan period. Table 4 confirms that specific allocations have been made equating to 7,182 net new homes across the Main Urban Area.
- 5.19 Policy 7 states that the delivery of a wider range and mix of housing types, sizes and tenures will be supported through the following:
- a) New housing developments will be required to deliver a mix of house sizes, types, prices, and tenures to address as appropriate the needs and market demand identified in the latest Housing Need Assessment;
  - b) Housing sites of 15 or more homes (or 0.5ha or above) will normally be expected to include 23% affordable homes in the borough's high value housing market areas or a lower requirement of 15% elsewhere in the borough (including starter homes which meet the definition) on site.
- 5.20 Policy 13 sets out that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact to ensure that:
- a) access to the development can be made by a wide choice of transport modes, including walking, cycling, private vehicles and public transport.
  - b) site layouts and the street environment are designed to control traffic speed through an appropriate network and street hierarchy that promotes road safety for all.
  - c) walking and cycling are encouraged with the development and beyond, through the design of facilities and infrastructure within the site and provision of linkages to the wider network.
  - d) appropriate levels of parking provisions are made; and
  - e) existing highway and transport infrastructure is not adversely affected by new development. Where necessary, developers will be required to mitigate (or contribute towards) and predicted adverse effects on the highway network.
- 5.21 Policy 16 states that the needs of cyclists must be considered in relation to new development and in the design of highways and traffic management schemes to ensure safety and convenience. Provision for secure cycle parking facilities will be sought in new developments.
- 5.22 Policy 17 states that an increase in walking provision in Doncaster will be sought. Walking will be promoted as a means of active travel. Proposals will be supported which provide new or improved connections and routes, which enhance the existing network and address identified gaps within that network. The needs of pedestrians will be considered and prioritised in relation to new developments, in public realm improvements and in the design of highways and traffic management schemes.

- 5.23 Policy 21 sets out that all new housing and commercial development must provide connectivity to the Superfast Broadband network unless it can be clearly demonstrated that this is not possible.
- 5.24 Policy 28 deals with open space provision in new developments and states that proposals of 20 family dwellings or more will be supported which contribute 10 or 15 per cent of the site as on-site open space to benefit the development itself, or a commuted sum in lieu of this (especially where the site is close to a large area of open space).
- 5.25 Policy 30 seeks to protect sites and species of local, national and international importance and requires proposals to meet 10 per cent net gain for biodiversity.
- 5.26 Policy 31 seeks to identify and protect Local Wildlife Sites to maintain a functioning ecological network.
- 5.27 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.
- 5.28 Policy 35 advises on the Understanding and Recording the Historic Environment, stating that proposals that affect known or potential heritage assets will require a heritage statement and justification of any harm, with detailed investigation and recording, demolition or groundwork to ensure that an understanding of the affected asset is gained along with deposition of the site archive with the relevant archive repository and deposition of a report on the results with the South Yorkshire Sites & Monuments Record.
- 5.29 Policy 37 states that proposals should not detract from the heritage significance of a conservation area by virtue of their location, layout, nature, height, density, form, scale, materials or design or by the removal of trees, the loss of important open spaces or other important landscape features, or through adverse impact on key views and vistas.
- 5.30 Policy 39 states that development affecting archaeology will be assessed against two principles; development that would result in harm to the significance of a scheduled monument and how any benefits outweigh harm to the site for development affecting other archaeological assets.
- 5.31 Policy 41 sets out that imaginative design and development solutions will be encouraged to ensure that proposals respect and enhance identity, character and local distinctiveness. In all cases, proposals will need to demonstrate an understanding of the context, history, character and appearance of the site, neighbourhood and wider area, to inform the appropriate design approach.
- 5.32 Policy 42 states that high-quality development that reflects the principles of good urban design will be supported. Proposals for new development will be expected to follow a best practice design process and where appropriate, use established design tools to support good urban design.
- 5.33 Policy 43 C) requires edge of settlement developments or developments on the edge of countryside or Green Belt to provide suitable landscaping to soften the urban edge.

- 5.34 Policy 44 sets out that new housing will be supported where it responds positively to the context and character of existing areas and creates high quality residential environments through good design.
- 5.35 Policy 45 states that new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants and shall meet the Nationally Described Space Standard as a minimum.
- 5.36 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides a high quality, comprehensive hard and soft landscape scheme.
- 5.37 Policy 50 states that development will be required to contribute positively to creating high quality places that support and promote healthy communities and lifestyles, such as maximising access by walking and cycling.
- 5.38 Policy 52 states that where housing proposals of 20 or more family dwellings will create or exacerbate a shortfall in the number of local school places, mitigation will be required, either through an appropriate contribution to off-site provision or, in the case of larger sites, on-site provision.
- 5.39 Policy 54 sets out that where developments are likely to be exposed to pollution, they will only be permitted where it can be demonstrated that pollution can be avoided or where mitigation measures will minimise significantly harmful impacts to acceptable levels. This includes giving particular consideration to the presence of noise generating uses close to the site.
- 5.40 Policy 55 sets out criteria to mitigate against land contamination or land stability on development of land that is unstable, currently contaminated or suspected of being contaminated.
- 5.41 Policy 56 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.
- 5.42 Policy 65 states that developer contributions will be sought to mitigate the impacts of development through direct provision on site, provision off site, and contributions towards softer interventions to ensure the benefits of the development are maximised by local communities.

**5.43 Other material planning considerations**

*National Design Guide (Jan 2021)*

- 5.44 The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice to achieve a successful place.

*Local Interim Guidance & Supplementary Planning Documents*

- 5.45 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the

adoption of the Local Plan. The SPDs referred to superseded development plan policies and some provided guidance which was not in accordance with the new Local Plan. The Transitional Developer Guidance (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. 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 very limited weight. The Council have adopted 5 new SPDs in line with the new Local Plan. These are: Biodiversity Net Gain; Flood Risk; Loss of Community Facilities & Open Space; Local Labour Agreements; and Technical & Developer Requirements which attract full weight.

*National Planning Practice Guidance (ongoing)*

5.46 The National Planning Practice Guidance sets out the government's expectations and further detail for how planning policies for England should be interpreted and applied.

**5.47 Neighbourhood Plan**

5.48 There is no Neighbourhood Plan for this area.

**6.0 Representations**

6.1 The applicant previously undertook a public consultation event which took place at The Dome, Doncaster Lakeside, Bawtry Road by Miller Homes on 26th July, 3pm – 8pm. Whilst there was no formal public consultation for this re-submission application, the applicant (including their technical experts) met with Rose Hill Residents Association (RHRA) representatives and local ward Councillors. The meeting was at the request of the RHRA to provide opportunity for residents to discuss and comment on the proposal prior to submission.

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

6.3 110 letters of objection have been received with this resubmission application; some individual objectors having submitted a number of representations. The reasons for objecting are fundamentally unchanged from the previous application. These can be summarised as follows:

- Loss of a biodiverse young woodland habitat with important connectivity to Doncaster's Green Infrastructure corridors
- Impact on air quality for adjacent residents caused by dust emissions
- Noise and disruption for residents during construction period
- Incorrect tree survey-incorrectly counts trees and number of trees to be lost
- Loss of a mature and diverse wildlife site
- The full impact on the wildlife in this area has not been fully assessed
- Loss of open space
- Loss of trees
- Errors in ecological information and reports

- Errors in landscaping plan
- Roads not wide enough for the estate and construction traffic
- On street parking problems, leaving problems with access for emergency vehicles
- Conflict with narrow roads being used by HGV's and 2-way construction traffic
- Modelling errors for U turn junction at Cantley lights in the Transport Assessment and updated Construction Management Plan relating to residents parking and construction activities
- Potential traffic impact on local and major road infrastructure
- Potential problems accessing Bawtry Road at busy times
- Potential problems with HGV's accessing Rose Hill Rise from Bawtry Road
- Congestion and traffic fumes on the existing estate roads
- Existing problems with surface water drainage
- Loss of site impacts on climate change
- No demand for new build homes
- Impact on services as Schools, doctors, dentists already over capacity
- Devaluation of properties due to development
- Development fails to meet the criteria set out in Doncaster Council Development Guidance
- Objects to changes/closure/rerouting of bridleway
- Development is out of character with its surroundings

#### 6.4 Non Material Issues raised:

- Devaluation of properties is not a planning consideration

### 7.0 Parish Council

7.1 There is no Parish Council for this area.

### 7.2 Relevant Consultations

7.3 **Area Manager** – No comments received.

7.4 **Conservation** – Previous application comments reiterated. No objection raised. The Council's Conservation Officer is in agreement with the conclusion of the submitted Heritage Statement in that there are no above ground heritage assets or any of their settings that would be harmed by the development.

7.5 **Trees and Hedgerows Officer** – The submitted tree survey is accepted. No objections raised subject to mitigation to be secured via conditions for a detailed soft landscape scheme and tree protection measures to be submitted and agreed.

7.6 **Ecology** – The Council's Ecologist is satisfied that the survey information submitted with this application is acceptable. Following submission of updated reports/details, there are no objections raised subject to mitigation by biodiversity offsetting via s106 legal agreement and inclusion of suggested conditions.

7.7 **Highways (Transportation)** – A revised Transport Assessment and Travel Plan have been submitted in support of this resubmitted application. Following review (including review by CDC Traffic Signals), previous comments still apply. No

objections raised subject to mitigation by conditions for electric vehicle charging points, cycle parking to be provided within the curtilage of each dwelling and annual monitoring for the Travel Plan.

- 7.8 **Highways Development Control** – No objections are raised subject to mitigation by conditions including vehicle turning space to be constructed prior to development being brought into use and parking to be retained as such.
- 7.9 **Urban Design** – After a number of minor iterations the scheme is acceptable subject to inclusion of conditions for final external materials to be agreed, securing accessible and adaptable dwellings and a hard and soft landscaping scheme to be agreed.
- 7.10 **Natural England** – Reiterate previous application comments stating that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes and therefore raises no objection.
- 7.11 **Pollution (Air Quality)** – The submitted Air Quality Assessment follows standard methodology using information from recognised sources. No objections or issues of concern raised subject to conditions for electric vehicle charging points.
- 7.12 **Pollution (Land Contamination)** – Previous application comments are reiterated. Phase 1 and 2 geotechnical site investigation reports have been submitted. The results show the natural ground and topsoil on site is suitable for re use. No made ground has been found. The report concludes NO remediation is required. No objection raised subject to condition for testing of any imported soils to ensure suitability for the proposed use.
- 7.13 **Strategic Housing** – No objections raised, and previous application comments reiterated in that the scheme proposes the full 23% affordable housing requirement on site and will provide 28 affordable family homes. The mix and tenure of the homes will be agreed via Section 106 legal agreement.
- 7.14 **Public Health** – No additional comments to those made previously. Previous application there were no overall objections raised following submission of and full consideration of the Health Impact Assessment.
- 7.15 **Environment Agency** – Standing advice applies as the site is designated as Flood Risk Zone 1 with a low probability of flooding from main rivers.
- 7.16 **Internal Drainage** – No objections raised subject to condition for details of land drainage consent, written evidence from the sewage undertaker to confirm adoption agreements/discharge rates, and a drainage management and maintenance plan to be submitted and approved.
- 7.17 **Yorkshire Water** – No objections raised subject to mitigation by condition for drainage to be installed in accordance with submitted drainage plan. All drainage details will be agreed with the Council's drainage team as Lead Local Flood Authority so this condition is omitted as current drainage conditions will ensure the drainage strategy is adhered to.
- 7.18 **Built Environment (Open Space Policy)** – No objections raised, Page 24 subject to conditions for details of play equipment, along with the delivery of the play area.



- 7.19 **Education** – Previous application comments reiterated including financial contribution. No objection raised subject to financial contribution of £481,752.00 for 18 additional school places at Hall Cross Academy. This contribution will be secured via a Section 106 legal agreement.
- 7.20 **Local Plan (Housing)** – Previous application comments are reiterated supporting the application subject to other policy considerations as the site is within a housing allocation within the adopted Doncaster Local Plan: Site MUA56 – Rose Hill, Cantley.
- 7.21 **Superfast South Yorkshire** – No response received however previously raised no objections subject to inclusion of condition for installation of superfast broadband.
- 7.22 **Public Rights of Way** – There are 3 existing bridleways that cross the site that will be retained. No objection raised subject to providing that the full 4 metre width of the bridleways is maintained with no obstruction. Any furniture or planting should be placed outside the 4 m width. A condition is included for surfacing to be agreed by the Public Rights of Way Officer.
- 7.23 **Yorkshire Wildlife Trust** – Previous application raised no comment, deferring to the CDC Ecologist. However, now raise objection to the sensitivity of the site, impacts on adjoining sites, retention of wildlife corridors, classification of baseline habitats and the magnitude of habitat losses identified through the BNG process. The Council's Ecologist has commented on all of the matters raised by the YWT and is satisfied that these have been adequately addressed.
- 7.24 **Local Plan (Flooding)** – Given that nothing has changed on site in terms of strategic policy consideration of flooding, previous comments are re-iterated. No objection raised given the site lies within Flood Risk Zone 1.
- 7.25 **Environmental Health** – Since the previous application refusal and construction traffic issues raised by residents, a construction method statement has been submitted. Following minor amendment, no objection is raised. Therefore, a condition for the construction works to be carried out in accordance with the construction method statement is included in order to safeguard the living conditions of neighbouring residents.
- 7.26 **South Yorkshire Architectural Liaison (SY Police)** – Comments are reiterated from previous application. No objection raised subject to advice that the development should be built to Secured by Design standards. An advisory informative note for the applicant is therefore included.
- 7.27 **Network Rail** – The previous application comments are reiterated. No objections have been raised in principle. However, on account of the proximity of the site to the operational railway boundary, works will need to be agreed with the Asset Protection Team. As such appropriate conditions and informative notes are included.
- 7.28 **South Yorkshire Archaeology Service (SYAS)** – The site has a high potential for the survival of significant archaeological remains. As such a Written Scheme of Investigation (WSI) has been submitted. SYAS has agreed the WSI recommending a condition for the development to be carried out in accordance with the submitted WSI that sets out a strategy for archaeological investigation on site.

## 7.29 **Ward Members.**

7.30 Councillor Nick Allen has raised issue that there is no fundamental difference between this and the previously refused application (22/01710/4FULM), raising the following issues:

- i) Loss in biodiversity
- ii) Accessibility to the site for construction traffic will be difficult down The Avenue
- iii) Development will result in traffic, noise and loss of amenity

7.31 Councillor Laura Bluff has also raised issue that there is no fundamental difference between this and the previously refused application (22/01710/4FULM), particularly with respect to the following issues.

- i) the impact on the environment and wildlife,
- ii) the loss of amenities for the local people,
- iii) the increased pressure on the already overcrowded local road networks,
- iv) the lack of provisions for new residents to school young children or gain access to a local doctor and dentist.

## 8.0 **Assessment**

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

*'Where in making any determination under the planning acts, regard is to be had to unless material considerations indicate otherwise'.*

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

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

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

- Principle of development
- Affordable Housing
- Impact on Residential Amenity
- Access to Services
- Climate Emergency
- Design and Impact on Character of Area
- Impact upon Highway Safety
- Archaeology
- Ecology
- Flood Risk and Drainage
- Trees and Landscaping

- Public Open Space
- Pollution Issues
- Section 106 Obligations
- Overall planning balance

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

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

#### Principle of Development

8.6 With regard to the principle of residential development on this site, Bessacarr is identified in the Local Plan as one of the 'connected' districts around the City Centre that comprise the Development Limits of the Doncaster Main Urban Area. Policy 1 directs at least 45% of new homes over the plan period to the Doncaster Main Urban Area and, as such, is the main focus for housing growth and regeneration in the Borough.

8.7 Policy 2 builds further on this and sets out the strategic aim of facilitating the delivery of a minimum of 15,640 (net) new homes in the remainder of the plan period (2018-2035), or at least 920 new homes per year. Table 4 (Allocations of new homes across settlement hierarchy and individual settlements) identifies that allocations have been made equating to 7,182 new homes at the Doncaster Main Urban Area to accord with the 45% requirement.

8.8 The site is located on land allocated for housing within the Local Plan and is a long-established proposed housing site as far back as the Doncaster Unitary Development Plan (1998). Policy 5 of the Local Plan relates to the delivery of the housing allocations set out in Policy 2 and Table H2(A) identifies the site as a Housing Allocation without planning permission, Site Ref: MUA56 – Rose Hill, Cantley, with an indicative housing capacity of 166 dwellings. Policy 5 states that housing allocations will be developed primarily for residential uses to help deliver the housing requirement and will be developed having regard to both the specified developer requirements set out in Appendix 2 of the Local Plan, and the indicative number of new homes identified. It is important to note that the indicative number of dwellings within the Local Plan are not ceilings to quantum of development, which are to be more appropriately assessed at the detailed planning application stage. However, it does serve as a guide and it is important to note that proposals for lower density schemes can be supported where this would assist with the delivery of a better design solution. This scheme under consideration is below the indicative capacity, as was the previously refused scheme, and in being below the indicative capacity responds positively to the ecological/biodiversity interest of the area in terms of maximising this interest through sympathetic design and maximising the buffers around the site.

- 8.9 Taking the above considerations into account, the proposal would therefore make a significant contribution towards the Main Urban Area's housing requirement and thus contributing towards the policy objectives of the adopted Local Plan. The site is sustainable, being well located to access the services and facilities in the area, including schools, shops, employment and access to public transport. Doncaster City Centre can be accessed within 3km cycling distance and the closest bus stops are located on Bawtry Road, which provide a number of services towards the City Centre and other local destinations. The scheme proposes a lower density scheme than set out within its housing allocation, however this provides a better design solution as supported by Policy 5 of the Local Plan and maximises the biodiversity interest of the site and as such is acceptable in principle, subject to other policy considerations. The application is therefore in accordance with the guidance set out in paragraph 119 of the NPPF.

### Sustainability

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

### **SOCIAL SUSTAINABILITY**

#### 8.12 Affordable Housing

- 8.13 Doncaster Local Plan Policy 7 seeks an affordable housing contribution and relates to housing mix stating that new housing developments will be required to include a mix of house size, type, price and tenure to address the identified needs and market demand to support mixed communities. It further states that in terms of delivering affordable housing, housing sites of 15 or more homes will normally be expected to include 23% affordable homes in the Borough's high value housing market areas. It further states that commuted sums in lieu of on-site affordable housing will only be accepted where this is robustly justified which would include where there is already an identified surplus of affordable housing in the community.
- 8.14 With regard to the need, the Strategic Housing team confirmed that the 2019 Housing Needs Study confirms there is a high need for 300 affordable homes in the Bessacarr Ward (which includes part of the Cantley settlement). As an update on this, the most recent June 2023 survey shows an increase with a potential need for 475 affordable homes. This increase is due to no residential developments having taken place in Bessacarr. The Bessacarr ward has the 3<sup>rd</sup> highest need for affordable homes in the City. However, this site is only one of two sites allocated within the Local Plan within the Bessacarr ward that would deliver any affordable housing. The scheme proposes the full 23% (a total of 28) affordable housing requirement and includes a mix of 2, 3 and 4 bedrooled dwellings (this also includes 6 x 2 bedrooled bungalows).

8.15 The housing tenure would comprise affordable rented and shared ownership which can be secured via a Section 106 legal agreement with the applicant. The application therefore satisfies policy requirements in the full provision of affordable housing within an area where there is high demand and thereby is in accordance with Local Plan Policy 7.

#### 8.16 Impact on Residential Amenity

8.17 Table 2 of the Transitional Developer Guidance (TDG) gives minimum separation distances that are applied for new residential development. 2-3 storey properties should have back-to-back distances (between facing habitable rooms) of no less than 21m, and front to front distance of no less than 12m, dependent upon the street hierarchy. Habitable room windows that overlook neighbouring garden space should normally be at least 10 metres from the boundary. Where a new property overlooks an existing garden, these distances may need to be increased. Oblique or obscured outlook from habitable room windows within 10m of the boundary may be allowed at the discretion of the case officer dependent upon site specific considerations. Where first floor habitable rooms face habitable rooms in a single storey dwelling, or the habitable rooms of two single storey dwellings face one another this separation distance may be reduced at the discretion of the case officer.

8.18 The scheme ensures that there is no loss of amenity to existing bungalows to the west of the site, along with overlooking between front of Plots 105 and rear of 115. The separation distances between existing and proposed properties meet the standards set out in the Council's TDG. Separation distances between houses within the proposed development also meet the Council's standards.

8.19 Concerns were previously raised by objectors regarding noise and dust issues during the construction period, and the impact this will have on the health of local residents living in close proximity. This is again reiterated. The Council's Environmental Health Officer has been consulted and a Construction Method Statement (CMS) has been agreed that addresses a number of issues to protect the amenity of residents living nearby during the construction phase. This includes the parking of vehicles of site workers and visitors; storage of plant and materials; wheel wash facilities and measures to control noise and emission of dust and dirt. It is inevitable that there will be a degree of disruption for local residents during the construction period; in consideration of minimising disruption for residents, the applicant has also agreed for enabling works to be agreed via condition that could otherwise be carried out utilising Permitted Development rights.

#### 8.20 Access to Services

8.21 Objection has been raised on account that the development will impact on services such as schools, doctors and dentists that they state are already over capacity. With regards to education provision, an education contribution can be secured via S106 legal agreement as discussed later in this report. The site is within the Main Urban Area of Doncaster, which is the largest and most sustainable part of Doncaster with the highest provision of services. The site itself is well located to access local, as well as other services within central Doncaster (including the Dome and Lakeside).

8.22 It should be noted that whilst planning applications can secure contributions towards any potential impact of the development, local NHS healthcare services are centrally funded with contracts being negotiated locally for by the South Yorkshire Integrated

Care Board (ICB) for the provision of services. The funding which the ICB receives is calculated using a formula which takes into account population growth, using Office of National Statistics projected populations.

- 8.23 There is an important distinction to make therefore between the impact of the development on certain NHS services and other infrastructure. Essentially, the provision of NHS services and accounting for population growth and demand should be funded through central government funding and direct taxation and not through a planning application. The impacts of this development should be recognised by the ICB who would take into account not only population growth, but also other factors such as migration into the area, relocation of some existing population and the occupation of properties vacated by existing residents relocating to the proposed development. This would translate into a formula, which indicates population growth and a requirement to fund additional floor space within local surgeries. The NHS have indicated that this will be required in future years and discussions are ongoing to accommodate this demand, however this would fall outside the remit of this planning application to provide any additional funding.
- 8.24 The Council, and public bodies, are legally required to demonstrate that the requirements of the 'duty to co-operate' have been met including constructive, active and on-going engagement on cross boundary strategic matters to assist with planning for sustainable development. A further consideration is that the site benefits from being sequentially assessed as suitable for housing through the Local Plan. As part of the plan preparation, it was necessary for CDC to engage and co-operate therefore with other Councils, public bodies and stakeholders. Primary Care Trusts were identified as part of this consultation and were consulted at each stage of preparing the Local Plan.
- 8.25 No objections were raised by the NHS Primary Care Trusts in relation to allocating this site for housing within the Local Plan.
- 8.26 The site is allocated in the Local Plan, meaning external stakeholders have been consulted on the intended approach for housing growth in the area to allow forecasting to take place. The grant of planning permission would not prevent the ICB from seeking additional funding from NHS England to accommodate any population growth including the development in future settlement grants. Therefore, the healthcare infrastructure implications of any relevant proposed development have been considered in accordance with Policy 50 part D.

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

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

## **ENVIRONMENTAL SUSTAINABILITY**

### **8.29 Climate Emergency**

- 8.30 Objections have again been received with this resubmission, asserting that the application is contrary to the Council's Climate and Biodiversity Emergency. As

stated previously, the Borough Strategy (Doncaster Delivering Together) sets out the Council's vision for everyone to 'improve and maintain a pleasant and sustainable natural and built environment for everyone to enjoy.' Whilst the Borough Strategy is not planning policy, the whole ethos of sustainable development is embedded within the NPPF. The Local Plan is consistent with national policy having been found 'sound' by an independent Planning Inspector and ultimately adopted by the Council. The foreword to the Local Plan recognises the Council's Climate and Biodiversity Emergency; the aim of the Local Plan is to help tackle climate change. The Local Plan was also examined for its legal compliance with the relevant statutory legislation, including with respect to the Planning & Compulsory Purchase Act 2004 that requires Local Plans to include policies designed to secure that the development and use of land contributes to the mitigation of, and adaptation to, climate change. The policies contained within the Local Plan guide development towards sustainable solutions. The NPPF is clear that sustainable development is pursued in a positive way with a 'presumption in favour of sustainable development.' This application is assessed against all the relevant policies within both the Local Plan and the NPPF and as such ensures that the proposed development is in accordance with relevant policies, taking into account both climate change and biodiversity.

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

8.32 Paragraph 130(a) of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, part (c) seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

8.33 Since the previous application nothing has changed within the layout or design that would now change the previous assessment of the design and character of the scheme. As mentioned previously, this site is subject to a Development Brief that sets out design principles for consideration with any scheme being proposed. Since the production of the Brief, the Council has expressed aspirations for more significant areas of greenspace on the site and ecological benefits. The applicant has strived to meet both these aspirations. It is also worth noting that since the production of the Brief the Local Plan has been adopted which introduces new design requirements particularly around street design, character / local distinctiveness and housing space and accessibility standards.

8.34 In accordance with Policy 41, the Design and Access Statement sets out the context, local character and appearance of the site, and whilst the site is currently undeveloped arable land the surrounding character is residential in nature and built up to the East and South of the site.

8.35 In terms of the proposed development, the scheme proposes 121 housing units. This remains the same as the previously refused scheme. The Local Plan housing allocation indicates a potential for 166 units on this site and the scheme did originally propose 157 units in the early stages prior to the refused application submission. However, the Council expressed an aspiration for more significant areas of greenspace on the site and ecological benefits. The applicant subsequently reduced the scheme, by removing a total of 36 units from the original 157 proposed. The buffer along the racecourse edge was also increased. As can be seen in the original layout below, this reduction of units and increased buffer has clearly benefitted the

site in terms of retaining much of the greenspace. This scheme which again proposes 121 units, is a development well below the 166 indicative capacity with an overall reduction of 45 units in total.

As Originally Proposed:



Current Proposal:



8.36 Policy 5 states that housing allocations will be developed primarily for residential uses to help deliver the housing requirement and will be developed having regard to both the specified developer requirements set out in Appendix 2 of the Local Plan, along with the indicative number of new homes identified. Proposals for lower density schemes will be supported where this would assist with the delivery of a better design solution. In this case the scheme is providing better quality open space and ecology benefits at the request of the Council, therefore this proposed lower density scheme is fully accepted.

8.37 In terms of the proposed layout, again this remains the same as that previously refused and which adheres to the Development Brief that sets out a number of design principles and parameters to be adhered to. As stated previously, the Local Plan introduces new design requirements particularly around street design, character / local distinctiveness and housing space and accessibility standards. Appendix 2 of the Local Plan also includes developer requirements for each allocated housing site. The Council's Urban Design Officer has commented that whilst this Page 32 change the requirements of the brief, the applicant has strived to meet both aspirations and, on



the whole, the higher proportion of greenspace as currently proposed is welcome. Fundamentally these design principles state that the access should be taken from both Rose Hill Rise and The Avenue. The application accords with this and proposes access from both these existing points of entry into the site. The layout proposes a main loop road around the estate linking to Rose Hill Rise and The Avenue as per the design principles. Existing informal Bridleways/footpath routes, desire lines and connections are incorporated into the layout so the site is easily accessible on foot and with connections to the wider area. This is again in accordance with the design principles. The Public Rights of Way (PROW) Officer has requested the bridleways be retained at 4m width which subject to minor amendment, has been adhered to, and surfacing materials for the bridleways/footpaths will be agreed via condition. One of the design parameters in the Development Brief advises that "The layout should provide the opportunity to accommodate large detached individually designed "executive homes" with a villa character and spacious front and rear gardens fronting toward (option 1) or backing onto (option 2) the Racecourse/ Common." The layout does just that, providing large, detached dwellings that whilst they do not directly back on to the racecourse, they back onto a greenspace landscape buffer between the development and the racecourse. This not only replicates but improves upon the existing landscape buffer along backs of properties fronting Rose Hill Rise by providing a wider buffer zone. This ensures no trees encroach into rear gardens. The layout recognises the importance of natural surveillance of the open spaces and pedestrian routes; properties will directly overlook the open spaces. The pumping station has been relocated at the request of Officers due to impacting on natural surveillance for the play area.

- 8.38 The built form is in keeping with residential development in the vicinity and the wider area as the scheme comprises of a range of housing types again as set out in the design principles, providing 2, 3, 4 and 5 bedroomed 2 storey detached and semi-detached houses with hipped roof and gable roof designs, and single storey bungalows along with semi-detached single storey bungalows. This resubmission includes updated house types in order to meet with new Part L requirements of the Building Regulations. These changes include greater insulation, air tightness and the majority of the homes to be fitted with solar panels. Materials proposed reflect the character of the surrounding area, proposing red facing brick with terracotta or grey concrete roof tiles. The scale of the properties at two storeys is also in keeping with the type of housing that surrounds the site. Dual aspect and corner turning dwellings are used across the development ensuring continuity of activity, natural surveillance and recognisable markers to guide navigation through the development. The Council's Urban Design Officer has commented that the main requirements of the Brief have been followed in terms of the structure of the layout.
- 8.39 With respect to the housing design standards, Local Plan Policy 45 sets out a list of criteria A) to C) seeking to ensure that new housing proposals are designed to include sufficient space for the intended number of occupants. Criteria A) ensures that all homes are large enough for the intended number of occupants. All the proposed homes meet the requirements set out in the Nationally Described Space Standards. Criteria B) requiring provision of 65% of new homes on housing sites over 10 units to ensure that they can be easily adapted to meet existing and changing needs of residents, and Criteria C) which requires provision of wheelchair adaptable dwellings. The Council's Urban Design Officer has assessed this aspect of the application and following minor amendments is satisfied with the proposals compliance with Policy 45. A condition is included to ensure this provision is safeguarded

- 8.40 As previously, objectors have raised issue of concerns of crime as a result of the social housing being provided on site. Affordable housing provision does not equate to an increase in anti-social behaviour and is a recognised and required housing tenure for major development sites. Should there be issues of anti-social behaviour on site this will be dealt with under separate legislation. An advisory informative note is, however, included for the developer to seek to implement security measures into the development in order to achieve the 'Secured By Design' accreditation from South Yorkshire Police in order to reduce potential for crime.
- 8.41 Local Plan Policy 21 requires all new housing to provide connectivity to the fastest available broadband technology. No details in this respect have been submitted to accompany this application, however this requirement is secured by condition.
- 8.42 Landscaping forms an integral part of the design process and a Landscape Masterplan has been agreed in principle but is subject to submission of further details to be secured via condition. This includes by requirement, all TPO'd trees to be retained along the north and north-eastern boundaries. Street tree planting is proposed and has been improved upon from resubmission within the grassed highway verges along the principal loop street and bridleways, planting to areas of POS and planting to gardens.
- 8.43 The applicant has worked with the Council to amend the scheme in line with the urban design officer's comments and the resultant scheme represents a well-designed development proposal. The application therefore accords with Policies 41, 42, 44 and 45 of the Local Plan and guidance set out in the NPPF this is considered to weigh significantly in favour of the application.
- 8.44 Impact upon Highway Safety
- 8.45 Paragraph 111 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 8.46 Safety and security of the highway is also one of the criteria set out in Local Plan Policy 13 to ensure that there are no negative effects upon highway safety or residual cumulative impacts on the road network. It also seeks to ensure that new developments provide the delivery of travel choice and sustainable opportunities for travel.
- 8.47 One of the reasons Planning Committee refused the previous application was on account of the traffic impacts during the construction and post construction due to increased volumes of traffic on the A638 Bawtry Road and Rose Hill Rise.

***01. The application will result in traffic impacts both during the construction period and also post development arising from increased volumes of traffic on the A638 Bawtry Road and Rose Hill Rise. The application is therefore contrary to Doncaster Local Plan Policy 13 Part A)6 and NPPF paragraph 111.***

- 8.48 This application is accompanied by a Transport Assessment (TA) and Travel Plan (TP) as required by Policy 13. Whilst the TA is, in the main, the same as previously, further modelling and updated traffic counts are included to further demonstrate that there will not be unacceptable traffic impacts. The TA and TP have both been assessed by the Council's Highways Transportation Officer following initial

comments regarding data collection. The site is considered to be located in a sustainable location with good access to local amenities, public transport and cycling and walking opportunities.

- 8.49 In terms of access to public transport, the closest bus stop is located on the A638 Bawtry Road offering access to high frequency bus services which provides sustainable travel choices for the residents. The walk distance from the centre of the site is around 630m.
- 8.50 In respect of cycling, the report shows a 5km cycle catchment area around the site to show accessibility by cycle, that includes the whole of Doncaster City Centre, Bessacarr, Belle Vue, Cantley, Wheatley and Intake.
- 8.51 In terms of walking, the report shows a summary table of local facilities within the preferred maximum walking (2km) distance of the site including healthcare, education, employment and retail facilities.
- 8.52 Objectors previously raised concerns on account of the potential increased traffic on the A638 Bawtry Road, the need for a signalised junction and questioned the validity of the traffic data contained within the Transport Assessment in that traffic surveys were undertaken during the 2021 lockdown period. This was also an issue of concern raised by Members during the consideration of the previous application and indeed was a reason for refusal. The updated TA includes an update on traffic counts from 2021 undertaken in May 2023. As shown on the table below, the results recorded in June 2021 are higher than those recorded in May 2023. Consequently the 2021 data has been used for assessment purposes as these are more robust and representative. Objectors also previously raised issue that the 2021 traffic surveys were not a true representation as this was during the pandemic. However, comparisons have been made against pre-COVID traffic levels, nationally and locally, and this has found that the June 2021 counts undertaken are overall higher than pre-COVID levels so are considered acceptable and robust. As such the 2021 data has been used for junction capacity assessment purposes to represent a worst-case scenario. It should also be noted that junction capacity assessments have been undertaken using a development design year of 2033 as agreed with Transport Officers.

Table 2.2 Traffic Survey Comparison (PCU)

| Location                        | June 2021<br>Total Junction<br>Flow | May 2023<br>Total Junction<br>Flow | 2021 vs<br>2023 | % Change     |
|---------------------------------|-------------------------------------|------------------------------------|-----------------|--------------|
| <b>AM Peak Hour</b>             |                                     |                                    |                 |              |
| A638 Bawtry Road/Rose Hill Rise | 3,453                               | 3,403                              | -50             | -1.5%        |
| A638 Bawtry Road/The Avenue     | 3,539                               | 3,381                              | -158            | -4.7%        |
| A638 Bawtry Road/Cantley Lane   | 3,345                               | 3,232                              | -113            | -3.5%        |
| A638/Bawtry Road                | 3,470                               | 3,392                              | -78             | -2.3%        |
| A18/A638/Bennetthorpe           | 4,959                               | 4,910                              | -49             | -1.0%        |
| A638 Bawtry Road/Gliwice Way    | 4,165*                              | 3,908                              | -257            | -6.6%        |
| <b>Network Total</b>            | <b>22,931</b>                       | <b>22,227</b>                      | <b>-704</b>     | <b>-3.2%</b> |
| <b>PM Peak Hour</b>             |                                     |                                    |                 |              |
| A638 Bawtry Road/Rose Hill Rise | 3,405                               | 3,379                              | -26             | 0.8%         |
| A638 Bawtry Road/The Avenue     | 3,368                               | 3,348                              | -19             | -0.6%        |
| A638 Bawtry Road/Cantley Lane   | 3,329                               | 3,296                              | -33             | -1.0%        |
| A638/Bawtry Road                | 3,378                               | 3,352                              | -26             | -0.8%        |
| A18/A638/Bennetthorpe           | 4,879                               | 4,827                              | -52             | -1.1%        |
| A638 Bawtry Road/Gliwice Way    | 4,583*                              | 4,351                              | -233            | -5.4%        |
| <b>Network Total</b>            | <b>22,942</b>                       | <b>22,553</b>                      | <b>-389</b>     | <b>-1.7%</b> |

\*2021 Factored Third-Party Data

- 8.53 The trip generation on the highway network has been re assessed, which assesses the peak hours flows, which is the period of greatest impact on the highway network and shows that a total of 62 2-way trips and 61 2-way trips will be generated in the AM and PM Peak hours respectively. The exercise undertaken is accepted. The impact of the trip generation on the highway network is not considered severe and is therefore in accordance with Paragraph 111 of the NPPF.
- 8.54 The Transport Assessment incorporates and includes the operational analysis of the existing junctions close to the site including the junction at A638 Bawtry Road/Rose Hill Rise and the racecourse roundabout. These junctions have also been re modelled taking into account base year (2021), the Future Year (2033 as opposed to previously 2032)) and the Future Year + development scenarios. Committed developments have been taken into account and future growth has also been applied. The Transport Officer is satisfied that the traffic flows predicted are robust. The modelling previously showed that the A638 Bawtry Road/Rose Hill Rise junction has been forecast to operate within capacity in all modelled scenarios, meaning that no signalised junction is required as suggested by objectors. This is again the case. With regards to the Racecourse Roundabout, the A638 Bawtry Road and both A18 arms of the roundabout are already over capacity in the base year without development. However, modelling shows the main impact is from the background growth and committed developments. The Transport Officer advises that in conclusion there is negligible impact with the addition of the predicted development traffic in 2033, with a maximum increase in delay of 18 seconds and a maximum increase in queue length of 8 Passenger Car Units (PCU) on Carr House Road in the PM Peak. For clarity and explanation, PCU is the unit used for modelling purposes, as it converts different classes of vehicles into lengths, it is used to account for the road space they take up rather than just the numbers of vehicles, thus allowing an assessment of highway capacity.
- 8.55 The TA also includes an operational analysis of the nearby signalised junctions namely the A638 Bawtry Road/B1396 Cantley Lane and the A638 Bawtry Road adjacent St Augustine's Road. Further counts and modelling of the U-Turn on Bawtry Road have been undertaken to include a future year of 2033 as opposed to 2032. This was raised as a particular issue by objecting residents. The CDC Traffic Signals team has assessed the modelling for these junctions and accepts the results that the junctions are operating well within capacity, and subject to a financial contribution of £2,000 for each junction to be 'revalidated,' this involves reviewing the sequencing and queue times at the signalised junctions and adjusting where necessary. As such this financial contribution is included within the S106 Legal Agreement.
- 8.56 A Transport Bond is required to mitigate any traffic in the event that targets are not met. The purpose of the Transport Bond is to ensure that the targets within the Travel Plan towards sustainable travel (bus, walk, cycle etc.) can be met, and if not met the Council would step in with sustainable measures using the Bond. The Council needs to be assured that the Travel Plan is effective and has reasonable targets that can be met. A monitoring and review will be required for a 5-year period to ensure the targets are met therefore commuted sums are sought via inclusion within the S106 agreement as discussed and detailed later in this report.
- 8.57 With regard to the layout of the scheme and the design of the access; there is one point of access/egress proposed to the site from Bawtry Road, via Rose Hill Rise with access only provided from Bawtry Road via The Avenue which is a one way street. Objectors have raised issue on the inadequacy of visibility of the existing

access from the A638 (Bawtry Road) to serve the development, in that it does not comply with standard requirements, and potential problems with HGV's using the access, along with concerns that there will be a stacking up of traffic.

- 8.58 The Highways Development Control Officer has commented that the scheme is a re submission of the previously refused scheme that was a fully policy compliant scheme. As such this scheme is also fully policy compliant. With respect to concerns currently raised regarding the visibility standards of the access from Bawtry Road, the Highway Officer notes that objectors are referring to inappropriate highway standards for this junction. Officers have used the appropriate standard for this junction and concluding that the adequacy of the visibility splay is acceptable. With respect to the current access from Bawtry Road, the Highways Officer, along with consultation with the Council's Safer Roads Team, has assessed the existing access in respect of any recurring accidents/incidents as well as checking other safety issues relating to its operation and considers the proposed development will not have any significant impact especially considering other similar developments within built up areas. Collision data for this junction confirms there is no safety issue with this junction so the additional traffic generated by the development (one car per minute in peak periods), does not require the need for junction improvements nor can it be justified. The concern regarding stacking of vehicles as raised by objectors has been assessed by the Transport Officer as part of the technical detailed assessment of the modelling data and considers the junction satisfactory.
- 8.59 Car parking provision on the site meets Local Plan policy requirements of 2 spaces per dwelling plus 1 visitor space per 4 dwellings. Therefore, in terms of objectors concerns regarding increased pressure for parking, the development provides sufficient car parking provision on site to serve the future residents in line with Local Plan policy requirements.
- 8.60 The development will attract the usual servicing requirements such as refuse collection. The development design and layout allows for all manoeuvres to take place within the site to accommodate this. Sufficient parking is provided for each plot together with adequate visitor parking. A requirement for EV charging points and cycle storage provision is secured via inclusion of planning conditions. The application therefore accords with policies 13, 16 and 17 of the Local Plan and guidance set out in the NPPF and taken in the round this is considered to weigh significantly In favour of the application.

#### Archaeology

- 8.61 Paragraph 194 of the NPPF requires that the impact on any heritage asset is assessed and where heritage assets have or has the potential to include an archaeological interest, an appropriate desk-based assessment and where necessary a field evaluation should be submitted.
- 8.62 Local Plan Policy 35 reinforces this and advises on the understanding and recording of the historic environment, with Part A) stating that proposals that affect known or potential heritage assets will require a heritage statement and Part B) requiring justification of any harm, with detailed investigation and recording, demolition or groundwork to ensure that an understanding of the affected asset is gained along with deposition of the site archive with the relevant archive repository and deposition of a report on the results with the South Yorkshire Sites & Monuments Record.

- 8.63 Policy 39 also reiterates this stating that development affecting archaeology will be assessed against two principles; development that would result in harm to the significance of a scheduled monument and how any benefits outweigh harm to the site for development affecting other archaeological assets.
- 8.64 The site has a high potential for the survival of significant archaeological remains associated with Roman period pottery production and agricultural practices, therefore an assessment on these was required as part of the application consideration and prior to determination of the planning application. The developer requirements for this site set out at Appendix 1 of the Local Plan is also explicit on the archaeological requirements to inform on any development on this site.
- 8.65 The archaeology information included in this resubmission application has been updated but fundamentally remains the same as there are no changes on the site. It was previously noted that a geophysical survey and scheme of trial trenching were undertaken with the results summarised in a Heritage Statement, as required by Policy 39, the developer requirements and as agreed with the South Yorkshire Archaeology Service (SYAS). In the Northeast area of the site, trenching confirmed the presence of an industrial area with activity dating between the mid-2<sup>nd</sup> and 3<sup>rd</sup> centuries AD. Two kiln features were recorded with the amount of ceramic material identifying the primary purpose as pottery production. The presence of cereal grain may indicate a secondary use of crop drying but this remains uncertain. The investigations enabled the significance of the archaeological remains to be understood and have informed the design of the proposed scheme to maximise preservation in-situ of the most important remains and the need for further mitigation fieldwork in areas of lower archaeological potential. The location of the LEAP and pumping station have been re sited following discussion and agreement with SYAS. This process is detailed in the submitted Heritage Statement. A balanced approach is required to comply with Policy 35 and 39 of the Local Plan such that sufficient investigation occurs and balanced with the preservation in situ of the most important remains for future generations. Following discussions between SYAS and the applicant's archaeological consultant, a scheme of mitigation has been prepared and is detailed in the Written Scheme of Investigation (WSI) "Rosehill, Bessacarr WSI for Archaeological Mitigation" Revision 5. This specifies further investigation of the application area, preservation *in situ* for the majority of the pottery production area and which will importantly allow for community engagement through school visits and assisting the excavation, site tours and open days. This represents appropriate mitigation for the impact of the scheme on the archaeological remains to be secured by condition and further emphasises the applicant's willingness to work with the Local Planning Authority to resolve any potential issues. The Planning Practice Guidance (PPG) makes clear that the imposition of conditions that meet the planning tests should only be imposed where it would make development that would otherwise be unacceptable, acceptable. In this case the imposition of the condition would meet the relevant tests and ensures that the archaeology of the site is suitably dealt with. This is considered to weigh positively in favour of the application.
- 8.66 Ecology
- 8.67 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 180 further states that when determining applications, the LPA should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission.

- 8.68 Policies 29 and 30 of the Local Plan echoes this and seeks to protect and enhance the City's natural environment and supports proposals which will enhance the City's Ecological Networks. Policy 30 lists a set of criteria for protection of nationally and locally important habitats, sites and species. It requires proposals to assess the impacts of the development on such sites and to provide mitigation against any harms including delivering a net gain in biodiversity to offset any harms by using the DEFRA biodiversity metric.
- 8.69 Planning Committee refused the previous application on account of concerns with the loss of biodiversity.

***03. The application will result in the loss of biodiversity and adversely impact on wildlife including protected species and is thereby contrary to Doncaster Local Plan Policy 30 Part B) and paragraph 180 a) of the NPPF.***

- 8.70 Objectors previously raised issue at the inadequacy and lack of ecological reports and/or detailed information to accompany the application. Additionally, they stated that the full impact on the wildlife in this area has not been fully assessed. These objections are maintained and reiterated with this resubmission application.
- 8.71 This resubmission has updated on the ecology surveys undertaken in 2021 and 2022, this includes vegetation, bats, reptiles, badger and breeding bird's surveys. Ecological impacts have also been reconsidered along with an update on biodiversity net gain.
- 8.72 The information currently submitted contains all the necessary information and detail in order to robustly assess the impact on biodiversity and mitigation for this site. The ecological surveys of the site and its surroundings followed standard procedures set out in established professional guidance as published by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the British Standards Institute along with other standard guidance and best practice sources. All surveying ecologists are fully qualified and experienced professionals.

*Habitats*

- 8.73 The resurvey of the habitats was undertaken in May and June of 2023 which optimised survey periods for the range of habitats present on site. Habitats are ultimately expressed as UKHabs classifications in order to retain consistency through to the biodiversity net gain assessment. The surveys are reported in the Vegetation Survey report (Brookes Ecological 29/06/23 Ref: ER-5334-12).
- 8.74 The habitat descriptions have been clearly set out and use clear tables along with DEFRA condition assessments alongside to ensure clarity. The overall trend as witnessed by the surveyors was a movement away from species rich grassland towards scrub and woodland. This is as would be expected and there seem to be no anomalies to this normal succession.
- 8.75 The acid grassland habitat has been identified as g1a6 in the vegetation survey. Although this is recognised as representing a priority habitat surveyors noticed a

degradation in this habitat since 2021 surveys with scrub encroachment and increased occurrence of rank grasses (Results table pg.2). In the DEFRA condition assessment, it is considered to be in moderate condition.

- 8.76 Other grassland types identified are more widespread and contain fewer grassland forb species and become more dominated by rank grasses and garden escapees. The grasslands identified on the site are of no clear merit other than the 'other lowland dry acid grassland' and though a priority habitat the areas representing this grassland are not viable and retention in the middle of the proposed development would be impossible. The Yorkshire Wildlife Trust comments of 31/07/23 mention the loss of this acid grassland and the translocation of them at site clearance. The CDC Ecologist also believes that translocation of these small patches of acid grassland should be carried out to hopefully retain them in the undeveloped north-eastern part of the site within the red line boundary.
- 8.77 The scrub habitats cover a range of tree species including birch, oak, sorbus, Hawthorn and pine as well as less woody species such as dog rose. The scrub is as noted in the description as a habitat phase in the eventual succession to woodland and is noticeably encroaching into grassland areas. The scrub does not constitute priority habitat although it is acknowledged that this is habitat for breeding birds.
- 8.78 Woodlands have been identified as distinctive areas with specific characteristics from w1-w5 and appear to have been carefully mapped on Figure 1 of the Vegetation Survey report. The differing characteristics of the different woodland areas are described in the woodland section of the vegetation survey report. The woodland areas that would be impacted by the proposed development i.e., types W2 W3 and W4 are those displaying characteristics of immature secondary woodland with noticeably poor ground flora. The woodland type with the richest ground flora W5 is considered to have acquired characteristic ground flora from the off-site mature woodland and this will remain undeveloped.
- 8.79 The detailed vegetation surveys looked closely at the woodland characteristics and concluded that the woodland should be classified as 'other broadleaved woodland' which is a non-priority habitat type. The CDC Ecologist agrees with this assessment.
- 8.80 The Ecological Impact Assessment (EclA) (Brookes Ecological ER 5334-17 22/06/23) has been updated to take into account any changes since the original EclA was produced. The EclA uses all current best practice methods of survey and assessment. The Preliminary Ecological Appraisal (PEA) screened out the potential for significant adverse impacts on nearby Local Wildlife Sites (LWS). Despite this a precautionary approach has been taken and measures have been incorporated into the design to ensure that that negative impacts do not occur.
- 8.81 The site is located within the Finningley cover sands Biodiversity Opportunity Area (BOA) but it has to be stressed that this does not form a constraint on development as some objectors suggest. The BOAs in the borough, wash over areas of comparable geology, physical and habitat characteristics. They exist largely to guide the compensation and enhancements generated by all types of developments and land use changes to ensure a comprehensive and co-ordinated approach to the development of the boroughs ecological networks and to deliver strategic conservation objectives.



- 8.82 The principles of ecological impact assessment as set out in the CIEEM guidance were applied in respect of habitats and their relative values over a range of scales were assessed as being of site value and local value. The site is described in the vegetation survey and the EclA as mainly an abandoned agricultural area with habitats including grassland, scrub, and immature woodland, developing over the past 20 years due to the lack of agricultural use. The EclA identifies the habitats to be of site or local value and this, along with the recent history of the site clearly indicates that the site habitats are not irreplaceable. The CDC Ecologist does not disagree with that assessment.

#### *Fauna*

- 8.83 Surveys have been updated to ensure that up to date information of the surveyed faunal groups could reflect the current use of the site. Surveys have been carried out in accordance with the recommendations of the PEA.

#### *Reptiles and amphibians*

- 8.84 Reptile surveys were carried out over what would be an optimal period for such surveys but due to unseasonal hot weather survey periods were adjusted to ensure that survey conditions were as optimal as possible. There were no reptiles found in all of the survey occasions and it can be assumed that there is a high likelihood of reptiles being absent on the site. In respect of amphibians an environmental DNA analysis of the single water body with functional links to the site was carried out and this proved negative, demonstrating a likely absence of amphibians. However, in order that a precautionary approach is maintained in accordance with best practice these can be included as part of a Construction Environmental Management Plan (CEMP), to be secured by condition which should include for reptiles and amphibians during site clearance.

#### *Bats*

- 8.85 Bat surveys carried out as walked transects and static monitoring were carried out on two occasions during the spring and summer 2023 using current best practice methods. The results of the two surveys carried out were very similar as required by current best practice. The results of the walked bat surveys and static monitoring found a low level of use of the site by bats. This level of use was very similar to that found in surveys of 2021, it was therefore concluded that a further survey in the autumn was not required. The CDC Ecologist concurs with that approach as the two surveys had shown a very clear repetition of the level of bat use of the site.

Using the *Wray et al. 2010* scoring system for analysis of the importance of a site to foraging bats it was concluded that the site is of local importance to bats. This is a clear and quantifiable analysis of bat usage, which the CDC Ecologist agrees with and concludes that there would be no significant impact upon bats from the proposed development.

In order to mitigate residual impacts, it is recommended that the woodland to the northwest and boundary features should not be subject to excessive illumination. This will be secured via a condition. Enhancement will also be provided for bats on

the site through the provision of bat boxes on properties and trees within the site, again secured by condition.

### *Breeding Birds.*

- 8.86 Three further updated breeding bird surveys were carried out in May early June and Late June 2023 using identical survey methods as those used in the breeding bird surveys of 2021. Recent guidance on breeding bird surveys suggests that up to six surveys should be undertaken on sites that contain a range of complex habitats and in assessing this the surveyors took into account:
- the absence of complex and densely vegetated habitats.
  - the absence of rare habitats.
  - the absence of habitats that are likely to support particularly early or late breeding species.
  - the whole site could be accessed freely; and
  - the surveys undertaken in 2021/22 in support of the previous planning application.
- 8.87 With these considerations taken into account it was decided by the surveying ecologist that three surveys would be sufficient which the CDC Ecologist considers to be well justified in the rational put forward.
- 8.88 The results of the breeding bird surveys were similar to the 2021 survey in terms of the species assemblage found on site and the range of species found to be holding territory.
- 8.89 Of the Birds of Conservation Concern (BoCC) (British Trust for Ornithology) red listed species observed on or adjacent to the site only one species; greenfinch was observed with one breeding pair.
- 8.90 Of those species on the BoCC amber list breeding species included woodpigeon (5 territories), willow warbler (4 territories), whitethroat (5) and Wren (6).
- 8.91 A total of 18 species were found to be breeding on the proposals site of which 1 was red listed, 6 were amber listed and 11 breeding species were green listed birds not of conservation concern.
- 8.92 An overall analysis of the relative conservation value of the breeding birds and the numbers occupying the site both as breeding pairs and foraging the importance of the site for breeding birds should be considered to be at a local level. The CDC Ecologist concurs with this assessment.
- 8.93 Mitigation and enhancement measures can reduce the impacts on breeding birds though it is inevitable that some will be displaced into adjoining suitable breeding areas if the proposed development were to go ahead. A CEMP is secured by condition which will also include measures to mitigate the impacts of construction activities on birds on site. A cautionary advisory informative note for breeding birds is also included.

### *Badgers*

- 8.94 A badger survey was submitted and has not been published in accordance with Planning Practice Guidance which advises they should be kept confidential to avoid

the ill-treatment of badgers. Conditions are proposed by the ecologist to mitigate the impact on faunal species.

- 8.95 A CEMP is secured by condition to ensure the protection of species and habitats during the construction phase. However, should there be a delay in the commencement of development on site further species survey updates will also be required and which is also secured by condition.

#### *Ecological Impact Assessment*

- 8.96 The appraisals, surveys, and assessments carried out to identify the ecological features on and adjacent to the site have been considered in the Ecological Impact Assessment (EclA) report (Ref: ER-5334-17A 22<sup>nd</sup> June 2023) that follows BS 42020 and CIEEM guidance on report structure and content. The EclA was updated on 11<sup>th</sup> September 2023 in response to changes in the location of the compound. Policy 30 (A) requires proposed developments to demonstrate the application of the mitigation hierarchy. The early layouts of the site proposed by the developer have been significantly changed in that the woodland to the north of the site which was included in the layout for residential properties has now been taken out of the development footprint and will be retained as mature woodland. This also provides a clear buffer between the development and the LWS Red House Plantation. The mitigation hierarchy has also been applied in ensuring a significant buffer zone on the western boundary which will be maintained with no public access. The impacts on the site which cannot be avoided are principally the loss of medium and low distinctiveness habitat through development. Table 3.1 Site Habitat Summary of the EclA report identifies the relative value of each of the 8 habitat types as being either of local or site level. In respect of potential impacts the CDC Ecologist is satisfied with the range of potential impacts identified in Table 6. As an allocated housing site there is an unavoidable certainty that a large part of the site will be transformed into developed land. As a means of addressing this loss the delivery of biodiversity net gain as required through the NPPF para 174 and Local Plan Policy 30B must be achieved.

#### *Biodiversity Net Gain*

- 8.97 Local Plan Policy 30B requires that developments demonstrate a minimum net gain of 10%, and further guidance on this is contained within the Council's Biodiversity Net Gain SPD (2022). Table 3 of the SPD provides a list of submissions required to support an application. A biodiversity net gain assessment has been submitted with the latest DEFRA metric 4.0 as the final version dated 1<sup>st</sup> September 2023.
- 8.98 Points raised by objectors include the specific designation of woodland type and the presence of 2x small patches of acid grassland both of which would be considered priority habitats. The CDC Ecologist considers the woodland type 'other woodland, broadleaved' as opposed to a high value woodland 'lowland mixed deciduous woodland' which is considered to take 30+ years to develop according to BNG metric habitat creation calculations.
- 8.99 In reviewing the BNG metric it was considered that Guidance for determining strategic significance as set out in the Council's Biodiversity Net Gain SPD had not been followed. Some changes to the strategic significance values for the woodland and acid grassland areas were requested.

8.100 It is proposed that the deficit in biodiversity net gain should be discharged through agreement of a s106 with the developer. This will require the developer to demonstrate that off-site biodiversity net gain has been secured, prior to the commencement of development. This will either involve legally securing biodiversity net gain units on the open market within Doncaster, or through a financial contribution to the Council if no suitable units can be found in line with the Council's SPD. This is the standard method for securing offsite BNG units that is being used in Doncaster prior to the introduction of the national Mandatory BNG in January 2024. Were a commuted sum to the Council ultimately be required then, based on the latest metric calculations and the current fee of £27,500 per unit, this would be £721,325 to deliver 26.23 units. On a site such as this, where the offsite unit delivery has not yet been identified, then it is normal for the trading rules to be broken. This will be resolved once offsite units are secured.

8.101 Where habitats are to be managed, enhanced and created on site this will be delivered through a biodiversity net gain management plan which is secured by condition.

#### *The Mitigation Hierarchy*

8.102 Local Plan Policy 30 states "The mitigation hierarchy is a vital first principle that all applications must apply". In the first iteration of the proposed development the majority of the red line boundary site was proposed for development along with a very restricted buffer zone on the western boundary. Early site visits by officers identified areas that should be removed from development and returned back to greenspace. This has been done with a significant buffer including the more advanced areas of nascent woodland development in the north-eastern part of the site being retained. The buffer zone on the western boundary has also been widened – changing from gardens butting up to existing hedgerow and trees, to a 15 m strip of additional, shrub planting and grassland that will be excluded from public access. Figs. 1 and 2 illustrates the application of the mitigation hierarchy in the retention of woodland habitat and the western boundary buffer zone.

Fig. 1 initial pre-application layout



Fig. 2 final approved layout (Revision D October 2023) with significant reduction of housing in the north-east and creation of a 15m buffer on the western boundary



### *Designated sites*

- 8.103 The site lies 0.5km from a Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR), Sandall Beat Wood. Local Wildlife Site (LWS), Red House Plantation, adjoins on the northeastern boundary of the site and Doncaster Common to the west within the circuit of Doncaster racecourse. The EclA proposes no significant effects on the SSSI. The CDC Ecologist considers that the potential increase in visitor numbers would not have any adverse impact on the qualifying features of the site. Natural England has been consulted and confirm this in their consultation response.
- 8.104 In respect of the adjoining Local Wildlife Site (LWS) and Red House Plantation, there are wide rides and tracks through the site indicating that the woodland is a well-established route for leisure walks and as means of linking communities. As Red House Plantation LWS is less extensive than Sandall Beat Wood, and closer to the proposed development site there is the potential for direct and indirect impacts from an increase in visitor numbers. The Habitat Management Plan (Brooks Ecological Ref: ER-5334-11, 12/06/23) accepts this and suggests mitigation measures. As such a condition that requires a management plan for the LWS site to mitigate impacts on the woodland and associated bird and bat species is secured by condition. Although Doncaster Common is immediately west of the proposed development site there is a natural barrier of an inaccessible buffer zone on the western boundary of the site and the racecourse circuit to cross which will impose a further constraint on informal access movement in that direction. To protect adjoining habitats a lighting scheme that is sensitive to nocturnal wildlife will be required for submission and approval by inclusion of a suitably worded condition.

### *Objections received on ecological grounds*

- 8.105 A significant number of objections have been received which reiterate the same issues as previously raised regarding the loss of biodiversity and the ecological value of the site. These are addressed below:

- 8.106 Local residents have raised issues such as loss of greenspace, walking, horse-riding, cycling, dog walking, and general enjoyment of the natural habitat. In response to this, there is access to greenspace currently and there will continue to be access to greenspace. The loss of natural habitat is taken into account through the BNG process.
- 8.107 Colin Howes on behalf of the Doncaster Naturalists resubmitted an objection raising the similar issues previously raised. This objection claims there would be a loss of acid grassland and loss of Lowland Heathy Oak Woodland (LBAP habitat priority) It is agreed that there are two very small patches of acid grassland on the site but, as mentioned previously (para 8.98), these are quite unsustainable and would be lost in future years to coarse grassland and scrub invasion, were the development not to proceed. As detailed above the remnant patches of dry acid grassland will be translocated to undeveloped areas in the northeast of the site.
- 8.108 The Lowland Heathy Oak Woodland habitat type characteristics depend upon locally heathland species as a significant part of its ground flora such as wood millet, wood sorrel wood melic and climbing corydalis and these do not exist on the site.
- 8.109 There is also an objection on the grounds that the invertebrate fauna of the site has not been surveyed by the applicants' ecologists, asserting this should have been carried out. The CDC Ecologist deemed an entomological survey unnecessary as the transitional nature of the site habitats would not present the conditions necessary for the establishment of significant invertebrate assemblages. Specifically in relation to the acid grassland, it is considered that increasing shade from scrub and possibly impacts of eutrophication makes the acid grassland a diminishing ecological type on the site and therefore of no significance for important invertebrate assemblages. The RHRA ecological consultants carried out a desk study and site survey the results of which were reported in the PEA (Ref: P1592 Rose Hill Doncaster PEA) as follows "*A total of 39 invertebrate records were returned in the filtered data search from DLRC, with the majority of records being for moths and butterflies. The majority of recent records are from over 1.13 km distant from site. None of the records relate directly to the site*" and "*The field surveyor is not an invertebrate specialist but noted a moderate number of invertebrate species....*" There was no significant assemblage of invertebrates identified by desk study or field studies found on the site.
- 8.110 The Yorkshire Wildlife Trust (YWT) previously raised no comment, deferring to the CDC Ecologist. However, they now raise objection with this resubmission raising a range of ecological issues relating to the site. These were grouped under the following headings: ecologically sensitive location of the site, biodiversity net gain, the mitigation hierarchy and outstanding surveys. It was considered appropriate to deliver a separate response to the Trust and this was forwarded to them on the 22nd of September setting out the Council's position on the application. Notwithstanding this, they have maintained their objection in relation to the sensitivity of the site, impacts on adjoining sites, retention of wildlife corridors, classification of baseline habitats and the magnitude of habitat losses identified through the BNG process. Planning officers and internal consultees along with the applicants consulting ecologists have commented on all of the matters raised by the YWT and are satisfied that these have been adequately addressed.
- 8.111 Rose Hill Residents Association Ecologists (Wildscapes) and individual submissions. The Wildscapes report states "*The site's proximity to Sandall Page 46 SSSIs/Local Nature Reserve and its location within SSSI Impact Risk Zones, and its proximity to*



*several Local Wildlife Site, means that any development will need close consultation with the Local Authority and any other relevant bodies before any potential development plans are approved.*” Natural England are in agreement with the CDC Ecologist in that they consider that the proposed development would not have an adverse impact on the Sandall Beat Wood SSSI. As stated previously, the LWS will be managed in the future to enable its carrying capacity for visitors to be enhanced via inclusion of a suitably worded condition.

- 8.112 It is also stated at pg. 23 of the RHRA detailed submission *“In summary, Rose Hill is a rewilded mosaic of valuable habitats situated in an ecologically sensitive area on a wildlife corridor in a Biodiversity Opportunity Area. It is located adjacent to two Local Wildlife Sites and is already supporting protected, priority and endangered species.”* It is not disputed that the mix of grassland scrub and developing woodland is valuable in respect of biodiversity but the areas to be affected by the proposed development are not priority habitats other than the two small patches of acid grassland, nor do protected species depend upon them. Also, on pg. 23 there is the passage *“A priority species of invertebrate (caterpillars of the cinnabar moth *Tyria jacobaeae*, a species listed under NERC Section 41) has been identified on Rose Hill by Wildscapes”*. This is considered a common moth by a number of conservation bodies, and it is present on a dozen or so local sites in abundance. It is neither rare nor endangered in Doncaster or nationally.
- 8.113 They also mentioned, *“The other lowland mixed deciduous woodland qualifies as priority habitat although it is too recent to be recorded on the Natural England priority habitat register Areas of dense scrub will succeed to similar priority habitat woodland in time”* If it does not feature in the Natural England Magic Mapping as priority habitat then it is not treated as such. Ecologists are concerned with the existing habitats and what they are currently recorded as, as opposed to speculation on what could be in the future.
- 8.114 Miscellaneous objections. Other objectors reiterate the following points. *“The Revised EclA does not adequately engage with the ecological function of the habitats and wildlife on site, or with Rose Hill’s location next to two LWSs on a wildlife corridor in a Biodiversity Opportunity Area.”* In response, the EclA does identify that large areas of habitat will be lost through the development and losses will be compensated for through the BNG policy and process. It has been identified that there are no habitats of Primary Importance (NERC Act) or BNG high distinctiveness habitats. There are small fragments of acid grassland and developing woodland, but these are insubstantial or very recently emerging (woodland). Also *“The Defra Metric calculation shows a high (-51%) biodiversity loss against a high baseline of habitat units (over 42). Such a high loss of habitat is not acceptable, particularly during a climate and biodiversity emergency and council policies regarding protecting and enhancing habitats, helping nature recover, and protecting trees and woodland.”* There are no set limits on what level of BNG loss is ‘acceptable’. In response to this, the rules and guidance of the BNG process have to be fulfilled and all compensation or deficits have to be accounted for through the measures set out in the SPD. The applicant has done this and the CDC Ecologist is satisfied with the information provided.
- 8.115 The application site has been identified as a residential development site for over two decades. Since arable agriculture ceased in 1997 the site has been changing in respect of ecological succession from farmland to woodland through phases of different types of grassland and scrub. The time lapse between the cessation of

agriculture and the current application shows that habitats can develop and succeed ultimately to woodland which in this area is generally oak and birch woodland with a small range of other species. Woodland is not measured merely by the size and number of trees but by other factors such as the ground flora and the species associated with this and the developing trees. If any area in this vicinity were left to develop spontaneously then woodland would be the ultimate outcome. This process would take decades and, in that process, immature habitats form succeeding habitat types of increasing maturity and diversity.

- 8.116 Surveys have been prepared and submitted by experienced ecologists to present as clear a picture as possible of the ecological content and value of the site. Where local knowledge and experience can provide additional information and steerage then this has been provided by the CDC Ecologist who has longstanding knowledge of this site. The biodiversity net gain calculations have been accepted after a number of iterations that have been corrected and refined. This has produced a habitat deficit which the developers will be liable to discharge through the biodiversity net gain process as detailed in the SPD and secured via a s106 agreement.
- 8.117 The site is an allocated housing site which has taken many years to come forward. In that time habitats have developed on the site. It must be stressed that none of the habitats that have developed on site are irreplaceable nor have they developed under any very special circumstances or conditions specific to the site that cannot be replicated elsewhere. Following a range of appropriate surveys and appraisals it is concluded that the application accords with planning policy in relation to ecology and no objections to the proposals on ecological grounds are raised subject to the inclusion of appropriate conditions.
- 8.118 Overall, the proposal has fully considered the ecological implications associated with the site and has been designed to positively retain and enhance existing biodiversity features on site. Additional mitigation can be delivered through a suitable S106 agreement, and the combination of these factors would result in a scheme that is compliant with polices 29 & 30 of the Local Plan and paragraph 174 of the NPPF. This is considered to weigh positively in favour of the application carrying significant weight.
- 8.119 Flood Risk and Drainage
- 8.120 The NPPF (section 14) sets strict tests using the sequential approach to protect people and property from flooding, that all local planning authorities must have regard to. The National Planning Practice Guidance also gives guidance to ensure that if there are better sites in terms of flood risk, or a proposed development cannot be made safe, it should not be permitted. Local Plan Policy 57 is the local interpretation of these policies and guidance that indicates acceptability of proposals for the purposes of flood risk management but will still be considered against the NPPF. The site lies within Flood Risk Zone 1 as defined by the Environment Agency's Flood Maps. As the site is more than 1 hectare (ha) in size a Flood Risk Assessment (FRA) is required. As such, in accordance with the NPPF and Local Plan Policy 57, a site-specific FRA has been submitted.
- 8.121 The proposal lies within a Housing Development Allocation Site Ref: MUA56 – Rose Hill, Cantley in the Local Plan (adopted Sept 2021). Therefore, in terms of flood risk, the site was sequentially tested using the Doncaster Strategic Flood Risk Assessment (SFRA) (Level 1, 2015) to inform the evidence-based document for site

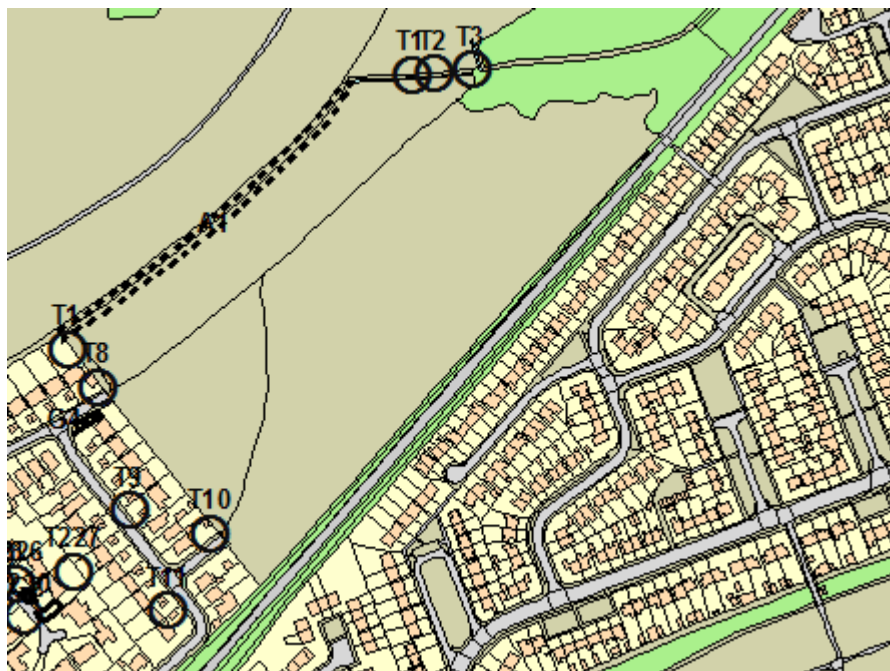


allocations and was deemed to pass the sequential test. The Environment Agency has been consulted and have raised no objections, and the Council's Flooding Policy Officer has also raised no objections given that the site has been sequentially tested at allocations stage. The site therefore satisfies Policy 57 of the Local Plan, subject to consideration of other drainage related policy detailed below.

- 8.122 Local Plan Policy 56 deals with drainage of a site and seeks to ensure wastewater and surface water run-off are managed appropriately and to reduce flood risk to communities. A number of objectors previously raised concerns regarding the ability of the mains drainage system to accept the additional capacity that would be generated by the development. Concerns were raised on account that residents have been advised that previous drainage issues have been as a result of being over capacity. Utilities has again been raised as an issue given the age; it is assumed this is again in relation to drainage.
- 8.123 The Environment Agency (EA), Yorkshire Water (YW), and the CDC Drainage Team have been consulted on the proposal. During the course of the previous application, it was confirmed that YW are responsible for the maintenance of the existing sewer system and have raised no issue with respect to capacity of the existing system, commenting that any existing issues with overflow from foul sewage is an operational matter and not for consideration as part of this application. The Case Officer also queried this with YW who have confirmed their stance. YW therefore raise no objection to the proposal subject to a condition for development to be in accordance with the submitted drainage plan. This condition is omitted as it replicates on details required by the CDC Drainage Team.
- 8.124 The Council's Internal Drainage team is the Lead Local Flood Authority, who have agreed on site drainage details of foul and surface water disposal subject to confirmation of land drainage consent, written evidence from the sewage undertaker to confirm adoption agreements and discharge rates. It should be noted that having assessed the proposal, the Drainage Officer is satisfied with the proposed siting and location of the sustainable drainage (SuD's) solution on site, which includes the surface water run off to an attenuation tank and pumping station which are both located within the area of open space to the north of the site. Overall, the application is in accordance with Local Plan policies 56 and 57 and subject to the imposition of conditions, this is considered to weigh positively in favour of the application carrying significant weight.
- 8.125 Trees and Landscaping
- 8.126 Policy 32 of the Local Plan supports proposals where it can be adequately demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact on public amenity or ecological interest has been avoided. The policy requires submission of survey information to a recognised industry standard and demonstrate how retained features are to be protected during development.
- 8.127 Policy 48 of the Local Plan also seeks to protect and enhance the borough's natural environment and supports proposals which conserves, protects and enhances the existing landscape character, and provides a high quality comprehensive hard and soft landscape scheme.

8.128 One of the main considerations for this site are the trees that are subject to Tree Preservation Orders. There are three Oak trees on the northern boundary of the site (T1, T2 and T3), and the row of Oak trees along the north-western boundary of the site adjacent to the racing track (A1) that were made subject to Doncaster Borough Council Tree Preservation Order (TPO) (No.410) on the 28<sup>th</sup> February 2020. Additionally, a year earlier, as a result of a request from the owner of 61 Rose Hill Rise a copper beech (T1) was made subject to Doncaster Borough Council Tree Preservation Order (No.409) 2019 No.61 Rose Hill Rise, Rose Hill, Doncaster. More historically, Doncaster Borough Council Tree Preservation Order (No.64) 1991 Bessacarr with Cantley still protects a whitebeam (T8) at 61 Rose Hill Rise and a sycamore (T10) at 36 The Avenue. (See map showing these TPO Orders below):

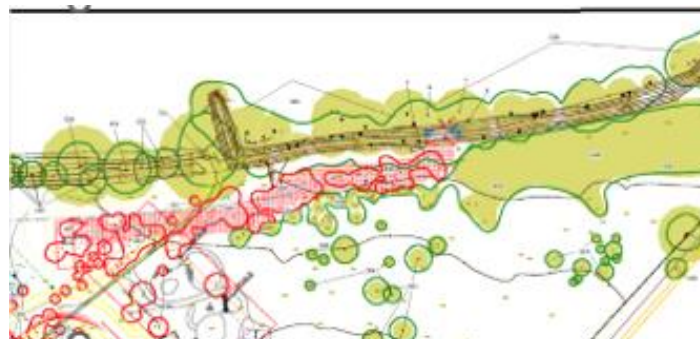
Tree Preservation Orders on and around the site



8.129 An Arboricultural Impact Assessment was submitted with the application, including a survey in accordance with BS5837 (2012). The findings of the report have positively informed the design and layout of this proposal. In short, the proposal and associated structures are well clear of the best trees at the site i.e. the boundary trees, notably the oaks subject to Tree Preservation Order on the race course boundary and the northern boundary of the site.

8.130 Objectors previously raised issue that the submitted tree survey was inaccurate in that it was over a year old at the time of the application submission and given that the report itself confirms it is only valid for a year. The trees were inspected and assessed in March 2021 (whilst the tree survey was revised on 24.06.2022 the trees were not further assessed). The application was received on 13.07.2022 and validated two days later; this means that the tree survey was 16 months old at the time of the submission of the application. Nevertheless, the Tree Officer considered the tree survey complied with industry wide standard and was 'fit for purpose.'

- 8.131 Since then, however, a further updated tree survey has been carried out (May 2023) and forms part of the application resubmission documents, and which has been used to inform the development design and layout.
- 8.132 Objectors have also raised an issue with the number of trees to be removed which has risen since the last survey stating that there will be 1,101 trees lost due to the proposed development.
- 8.133 In the previous application objectors submitted an independent tree count carried out by Selwyn Trees which also stated that the number of trees to be lost was much higher in that there could be over 700 trees present on the site. The 700 figure was speculative as it included trees that are so small that they do not fall within the industry standard (BS5837) survey parameters. It is important to note this report as it also recognised that *“Due to the large numbers of self-sets and understorey growth, it is possible there could be errors in the counting.”*
- 8.134 Firstly, it is therefore necessary for an explanation of what constitutes a “tree”. The courts have determined that *“It is not in dispute that a seed is not but that a sapling is.”* (ref. Court of Appeal in Distinctive Properties (Ascot) Limited v Secretary of State for Communities and Local Government; C1/2015/1102). In applying the court’s definition as to what constitutes a tree, what the 1,101 tree figure could only ever inform upon is the number of germinated seeds of woody species within the site. Such an approach in no way recognises that the site is recently regenerated arable land, in no way helpfully informs the development process by assigning weight to tree quality, and in no way recognises that the historic development of Rose Hill has always respected and retained the historic woodlands of the area.
- 8.135 This resubmission application now includes a number of trees to be lost for the drainage to be installed. The proposal does now impinge upon some northern boundary trees in group G19 along with some new elements in G20 – just set in from this boundary). This is due to drainage requirements; a late introduction, but the routing of which avoids the best of the boundary trees (notably the TPO’d oaks T21, T23 and T24).



The above extract from the landscape masterplan shows the attenuation tank along with the revised tree removal plan which takes the drainage requirements in to account, show the area of additional tree removal in G20 to the east of the track. It is evident that this erodes much of the western “tail” of the G2; however, the bulk of G20 directly to the east is being retained. The revised tree survey advises on the structural condition of G20 “close-grown “leggy”/structureless trees equal to a similar age and that the trees to be removed are predominantly sycamore and ash, some

young oaks and rowan.” The CDC Tree Officer considers the trees only began to encroach in to the then open field from around 2008 and, arguably, did not become a feature within the landscape until around 2015. Hence, ecologically and, from a landscape perspective – in view of the mature woodland edge of Redhouse Plantation directly adjacent to the north – the removal of this area of G20 is not deemed to be an issue significant enough to warrant refusal of this application on arboricultural grounds. Perhaps this opinion would be different if the tree removal were an attempt to squeeze in more units but, it is not, it is to deal with a late drainage issue (always an important issue in its own right, of course) which has been responded to in a way that avoids the best trees on the northern boundary. The Tree Officer has also noted that 2 trees; Poplar and Lime, will have severely breached root protection areas so will likely be lost. The Tree Officer has taken a pragmatic approach and raises no issue of concern over the loss of these 2 trees on the woodland edge. However, the applicant has confirmed that these two trees are not situated on a flat piece of land they are located on the opposite side of a ditch so root pruning will not result in the loss of these trees.

- 8.136 The Trees and Hedgerows Officer is satisfied that the trees to be lost are self-set low value amenity trees, and subject to landscape details and tree planting in accordance with the development plan, supports the submitted arboricultural report.
- 8.137 In terms of landscaping, a detailed scheme will be secured via planning condition, but the indicative landscape masterplan scheme provided so far is acceptable in that the amount of POS on this site and accompanying wider, spacious landscape is generous. Whilst the Council aims for a minimum of one tree per dwelling, including trees to be designed into the public realm, the site needs to be considered holistically. By this, it is meant that since the site was first considered for development (19/01530/PREAPP) the development footprint has reduced significantly; this has had the effect of reducing the future pressure on the established boundary vegetation – notably that on the racecourse and northern boundaries – the best elements of which are now subject to Doncaster Borough Council Tree Preservation Order (No.410) 2020 Land North of Railway Line, Rose Hill Rise, Rose Hill, Doncaster. In view of the projected age of some of the northern boundary trees (the oak T21, for example, has an estimated age of 140 years) the setting back of the development, including the garden areas, well back from the trees (and keeping them out of gardens) would be mitigation in itself for not attaining the aim of one tree per dwelling.
- 8.138 There is also the fact that no trees are proposed within individual front gardens as this is impractical and something Officer’s discourage as future residents sometimes choose to remove trees (or sometimes subject them to unsightly and disfiguring pruning) within front gardens. Additionally, whilst some tree planting is proposed within the northern open space area, this is restricted as new planting cannot take place where there are archaeological remains left in situ. Thus, the new planting of around 80 trees which will be predominantly heavy or extra heavy standard (12-14cm girth or 16-18cm girth) will be concentrated within the POS and the streets, which have a spacious, boulevard feel with street tree planting within all of the main streets which will green up, soften and enhance the built form to a very high standard. These nursery specifications in terms of size fully accord with the SPD. The Council does feel that with the 80+ new trees and the retained newly regenerated trees in the now undeveloped north-eastern sector of the site, that the one tree per dwelling figure is more than met, and the proposed landscaping will create an attractive and environmentally friendly place to live, thereby in accordance with ~~Page 52~~ ~~Page 51~~ plan policies 32 and 48. This is considered to weigh substantially in favour of the application.

## Public Open Space

8.139 Policy 28 relates to the provision of public open space on residential sites. Objectors have raised issue over the loss of a well-used greenspace and amenity area. The loss of this site as a greenspace was cited as a second reason for refusal as follows;

***02. The application will result in the loss of a non-designated open space that provides an important social and ecological role. The application is therefore contrary to Doncaster Local Plan Policy 27 B) and paragraph 98 of the NPPF***

8.140 Policy 27 B) states the following:

*B) Within non-designated open space, development proposals will only be supported where: 1. casual playing space is unaffected; 2. buffers between incompatible uses are unaffected; 3. visual amenity is retained and enhanced; 4. nature conservation improvements are the key driver; 5. green infrastructure connections are retained; and 6. the space does not contribute to the character of a Conservation Area or the setting of a designated heritage asset.*

8.141 Planning Committee refused the previous application as being contrary to Policy 27-part b, which references this site as a 'non – designated open space'. Whilst it is acknowledged that this site is a physical open space, on reading the Local Plan "as a whole" it is allocated for development and thus is not afforded protection under Policy 27b. "Non-designated open space" is referred to in the policy justification at 10.16 as being incidental small areas of land within verges etc., that are not significant enough to be separately identified. Officers advise that this reason for refusal is untenable in this case and if members are minded to refuse the application this reason should not be included.

8.142 The relevant open space policy to assess the application is Policy 28. This policy requires new development of 20+ units to provide 10 – 15% onsite open space. In this case, as the Bessacarr community profile area is deficient in 4/5 open space typologies, the requirement would be for 15% of the site to be delivered as open space. This should be useable onsite open space, including facilities for children's play.

8.143 The design principles and parameters set out in the Development Brief require that "Approximately 15% of the site area should be laid out as a single area of public open space, including children's play equipment (Local Equipped Area for Play- LEAP). The open space should be overlooked by development and located adjacent to the woodland in the northern part of the site."

8.144 The scheme provides 34% of the site as public open space, which is the same provision as the previously submitted scheme. This is a significant amount we would not usually see on planning applications and more than double the policy requirement (at 15%), and importantly creates a 'buffer' between the woodland to the north and the proposed housing to the south. This includes a large open space to the east of the site and spaces amongst the housing set beside the PROW, meaning there is good spread on the site, providing opportunities for sport and recreation, making an important contribution to health and well-being.

8.145 The scheme proposes a Locally Equipped Area of Play (LEAP) within the large area of open space, with details of the play equipment to be reserved by condition. Overall, the open space provision and play area adheres to the Development Brief principles and exceeds policy requirements. The Council's Open Space Officer is satisfied with both the quantum of provision of open space and play area provision subject to inclusion of conditions for details of play equipment to be submitted and agreed, along with a timescale for delivery of the LEAP. Therefore, it is considered that this would meet with the provisions of Policy 28. This weighs positively in favour of the application carrying substantial weight.

#### Pollution issues

8.146 Local Plan policies 54 and 55 seek to ensure that development proposals that are likely to cause pollution are only permitted where it can be demonstrated that pollution can be avoided, or mitigation measures can be incorporated to minimise harmful impacts to acceptable levels that protect health, environmental quality and amenity.

8.147 The site is not located within an Air Quality Management Area, nevertheless an Air Quality Assessment (AQA) has been submitted which includes a road traffic emissions assessment which considers the impact of development generated road traffic on air quality. The Council's Pollution (Air Quality) Team have been consulted and after reviewing the submitted AQA, comment that it follows standard methodology, uses information from recognised sources, includes existing pollution information, provides a traffic emission sensitivity test and assesses suitable receptors. The Pollution Officer accepts the findings of the report acknowledging that the need for a damage cost assessment is waived on the basis that this is categorised as 'medium' development in the context of the Council's Air Quality Technical Planning Guidance subject to the inclusion of an electric vehicle charging point for each dwelling.

8.148 The Pollution Officer has commented that consideration may need to be given to the potential emission of dust and dirt during construction on race days. As detailed above, a detailed Construction Management Plan (CMS) has been submitted and agreed that includes the consideration of all dust and dirt emissions, therefore addressing the Pollution Officer's concerns over dust and dirt emissions. A condition will therefore be included for adherence to the agreed CMS.

8.149 Historic maps show a landfill lies 239m from the proposed site's northern boundary. The Council's Pollution (Land Contamination) Team has been consulted on the proposal, and as this development is for a sensitive end use a Phase 1 desktop study and site walkover and a Phase 2 site investigation have been carried out and submitted. The Council's Pollution Officer is content with the findings as the results show the natural ground and topsoil on site is suitable for re use, and no remediation is required. A condition is therefore recommended for soil testing in the event that soil importation is required for levelling purposes; the results of which will be submitted to and be approved in writing by the Local Planning Authority prior to any soil or soil forming materials being taken onto site. As such, there are no issues on air quality or contaminated land grounds that weigh against the development.

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



- 8.151 Paragraph 8 c) of the NPPF (2023) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.152 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. Cumulatively, the environmental issues associated with this application carry significant weight in favour of the development.

## **ECONOMIC SUSTAINABILITY**

- 8.153 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. It is proposed there will be a 3 ½ year build programme employing up to 50 employees on site with further employment benefits within the supply chain/manufacturers. However, this is restricted to a relatively short period of time and therefore carries limited weight in favour of the application.
- 8.154 On a wider level, additional housing will increase spending within the borough which is of further economic benefit in the long-term carrying moderate weight.

## **8.155 SECTION 106 OBLIGATIONS**

- 8.156 Paragraph 55 of the NPPF states that 'local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations'. Paragraph 57 states that 'planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms, (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development'. Policy 65 of the Local Plan also reflects this stating that new proposals should contribute to supporting infrastructure and make appropriate contributions in order to deliver sustainable development. In terms of this resubmission application, the heads of terms for the S106 legal agreement remains as per the previous application.

### *Affordable Housing*

- 8.157 In order to comply with Local Plan Policy 7 there would normally be a requirement for provision of 23% of the properties on site to be affordable housing.
- 8.158 The application includes 28 general needs (affordable) family houses made up of 2, 3 and 4 bed affordable properties (including 6 x 2 bed Bungalows). This application therefore complies with the Council's Local Plan Policy 7 Delivering the Necessary Range of Housing (Strategic Policy) by providing **23% affordable housing**.
- 8.159 The Local Plan affordable housing tenure split policy is 75% Affordable Rented and 25% Shared Ownership, which approximately equals 22 Rented and 6 Shared Ownership dwellings. With regards to the Shared Ownership mix the Council are looking at 4 x 2 bed houses and 2 x 3 bed houses, all to be agreed within the S106 legal agreement with the developer (including plot numbers).

### *Public Open Space*

- 8.160 Policy 28 requires new development of 20+ units to provide 10 – 15% onsite open space. In this case, as the Bessacarr community profile area is deficient in 4/5 open space typologies, the requirement is for 15% of the site to be delivered as public open space. This should be useable onsite open space, including facilities for children's play.
- 8.161 The developer has allocated over and above the policy requirement providing **34% of the site as 'useable' open space**. This incorporates a designated play space within a large area of open space. Therefore, this not only meets but exceeds the provisions of Policy 28.

### *Education*

- 8.162 A commuted sum of **£481,752.00** is required to provide an additional 18 secondary school places at Hall Cross Academy to accommodate the development and to ensure the school has capacity beyond 2027/28 (the Projection period). No primary school places are required as there are sufficient spare places available at Hawthorn Primary School. This accords with Policy 52 of the Local Plan which states that "where housing proposals of more than 20 family dwellings will create or exacerbate a shortfall in the number of local school places, mitigation will be required, either through an appropriate contribution to off-site provision or, in the case of larger sites, on site provision."

### *Transportation*

- 8.163 Policy 13 of the Local Plan at part B) requires that any new development that is predicted to have an adverse impact on the transport network will be expected to contribute towards capacity and mitigation measures. A Transport Bond is required to mitigate any traffic in the event that targets are not met. The purpose of the TP Bond is to ensure that the targets within the Travel Plan towards sustainable travel (bus, walk, cycle etc.) can be met, and if not met the Council would step in with sustainable measures using the Bond. The Council needs to be assured that the Travel Plan is effective and has reasonable targets that can be met.

The formula for calculating the bond is as follows:

No. of dwellings x the current cost of a 28 day SY Connect+ ticket (currently £131.70)  
x 1.1 = **£17,529.27**

### *Annual Travel Plan Monitoring*

- 8.164 The CDC requirement for monitoring (as per section 3 of the Returnable Transport Mitigation Bond Guidance) is bi-annual counts at each vehicular entrance point of the site, undertaken in a neutral month, by an independent consultant for a period of 5 years. Five years of monitoring can be undertaken by CDC at a cost of **£5,000** per entrance/ exit point. Therefore, it is considered that this would meet with the provisions of Policy 13.

### *Traffic Signal Revalidation*



- 8.165 CDC require a financial contribution towards the revalidation of 2 junctions, SCND0011 A638 Bawtry Road / Cantley Lane and SCND0029 A638 Bawtry Road Adj St Augustine's Rd at **£2,000 per junction**. This in accordance with Local Plan Policy 13. B)

#### *Biodiversity Net Gain*

- 8.166 Prior to development the biodiversity value of the site has been assessed as being worth 38.03 habitat units and 5.26 hedgerow units. The proposed development will result in the loss primarily of habitats of medium distinctiveness according to the Defra Biodiversity Metric. These habitats have arisen over the last 20-30 years and are not considered irreplaceable, as they could be recreated on a different site over a similar time frame. Post development onsite there will be 15.61 Habitat Units and 5.87 Hedgerow Units. 7.61 of these habitat units are derived from 1.27 hectares of existing habitats (18.9% of the total site area) that are being retained and/or enhanced to improve their biodiversity value. The remaining 8 units are derived from new habitats that are being created on site as part of the landscaping of the scheme. A deficit of 26.23 habitat Units are to be secured as off-site compensation to ensure the development delivers a minimum 10% net gain, in accordance with Planning Policy. In line with the Council's Biodiversity Net Gain Supplementary Planning Document, the S106 agreement will commit the developer to either, showing that biodiversity units have been secured in a suitable offsite location, or paying the Council a biodiversity offsetting contribution of £721,325 to deliver 26.23 units at £27,500 per biodiversity unit needed. The Council would then secure the necessary biodiversity units using this money. An offsite delivery project will be identified that delivers the appropriate types of habitat compensation. This means that the trading rules will be satisfied.

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

- 8.168 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.
- 8.169 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

#### **9.0 PLANNING BALANCE & CONCLUSION**

- 9.1 In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal will redevelop an allocated housing site in the adopted Local Plan (2021) for housing and will deliver a significant contribution to much needed housing within the Main Urban Area, which is the main focus for housing growth and regeneration in the City, therefore in line with the Council's strategic approach to housing delivery.
- 9.2 The design and layout of the scheme is identical to that previously refused proposing the same quantum of development. In terms of what has changed since the previous refusal, the applicant has updated ecology reports and the considered ~~Page 5 of 5~~ **Part 5 of BNG** has been updated. Traffic surveys have been updated along with further junction capacity

and signals modelling. This resubmission application therefore proposes 121 houses, which is a significantly lower density of development than the indicative 166-unit housing capacity within the Local Plan. This number was reduced at an early stage in order to maximise the biodiversity interest, which was a key requirement of the Council and responded to positively by the developer and helps to address local resident concerns.

- 9.3 The scheme proposes the delivery of 34% on site public open space, providing more than double the usual policy requirement of 15%.
- 9.4 There is a significantly high need for Affordable Housing within the Bessacarr Ward. The scheme proposes the full 23%, (a total of 28) affordable housing requirement and includes a mix of 2, 3 and 4 bed roomed dwellings (this also includes 6 x 2 bed roomed bungalows). Therefore, contributing to this much needed housing within the area.
- 9.5 The design and layout of the scheme provides streets, which have a spacious, boulevard feel with street tree planting within all of the main streets which will green up, soften and enhance the built form to a very high standard. Creating a pleasant and attractive place to live.
- 9.6 The scheme will provide a well-designed, high quality housing development which will meet Nationally Described Space Standards. It also meets policy requirements for adaptable/accessible and wheelchair housing.
- 9.7 Consultees have raised no objections on matters pertaining to ecology, trees, archaeology, highways, design, drainage or flood risk, with the scheme meeting or exceeding policy requirements.
- 9.8 The proposal is fully compliant with the development plan and has overcome all previous reasons for refusal.
- 9.9 The proposal is subject to a Section 106 Agreement which is considered to meet the requirements of the CIL tests, the fine details of which are still to be agreed.

## **10.0 RECOMMENDATION**

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

- a) Provision of 22 Rented and 6 Shared Ownership dwellings. Shared Ownership mix of 4 x 2 bed houses and 2 x 3 bed houses.
- b) Provision of 15% on site POS (and Maintenance) and LEAP
- c) A commuted sum of £481,752.00 towards the provision of school places at Hall Cross Academy.
- d) Commuted sum of £17,529.27 as a Transport Bond in the event targets within the Travel Plan are not met.
- e) Annual Travel Plan monitoring at a cost of £5,000 per entrance/ exit point.
- f) Traffic signals revalidation at the following junctions at a cost of £2,000 per junction.

SCND0011 A638 Bawtry Road/B1396 Cantley Lane  
SCND0029 A638 Bawtry Road Adj St Augustine's Rd

- g) Biodiversity Net Gain to deliver a minimum 10% net gain to be secured via a suitable offsite location or paying the Council of a biodiversity offsetting contribution of £27,500 per biodiversity unit needed.

## CONDITIONS/REASONS:

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

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

Site Location Plan Dwg 2332.01 Rev A  
AMENDED Site Layout Dwg 2332.01 Rev F  
AMENDED Boundary Treatment Plan Dwg 2119.03 Rev D  
AMENDED Materials plan Dwg 2119.03 Rev E  
Solar PV Layout Dwg 2332.06 Rev D  
Street Scenes Dwg 2332.04  
AMENDED Landscape Masterplan Dwg R/2528/1J  
AMENDED CMS Site Management & Environmental Plan Rev F  
Dated October 2023.

### House Types

AMENDED Beauwood - Village Style Dwg 2332.BEA.01 Rev B  
AMENDED Beauwood - Cottage Style Dwg 2332.BEA.02 Rev B  
Braxton - Cottage Style Dwg 2332.BRA.01  
AMENDED Briarwood - Village Style Dwg 2332.BRI.01 Rev A  
AMENDED Briarwood - Cottage Style Dwg 2332.BRI.02 Rev A  
Charleswood - Village Style Dwg 2332.CHA.01  
Clevemont Pair - Village Style Dwg 2332.CLE.01  
Clevemont Pair Floor Plans Dwg 2332.CLE.02  
Denford Elevations - Village Style Dwg 2332.DEF.01  
Denford Elevations - Cottage Style Dwg 2332.DEF.02  
Denford Floor Plans Dwg 2332.DEF.03  
Denton Pair - Village Style Dwg 2332.DEN.01  
Denton Pair - Cottage Style Dwg 2332.DEN.02  
Faverwood - Village Style Dwg 2332.FAV.01  
Faverwood - Cottage Style Dwg 2332.FAV.02  
Glenwood - Village Style Dwg 2332.GLE.01  
Glenwood - Cottage Style Dwg 2332.GLE.02  
AMENDED Grayford - Village Style Dwg 2332.GRA.01 Rev A  
AMENDED Grayford - Cottage Style Dwg 2332.GRA.02 Rev A  
Hampton - Village Style Dwg 2332.HAM.01  
Kingford Elevations - Village Style Dwg 2332.KIN.01

Kingford Elevations - Cottage Style 2332.KIN.02  
AMENDED Kingford Floor Plans Dwg 2332.KIN.03 Rev A  
Lockton Dwg 2332.LOC.01  
Shermont Pair - Village Style Dwg 2332.SHE.01 A  
Shermont Pair - Cottage Style Dwg 2332.SHE.02 A  
Torwood Pair - Village Style Dwg 2332.TOR.01  
Single Garage Dwg 2119.SG.01  
Twin Garage 2119.TG.01

REASON

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

03. The construction works shall be carried out in complete accordance with the submitted Construction Method Statement, Site Management & Environmental Plan Revision F Dated October 2023.

REASON

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

04. Prior to any enabling works commencing and notwithstanding the submitted and agreed Construction Method Statement, Site Management & Environmental Plan Revision F Dated October 2023, a programme of enabling works to prepare the site shall be submitted to and agreed in writing by the Local Planning Authority.

REASON

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

05. Prior to first occupation of each of the dwellings listed below, Building Control Completion Certificates must have been provided to the Local Planning Authority demonstrating that the specified optional requirements as set out in the Building Regulations 2010 (as amended) have been achieved for the following plots:

Plots 3-5, 7-9, 11-14, 16-20, 27, 29-34, 38-45, 47, 52, 53, 57-60, 63-66, 69-75, 79, 83-85, 87-106, 110, 112-116, 120. must meet Part M4(2) 'accessible and adaptable dwellings'.

Plots 21-26 must meet Part M4(3) 'wheelchair adaptable dwellings'.

REASON

To ensure compliance with the requirements of Local Plan Policy 45 to deliver the agreed accessible and adaptable homes

06. Prior to the commencement of the works for roads and sewers and the signing of any agreement under S38 of the Highways Act 1980, a landscape scheme which includes 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 grate 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 a maintenance specification until trees are adopted by the Council.

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.

#### REASON

To ensure appropriate design of tree's within the adoptable public highway and avoid any potential design conflicts with utilities to meet Local Plan Policy 48.

07. Excluding site preparation, ground engineering and site infrastructure works no development shall take place on the site until a detailed hard and soft landscape scheme based on the approved landscape masterplan (drawing R/2528/1J) has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials, including adoptable highway finishes and footpaths through POS. The soft landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with 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 timescales for delivery; 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 and details of management and maintenance for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented within the first year following commencement of the development 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 within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme, prior to occupation of the home. Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme.

#### REASON

In the interests of environmental quality and Local Plan policy 48.

08. Following the commencement of the hard and soft landscaping scheme 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 hard and soft landscaping scheme 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: species, size, location, planting and aftercare specification, and include an overall progress summary, inspection site visit notes, a schedule of maintenance operations undertaken, and before and after photos of any remedial plantings or completed works.

REASON

To ensure site landscaping works are undertaken as approved in accordance with Policy 48.

09. No work shall take place above damp proof course level until product details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. This may include submission of samples if requested by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure the satisfactory appearance of the development in accordance with Local Plan Policy 44.

10. The development shall take place in accordance with the approved Written Scheme of Investigation (WSI) document entitled "Rosehill, Bessacarr Written Scheme of Investigation for Archaeological Mitigation" Revision 5 (Revised June 2023). The development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the Written Scheme of Investigation 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.

11. Prior to the commencement of the development hereby granted a scheme for the protection of the root protection areas of all trees shown for retention on the approved plan that complies with clause 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the

approved details and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON

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

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

13. 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 Appendix 2 of the Doncaster Local Plan 2015-2035 (2021). The first dwelling shall not be occupied until the approved connections have been installed and are operational. Electric vehicle charging connections shall thereafter be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

REASON

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

14. Prior to the first occupation of the development hereby approved, details of secure cycle parking facilities for the occupants of, and/or visitors to the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

REASON

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy 13 of the Doncaster Local Plan.

15. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To ensure that all new housing and commercial developments provide connectivity to the fastest technically available Broadband network in line with the NPPF (para. 114) and Policy 21 of the Doncaster Local Plan.

16. Prior to installation of the play equipment on the green space area designated to accommodate a LEAP, as shown on Landscape Masterplan Dwg R/2528/1J, the developer will provide the planning authority with a location plan and design to be agreed by the authority, which identifies the type and placement of equipment, and safety surfacing to be used. The developer should ensure the equipment is robust, sustainable, meets the needs of the community and meets with the relevant safety standards. The play equipment shall be installed and maintained in accordance with the approved details.

The LEAP shall be delivered following occupation of no more than 50% (60) units on the site.

REASON

To ensure the delivery of appropriate 'fit for purpose' play provision within the Borough and to ensure the development provides adequate areas of public open space for future occupants during the build out phase and in accordance with Doncaster Local Plan Policy 28.

17. Within 1 month of the installation of the play equipment, the applicant will provide the council with a copy of the post installation inspection certificate certifying the play equipment meets with European standards EN1176 and EN177. The inspection must be carried out by an independent RPII (Register of Play Equipment Safety Inspectors International) registered Playground Equipment Inspector, who is suitably experienced and trained for the task.

REASON

To ensure all equipped play areas meet with the relevant safety standards and are safe and accessible.

18. Notwithstanding the approved Site Layout Plan Dwg Ref: 2332.01 Rev F and prior to commencement of the relevant works, full details of the design of the pumping station, including all materials and boundary treatments shall be submitted and agreed in writing with the Local Planning Authority. This shall include details of the vehicular access to the pumping station.

REASON



In the interests of highway and pedestrian safety in accordance with Local Plan Policy 13.

19. 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.
20. The vehicle turning space as shown on the approved plans shall be constructed before each phase of 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 in accordance with Local Plan Policy 13
21. Before any phase (as shown on Construction Management Plan 2119.12 within the CMS Rev F Dated Oct 2023) of the development hereby permitted is brought into use, the parking serving that phase 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.
22. Prior to the commencement of development a Construction Environmental Management Plan (ecology) shall be submitted to the Local Planning Authority for approval in writing. The plan shall then be implemented in accordance with the approved details. The measures within the CEMP will be based on those outlined in Table 6.1 of the Ecological Impact Assessment Brooks Ecological Ref: Brooks Ecological Ref: ER-5334-17G 22/06/23 (revised 31/10/2023) and also include:  
-A risk assessment of the potentially damaging construction activities in relation to habitats and fauna.  
-Any measures identified to protect the adjacent Local Wildlife Site, Red House Plantation from direct and/or indirect impacts of the construction phase.  
REASON  
To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29 and 30B(3)
23. Prior to the first occupation of the site, an ecological enhancement plan shall be submitted to the Local Planning Authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or in an alternative timescale to be approved in writing by the local planning authority: Photographic evidence of the implementation of

the measures must be submitted to the local planning authority to discharge this condition.

- on 30% of new dwellings a swift box of the, <https://www.manthorpebp.co.uk/environmental/swift-nesting-brick/swift-nesting-brick-> or equivalent approved by an ecologist to be located on the northern aspect of the building above 5m from ground level on walls away from trees.

- The translocation of the g1a6 'other lowland dry acid grassland' areas to the undeveloped north eastern boundary area of the site  
-on 20% of new dwellings in suitable site boundary locations, bat boxes of the type: [tps://www.nhbs.com/lbstock-enclosed-bat-box-c](https://www.nhbs.com/lbstock-enclosed-bat-box-c) or equivalent approved by an Ecologist to be sited above 4 m from ground level at south or south west locations on the new building

-6 No. tree mounted bat boxes of the Kent Bat Box <https://www.nhbs.com/nhbs-kent-bat-box> or equivalent approved by an ecologist.

- Hedgehog highways features to be incorporated into property boundaries.

- The creation of two reptile/amphibian hibernacula features on the site.

#### REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan Policies 29 and 30.

24. Where development commences more than two years from the date of the original protected species surveys, including badgers, bats, great crested newts, reptile and breeding bird surveys, additional/updating surveys should be carried out to ensure that approved mitigation is appropriate for the current situation. Any changes to proposed mitigation measures must be approved in writing by the Local Planning Authority.

#### REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 30 and that no offence is committed in respect of protected species legislation.

25. Prior to the installation of any external street lighting and bollards to private shared drives, a lighting design strategy for light-sensitive biodiversity in shall be submitted to and approved in writing by the Local Planning Authority:

The strategy shall show how all external lighting within the site will be designed (through the provision of external lighting contour plans and technical specifications) so that it can be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural areas by bats and other species of wildlife. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/23: 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.

#### REASON

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

26. Notwithstanding the submitted Habitat Management Plan (Brooks Ecological ref ER 5334-11. 12/06/23), prior to first occupation of the site, a Management and Monitoring Plan for proposed onsite habitats detailed in the Biodiversity Gain Assessment (Brooks Ecological ref ER-5334-16D) further details shall be submitted prior to the first occupation of the site to detail the following measures:

- o The details of when target condition will be achieved and how it shall be maintained.
- o 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 detail the surveys that will be used to inform condition monitoring reports. Monitoring reports will be provided to the Local Planning Authority by the end of years 1,2,3, 5,10,15, 20, and 30 of the monitoring period.
- o Details of the approval process with the LPA that will be used in instances where monitoring reports show that measures within the approved Habitat Management and Monitoring Plan need to be changed in order to meet target conditions.
- o The roles, responsibilities, and professional competencies of the people involved in implementing and monitoring the biodiversity net gain delivery.
- o Evidence of the necessary contractual arrangements to ensure that the necessary resources are available to deliver the proposed biodiversity net gain plan and the ongoing management.

The approved Management and Monitoring Plan shall be implemented in full.

**REASON**

To fulfil specifically the requirements of Local Plan policy 30B and enhance local ecological networks in accordance with Local Plan Policy 29.

27. No development works shall commence until the applicant has provided to the Local Planning Authority with evidence of either:

A licence issued by Natural England pursuant of The Protection of Badgers Act 1992 authorising the specified activity/development to go ahead, or

A statement in writing from Natural England (or another relevant licencing authority) to the effect that a specific activity /development does not require a licence.

**REASON**

To ensure the ecological interests of the site are maintained in accordance with Local Plan Policy 30 and that no offence is committed in respect of protected species legislation. The Protection of Badgers Act 1992.

28. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.  
REASON  
To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.
29. Prior to the first occupation of the development hereby approved, details of the drainage management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The drainage system for foul and surface water drainage shall be retained, managed and maintained for the lifetime of the development in accordance with the approved drainage management and maintenance plan.  
REASON  
To ensure the drainage apparatus of the site is adequately maintained for the lifetime of the development and to accord with Para. 169 c) of the NPPF (2021).
30. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the details submitted pursuant to condition 28. The sustainable drainage scheme shall be managed and maintained in accordance with the details submitted pursuant to condition 29.  
REASON  
To comply with current planning legislation - National Planning Policy Framework.
31. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.  
REASON  
To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal.
32. No building shall be erected within 10 metres of the watercourse or culvert, which passes through/runs adjacent to the site.  
REASON  
To ensure adequate access at all times and to protect the culvert from damage.
33. Prior to the installation of any lighting adjacent to the railway, details of the location, colour and illumination of any external lighting shall be submitted to and approved in writing by the Local Planning Authority and approved in conjunction with Network Rail. The development shall thereafter be carried out in accordance with the approved details.  
REASON

In the interests of safeguarding the nearby railway line.

34. Development shall not commence until a construction methodology has been agreed with the Asset Protection Project Manager at Network Rail and submitted to and approved in writing by the Local Planning Authority which demonstrates that the development can be undertaken without impact to operational railway safety. The development shall thereafter be carried out in accordance with the approved construction methodology.  
REASON  
In the interests of safety, operational needs and integrity of the railway.

## **Informatives**

01. **INFORMATIVE: SECURED BY DESIGN**  
The applicant is advised to seek to implement security measures into the development in order to achieve the 'Secured By Design' accreditation from South Yorkshire Police.
02. **INFORMATIVE: HIGHWAY WORKS**  
Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.  
  
Doncaster Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.
03. **INFORMATIVE: CONDITION 5**  
Condition 5 may be partially discharged by the submission and approval of Completion Certificates for individual plots during a site build out. This condition will be fully discharged upon receipt of satisfactory Completion Certificates for all the listed plots.
04. **INFORMATIVE: NETWORK RAIL**  
Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially given the scale and nature of the proposed scheme.

## Works in Proximity to the Operational Railway Environment

### Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with the Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

### Excavations/Earthworks

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

### Vibro-impact Machinery

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

### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

### Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual

boundary the applicant must contact Network Rail's Asset Protection Project Manager.

### Drainage

Drainage It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.

### Landscaping

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;

#### Acceptable:

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

#### Not Acceptable:

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

### Railway Noise Mitigation

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

### ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail

and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

#### Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

#### Contact Details:

##### Asset Protection Eastern

For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email [assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk).

#### Land Information

For enquiries relating to land ownership enquiries, please email [landinformation@networkrail.co.uk](mailto:landinformation@networkrail.co.uk).

#### Property Services

For enquiries relating to agreements to use, purchase or rent Network Rail land, please email [propertyservicesneem@networkrail.co.uk](mailto:propertyservicesneem@networkrail.co.uk).

05. **INFORMATIVE**  
The installation of the electric vehicle charging points and associated infrastructure as approved should be carried out in accordance with PAS 1899:2022 'Electric Vehicles - Accessible Charging Specification' (or any revisions to this document in the future).
06. **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).
07. **INFORMATIVE: CONDITION 06**  
To minimise future conflict with utilities in new developments, where trees are proposed within the footway or highway build outs, the creation of a common utility enclosure with the necessary provisions for safely including both mains services and ducting should be considered in the utility design. This is preferably located adjacent to the property



front boundary, under the footway, to facilitate service connections. The developer is to consider the requirements of National Joint Utilities Group guidance volume 4 with regard to the installation of trees and the required installation and maintenance of statutory undertaker's apparatus. <http://streetworks.org.uk/wp-content/uploads/V4-Trees-Issue-2-16-11-2007.pdf>

**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 Layout plan



## APPENDIX 2 – HOUSE TYPES –Grayford Cottage Style(5 bed) House



## Briarwood Village Style (4 bed) House



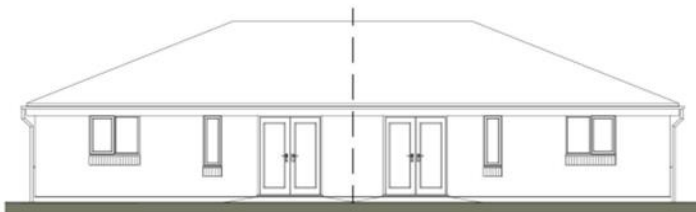
**APPENDIX 2 – HOUSE TYPES Clevemont (Affordable) 2 bed bungalow**



FRONT ELEVATION



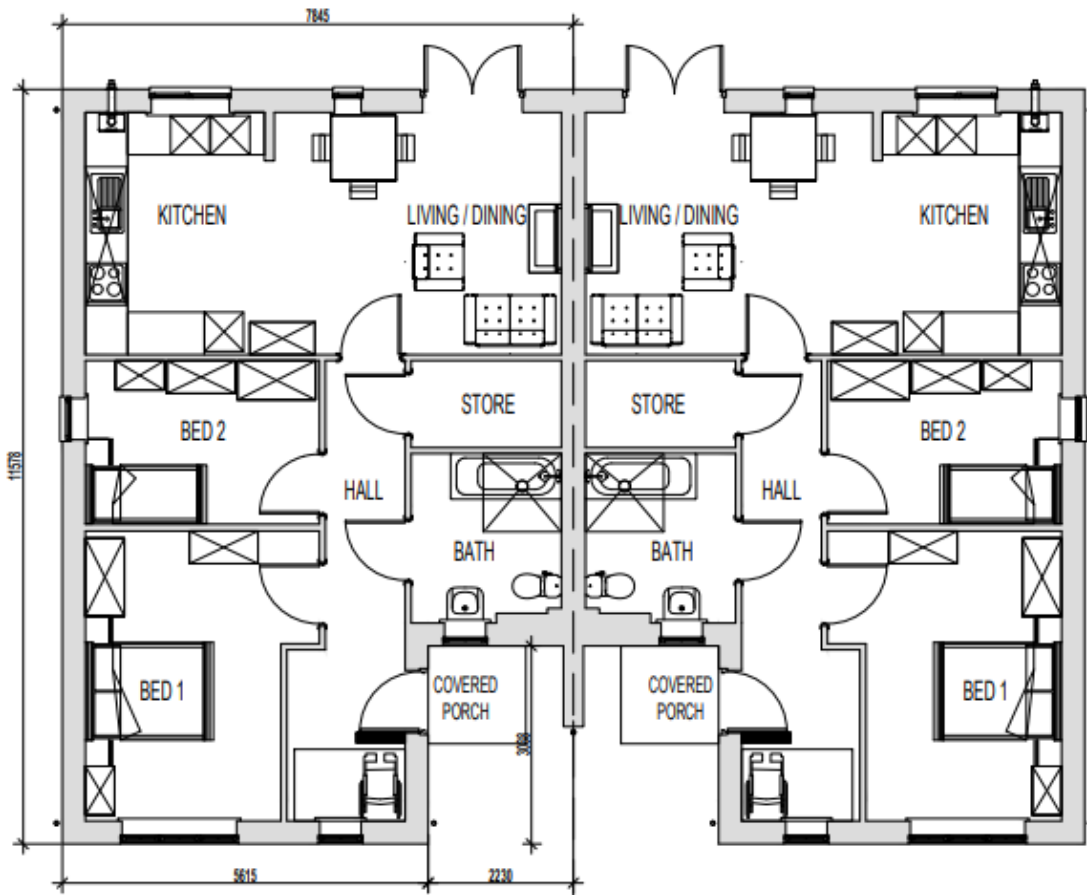
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



GROUND FLOOR PLAN



# APPENDIX 3 – Proposed Street Scenes



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|                    |          |
|--------------------|----------|
| <b>Application</b> | <b>2</b> |
|--------------------|----------|

|                            |               |
|----------------------------|---------------|
| <b>Application Number:</b> | 22/00848/FULM |
|----------------------------|---------------|

|                          |                     |
|--------------------------|---------------------|
| <b>Application Type:</b> | Planning FULL Major |
|--------------------------|---------------------|

|                              |  |
|------------------------------|--|
| <b>Proposal Description:</b> | Erection of 38 residential units and 56 retirement living homes, including landscaping and access. |
| <b>At:</b>                   | Land on the north east side of Sandford Road, Balby  |

|             |  |
|-------------|--|
| <b>For:</b> | Stacey Chappell - Hooper Urban Partnership |
|-------------|--|

|                          |   |                |             |
|--------------------------|---|----------------|-------------|
| <b>Third Party Reps:</b> | Petition (51) against<br>1 letter in support. | <b>Parish:</b> |             |
|                          |   | <b>Ward:</b>   | Balby South |

|                          |             |
|--------------------------|-------------|
| <b>Author of Report:</b> | Mel Roberts |
|--------------------------|-------------|

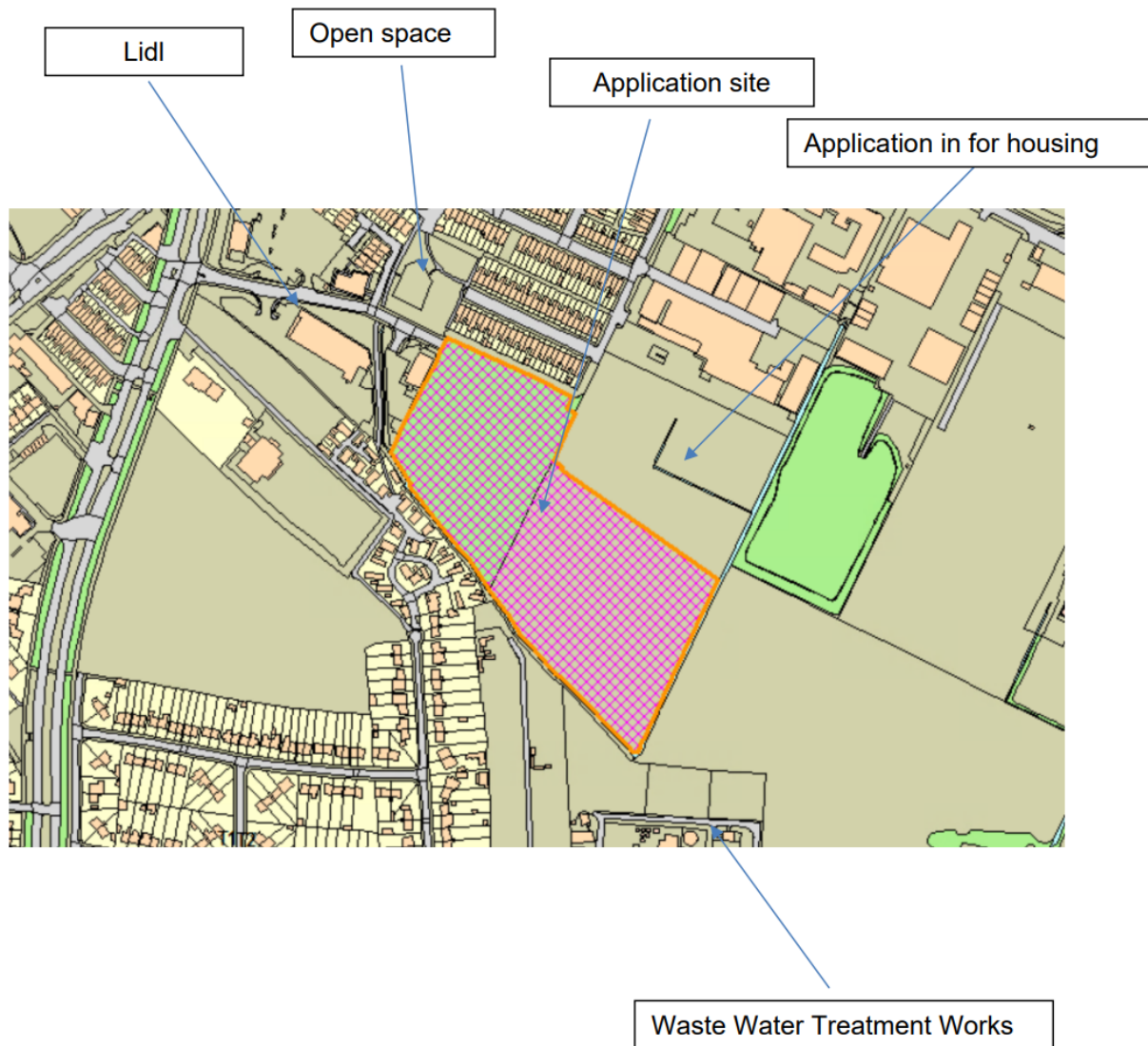
## SUMMARY

### **RECOMMENDATION: Planning permission be granted subject to a Section 106 Agreement.**

The site is allocated for housing in the Local Plan and the proposal would provide for much needed affordable housing, being 100 per cent affordable. The site is in a sustainable location being located close to local amenities and facilities.

The scheme has been designed in accordance with the principles set out in the Development Brief produced for the site. All other issues such as impact on residential amenity, highways and drainage have been satisfactorily resolved.

The applicant has shown through a Viability Assessment that it will not be possible to achieve 10 per cent Biodiversity Net Gain, but all other policy asks including on-site open space are achieved. A Section 106 Agreement will secure the provision of 100 per cent affordable housing and highway contributions.



## 1.0 Reason for Report

- 1.1 This application is being reported to planning committee due to the number of representations made. This application was considered at Planning Committee on 19<sup>th</sup> September and was deferred for further publicity to make it clear that some of the accommodation on site is retirement living rather than extra care. The application has been readvertised with an amended description in the press, on site and with letters to neighbouring properties. All consultees have also been notified of the change in description from extra care to retirement living.

## 2.0 Proposal and background

- 2.1 This application seeks planning permission for the erection of 38 houses and 56 retirement living homes (totalling 94 dwellings) including landscaping and access (see Fig A for site layout plan). The proposal will deliver 100 per cent affordable housing across the site. The Tenure Plan submitted with the application indicates that the 38 dwellings will comprise affordable rent properties, although the exact split between affordable rent and shared ownership for these properties will be secured through a Section 106 Agreement.



- 2.2 The 38 houses are all two storeys and comprise 2, 3 and 4 bed properties and are a mixture of semi-detached and detached properties (see Fig B for street scenes showing typical house types).
- 2.3 The retirement living units comprise thirteen 2-bed semi-detached bungalows and 43 apartments in a three-storey building of which 36 are 1-bed and 7 are 2-bed (see Fig C for elevations of apartments). The retirement living units have been designed to enable residents aged over 55 to continue to live within their own home with additional support being provided. The retirement living apartment block includes a Residents' lounge and storage area for scooters. The three storey apartments have landscaped gardens and associated parking.
- 2.4 Access into the site is taken from the eastern end of Sunningdale Road. Access from Cross Bank will be pedestrian only with bollards or other measures in place to restrict vehicular access into the site.
- 2.5 The existing sewer and associated easement is retained as part of the development proposals, contained within the proposed highway. A 9m wide landscape strip is proposed along the southern and eastern boundaries in accordance with the required internal drainage board access strip, which also provides for pedestrian access around the periphery of the site.
- 2.6 The proposed development includes a SuDS Pond and surface water pumping station for the foul and surface water drainage. The SuDS area forms part of the open space located in the south eastern part of the site; this open space continues through the centre along the route of the power line that crosses the site in a broadly east-west direction.
- 2.7 It should be noted that the number of dwellings and proposed layout has significantly changed since its original submission, mainly due to the constraints on site. The original submission was for the erection of 76 dwellings and 43 retirement living apartments, making a total of 119 residential units and so the current scheme is for 25 less dwellings than originally applied for.

### **3.0 Site Description**

- 3.1 The site is undeveloped land, which is slightly 'L' shaped extending to 3.22 hectares in size. The site lies in a mixed area consisting of commercial uses close to Sandford Road and the A630, established residential areas to the north and south and a large employment area to the east (Balby Carr employment area). Generally, there is a gradual fall across the site from west to east. The highest point is from the western boundary, approximately 6.9m AOD falling towards the east at approximately 5.9m AOD. Overhead power transmission cables cross the site. There are informal footpaths running through the eastern half of the site and linking through to the vacant site to the north.
- 3.2 To the north of the site is residential with the terraces on Coronation Road backing onto the site's northern edge with an alley to the rear. The remainder of the northern edge of the site lays adjacent to a vacant cleared former employment site which consists of areas of rough ground and wasteland. The site boundary here is formed by a ditch characterised by shrub and tree pioneers. Further to the north are employment uses accessed from Cross Bank. To the east and south of the site are open semi natural areas including a raised former tip which is now wooded

to the north east. A drain runs along the eastern edge of the site and separates it from the green areas to the east; another drain runs along the southern boundary. There is a day nursery immediately to the west off Sandringham Road, a caravan park to the south west, allotment gardens to the south and semi detached houses off Lambeth Road. Also to the south of the site is an operational sewage works which is accessed from Woodfield Road.

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

- 4.1 There is no relevant planning history on this site.
- 4.2 On land immediately to the north of the site, an application has been submitted under reference 23/01430/FULM for the erection of 65 affordable dwellings and is currently pending consideration.

#### **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. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.2 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development. One of the three overarching objectives of the NPPF is to ensure a significant number and range of homes are provided to meet the needs of present and future generations (paragraph 8b).
- 5.3 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.4 The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (para 58).
- 5.5 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.
- 5.6 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.
- 5.7 Paragraph 110 sets out that in assessing specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 5.8 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.
- 5.9 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).

#### Local Plan

- 5.10 The site is allocated for housing in the Doncaster Local Plan (MUA63).
- 5.11 Policy 1 supports development within the Doncaster Main Urban Area, which Balby/Woodfield fall within. It states that at least 45 per cent of new homes will go to the Main Urban Area.
- 5.12 Policy 2 states that the Local Plan's strategic aim is to facilitate the delivery of at least 920 new homes each year over the plan period (2018-2035) (15,640 net homes in total).
- 5.13 Policy 5 identifies that the site is suitable for residential development, as it is an allocated housing site. It states in the supporting Table 4.1 that the layout should be informed by a programme of archaeological evaluation. It states that along the southern/south-western boundary of the site, there should be a significant wildlife corridor, a minimum of 25-30m width and that this should form part of the public space on-site rather than being enclosed in gardens so that wildlife can be maximised. Access to the site should predominately be from Sunningdale Road, with a secondary connection northward to Cross Bank and to access the northern part of the site. The northern side of the access road will require landscape screening to the rear of the existing terrace properties alleyway. There is the potential for this site to provide access to neighbouring sites to the east and the layout should make provision for this. The southern part of the site should be laid out as an area of public open space and to act as a buffer to the sewage works. The buffer along the southern edge should include informal recreation routes which provide potential future linkages to the land to the east through the green wedge to Carr Lodge. The open space should be overlooked by development. There is a need to provide appropriate stand-off distances from existing residential development along the northern and southern edges of the site. Yorkshire Water is unlikely to support residential development within 200m of the Sewage Works due to the potential for odour nuisance and loss of amenity; any application for this use should be informed by an odour assessment and include suitable mitigation where appropriate. New development would need to accommodate or divert the existing

sewers and overhead power lines which cross the site and the ditches at the edges, with suitable easements provided if retained in situ. New housing should provide a frontage to Cross Bank.

- 5.14 Policy 7 states that the delivery of a wider range and mix of housing types, sizes and tenures will be supported through the following:
- a) New housing developments will be required to deliver a mix of house sizes, types, prices, and tenures to address as appropriate the needs and market demand identified in the latest Housing Need Assessment;
  - b) Housing sites of 15 or more homes (or 0.5ha or above) will normally be expected to include 23% affordable homes in the borough's high value housing market areas or a lower requirement of 15% elsewhere in the borough (including starter homes which meet the definition) on site.
- 5.15 Policy 13 sets out that new development shall make appropriate provision for access by sustainable modes of transport to protect the highway network from residual vehicular impact to ensure that:
- a) access to the development can be made by a wide choice of transport modes, including walking, cycling, private vehicles and public transport;
  - b) site layouts and the street environment are designed to control traffic speed through an appropriate network and street hierarchy that promotes road safety for all;
  - c) walking and cycling are encouraged with the development and beyond, through the design of facilities and infrastructure within the site and provision of linkages to the wider network;
  - d) appropriate levels of parking provisions are made; and
  - e) existing highway and transport infrastructure is not adversely affected by new development. Where necessary, developers will be required to mitigate (or contribute towards) and predicted adverse effects on the highway network.
- 5.16 Policy 16 states that the needs of cyclists must be considered in relation to new development and in the design of highways and traffic management schemes to ensure safety and convenience. Provision for secure cycle parking facilities will be sought in new developments.
- 5.17 Policy 17 states that an increase in walking provision in Doncaster will be sought. Walking will be promoted as a means of active travel. Proposals will be supported which provide new or improved connections and routes, which enhance the existing network and address identified gaps within that network. The needs of pedestrians will be considered and prioritised in relation to new developments, in public realm improvements and in the design of highways and traffic management schemes.
- 5.18 Policy 21 sets out that all new housing and commercial development must provide connectivity to the Superfast Broadband network unless it can be clearly demonstrated that this is not possible.
- 5.19 Policy 28 deals with open space provision in new developments and states that proposals of 20 family dwellings or more will be supported which contribute 10 or 15 per cent of the site as on-site open space to benefit the development itself, or a commuted sum in lieu of this (especially where the site is close to a large area of open space). For retirement living schemes, facilities will be required to provide

good quality on-site amenity spaces equating to 16 square metres of open space per person.

- 5.20 Policy 29 Ecological Networks – Developments which deliver a net gain for biodiversity and protect, create, maintain and enhance the Boroughs ecological networks will be supported.
- 5.21 Policy 30 seeks to protect sites and species of local, national and international importance and requires proposals to meet 10 per cent net gain for biodiversity.
- 5.22 Policy 32 states sets out 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.
- 5.23 Policy 41 sets out that imaginative design and development solutions will be encouraged to ensure that proposals respect and enhance identity, character and local distinctiveness. In all cases, proposals will need to demonstrate an understanding of the context, history, character and appearance of the site, neighbourhood and wider area, to inform the appropriate design approach.
- 5.24 Policy 42 states that high-quality development that reflects the principles of good urban design will be supported. Proposals for new development will be expected to follow a best practice design process and where appropriate, use established design tools to support good urban design.
- 5.25 Policy 44 sets out that new housing will be supported where it responds positively to the context and character of existing areas and creates high quality residential environments through good design.
- 5.26 Policy 45 states that new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants and shall meet the Nationally Described Space Standard as a minimum.
- 5.27 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides a high quality, comprehensive hard and soft landscape scheme.
- 5.28 Policy 50 states that development will be required to contribute positively to creating high quality places that support and promote healthy communities and lifestyles, such as maximising access by walking and cycling.
- 5.29 Policy 52 states that where housing proposals of 20 or more family dwellings will create or exacerbate a shortfall in the number of local school places, mitigation will be required, either through an appropriate contribution to off-site provision or, in the case of larger sites, on-site provision.
- 5.30 Policy 54 sets out that where developments are likely to be exposed to pollution, they will only be permitted where it can be demonstrated that pollution can be avoided or where mitigation measures will minimise significantly harmful impacts to acceptable levels. This includes giving particular consideration to the presence of noise generating uses close to the site.

- 5.31 Policy 55 states that proposals will be required to mitigate contamination by: a) demonstrating there is no significant harm to human health, or land, natural environment,, pollution of soil or any watercourse or ground water; b) ensuring necessary remedial action is undertaken to safeguard occupiers of the site; c) demonstrating that adverse ground conditions have been properly identified; and d) clearly demonstrating that the land is suitable for its proposed use.
- 5.32 Policy 56 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.
- 5.33 Policy 65 states that developer contributions will be sought to mitigate the impacts of development through direct provision on site, provision off site, and contributions towards softer interventions to ensure the benefits of the development are maximised by local communities.
- 5.34 Policy 66 states that where the applicant can demonstrate that particular circumstances justify the need for a Viability Appraisal, the Council will take a pragmatic and flexible approach to planning obligations and consider their genuine impact on viability of development proposals on an independent and case-by-case basis.

#### Other material planning considerations

- 5.35 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 and adopting new SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan.
- 5.36 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.
- 5.37 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.
- 5.38 A Planning and Development Brief dated July 2018 was produced for this site and although not formally adopted and so therefore afforded little weight, it does highlight a number of design issues (which have been carried through into Local Plan Policy 5):

- i) Access to the site should predominantly be from Sunningdale Road, with a possible secondary connection northward to Cross Bank.
- ii) The main proposed access route will be via Sandford Road.
- iii) A green infrastructure corridor of 25-30m width should be developed along the site's southern / western edge. This should include informal recreation routes which provide potential future linkages to the land to the east through the green wedge to Carr Lodge.
- iv) The southern part of the site should be laid out as an area of public open space to meet local requirements and to act as a buffer to the sewage works. The open space should be overlooked by development and meet relevant guidance and standards.
- v) Yorkshire Water is unlikely to support residential development within 200m of the Sewage Works due to the potential for odour nuisance and loss of amenity. Any application for this use should be informed by an odour assessment and include suitable mitigation where appropriate.
- vi) New development would need to accommodate or divert the existing sewers and overhead power lines which cross the site, with suitable easements provided if retained in situ.
- vii) The layout and design should be informed by a programme of archaeological evaluation to be agreed with South Yorkshire Archaeology.
- viii) The site layout and design should be informed by an up-to-date tree survey and ecological surveys.
- ix) A comprehensive landscaping scheme should be provided.
- x) The layout should create a robust block structure with properties fronting toward streets and open spaces, providing dual aspect at corner locations.
- xi) There is a need to provide appropriate stand-off distances from existing residential development along the northern and southern edges of the site.
- xii) A high standard of development will be required throughout the site.
- xiii) The Council's latest car parking standards should be met.

## **6.0 Representations**

6.1 The original application for 119 dwellings was advertised in the press, on site and with letters sent to neighbouring properties that surround the site.

6.2 A petition with 51 signatories was submitted in opposition to this scheme for 119 dwellings, raising the following concerns:

- i) the site was cleared prior to the application being submitted.
- ii) although the site is within flood zone 1, measures should be taken to ensure that the impact on existing properties on Coronation Road is fully considered during the planning phase of the development site and surface water run off does not further increase the problems for these properties and the unadopted road.
- iii) loss of habitat and trees on site.
- iv) the unadopted road should be brought up to standard with adequate drainage.
- v) the unadopted road is a fly tipping hot spot.
- vi) the contractors have left the site open and unsecured resulting in an increase in anti-social behaviour on and around the site.
- vii) the developer needs to fully consider the impact of construction on local residents and businesses and appropriate measures are put in place regarding noise, dust, vibration etc.
- viii) the plan does not show areas allocated for open spaces, community spaces or recreational areas.

ix) the view from the homes on Coronation Road, directly opposite, will be obscured.

6.3 One letter of support has been received stating that the new development will benefit the district, bring new young families, improve security and positively impact this abandoned area.

6.4 The revised submission and layout for this scheme now being considered for 94 residential units was re-advertised with letters sent to all neighbouring properties and no further objections or comments were made.

6.5 Further to the additional publicity following the committee meeting on 19<sup>th</sup> September, a letter has been submitted on behalf of the signatories of the original petition stating the following:

i) Concern that the description of the planning application as 'extra care' units was inaccurate and misleading.

ii) The unadopted access road at the rear of properties on Coronation Road is prone to flooding and will be made worse by this proposed development.

iii) The development will not meet 10 per cent Biodiversity Net Gain.

iv) We would like the Invasive Weed Management Plan to be a requirement of any planning permission.

iv) Bright Beginnings Nursery, childrens' playground and entrance to Stonegate Mews are close to the site entrance; traffic speed restrictions and appropriate signage should therefore be placed in the vicinity.

## 7.0 Relevant Consultations

7.1 **Urban Design:** Have responded and have raised no objections subject to conditions.

7.2 **Transportation:** No objections have been raised subject to a contribution of £2,000 towards the revalidation of the signals at the junctions of Sandford Road/Sunningdale Road and Balby Road/Sandford Road. There is also a need for a Travel Plan Bond of £13,617.78 and monitoring to ensure that this can be put towards sustainable travel should traffic movements exceed those set out in the Transport Assessment. Cycle parking should be secured by a condition.

7.3 **Highways:** Have raised no objections subject to conditions.

7.4 **PROW:** No objections. There are no recorded public rights of way affected by the proposed development and no claims of a right of access across the site have been made.

7.5 **Ecology:** Have raised no objections, subject to the scheme achieving 10 per cent Biodiversity Net Gain and subject to conditions requiring some ecological enhancement on site and appropriate construction mitigation measures. Ecology is aware that BNG is not being delivered because of viability.

7.6 **Trees:** Have raised no objections subject to conditions.

7.7 **South Yorkshire Archaeology Service:** No objections have been raised, as Trial Trenching has been carried out on the site and nothing significant has been found.



- 7.8 **Environmental Health:** Have raised no objections, as no houses are proposed in the zone where development should be excluded for odour reasons. In the last two years, only 1 complaint has been received about odour from the sewage treatment works. Any possible future complaints about odour would be addressed by the regulatory enforcement agency at that time to ensure best practicable means of minimising these are taken.
- 7.9 **Contamination:** Historic maps show the above application is located in the vicinity of a works and adjoins land with a current/former industrial use, so there is a possibility that contaminants may remain on the site, for example, in the form of heavy metals etc. This should be considered further in the required risk assessment and secured by a condition.
- 7.10 **Air quality:** The conclusions of the assessment can be accepted with a high degree of confidence and therefore there are no concerns about the proposal and the extant air quality regulations.
- 7.11 **Environment Agency:** Has responded by saying that there is no need for it to be consulted, as the site is flood zone 1 and there is no reason to suspect any previous polluting activity on the site and the watercourses are not main rivers.
- 7.12 **Yorkshire Water:** Has responded and has raised no objections subject to conditions.
- 7.13 **Drainage:** Have responded and raised no objections subject to conditions requiring further details of drainage.
- 7.14 **Doncaster East Internal Drainage Board:** Has raised no objections, as the proposed layout shows a 9m clear zone from the watercourse.
- 7.15 **Public Health:** Public Health welcomes the inclusion of affordable housing and also cycle storage on site and has raised no objections.
- 7.16 **Open Space:** No objections have been raised subject to a condition requiring details of play provision within the open space.
- 7.17 **Affordable housing:** There is a very high need for affordable housing in both Balby South and Hexthorpe & Balby North wards, which this site straddles and so this proposal for 100 per cent affordable housing is supported.
- 7.18 **Education:** Has responded and has advised that no contribution is required because there are currently enough spare places at Woodfield Primary School and Astrea Academy Woodfields.
- 7.19 **Superfast South Yorkshire:** No objections have been raised subject to the standard condition requiring connection to appropriate superfast broadband.
- 7.20 **Waste and recycling:** Has responded and has raised no objections.
- 7.21 **South Yorkshire Police Architecture Liaison:** Have raised issues that are outside the control of planning.

7.22 **South Yorkshire Fire and Rescue:** A response was received and no objections have been raised.

7.23 **National Grid:** Has been consulted, but no comments have been received.

7.24 **Northern Powergrid:** Has responded and has raised no objections.

## **8.0 Ward members**

8.1 Councillor Glyn Jones has requested that a contribution is made to improve the alleyway to the rear of the properties on Coronation Road and bring it up to a suitable adoptable standard.

## **9.0 Assessment**

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

- Principle of development;
- Impact on Amenity
- Design and Impact on the character and appearance of the area
- Ecology
- Trees and Landscaping
- Highway safety and traffic
- Flooding
- Noise
- Contamination
- Energy efficiency
- Economy
- S106 obligations
- Overall planning balance

### Principle of Development

9.2 The site is allocated as a Housing site within the Local Plan and is therefore acceptable in principle.

9.3 There are a range of facilities and services within walking distance of the site. Lidl lies approximately 150m west of the development, there are a number of schools within a 2km walking distance (Woodfield Primary School, Balby Central, Mallard Primary and Waverley Primary Academy). There are also a number of employment opportunities within 2km walking and 5km cycling distance of the site. The site is well connected to local shops and services which can be easily accessed by the proposed residents.

### Sustainability

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

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

## **SOCIAL SUSTAINABILITY**

### Impact on Residential Amenity

- 9.6 The proposed development has been designed to ensure that the amenity of existing nearby residents is not significantly affected. Adequate separation distances are provided within the site to ensure there would not be significant adverse effects in terms of overshadowing, overlooking or overbearing.
- 9.7 The separation distance of the proposed three storey flats to the rear of the properties on Coronation Road is approximately 33m. The bungalows facing the rear of the properties on Coronation Road are approximately 28m away. Gardens to the proposed houses along the north-eastern boundary are 10m in length providing the necessary separation distance required to any future development of land to the north. Separation distances and existing landscaping along the southern boundary are adequate to ensure that there is no overlooking to the caravan park. The nearest dwelling to a caravan is approximately 17m away, but this is side on to the caravan and so well in excess of the Council's standards (with only windows serving the bathroom and landing at first floor). The bungalows facing towards the caravan site are approximately 28m away at the closest point.
- 9.8 A draft Construction Management Plan has been submitted to ensure that existing dwellings are not adversely affected during construction. This sets out a number of measures including location of compound, hours of working, procedure for dealing with any complaints, control of dust and noise etc. A specific Construction Management Plan is to be secured by a condition.

## **ENVIRONMENTAL SUSTAINABILITY**

### Design

- 9.9 The proposed layout of the site has been influenced by site constraints, which include the stand-off from the Waste Water Treatment Works to the south of the site, retention of the overhead power lines across the site, adjoining residential properties, existing trees and banking and drainage watercourse with access strip, which requires a maintenance buffer.
- 9.10 The scale and massing of the buildings is considered appropriate for the site and its surrounding context. Varied heights are a common theme across the site enforcing urban character and contributing to visual interest in the street scene. Properties are orientated to provide active frontages to all streetscapes. Dwellings which are located on corner plots at street intersections are to be articulated to define the corner and provide active interfaces on both sides. Properties feature a traditional brick and tiled roof construction. Brick facings will feature a red multi. The proposed architectural details include artstone window heads and sills, artstone window surrounds, black fascia's and water goods and flat roof canopies.

- 9.11 All properties have been designed to comply with the Nationally Described Space Standards. All extra care units will be M4(2) compliant (total of 58%) and all bungalows will also be M4(3) compliant (total of 14%) meeting policy requirements.
- 9.12 Where rear garden boundaries abut, or can be seen from the public realm, robust boundary treatments are used to retain visual quality within the adjacent public areas. The scheme provides a green corridor along the site's southern/eastern edge and includes informal recreation routes which provide linkages through and across the site improving local connectivity.
- 9.13 Crime prevention measures have been included within the scheme to ensure the development offers a safe and welcoming environment for future occupiers. Perimeter block forms and property orientations creates natural surveillance across the site. Areas of open space are also well overlooked by proposed residential development. Landscaping boundary treatments will contribute to security by means of their density.
- 9.14 The northern side of the access road has landscape screening to the rear of the existing terrace properties alleyway. The design also provides for the potential of this site to provide access to neighbouring sites to the east. The proposal generally complies with the design criteria set out in policy 5 of the Local Plan and the Design Brief and accords with policies 41, 42, 44 and 45 of the Local Plan.

#### Open space

- 9.15 The SuDS basin falls within the area of open space. The basin is only expected to fill in storm events over 1 in 30 years and would be dry in normal circumstances. The side slopes are 1 in 4 and the depth of the basin is 1m maximum. Therefore, the slopes are gentle which will allow people access into the SuDS basin. Given that the basin is expected to be dry and accessible outside of storm events, it can therefore also provide an amenity use to the site. The scheme provides 1.7 acres (0.68 hectares) of open space. With or without the SuDS feature, the scheme provides above the policy requirements for on-site open space. It is considered that a suitable play area could be provided within the area of open space and this is to be secured by a condition.
- 9.16 In terms of the apartments, the amenity area equates to 0.52 acres. The policy requirement is for 16 square metres per person. The proposed development delivers 2,104sqm of useable space around the retirement apartments and this could provide for 131 bed spaces, which is more than what is being applied for under this proposal. The proposal therefore accords with policy 28 of the Local Plan.

#### Ecology

- 9.17 A Preliminary Ecological Appraisal Report has been submitted. The report accepts that the assessment has been constrained by recent management works, which have seen large-scale vegetation clearance across the site. This has somewhat complicated the assessment that can be made for the site's baseline habitats and the assessment of potential faunal and invasive species constraints. In order to most accurately predict the site's baseline, prior to recent works being undertaken, a combination of field survey and desk-based assessment has been employed.

- 9.18 The drainage ditch was assessed to be unsuitable for breeding Great Crested Newts (GCN). Whilst common amphibians may use the drainage ditch, it was assessed that due to a lack of other standing waterbodies within a 500m radius and the lack of GCN records (those within 1km radius of the site being historic), GCN are unlikely to make use of this water feature or be found on the site. The drainage ditch which borders the site to the east and south is in poor condition; however, it is recommended that this is protected through a Construction Environment Management Plan.
- 9.19 The site does not support any potential bat roosting features. The site is now dominated by cleared ground of low value and is unlikely to be of importance to the local bat populations.
- 9.20 Since clearance works, the site may attract small numbers of ground-nesting birds but is unlikely to be of significance to local populations. No evidence of hedgehogs was found on site. Reptiles are assessed as likely absent from the site. No records of white-clawed or non-native crayfish have been returned. No signs of badger activity were identified on-site during the walkover.
- 9.21 A Water Vole survey has been carried out. A late and early season survey in 2022 and 2023 respectively has found no evidence of Water Vole activity within the surveyed section of drainage ditch, which runs along the eastern and southern site boundaries.
- 9.22 Japanese knotweed is present on-site and there is potential for additional non-native invasive weeds to be present. An Invasive Weed Management Plan is recommended and this is secured by a condition.
- 9.23 The key ecological opportunities for the site relate to providing habitat, which can add to the value of the off-site drainage ditch. This could include enhancement of the banks and adjacent land through wildflower seed mixes and tree planting. Within areas of public open space, wildflower seed mixes could be utilised over amenity mixes, with species-rich native hedgerows and native tree planting included. Installing roosting or nesting features on new buildings will also be beneficial, especially in areas where these overlook the drainage ditch. A suitable Biodiversity Management Plan would be useful in defining these enhancements and can be secured by standard condition.
- 9.24 A Biodiversity Net Gain Assessment has been submitted. The site has been assessed as having a baseline score of 15.26 Habitat Units and 1.40 off-site River Units. The site has been assessed as having a post-development score of 8.55 Habitat Units and 1.12 Hedgerow Units, with 1.40 off-site River Units. This exercise identifies an overall Net Loss of 6.72 Habitat Units (-43.99%), a Net Gain of 1.12 Hedgerow Units (+100%), and No Net Change in River Units.
- 9.25 Calculations for the change in Habitat Units have been based on the entire site being cleared of existing vegetation and land reprofiled, which results in the loss of all 15.26 Habitat Units present pre-development. Post-development calculations include Habitat Units gained through the creation of private gardens and planting within the Public Open Space, which includes amenity grass, wildflower grassland, native scrub and tree planting. The net gain in Hedgerow Units is achieved by planting around 167m of new native species-rich hedgerow.

- 9.26 In order to achieve a No Net Loss position, the developer will need to deliver an additional 7.65 Habitat Units, or 9.17 Units to achieve 10% Net Gain; this would be the equivalent of a contribution of £229,250. These additional Units may be provided off-site on land within the developer's ownership, or via a monetary contribution to the LPA or a third party habitat bank, such as Environment Bank.

#### Trees and Landscaping

- 9.27 A Tree Survey and Arboricultural Impact Assessment have been submitted with the application. The existing trees have been assessed and graded as either A (high value), B (moderate value), C (low value) or U (removal) in accordance with British Standards. It has been identified that most of the existing trees form category C tree groups, with one category U tree to the eastern boundary. There were no retention category 'A' or 'B' trees identified. Prior to commencement of any site works, protective fencing will be erected along the southern boundary, in accordance with the Tree Protection Plan (to be secured by a condition).
- 9.28 Soft landscaping is proposed across the development site to help soften the impact of the new built form and frontage car parking. New tree planting is proposed across the site including within the public open space. Street trees are proposed around the site. The scheme will deliver trees on a 1:1 ratio of plot per tree. A detailed landscaping scheme will be secured by a condition. The application accords with policy 48 of the Local Plan.

#### Impact upon Highway Safety

- 9.29 A Transport Assessment has been submitted with the application. The development is forecast to generate 49 and 47 2-way trips in the AM and PM peaks respectively. The impact of the development-generated traffic on the surrounding area has been shown to be of a negligible impact on queuing and delay and it is therefore concluded that the development proposals could be accommodated without resulting in a detrimental impact upon the local highway network in relation to highway capacity or road safety.
- 9.30 The Transport Assessment sets out the location and connectivity of the site to the surrounding area. Footways within the vicinity of the site are of a good quality providing access between the application site and the surrounding areas and facilities within Balby. There are also a number of cycle paths within the vicinity of the application site. The site has been designed with consideration given to pedestrian accessibility and desire lines. The proposed development links to the surrounding community via Sunningdale Road. The internal access roads will be lined by pedestrian footways. In addition to this, the site layout includes a comprehensive network of shared spaces across the site, providing safe and convenient access for pedestrians and cyclists. The site is well served by public transport, with bus stops located along the A60 Sandford Road and the A630 Balby Road, approximately 350m to the north of the site.
- 9.31 The site is accessible to refuse vehicles as demonstrated by the swept path analysis included within the Transport Assessment. Each property has two car parking spaces. 8 visitor car parking spaces are proposed across the site plus additional visitor parking can be accommodated within the site. The scheme includes different traffic calming measures, such as chicanes to provide pedestrian safety within the site.

- 9.32 A Travel Information Pack will be provided to all residents including details of walking, cycling and public transport routes and timetable information. It will include maps of local walking and cycling routes to local amenities. Each property has cycle storage in the gardens, with access to these spaces from gates adjacent to the property. Cycle storage for the extra care units is limited given the nature of the use, but covered Sheffield stands will be provided to accommodate 8 spaces.
- 9.33 A Travel Plan Bond of £15,760.36 and monitoring is required to mitigate any traffic in the event that targets are not met. The purpose of the Travel Plan Bond is to ensure that the targets within the Travel Plan towards sustainable travel (bus, walk, cycle etc.) can be met, and if not met, the Council would step in with sustainable measures using the Bond. The Council needs to be assured that the Travel Plan is effective and has reasonable targets that can be met. There is also a requirement for a contribution of £2,000 to revalidate the signals at Sandford Road/Sunningdale Road and Balby Road/Sandford Road. These will be secured through a Section 106 agreement. The application therefore accords with policies 13, 16 and 17 of the Local Plan.

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

- 9.34 A Flood Risk Assessment has been submitted with the application. The report notes that the site lies within flood zone 1 and is therefore at the lowest risk of flooding from main river sources. Such sites are therefore sequentially preferable for residential development in line with the NPPF and local planning policy and do not require a Sequential Test or Exceptions Test, especially as it is also an allocated site for housing in an up-to-date Local Plan.
- 9.35 The report has identified a potential risk of fluvial/pluvial flooding to the site, associated with overland flows from outside of the site and the watercourse on the site boundary. There is an identified moderate risk of groundwater flooding on the site and a need to consider the topography of the land in terms of the residual risks from failure of the pumping station or other exceedances of the drainage system capacity. The report concludes mitigation measures are recommended as part of the detailed design of the proposal. These include raising finished floor levels by a minimum of 150mm above the existing ground levels and ensuring that incoming electricity supplies are raised above ground floor level and ground floor electric sockets shall be served by loops from upper levels.
- 9.36 A minimum 10m stand-off from the watercourse has been designed into the scheme to ensure that suitable maintenance access can be provided to the watercourse culvert by the Drainage Board.
- 9.37 Discharge of surface water is not feasible by infiltration and so it is proposed that surface water will be discharged to the Balby Drain facilitated by a pumping station. Surface water storage will be provided within the site to manage surface water up to the 1 in 100-year rainfall event, including an additional 40 per cent allowance for climate change. This is envisaged within attenuation basins in the southeast of the site. Tanks will be provided as needed for additional storage. Foul water domestic waste will discharge to the public foul sewers within the site. The existing Yorkshire Water public sewers which pass through the site will require appropriate access for maintenance and so these have been located beneath proposed ~~Page 95~~ with an appropriate easement.

9.38 Historic maps and current Ordnance Survey plans, suggest the presence of a drain on the northern eastern boundary of the site (where it adjoins the other site being considered for housing). This has been investigated including with on site with engineers and Officers from the Council's Drainage team and trenches were dug to ascertain the status of the drain. It appears most likely that there was at some point in the past an open ditch running along the north eastern boundary. It is unclear whether the ditch ever outfallen into the Balby Carr Drain, or whether it was simply an offline feature, but there is no evidence that it received a flow from any upstream area outside of the site. It appears that the ditch has been infilled at some point in the past and that crude land drainage pipes were placed there, before being covered over. There is currently no obvious ditch on site and the investigation showed that the land drainage pipe was not serviceable and had clearly not been serviceable for some time. On the above basis it can be concluded that there is no functioning drainage asset on this alignment currently. The application therefore accords with policy 56 of the Local Plan.

#### Air Quality

- 9.39 An Air Quality assessment has been submitted with the application. The assessment considers dust and fine particulate matter during the construction phase and road traffic emissions during the operational phase.
- 9.40 For the construction phase of the development, the risk of dust soiling effects is classed as high for earthworks and medium for construction. The risk of human health effects is classed as low for earthworks and construction. Mitigation measures are proposed to reduce any potential impacts based on best practice guidance. Site specific mitigation measures will include dampening down of exposed stored materials, which will be stored as far from sensitive receptors as possible, implementing a wheel washing system and ensuring that vehicles entering and leaving the site are covered to prevent escape of materials during transport (these measures will be incorporated into a Construction Management Plan to be secured by condition).
- 9.41 The impact of the development during the operational phase is predicted to be negligible at all sixteen existing sensitive receptor locations that have been considered. Pollutant concentrations at both proposed sensitive receptor locations are predicted to be below the relevant annual mean objectives and limit values during the operational phase. Air quality effects are therefore considered to be 'not significant'.
- 9.42 The report concludes that the proposed development will not lead to an unacceptable risk from air pollution or to any breach of national air quality objectives. All properties will be provided with an electric vehicle charging point, positioned for ease of access and charging as required under Building Regulations. The application therefore accords with policy 54 of the Local Plan.

#### Odour

- 9.43 An Odour Constraints Assessment has been submitted with the application and this identifies sources of odour from the Balby Wastewater Treatment Works (BWTW) located to the south of the site. The potential odour impact from the BWTW has been quantified by dispersion modelling, with a precautionary approach and model



inputs applied as part of a robust assessment. This report identifies the required 'Stand-off' Zone, which should be implemented as part of any residential development to safeguard amenity.

- 9.44 The potential odour impact from the BWTW has been assessed and it is considered that subject to required stand-offs identified through the dispersion modelling that the predicted effect is 'not significant'. As such it is considered that odour does not represent a material constraint to the development proposals.
- 9.45 The southern part of the site includes an area of Public Open Space and the SuDS basin feature and is wholly in accordance with the Development Brief. This allows for the buffer to the Sewerage Works as required by Yorkshire Water. No houses are proposed to be built within the exclusion zone.

### Contamination

- 9.46 A Geo-Environment Appraisal has been submitted with the application. The site is not within a Coal Mining High Risk Area and so intrusive mining investigations are therefore not required. Significant contamination was identified across the site from copper, lead and zinc. These metals are leachable and there is evidence of some impact on the shallow natural soils. Soil washing is therefore considered likely to be required to address this contamination and a minimum soil cover thickness of 600mm required and this will be secured by a condition. The report identifies that subject to further considerations and remediation measures proposed, the on-site ground conditions do not restrict the development of residential uses on this site. The application therefore accords with policy 55 of the Local Plan.

### Energy Efficiency

- 9.47 The applicant is committed to improving the energy performance of the development which will follow the latest guidance to reduce CO2 emissions by providing a 'building fabric-led' approach to meet the latest Part L Building Regulations. The approach aims to reduce the levels of Carbon Dioxide emissions associated with the development by reducing need and improving the energy efficiency of each dwelling over its lifetime.

## **ECONOMIC SUSTAINABILITY**

- 9.48 The proposed development will bring about a number of construction jobs and expenditure through the local and regional supply chain through the purchasing of goods and services.

### OTHER ISSUES RAISED BY OBJECTORS NOT ALREADY ADDRESSED IN THE REPORT

- 9.49 One issue raised by Councillor Jones and residents is the poor state of the alleyway at the rear of the properties on Coronation Road. This alleyway lies outside of the application site and it would be unreasonable to ask the applicant to upgrade this, as it does not form part of their planning application. Any contribution towards this would not meet the CIL tests of being necessary to make the development acceptable and directly related to the development. Any upgrade through a planning condition would also fail the same tests. The adjacent residential dwellings adjacent to and overlooking the unadopted road through this

proposal will help to increase local natural surveillance of this area and potentially reduce fly tipping and crime. Works were carried out before the application was submitted, but these were mainly to do with site investigations (including ground investigations and archaeology) and to carry out a topographical survey. The right to a view is not a material planning consideration.

## **10.0 PLANNING OBLIGATIONS**

- 10.1 There are a number of Planning Obligation requirements that have been identified in accordance with Local Plan policies. The scheme proposes 100 per cent affordable housing and this is to be secured through a Section 106 Agreement; this is clearly much higher than the 23 per cent ask in policy 7 of the Local Plan. The proposal provides more than the policy ask for on-site open space. There will be a contribution of a Travel Plan Bond of £13,617.78 and a contribution of £2,000 to revalidate the signals at the junctions of Sandford Road/Sunningdale Road and Balby Road/Sandford Road. There is also a requirement of 9.17 Units or £229,250 to achieve 10% Biodiversity Net Gain in accordance with policy 30 of the Local Plan.
- 10.2 A viability appraisal has been submitted with the application. This has been checked by the Council's Housing Officer, who has experience and knowledge of looking at Viability Appraisals. The Viability Appraisal shows that the scheme would not be viable if there were other Section 106 contributions to be made other than 100 per cent affordable housing. The land value is reasonable and is sold by the Council and this is a not-for-profit scheme that will be subsidised by grant funding from Homes England. There are a number of constraints on site that have reduced the numbers of housing that can be built on site and there are added costs due to things like contamination.
- 10.3 The scheme is therefore not viable to provide an off-site contribution towards achieving 10 per cent Biodiversity Net Gain. Policy 66 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. The scheme does provide for 100 per cent affordable housing and on-site open space. The applicant has indicated that they can contribute £2,000 towards the revalidation of signals. A Travel Plan Bond of £13,617.78 is also able to be included in the 106 Agreement, as this is returnable to the applicant if monitoring shows that traffic numbers have been met over a five-year period.

## **11.0 PLANNING BALANCE & CONCLUSION**

- 11.1 The site is allocated for housing in the Doncaster Local Plan and has therefore been assessed as a suitable site for housing and one that the Council is promoting for development. The site is sustainably located being close to shops, schools, employment opportunities and other services.
- 11.2 The proposal provides for much needed affordable housing, with a good mix of housing types and this has been agreed with the Council's Housing department. The proposal accords with the Council's policies and adheres to the principles set out in the Planning and Development Brief, including provision for open space and a suitable stand off from the nearby waste treatment works.

- 11.3 The scheme has been designed to ensure that there will be no adverse impact on the amenity of surrounding residential properties. All other issues such as design, highways, drainage and so on have been satisfactorily resolved.
- 11.4 The applicant has submitted a Viability Assessment and this demonstrates that there is no funding available to meet the policy requirement for Biodiversity Net Gain. Policy 66 of the Local Plan allows the planning authority to take a pragmatic and flexible approach to planning obligations where viability is an issue. There will be a Section 106 to secure the provision of 100 per cent affordable housing and some highway contributions and there is on-site provision of open space.
- 11.5 The proposal accords with the allocation for housing in the Local Plan and the provision of much needed affordable housing weighs heavily in its favour. The proposal does not achieve 10 per cent Biodiversity Net Gain, but this has been demonstrated as unviable.

## **12.0 RECOMMENDATION**

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

- a) **100 per cent affordable housing, the retirement living units to be exclusively for the over 55's.**
- b) **Travel Plan Bond of £13,617.78 and monitoring costs.**
- c) **£2,000 towards the revalidation of the signals at the junctions of Sandford Road/Sunningdale Road and Balby Road/Sandford Road.**

**THE HEAD OF PLANNING BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE 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**

### **Conditions / Reasons**

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

#### **REASON**

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

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

Drawing number LP01 dated Feb 2022 (Location Plan)

Drawing number SL01 Rev P20 dated 24.07.23 (Site plan)  
Drawing number MB01 Rev F dated 24.07.23 (Materials and boundary treatment)  
Drawing number 04 Rev A dated 02.03.23 (Boundary treatment details)  
Drawing number SX01 Rev A dated 02.03.23 (Site section)  
Drawing number 2151/03/SK08 Rev D dated 28.07.23 (Finished floor levels)  
Drawing number SS01 Rev C dated 16.06.23 (Street scenes)  
Drawing 21036\_HT\_03\_C dated January 2021 (House type NT1 Detached)  
Drawing 21036 dated January 2021 (House type NT1 Semi-Detached)  
Drawing 21036\_HT\_06\_C dated January 2021 (House type NT2 Detached)  
Drawing 21036 dated January 2021 (House type NT2 Semi- Detached)  
Drawing 21036\_HT\_08\_C dated January 2021 (House type NT3)  
Drawing 21036\_HT\_01\_A dated January 2021 (House type HL70)  
Drawing 21036\_HT\_02\_B dated January 2021 (House type HL85)  
Drawing 21036\_HT\_11\_B dated February 2023 (House type HL86)  
Drawing 21036\_HT\_07\_C dated January 2021 (House type HL108)  
Drawing 21036\_HT\_05\_B dated January 2021 (House type HL109 Elevations)  
Drawing 21036\_HT\_04\_C dated January 2021 (House type HL109 Floor plans)  
Drawing 21036\_HT\_10\_A dated February 2023 (House type HL110 Elevations)  
Drawing 21036\_HT\_09\_B dated February 2023 (House type HL110 Floor plans)  
Drawing number 58301-BBA-01-XX-DR-A-0281 Rev P02 dated 07/06/23 (Flat type A1 M4(2) floor plan)  
Drawing number 58301-BBA-01-XX-DR-A-0280 Rev P02 dated 07/06/23 (Flat type A1 M4(3) floor plan)  
Drawing number 58301-BBA-01-XX-DR-A-0283 Rev P02 dated 09/09/22 (Flat type A2 floor plan)  
Drawing number 58301-BBA-01-XX-DR-A-0283 Rev P02 dated 09/09/22 (Flat type A3 floor plan)  
Drawing number 583/01-BBA-XX-ZZ-DR-A-0217 Rev A dated 03/05/23 (Elevations of apartments)  
Drawing number 583/01-BBA-XX-ZZ-DR-A-0218 Rev A dated 03/05/32 (Elevations of apartments)  
Drawing number 583/01-BBA-XX-00-DR-A-0210 Rev A dated 03/05/23 (Level 0 Ground floor plan of apartments)  
Drawing number 583/01-BBA-XX-01-DR-A-0211 Rev A dated 03/05/23 (Level 1 first floor plan of apartments)  
Drawing number 583/01-BBA-XX-02-DR-A-0212 Rev A dated 03/05/23 (Level 2 second floor plan of apartments)  
Drawing number 583/01-BBA-XX-00-DR-A-0220 Rev A dated 03/05/23 (Type B1 bungalow floor plan)  
Drawing number 583/01-BBA-XX-00-DR-A-0221 Rev B dated 11/07/23 (Type B2 bungalow floor plan)  
Drawing number 583 01-BBA-XX-00-DR-A-0222 Rev A dated 03/05/23 (Elevations of bungalows plots 39 to 42 and 47 to 48)  
Drawing number 583/01-BBA-XX-XX-DR-A-0224 Rev A dated 03/05/23 (Elevations of bungalows plots 43 to 46)  
Drawing number 583/01-BBA-XX-0-DR-A-0223 Rev A dated 03/05/23 (Elevations of bungalows plots 49 to 51)  
Drawing number 583/01-BBA-XX-00-DR-A-0222 dated 02/15/22 (Elevations of bungalows plots 64 to 69)  
Drawing number 583/01-BBA-XX-0-DR-A-0223 dated 02/15/22 (Elevations of bungalows plots 70 to 72)  
Drawing number 583/01-BBA-XX-XX-DR-A-0224 dated 02/22/22 (Elevations of bungalows plots 73 to 76)

## REASON

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

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

## REASON

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy 13 of the Doncaster Local Plan.

4. No development (excluding the necessary site clearance and remediation works) shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - i) - the parking of vehicles of site operatives and visitors
  - ii) - loading and unloading of plant and materials
  - iii) - storage of plant and materials used in constructing the development
  - iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v) - wheel washing facilities
  - vi) - measures to control noise and the emission of dust and dirt during construction
  - vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works

## REASON

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

5. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

## REASON

To ensure that all new housing and commercial developments provide connectivity to the fastest technically available Broadband network in line with the NPPF (para. 114) and Policy 21 of the Doncaster Local Plan.

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

7. No development (excluding the site clearance, remediation and site preparation works) shall take place on the site until a detailed hard and soft landscape scheme based on the approved landscape masterplan (Drawing No: DR-5903-02.01 Rev C dated 18.07.23 and Drawing No: DR-5903-02.02 Rev C dated 18.07.2023) has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing

materials, including adoptable highway finishes and footpaths through POS. The soft landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with 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 and cross-sections for tree pit/highway buildouts 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, details of management and maintenance for a minimum of 5 years following practical completion of the landscape works and the Shapefile/s for the locations of the individual trees within the planting scheme. 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 within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme, prior to occupation of the home, which will be monitored by the Local Planning Authority. Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

**REASON**

In the interests of environmental quality and Local Plan policy 48.

8. 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 site landscaping works are undertaken as approved in accordance with Policy 48.

9. Prior to the commencement of 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.

To minimise future conflict with utilities in new developments, where trees are proposed within the footway or highway build outs, the creation of a common utility enclosure with the necessary provisions for safely including both mains services and ducting should be considered in the utility design. This is preferably located adjacent to the property front boundary, under the footway, to facilitate service connections. The developer is to consider the requirements of National Joint Utilities Group guidance volume 4 with regard to the installation of trees and the required installation and maintenance of statutory undertaker's apparatus.  
<http://streetworks.org.uk/wp-content/uploads/V4-Trees-Issue-2-16-11-2007.pdf>

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.

**REASON**

To ensure appropriate design of tree's within the adoptable public highway and avoid any potential design conflicts with utilities to meet Local Plan Policy 48.

10. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars (reference DR-5903-02.01 - TREE PROTECTION PLAN) before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

**REASON**

To ensure that all trees are protected from damage during construction and adopted Doncaster Local Plan 2015 - 2035 Policy 32: Woodlands, Trees and Hedgerows section B.

11. Prior to the occupation of any dwellings on site, a play area shall have been provided on the area of open space in accordance with a scheme previously approved in writing with the local planning authority.

**REASON**

To ensure adequate play facilities in accordance with policy 28 of the Local Plan.

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



## REASON

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

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

## REASON

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

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

## REASON

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

15. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be designed, managed and maintained in accordance with the Non-statutory technical standards and local standards

## REASON

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

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

## REASON

To ensure that the materials are appropriate to the area in accordance with policy 42 of the Doncaster Local Plan.

17. Prior to first occupation of the each of the dwellings listed below, Building Control Completion Certificates must have been provided to the Local Planning Authority demonstrating that the specified optional requirements as set out in the Building Regulations 2010 (as amended) have been achieved for the following plots: Plots 01, 02, 03, 04, 17, 18, 20, 25, 26, 32, 34 and Bungalows Plots 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and Apartments A1, A2 and A3 must meet Part M4(2) 'accessible and adaptable dwellings'. Apartment A (1B2P) must meet Part M4(3) 'wheelchair adaptable dwellings'.

This condition may be partially discharged by the submission and approval of Completion Certificates for individual plots during a site build out. This condition will be fully discharged upon receipt of satisfactory Completion Certificates for all the above plots.

## REASON

To ensure compliance with the requirements of Local Plan Policy 45 to deliver the agreed accessible and adaptable homes.

18. Prior to the commencement of above ground development activities, a Construction Environmental Management Plan (biodiversity) shall be submitted to the local planning authority for approval and shall be implemented in accordance with the approved details. Protective measures to include those set out in the Conclusions and Recommendations of the PEA report:

- i) Location of Biodiversity Protection zones or fences.
- ii) Pre- or during-clearance ecology checks for protected species, including bats in off-site trees.
- iii) Protected/notable species method statements where licensing is not needed.
- iv) Nesting bird management

**REASON**

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

19. Within one month of the site clearance and remediation works being completed on site, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:

- i) 20 swift boxes of the Vivara Pro Woodstone type or similar, to be located on suitable dwellings as directed by a suitably qualified ecologist
- ii) 10 bat boxes of the Vivara Pro Woodstone to be located on suitable dwellings as directed by a suitably qualified ecologist
- iii) A scheme of native species planting and seeding alongside the off-site drainage ditch to provide a suitable riparian habitat.
- iv) Suitable access routes for small terrestrial mammals be built into garden boundaries.

**REASON**

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

20. Prior to the commencement of development, a non-native invasive species protocol shall be submitted to and approved by the local planning authority. This protocol shall detail the containment, control and removal of Japanese knotweed on site. These measures to be carried out strictly according to the approved scheme.

**REASON**

To comply with Local Plan policy 29 in the protection of local ecological networks.

# Sunningdale Road, Doncaster.



Fig A: Proposed site layout.

# Sunningdale Road, Doncaster.



**Notes:**

- The design of the development is in accordance with the Planning and Building Regulations and the relevant standards.
- Design details are to be confirmed with the relevant local authority and the relevant standards.
- Design details are to be confirmed with the relevant local authority and the relevant standards.
- Design details are to be confirmed with the relevant local authority and the relevant standards.
- Design details are to be confirmed with the relevant local authority and the relevant standards.

**Site:**

Design details are to be confirmed with the relevant local authority and the relevant standards.

**Scale:**

1:100

**ILLUSTRATIVE STREET SCENES**

**Proposed Residential Development, Sunningdale Road, Doncaster**

**Scale:**

1:100

**mpsl planning design**

Fig B: Proposed street scenes.

**Subsidiary Code:** SD1  
**PLANNING ISSUE**  
BBA: S5/S1

**1 SE elevation**  
1:100

**2 NE elevation**  
1:100

**3 Key to elevations Copy 1**  
1:500

**Notes:**

- Concrete of brickwork
- Red brickwork of brickwork with PVCu
- Red brickwork
- Light grey concrete with PVCu
- Dark grey PVCu with brickwork

**HOOPER**  
partnerships

**Planning 21 Retirement Living Apartments**  
Sunningdale Road, Doncaster

**Building Elevations - Sheet 2 of 2**

**brewsterbye architects**

**Page 108**

Fig C: Proposed retirement living apartments.



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|                    |          |
|--------------------|----------|
| <b>Application</b> | <b>3</b> |
|--------------------|----------|

|                            |               |
|----------------------------|---------------|
| <b>Application Number:</b> | 22/01032/FULM |
|----------------------------|---------------|

|                          |               |
|--------------------------|---------------|
| <b>Application Type:</b> | Planning FULL |
|--------------------------|---------------|

|                              |   |
|------------------------------|---|
| <b>Proposal Description:</b> | Erection of building with commercial units at ground floor level and office space on upper levels (Use Class E) with landscaping; creation of car park area and associated works. |
| <b>At:</b>                   | Herten Way<br>Doncaster<br>DN4 7NW  |

|             |          |
|-------------|----------|
| <b>For:</b> | Zuka Ltd |
|-------------|----------|

|                          |                    |                |      |
|--------------------------|--------------------|----------------|------|
| <b>Third Party Reps:</b> | 24 representations | <b>Parish:</b> | N/A  |
|                          |                    | <b>Ward:</b>   | Town |

|                          |                  |
|--------------------------|------------------|
| <b>Author of Report:</b> | Jessica Duffield |
|--------------------------|------------------|

## SUMMARY

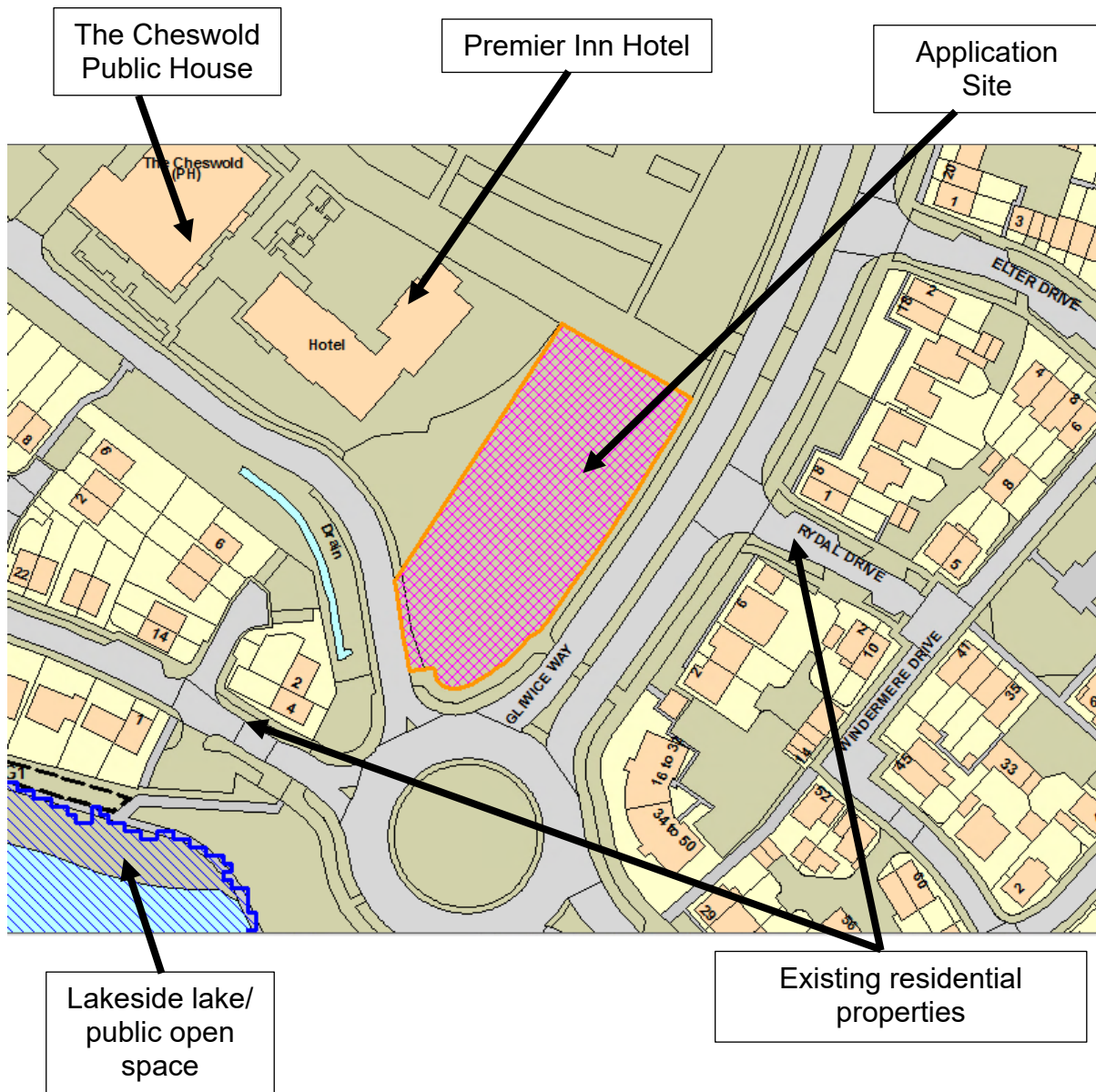
This application seeks permission for the erection of a multi-storey building to be used for office/commercial purposes at the land at Herten Way/Gliwice Way, Lakeside. The building will be 4-storeys in height, with the ground floor providing small scale retail/commercial type units and the upper floors to provide office space. The roof level will also provide outdoor amenity/break-out space connected to the office uses.

The application site is currently greenfield and sits within the established leisure park at Lakeside. The site is designated in the adopted Doncaster Local Plan within the Dome Leisure Park- Out of Centre (Including Retail Parks) site.

A satisfactory retail/office sequential test has been provided to justify the proposed out-of-centre location.

The scale, siting and appearance of the proposed building has been amended during the course of the application to address concerns raised by consultees. The original proposal included residential apartments, but these have been omitted through the design evolution. Permitted development rights to convert the office space to residential are proposed to be removed via condition. The existing car park facilities will mostly be utilised, with a service charge towards its maintenance included in the lease, though the development does include some on-site parking is provided.

The recommendation is subject to the signing of a S106 Agreement which secures financial contributions in relation to off-site Bio-diversity Net Gain and Travel Plan Bond.



## 1.0 Reason for Report

1.1 This application is being presented to Planning Committee due to the number of representations received.

## 2.0 Proposal

2.1 This application seeks full planning permission for the erection of a 4-storey building including the formation of a new car park/vehicular access; landscaping and associated works at the site on Herten Way. The application description refers to commercial units at the ground floor level and offices at the upper floors, with all uses to fall within Use Class E.

2.2 The original proposal included a much larger building which extended to 6 storeys in height and included residential apartments as well as office and commercial space. The development has been amended during the course of the application, to ensure that it reflects the local character and building traditions whilst also forming an interesting and feature structure at this key corner plot. As a result of the reduced storey height the residential use has



been omitted. The proposal has no outstanding consultee objections as a result of the revised design.

2.3 The development proposes:

- 3x commercial/retail units (Use Class E) at ground floor level (unit sizes: 399sqm; 255sqm; 401sqm);
- 3 floors of office (Use Class E(g) each being circa 806sqm. The office floors are arranged into smaller office spaces/meeting rooms with communal welfare areas and toilets;
- Outdoor amenity space on roof level for office worker;
- Public Open Space on the southern part of the site.

2.4 The development includes creating a small car park which is to be accessed off Airbourne Road to the south-west. This car park will provide some staff parking as well as 2x disabled spaces. However, the majority of the parking requirement will be provided within the existing leisure park car park. A service charge provision for the maintenance/use of the car park is included within the leasehold agreement for the application site.

2.4 An acceptable landscaping scheme has been provided with the application. The development results in a small amount of tree loss, with some of the trees on the Gliwice Way boundary needing to be removed. However, the Tree Officer has inspected these trees and those to be lost are already affected by bacterial canker disease and therefore have no chance of long-term survival and are considered to be low quality trees. The existing healthy trees on the corner of Airbourne Way and the footpath to the north will be retained.

2.5 The appearance of the building includes a frame like design, with the use of 2 different colour tones to break up the massing of the large building. Large glazing panels will be used to provide natural light into the office floors as well as balconies. The glazing at the ground floor will create an active street frontage in this commercial area. The building will have a modern appearance but still in-keeping with the local character. Conditions regarding further design details are attached.

### **3.0 Site Description & Local Characteristics**

3.1 The application site is a fairly flat site which sits on a key corner plot within the Lakeside area. The site is greenfield and currently has no formal purpose, though the grass is mowed to upkeep its appearance.

3.2 The site is surrounded by a mixture of uses. The existing Premier Inn Hotel sits to the west of the site, though views from the hotel rooms into the site are screened by the existing large trees positioned within that site. The hotel building is finished in red and buff coloured brick.

3.3 To the north is a tree lined pedestrian footpath which runs along the front of the leisure/restaurant uses and encloses the large car park. Other uses along this stretch include the Vue cinema, public house, bowling alley and 3 restaurant units. The buildings are mostly finished in light coloured brick with

render and cladding features. Additional restaurant/café uses are located at the Herten Triangle development to the north of the car park/Herten Way which have a varied but modern appearance.

- 3.4 The terrace of commercial buildings has a distinctive character consisting of relatively large buildings within spacious plots. The hotel, public house, bowling alley and cinema together with its adjoined restaurants, are all large in terms of their footprint but are surrounded by lawn on all sides. The grassed/landscaped area between each building along with the tree lined pedestrian pathways, create a sense of spaciousness and greenery within the commercial area, and creates an established build pattern along the stretch.
- 3.5 Gliwice Way wraps around the eastern elevation of the site which is a major road link connecting Bawtry Road to Lakeside Boulevard. High density residential housing sits to the west of Gliwice Way. The majority of the housing is finished in traditional red and buff brick with render and clad detailing on key properties.
- 3.6 Newer residential development sits to south of the application site, between Airbourne Way and the lake footpath. Construction of this development has recently completed. This development includes a mixture of brick and render finishes, with contemporary style dark window frames and boundary treatments.
- 3.7 The application site has no formal boundary treatment or enclosure, meaning the site is mostly used as an informal open space/ walking link between the car park to the north and the lake footpath. The site is only enclosed to the east by the established hedgerow/trees. Although the site has been suggested as 'public open space' within the neighbour representations (see Section 6) it is important to note that the site is not formal open space, and is designated as part of the 'Dome Leisure Park' as defined in the adopted Local Plan.
- 3.8 The site is within Flood Zone 1 thus at low risk of flooding from main rivers.

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

- 4.1 The application site has no relevant planning history given its undeveloped nature.

#### **5.0 Site Allocation**

- 5.1 The application site lies within the Dome Leisure Park- Out of Centre Location (including Retail Parks) designation in the adopted Doncaster Local Plan.
- 5.2 National Planning Policy Framework (2023)
- 5.4 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:

- 5.5 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.6 Paragraphs 7-11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development.
- 5.7 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.8 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.9 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 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.
- 5.10 Paragraph 81 states that planning 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.
- 5.11 Paragraph 86 states planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. This includes (part E) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. Where sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre.
- 5.12 Paragraph 87 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

- 5.13 Paragraph 88 states when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 5.14 Paragraph 93 relates to the provision of social, recreational and cultural facilities and services for the community and states that planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- 5.15 Paragraph 107 relates to parking standards for non-residential development and states that the accessibility of the site; the type, mix and use as well as the availability of public transport should be taken into account.
- 5.16 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 5.17 Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 5.18 Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.19 Paragraph 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.20 Paragraph 130 states that planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive; sympathetic to the local character; establish a strong sense of place; optimise the potential of the site and create places which are inclusive and accessible whilst having a high standard of amenity.
- 5.21 Paragraph 131 states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term

maintenance of newly-planted trees, and that existing trees are retained wherever possible.

- 5.22 Paragraph 132 states that design quality should be considered throughout the evolution and assessment of individual proposals.
- 5.23 Paragraph 135 makes clear that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 5.24 Paragraph 174 states planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity or geological value.
- 5.25 Paragraph 180 states if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.26 Paragraph 185 states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 5.27 Doncaster Local Plan (2021)
- 5.28 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).
- 5.29 Policy 1 sets out the Settlement Hierarchy for the City. It seeks to concentrate growth at the larger settlements of the City with remaining growth delivered elsewhere to support the function of other sustainable settlements and to help meet more local needs taking account of existing settlement size, demography, accessibility, facilities, issues and opportunities. The site lies within the Main Urban Area as defined in the Local Plan and its supporting Policies Map.
- 5.30 Policy 2 sets out the level of growth to be facilitated in Doncaster stating that new leisure, retail and office development is to be delivered in accordance with the Network of Centres. Paragraph 4.48 expands on this stating: *For offices in particular, alternative locations such as the Airport and Lakeside are attractive. However, the sequential test set out in national policy (and Policy 22) will need to be undertaken before such developments can be supported.*

- 5.31 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure. Appendix 6 includes the parking standards which all new developments must comply with as per Part A.2.
- 5.32 Policy 22 states that Main Town Centre Uses including retail, leisure and office will be located according to the 'Network of Centres'. Part 1 sets out the sequential approach and states proposals for Main Town Centre Uses on the edge of, or outside of, designated centres will only be permitted where it can be demonstrated that sites within, and then on the edge of, town, district and local centres have been assessed and it can be demonstrated that they are not available (or expected to become available within a reasonable period), suitable or viable for the proposed development. Part 2 states that retail and leisure proposals which exceed 500sqm (in all other locations outside of the town centre and edge of centre) must be accompanied by an impact assessment which assesses the impact of the proposal upon existing, committed and planned public and private investment in the catchment of the proposal as well as the impact upon the vitality and viability of centres.
- 5.33 Policy 22 Part 3 sets out the types of retail provision which will be supported in principle within out of centre locations, including:
- A) Bulky-goods, non-food retail development within existing out of centre locations;
  - B) Specialist shops (including car showrooms) and trade centre developments within local employment sites;
  - C) Small-scale shops and other ancillary uses which would complement the function and role of existing or proposed employment, housing or mixed-use sites where they serve a local need.
  - D) Limited and small-scale ancillary retail uses (e.g. farm shops) outside of Development Limits and the Green Belt that satisfy Policy 25.
- 5.34 The policy expands to state that development of Main Town Centre Uses in out-of-centre locations, and particularly retail parks, must remain complementary to defined centres and the impact of such development must be mitigated by imposing appropriate conditions including: on the use of land and premises; the scale of development; the sub-division of units; and the goods that can be sold from any retail outlet.
- 5.35 Policy 24 relates to food and drink uses and states proposals will only be supported which satisfy the requirements of Policy 22; do not have a negative impact upon the amenity and/or safety of residents and other businesses or undermine the vitality and viability of centres.
- 5.36 Policy 29 relates to ecological networks and that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the City's ecological networks.

- 5.37 Policy 30 relates to valuing biodiversity and geodiversity and advises that internationally, nationally, and locally important habitats, sites and species will be protected through a number of principles. Policy 30 states that proposals must achieve a minimum 10% net gain in biodiversity.
- 5.38 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 a presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.
- 5.39 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions; respond positively to their context, setting and existing site features as well as respecting and enhancing the character of the locality. Developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.
- 5.40 Policy 42 relates to urban design and states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, and relevant spatial requirement and design standards.
- 5.41 Policy 46 relates to the design of non-residential developments and states that proposals will only be supported where they are designed to be sympathetic to local character; have no unacceptable effects upon the amenity of neighbouring land uses; promote accessibility and way-finding travel modes; and meet functional requirements whilst being architecturally appropriate with visually attractive elevations and well landscaped.
- 5.42 Policy 48 states that development will be supported which protects landscape character; enhances existing landscape features, and provides high quality hard and soft landscaping scheme which includes fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 5.43 Policy 50 states that development will be required to contribute positively to creating high quality places that support and promote healthy communities and lifestyles, such as maximising access by walking and cycling.
- 5.44 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality.

- 5.45 Policy 55 deals with the need to mitigate any contamination on site.
- 5.46 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.47 Policy 65 relates to developer contributions. The policy states that proposals should make appropriate contributions towards new infrastructure as required in order to deliver sustainable development.
- 5.48 However, development should not be subject to such a scale of developer contributions or policy requirements that development viability is put at risk.
- 5.49 Other material planning considerations
- 5.50 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) were 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.
- 5.51 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.
- 5.52 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.
- 5.53 Other material considerations include:
- National Planning Practice Guidance (ongoing)
  - National Design Guide (January 2021)
- 5.54 Other Council initiatives include:
- Doncaster Green Infrastructure Strategy 2014 – 2028
  - Doncaster Delivering Together
- 5.55 Launched in September 2021, Doncaster Delivering Together (DDT) is the Council's new 10 year Strategy. DDT is about everyone being able to thrive and contribute to thriving communities and a thriving planet. This strategy



does not form part of the adopted development plan but it is important that the policies of the Doncaster Local Plan achieve the aims and objectives of DDT strategy. The DDT has identified 8 priorities to deliver for Doncaster over the next ten years.

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

5.56 The body of the report below reflects the planning considerations for the site. However, it is considered that the application would directly contribute towards the aims of DDT.

5.57 The development includes appropriate mitigation though the inclusion of solar panels on the roof of the building and being designed to the 'Very Good' BREEAM rating (1). The scheme will provide modern, purpose built office space in line with current market demands as well as new commercial space in a popular leisure location (2, 3). The layout of the scheme would be safe and inclusive as well as being easily accessible for all. The development includes well-landscaped areas as well as the protection of existing trees (4). The application site is located within close proximity to residential communities and existing schools, as well as being positioned on established sustainable traffic routes. The proposal will provide ancillary commercial space within close proximity to existing residential areas/communities (5, 6). The development will utilise the existing sustainable transport infrastructure which is well-established within this part of the borough as well as encourage the use of cycles and walking routes (7). Finally, the scheme will develop an otherwise vacant but well connected site for Class E uses within an existing and thriving mixed-use area (8).

## **6.0 Representations**

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

- Advertised on the Council website;
- Nearby neighbours notified by letter;
- Site notices around the site boundary to advertise major application;
- Advertised in local press.

6.2 Three rounds of public consultation have been carried out to ensure that neighbours have had the opportunity to comment on the revised plans and updated description. Across the three rounds of consultation a total of 24

neighbour representations have been received, though the majority were received during the earlier rounds of consultation and based upon the initial, larger scale development which included residential apartments. The following comments were raised during the rounds of consultation:

### 6.3 First Round (May – June 2022)

- Proposed building will be an eyesore;
- Height should be reduced;
- Limited open space within the area;
- Lack of residential parking;
- Lakeside area is over populated;
- Unsympathetic building design;
- Too many fast food outlets;
- Increased litter in area;
- Increased anti-social behaviour;
- Impact upon air quality;
- Increased traffic;
- Proposed development will dominate the area;
- Lack of public parking;
- Development will create additional/overflow parking on surrounding streets;
- Impact upon wildlife/habitats;
- Increase vacancy levels with the town/city centre;
- Overshadowing impact upon adjacent properties;
- Wind funnelling impact;
- Impact upon traffic speeds;
- Impact upon skyline;
- Imposing appearance;
- Not in-keeping with surrounding buildings;
- Light pollution;
- Not appropriate development in this location;
- Overlooking of nearby residential properties;
- Offices should not be close to housing;
- Over-development of the area;
- Impact upon the environment/ health of the community;
- Local roads already congested;
- Drainage issues;
- Lack of public consultation;
- Impact upon privacy of nearby residents;
- Impact upon landscaping;
- Road management schemes to be introduced;
- Offices should be directed to the town centre;
- Transport assessment conclusion is biased;
- No reference to carbon footprint;
- Site should be used as a carehome;

### 6.4 Second Round (March 2023)

- In support of development, the site currently has no use. Increased commercial space for local residents is welcomed;
- Overdevelopment of the site;
- Building should be smaller;

- Lack of open space;
- Site/area will appear too commercial;
- Not in-keeping with local character;
- Building will appear unsightly/dominating;
- Not enough parking;
- The site is a well used pedestrian walkway;
- The building will dwarf surrounding properties;
- Lack of privacy;
- Too much development within the area;
- Building is too tall;
- Loss of hedges/planting;
- Impact upon air quality;
- Impact upon residential amenity;
- Increased pollution;
- Access via Airbourne Road should be removed;
- Inaccurate transport assessment;
- Increased traffic collisions;
- Overflow car parks already at capacity;
- Impact upon wildlife/habitats;
- Compensation should be awarded;

#### 6.5 Third Round (July 2023)

- Amended plans are still out of character with the area;
- Development should be located closer to existing offices;
- Increased anti-social behaviour;
- A resident parking scheme should be introduced within the area;
- No green space left around Lakeside;
- Noise pollution;
- Impact upon wildlife/habitats;
- Site should be retained as open space;
- Loss of privacy;
- Increased traffic movements;
- Impact upon air quality;
- Potential smells from restaurant uses;
- Inaccurate transport assessment;
- Impact upon parking availability;
- Disturbance caused by construction activities;

### 7.0 Consultations

#### Internal CDC Consultees

- 7.1 Environmental Health Officer** – No objection based on the revised proposal with commercial and office space only. Given the distance between the site and the closest properties, it is not anticipated that noise from any plant or vehicle deliveries will have a significant impact upon residential amenity. A condition is proposed relating to extraction/ventilation details in the event that the ground floor units are occupied by a restaurant operator (Use Class Eb).

**7.2 Tree Officer-** No objections to the revised plans which address all the previous tree related concerns. Conditions proposed regarding compliance with the submitted landscape scheme and tree protection.

**7.3 Urban Design Officer –** No objection to the revised scheme, the overall form, siting, scale and appearance of the proposal is acceptable. The development will provide a gateway function, being a landmark building whilst being sensitive to the scale of the existing development surrounding the application site.

The development reflects the style of the nearby commercial developments in terms of materiality which helps provide the gateway juxtaposition which is required in architectural terms. Neighbour concerns in relation to overlooking and separation distances are recognised, but even for a 3 storey (or 4 storey development if the rooftop area is included) there is sufficient separation from surrounding residential proposals. The separation standards in the Transitional Developer Guidance requires 21m for 2 storey buildings plus 3m for each additional storey, meaning a separation distance from homes of 27m is required to protect residential amenity. The development hereby proposed is well over 30m from any residential property at its closest point. The way the building is orientated means there should be no unacceptable impacts in terms of access to light or overshadowing at these distances.

No objection to the submitted BREEAM assessment. Condition wording updated to reflect only the 2<sup>nd</sup> part of the condition (implementation/ pre-occupation).

The following conditions are proposed relating to:

- Material details/samples, to be submitted prior to commencement;
- No external plant;
- Submission of BREEAM review assessment;
- Reduced CO2 emissions statement.

**7.4 Air Quality-** No objection based on the revised air quality damage cost assessment. Conditions suggested relating to EV charging which has been shown on the site plan, thus disregarded.

**7.5 Ecologist-** The submitted Biodiversity Net Gain assessment has been reviewed which concludes that based on the +10% net gain requirement, the development results in a 0.867 deficit. A financial contribution to off-set this is to be secured through a S106 agreement.

A condition is attached to secure the 0.31 units which are to be provided onsite.

**7.6 Internal Drainage-** No objection, condition attached relating to maintenance.

**7.7 Highways Development Control-** No objection based on the revised plans. All issues regarding parking availability have been dealt with as per the

Transport Planner's comments. The on-site parking is acceptable. Conditions proposed relating to:

- Site surfacing;
- Turning space;
- Retention of parking;
- Submission of construction traffic management plan (pre-commencement)

**7.8 Transport Planner-** No objection based on the revised Transport Assessment and Travel Plan. The submitted Car Park Occupancy Survey concludes that there is sufficient spare capacity at the existing Herten Way car park to accommodate the requirements of the proposed development. Junction Capacity Assessments have also been provided which indicate that there is sufficient capacity to operate. The CDC Signals team have reviewed the submitted information and are accepting of the results.

A Travel Bond is required to mitigate any traffic in the event that the targets included in the travel plan are not achieved. The formula for calculating the travel bond is as follows: No. of employees x the current cost of a 28 day SY Connect+ ticket (currently £131.70) x 1.1 – this value is to be secured via the S106 Agreement.

Condition proposed relating to the submission of the full travel plan within 3 months of the occupation of each commercial unit/office floor.

**7.9 Highway Safety** – Concerns regarding use of adjacent car park, though this has been dealt with via Highways Development Control and CDC Transport Planner through the various rounds of consultation as well as confirmation regarding details of the lease via the Council's Assets team.

**7.10 Planning Policy: Open Space-** No POS contribution required following the removal of the residential element. The proposed landscaping is welcomed.

**7.11 Planning Policy: Housing** – Covered below, no longer relevant given the absence of residential development.

**7.12 Planning Policy: Employment-** The site is designated as being part of the Dome Leisure Park- Out of Centre (Including Retail Parks). As per Policy 22 and National Policy (see paragraph 87 of NPPF) offices are a main town centre use and must meet Part 1 and Part 2 of the Policy. As such a sequential test is required which assesses the availability of existing office space and potential/future development sites within the centres set out in the network of centres as per Policy 1.

An acceptable sequential test report has been submitted and reviewed (received: 17/10/2023). Based on the findings/conclusions of that report, the proposed development is acceptable in principle.

**7.13 Planning Policy – Retail:** In line with Policy 22 of the Local Plan and National Policy Section 7, offices are a Main Town Centre Use (Class E) and should

meet Part 1 and Part 2 of Policy 22. Offices (Class E g) are not any of the 4 criteria's in Part 3 – Out of Centre Locations (including Retail Parks).

As the retail/ancillary commercial spaces are below 500sqm, Policy 22, Part 2 does not apply in this instance. As per above, a satisfactory sequential test has been provided.

Conditions proposed to ensure that the upper floors are used for office (Use Class E(g) only and cannot be converted for any other purpose.

Condition also proposed to ensure that the ground floor commercial units are not amalgamated into one unit, and therefore cannot bypass the impact assessment required by Policy 22, Part 2.

- 7.14 **Local Ward Cllrs** – No response.
- 7.15 **Affordable Housing** – No requirement based on revised plans/ no residential element.
- 7.16 **Education** – No education requirement.
- 7.17 **Investment/ Business Doncaster-** Support the proposed development based on the potential economic development and new investment/jobs created by the proposal. The area is mixed in nature with office uses present at Lakeside.
- 7.18 **Pollution Control-** No objection based on submitted survey/assessment. No conditions required.
- 7.19 **Public Rights of Way-** No response.
- 7.20 **Waste & Recycling** – No objection, proposed waste storage area is acceptable. Informative attached regarding the required waste management arrangements.
- 7.21 **Children's & Young People department** – Financial contributions not required.
- 7.22 **Public Health-** No objection, the inclusion of cycle parking and outdoor amenity space for workers is encouraged.

External Consultees

- 7.23 **Environment Agency** – No response.
- 7.24 **Yorkshire Water-** No objection subject to the proposed conditions in relation to:
  - Submission of a feasibility study;
  - Storage tank capacity;

- 7.25 **National Grid (Cadent)** – No response.
- 7.26 **South Yorkshire Police Architectural Liaison Officer**- No objection, informative attached.
- 7.27 **National Gas- Asset Protection** – No assets affected within the area.
- 7.28 **Northern Gas Networks**- Do not cover area
- 7.29 **Doncaster Civic Trust**- Concerns raised regarding the principle of the development in this location.
- 7.30 **South Yorkshire Archaeology** – No objections.

## 8.0 **Assessment**

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

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

8.2 The NPPF (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.

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

- The Principle of the Development
- Sustainability
- Impact upon residential amenity
- Impact upon the character and appearance of the surrounding area
- Impact upon highway safety
- Trees and Landscaping
- Flood Risk and Drainage
- Air Pollution and Contaminated Land
- Energy Efficiency/Sustainability Features
- Archaeology
- Ecology
- Economic Impact
- S106 Planning Obligations
- Overall Planning Balance

8.4 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

### The Principle of the Development

- 8.5 The application site falls within the Dome Leisure Park- Out of Centre Locations (including Retail Parks) as defined in the adopted Doncaster Local Plan. This designation relates to Policy 22. The proposal has been amended to provide Class E space only, with no residential element.
- 8.6 Policy 22 states that Main Town Centre Uses including retail, leisure and office will be located according to the 'Network of Centres' (Policy 1, Table 2). Part 1 sets out the sequential approach and states Proposals for Main Town Centre Uses on the edge of, or outside of, designated centres will only be permitted where it can be demonstrated that sites within, and then on the edge of, town, district and local centres have been assessed and it can be demonstrated that they are not available (or expected to become available within a reasonable period), suitable or viable for the proposed development.
- 8.7 Part 2 requires retail and leisure proposals which exceed 500sqm to be accompanied by an impact assessment which assesses the impact of the proposal upon existing, committed and planned public and private investment in the catchment of the proposal as well as the impact upon the vitality and viability of existing centres.
- 8.8 Policy 22 Part 3 sets out the types of retail provision which will be supported in principle within out of centre locations, including:
- A) Bulky-goods, non-food retail development within existing out of centre locations;
  - B) Specialist shops (including car showrooms) and trade centre developments within local employment sites;
  - C) Small-scale shops and other ancillary uses which would complement the function and role of existing or proposed employment, housing or mixed-use sites where they serve a local need.
  - D) Limited and small-scale ancillary retail uses (e.g. farm shops) outside of Development Limits and the Green Belt that satisfy Policy 25.
- 8.9 Paragraph 87 of the NPPF states that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.



- 8.10 The development hereby proposed includes circa 2,400sqm of office space across 3 floors. Offices are defined as a main town centre use as per the definition included at Annex 2 of the NPPF. Policy 22 Part 1 requires such uses to be directed to the sites within or on the edge of town, district and local centres. Although Lakeside is an established leisure destination within the borough, it is not a designated centre as per the network of centres.
- 8.11 In order to be acceptable in principle, the development must satisfy the sequential test, which requires applicants to assess sites within and on the edge of centres and demonstrate why those existing or future sites are not available, suitable or viable for the proposed development.
- 8.12 The Applicant has submitted a satisfactory sequential test which assesses/analyses the following:
- Search of available land currently for sale via Rightmove and Business Doncaster property search portal;  
*Paragraph 3.15 of the sequential test confirms that no vacant development land within the city centre is currently available/being marketed.*
  - Search of the 8 key redevelopment areas identified in Local Plan Policy 68.  
*Paragraph 3.16 of the sequential test confirmed that no vacant land is currently being marketed nor available in the majority of those sites, with only 1 site available in the Markets Area. The site within the Markets Area was disregarded as it is not considered to be an area/site suitable for large office development, with Policy 68 making reference to the area being developed for 'enterprise space, shops and restaurants' and would also not attract the commuter market.*
  - Search of existing office premises being marketed via Rightmove.  
*Sites at South Parade, Hall Gate, Cleveland Street/Young Street, Silver Street were found and assessed. Though were disregarded due to their size; building/plot constraints; lack of outdoor amenity space; lack of on-site/nearby car parking; and inappropriate surrounding uses.*
  - Search of existing office premises being marketed via Business Doncaster.  
*A site at Copley House was found but was disregarded due to its size; lack of nearby free parking and the costs/impact upon viability in regard to the renovation works required to convert the building to Grade A Office space.*
- 8.13 Regarding the proposed retail space, the submitted report states: *'The most likely type of retailer would be day to day convenience and localised/micro customer base rather than shoppers in the centre of Doncaster and as such there is no potential for cross-over trade or for the proposals to have any adverse impact on the vitality and viability on the town centre.'*
- 8.14 The report concludes: *'...it is clear that there are no sites identified in our sequential search that are suitable, available and viable to accommodate the application proposal.... it has been concluded that there are no sites adequate in their capacity for the type of development proposed, which requires not only*

*land to accommodate the required retail and offices, but a good amount of off street parking opportunity for tenants, staff and visitors to make the development viable package.'*

- 8.15 The Retail and Employment Policy Officers have reviewed the submitted sequential test and are satisfied with its findings/conclusions, thus accept that the proposed development accords with Part 1 of Policy 22.
- 8.16 Part 2 of Policy 22, in relation to the impact assessment, is not necessary in this instance with the proposal not meeting the triggers to require this assessment. Each of the proposed commercial/retail units at the ground floor level fall below the 500sqm threshold, with the largest of the 3 being 401sqm. The size of the proposed shops are likely to welcome small shops/ancillary uses to the function of the offices and nearby residential housing, as per Part 3(c). The proposal therefore accords with Policy 22 parts 2 and 3.
- 8.17 On this basis the proposed development is considered to be acceptable in this location in principle, by virtue of satisfying Part 1 of Policy 22 and according with the later parts. Other considerations are assessed in turn below.

#### Sustainability

- 8.18 Paragraph 7 of the NPPF states that one of the core principles of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs
- 8.19 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

### **SOCIAL SUSTAINABILITY**

#### Impact on neighbouring residential amenity

- 8.20 Policy 46(A) of the Doncaster Local Plan states: non-residential and commercial developments will be supported where they are designed to have no unacceptable negative effects upon the amenity of neighbouring land uses.
- 8.21 Table 2 of the Transitional Developer Guidance (TDG) does not give direct guidance in regard to commercial buildings, however at page 12 it states that 4 storey properties should have back to back distances of no less than 27m to prevent harmful overlooking.
- 8.22 It is noted that many of the neighbour representations refer to the impact upon residential amenity by virtue of the scale and position of the proposed building in relation to the existing residential properties to the south and east.

- 8.23 During the application, the footprint of the building has been reduced, pulling it away from the southern boundary whilst the height of the building has been significantly reduced from 6 storeys to 4. The orientation of the buildings means that there would be no unacceptable overshadowing or impact upon daylight caused by the proposal.
- 8.24 The closest property to the south is No. 2 Lake View and those closest to the east are Nos 2-6 Gliwice way. All of these properties are over 36m from the closest point, thus are a sufficient distance from the proposed building to ensure that there is no harmful overlooking introduced, significantly exceeding the 27m requirement in the TDG.
- 8.25 The balconies at the upper floor level will serve the office floorspace and provide a provision of outdoor amenity space for workers. Whilst these will face southwards, there is a separation distance of 37m between the edge of the balcony and the garden boundary of No. 2 Lake View. Therefore, no harmful overlooking of outdoor residential garden space would be created. The siting of the existing trees and the road will provide additional screening.
- 8.26 It is recognised that the introduction of a multi-storey building on this current vacant parcel of land will somewhat alter the appearance of the site and street scene, and may be considered as dominating in comparison to the existing arrangement. However, the application site is designated for leisure/commercial uses as per Policy 22, and the proposal is not significantly larger or dissimilar in terms of massing in comparison to the existing neighbouring leisure buildings.
- 8.27 Nevertheless, to minimise any dominating or overbearing impact upon the nearby residential properties, the proposal includes a generous area of open space on the southern part of the site as well as quality landscaping along the boundaries and the retention of established trees. This design will create an added buffer between the proposed building and the neighbouring dwellings in addition to the physical separation distance.
- 8.28 Given the nature of the surrounding area and uses, which includes a variety of restaurants, public house and cinema, an element of disturbance associated with evening activities and vehicle movements already exists in this location. The introduction of office space (which will be typically used during daytime hours) and small ancillary commercial/retail space is not considered to cause significant nuisance over and above the existing uses. A condition is proposed to ensure that appropriate ventilation and extraction details are submitted prior to any possible restaurant use operating at the site, to further protect residential amenity in regard to fumes/odours.
- 8.29 Overall the development would provide acceptable levels of adequate residential amenity in accordance with Local Plan Policy 46.
- 8.30 Conclusion on Social Impacts.**

- 8.31 Paragraph 8(b) of the NPPF (2023) sets out the social objectives which requires developments 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 through well-designed places; accessible service and open spaces that reflect the current and future needs to support community health, social and cultural well-being.
- 8.32 The proposed uses (offices and ancillary commercial) are not expected to create significant disturbance. The proposed development would not detract or harmfully impact the residential amenity of existing neighbouring residential properties by virtue of overlooking or overshadowing. The proposed building would be situated a suitable distance from the nearest residential dwellings to ensure that existing amenity is protected.
- 8.33 It is accepted that the proposal would lead to some noise and disturbance being generated whilst construction is taking place, however this is considered to be short term when considered against the lifetime of the development and a condition is attached to mitigate this. Whilst the development does not create significant social benefits, there is no overall harm either, with the proposal according with the site's designation in the adopted Local Plan. Overall, the social impact of the development is considered to be acceptable and significant weight should be attached to this in favour of the development.

## **ENVIRONMENTAL SUSTAINABILITY**

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

- 8.34 Policies 41, 42, and 46 of the Doncaster Local Plan require development to be of a high quality design that contributes to local distinctiveness, respond positively to existing site features and integrate well with its immediate surroundings.
- 8.35 Paragraph 130(a) of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Part (c) seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 8.36 The proposed building consists of a 4-storey structure which is separated into 2 key main blocks, with the northern part of the building having a lower eaves/parapet height than the southern part. The use of 2-blocks/differing material tones helps to break up the massing of the building and provides a more interesting visual appearance.
- 8.37 The Urban Design Officer has worked closely with the Applicant to create a suitable scheme in terms of its appearance, character and style. The amended scheme hereby proposed, includes a frame-like design which encapsulates the inner building block. The brick columns on the outer edge of the structure help to create depth and interest, rather than a flat elevation.

- 8.38 The building has a modern appearance whilst also taking into account the surrounding materials, utilising a mixture of different toned brick, panels and glazing. The ground floor in particular will feature large, glazed windows to create an active frontage along the ground floor which will face over 3 elevations.
- 8.39 At the top floor, the building will provide an outdoor roof terrace area for employees of the office space. This outdoor amenity space is welcomed, with many modern office buildings proposing such facilities.
- 8.40 It is recognised that the height of the building is slightly taller than the adjacent buildings with the Vue cinema; Premier Inn Hotel and residential flats extending to 3 storeys. However, given this corner plot and landmark site on the edge of the commercial terrace, the proposal of a taller building is welcomed and considered acceptable in this instance.
- 8.41 The introduction of 1 additional storey in comparison to its neighbours, will not abnormally dominate or appear overbearing next to the existing built form, but instead create a feature building within the prominent plot, which can be seen from a multitude of viewpoints.
- 8.42 The modern appearance of the building will tie in with the recently developed housing estate to the south and commercial development at Herten Triangle, both of which include contemporary design features, whilst also reflecting the traditional character of the existing leisure uses along Herten Way.
- 8.43 The retention of the trees in conjunction with the proposed landscaping positively contributes to the appearance of the site and makes reference to the existing building traditions along the terrace. The separation between the proposed building and the adjacent hotel matches the established breaks in built form, whilst the generous open space and trees again make reference to the green character which surrounds the neighbouring commercial buildings.
- 8.44 Overall the design and appearance of the proposed development is acceptable and suitably reflects the local character, materials and building traditions which are prevalent in the surrounding area, whilst also being modern and providing contemporary/purpose-built commercial space.

#### Impact upon highway safety

- 8.45 Policy 13(A) of the Local Plan states that the Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards in Appendix 6 (criterion 4) and development does not result in unacceptable impacts on highway safety (criterion 6). Developments should also include provision for electric vehicle charging points (criterion 4).
- 8.46 Paragraph 111 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.”

- 8.47 The application has been supported by a Transport Statement, Travel Plan, and additional surveys to assess the capacity of the adjacent car park and surrounding road junctions. These reports have been reviewed by the Council’s Transport Planner and the Signals team who have no objection to the findings of the submitted documents.
- 8.48 The proposal includes the formation of a new access point off Airbourne Way as well as a small car parking area. The majority of the car parking demand created by the development will be facilitated within the existing car park, which is owned and maintained by the Council. The on-site car park/access will mainly provide a service/delivery use rather than parking facilities. Albeit a small number of spaces have been provided to accommodate some on-site parking and disabled bays.
- 8.49 Tracking has been carried out to ensure that waste collection vehicles can adequately turn within the site whilst an appropriate bin storage area will be located at the end of the service drive to allow for suitable waste collection arrangements.
- 8.50 Additionally, the application site is located on an established public transport route with a number of bus services serving Bawtry Road/Dome Leisure Centre and the Lakeside area.
- 8.51 To ensure that the targets in Travel Plan are achieved, in regard to sustainable travel, a financial contribution for a travel plan bond is to be secured via a S106 Agreement, based upon the proposed number of employees.
- 8.52 Overall, the proposal provides suitable arrangements for vehicular access, parking and protects public safety in line with the above policies. The trip generation to and from the site would not lead to a harmful cumulative impact of the wider highway network. The Highways DC Officer and Transport Planner raise no objection to the scheme based upon the proposed parking arrangements; generated highway movements and the findings of the transport assessment, subject to the attached conditions and the agreement of the S106 Agreement.

#### Trees and Landscaping

- 8.53 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides high quality hard and soft landscaping schemes which include fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 8.54 The application is supported by a tree survey; tree constraints plan and tree protection plan. Initially the Tree Officer did have some concerns regarding the loss of trees along the boundary of the site. However, as a result of the re-positioning and reduced footprint of the proposed building, the Tree Officer is

satisfied with the proposed landscaping design and impact upon existing trees.

- 8.55 The trees along the northern boundary of the site, which line the pedestrian footpath and are categorised as 'Category: A- High Quality' lime trees, will be retained as well as the larger/established horse chestnut trees on the southern end of the site.
- 8.56 Unfortunately some trees along the eastern boundary will be lost as a result of the development. Albeit all those to be removed are classed as 'Category C- Low Quality' trees. Two of the trees to be removed are of particularly low quality and show obvious signs of bacterial canker meaning those trees are unlikely to survive in the long term with the disease being untreatable and common within the horse chestnut species. The Tree Officer has revisited the site recently and agrees with the conclusions of the submitted survey. On this basis the partial tree loss is considered to be acceptable.
- 8.57 The Applicant has provided a good level of detail within the landscaping information and as such no additional information is required in this regard. As described above, the amount of landscaping and its contribution to the appearance of the site is welcomed, with generous open space and public realm included in the proposal.
- 8.58 The Tree Officer is satisfied with the landscaping masterplan in terms of the species proposed and the position of the planting.

#### Flood Risk and Drainage

- 8.59 Policy 56 states that development proposals will be supported where there is adequate means of foul sewerage disposal; no increase in flood risk or surface water run off and make use of SUDs unless it can be shown to be technically unfeasible.
- 8.60 The site lies within Flood Risk Zone 1 as per the Environment Agency's Flood Map for Planning and by Doncaster's Strategic Flood Risk Assessment (SFRA). This is the lowest area of flood risk from main river flooding. Nevertheless, major planning applications must be supported by the relevant drainage information including plans and strategies in order to accord with Policy 56.
- 8.61 The Applicant has provided a drainage strategy along with calculations and details of the drainage connection. The information provided has been reviewed by the Council's Drainage Officer and there is no objection on this basis, subject to the maintenance condition attached. No further drainage details are required.
- 8.62 Yorkshire Water and the EA were also consulted on the application, neither of which raised any objections. Yorkshire Water's engineers have requested conditions relating to the submission of a feasibility study and storage tank capacity details.

### Air Pollution and Contaminated Land

- 8.63 Policy 55 states that proposals will be required to mitigate contamination by demonstrating there is no significant harm to human health; land; natural environment; pollution of soil or any watercourse. Developments must ensure that necessary remedial action is undertaken and demonstrate that any adverse ground conditions have been properly identified and safely treated so suitable for the proposed use.
- 8.64 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality. An air quality assessment will be required to enable clear decision making on any relevant planning application.
- 8.65 The Contamination Officer has reviewed the application in regards to land contamination. A Phase 1 & 2 Geo-technical site investigation has been submitted, with the consultant noting that made ground is found onsite, though this is due to sandy composition and low organic matter, thus does not pose a gas risk and therefore no additional monitoring is required. No conditions are required on this basis.
- 8.66 In terms of air quality, an assessment has been provided which has been reviewed. The site lies outside any Air Quality Management Area. Based on the findings of that report, there is no objections relating to air quality. However, a condition was proposed relating to EV charging but this is now covered by building regulations.

### Energy Efficiency/Sustainability Features

- 8.67 Policy 58 relates to low carbon and renewable energy proposals, and states that development will be supported which give priority to heat or power generation from light or other low carbon heat sources.
- 8.68 The application has been supported by a BREEAM Pre-assessment which demonstrates that the building will achieve the 'Very Good' rating. A condition is attached requiring the submission of a post-development report which will then assess the physical building to ensure that this rating is achieved.
- 8.69 The proposed development includes the integration of PV solar roof panels on part of the roof in addition to the provision of 3x EV charging points within the on-site car park. Given the nature of the off-site car parking provision EV charging cannot be demanded as part of this application.

### Archaeology

- 8.70 Policy 39 states that development affecting other archaeological assets will need to demonstrate how any benefits will outweigh harm to the site.



- 8.71 The Council's archaeologist has reviewed the information submitted and has no objection to the proposed development in terms of archaeology. Other schemes/development within the area have demonstrated a great deal of ground disturbance and much of the area comprises made ground or imported topsoil. As such, the archaeological potential is negligible.

### Ecology

- 8.72 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. Policy 30 states proposals which may harm priority habitats; protected species or features of biodiversity interest will only be supported where the DEFRA biodiversity metrics demonstrates that a proposal will be deliver a minimum 10% net gain for biodiversity.
- 8.73 Paragraph 5.1.1 of the adopted Biodiversity Net Gain SPD states that '*in cases where BNG delivery cannot be secured onsite, nearby or within the wider Doncaster area, then as a last resort a biodiversity offsetting contribution will be accepted by the Council.*'
- 8.74 Paragraph 5.1.2 follows on to state that a contribution of £25,000 per unit will be agreed via a Section 106 agreement in compensation for the loss.
- 8.75 The application has been supported by a preliminary ecological appraisal which the Ecologist has reviewed and has no objection to the development based on the findings and recommendations of that report.
- 8.76 A biodiversity net gain assessment has also been submitted which confirms that the site cannot provide the full +10% biodiversity net gain target on-site, with only 0.31 of the required 1.177 units being accommodated on site. As such a financial contribution which is equivalent to the habitat unit loss/difference is to be secured, in accordance with the SPD. A financial contribution which equates to 0.867 habitat units is to be secured through the S106 Agreement.
- 8.77 A condition is attached to ensure the BNG accommodated on-site is provided in accordance with the submitted Biodiversity Net Gain Report, Rev. C, Weddle Landscape Design June 2023.
- 8.78 Subject to the financial contribution and the condition attached, the Ecologist has no objection to the development and no conditions are required.

### **Conclusion on Environmental Issues**

- 8.79 Paragraph 8(c) of the NPPF (2023) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 8.80 In conclusion of the environmental issues, it is considered that there have been no significant issues raised which would outweigh against the benefits of the proposal or that cannot be mitigated by condition. The design, layout and appearance of the development is acceptable in this urban location and takes into account the local character and building traditions. Whilst the introduction of a 4-storey building is slightly larger than the adjacent buildings, this is acceptable at this landmark site. The use of the proposed materials/design will contribute towards the appearance of the area and allow a modern mixed-use development to come forward on an otherwise underutilised site.
- 8.81 The parking/access arrangements are deemed to be acceptable, as well as the tree and landscaping proposals. The site is not in a flood risk area and a financial contribution relating to bio-diversity net gain and the travel plan bond are to be secured through the S106 Agreement.
- 8.82 The development will include sufficient energy efficient features such as solar panels and EV charging points, in addition to cycle parking provision. Overall, the environmental impact of the development is considered to be acceptable and significant weight should be attached to this in favour of the development.

#### **ECONOMIC SUSTAINABILITY**

- 8.83 The proposed development will provide up to 2,400sqm of Grade-A quality office space within this mixed-use area, as well 3x smaller ancillary commercial units.
- 8.84 It is expected that the development would bring forward substantial long term economic benefits through the creation of a variety of job roles over the life of the development. The office space will create circa 100 new jobs, with the floorspace arranged into smaller/collaboration spaces aimed at start-up type companies, which has proved successful at other office buildings within the borough.
- 8.85 The scheme would bring forward a high level of investment and growth, in accordance with the objectives set out in Policy 2: Level of Growth, and would make a significant and valuable contribution towards the target 481ha of employment land required over the plan period.
- 8.86 Overall the development will have capacity for circa 360 employees, though it is envisaged that some of the employment uses will be businesses relocating from within Doncaster and neighbouring towns/cities, thus not all employees are considered as 'new jobs'. The occupation of the office space in particular would in turn increase footfall within the area and is likely to generate a positive economic impact upon the existing surrounding restaurant uses, particularly during the daytime/lunch time periods, therefore increasing spending on a wider level.
- 8.87 Although the occupiers of the ground floor commercial units have not yet been confirmed, it is anticipated that circa 25 jobs will be generated by the ancillary commercial development, being primarily lower skilled and part time type

roles. This demonstrates that the development will create a variety of job roles in the long term.

- 8.88 In the short term there would be 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.

#### S106 Planning Obligations

- 8.89 Paragraph 55 of the NPPF states '*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*'
- 8.90 Paragraph 57 states '*Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.*'

#### *Travel Plan Bond*

- 8.91 As set out in Section 8.51, a financial contribution for a travel bond is required to mitigate any traffic in the event that the targets included within the travel plan are not achieved. The purpose of the Travel Plan Bond is to ensure that the targets within the Travel Plan towards sustainable travel (bus, walk, cycle etc.) can be met, and if not met the Council would step in with sustainable measures using the Bond. The Council needs to be assured that the Travel Plan is effective and has reasonable targets that can be met.
- 8.92 The formula for calculating the bond is as follows:- No. of employees x the current cost of a 28 day SY Connect+ ticket (currently £131.70) x 1.1
- 8.93 For the purposes of this calculation, the Applicant has confirmed that the prospective number of employees once the building is fully occupied is 357. The financial contribution has been calculated on this basis.

#### *Bio-diversity Net Gain*

- 8.94 As set out in section 8.73 where +10% BNG cannot be accommodated within the application site or nearby land, a financial contribution towards the offsetting will be accepted. All money collected from the offsetting contribution will be used to secure BNG schemes within Doncaster which will be delivered either on land owned by the Council or via an agreement with a third party.
- 8.95 The BNG metric calculates an overall target for BNG post development (inclusive of the required +10%) as 1.17 units, 0.31 of which can be accommodated on site. The financial contribution will therefore secure payment for the remaining **0.867 units x £25,000**.

## **Conclusion on Economy Issues**

- 8.96 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.
- 8.97 The proposal would result in some short term economic benefit in the creation of jobs during the construction phase of the proposal and longer term would result in a significant number of new jobs and investment, playing a part in creating the envisaged economic growth for Doncaster. These factors weigh positively in favour of the application and when combined carry significant weight.

## **9.0 PLANNING BALANCE & CONCLUSION**

- 9.1 In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.
- 9.2 The proposal is subject to a Section 106 Agreement which is considered to meet the requirements of the CIL tests. The heads of terms and conditions necessary to make the development acceptable are clear and are outlined below. On this basis the application is recommended for approval.

## **10.0 RECOMMENDATION**

- 10.1 **MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 IN RELATION TO THE FOLLOWING MATTERS AND THE HEAD OF PLANNING BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE LEGAL AGREEMENT:**

1. Travel Plan Bond - No. of employees (357) x the current cost of a 28 day SY Connect+ ticket (currently £131.70) x 1.1
2. Bio-diversity Net Gain – 0.867 units x £25,000

## **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:

Location Plan, Project No: 2136, Number: 009, Received: 25/4/2022

Site Plan, Project No: 2136, Number: 008, Rev: J, Received: 5/9/2023

Proposed Elevations- Gliwice Way Elevation, Project No: 2136, Number: 012, Received: 19/7/2023

Proposed Elevations- Lake View Elevation, Project No: 2136, Number: 013, Received: 19/7/2023

Proposed Elevations- Airbourne Way Elevation, Project No: 2136, Number: 014, Received: 19/7/2023

Proposed Elevations- Herten Way Elevation, Project No: 2136, Number: 011, Received: 19/7/2023

Proposed Floorplan – Ground Floor Plan, Project No: 2136, Number: 001, Rev: E, Received: 22/9/2023

Proposed Floorplan – First Floor Plan, Project No: 2136, Number: 002, Rev: D, Received: 22/9/2023

Proposed Floorplan – Second Floor Plan, Project No: 2136, Number: 003, Rev: D, Received: 22/9/2023

Proposed Floorplan – Third Floor Plan, Project No: 2136, Number: 004, Rev: D, Received: 22/9/2023

Proposed Floorplan – Fourth Floor Plan, Project No: 2136, Number: 005, Rev: G, Received: 22/9/2023

Landscaping Details – Landscape Masterplan, Drawing Number: 1372-006, Rev: D, Received: 3/7/2023

Tree Protection Plan, Drawing Number: 1372-004, Rev: D, Received: 3/7/2023

Drainage Plan- Drainage Strategy, Drawing Number: 46759/001, Rev: F, Received: 16/10/2023

BREEAM Pre- Construction Assessment, Rev: 01, Received: 22/8/2023

REASON

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

03 Prior to the occupation of any Class E(b) uses (sale of food and drink) details of extraction/ventilation systems, to control the emission of cooking smells and fumes so as to prevent any odour disamenity to nearby occupiers, shall be submitted to and approved by the local planning authority in writing. The approved scheme shall be installed and be fully operational when the use commences. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. The system shall be so designed as to ensure that noise from its operation does not cause adverse impact to nearby occupiers.

**REASON**

In the interests of the amenity of the occupiers.

04 The landscaping scheme which has been agreed as part of this application shall be carried out in complete accordance with details shown on Plan Ref: Landscape Masterplan, Drawing Number: 1372-006, Rev: D, Received: 3/7/2023. It shall be begun during the first available planting season following the commencement of the development hereby granted and shall be maintained by the site owner for a period of five years following planting. Any tree or shrub planted as part of the scheme which becomes damaged or diseased or dies or is removed within five years shall be replaced during the next planting season. Any staking, tying, weeding, watering and other actions deemed necessary by the Local Planning Authority to ensure the maintenance of a viable scheme shall be carried out by the owner in accordance with the Authority's publication entitled 'Landscape Specification in Relation to Development Sites'.

**REASON**

To ensure the maintenance of a healthy planting scheme and environmental quality in accordance with Local Plan Policy 46 and 48.

05 The scheme of protection for all retained trees shall be implemented in full accordance with the approved plan ref: Tree Protection Plan, Drawing Number: 1372-004, Rev: D, Received: 3/7/2023. Before any equipment, machinery or materials have been brought on to site for the purposes of the development, the local planning authority shall be notified of its implementation.

Tree protection shall be maintained in full accordance with the approved scheme until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall

any excavation be made, without the written consent of the local planning authority.

**REASON**

To ensure that all trees are protected from damage during construction in accordance with Local Plan Policy 48.

- 06 Before the development commences, product details of the proposed external materials (including masonry, windows, spandrel panels) and proposed boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. This may require submission of samples or the construction of sample panels on site if requested by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the approved materials.

**REASON**

To ensure the satisfactory appearance of the development in accordance with Local Plan Policy 46.

- 07 Before the development commences, large scale details, including materials, colours and finishes, at a minimum of 1:20 scale of the items listed below, shall be submitted to and approved in writing by the Local Planning Authority:
- a) Outer masonry framing which should be set forward of the darker masonry infill panels by around 100-200mm
  - b) Windows and spandrel panels including window reveals of a minimum 150mm,
  - c) Shopfronts and entrance doors and canopies at ground floor level,
  - d) Balconies,
  - e) The proposed standalone bin store,
  - f) Brick detailing including projecting brickwork and soldier coursing to masonry areas,
  - g) The design and furniture for the rooftop amenity area- apart from the pergola no furniture or planting should exceed 1000mm in height. Thereafter, the works shall be carried out in accordance with the approved details.

**REASON**

To ensure the satisfactory appearance of the development in accordance with Local Plan Policy 48.

- 08 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and agreed in writing with the Local Planning Authority. Once installed such plant or equipment should not be altered.

REASON

In the interests of the amenities of the locality and occupiers of adjoining property.

- 09 Within 6 months of first occupation, a post construction BREEAM review shall be carried out by a licensed assessor and submitted to the Local Planning Authority for approval.

REASON

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

- 10 No development shall take place until a statement has been submitted to the local planning authority and approved in writing, explaining how CO2 emissions generated by the development will be reduced. At least 10% of the development's energy consumption must be generated using on-site renewable energy equipment or improvements to the fabric efficiency of the building. Unless otherwise agreed in writing by the local planning authority, the development shall then proceed in accordance with the approved report.

To enable full discharge of this condition, prior to the occupation of the building, evidence to demonstrate that the agreed measures have been installed must be provided and agreed by the local planning authority.

REASON

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

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

REASON

To ensure the drainage apparatus of the site is adequately maintained for the lifetime of the development and to accord with Para. 169 c) of the NPPF (2023).

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

REASON



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

- 13 The vehicle turning space as shown on the approved plans shall be constructed 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.

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

**REASON**

To ensure that adequate parking provision is retained on site.

- 15 No development shall take place, including any works of demolition/site clearance, until a Construction Traffic 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:
- the parking of vehicles of site operatives and visitors
  - loading and unloading of plant and materials
  - storage of plant and materials used in constructing the development
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - wheel washing facilities
  - measures to control noise and the emission of dust and dirt during construction
  - 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 in accordance with Local Plan Policy 13.

- 16 Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

**REASON**

To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.

- 17 There shall be no construction of new buildings on site prior to the completion of a feasibility study (CEMP) to understand the impact of planning permission on the source protection zone. Furthermore, the findings and recommendations of the study must be implemented.

REASON

To ensure that the development can be properly drained.

- 18 Prior to the commencement of development, a Management and Monitoring Plan based on the recommendations in Biodiversity Net Gain Report, Rev. C, Weddle Landscape Design June 2023, Received: 3/7/2023, for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing.
- The baseline biodiversity assessment against which an uplift in biodiversity unit value of 0.31 Habitat units will be monitored.
  - The project's biodiversity unit targets.
  - 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.
  - The details of when target condition will be achieved and how it shall be maintained.
  - 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. Monitoring reports will be provided to the Local Planning Authority by the end of years 1,2,5,10,20, and 30 of the monitoring period.
  - The roles, responsibilities and professional competencies of the people involved in implementing and monitoring the biodiversity net gain delivery.
  - 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 Local Planning Authority.

REASON

To fulfil specifically the requirements of Local Plan policy 30B and enhance local ecological networks in accordance with Local Plan policy 29.

- 19 Within 3 months of the first occupation of any commercial unit or first occupation of each office floor, a Detailed Travel Plan for that unit shall be submitted to the local planning authority. The Travel Plan shall include staff numbers; targets for reducing single occupancy car trips, and details of the monitoring to be carried out.

REASON

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

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order with or without modification), the upper floors of the development hereby approved (first floor, second floor, third floor and rooftop level) shall only be used/occupied by uses falling within Use Class E(g)- offices, research and development, or light industrial, and for no other purpose (including any other purpose in Class E of the Schedule to the Use Classes Order).

REASON

To ensure that the building is only used for its intended use and cannot be converted to other town centre uses and thus bypass the Sequential Test exercise which is required by Local Plan Policy 22- Part 1.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order with or without modification), the ground floor units cannot be amalgamated into any other arrangement and must remain as three separate commercial units as indicated on the approved floorplan: Proposed Floorplan - Ground Floor Plan, Project No: 2136, Number: 001, Rev: E, Received: 22/9/2023.

REASON

To ensure that the development does not bypass the Impact Assessment exercise which is required by Local Plan Policy 22- Part 2.

- 22 Construction or clearing works shall not take place outside the following times:  
Mondays to Fridays: 07:30 - 18:00  
Saturdays: 09:00 - 13:00  
And not at any time on Sundays or Bank Holidays.

REASON

To safeguard the amenities of the occupiers of the adjoining properties and uses.

## INFORMATIVES

### 01           INFORMATIVE: BREEAM RATING

Advice should be sought from a licensed BREEAM assessor at an early stage to ensure that the required performance rating can be achieved. A list of licensed assessors can be found at [www.breeam.org](http://www.breeam.org).

### 02           INFORMATIVE: HIGHWAY WORKS

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

Any alteration to the existing street lighting as a result of the new access arrangements will be subject to a costs which are to be borne by the applicant. Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail

[Fiona.Horgan@doncaster.gov.uk](mailto:Fiona.Horgan@doncaster.gov.uk) regarding this as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets

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](mailto:p.evans@doncaster.gov.uk) or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

### 03           INFORMATIVE: WASTE MANAGEMENT

Businesses have a duty to manage Commercial Waste or Industrial Waste in accordance with s.34 Environmental Protection Act 1990 and shall not:

- deposit (or knowingly cause or knowingly permit) that waste to be deposited on any land unless an environmental permit authorising the deposit is in force;
- treat, keep or dispose of that waste in a manner likely to cause pollution of the environment or harm to human health.

And shall take all such measures as are reasonable in the circumstances—

- to prevent the unauthorised or harmful deposit, treatment or disposal of that waste;
- to prevent the escape of that waste from their control;
- on the transfer of that waste, to secure that:
  - (i) the transfer is to an authorised person or for authorised transport purposes; and
  - (ii) a written description of that waste is transferred to enable other persons to avoid a contravention of the Environmental Permitting Regulations and to comply with the duty as respects the escape that waste.

The written description of the waste transferred must be exchanged between the parties (waste transfer notes) with copies kept on file for 2 years for inspection purposes. See <https://www.gov.uk/dispose-business-commercial-waste/waste-transfer-notes>

04

#### INFORMATIVE: SOUTH YORKSHIRE POLICE

All external doors and windows should meet one of the following:

- PAS 24:2019
- LPS 1175 SR 2
- STS 201 or STS 202 BR2

Windows (including any curtain walling) under 2.4m in height are to comply with the PAS24 specification. The glazing units to consist of a minimum of one pane of glass that achieves compliance under the BS EN356 P6 attack resistance standard.

All egresses on the ground floor, where possible, should be flush with the building line and designed to avoid the creation of any recesses. Recessed doorways can obstruct surveillance and collect windblown litter that can be used to start fires. More information can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

It is important to keep the development secure and safe during the construction phase: Please refer to-

[https://www.securedbydesign.com/images/CONSTRUCTION\\_SITE\\_SECURITY\\_GUIDE\\_A4\\_8pp.pdf](https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf)

**Appendix 1: Site Plan**



**Appendix 2: Proposed Elevations**



**Gliwice Way Elevation - East Facing**  
1:100



**Herten Way Elevation - North Facing**  
1:100



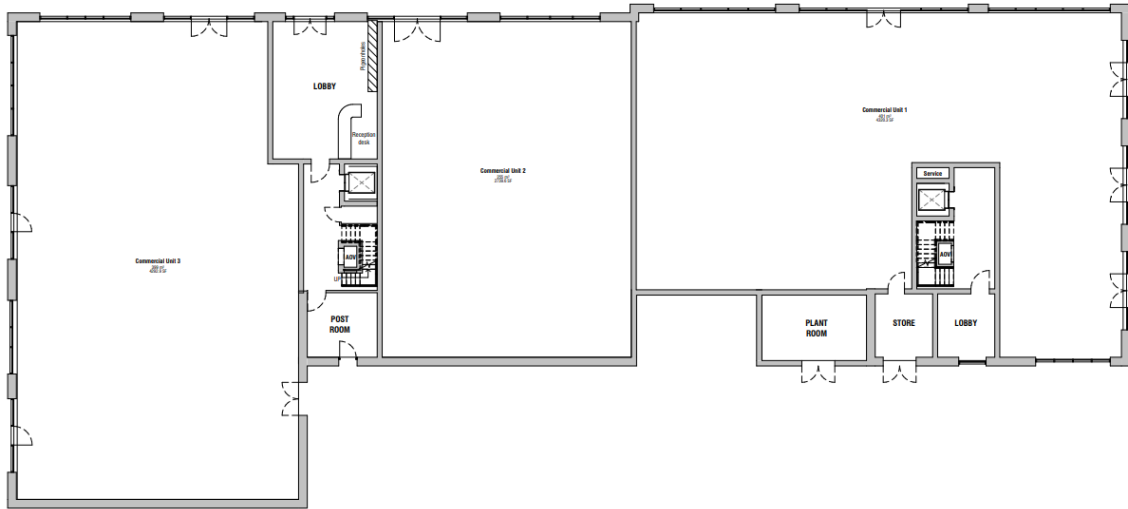
**Lake View Elevation - South Facing**  
1:100



**Airbourne Way Elevation - West Facing**  
1:100

**Appendix 3: Proposed Floorplans**

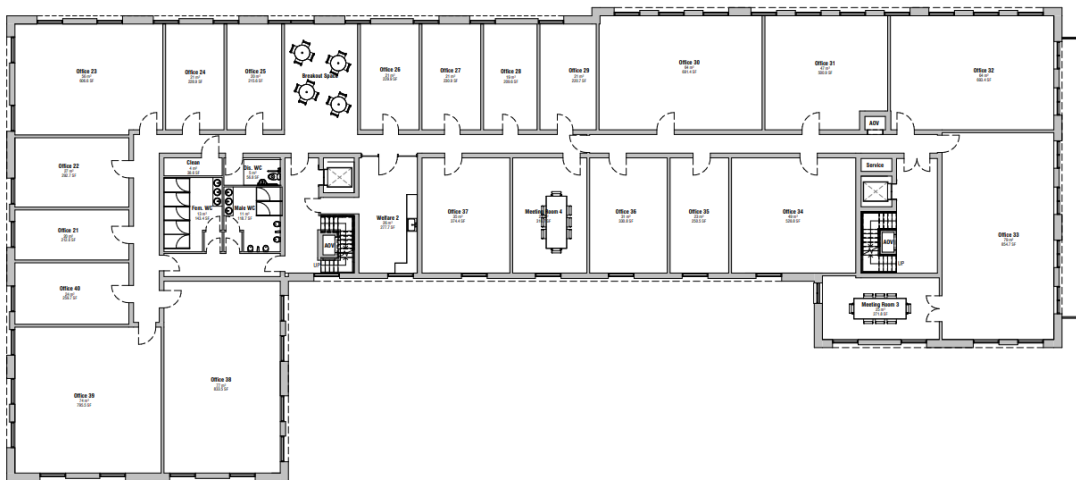




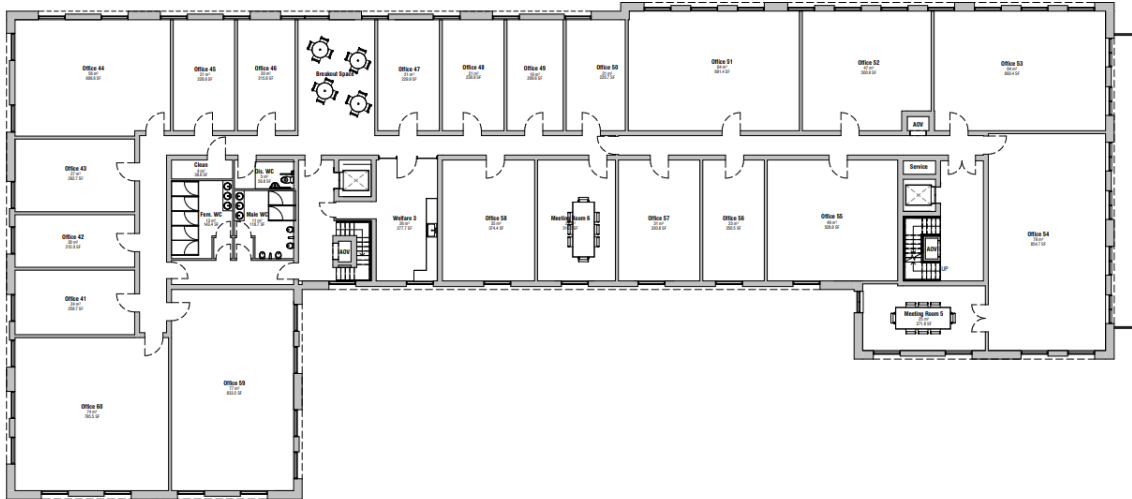
**Ground Floor**  
1:100



**First Floor**  
1:100

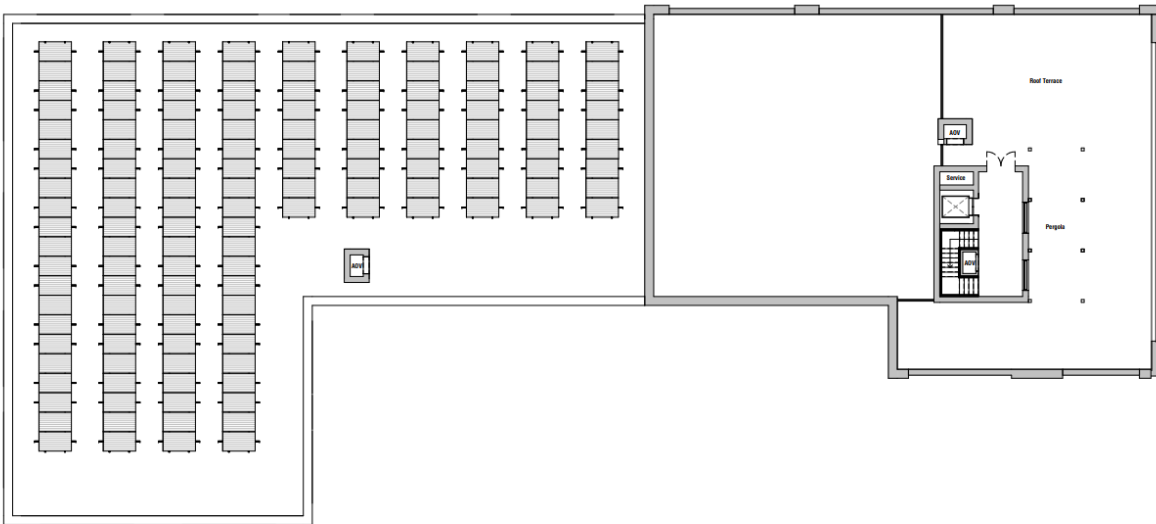


**Second Floor**  
1:100



**Third Floor**

1 : 100



**Fourth Floor**

1 : 100

|                    |          |
|--------------------|----------|
| <b>Application</b> | <b>4</b> |
|--------------------|----------|

|                            |              |
|----------------------------|--------------|
| <b>Application Number:</b> | 23/01702/COU |
|----------------------------|--------------|

|                          |                       |
|--------------------------|-----------------------|
| <b>Application Type:</b> | Planning FULL (Minor) |
|--------------------------|-----------------------|

|                              |   |
|------------------------------|---|
| <b>Proposal Description:</b> | Change of use of ground floor from vacant bar/public house (Sui Generis) to off licence (Class E) |
| <b>At:</b>                   | Former Hexthorpe Star Bar, 2 Langer Street, Hexthorpe, DN4 0EX                                    |

|             |                      |
|-------------|----------------------|
| <b>For:</b> | Mr Thiru Makeetharan |
|-------------|----------------------|

|                          |               |                |                       |
|--------------------------|---------------|----------------|-----------------------|
| <b>Third Party Reps:</b> | 14 objections | <b>Parish:</b> | N/A                   |
|                          |               | <b>Ward:</b>   | Hexby and Balby North |

|                          |             |
|--------------------------|-------------|
| <b>Author of Report:</b> | Susie Boyce |
|--------------------------|-------------|

#### **SUMMARY**

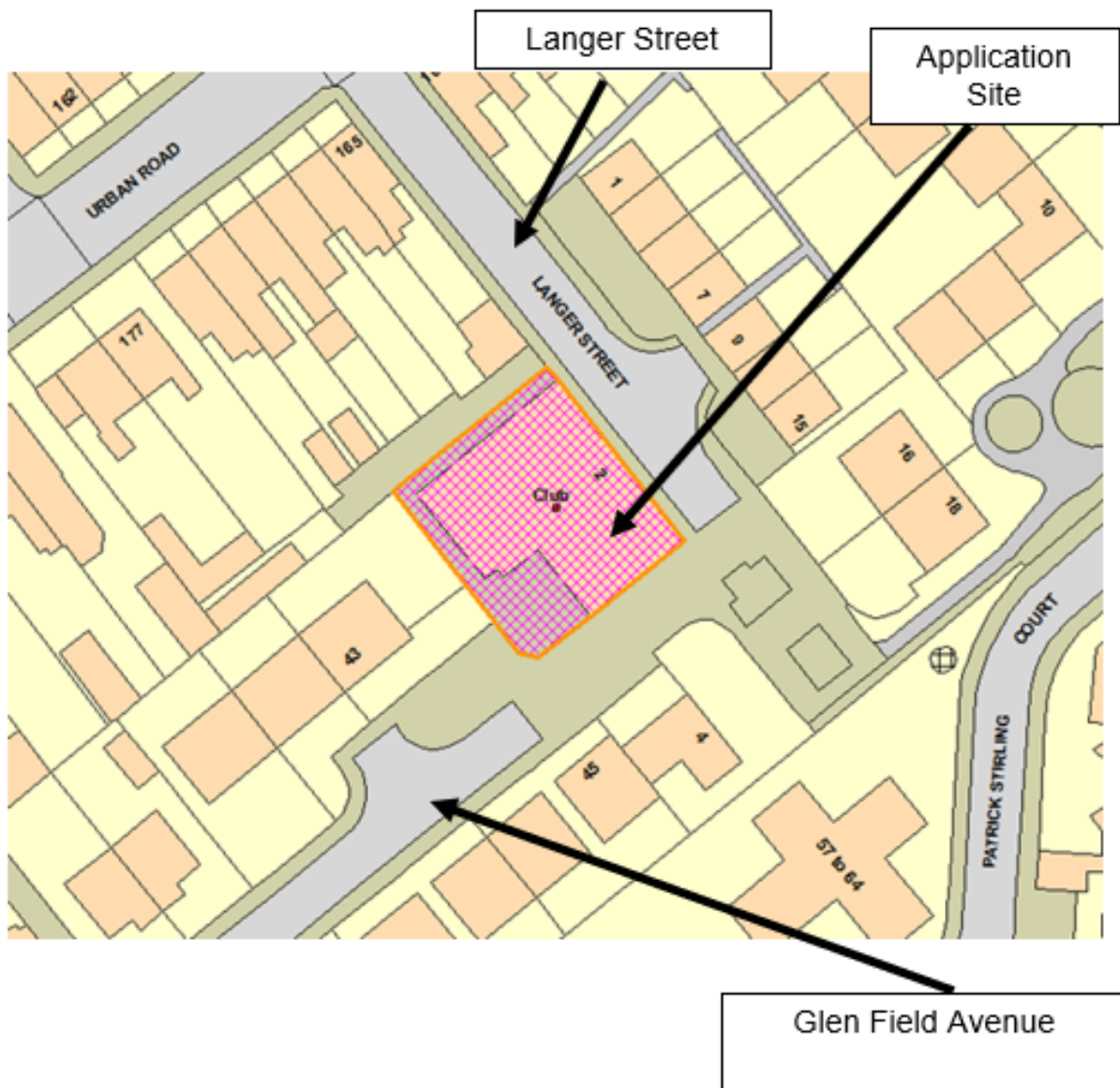
The application seeks full planning permission for a proposed change of use at the ground floor from a bar/drinking establishment (Sui Generis use) to an off-licence (shop) (Class E use). No external alterations are proposed as part of the change of use.

The application site comprises a two-storey detached building with residential flats at the first floor and a small yard to the rear. The ground floor comprises some 340m<sup>2</sup> floor space, formally occupied by the Hexthorpe Star Bar. The site lies in a residential area and has frontages at the ends of both Langer Street and Glen Fields Avenue, two cul-de-sacs which have a pedestrian link adjoining the application site.

Additional information has been sought during the planning application process to clarify delivery arrangements and proposed opening hours.

This report demonstrates that the development would not cause an undue level of harm to the amenity of neighbouring properties, the highway network or the wider character of the area, subject to suitably worded conditions.

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



## 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 This application seeks full planning permission for the change of use of the ground floor at 2 Langer Street from a drinking establishment (Sui Generis Use) to an Off Licence (Class E Use). No external alterations are proposed.
- 2.2 The Off Licence is to have a shop floorspace of approximately 150m<sup>2</sup>, with the remainder to be used as storage, staff toilets and amenity area.
- 2.3 Proposed opening hours are 08:00 to 21:00.

- 2.4 Bin storage will be accommodated in the existing yard to the rear and collected from Glen Field Avenue.
- 2.5 Deliveries will be to the rear via Glen Field Avenue, between 10-11am Monday and Friday. The vehicle type is to be a small van, Ford Transit or similar.

### 3.0 Site Description

- 3.1 The application site comprises a two-storey detached building with 3 residential flats at the first floor and a small yard to the rear. This incorporates bin storage areas for both the ground floor commercial use and first floor residential uses, as well as 3 parking spaces for the flats. The ground floor comprises some 340m<sup>2</sup> of vacant floor space, formally occupied by the Hexthorpe Star Bar.
- 3.2 The site lies in a residential area and has frontages at the ends of both Langer Street and Glen Fields Avenue, two cul-de-sacs whose connecting highway link has been closed with bollards adjacent to the application site.
- 3.3 The public house is understood to historically have had an associated car park at Langer Street, although this has long since been developed for housing (now Nos. 1-15 Langer Street).

### 4.0 Relevant Planning History

- 4.1 Planning history for the application site as follows:

| Application Reference | Proposal  | Decision                                  |
|-----------------------|---|---|
| 18/00446/FUL          | Partial change of use of first floor to create two flats with associated alterations.   | Granted<br>11 <sup>th</sup> April 2018    |
| 13/01293/FUL          | Change of use from existing first floor public house (Class A4) to form two self-contained residential apartments (Class C3) including operational and associated external works. | Granted<br>8 <sup>th</sup> August 2013    |
| 12/03134/FUL          | Change of use of first floor of existing Public House (Use Class A4) to form 2 Houses in Multiple Occupation (Use Class C4) including operational works.                          | Refused<br>12 <sup>th</sup> February 2013 |

### 5.0 Relevant Planning Policy

#### 5.1 Site Allocation

- 5.2 The site falls within a Residential Policy Area on the adopted Local Plan Policies Map (2021).

5.3 The site falls within Flood Zone 1 according to the Environment Agency Flood Maps for Planning (Rivers and Sea), an area at the lowest risk of 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:

- Policy 1 : Spatial Strategy and Settlement Hierarchy (Strategic Policy)
- Policy 10 : Residential Policy Areas
- Policy 13 : Promoting sustainable transport in new developments
- Policy 22 : Locating Town Centre Uses (Strategic Policy)
- Policy 41 : Character and Local Distinctiveness (Strategic Policy)
- Policy 42 : Good Urban Design (Strategic Policy)
- Policy 46 : Design of Non-Residential, Commercial and Employment Developments
- Policy 47 : Safe and Secure Places
- Policy 49 : Advertisements and signage
- Policy 51 : Protection of Education, Community and Leisure Facilities

#### **5.6 National Planning Policy Framework (NPPF 2023)**

5.7 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 7 - Ensuring the vitality of town centres
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places
- Annex 1 - Implementation
- Annex 2 - Glossary

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

5.9 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).

5.10 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.

5.11 The National Design Guide (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

## 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 Sixteen representations (objections) were received from 14 members of the public as part of the consultation process. The representations raise the following concerns (in summary):

- Highways and Parking:
  - The location at the bottom of a small dead end street is unsuitable for a medium size retail outlet as the increase in traffic would create road hazards: every vehicle that uses the shop then has to do a multi point turn. In many cases this would involve encroaching on residents open plan driveways.
  - Road safety: the junction of Langer Street and Urban road is already hazardous because of road design (narrow entrance) and parked vehicles creating poor visibility. The substantial increase in traffic can only exacerbate this problem.

- Insufficient parking, Langer Street is already a busy street for cars that already reside on the street. The pub used to have a car park which has now been built on with 7 houses, the new shop will need parking but none are proposed. Another application for a shop on Urban Road was refused because of lack of parking, why is it ok for this one.
- No information on deliveries. Other residential properties require access to their driveways with work vans and trucks, potential deliveries may cause an obstruction.
- Need for the proposal:
  - There is already a shop around the corner on a main busy road that serves the needs of the local community, as well as several alternative shops further down Urban Road.
- Residential amenity:
  - Loss of privacy to residents of 15 Langer Street as the main entrance to the shop will be opposite their home.
  - Noise disturbance from deliveries early in the morning may cause significant disruption to residents.
  - Although the previous use was a bar, this was rarely open, its patrons were elderly and it never caused any issues early in the morning or very late at night. Patrons didn't drive so parking wasn't an issue.
- Impact on character of the area:
  - Multiple unresolved issues with the residents of the flats above 2 Langer Street including broken windows and glass on the street. How will the landlord manage the shop if he can't manage the flats. The proposed off-licence may increase anti-social behaviour as it sells alcohol.
  - Surrounding area is poorly lit, this will increase existing antisocial behaviour and noise problems if people sit and drink outside. The bollards blocking traffic between Langer Street and Glen Field Avenue mean police cars can't pursue them.
- Other:
  - Queries whether the operator can use the same licence for a pub and a shop

## 7.0 Relevant Consultations

### 7.1 CDC Local Plans (Community Facilities) Officer – No objection

The last use of the premises was as a 'Public House (i.e., a community facility), therefore Local Plan Policy 51: Protection of Education, Community and Leisure Facilities is relevant. The new use as a 'local shop' is also classified as a Community Facility under the National Planning Policy Framework (NPPF). Therefore, I can support this application.

### 7.2 CDC Local Plans (Retail and Town Centre) Officer – comments provided.

Policy 22 does allow for small shops and services to be located outside the town, district and local centre boundaries if there is a locational need or ~~meets the~~ <sup>page 10</sup> criteria as set out in Policy 22 Part 3. Small shops are defined as units having a gross floor



space areas of 300m<sup>2</sup> or less. Small scale shops such as newsagents, convenience stores would be encouraged in appropriate locations where they meet a local need. These types of services would serve a local population and not be reliant on large car parks or big lorry deliveries which would impact on the amenity of the residents.

7.3 Essentially the proposed use is a main town centre use and should be located in a town centre environment, these are the most sustainable locations for shops and services. However, given this is a change of use and not new development, it could be argued that there is a local need for a convenience store which would meet the criteria of a small shop to serve the local community. Although there are no details of this in the submission, therefore if you do agree then the main issues would be the impacts on the residential amenity; traffic, noise, fumes, smells or unsightliness should be your main consideration. If you don't agree then I think the details should include a planning statement regarding need and impacts.

7.4 **CDC Highway Officer** – No objection.

No external alterations are proposed, therefore comments are restricted to Local Plan Policy Appendix 6 and the Parking requirements between the two types of development. The parking requirements for a Public House are more than they are for an off licence, therefore on the basis that the pub could re-open without the need for planning permission, then I am content to support the application without the need for either Conditions or Informatives.

7.5 Updated comments to respond to neighbour objection points:

Langer Street has no parking restrictions on it and also has a turning head. Site photos indicate this is now used for parking by a Motorhome. Glen Field Avenue also has a turning head and again has no parking restrictions. If this is now to be an off-licence i.e. retail, then people using the facility will either be locals or if they are using their car it will more than likely be a stop of less than 5 minutes - so the potential removal of a designated car park doesn't affect anything.

7.6 With relation to deliveries more information on what vehicle will be used to deliver to the premises would be helpful. It is assumed it would be more of a transit van rather than a dray waggon which pubs use. There does look to be parking at the side of the development from Glen field Avenue entrance, which appears approximately 7.75m wide x over 5m long. This could accommodate parking or turnaround of a delivery vehicle, although there looks to be the same amount of room on the highway. The Motorhome parked at Langer Street is longer than a transit which demonstrates that the turning manoeuvre is possible at Langer Street for this type of vehicle.

7.7 **South Yorkshire Police** – No objection

Advice provided to ensure the physical protection elements of the development are up to current minimum standards.

7.8 **CDC Waste and Recycling Officer** – No objection.

7.9 **CDC Area Manager** – No comments received.

7.10 **CDC Licensing** – No comments received.

## **8.0 Assessment**

### Principle of development

8.1 The principle of the development rests on two factors, the loss of a public house and the introduction of a new retail unit in an out-of-centre location.

8.2 The ground floor premises was formerly occupied by the Hexthorpe Star Bar, a Public House (Sui Generis). Where a development proposal may involve the loss of a Community Facility, Local Plan Policy 51 requires that this be justified. However, Public Houses and local shops are both considered a 'Community Facility' by the NPPF (Paragraph 93(a)) and therefore the proposal does not lead to any such loss for these purposes and is acceptable in this respect.

8.3 In terms of the principle of the proposed retail use, Local Plan Policy 1 contains the Settlement Hierarchy of the Borough. Doncaster Main Urban Area is to be the main focus for various types of development in the Borough, including retail which will be directed towards Doncaster Town Centre, with defined 'District' and 'Local' Centres serving more day-to-day needs. As a retail use (Class E), the proposed off license would also be considered a 'Main Town Centre Use' and therefore its out of centre location must be assessed against the requirements of Policy 22.

8.4 The proposed shop floorspace falls below the threshold requirement for a retail impact assessment required by Part 2 of LP22. Part 3 identifies several types of retail provision that will be supported in principle within out of centre locations. This includes (c) small scale shops which would complement the function and role of the local community where they serve a local need. Small scale shops are those with a retail floorspace of 300m<sup>2</sup> or less. With a retail floorspace of 150m<sup>2</sup>, the proposed off-licence would fit this definition as a small shop which serves local residents. In terms of local need, there is currently just one other convenience store/off license in the vicinity, (Dhaliwals, 151 Urban Road), therefore there appears capacity for an additional shop to serve local need without harming the vitality of local centres. The Council's Local Plans (Town Centre and Retail) Officer has not raised any objections to the proposals in this respect.

8.5 Local Plan Policy 10 permits non-residential uses of an appropriate scale in residential policy areas provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

- 8.6 In light of the above, the proposed change of use is considered acceptable in principle, subject to an assessment of site-specific impacts as detailed in the following sections.

### Highways

- 8.7 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.
- 8.8 Policy 13 (A) (4) requires developments to provide appropriate levels of parking provision in accordance with the standards contained within Appendix 6 of the LP. For non-food retail, this is 1 space per 30m<sup>2</sup> for all development below 1000m<sup>2</sup>. This would result in a requirement for 11 parking spaces for the proposed off-licence.
- 8.9 There have been a significant number of objections from local residents relating to the potential impact of vehicles visiting the proposed off-licence to Langer Street, including both customer and delivery vehicles. Langer Street is a cul-de-sac with a turning head (which is already experiencing obstruction issues caused by residents parking their own vehicles within the turning head). The highway has no parking restrictions although is relatively narrow near its junction with Urban Road.
- 8.10 No off-street parking is to be provided for the proposed retail use; existing parking spaces to the rear are associated with the upper floor residential flats. Deliveries are to be to the rear from Glen Field Avenue, via a small van (Ford Transit or similar). Delivery hours are stated to be between 10:00-11:00 on Mondays and Fridays.
- 8.11 The Council's Development Management Highway officer has been consulted on the application and has raised no objection to the proposals. This is on the basis that whilst the ground floor premises is currently vacant, its current lawful use is as a Public House, and as such it could be returned to an active use without the need for any planning permission. The parking requirement for a public house (1 space per 4m<sup>2</sup> gross floor area for customers, 1 space per 3 non-residential staff on duty at the busiest time) is higher than that of non-food retail and, as such, a change of use to a retail unit would in fact represent a betterment as it would require less parking. The fact that it is also an off licence serving the local community is material, as customers will primarily be local and likely to walk to the shop rather than drive.
- 8.12 There are no parking restrictions at Langer Street which would preclude any customers who do choose to drive to the shop from parking there. Notwithstanding current poor parking practices evident at Langer Street in terms of residents parking large vehicles in the turning head, there is adequate space for customer vehicles to park and manoeuvre. Given the nature of the retail unit as an off licence, customer vehicles are unlikely to be parked for long periods of time. Objections have primarily related to concerns over parking impact to Langer Street, but is worth noting that the

site is also served by Glen Field Avenue to the rear which is wider and less constrained in terms of parking demand.

- 8.13 In terms of deliveries, the applicant has confirmed that these would be to the rear from Glen Field Avenue, and therefore larger delivery vehicles would not cause obstruction to Langer Street. There is sufficient space to the rear of the property for delivery vehicles to stop for loading and unloading without causing obstruction to Glen Field Avenue. Delivery hours are to be restricted to 10:00-11:00 on Mondays and Fridays, i.e. outside of school hours or periods when there would be heightened demand for parking/manoeuvring space on local residential streets. The proposed delivery arrangements would therefore not cause adverse harm to local parking pressure or highway safety, and are acceptable. Delivery hours will be secured via condition.
- 8.14 The historic loss of the affiliated car park to the public house is noted, however this would be the case whether the premises remained as a public house or as an off license, and the application proposal must be assessed on the merits of the current context.
- 8.15 In light of the above, there is no demonstrable harm that would be caused by the development to parking or highway safety that would justify refusal of the application on highway grounds. It complies with policies 13, 42 and 46 of the Local Plan and is acceptable in this respect.

#### Impact on Neighbouring Amenity

- 8.16 Local Plan policies 10, 42 and 46 require that non-residential and commercial uses have no unacceptable negative impact to the amenity of neighbouring users. The site lies within a residential area and is surrounded by residential properties on all sides.
- 8.17 Objections have been received from local residents on the grounds of neighbouring amenity relating to noise from customers leaving the premises, increase in anti-social behaviour, parking impacts, loss of privacy, and noise disturbance from deliveries early in the morning.
- 8.18 Parking impacts have been addressed in the Parking section of this assessment. Further information has been sought in respect of delivery hours, which will be 10:00-11:00 Mondays and Fridays. A condition can be attached to any decision notice to secure these hours, to avoid deliveries at anti-social times of the day and any corresponding amenity impacts to local residents.
- 8.19 Opening hours will be 08:00 to 21:00. These hours are acceptable as they would not result in customers leaving the Off Licence late at night or lead to adverse noise disturbance at anti-social times of the day.

- 8.20 It is also worth noting that there are no opening hours or delivery times restrictions on the existing lawful Public House use, which is more likely to lead to noise disturbance to local residents from patrons leaving the premises. Furthermore, there is not considered likely to be any material increase in anti-social behaviour that arises from an off license as opposed to a public house, given both premises involve the sale of alcohol. The South Yorkshire Police Liaison Officer has been consulted on the application proposals and has raised no objections in this respect.
- 8.21 The proposal involves no external alterations and is not considered likely to lead to any loss of privacy arising from customers entering and exiting the shop opposite existing residential properties.
- 8.22 A licensing application has recently been granted for the sale of alcohol at the premises.
- 8.23 In light of the above, the proposed change of use to an Off Licence is not considered likely to lead to any materially harmful impacts to neighbouring residential amenity that would warrant refusal of the application on these grounds. The proposal meets the requirements of policies 10, 42 and 46 and is acceptable in this respect.

#### Character of the Area

- 8.24 Paragraph 130 of the NPPF states planning decisions should, amongst other things, ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site and are sympathetic to local character.
- 8.25 Local Plan Policies 41(a), 42(b) and 46 all seek for development to be sympathetic to the character of the area and to integrate well with the immediate and surrounding environment.
- 8.26 No external alterations are proposed as part of the development proposal, therefore there will be no impact in this respect. Conversely, the return to active use of a long-term vacant premises, which is in a poor state of repair, would represent a material benefit to the local area both in terms of ensuring ongoing maintenance and also increasing footfall, which improves natural surveillance and thereby deterring anti-social behaviour.

#### Other Matters

- 8.27 Local Plan Policy 49 relates to advertisements and signage. It is anticipated that signage is likely to be required for the proposed Off License although none is shown on the proposed elevations drawings. Any signage that is not permitted development will require separate advertisement consent - an informative will be attached to any decision notice to draw this to the developer's attention.

## **9.0 PLANNING BALANCE & CONCLUSION**

- 9.1 Due to the reasons outlined above, the proposed Change of Use to an Off Licence is considered acceptable in principle as it will not result in the loss of a Community Facility as defined by the NPPF, nor harm the vitality or viability of any town, district or local centres through the creation of a new retail unit in an out of centre location. Instead, it will introduce a new small-scale shop which serves the local community.
- 9.2 No material harm has been identified arising from the proposal to highway safety or parking, neighbouring amenity or the character of the area. Conversely, many of these factors are likely to be materially improved over the potential impacts should the current lawful use of the premises as a public house be returned, particularly in terms of noise disturbance and anti-social behaviour. As such, the proposed change of use away from a public house would present a material benefit in these respects.
- 9.3 Matters raised by local residents have been carefully considered and further details/amendments sought where needed, including in respect to delivery arrangements and opening hours.
- 9.4 In conclusion, the application proposal is considered to comply with all the relevant local and national planning policies, including Policies 1, 10, 13, 22, 23, 41, 42, 46, 47, 49 and 51 of the Doncaster Local Plan, as well as Sections 2, 7, 8, 9 and 12 of the NPPF, and may therefore be supported.

## **10.0 RECOMMENDATION**

### **10.1 That the application be APPROVED, subject to the following conditions:**

#### **Conditions / Reasons**

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

#### **REASON**

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

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

- Location Plan, received 21/08/2023
- Site Plan, received 21/08/2023
- Proposed plans, drawing no. A102, received 21/08/2023

#### **REASON**

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

3. The hours of opening shall be limited to:  
Monday to Sunday 08:00 to 21:00, including Bank Holidays  
REASON  
To ensure that the development does not prejudice the local amenity.
4. Deliveries to the Off Licence hereby approved shall be loaded/unloaded from the rear at Glen Field Avenue only, and not outside the hours of 10:00 to 11:00.  
REASON  
To protect the amenity of local residents and to reduce highway impacts from the development.

### **Informative(s)**

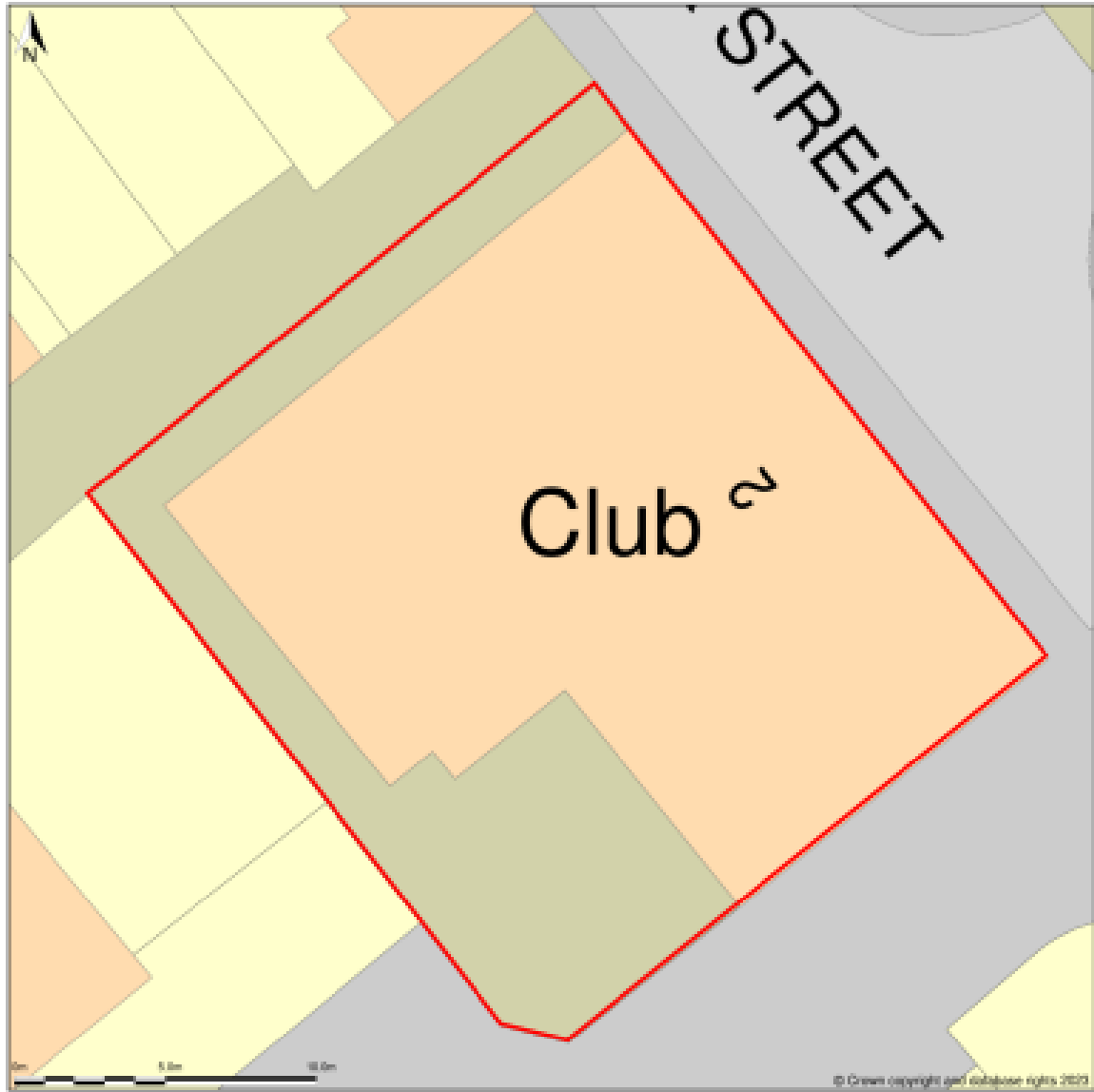
1. Advertisement/Signage  
The permission hereby granted shall not relate to the display of any advertisement for which express consent is required. Separate consent under the Town & Country Planning (Control of Advertisements) Regulations 2007 (as amended) is required.

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

The applicant has provided additional information in respect of delivery arrangements and opening hours upon request of the Case Officer and in response to objections raised by local residents.

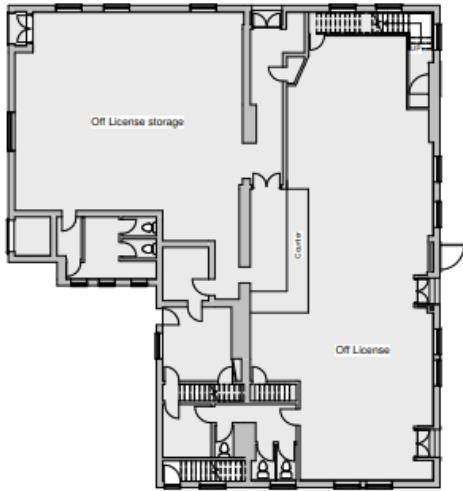
**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

APPENDIX 1 – Site Plan





## APPENDIX 2 – Proposed Floor Layout and Elevations



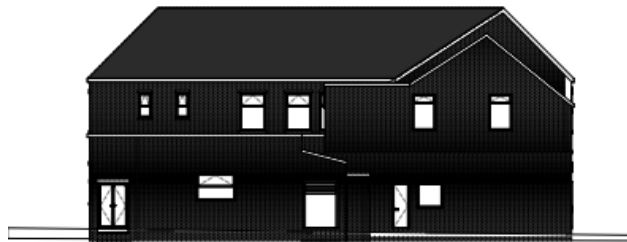
**Proposed Ground Floor**  
1 : 100

**Proposed Roof Plan**  
1 : 100



**Proposed North-East**  
1 : 100

**Proposed North-West**  
1 : 100



**Proposed South-West**  
1 : 100

**Proposed South-East**  
1 : 100

**APPENDIX 3 – Site Photos (19<sup>th</sup> September 2023)**



**Photo 1: Application Site: Elevation at Langer Street**



**Photo 2 – Application Site: Elevation at Glen Field Avenue**





**Photo 3 – Application Site: rear yard, including parking area (for flats above) and access for deliveries**



**Photo 4 –Parking in the turning head at Langer Street**

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|--------------------|----------|
| <b>Application</b> | <b>5</b> |
|--------------------|----------|

|                            |              |
|----------------------------|--------------|
| <b>Application Number:</b> | 22/02382/OUT |
|----------------------------|--------------|

|                          |  |
|--------------------------|--|
| <b>Application Type:</b> | Planning OUTLINE with all matters reserved except for access (Minor) |
|--------------------------|--|

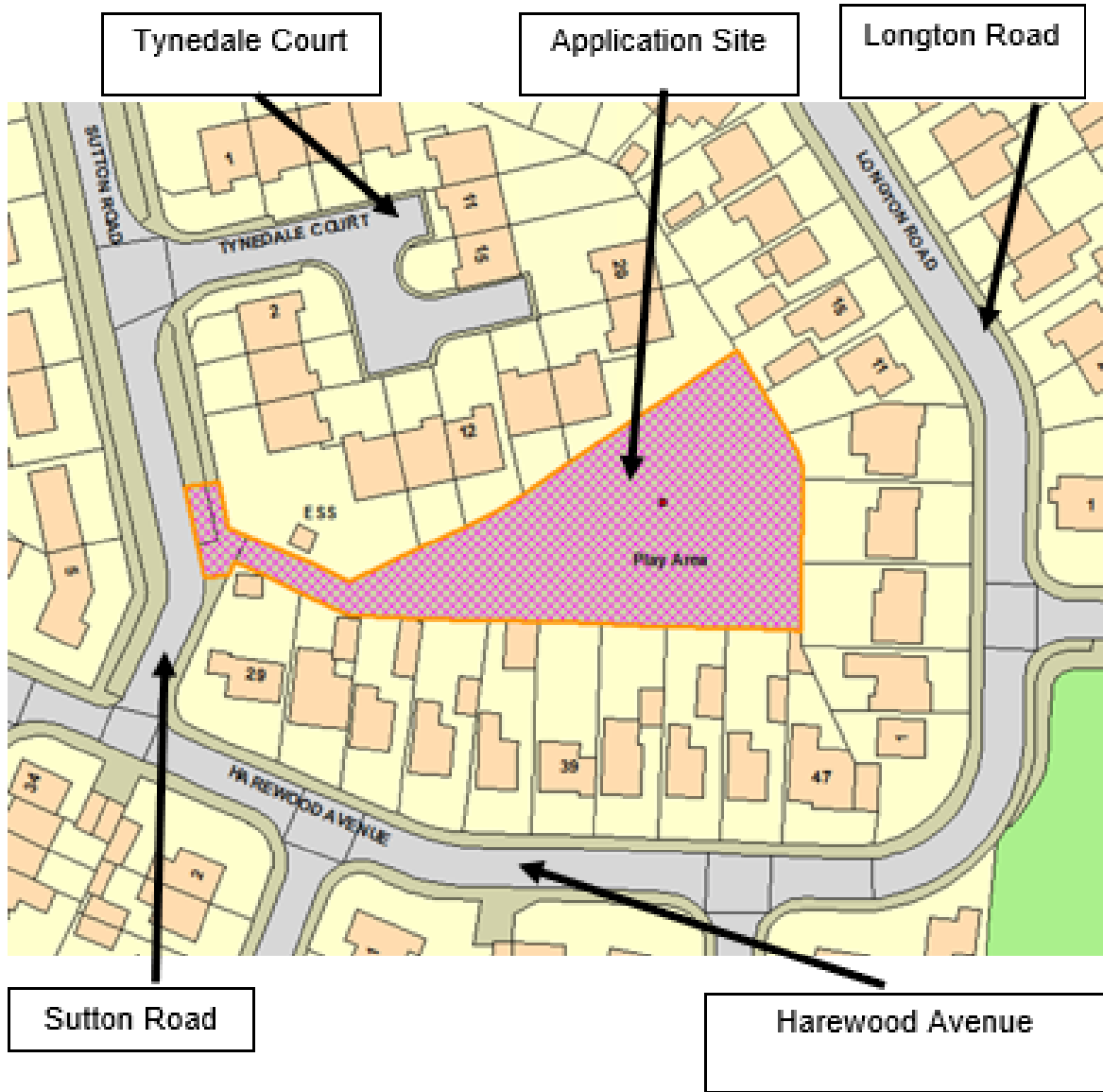
|                              |  |
|------------------------------|--|
| <b>Proposal Description:</b> | Outline application for erection of 1 residential dwelling (up to one-and-a-half storey) on vacant play area (approval being sought for access) (AMENDED SCHEME) |
| <b>At:</b>                   | Land Off Sutton Road, Kirk Sandall, Doncaster, DN3 1NY   |

|             |   |
|-------------|---|
| <b>For:</b> | Barnby Dun with Kirk Sandall Parish Council |
|-------------|---|

|                          |  |                |                             |
|--------------------------|--|----------------|-----------------------------|
| <b>Third Party Reps:</b> | 3 Objections (1 petition with 5 signatures), 3 Support | <b>Parish:</b> | Barnby Dun/Kirk Sandall     |
|                          |  | <b>Ward:</b>   | Edenthorpe and Kirk Sandall |

|                          |             |
|--------------------------|-------------|
| <b>Author of Report:</b> | Susie Boyce |
|--------------------------|-------------|

|  |
|--|
| <p><b>SUMMARY</b></p> <p>The application seeks outline planning permission for the redevelopment of a vacant former playground off Sutton Road, Kirk Sandall, for up to 1 dwelling (one-and-a-half storey), with all matters reserved except for access.</p> <p>The site is designated as Open Space on the adopted Local Plan Policies Map, although the former playground has been closed since 2007 due to surface water flooding and anti-social behaviour problems. The application is submitted by Barnby Dun with Kirk Sandall Parish Council.</p> <p>The scheme has been reduced in scale from its original submission of 3 dwellings to just one dwelling. The main considerations are the principle of the loss of the land as Open Space and its redevelopment for housing, as well as highways and access, drainage, neighbouring amenity, land contamination, ecology and trees.</p> <p>The report concludes that public consultation has satisfactorily demonstrated there is no overwhelming support for the retention of the site as open space and the site may be released for alternative uses. There is sufficient space and suitable access to accommodate one dwelling of up to one-and-a-half storeys in height. All other policy considerations have been satisfactorily addressed.</p> <p>Overall the proposal is considered compliant with the relevant national and local planning policies.</p> <p><b>RECOMMENDATION: GRANT outline planning permission with all matters reserved except for access, subject to conditions</b></p> |
|--|



## **1.0 Reason for Report**

- 1.1 The application is being presented to Members due to the level of public interest in the application and because the recommendation represents a departure from the development plan.

## **2.0 Proposal and Background**

- 2.1 The application seeks outline planning permission with all matters reserved except for access for the erection of 1 residential dwelling (up to one-and-a-half storeys) on a vacant play area at land off Sutton Road, Kirk Sandall.
- 2.2 The development proposal has been reduced in scale from its original submission of 3 dwellings, in response to officer concerns regarding site access.
- 2.3 The proposed development seeks to enlarge the existing access at Sutton Road and erect a single dwelling on the site. The indicative proposed site layout drawing shows an inverted L- shaped one-and-a-half storey dwelling with roof lights, private garden amenity space and 2 car parking spaces, accessed via the long narrow driveway from the existing site access at Sutton Road. To improve the proposed access, a slight diversion of the public footpath is proposed to provide adequate visibility splays.
- 2.4 The application is submitted by Barnby Dun with Kirk Sandall Parish Council (BDKSPC), who own the site.
- 2.5 The site is designated as Open Space in the adopted Local Plan Policies Map (2021). Representations were submitted by the Parish Council to the Publication Draft consultation in 2019 to have the site redesignated as residential policy area, however the allocation was retained in the adopted plan.

## **3.0 Site Description**

- 3.1 The application site itself comprises some 0.15 ha of vacant land off Sutton Road, Kirk Sandall. The site is owned by the Parish Council and formerly comprised a playground and open space. The site was closed in September 2007 by the Parish Council due to poor surface water drainage and anti-social behaviour, and has remained disused since then, with the play equipment also removed.
- 3.2 The site is roughly triangular in shape with access being taken via a narrow strip of land from Sutton Road. A number of trees are located at its boundaries but otherwise the site has largely been cleared, with some patches of scrub and grass still present. It is bounded by fencing at all sides and secured by a palisade green metal gate to the front.

- 3.3 The site is surrounded on all sides by residential dwellings at Sutton Road, Harewood Avenue, Longton Road (two-storey properties) and Tynedale Court (bungalows). These are typically red brick detached or semi-detached properties set back from the road by front gardens or driveways. Sutton Road has wide grass verges separating the highway from the pedestrian footpath on both sides of the road.
- 3.4 The site falls within Flood Zone 1 on the Environment Agency's Flood Map for Planning (Rivers and Sea), an area at the lowest risk of flooding. It also lies in an area of 'Very Low' risk of flooding from surface water (it is understood historic issues of surface water flooding are related to the soil type). The top north east corner just falls within a 'Low' risk area.

#### 4.0 Relevant Planning History

- 4.1 Planning history for the application site as follows:

| Application Reference | Proposal                                | Decision                                 |
|-----------------------|---|--|
| 95/3213/P -           | Retention of children's play equipment. | Granted<br>5 <sup>th</sup> February 1996 |

#### 5.0 Relevant Planning Policy

##### 5.1 Site Allocation

- 5.2 The site is designated as Open Space on the adopted Local Plan Policies Map (2021).

##### 5.3 Local Plan

- 5.4 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:

- Policy 1 : Spatial Strategy and Settlement Hierarchy (Strategic Policy)
- Policy 2 : Level of Growth (Strategic Policy)
- Policy 13 : Promoting sustainable transport in new developments
- Policy 18 : Development affecting Public Rights of Way
- Policy 27 : Protecting Open Space and Non Designated Open Space
- Policy 29 : Ecological Networks (Strategic Policy)
- Policy 30 : Valuing Biodiversity and Geodiversity (Strategic Policy)
- Policy 31 : Local Wildlife and Geological Sites
- Policy 32 : Woodlands, Trees and Hedgerows
- Policy 41 : Character and Local Distinctiveness (Strategic Policy)



- Policy 42 : Good Urban Design (Strategic Policy)
- Policy 44 : Residential Design (Strategic Policy)
- Policy 54 : Pollution
- Policy 55 : Contamination and Unstable Land
- Policy 56 : Drainage
- Policy 57 : Flood Risk Management

## **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 4 - Decision making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Annex 1 - Implementation
- Annex 2 - Glossary
- Annex 3 - Flood risk vulnerability classification

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

5.8 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).

5.9 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.

- 5.10 The National Design Guide (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

## **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. This closed on 21<sup>st</sup> February 2023.
- 6.2 A second round of public consultation (21 days) was undertaken in April following the revision of the number of dwellings proposed from 3 to 1, and the red line boundary altered to include land at the highway to be altered to provide adequate visibility. This closed on 5<sup>th</sup> May 2023.
- 6.3 The first round of consultation (3 dwelling scheme) attracted 2 representations (both objections). Points raised are summarised below:
- Access - the site has a very narrow access which doesn't allow 2 vehicles to pass each other. It wouldn't be wide enough to allow access to emergency vehicles.
  - Pollution - during the construction phase impacting on neighbouring houses
  - Impact on house values to neighbouring 2 storey houses due to open space being built on.
  - Privacy - the new bungalows will be situated close to 2 storey dwellings whose occupants will be able to look down into the bungalows. Potential views from roof windows of the new bungalows into rear gardens of neighbouring houses.
  - Loss of trees: the land is fallow with lots of trees after the children's park was closed 15+ years ago.
  - Drainage: the site needs to be adequately drained, otherwise it will exacerbate existing problems in rear gardens adjacent which often experience waterlogging.
  - Neighbouring property (no. 43 Harewood Avenue) needs access to land to maintain their rear boundary hedge, and hopes there will be no access restriction.

6.4 The revised proposals (1 dwelling scheme) received 3 representations: 1 objection (a petition signed by 5 residents) and 3 letters of support. It should be noted that two of the letters of support were submitted by members of the Parish Council, although in their own private capacity. Points are summarised below:

6.5 Objections:

- Land is designated as public open space
- Mature trees will be affected, loss of trees may affect existing natural drainage on site which is already prone to severe flooding. A root system survey should be undertaken.
- Loss of trees impacts insect population and consequently reduces food supply for bats.
- Width of access narrower than the recommended distance. Work to increase the access point could result in the repositioning of an electrical substation, disrupting supply to local residents.
- Flooding – site is built on clay and has been prone to significant flooding in the past.
- The land could be used as public space for residents, such as a community orchard, a nature area for local school children to visit or a small copse, which would ease the flooding problems encountered.

6.6 Support:

- The site is currently waste land with no use. Other uses have been considered but only residential is feasible due to access and drainage.
- The site is unsuitable for a park – it is secluded, not overlooked and has been closed for 16 years due to drainage problems. There is already good provision of parks locally, another one is not needed.
- Money from sale of the land can be invested back into the community by the Parish Council.

6.7 In respect of the above points raised, impact on house prices are not a material planning consideration that can be taken into account in the decision-making process. None of the proposed works to the site access would result in the repositioning of the electrical substation, which is located on land outside of the application site. All other matters are discussed in the assessment section later in this report.

## 7.0 Relevant Consultations

### *Internal Consultees*

7.1 **CDC Local Plans (Community Facilities) Officer** – Objection removed.

Initial comments received 29<sup>th</sup> June 2023: objects.

Insufficient evidence of meaningful engagement with the local community since its closure as to possible alternative uses for the site, or to preserve the open space use in the interim period beyond applying for funding in 2008. To satisfy Policy 27, further

consultation with the local community is warranted. Given the park has been closed for some time, in order to be meaningful the consultation should be about the future of the site and how it could possibly be used as an open space. A six-week consultation period would be appropriate. This should be summarised by the applicant afterwards with comments on any suggestions and the viability of these.

7.2 Updated comments received 17<sup>th</sup> October 2023: objection removed.

Officer agrees with the Parish Council that the comparative lack of feedback on the consultation shows there is not overwhelming public support for the retention or re-imagining of this open space. From the details provided, it appears there has been every effort to reach as many people as possible on this via a number of means, and even given this, feedback has been low. Officer is therefore satisfied that the loss of this space has been justified in accordance with Local Plan Policy 27 and NPPF para. 99(a) and therefore the policy objection has been overcome.

7.3 **CDC Highway Officer** – Objection removed.

Initial objection received 28/02/2023 (3 dwelling scheme):

Inadequate site access width. Due to its location and the multiple adjacent access points, the drive width needs to be 4.5m wide for the first 10m. This will also provide enough room for the fire appliance to turn within the drive and keep the 0.5m safety zone to the 1.8m high fencing. Additionally, the proposal does not have a bin collection/storage area within 5m of the highway boundary either, which will need to be in addition to and not interfere with the 4.5m wide access.

7.4 Updated comments received 14/03/2023: Objection sustained

In Appendix BGH 6 of the Access Appraisal, the swept path analysis for the Fire Engine perfectly shows that the manoeuvre into the site cannot be undertaken and is commented on within the report as being tight. Within the SYRDG Section 4B.3.7 Turning Areas and in particular reference 4B.3.7.6 sets out the principles of where the location of a Boundary Fence needs to be in relation to the carriageway edge and the minimum distance of 0.5m. Whilst the appraisal is a thorough piece of work the fact remains the entrance is not wide enough, does not meet Policy in terms of good design, does not meet the standards within the SYRDG and unfortunately cannot be supported.

7.5 Comments on revised scheme (1 dwelling) 19/05/2023: Objection sustained.

Supports the principle of a single dwelling being served from Sutton Road. Requests confirmation of the extent of the proposed hardstanding driveway and turning area. The width of the driveway for a single dwelling will need to be a minimum of 3.3m wide from where the proposed access joins the highway as there is no separate footway into the development. The turning head shown on the plan shows two cars parked within it, however this is too narrow at 4.9m wide and will need amending to a minimum width of 5.5m wide. The space behind these cars is enough for a reversing manoeuvre to be undertaken.

7.6 The existing drop crossing to be used to access/egress the property **Page 18** need to be extended/widened in order to accommodate right and left turns into and out of the

development. Tracking should be provided to show these manoeuvres in order to confirm the verge width to be reconstructed. The plan shows a line on the Northern side of the proposed access continuing straight through to join up with the existing highway kerb line. This is too excessive and too close to the existing Lighting Column which would require moving at considerable cost if this was to remain as shown.

7.7 Updated comments received 7<sup>th</sup> June 2023: objection removed.

Following receipt of the revised site plans (Revision C), Officer is content that the extend line shown on the previous plan has been removed with the extents of the extended kerb shown on the plan. Due to the length of the drive there may still be a requirement for sprinklers but Building Control can advise accordingly. Requests conditions HIGH1 (site surfacing and sealing) and HIGH3 (parking to be retained as such), as well as a dropped kerb informative.

7.8 **CDC Ecology Officer** – Objection removed.

Initial comments provided 24/04/2023: holding objection until BNG assessment received:

The proposal will require a biodiversity net gain (BNG) assessment but, given the size of the site at 0.15ha, this can be achieved using the biodiversity net gain small sites metric. The clearance works that had been carried out were, it is believed, undertaken by an adjoining property owner and not an attempt by the applicant to reduce the biodiversity value of the site. The baseline for the BNG assessment can reflect the site as it currently is, i.e. principally unmanaged grassland with some bramble scrub and a number of trees. Following a BNG assessment the Officer feels sure that the applicants can return a positive biodiversity net gain outcome through the application of a high-quality soft landscaping scheme which is certainly possible now that the amended scheme provides additional areas not being built on.

7.9 In respect of ecological surveys, it is considered that given the very 'landlocked' nature of the site and its proximity to domestic curtilages there will be little in the way of protected species other than small songbirds, hedgehogs and other fauna associated with domestic gardens.

7.10 No objections on ecological grounds in principle to the proposed development, but a BNG assessment is needed prior to determination to comply with LP Policy 30B. Subject to that and other requirements such as an ecological enhancement plan then compliance with Policy 29 can also be achieved.

7.11 Updated comments received 18/10/2023: Objection removed.

Satisfactory BNG assessment received. Given this is an outline application, conditions will need to be attached to ensure that the BNG net gain commitments are deliverable through either condition or S106 agreement.

7.12 In respect of the scheme that is to be delivered as the on-site habitat enhancements and creations, there is a 5 year management and monitoring plan that suits small sites such as this where the habitats are neither extensive nor significant. This will

be identified through a final BNG assessment metric being included with the reserved matters submission as is indicated in Table 3 of the biodiversity net gain SPD. In respect of the deficit, whatever it might be according to the final BNG assessment this should be secured through a s106 agreement as a financial contribution if the developers cannot identify an off-site compensatory scheme. Conditions provided.

**7.13 CDC Drainage Officer** – no objections.

Subject to a condition requiring full drainage details. On the EA's surface water flood maps, the site is shown to be at low risk of surface water flooding. However, as the site has a history of surface water flooding, the Local Lead Flood Authority (LLFA) requires a freeboard of 300mm, not 150mm.

**7.14 CDC Tree Officer** – No objections.

The amended scheme retains the trees whose previously proposed removal raised concern. Condition requested to secure the protection of tree root protection areas during construction work.

**7.15 CDC Waste and Recycling Officer** – no objections.

The access route for the placement of bins in an accessible location for collection (on or at the edge of the highway) is via the private driveway; whilst lengthy, this is considered acceptable given the property owner would be aware of this prior to purchase/rental.

**7.16 CDC Pollution Control** – No objections, subject to condition.

The site investigation has identified 'made ground' on the site which is contaminated with poly aromatic hydrocarbons (PAH). The top soil on site is suitable for reuse. To ensure the made ground on site is dealt with in an appropriate manner it is strongly advised CON 1 (minus a) is attached to any favourable permission.

**7.17 CDC Area Manager** – No comments received.

*External Consultees*

**7.18 South Yorkshire Fire and Rescue Service** – No objections.

Given that the development is comprised solely of dwellings and does not involve flats or mixed use buildings, South Yorkshire Fire and Rescue will be satisfied if the vehicle access provision is in accordance with the recommendations of ADB1: Section B5. Information provided regarding current SYFR appliance dimensions and weights.

**7.19 Yorkshire Water** – No objections, comments provided.

Water Supply: there is 7" CI main that runs within the footpath outside the entrance and may fall within the new access road formation. This can remain in-situ but requires protecting during the access road formation. If the main is found to be impacted, e.g. found at not an adequate depth, existing levels changing, it may require diverting. This can be dealt with on an ad hoc basis and applied for via the Yorkshire Water developer services portal.

Waste Water: if planning permission is to be granted, requests conditions should be attached in order to secure details of separate systems of drainage for foul and surface water have been submitted and agreed by the local authority to protect the local aquatic environment and Yorkshire Water infrastructure.

7.20 **National Grid (Cadent Gas)** – No objections.

7.21 **National Grid (Asset Protection)** – No objections, no assets affected.

7.22 **The Coal Authority** – Low Risk Area Standing Advice applies.

## **8.0 Assessment**

8.1 The application seeks outline permission for 1 dwelling (up to one and a half storeys) with all matters reserved except for access. All other matters (appearance, landscaping, layout and scale) are reserved.

8.2 The main considerations of the proposal are:

- a. Principle of the proposed loss of designated Open Space
- b. Access and parking
- c. Neighbouring amenity
- d. Character of the Area
- e. Ecology
- f. Trees
- g. Drainage and Flooding
- h. Pollution Control

### Principle of development

8.3 The principle of the development relates to the loss of Open Space (vacant play area) and its development for housing.

8.4 The former playground was closed to the public in 2007 due to surface water flooding issues and anti-social behaviour. It has remained vacant since then, with all playground equipment removed. However, the site remains designated as Open Space in the adopted Local Plan Policies Map (2021).

8.5 The NPPF is clear in its protection for existing open space, with Paragraph 99 stating that such sites should not be built on unless:

*(a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

*(b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*(c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

8.6 Local Plan Policy 27 requires the protection of open spaces which provide important opportunities for formal and informal recreation as well as those which provide a social, cultural and ecological role. Part D states that proposals involving the loss of open space policy areas will only be supported where they meet both of the following criteria:

- 1) *They are in accordance with national policy, and*
- 2) *Where community support can be demonstrated through public consultation.*

8.7 Following an initial objection by the Local Plans (Community Facilities) Officer on the lack of evidence of any meaningful public consultation, the applicant has subsequently undertaken a period of public consultation on the potential alternative uses for the site which would retain it as open space for community use. The six week consultation period closed on 1<sup>st</sup> October 2023, and comprised a questionnaire issued to 60 homes, as well as an online survey advertised on various platforms including on the Parish notice board, inside Parish Council halls, at local shops and on Facebook. A summary report has been compiled by the Parish Council and submitted in support of the application.

8.8 A total of 15 surveys were completed. Whilst respondents broadly expressed interest in retaining the site for some community purpose, only four indicated willingness to volunteer to facilitate this. Overall the response rate was extremely low, representing just 0.17% of the parish. Given the low response rate, it is agreed that there is no overwhelming public support for the retention of the site as public open space or for any other community use. Therefore, the requirements of NPPF paragraph 99(a) and Local Plan Policy 27(D) have been met, and the site may be released for an alternative use.

8.9 In terms of the principle of residential development, the site is surrounded on all sides by residential houses and its use for housing is acceptable, subject to an appropriate scheme which satisfies other policy requirements.

### Highways

8.10 Local Plan Policies 13(A.6), 42 and 44(B.8) requires, amongst other criteria, that site layouts function correctly and development should not result in unacceptable impacts on highway safety.

8.11 Policy 13 (A) (4) requires developments to provide appropriate levels of parking provision in accordance with the standards contained within Appendix 6 of the LP. For 2+ bed units, the minimum parking standard is 2 allocated spaces per dwelling.

8.12 The application proposal seeks to use the existing access point for the site, but with improvements to its access at Sutton Road to meet visibility and highway safety requirements, including a slight alteration to the public footpath to accommodate this.



- 8.13 The scheme has been reduced from 3 dwellings to 1 dwelling in response to concerns raised by the Highways Officer as to suitability of the site access, which was too narrow, at 4.1m, to serve more than dwelling as it could not provide passing places (which need a min. 4.5m width). Following receipt of the amended scheme, and after various alterations to the proposed plans to satisfy highway requirements, the Highways Officer has confirmed he has no objections to the proposals from a highways perspective, subject to conditions HIGH1 (site sealed and surfaced) and HIGH3 (parking layout to be retained as such) and a dropped kerb informative.
- 8.14 The indicative parking layout shows ample room for parking for at least 2 vehicles within the site on a private driveway. There is sufficient space within the site near the highway to accommodate a bin collection area without obstructing the highway. Whilst this would be some distance from the likely position of the proposed dwelling, this is acceptable given the property owner would be aware of this prior to purchase or rental. The Council's Waste and Recycling Officer has raised no objections in this respect.
- 8.15 The South Yorkshire Fire and Rescue Service have also been consulted due to initial concerns over the width of the access and turning space for a Fire Vehicle within the site, and have confirmed they have no objections to the proposed amended scheme.
- 8.16 The Council's Public Right of Way team have also been consulted on the proposals in respect of the proposed alterations at the Sutton Road access point and have raised no objections.
- 8.17 In light of the above, the proposal is complies with policies 13, 42 and 44 of the Local Plan and is acceptable on highways and parking grounds.

#### Impact on Neighbouring Amenity

- 8.18 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.
- 8.19 Policies 42 and 44 of the DLP states developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space.
- 8.20 The Council's SPDs gives guidance to inform in what situation development should not significantly impact on the living conditions, privacy and amenity of neighbours (including their private gardens) or be over-bearing.
- 8.21 The site lies within a residential area and is surrounded by residential properties on all sides. The properties most likely to be affected are Nos. 5, 7, 9 and 11 Longton Road, 39, 41, 43 and 45 Harewood Avenue and 12, 14, 16 and 18 Tynedale Court.

- 8.22 Whilst the application does not seek permission for the detailed scale and design of the proposed dwelling, nevertheless an indicative site layout has been provided which shows that one dwelling can comfortably be accommodated within the site and meet all of the relevant minimum separation distances required to its shared boundaries with neighbouring properties and neighbouring habitable windows.
- 8.23 Objections have been received on privacy grounds from residents of 43 Harewood Avenue, as well as another resident concerned over first floor views from the 3 dwelling scheme into the bungalows at Tynedale Close. The scheme has since been reduced in scale to just a single dwelling, for which there would be ample separation distance to neighbouring boundaries. The description for revised scheme for the single dwelling also specifies that the dwelling would be up to one-and-a-half storeys. Whilst the detailed design of the dwelling is yet to be established, the indicative plans show a bungalow with loft accommodation served by roof windows only, not dormer windows, which would represent more of an overlooking concern. Subject to a suitable condition ensuring that any future detailed scheme retained this feature and did not include dormer windows, there would be no impact on neighbouring amenity or loss of privacy through overlooking to private gardens or habitable windows.
- 8.24 The introduction of a new residential dwelling in a residential area does not introduce any residential amenity concerns in respect of noise, pollution or other impacts.
- 8.25 The development therefore complies with the above policies.

#### Character of the Area

- 8.26 Paragraph 130 of the NPPF states planning decisions should, amongst other things, ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site and are sympathetic to local character.
- 8.27 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.
- 8.28 The application is for outline permission with only details of access at this stage. There is no reason to conclude that a single one-and-a-half storey dwelling cannot be designed in reserved matters stage will be used to establish the detailed design of any future scheme to ensure that it is in keeping with the character of the area.

#### Ecology

- 8.29 The NPPF requires developments to contribute to and enhance the natural and local environment through a number of core principles.

- 8.30 Local Plan Policy 26 requires the Council to protect, maintain, enhance and, where possible, extend or create Doncaster's green infrastructure.
- 8.31 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 by:
- A) being of an appropriate size, scale and type in relation to their location within and impact on the ecological network;*
- B) maintaining, strengthening and bridging gaps in existing habitat networks;*
- C) planting native species and creating new, or restoring existing, national and local priority habitats and/or species; and*
- D) working with strategic partnerships to deliver conservation projects at a landscape scale where appropriate.*
- 8.32 In terms of the site's current ecological value, it is principally unmanaged grassland with some bramble scrub and a number of trees at the boundaries. The Council's Ecologist has visited the site and, due to the 'landlocked' nature of the site and its proximity to domestic curtilages, has concluded there will be little in the way of protected species, just flora and fauna typically associated with domestic gardens. As such, no further ecological surveys have been requested. An ecological enhancement plan can be secured by condition to satisfy Policy 29.
- 8.33 Policy 30 requires all applications to be considered against the mitigation hierarchy in accordance with National Policy. In line with best practice, the provision of compensation to account for residual biodiversity impacts will not be allowed unless the prior steps of the mitigation hierarchy have been followed, and all opportunities to avoid and then minimise negative impacts have first been pursued. The Council use the DEFRA biodiversity metric to account for the impacts of a proposal on biodiversity and demonstrating that a net gain will be delivered. A minimum 10% net gain will be expected unless national standards increase this in the future.
- 8.34 A BNG assessment and report has been submitted which concludes that a total of 0.5 habitat unit needs to be delivered in order to provide 10% biodiversity net gain. The Council's Ecologist has confirmed he is satisfied with the report and that the requested Ecological Enhancement Plan condition, which will be informed by a final BNG metric assessment at the reserved matters stage, can be used to ensure that 10% BNG is delivered. Any deficit that cannot be delivered onsite can be secured through a S106 agreement at the reserved matters stage if the developers cannot identify an off-site compensatory scheme at that time.
- 8.35 In light of the above, the proposal complies with the above policies in respect of ecology.

### Trees

8.36 Policy 32 states proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. Proposals will need to include:

*A) the submission of survey information of woodland, trees and hedgerows, as appropriate, to a recognised professional and fit for purpose standard which is able to demonstrate evaluation of these features for realistic long-term retention, and how this has positively informed the design process;*

*B) demonstration of how retained features are to be protected during development;*

*C) an adequate landscape buffer (which excludes built development and residential gardens) adjacent to existing woodlands, wildlife sites and at settlement edges;*

*D) sufficient provision of appropriate replacement planting where it is intended to remove trees and hedgerows; and*

*E) avoidance of the loss or deterioration of woodland.*

8.37 The site contains a number of trees close to its boundaries. Whilst some were proposed for removal in the original 3 dwelling scheme, the indicative layout for the amended 1 dwelling scheme no longer proposes to remove any trees. Notwithstanding that the current application is for outline permission only, and the final detailed layout will be decided at the reserved matters stage, it is considered there is sufficient room within the site to accommodate a single dwelling without undue impact on existing trees. As such, the Tree Officer has raised no objections, subject to a condition ensuring adequate protection of tree root protection areas during the construction process.

8.38 The proposal therefore meets the requirements of Policy 32 in respect of trees and is acceptable in this respect.

#### Drainage and Flooding

8.39 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Local Plan 56 requires development sites to incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities. In terms of flood risk management, Policy 57 (A) states all development proposals will be considered against the NPPF.

8.40 The site lies in Flood Zone 1 on the Environment Agency's Flood Map for Planning (Rivers and Sea), an area at the lowest risk of flooding and suitable for residential development in this respect. It falls within an area of 'Low/Very Low' Risk on the Surface Water Flood Map.

- 8.41 As such, the Council's Drainage Officer has raised no objections to the proposal from a flood risk or drainage perspective, subject to a detailed drainage strategy to be secured by condition. Bearing in mind the historic issues at the site regarding surface water flooding, she has also requested a condition to ensure that the freeboard level is no lower than 300mm.
- 8.42 Subject to the above conditions, the development is acceptable in terms of drainage and flood risk and complies with the above policies.

### Pollution Control

- 8.43 Policy 54 states development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that pollution can be avoided, or where mitigation measures (such as those incorporated into the design and layout of development) will minimise significantly harmful impacts to acceptable levels that protect health, environmental quality and amenity.
- 8.44 Policy 55 requires the submission of an appropriate Preliminary Risk Assessment where development is on land that is unstable, currently contaminated or suspected of being contaminated. Satisfactory mitigation will be required where this is found.
- 8.45 A Geo-Technical and Geo-Environmental Report has been submitted in support of the application. This has identified made ground on the site which is contaminated with poly aromatic hydrocarbons (PAH). The top soil on site is suitable for reuse. The Council's Pollution Control Officer has therefore requested the attachment of a condition to ensure that the made ground on site is dealt with in an appropriate manner.
- 8.46 Subject to the above condition, the development complies with Policies 54 and 55 and is acceptable in terms of pollution control.

## **9.0 PLANNING BALANCE & CONCLUSION**

- 9.1 The principle of the loss of the former playground site as Open Space is acceptable as it has been demonstrated it is surplus to requirements, and public consultation has indicated there is no overwhelming support for retention of the site for community use. Its development for a single residential dwelling is therefore supportable in principle.
- 9.2 The only matter of detail submitted for approval is Access, which has been assessed as satisfactory for a single dwelling.
- 9.3 Whilst other matters of detailed design and layout are to be addressed at the reserved matters stage, it has been demonstrated that the site can satisfactorily accommodate this scale of development and comply with the relevant policies in terms of ecology, trees, parking, neighbouring amenity, pollution, flood risk and drainage, subject to conditions requested by the relevant Council Officers.

9.4 In conclusion, the application proposal is considered to comply with all the relevant local and national planning policies, including Policies 1, 2, 13, 18, 27, 29, 30, 31, 32, 41, 42, 44, 54, 55, 56 and 57 of the Doncaster Local Plan, as well as relevant sections of the NPPF, and is therefore acceptable.

## 10.0 RECOMMENDATION

10.1 That the application be **APPROVED**, subject to the following conditions:

### Conditions / Reasons

1. 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.

2. Approval of the details of the scale, appearance, layout and landscaping (hereinafter referred to as reserved matters) of the development 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.

3. 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, received 08/06/2023
- Proposed Site Access, drawing no. 19/456/TR/001, received 24/10/2023
- Tree Survey & Constraints Plan, Weddle Landscape Design, drawing no. 1326-SPKS 01
- Flood Risk Assessment, Eastwood & Partners, ref. 46012-001, dated 11/06/2021
- Geotechnical & Geo-environmental Site Investigation Report, Eastwood & Partners, ref. 46012-002, dated 18/06/2021
- Biodiversity Net Gain Assessment Report and Metric (Weddle Landscape Design, May 2023), received 08/06/2023

#### REASON

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

4. 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 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.

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

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

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

#### REASON

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

5. Prior to the commencement of the development hereby granted a ~~Scheme~~ for the protection of the root protection areas of all trees shown for retention on the

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

**REASON:**

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

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 to the satisfaction of the Local Planning Authority prior to the occupation of the development.

**REASON**

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

7. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. The details shall include the means of restricting surface water discharging to public sewer to a maximum discharge rate of 3.5 litres per second, in accordance with the submitted Flood Risk Assessment prepared by Eastwood & Partners 46012-001, dated 11 June 2021. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

**REASON**

To ensure that no surface water discharges take place until proper provision has been made for its disposal

8. 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



9. 5 year biodiversity net gain management plan on-site

On the commencement of development a Management and Monitoring Plan for proposed onsite habitats based on the proposals set out in the biodiversity net gain report (Weddle Landscape Design, May 2023) shall be submitted to the Local Planning Authority for approval in writing. The Management and Monitoring plan shall detail the following:

- 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, and 5) immediately following habitat creation.

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

**REASON**

To ensure the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by Local Plan policy 30b and the NPPF paragraph 174d.

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. The freeboard of the dwelling hereby granted outline consent shall have a freeboard of no lower than 300mm.

**REASON**

To make the development safe from surface water flooding and in accordance with Doncaster Local Plan policy 56

**Informative(s)**

Yorkshire Water promote the surface water disposal hierarchy and the developer has submitted evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical. As a last resort, the surface water discharge from the proposal to the public surface water sewer network will be restricted so as not to exceed 3.5 (three point five) litres per second

Notes For The Developer:

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

2, INFORMATIVE: Dropped crossing

Applications for a vehicle crossing facility can be carried out by completing the e-form at the following: <https://www.doncaster.gov.uk/doitonline/dropped-kerb>

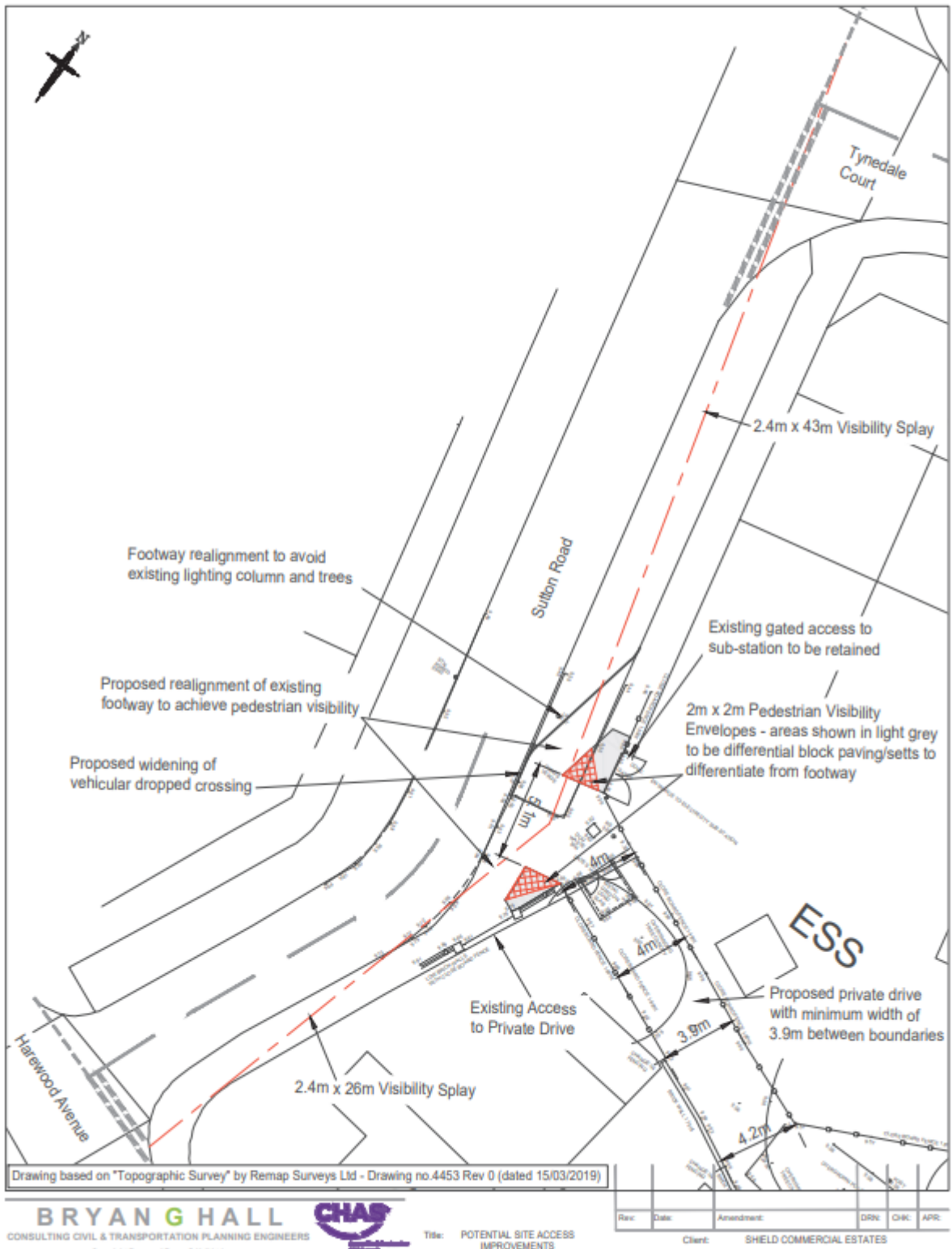
**STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

The applicant has provided additional information in respect of public consultation and biodiversity net gain, in addition to amended plans showing a reduced scheme and to address highway concerns.

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



## APPENDIX 2 – Proposed Access





**APPENDIX 3 – Site Photos (19<sup>th</sup> September 2023)**



**Photo 1: Site Access at Sutton Road**



**Photo 2: Application Site - access track**





**Photo 3 – Application Site, facing South East**



**Photo 4 –Application Site, facing North East**



**Photo 5 – Application Site, facing west**

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## City of Doncaster Council

### Report

Date: 14<sup>th</sup> November 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 was previously presented to Members at the 17<sup>th</sup> October Planning Committee but was deferred to provide Committee with further education information.
2. 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.
3. 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
4. A copy of the Officer Delegation Report is appended for reference.

#### **EXEMPT REPORT**

5. This report does not contain exempt information.

#### **6. RECOMMENDATIONS**

7. For the reasons set out below, it is recommended that Planning Committee authorise the Head of Planning to agree a Deed of Variation to vary the terms of the Section 106 Agreement dated 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?**

8. The variation to the Section 106 Agreement will remove the requirement to deliver any affordable housing.
9. The variation will remove the requirement to provide 11 secondary school places at Outwood Academy. As an update on the education requirement as requested by Committee, a revised education calculation has been provided. Education has advised that 'based on the reduced number of dwellings, this along with a post-covid birth rate drop, a change to parental preference and removing any out of catchment children from calculations there is enough space at both Carcroft Primary and Outwood Academy Adwick to accommodate any children arriving from this development, therefore no education contribution would be required.'
10. 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**

11. 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.
12. 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.
13. 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.
14. 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.
15. 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




16. 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.
17. 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 affordable housing contribution provided by the scheme, whilst remaining viable for the developer. The education contribution is now updated and no longer required.
18. 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.
19. 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

20. 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 |
|--|------------------|----------------------------|---|----------------------------|
|  <b>Tackling Climate Change</b>   | ✓                |                            |   |                            |
| 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. |                  |                            |   |                            |

|  |   |   |  |   |  |
|--|---|---|--|---|--|
|   | <b>Developing the skills to thrive in life and in work</b>                              |   |  |  |  |
| <p>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 contribution is now updated and no longer required due to existing capacity at both primary and secondary schools. This Deed of Variation request seeks to remove this element of the obligation.</p> |   |   |  |   |  |
|   | <b>Making Doncaster the best place to do business and create good jobs</b>              |    |  |   |  |
| <p>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>   |   |   |  |   |  |
|    | <b>Building opportunities for healthier, happier and longer lives for all</b>           |   |  |   |  |
| <p>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>  |   |   |  |   |  |
|   | <b>Creating safer, stronger, greener and cleaner communities where everyone belongs</b> |  |  |   |  |
| <p>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>  |   |   |  |   |  |

|   |   |   |  |  |   |
|---|---|---|--|--|---|
|    | <b>Nurturing a child and family-friendly borough</b>                                | ✓ |  |  |   |
| 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.   |   |   |  |  |   |
|    | <b>Building Transport and digital connections fit for the future</b>                | ✓ |  |  |   |
| 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.   |   |   |  |  |   |
|   | <b>Promoting the borough and its cultural, sporting, and heritage opportunities</b> |   |  |  | ✓ |
| 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.  |   |   |  |  |   |
| <b>Fair &amp; Inclusive</b>   |   |   |  |  | ✓ |
| 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. |   |   |  |  |   |

**LEGAL IMPLICATIONS [Officer Initials SC Date 2.11.23 ]**

19. 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 (which has a statutory determination period and can be appealed) can be made to the LPA to so modify or discharge an obligation. In this case we are within the five year period so the LPA has the discretion to consider the request, and there is no right of appeal. Any decision is, however, open to challenge in accordance with the usual public law principles. The relevant test (as set out in s106A of the Town and Country Planning Act 1990) when considering whether to agree to the modifications proposed is whether the obligations continue to serve some useful purpose in the public interest such that the obligations should be maintained. Thus in reaching a

decision in such a case, the full range of planning considerations involved for example in a grant or refusal of planning permission are not engaged. Instead the useful purpose test is to be applied. If the modifications are agreed, they must be secured via the entry into of a deed.

#### **FINANCIAL IMPLICATIONS [Officer Initials CS Date 01.11.2023]**

20. 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. The variation will remove the requirement to provide 11 secondary school places at Outwood Academy. As an update on the education requirement as requested by Committee, a revised education calculation has been provided. Education has advised that 'based on the reduced number of dwellings, this along with a post-covid birth rate drop, a change to parental preference and removing any out of catchment children from calculations there is enough space at both Carcroft Primary and Outwood Academy Adwick to accommodate any children arriving from this development, therefore no education contribution would be required.

#### **HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 03.10.2023]**

21. There are no direct HR implications 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**

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



**Development and Planning**

**Delegation Report**

**AUTHORITY UNDER LOCAL GOVERNMENT ACT 2000**  
**DELEGATED POWERS**

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

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

**REASON**

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

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](http://www.shiregroup-idbs.gov.uk), and select "Danvm DC"

For direct enquiries e-mail: [planning@shiregroup-idbs.gov.uk](mailto: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](mailto: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 10m<sup>3</sup> 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 REGULATION UNDER SECTION 106 OF THE TOWN AND COUNTRY  
PLANNING ACT 1990 RELATING TO LAND AT LAND TO REAR 01' 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 TIGHE**

PLANNING REFERENCE: 19/01514/QUTM

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THIS DEED is dated  
2019

IS 'be.c ee.r

- (1) DONCASTER BOROUGH COUNCIL of Civic Office, Waterdale, Doncaster DNI 3BU (**Council**).
- (2) CHRISTOPHER ROBSON, KATHRYN JANE BROCKLEHURST, ANTHONY ROBSON and HELEN MAY ROBSON of 43 Cemetery Road, Woodlalls, 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 SYK41675J.
- (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 Unit 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 I 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 Hems) last applied immediately preceding the date the payment is due.

B = the figure for the Retail Prices Index (All Hems) last 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 of providing 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 5% 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: is the plan marked "11111" 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 I 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 I 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, 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 or 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. TERMINATION 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 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. DISPUTE:\$

If any dispute arises (under 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 or 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.

## Section 106 Agreement

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 ON1  
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. SEVERABILITY:

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, that provision shall apply with the minimum modification necessary to make it legal, valid and enforceable.

## 24. VAT, U.K. AOD, D 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 a 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 hereof 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: -

t. 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: •



- I. 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;
- I. 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

- J.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 J.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)

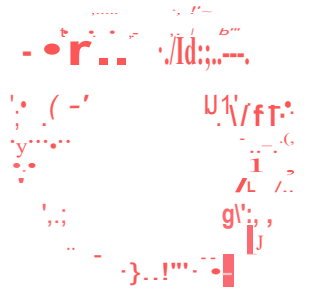
J. EDUCATION COMMITTED SUM

- I.1 To pay the Education Committed 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 purpose; defined 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.

Executed as a Deed by affixing

THE COMMON SEAL o

Doncaster Borough Council  
in the presence of:-



Authorised by Assistant Director  
Legal and Democratic Services

Seal No. to copy

**EXECUTED AS A DEED BY  
CHRISTOPHER ROBSON**



presence of:

Signature



Name of witness Christopher Robson

Address ( Christopher Robson, 111, 111-111-111, 111-111-111

Occupation

Resident of 111-111-111, 111-111-111

**EXECUTED AS A DEED** [REDACTED]  
**HELEN MAY ROBSON** [REDACTED]

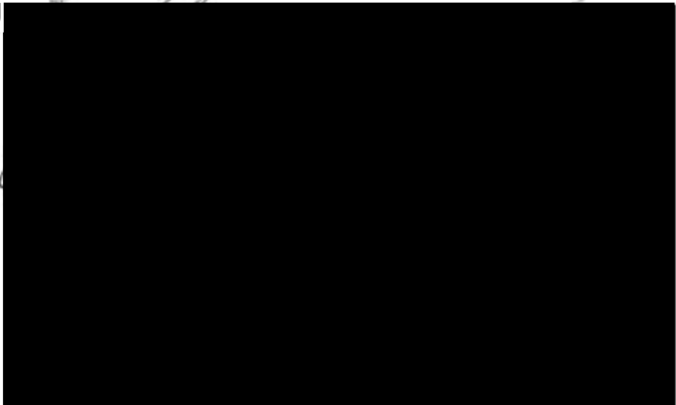
in the presence of:

Signature [REDACTED]

Name of witness ALAN U. --'

Address IS i tAI F fz. \ K - s. & \ k. \ \ J''' .  
 \ - \ ''' \ . \_ . \ \ \ \ \ \

Occupation I Tl t k"l> {" ) O l . J  
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**EXECUTED AS A DEED B**  
**RAYMOND DAVID CALDER**

in the presence of:

Signature

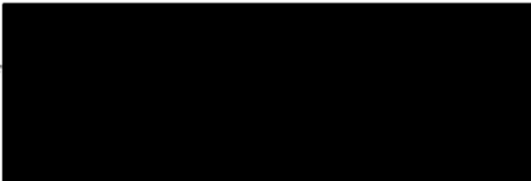
Name of witness

PAUL VINCENT BULLEN  
soUC\TOR  
10 ALB\ON pLACE  
ooNCASTER 0N1 2EG

Addr!ss

ccupalinn

EXECUTED AS A DEED BY  
KATHRYN JANE BROCKLEHURST



presence of:



Signature

Name of witness *f..\_/t-N t-- u{z}'/-*

Address *c f It t\\ K-o t \k 'r- M*  
*\-'-".\..... \-.\V\\ \- \*

Occupation

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EXECUTED AS A DEED BY  
ANTHONY ROBSON



in the presence of:



Signature

Name of witness *t---\ COUCH*

Address *\2-D i o-:,j )treet \W. r f: ".s*

Occupation

*JG\; ter*

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

in the presence of:



Signature



Name of witness

addrss

ccupation

PAUL VINCENT BULLEN  
SOLICITOR  
10 ALBION PLAC,  
ONCASTER DNi 2EG

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## 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 (EUV) 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

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| 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

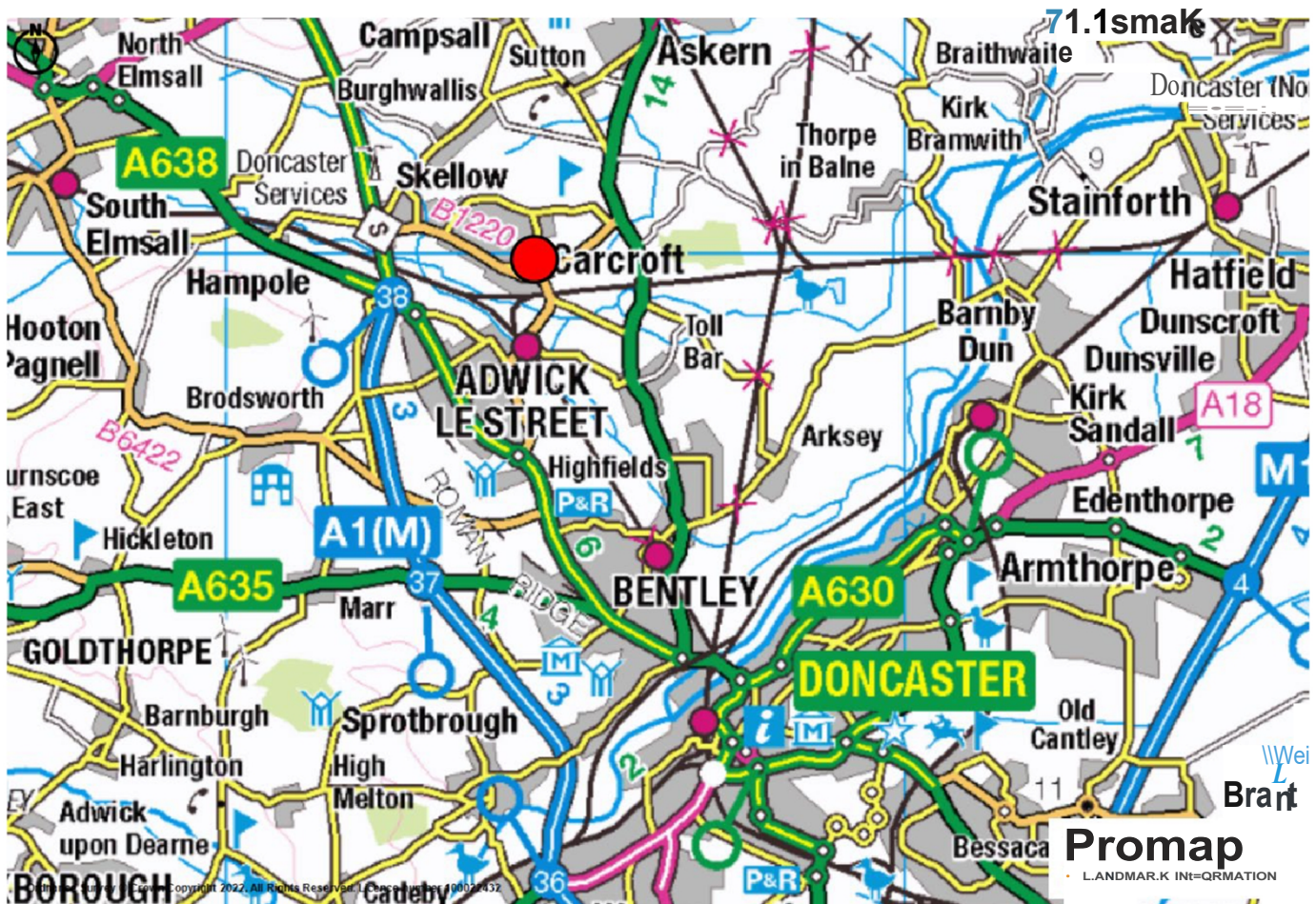
### Location and Situation

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.

### **5.106 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              |
| <b>TOTAL</b> |                                    |              | <b>63</b> | <b>56,338</b>      |



## 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) |
|-----------------------------------|----------------------------------|--------------|-----------|--------------------|
| <b>AFFORDABLE DWELLINGS</b>       |                                  |              |           |                    |
| 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                |
| <b>Total Affordable Dwellings</b> |                                  |              | <b>16</b> | <b>11,356</b>      |
| <b>PRIVATE DWELLINGS</b>          |                                  |              |           |                    |
| 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              |
| <b>Total Private Dwellings</b> |                                    |              | <b>47</b> | <b>44,982</b>      |
| <b>TOTAL OVERALL</b>           |                                    |              | <b>63</b> | <b>56,338</b>      |

### 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) |
|-----------------------------|-------------------------------|--------------|----------|--------------------|
| <b>AFFORDABLE DWELLINGS</b> |                               |              |          |                    |
| 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              |

| 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                |
| <b>Total Affordable Dwellings</b> |                                    |              | <b>9</b>  | <b>6,085</b>       |
| <b>PRIVATE DWELLINGS</b>          |                                    |              |           |                    |
| 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              |
| <b>Total Private Dwellings</b>    |                                    |              | <b>54</b> | <b>50,253</b>      |
| <b>TOTAL OVERALL</b>              |                                    |              | <b>63</b> | <b>56,338</b>      |

## 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 (GOV);
- 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 (GOV), 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 GOV. The amount by which the GOV 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<br>(0.22 ha)   | £176,500<br>(£326,852 per acre)   | Dec-21       | <ul style="list-style-type: none"> <li>Former grazing land which was sold at auction with planning consent for four detached residential development.</li> </ul>  |
| Land on the west side of Lakeside Boulevard, Doncaster                       | Keepmoat Homes - Cygnet                | 3.7 acres<br>(1.5 ha)     | £1,638,000<br>(£442,703 per acre) | Mar-21       | <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> |
| Mount Vernon Hospital, Mount Vernon Road, Barnsley                           | Orion Homes - Mount Vernon Place       | 6.56 acres<br>(2.65 ha)   | £1,500,000<br>(£228,659 per acre) | Apr-21       | <ul style="list-style-type: none"> <li>S.106 contributions included an education contribution as well as a Public Open Space contribution.</li> <li>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.</li> <li>We are also aware that there was £715,014 of abnormal costs associated with the site.</li> </ul>                               |
| Land at Doncaster Rail Maintenance Depot, Ramsden Road, Hexthorpe, Doncaster | Countryside Properties - Pullman Green | 70.62 acres<br>(28.58 ha) | £7,920,000<br>(£112,150 per acre) | Dec-20       | <ul style="list-style-type: none"> <li>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.</li> <li>We understand that there was approximately £8,000,000 of abnormal costs associated with the site.</li> </ul>   |

| 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<br>(0.51 ha) | £372,000<br>(£292,913 per acre)   | Jun-18       | <ul style="list-style-type: none"> <li>Highstone Homes gained planning permission for 28 supported living accommodation.</li> <li>As the development is of a C2 Use Class it therefore benefited from limited 'planning gain' contributions and no requirement to provide affordable housing.</li> </ul>  |
| Land on the north side of Ridge Balk Lane, Woodlands, Doncaster | Heneghan Homes - Woodland Ridge        | 1.09 acres<br>(0.44 ha) | £315,000<br>(£288,991 per acre)   | Feb-17       | <ul style="list-style-type: none"> <li>Heneghan Homes achieved planning consent for 14 units.</li> <li>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.</li> <li>We understand that the developer paid an open space commuted sum of £38,500.</li> </ul>  |
| Land on the west side of Carr House Road, Doncaster             | Hooper Homes - Thorpe Gardens          | 4.36 acres<br>(1.77 ha) | £2,000,000<br>(£458,716 per acre) | Mar-20       | <ul style="list-style-type: none"> <li>Hooper Homes gained planning consent for 66 units in February 2020.</li> <li>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.</li> <li>As part of the 5.106 agreement the developer paid an education commuted sum of £180,000 and a transport bond contribution of £7,143.84.</li> </ul> |
| Land on the south side of Sheffield Road, Warmsworth, Doncaster | Ben Bailey Homes - The Halt            | 1.67 acres<br>(0.67 ha) | £663,000<br>(£397,006 per acre)   | Jul-20       | <ul style="list-style-type: none"> <li>Ben Bailey Homes achieved planning consent for 19 units in April 2020. The scheme provided an affordable provision of 26%.</li> <li>As part of the 5.106 agreement the developer paid an education commuted sum of £60,715 and an open space commuted sum of £55,000.</li> </ul>   |

| Address  | Developer                            | Size                     | Price                             | Date of Sale | Comments   |
|--|--------------------------------------|--------------------------|-----------------------------------|--------------|--|
| Land at Lakeside Boulevard, Gliwice Way, Doncaster | Lovell Partnerships<br>Willow Grange | 13.79 acres<br>(5.58 ha) | £6,720,000<br>(£487,309 per acre) | Dec-17       | <ul style="list-style-type: none"> <li>The development consists of 147 new residential units.</li> <li>5 affordable units were delivered on the scheme which equates to an affordable housing provision of 3%.</li> <li>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.</li> </ul> |

We consider that transactions made for the land at Com man Lane, the Wood land Ridge scheme by Heneghan Homes as well as both Keep moat 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, DNS

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    |
| <b>Average</b>  |            |              |            | <b>£208</b>     |           |

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    |
| <b>Average</b>       |               |              |            | <b>£154</b>     |           |

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 Keep moat 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    |
| <b>Average</b>      |               |              |            | <b>£193</b>     |           |

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, DNS**

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    |
| <b>Average</b>    |               |              |            | <b>£193</b>     |           |

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                   |
| <b>Average</b> |               |              |              | <b>£241</b>            |

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    |
| <b>Average</b>      |               |              |            | <b>£223</b>     |           |

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                   |
| <b>Average</b> |            |              |              | <b>£260</b>            |

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          | £144,9500  | £210            | Apr-20    |
| <b>Average</b>      |               |              |            | <b>£198</b>     |           |

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:

| <b>Address</b>     | <b>House Type</b> | <b>Area (sq ft)</b> | <b>Sale Price</b> | <b>Price per sq ft</b> | <b>Sale Date</b> |
|--------------------|-------------------|---------------------|-------------------|------------------------|------------------|
| 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    |
| <b>Average</b>    |               |              |            | <b>£234</b>     |           |

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    |
| 6WillowWay             | Semi-detached | 1,054        | £179,995   | £144            | Apr-21    |
| 4WillowWay             | 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    |
| <b>Average</b>         |               |              |            | <b>£167</b>     |           |

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                   |
| <b>Average</b> |               |              |              | <b>£222</b>            |

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    |
| <b>Average</b> |               |              |            | <b>£231</b>     |           |

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 ohime 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       |
| <b>Average</b>                            |               |              |               | <b>£192</b>     |              |

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<br>(sq ft) | Price per<br>sqft | Price per<br>unit | Quantity | GDV per unit<br>Type |
|-----------------------------------|--|-----------------|-------------------|-------------------|----------|----------------------|
| <b>AFFORDABLE DWELLINGS</b>       |  |                 |                   |                   |          |                      |
| Whitebream 2                      | 1 bedroom maisonette<br>2 storey       | 538             | £150              | £80,700           | 2        | £161,400             |
| Whitebream 2                      | 1 bedroom maisonette<br>2 storey       | 733             | £153              | £112,149          | 2        | £224,298             |
| Whitebream 3                      | 1 bedroom maisonette<br>2 storey       | 640             | £147              | £94,080           | 2        | £188,160             |
| Whitebream 3                      | 2 bedroom maisonette<br>2 storey       | 755             | £150              | £113,250          | 2        | £226,500             |
| Ripponden                         | 2 bedroom mid-terrace 2<br>storey      | 753             | £138              | £103,914          | 1        | £103,914             |
| <b>Total Affordable Dwellings</b> |  |                 |                   |                   | <b>9</b> | <b>£904,272</b>      |
| <b>PRIVATE DWELLINGS</b>          |  |                 |                   |                   |          |                      |
| Ripponden                         | 2 bedroom semi-<br>detached 2 storey   | 753             | £240              | £180,720          | 10       | £1,807,200           |
| Ripponden                         | 2 bedroom end-terrace 2<br>storey      | 753             | £235              | £176,955          | 2        | £353,910             |
| Dalton                            | 3 bedroom semi-<br>detached 2 storey   | 908             | £230              | £208,840          | 8        | £1,670,720           |
| Saxton                            | 3 bedroom semi-<br>detached 2 storey   | 939             | £230              | £215,970          | 4        | £863,880             |
| Saxton                            | 3 bedroom detached<br>2 storey         | 939             | £240              | £225,360          | 8        | £1,802,880           |
| Burneston                         | 3 bedroom detached<br>2 storey         | 1,012           | £235              | £237,820          | 2        | £475,640             |
| Grassington                       | 3 bedroom semi-<br>detached 2.5 storey | 970             | £230              | £223,100          | 10       | £2,231,000           |



| House Type                     | House Type Description              | Area<br>(sq ft) | Price per<br>sqft | Price per<br>unit | Quantity  | GDV per unit<br>Type |
|--------------------------------|-------------------------------------|-----------------|-------------------|-------------------|-----------|----------------------|
| Grassington                    | 3 bedroom end-terrace<br>2.5 storey | 970             | £225              | £218,250          | 2         | £436,500             |
| Grassington                    | 3 bedroom mid-terrace<br>2.5 storey | 970             | £220              | £213,400          | 1         | £213,400             |
| Silkstone                      | 4 bedroom detached 2<br>storey      | 1,223           | £230              | £281,290          | 1         | £281,290             |
| Ledsham                        | 4 bedroom detached<br>2.5 storey    | 1,138           | £235              | £267,430          | 6         | £1,604,580           |
| <b>Total Private Dwellings</b> |                                     |                 |                   |                   | <b>54</b> | <b>£11,741,000</b>   |
| <b>TOTAL OVERALL</b>           |                                     |                 |                   |                   | <b>63</b> | <b>£12,645,272</b>   |

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 GOV 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 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:

| <b>Proposed Policy Complaint Scheme for 63 residential dwellings (9 of which are affordable)</b> |  |
|--|--|
| <b>Gross Development Value (GDV)</b>   | <ul style="list-style-type: none"> <li>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.</li> <li>The GDV of the 54 private dwellings is £11,741,000.</li> <li>The GDV of the 9 affordable dwellings is £904,272.</li> <li>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.</li> </ul>                               |
| <b>Construction Costs</b>  | <ul style="list-style-type: none"> <li>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.</li> </ul>   |
| <b>Other Construction Costs - Abnormals</b>  | <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>A breakdown of these costs can be found at <b>Appendix 4</b>.</li> </ul>                          |
| <b>Contingency</b>   | <ul style="list-style-type: none"> <li>We have adopted a 5% contingency on the construction costs.</li> </ul>  |
| <b>Phasing and Timescales</b>  | <ul style="list-style-type: none"> <li>We have assumed the development will be delivered in a single phase.</li> <li>We have assumed a 30-month development programme.</li> <li>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.</li> <li>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.</li> </ul> |

| <b>Proposed Policy Complaint Scheme for 63 residential dwellings (9 of which are affordable)</b> |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>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.</li> <li>There is an overlap of 8 months from the practical completion of construction to the final unit being sold.</li> </ul>   |
| <b>Professional Fees</b>   | <ul style="list-style-type: none"> <li>We have assumed 8% professional fees.</li> </ul>  |
| <b>S.106 Costs</b>   | <ul style="list-style-type: none"> <li>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.</li> <li>These financial contributions total £248,424 and can be disaggregated as follows: <ul style="list-style-type: none"> <li>Education: £248,424</li> </ul> </li> </ul>  |
| <b>Finance Rate</b>  | <ul style="list-style-type: none"> <li>Assumed 100% debt financed, at a rate of 6.00%</li> </ul>   |
| <b>Land Value</b>  | <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> |
| <b>Acquisition Costs</b>   | <ul style="list-style-type: none"> <li>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.</li> <li>We have allowed for legal fees of 0.50% of the land value.</li> <li>We have allowed for agent's fees of 1% of the land value.</li> </ul>   |
| <b>Disposal Costs</b>  | <ul style="list-style-type: none"> <li>We have assumed marketing, sales and legal fees of 2.50% of the total sales rates, for the private units only.</li> </ul>   |

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.

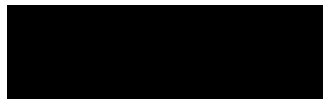
The assumed policy compliant scenario provides for 15% affordable housing as well as the full assumed monetary contributions for the additional S.106 contributions. It also provides the landowner with our opinion of the benchmark land value for the site. However, it delivers a developer's profit on GDV 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.

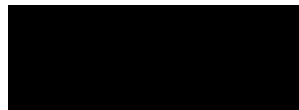
As a result, we conclude that to deliver this site for residential development, whilst ensuring the landowner receives an appropriate return for their land and the developer receives an appropriate market return for their investment, we do not consider that any affordable housing should be required to 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

**Clark, Jacob (Avison Young - UK)**

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**Subject:** FW: Carcroft, Doncaster - AY proposal to provide financial viability assessment support

**From:** [REDACTED]

**Sent:** 2 [REDACTED]

**To:** [REDACTED]

**Cc:** [REDACTED]

**You:** [REDACTED]

**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 5106 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 5106 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/5106 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 you receive quotes or Q5 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**

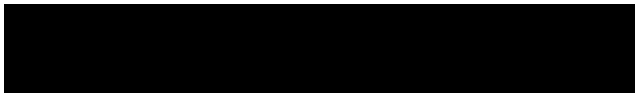
I attach our standard terms of appointment. This email is essentially the 'letter of appointment' for the purpose of both pieces of work (the 'Client' in the terms of appointment document being Newett Homes Limited).

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 IEVAI**

SITE: Carcroft  
73 Plots - Feasibility Layout -1

I:\VX\1\TT

**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 (Exe. 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**

Ben Botham  
**Newett Homes**  
Thorp Arch Grange  
Walton Road  
Thorp Arch  
Wetherby  
West Yorkshire  
LS23 7BA

26<sup>th</sup> 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 3,000m<sup>3</sup> of topsoil will be generated and we would expect around 1,000m<sup>3</sup> 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 2,200m<sup>3</sup> 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 3,000m<sup>3</sup>. 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 2,200m<sup>3</sup>. 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.

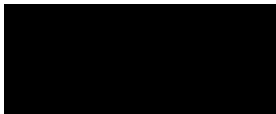
Level change beneath proposed highway areas are relatively minor and it is unlikely earthworks will influence performance of formation level. Abbeydale's ground investigation suggests a CBR value of 2.5% for design purposes.

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               |
|---|--------|-------|------------------|-----------------------|
| <b>PRELIMINARIES &amp; SITE CLEARANCE</b>   |        |       |                  |                       |
| Disconnection of live services  |        |       |                  | <i>by developer</i>   |
| Mobilisation/De-Mobilisation of Plant to/from site                                      |        | sum   | £4,400.00        | £4,400                |
| Site clearance of trees & vegetation within development area                            |        | sum   | £14,250.00       | £14,250               |
| Demolition & site clearance of surface waste  |        | sum   | £39,035.00       | £39,035               |
| Contractor's Preliminary Costs (Supervision & Site Engineering, environmental controls) | 7      | weeks | £3,480.00        | £24,360               |
|   |        |       | <b>Sub Total</b> | <b><u>£82,045</u></b> |
| <b>EARTHWORKS TO DEVELOPMENT PLATFORM</b>   |        |       |                  |                       |
| Excavate topsoil to stockpile   | 3,000  | ma    | £3.25            | £9,750                |
| Excavate, process & re-locate made ground from Southern site area                       | 5,800  | ma    | £4.35            | £25,230               |
| Break-out & crush concrete bases, foundations & other obstructions                      |        |       |                  | included              |
| Import, place & compact fill to achieve formation levels                                | 2,200  | ma    | £9.80            | £21,560               |
| Trim, level & compact formation   | 18,800 | m'    | £0.23            | £4,324                |
|   |        |       | <b>Sub Total</b> | <b><u>£60,864</u></b> |
| <b>PROVISION OF CONSULTANCY SUPERVISION, TESTING &amp; VALIDATION OF THE WORKS</b>      |        |       |                  |                       |
| Attendance by Resident Engineer and preparation of Validation Statement for the works   | 7      | weeks | £1,010.00        | £7,070                |
| Geotechnical & chemical testing   |        | sum   | £5,620.00        | £5,620                |
|   |        |       | <b>Sub Total</b> | <b><u>£12,690</u></b> |
| <b>ADDITIONAL, PROVISIONAL &amp; RATE ONLY SUMS</b>                                     |        |       |                  |                       |
| Provisional sum for future disposal of residual vegetation                              |        | sum   | £17,500.00       | £17,500               |
| Disposal of unsuitable topsoil  |        | ma    | £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"           | Sales Rate ft" | 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)           | 2         | <u>6,828</u>  | 235.00         | 267,430    | 1,604,580         |
| <b>Totals</b>           | <b>63</b> | <b>56,338</b> |                |            | <b>12,645,272</b> |

**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"               | Build Rate ff | 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)           | <u>6,828</u>      | 120.00        | <u>819,360</u>   |
| <b>Totals</b>           | <b>56,338 ft"</b> |               | <b>6,760,560</b> |
| 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    |

|   |                 |                  |         |                   |
|---|-----------------|------------------|---------|-------------------|
|   |                 |                  |         | 1,838,784         |
| <b>Section 106 Costs</b>                        |                 |                  |         |                   |
| Education Contribution                          |                 | 248,424          |         | 248,424           |
| <b>PROFESSIONAL FEES</b>                        |                 |                  |         |                   |
| All Professional Fees                           | 8.00%           | 540,845          |         | 540,845           |
| <b>DISPOSAL FEES</b>                            |                 |                  |         |                   |
| Sales, Legals and Marketing                     | 2.50%           | 316,132          |         | 316,132           |
| <b>FINANCE</b>                                  |                 |                  |         |                   |
| <b>Timescale</b>                                | <b>Duration</b> | <b>Commences</b> |         |                   |
| 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           |
| <b>TOTAL COSTS</b>                              |                 |                  |         | <b>11,503,604</b> |
| <b>PROFIT</b>                                   |                 |                  |         | <b>1,141,668</b>  |
| <b>Performance Measures</b>                     |                 |                  |         |                   |
| Profit on Cost%                                 |                 | 9.92%            |         |                   |
| Profit on GOV%                                  |                 | 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"           | Sales Rate ft" | 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)        | §         | <u>3,765</u>  | 240.00         | 180,720    | <u>903,600</u>    |
| <b>Totals</b>           | <b>63</b> | <b>56,338</b> |                |            | <b>12,142,268</b> |

**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"               | Build Rate ff | 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)        | <u>3,765</u>      | 120.00        | <u>451,800</u>   |
| <b>Totals</b>           | <b>56,338 ft"</b> |               | <b>6,760,560</b> |
| 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         |
| <b>Section 106 Costs</b>                        |                 |                  |                   |
| Education Contribution                          |                 | 248,424          | 248,424           |
| <b>PROFESSIONAL FEES</b>                        |                 |                  |                   |
| All Professional Fees                           | 8.00%           | 540,845          | 540,845           |
| <b>DISPOSAL FEES</b>                            |                 |                  |                   |
| Sales, Legals and Marketing                     | 2.50%           | 303,557          | 303,557           |
| <b>FINANCE</b>                                  |                 |                  |                   |
| <b>Timescale</b>                                | <b>Duration</b> | <b>Commences</b> |                   |
| 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           |
| <b>TOTAL COSTS</b>                              |                 |                  | <b>11,520,827</b> |
| <b>PROFIT</b>                                   |                 |                  | <b>621,441</b>    |
| <b>Performance Measures</b>                     |                 |                  |                   |
| Profit on Cost%                                 |                 | 5.39%            |                   |
| Profit on GOV%                                  |                 | 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"           | Sales Rate ft" | 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)       | 2         | <u>6,828</u>  | 235.00         | 267,430    | 1,604,580         |
| <b>Totals</b>       | <b>63</b> | <b>56,338</b> |                |            | <b>13,243,270</b> |

**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"               | Build Rate ff | 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)       | <u>6,828</u>      | 120.00        | <u>819,360</u>   |
| <b>Totals</b>       | <b>56,338 ft"</b> |               | <b>6,760,560</b> |
| 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    |



|   |                 |                  |         |                   |
|---|-----------------|------------------|---------|-------------------|
|   |                 |                  |         | 1,838,784         |
| <b>Section 106 Costs</b>                        |                 |                  |         |                   |
| Education Contribution                          |                 | 248,424          |         | 248,424           |
| <b>PROFESSIONAL FEES</b>                        |                 |                  |         |                   |
| All Professional Fees                           | 8.00%           | 540,845          |         | 540,845           |
| <b>DISPOSAL FEES</b>                            |                 |                  |         |                   |
| Sales, Legals and Marketing                     | 2.50%           | 331,082          |         | 331,082           |
| <b>FINANCE</b>                                  |                 |                  |         |                   |
| <b>Timescale</b>                                | <b>Duration</b> | <b>Commences</b> |         |                   |
| 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           |
| <b>TOTAL COSTS</b>                              |                 |                  |         | <b>11,484,921</b> |
| <b>PROFIT</b>                                   |                 |                  |         | <b>1,758,349</b>  |
| <b>Performance Measures</b>                     |                 |                  |         |                   |
| Profit on Cost%                                 |                 |                  | 15.31%  |                   |
| Profit on GOV%                                  |                 |                  | 13.28%  |                   |



# Contact Details

Enquiries

Dai Powell



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## To the Chair and Members of the Planning Committee

### APPEAL DECISIONS

#### EXECUTIVE SUMMARY

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

#### 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





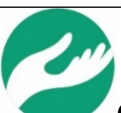
6. It is helpful for the Planning Committee to be made aware of decisions made on appeals lodged against its decisions.




#### 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 |
|---|------------------|----------------------------|---|----------------------------|
|  <b>Tackling Climate Change</b>  | ✓                |                            |   |                            |
| Comments:<br>Quality planning decisions contribute to the Councils Great 8 Priorities   |                  |                            |   |                            |
|  <b>Developing the skills to thrive in life and in work</b>                                | ✓                |                            |   |                            |
| Comments:<br>Quality planning decisions contribute to the Councils Great 8 Priorities   |                  |                            |   |                            |
|  <b>Making Doncaster the best place to do business and create good jobs</b>              | ✓                |                            |   |                            |
| Comments:<br>Quality planning decisions contribute to the Councils Great 8 Priorities   |                  |                            |   |                            |
|  <b>Building opportunities for healthier, happier and longer lives for all</b>           | ✓                |                            |   |                            |
| Comments:<br>Quality planning decisions contribute to the Councils Great 8 Priorities   |                  |                            |   |                            |
|  <b>Creating safer, stronger, greener and cleaner communities where everyone belongs</b> | ✓                |                            |   |                            |

|   |   |  |  |  |
|---|---|--|--|--|
| Comments:<br>Quality planning decisions contribute to the Councils Great 8 Priorities   |   |  |  |  |
|  <b>Nurturing a child and family-friendly borough</b>                                  | ✓ |  |  |  |
| Comments:<br>Quality planning decisions contribute to the Councils Great 8 Priorities   |   |  |  |  |
|  <b>Building Transport and digital connections fit for the future</b>                  | ✓ |  |  |  |
| Comments:<br>Quality planning decisions contribute to the Councils Great 8 Priorities   |   |  |  |  |
|  <b>Promoting the borough and its cultural, sporting, and heritage opportunities</b> | ✓ |  |  |  |
| Comments:<br>Quality planning decisions contribute to the Councils Great 8 Priorities   |   |  |  |  |
| <b>Fair &amp; Inclusive</b>   | ✓ |  |  |  |
| Comments:<br>Demonstrating good governance  |   |  |  |  |

**LEGAL IMPLICATIONS [Officer Initials SC Date 01/11/2023]**

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 01/11/2023]**

- 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 01/11/2023]**

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

**TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 01/11/2023]**

- 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 |
|-----------------|---|---|-----------------------|---------------|--------------------|
| 21/00565/INJ    | Appeal against alleged unauthorised change of use of green belt land for the creation of 4 caravan/mobile home plots under grounds A and G. at Land West Of, Peastack Lane, Tickhill, Doncaster | ENF- Appeal Dismissed, ENF Notice Upheld 04/10/2023 | Tickhill And Wadworth |               | No                 |
| 22/01034/FUL    | Regularise the sale of caravans. at Bethel House, Moss Road, Moss, Doncaster  | Appeal Dismissed 04/10/2023                         | Norton And Askern     | Delegated     | No                 |



|              |  |   |                           |           |    |
|--------------|--|---|---------------------------|-----------|----|
| 21/00321/M   | Appeal against enforcement action for selling of caravans and display of advertisements under grounds (g) at Bethel House, Moss Road, Moss, Doncaster  | ENF-App Dis/Upheld Sub to Correction/Var 04/10/2023 | Norton And Askern         |           | No |
| 22/02432/FUL | Erection of a single dwelling including associated external works at Land Between 2 & 2B Devonshire Road, Intake, Doncaster, DN2 6LA   | Appeal Dismissed 18/10/2023                         | Wheatley Hills And Intake | Delegated | No |
| 22/02566/FUL | Erection of 2 shops with 2 flats above at 24 The Circle, New Rossington, Doncaster, DN11 0QR   | Appeal Dismissed 10/10/2023                         | Rossington And Bawtry     | Delegated | No |
| 22/00043/FUL | Erection of two single storey terraced dwellings following demolition of existing outbuildings and conversion and extension of attached outbuilding to form third unit. at 4 St Marys Road, Wheatley, Doncaster, DN1 2NP | Appeal Dismissed 09/10/2023                         | Town                      | Delegated | No |

Copies of the appeal decisions are appended to this report.

## **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

16. N/A

## **REPORT AUTHOR & CONTRIBUTORS**

**Ian Harris, Technical Support & Improvement Officer**

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**Dan Swaine, Director of Place**

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## Appeal Decision

Hearing held on 1 August 2023

Site visit made on 2 August 2023

**by M Madge Dip TP MA MRTPI**

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

**Decision date: 4/10/2023**

---

**Appeal Ref: APP/F4410/C/21/3287452**

**Land on the West Side of Peastack Lane, Tickhill, Doncaster DN11 9LF**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr C McDonagh against an enforcement notice issued by City of Doncaster Council.
  - The notice was issued on 28 October 2021.
  - The breach of planning control as alleged in the notice is without planning permission a material change of use of the Land from agriculture to use as a residential gypsy and traveller caravan site by the excavation of topsoil, construction of a hardstanding compound and the siting of caravans, motorhomes and structures, on the Land.
  - The requirements of the notice are:
    - (i) Permanently cease the use of the Land as a residential gypsy and traveller site;
    - (ii) Permanently remove from the Land all mobile homes and caravans, structures and hardcore and any materials associated with the unauthorised use;
    - (iii) Following compliance with step (i) and (ii) above, remove the resultant materials from the Land;
    - (iv) Reinstatement of the Land to its previous condition by reseeded with native grass seed.
  - The periods for compliance with the requirements are:
    - Step (i) three months;
    - Steps (ii) and (iii) six months;
    - Step (iv) the next available planting season (a planting season is October to March of the calendar year) following compliance with steps (i), (ii) and (iii) but in any event not more than 18 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. 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, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Preliminary matters

2. While Mr C McDonagh was professionally represented at the Hearing, neither he nor anyone else in a position to talk to their personal circumstances was in attendance. I have therefore relied upon the written submissions in this regard and what limited information Mr B Wood could provide.
3. The Hearing was formally closed on 4 August 2023, following written submissions in respect of the suggested conditions.

4. A High Court injunction, dated 20 October 2021 (the injunction), forbids the use of the land for "*the siting of any further caravans and/or motorhomes, other than the four caravans and one motorhome currently on the site and/or using any further caravans and/or motorhomes for residential development including the occupation of such caravans and/or motorhomes for residential purposes without the express grant of planning permission*", and "*undertaking any further operational development...without the express grant of planning permission*". The injunction does not therefore prohibit all use as a residential gypsy and traveller caravan site. At the time of the Hearing and site visit, the land was not in use as a residential gypsy and traveller caravan site.
5. Since the Hearing took place, a revised version of the National Planning Policy Framework has been published. The sections relevant to this appeal have not been amended. It was not necessary to seek further submissions in this regard.

### **Appeal on ground (a) and the deemed application for planning permission**

6. The **main issues** are:

- whether the development is inappropriate development in the Green Belt and its effect on openness and the purposes of including land in the Green Belt;
- whether the development would harm the character and appearance of the area;
- whether the development would give rise to other harms; and
- Whether any harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

#### *Policy*

7. The Doncaster Local Plan 2015 – 2035 was adopted in September 2021 (the DLP) and is therefore up to date. The relevant planning policies were agreed as being policy 11: Gypsies, Travellers and Travelling Show People, policy 29: Ecological Networks, policy 30: Valuing Biodiversity and Geodiversity, and policy 60: Protecting and Enhancing Doncaster's Soil and Water Resources. I have had regard to these policies and policies and guidance set out in the National Planning Policy Framework (the Framework) and the Planning Policy for Traveller Sites (the PPTS) in formulating my decision.

#### *Green Belt*

8. Paragraph 150e of the Framework provides that a material change in the use of land is not inappropriate development in Green Belt, subject to the caveat that it preserves openness and does not conflict with the purpose of including land within it. However, Policy E of the PPTS states that '*Traveller sites (temporary or permanent) in the Green Belt are inappropriate development*', a position confirmed in *Kingston Upon Thames (RB) c SSLUHC & (IP) Mrs Laura Williams* [2023] EWHC 2055 (Admin).
9. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belt is its openness and its permanence. The site lies within the Doncaster Green Belt, which I am told covers approximately half of the district's administrative area.

10. While Tickhill lies a little way to the southeast of the appeal site, the site is located within a rural landscape, which has a large arable field pattern broken up by native species hedgerows and hedgerow trees. Built development in the surrounding landscape comprises roads, railway lines and sporadic groups of farm or other essentially rural buildings, such as stables and glasshouses.
11. The construction of a hard standing compound and the siting of caravans, motorhomes and structures spatially reduces openness. The size of the site (0.45 ha) in comparison to the extent of the Green Belt could be considered small, however the number of caravans, motorhomes and structures, in addition to other vehicles and domestic paraphernalia that could be accommodated on the land is not. The loss of spatial openness is therefore significant.
12. The site is devoid of any boundary hedgerows or trees and those along the adjacent Wilsic and Peastack Lanes are located on the opposite side of the carriageways to the site. The land and its use as a gypsy and traveller caravan site is visually dominant in views from the surrounding road and public right of way network. While the number of caravans, vehicles and residential paraphernalia may fluctuate, the visual loss of openness would nonetheless be significant. The provision of landscaping, subject to an acceptable scheme being agreed, could moderate the visual prominence of the development in the landscape, but some loss of visual openness would remain.
13. In addition to the principle of this development being inappropriate, the development causes some visual and significant spatial harm to the openness of Green Belt. It also encroaches into the countryside, in conflict with one of the five purposes of including land in Green Belt. For these reasons, the development is inappropriate development in the Green Belt.

#### *Character and Appearance*

14. The appeal site is in an open rural landscape, sporadically interspersed with clusters of buildings and transport infrastructure. The lack of hedgerow and tree planting around the periphery of the site and use of post and rail fencing and wire fencing is indicative of the arable field delineations close to the site. It is a matter of common ground that the site is not situated within a valued landscape as defined by paragraph 144 of the Framework.
15. The white or pale coloured exteriors of caravans can be visually obtrusive, particularly where there is an absence of landscaping. However, they can be a relatively common feature in rural landscapes. The development introduces fluctuating levels of activity and associated paraphernalia into a landscape that is otherwise largely devoid of development. Where development does exist, it has permanence and, with the exception of the adjacent equestrian development, is largely screened by mature hedgerows and tree planting.
16. Policy 11(D)6 requires new traveller sites to be within or well-integrated into the local townscape. While the site is located within the countryside, expecting it to be well-integrated into this rural landscape instead would not be unreasonable. The construction of a hardstanding compound and siting of caravans, motorhomes, structures and associated paraphernalia for human habitation is out of keeping with the largely undeveloped character and appearance of the surrounding landscape.



17. Furthermore, the planting of boundary hedgerows and hedgerow trees around an area of land of this size, while not requiring planning permission, would also be out of keeping with the character and appearance of the surrounding landscape. While it would, in time, screen the development to a degree, it would not contribute positively to the site being well-integrated into this rural landscape. Even with landscape screening, the development would therefore cause moderate harm to character and appearance, contrary to policy 11(D)6 of the DLP which, amongst other things, seeks to deliver well integrated developments.

#### *OTHER HARMS*

##### *Location*

18. The economic, social and environmental objectives to achieve sustainable development should be delivered through the application of planning policy, which guides development towards sustainable solutions having regard to local circumstances, reflecting the character, needs and opportunities of each area. Policy 11(d) of the Doncaster Local Plan 2015-2035 (September 2021) (the DLP) requires new gypsy and traveller sites or pitches to demonstrate that they are close to, or have good access to, key services including schools, medical facilities and shops (this is not an exhaustive list).
19. The Gypsy and Traveller way of life is inherently nomadic, with a reliance on travel by means of private vehicles. Planning policies seek to ensure the settled community has good access to key services on foot, by cycle or public transport, whereas the PPTS seeks to ensure that having a settled base will reduce the need for long distance travel to key services for the traveller community.
20. Guidance within the South Yorkshire Residential Design Guide Supplementary Planning Document (2011) (the RDG) is primarily directed at developments providing for the settled community, but there is nothing to say it is not equally applicable to travelling community developments. The RDG does however predate the PPTS and does not therefore reflect the guidance contained therein. The site may not meet locational/proximity distances set out in the RDG applicable to developments for the settled community. However, there is a shop approximately 1 kilometre (km) away that can meet the site occupants' daily needs, the medical centre is approximately 1.1 km away and the nearest school is approximately 1 – 1.3 km away. Furthermore, it is generally accepted that, in rural locations, there will be a greater reliance on private transport and journey times may be longer. Given the relatively short distances to key services, the location of the site does reduce the need for residents to travel long distances to access key services, in compliance with national policy.
21. For these reasons, I find the development accords with policy 11(D)4 of the DLP, which amongst other things, seeks to deliver sustainably located developments.

##### *Agricultural land*

22. The appeal site is located within an area designated as being the best and most versatile agricultural land (BMV). Policy 60(A) of the DLP requires that proposals involving a significant loss of BMV demonstrate that there are no

other suitable alternative locations on lower quality land available or the land can be reinstated to its previous state.

23. The appellant has not demonstrated what other alternative sites were considered that did not involve loss of BMV or how the land could be reinstated. However, no definition of 'significant' is given in the explanatory text to policy 60. The Council argue the site, measuring some 0.45 hectares (ha), is significant because such a site elsewhere could accommodate approximately 14 dwellings, which would be major development. The appellant however argues that the threshold for consultation with DEFRA should be applied, which I am told is 20 ha. I find neither of these arguments compelling.
24. The explanatory text to policy 60 advises that agriculture is the main land use within the district, with approximately half its land area given over to arable farming. The loss of 0.45 ha of BMV is not significant when considered in the context of approximately half the land area of the district. While there has been a loss of BMV, that loss is small and therefore the harm arising is very limited. As such, I find there is no conflict with policy 60(A), which seeks to prevent any significant loss of the best and most versatile agricultural land.

#### *Biodiversity*

25. It is the appellant's contention that, like the land to the south, the site was used for horse grazing before the development occurred. In the appellant's opinion such grazing land would contribute little towards biodiversity and requiring any form of preliminary ecological assessment, to establish baseline data for the site, is not proportionate. They go on to argue that, should the appeal be allowed, the provision of landscaping and provision of bird and bat boxes would achieve the required 10% biodiversity net gain (BNG).
26. The site is not within any internationally, nationally or locally designated site of nature conservation or any recognised zone of influence. Given the rural, undeveloped nature of the surrounding landscape it does however have the potential to make a positive, if limited, contribution towards habitat provision. The stripping of topsoil and construction of a hardstanding compound will therefore have caused some harm to local wildlife and, by association, harm to biodiversity.
27. Policy 29 of the DLP requires proposals to deliver a net gain for biodiversity that protects, creates, maintains and enhances ecological networks, while policy 30 requires proposals that may harm non-designated sites or features of biodiversity interest to demonstrate a minimum delivery of a 10% net gain for biodiversity. The DEFRA biodiversity matrix can be applied where development has already been carried out. As such, I find that adequate provision could be made to address any loss of habitat resulting from the unauthorised development in addition to the required minimum 10% BNG through the imposition of a suitably worded condition.
28. For this reason, the development does not conflict with policies 29 or 30 of the DLP, which seek to protect and enhance ecological networks and biodiversity.

#### *Intentional unauthorised development (IUD)*

29. The Council states that the intentional unauthorised nature of the development is a material consideration in line with Government policy, which should be

given significant adverse weight. It is the appellant's assertion that they were living a roadside existence and that an application for planning permission was made before moving on to the land.

30. The traveller status of the site occupiers is undisputed. The Council has demonstrated a surplus of available pitches within the district. The appellant is not on any waiting list for a pitch or pitches. In the absence of evidence to show what alternative sites the appellant considered before moving on to the land, or why any of the available pitches are unsuitable, I find it less than likely, that the unauthorised development of the appeal site was the only solution available to the appellant.
31. Part of the underlying rationale for seeking to deter IUD is to avoid prejudicing the opportunity to mitigate the impact of the development through the use of planning conditions. Prior to issuing the Notice, an application had been made for planning permission to develop the site for 4 pitches. The appellant did not however allow that application to run its course before moving on to the land.
32. Planning permission was refused in advance of the Notice being issued. A section 78 appeal has not been lodged against the refusal of planning permission. However, in pleading ground (a), the opportunity to mitigate the impact of the development through the use of planning conditions remains available and was not therefore prejudiced. I am also mindful that the 1990 Act as amended makes provision for a grant of retrospective planning permission, and planning enforcement is remedial rather than punitive.
33. Considering the above, I attach only moderate weight to the intentional unauthorised development.

#### *Highway and pedestrian safety*

34. While there are claims that occupants of the appeal site represent an increased danger to other road users, particularly pedestrians, there is little evidence to substantiate these claims. However, the highway network surrounding the development consists of narrow lanes with limited passing places and the national speed limit is in effect. Traffic using the surrounding highway network includes large agricultural vehicles and machinery. Local villagers also use the lanes for exercise and leisure purposes.
35. While the road alignment and restricted width could be expected to generally keep vehicle speeds below the national speed limit, I saw during my site visit that this not always the case. Pedestrians walking within the carriageway would be at risk, although the adjacent grass verges provide a place of refuge from traffic. Vehicles entering and exiting the site have adequate visibility to see vehicles, pedestrians and other road users approaching from both directions. The development would not generate any significant increase in traffic utilising the surrounding road network. As such any adverse impact on highway or pedestrian safety arising from the development would be negligible in the wider pre-existing context.

#### *Conclusion on Green Belt and other harms*

36. Having regard to the above, I have found this to be inappropriate development, which is by definition, harmful to the Green Belt. Moreover, whether assessed by themselves or as part of the consideration of inappropriateness, it would harm the openness of the Green Belt, and conflict with its purposes. In



accordance with paragraph 148 of the Framework I give this Green Belt harm substantial weight. The development also detracts from the character and appearance of the area and represents intentional unauthorised development, to which I afford both moderate weight.

#### *OTHER CONSIDERATIONS*

37. The Framework states that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
38. Further, policies E and H of the PPTS, in relation to traveller sites, says that *'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.'*
39. The courts have held that the weight given to matters remains for the decision-maker. However, as the PPTS says it is *'unlikely'* that personal circumstances and unmet need would outweigh Green Belt harm and other harm, it is not saying that these factors would, by themselves, never outweigh the harm. Moreover, while personal circumstances and unmet need are *'unlikely'* to outweigh harm, there is nothing in the PPTS to say that they could not contribute to outweighing the harm when taken with other material considerations.
40. It is the appellant's desire to secure a non-personal permission on the site, so that it could be occupied by any who are recognised as being gypsy and travellers. To this end he relies upon what he perceives to be failures arising from the identification of need by the Council and the future occupiers' personal circumstances.

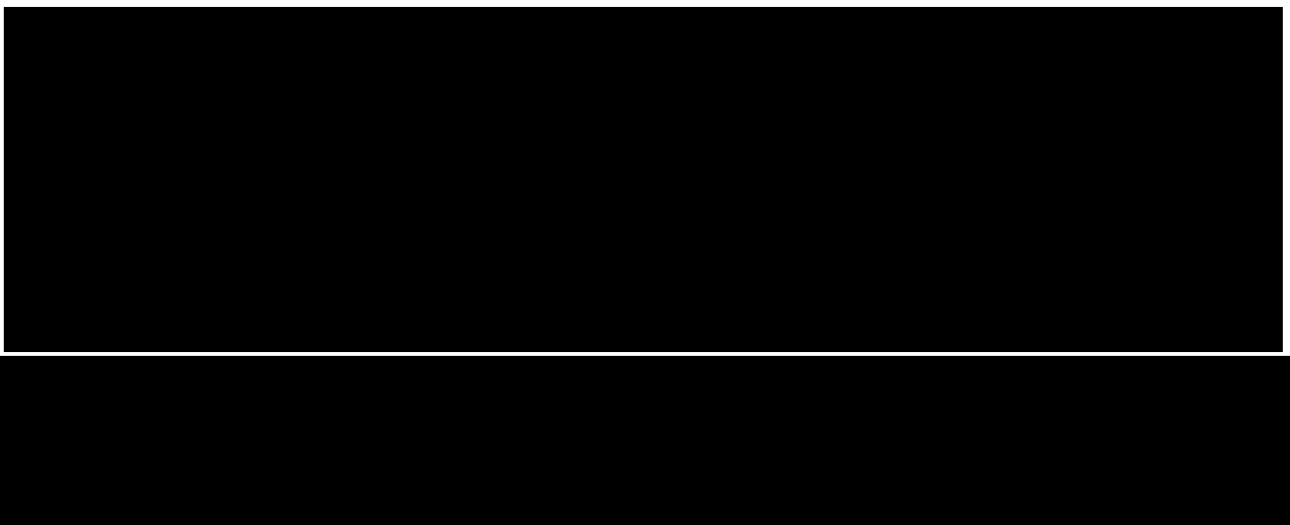
#### *Need*

41. The Council has an up-to-date development plan, whereby policy 11 was based upon the Gypsy/Traveller Annual Needs Assessment 2018 (the 2018 GTANA). This policy identifies that need should be met through existing site capacity and by maintaining a five-year supply of sites. Policy 11 confirms that the re-use of vacant plots and unused land on these sites will be supported. Policy 11 also provides for windfall sites to be brought forward throughout the district, although within the Green Belt, this would only be where very special circumstances have been demonstrated.
42. In accordance with the supporting text for policy 11, the Council has undertaken a review of local need, the 2022 GTANA. The 2022 GTANA represents a recent snapshot in time, and it utilises a methodology that has been independently assessed and accepted by previous Inspectors.
43. The appellant claims that the 57 unauthorised pitches identified in the 2022 GTANA demonstrates a significant need for additional pitches. They go on to identify that the 2022 GTANA only includes a need for a single pitch arising from the appeal site rather than the 4 pitches that planning permission was sought for.
44. The Council say that of the 57 unauthorised pitches, 45 are located on authorised sites and 12 are located on unauthorised sites. Furthermore, 13 of

the 45 pitches are likely to be granted planning permission within the year and 6 of the 45 are immune from enforcement action. This reduces the unauthorised number of pitches to 38. The Council also take account of estimated household growth over the plan period (23 pitches) along with households on pitch waiting lists (9 pitches). The Council's need figure is therefore 70, which it then compares to sites granted planning permission and the total number of vacancies on authorised public and private sites. No planning permissions have been granted. The Council has identified 17 vacant pitches on publicly owned sites and 54 vacant pitches on privately owned sites. Providing an available supply of 71 vacant pitches.

45. While the surplus of sites identified through the 2018 GTANA has reduced considerably, the 2022 GTANA continues to demonstrate that a limited surplus exists, in part due to the regular turnover of pitches on authorised sites. However, I agree that the surplus would cease to exist if the number of pitches on this land was counted as 4 as opposed to 1. Figures contained within any GTANA will fluctuate almost constantly. Therefore, even accepting that the appeal site has been misrepresented, in terms of the banding set out in the 2022 GTANA, the need for sites remains low<sup>1</sup>. I find it more than likely that this low level of need could be accommodated through the windfall provision advocated through policy 11.
46. The vacant pitches identified in the 2022 GTANA represent reasonably available alternative sites. No evidence was presented to show that the appellant had contacted the operator of any of the publicly or privately owned sites nor was any evidence presented to show why their need for 4 pitches could not be accommodated through the occupation of any of the identified vacant pitches. While Mr Wood argued that the appellant had not been made aware of those vacancies, there is no requirement for the Council to publicise the availability of pitches. The publication of the 2022 GTANA does however make the availability of vacant pitches publicly known.
47. Based on the Council's policy approach, I am satisfied that there is no significant identified need for sites. As such this matter does not clearly outweigh the identified harm and so does not justify a non-personal permission in this case.

*Personal circumstances*



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<sup>1</sup> Paragraphs 66 & 68 and the accompanying table in the 2022 GTANA (page 14)

- [REDACTED]
50. Finally, turning to the best interests of the children. At the outset I have regarded no other consideration as more important or, in advance of the subsequent assessment of the individual circumstances, I have given none greater weight. However, these best interests will not always outweigh other considerations including those that impact negatively on the environment. I have nonetheless kept the best interests of the children at the forefront of my mind in reaching my decision.
51. The appellant's children are of an age whereby they are no longer classed as children. The ages of the 'children' occupying pitches 3 and 4 have not been provided. The only other information relating to these children is found at paragraph 2.2 of the appellant's personal circumstances statement, which states '*The children on site mostly were/are tutored by parents, in part due to the struggle to find a settled based [sic] throughout recent times.*' The available information is not sufficiently precise to determine whether children will actually occupy any of the pitches.
52. Notwithstanding the lack information pertaining to children using the development, I accept that a settled base is in a child's best interests as it would allow them security, access to general health care, a stable education and access to social groups. These factors apply to most, if not all, Gypsy and Traveller children, and when weighed against the harm I have identified to the Green Belt and the other harms, I find they do not justify occupancy of this particular site. Even taken with the personal circumstances of the adults, the best interests of the children do not clearly outweigh the harm I have identified. The grant of a personal permission is therefore not justified.
53. In assessing this case I have had regard to the other decisions to which reference was made. Consistency in decision making is important to maintain public confidence in the system, but each case must be determined on its own merits. That is all the more so where personal circumstances fall to be considered and in different policy contexts. Having considered all those decisions, most identified significant unmet need, lack of 5-year supply and no suitable alternative sites, along with stronger personal circumstance cases. As such the policy context and personal circumstances of all were significantly different to what is before me. My findings are based very much on the facts before me and the current policy context, and I see nothing in the identified appeal decisions that leads me to a different view.
54. I accept that dismissing this appeal would interfere with the appellant's rights under Article 8 of the European Convention on Human Rights as it would deny him, his family and the other families' opportunity to establish homes on the land. However, such rights are qualified, and interference may be permissible when the rights of the individual are balanced against those of the community. In this instance such interference would be proportionate to the rights of the adults and the best interests of the children given the public aim of safeguarding the Green Belt and the effects on the countryside.

*Conclusion on ground (a)*

55. For the reasons given above the development does not accord with the development plan as a whole and the appeal on ground (a) should be dismissed.

**Appeal on ground (g)**

56. An appeal on this ground is that the compliance period specified in the Notice falls short of what should reasonably be allowed. The appellants are seeking a period of 12 months to cease the use, in order that they can find a suitable alternative site as opposed to returning to a roadside existence. The other compliance periods for each of the other requirements should be extended accordingly.

57. While the injunction prevented any additional caravans or motorhomes being brought onto the site, it did not require the four caravans and one motorhome stationed on the site for residential purposes at that time to be removed. The site is currently vacant and, from the written submissions and oral evidence given by interested parties at the Hearing, has been vacant for extended periods of time since the breach occurred. Mr Wood, acting for the appellant, was unable to provide any explanation for these extended absences, the current absence or details of where the appellant, his family or other claimed residents of the site are currently residing.

58. In the absence of such evidence, and given that the site is currently unoccupied, I find the period specified in the Notice, in accordance with section 173(9), to be reasonable. The appeal on ground (g) fails.

**Overall Conclusion**

59. 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 1990 Act as amended.

*M Madge*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mr Brian Wood

Managing Direct of WS Planning &  
Architecture

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Philip Robson, counsel for the  
Local Planning Authority

Instructed by Ms Stacy Cutler of City of  
Doncaster Council (CDC)

Mr Garry Hildersley

Planning Development Manager, CDC

Ms Frances Horne

Pegasus Group – Landscape Evidence

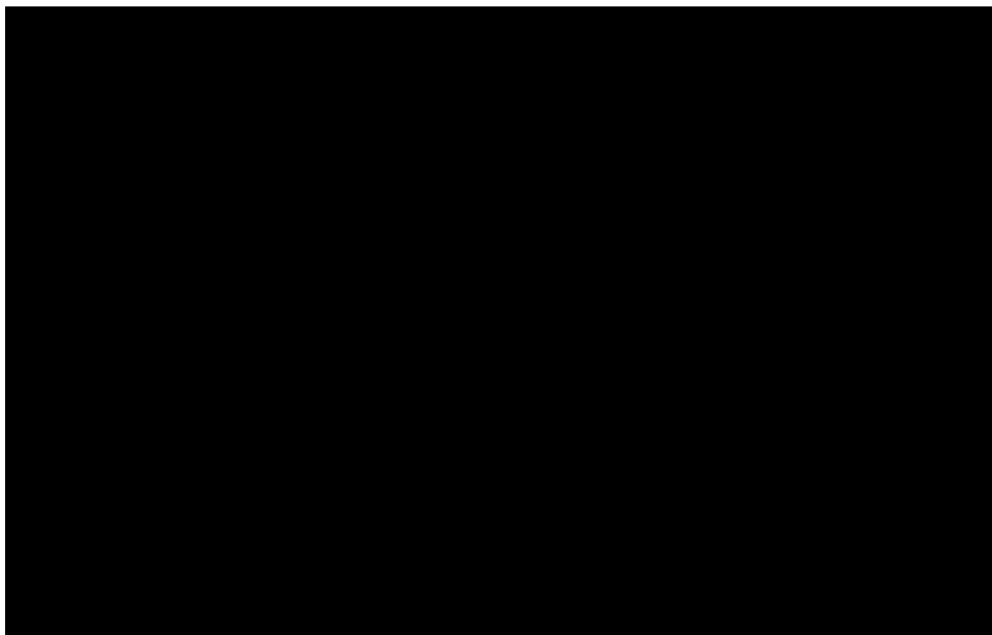
Mr Martin Nowacki

Ecologist Planner, CDC

Mr Andy Brown

Senior Policy & Insight Manager, CDC

### INTERESTED PARTIES:



### DOCUMENTS

H1 Appeal Decision reference APP/Q3630/W/3306901

H2 Impact Statement submitted on behalf of interested parties

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## Appeal Decisions

Site visit made on 24 August 2023

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 04/10/2023**

### **Appeal A Ref: APP/F4410/C/23/3322012**

#### **Bethel House Moss Road, Moss, DONCASTER, DN6 0HN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Steven Mason against an enforcement notice issued by Doncaster Metropolitan Borough Council.
- The notice was issued on 30 March 2023.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of the land to a mixed residential and use for the commercial sale of caravans and mobile homes.
- The requirements of the notice are:
  - a) Remove all caravans and mobile homes located on the Land for commercial sale from the area marked in blue on the plan.
  - b) Cease the use of the Land from commercial sales of caravans and mobile homes.
- The period for compliance with the requirements are two months.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal succeeds in part and the enforcement notice is upheld with correction and variation in the terms set out below in the Formal Decision.**

### **Appeal B Ref: APP/F4410/W/23/3315682**

#### **Bethel House Moss Road, Moss, DONCASTER, DN6 0HN**

- 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 Stephen Mason of Sunway Caravans against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 22/01034/FUL, dated 22 April 2022, was refused by notice dated 30 November 2022.
- The development proposed is a material change of use to a mixed use of residential and commercial sale of caravans and mobile homes purposes.

**Summary of Decision: The appeal is dismissed.**

### **Appeal A:**

#### *Procedural Matter*

1. The enforcement notice (the Notice) alleges a 'change of use' of the Land. S55(1) of the 1990 Act as amended<sup>1</sup> confirms that for a change of use to be 'development', it must be material. It is clear from the evidence before me that the appellant understands that the introduction of caravan and mobile home sales from the residential property known as Bethel House, constitutes a material change of use from use as a single dwellinghouse to a mixed use of residential and commercial caravan and mobile home sales purposes. Correcting the Notice accordingly would not cause injustice.

<sup>1</sup> Town and Country Planning Act 1990 as amended

### *Reasons*

2. An appeal on ground (g) is that the period specified in the Notice falls short of what should reasonably be allowed. The appellant requests that the period be increased from two months to five months to allow the s78 appeal to run its course and to provide a sufficient period for suitable alternative premises to be found from which to conduct the caravan and mobile home sales business.
3. As no other grounds have been pleaded, the harms identified in the Notice represent the public interest, which I must weigh against the business and personal needs of the appellant and his family. Given the scale of the commercial activities [REDACTED] [REDACTED] it may take longer to find suitable alternative premises. Extending the period for compliance to five months would strike a reasonable balance between the public interest in the Notice being complied with expeditiously and the private interests bound up with the development subject to the Notice.
4. The appeal on ground (g) succeeds to this limited extent.

### **Appeal B:**

#### *Procedural Matter*

5. The application form and the Council's decision notice identify the development being applied for as 'Regularise the sale of caravans'. As already mentioned, the meaning of development as set out in s55 of the 1990 Act as amended states at s55(1) "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'. While the purpose of the planning application may be to regularise the sale of caravans, that does not of itself amount to development.
6. Furthermore, taking the ordinary meaning of the description set out, it would mean that the land within the red lined application site could only be used for caravan sales, if I was to allow the appeal. Given that the appellant's home is located within the land, this was clearly not intended as the residential use of the dwelling and garden would be lost. It is clear from the evidence that the appellant intended to continue residing at the property while running his commercial caravan and mobile home sales business from the land. I sought the parties' views on this matter, and they have confirmed they would have no objection to the description of development being amended to reflect the wording of the corrected allegation. The description of development in the banner heading above is amended accordingly and I shall proceed on that basis.

#### *Main Issues*

7. The main issues are the effect of the development on:
  - The character and appearance of the countryside;
  - Highway safety; and
  - The living conditions of neighbouring occupiers.



8. The part of the site identified as accommodating the caravan sales area lies in a Countryside Policy Area, while the remainder of the site lies in a Residential Policy Area. As the development does not relate to the provision of new residential development, I find that Policy 10: Residential Policy Areas of the Doncaster Local Plan (2021) (the DLP) is not relevant. Policy 25 of the DLP identifies the forms of development that are appropriate in the Countryside Policy Area and Part 4 deals specifically with new non-residential development.
9. The appellant expresses personal and economic preferences for locating the business at his home. These do not amount to a justifiable need to locate the business in a rural location, nor do they demonstrate support for a prosperous rural economy. While the size of the site may not be large, the number of caravan and mobile homes displayed for sale is significantly greater than what would normally be associated with the host dwelling. The size and scale of the development is therefore not commensurate with the existing use or the rural character of the location. For these reasons the proposal is contrary to policy 25 Part 4(A) and (C) of the DLP.

*Character and appearance*

10. Moss is a modest settlement of a predominantly residential nature, although I saw there are several farmsteads and other businesses. Existing development follows a mainly linear pattern, fronting on to several roads. The surrounding countryside is characterised by a mosaic of arable fields separated by native species hedgerows and field drains, interspersed with sporadic farmsteads.
11. The land around the host dwelling has been extended backwards into the adjoining field to create the gravel hardstanding upon which the caravans and motor homes are displayed for sale. The caravan sales area is therefore located in a backland position and has introduced activity into an area of the countryside largely devoid of activity previously. While the nature conservation value of the former field may have been low, the laying of hard standing and introduction of activity will, in my judgement, most likely have adversely affected its nature conservation value.
12. Caravans and motorhomes are visible between the host property and its immediate neighbour. The new boundary post and rail fence does not screen the use from adjacent properties or Old Lane. The substantial roadside hedgerow along Moss Road provides a degree of screening, however the caravans and motorhomes remain visually prominent in the landscape due to their materials and colour finishes, detracting from the distinctive setting of the settlement.
13. While caravans and motorhomes are not an uncommon feature of the countryside, they would normally be used for residential purposes associated with agriculture or tourism/leisure purposes. In such circumstances they would be singular units or multiple units would be spaced out around a landscaped site with associated amenity space. Conversely, caravan and motorhome sales sites are not an essentially rural enterprise nor are they commonplace within the countryside. Furthermore, the caravans and motorhomes being displayed for sale are closely spaced to maximise the number of units for sale. While turnover may not be high, the presence of so many units in such a confined space, portrays a visual over development of the site.

14. The development is visually incongruous within the local landscape, therefore harmful to local distinctiveness, landscape character and nature conservation. For these reasons, the proposal is contrary to policies 25 Part 4(D), 33 (A), (B) and (C), 41 and 46(A)6 and 9 of the DLP and paragraph 174(b) of the Framework, which seeks to preserve and enhance local distinctiveness, landscape character and nature conservation.

#### *Highways*

15. The caravans and mobile homes sales area is located to the rear of the dwelling and its associated garden. The area to the front of the dwelling is hard surfaced and used to accommodate vehicle parking. Business customers are by appointment only. The parking area is sufficient to accommodate the appellant's personal vehicles and visitors' vehicles.
16. The existing access may not be sufficient to accommodate two-way traffic. It could therefore lead to stationary vehicles obstructing the free flow of traffic on Moss Road. No concerns have been raised in respect of visibility for vehicles emerging from the access. The site frontage is such that alterations to the access could be made to remove any potential for vehicles waiting on Moss Road. Details of such alterations would however have to be in accordance with a scheme that had previously been agreed and implemented.
17. Subject to any necessary alterations to the access being secured, the development would have no significant effect on highway safety in accordance with policies 13(A)4 and 6, 25 part 4 (B), and 42(B)4 of the DLP, which amongst other things, seek to facilitate adequate parking provision and preserve highway safety. As such the development would also accord with paragraph 111 of the Framework.
18. Paragraph 112 of the Framework requires developments to prioritise pedestrian and cycle movements, facilitate and encourage the use of public transport, address the needs of people with disabilities and reduced mobility, minimise conflict between differing modes of transport, be accessible by delivery vehicles, service and emergency vehicles, and provide charging points for vehicles. Given the scale and nature of the development, I find that paragraph 112 is not applicable.

#### *Living conditions of neighbouring residents*

19. Unlike the area identified on the plan attached to the Notice, drawing ref: DNMR 002, shows the caravans and mobile homes sales area being located to the rear of the appellant's dwelling and garden only. As such, caravans and mobile homes would not be located behind neighbouring properties.
20. There is a brick boundary wall located between the appeal property and its immediate neighbour to the west and that property has a substantial hedgerow to its rear garden boundary. Furthermore, its vehicular access is effectively paired with that of the appeal property and its attached garage is located nearest to the appeal property. Albeit there appears to be residential accommodation in the roof space over that garage.
21. Having regard to the above, the development would cause a negligible loss of outlook at an oblique angle from the neighbouring property. The development may also generate limited traffic noise and other disturbance. In my judgement any harm arising would however be less than significant. There would be no

conflict with policies 25 Part 4 (b) and 46(A)2 of the DLP, which requires there to be no unacceptable negative effects on neighbouring land uses, amongst other things.

#### *Other Matters*

22. I am told the caravan sales area forms part of a larger area that was granted planning permission, on 24 April 2019, for the construction of a menage, erection of stables, including use of the land for the keeping of horses. Planning permissions would normally be required to be implemented within 3 years of their approval. I saw no evidence of a menage, stables or horses on the land at the time of my site visit. There is nothing before me to suggest that this planning permission was implemented and that it therefore remains extant. Even if there was, equestrian activities are an essentially rural activity, which would not look out of place in the countryside. It would be reasonable to conclude that the use of the land for equestrian purposes and associated development would be policy compliant. I therefore find the granting of planning permission for equestrian development does not lessen the landscape harm or policy conflict I have identified above.

#### *Conditions*

23. Conditions could be imposed to reduce the effects of the development on neighbouring occupiers, the street scene and to secure boundary screening, along with others to control the scale of the development and the way the business is operated, as suggested by the appellant. However, such conditions would not overcome the lack of justifiable need for the development to be in the countryside or its adverse impact on local distinctiveness. All the harms previously identified would not therefore be overcome by the imposition of conditions.

#### *Conclusion on Appeal B*

24. For the reasons given above I conclude that the appeal shall be dismissed.

#### **Formal Decisions**

25. It is directed that the enforcement notice is corrected by:

*In section 3 THE BREACH OF PLANNING CONTROL ALLEGED, the deletion of all the words and the substitution of the words 'Without planning permission, the material change of use of the Land to a mixed use of residential and commercial sale of caravans and mobile homes purposes.'*

And varied by:

*In section 5 TIME FOR COMPLIANCE, the deletion of two months and the substitution of five months as the time for compliance.*

Subject to the correction and variation, Appeal A is dismissed, and the enforcement notice is upheld.

26. Appeal B is dismissed.

*M Madge*

INSPECTOR

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## Appeal Decision

Site visit made on 15 August 2023 by Tom Bennett BA(Hons) MSc

**Decision by Chris Forrett MRTPI, DipTP, BSc (Hons)**

an Inspector appointed by the Secretary of State

**Decision date: 18 October 2023**

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**Appeal Ref: APP/F4410/W/23/3318355**

**Land between 2 and 2B Devonshire Road, Intake, Doncaster, South Yorkshire DN2 6LA**

- 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 R Sanders & S Parkinson against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 22/02432/FUL, dated 3 November 2022, was refused by notice dated 23 December 2022.
  - The development proposed is a detached dwelling including associated external works.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matter

3. The appellant has submitted an amended plan with the appeal documentation which details significant revisions to the form of the proposed dwelling and curtilage boundary. I have been provided with no evidence that shows the Council has had sight of these amended plans. I have therefore carefully considered the implications of accepting these plans in the light of the '*Procedural Guide – Planning Appeals – England*', and the principles of the '*Wheatcroft*' judgement.
4. The Procedural Guide advises that an amendment to planning application proposals to overcome a local planning authority's reasons for refusal should normally be made through a fresh planning application, and the appeal process should not be used to evolve a scheme. The guide continues by stating that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
5. With regards the '*Wheatcroft*' judgement, the main criterion on which consideration of revised plans should be exercised is whether the development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.
6. In this instance, the proposed revisions are seeking to address the issues upon which the Council based its decision on at the application stage in respect of



the character and appearance of the area and in respect of living conditions with regards to overlooking. As such, it is evident that the appellant has sought to evolve the proposed development through the appeal process, thus depriving the Council and interested parties of the opportunity to formally consider the revisions. Consequently, I have determined this appeal on the basis of the initial plans submitted with the original application and have not taken into account the revised plans in the determination of the appeal.

### **Main Issues**

7. The main issues are the effect of the proposed development on:
- the character and appearance of the street scene; and
  - the living conditions of the neighbouring occupiers at 228 Sandringham Road and future occupiers of the dwelling with regard to privacy.

### **Reasons for the Recommendation**

#### *Character and Appearance*

8. The appeal site is a strip of vacant land in the curtilage of 228 Sandringham Road. The site faces onto Devonshire Road close to the junction with Sandringham Road. To the north-west are a pair of semi-detached bungalows and to the south-east is an end terraced property. The properties on this road are predominantly two-storey semi-detached and terraced properties set within spacious plots of a relatively uniform design. Roofscapes are characterised by hipped or gable roof forms.
9. The proposed house would be a detached three-storey dwelling. Whilst detached properties are not the prevailing house type in the area, there is a detached building sited opposite the appeal site and a new detached property on Sandringham Road (No. 237A), visible in views from the appeal site. Thus, whilst it would be a break in the type of built form on the eastern side of Devonshire Road, I do find it would not be harmful within the context of the wider area.
10. While the dwelling would be three storeys in height, owing to its roof design, the ridge height of the roof would only be marginally higher than that of the adjacent property, 2 Devonshire Road. It would maintain the consistent setback from the road as the neighbouring properties. Despite the proposed dwelling almost spanning the full width of the plot, a reasonable gap would still exist between the neighbouring properties on Devonshire Road, thereby maintaining the spacious character of the area. Taking these points together, the dwelling would not appear overbearing or cramped.
11. However, the proposed dwelling features a primarily flat roof with pitched slopes to the front and rear elevations. Given the proposed dwelling's close proximity to the junction and with the neighbouring semi-detached bungalows, the side elevation of the roof form would be highly visible and unduly prominent from public viewpoints. Compared to the otherwise regular roofscapes of the surrounding area, the proposed roof form would appear as an incongruous and discordant feature.

12. For this reason, the proposal does not respond positively to the character and appearance of the area and would fail to integrate well with its surroundings. It therefore conflicts with Policy 41 and Policy 44 of the Doncaster Local Plan (2021) (LP) which amongst other matters requires proposals to integrate visually with their surroundings and be sympathetic to the character of the area. It would also be at odds with the overarching design aims of the National Planning Policy Framework (the Framework).

### *Living Conditions*

13. The Council has expressed concern over the relationship between the proposed dwelling and No.228 in respect of overlooking. The rear elevation of the proposed dwelling would be approximately 9 metres to the west of the rear elevation of No. 228. Consequently, the windows of the proposed study and second floor bedroom would afford future occupiers views into the relatively deep and wide bedroom window at the rear of No. 228. Equally, the occupiers of No. 228 would also have views into these rooms of the proposed dwelling. This could result in unsatisfactory living conditions for both future occupiers of the proposed dwelling and the existing occupiers of No. 228.
14. I have carefully considered the Appellant's suggestion of a condition to obscure the first floor rear window of the proposed dwelling. Given that this window serves a study and is too small for a bedroom, when considered against technical space standards, I agree that this would overcome any potential overlooking from this window. Additionally, a condition to obscure glaze the second floor rear bedroom window would be possible as this is a secondary window in this room. Together, this would mitigate against the issue of overlooking from the new dwelling.
15. However, notwithstanding the above, the first floor window of No. 228 would be situated in close proximity to the shared boundary of the appeal site. This would provide an opportunity for direct overlooking into a significant proportion of the rear garden of the proposed dwelling, adversely affecting the privacy of its future occupiers. Ultimately, the future occupants of the new dwelling would not be provided with suitable living conditions owing to this level of overlooking.
16. For the reasons outlined, the proposal would not provide suitable living conditions for the future occupiers of the proposed dwelling. This would conflict with Policies 10 and 44 of the LP which aims to ensure new development has acceptable levels of residential amenity, including privacy. The proposal would also fail to accord with the advice set out at Paragraph 130f of the Framework that new development should provide for a high level of living conditions for future users.

### **Other Matters**

17. I acknowledge the use of brick and render similar to surrounding properties, the sustainable location, the size of the internal living space, the storage and collection of refuse facilities and that the plot would be demarcated by fencing. However, these factors would not overcome the harm identified and the conflict with the overarching aims of Policy 41 and 44 of the LP in relation to character and appearance.

18. Finally, any issues in relation to communication difficulties with the Council is a separate matter away from the planning merits of this appeal. I therefore attach little weight to this.

**Conclusion and Recommendation**

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Tom Bennett*

APPEAL PLANNING OFFICER

**Inspector's Decision**

20. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

*Chris Forrett*

INSPECTOR





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## Appeal Decision

Site visit made on 12 September 2023

**by G Dring BA (Hons) MA MRTPI MAUDE**

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

**Decision date: 10 October 2023**

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**Appeal Ref: APP/F4410/W/23/3319309**

**24 The Circle, New Rossington, Doncaster DN11 0QR**

- 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 Jamie Walker against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 22/02566/FUL, dated 22 November 2022, was refused by notice dated 7 February 2023.
  - The development proposed is 2No. shops with 2No. flats above.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on the living conditions of the occupiers of 23 and 24 The Circle with particular regard to outlook, privacy and the provision of outdoor amenity space; and
  - whether the proposal would provide acceptable living conditions for the future occupiers of the flats proposed with regard to the provision of outdoor amenity space.

### Reasons

#### *Character and appearance*

3. The appeal site is an area of land that previously formed part of the rear garden area of 24 The Circle. It is bound by a low wall to the north and west and a close boarded fence to the east and south. It is located on the corner of Ellis Crescent and King Avenue. No 24 is a semi-detached dwelling that fronts onto The Circle which forms part of a concentric ring of development, that contributes to a distinctive street layout.
4. The area is residential in character, although there is a church located in the southern part of The Circle and a parade of shops front onto King Avenue and Fowler Crescent to the north and northwest of the appeal site. Opposite the northern boundary of the site are dwellings that front onto Ellis Crescent, one of which is two storey and detached with the remainder being two storey terraces. Dwellings that front onto The Circle have large rear gardens that contribute positively to the open and spacious character and appearance of the area.

5. Whilst largely in keeping with the footprint, scale and massing of other two storey development in the surrounding area, the siting of the proposal would be at odds with the established pattern of development. It would damage the symmetry and character of the open and spacious rear gardens that make up the inner concentric ring of development that make The Circle distinctive.
6. The proposed development would be out of keeping with the density of the area, given that the built form would largely fill the depth of the appeal site. It would not respect the ratio of built form to open garden spaces that are present in the immediate vicinity. The presence of the built form would be overly dominant in the view when approaching The Circle from King Avenue and when moving along Ellis Crescent and Fowler Crescent towards the junction with King Avenue. It would be at odds with the appearance of the area, obstructing a visual appreciation of the locally distinctive character of the pattern of development.
7. I therefore find that the proposal would be harmful to the character and appearance of the area. It would be contrary to Policies 41, 42, 44 and 46 of the Doncaster Local Plan 2015–2035 (Adopted September 2021) (LP) and Policy R12 of the Rossington Neighbourhood Plan 2016-2032 Adopted May 2022. These policies seek, amongst other things, to ensure that proposals respect and enhance identity, character and local distinctiveness, respond positively to the context and character of existing areas and make a positive contribution to the area in which they are located.
8. The proposal would also be contrary to paragraphs 124 and 130 of the National Planning Policy Framework (the Framework). These seek to ensure that maintaining an area’s prevailing character and setting (including residential gardens) is taken into account and that developments are sympathetic to local character and history including the surrounding built environment and landscape setting.

#### *Living conditions*

9. In respect of separation distances between built form, the appellant has referred me to advice in the South Yorkshire Residential Design Guide (SYRDG). The Council has explained that the SYRDG has been revoked following the adoption of the LP in 2021. The revoked status of the SYRDG means that I give any conflict with it very limited weight in reaching my decision. Nevertheless, the SYRDG advises that where there is a back to side relationship a 45 degree test can be applied. However, the SYRDG also states that all built development facing a back window should be below the 25 degree line. I have no evidence before me to demonstrate whether the proposed built form would meet either of these requirements or not.
10. The proposed building would be much taller than the existing close boarded fence located along the boundaries with the garden areas of No 23 and No 24. Although the rear and side elevations of the proposal would be set off the southern and eastern boundaries slightly, the separation would be very limited. Despite the hipped roof design, the height and massing of the proposal would represent a dominant feature when viewed from the rear windows and rear garden area of No 23 and to significantly more extent No 24, which would be harmfully overbearing.

11. Two windows at first floor level in the proposed development, one serving a kitchen/living room and one serving a bathroom would directly face the rear garden area of No 24. The bathroom window could be conditioned to be obscurely glazed to avoid issues of overlooking. The appellant asserts that the kitchen/living room window is a secondary window and could also be obscure glazed. However, this would leave only one window at the front of the flat to provide outlooks for future occupiers from the main living space, making the accommodation less attractive. In any case, the presence of two windows in such close proximity to the boundary, even if they were to be obscure glazed, would appear dominant and result in a perceived loss of privacy.
12. First floor windows serving the bedrooms of both proposed flats would directly face the rear section of the garden area of No 23. The orientation of the proposed flats means that these windows would direct views away from the rear elevation of No 23 and the outdoor space directly outside the dwelling. Nevertheless, given the proximity of the windows to the boundary, future occupiers of the flats would have the opportunity to directly overlook the private rear garden space of No 23, resulting in a harmful impact on the privacy of existing occupiers.
13. The proposal would be sited on an area of land that was formerly part of the rear garden area associated with No 24. The appeal site has been separated off through the provision of a close boarded fence. This has resulted in the amount of rear garden space serving the occupiers of No 24 to be significantly reduced. Whilst the amount of rear garden space retained for No 24 would be out of keeping with the surrounding properties, it would be of a sufficient depth and area for day to day requirements such as sitting out, drying clothes and gardening.
14. Notwithstanding this, I find that the proposal would be harmful to the living conditions of the occupiers of No 23 and No 24 with regard to outlook and privacy. The proposal would conflict with Policies 10 and 44 of the LP. These policies seek, amongst other things, that developments provide an acceptable level of residential amenity for existing residents in terms of privacy and outlook. The proposal would also be contrary to paragraph 130 of the Framework which seeks to ensure developments create a high standard of amenity for existing users.

#### *Future occupiers*

15. LP Policy 44 states that housing proposals will be supported where there is adequate provision of amenity and garden space. No specific requirement in terms of size is identified in the LP. The proposal has limited space between built form and the site boundaries. A small triangular strip of land is identified to the rear of the proposed building. Due to the awkward shape and limited size, it would not be usable space. It also would not be private outdoor amenity space, given that the rear doors into the shop units are also accessed from this area. The future occupiers of both flats would therefore not have access to any external amenity space.
16. I have been referred to the presence of public open green space that forms the centre of The Circle in close proximity to the appeal site and other facilities such as the community sports village, leisure centre, allotments and bowling green which are all accessible by foot, bicycle, bus or private vehicle. Whilst access to these facilities and spaces would be a benefit to any future residents,

I do not consider that they are mitigating factors that would be sufficient to outweigh the harm caused by the lack of any outdoor amenity space on site.

17. I recognise that there may be space internally to provide facilities for clothes drying and that indoor house plants could also be grown by future occupiers. However, whilst gardening and clothes drying are two features of day to day use of outdoor amenity space, there are others such as being able to sit out that would not be possible.
18. I find that the proposal would fail to provide satisfactory living conditions for future occupiers, with particular regard to the provision of outdoor amenity space. It would therefore conflict with Policies 10 and 44 of the LP which seek, amongst other things, to provide an acceptable level of residential amenity for new residents and that housing proposals have adequate provision of amenity and garden space. The proposal would also be contrary to paragraph 130 of the Framework which seeks to ensure developments create a high standard of amenity for future users.

### **Other Matter**

19. The parties agree that both proposed flats would meet the requirements of the Nationally Described Space Standards for a one bedroom dwelling for one person. Policy compliance in this regard is a neutral consideration and does not weigh either for or against the proposal.

### **Conclusion**

20. I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that indicate I should take a decision other than in accordance with it. Therefore, the appeal is dismissed.

*G Dring*

INSPECTOR



## Appeal Decision

Site visit made on 19 September 2023

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

an Inspector appointed by the Secretary of State

**Decision date: 9<sup>th</sup> October 2023**

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### **Appeal Ref: APP/F4410/W/23/3320062**

#### **4 St Marys Road, Wheatley, Doncaster DN1 2NW**

- 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 Stones of K Stones Ltd against the decision of City of Doncaster Council.
  - The application Ref 22/00043/FUL, dated 4 January 2022, was refused by notice dated 10 February 2023.
  - The development proposed is the erection of two single storey terraced dwellings following demolition of existing outbuildings and conversion and extension of attached outbuilding to form third unit.
- 

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The description of development on the application form is 'replacement outbuilding to form 3 single storey terraced dwellings'. The scheme was amended during the Council's consideration of the application. The description of the development proposed in the banner heading is taken from the Council's decision notice rather than the application form as it more accurately describes the proposal. I have determined the appeal on this basis.

### **Main Issue**

3. The main issue is whether the proposal would constitute good design.

### **Reasons**

4. The appeal site is the rear grounds of a substantial two storey semi-detached dwelling with accommodation in the roof which has been converted to six flats. It lies within a mainly residential area. The site also lies within the Thorne Road Conservation Area (the CA), the significance of which is in part derived from the character of the well detailed late Victorian and Edwardian villas and villa pairs well-spaced in large grounds.
5. Many of the properties along the northern part of St Marys Road are terraced or semi-detached dwellings with relatively narrow gaps between them, although they appear to have quite long, albeit fairly narrow rear gardens. The street scene here has a somewhat compact appearance. However, the character and appearance noticeably change in the area between Highfield Road and the large open area to the south east, where the appeal site is. Here, the larger, mainly semi-detached properties sit on more substantial plots. The larger gaps between the dwellings and their side boundaries and the reasonably generous rear gardens provide a sense of space around the

- properties. This contributes positively to a sense of spaciousness in the street scene in the vicinity of the site.
6. While amendments have been made to reduce the scale, the proposal would introduce a pair of semi-detached bungalows with accommodation in the roof along the rear boundary where the outbuildings are currently located. A third additional residential unit would be created through the conversion and extension of the existing single storey rear projection. The area in front of the proposed dwellings would be used for parking.
  7. Although the semi-detached bungalows would not take up the full width of the rear of the site as is the case with the existing outbuildings, they would still take up much of the width of the plot, would project a similar distance from the rear boundary, and would be noticeably taller. A large proportion of the site would be given over to the nine parking spaces proposed and the access to them, which all three proposed dwellings would be close to. This would leave little effective space for landscaping, irrespective of the appellant's landscape proposals; limited outdoor amenity space for the proposed bungalows; and no meaningful directly accessible outdoor space for the dwelling that would be created in the rear projection.
  8. The appellant contends that the size of the outdoor amenity space that would be provided for the two bungalows would be in accordance with the 2011 South Yorkshire Residential Design Guide (the RDG). However, I am mindful that the RDG has been revoked as a supplementary planning document but retained as informal guidance and so has only limited weight. There may be circumstances where the size of outdoor amenity space proposed would be acceptable. However, in this case, when in these areas they would likely appear dominated by the close presence of the car parking areas and the access to them. As a result, future occupiers would experience an environment lacking in satisfactory private outdoor amenity space.
  9. In addition, no clear information has been provided by the appellant on the arrangements for outdoor space for occupiers of the unit that would be created in the rear projection. If it would be provided through a shared use of the front garden, I am not persuaded that the available space would be appropriate for the more intensive use of the site. While I accept that there is potential for occupants to use facilities at the nearby open area, this would not be a reasonable alternative to the use of appropriate privately accessed outdoor amenity space.
  10. In the context of the other nearby dwellings with gaps to their sides and spacious rear gardens, the addition of three dwellings together with the proposed parking areas and access to them would appear incongruously cramped within the plot, with the site dominated by parking. I acknowledge that the site in its present state has limited landscaping and at the time of my site visit had a small number of cars parked on the hardstanding areas. However, the extent of parking proposed and the access to them in combination with three additional dwellings would markedly intensify the use of the site. The proposal would therefore represent a significant and unacceptable over development of the site.
  11. In my judgement, the site would not represent previously developed land, bearing in mind the definition in the glossary to the National Planning Policy Framework 2023 (the Framework). Nevertheless, the creation of three new



dwellings in a mainly residential location relatively close to services and facilities, including public transport and the city centre, would amount to an efficient use of land, in principle. Policy 42 A) of the 2021 adopted Doncaster Local Plan (the Local Plan) allows for maximising the density of development in appropriate instances, such as highly sustainable locations with good public transport accessibility. The Framework also encourages an effective and efficient use of land and appropriate densities.

12. However, both Policy 42 and the Framework also expect proposals to achieve well designed places and to respond to local character. The area in the vicinity of the site has a suburban sense despite its relative proximity to the city centre. For the reasons given above, my view is that the high density that would result on the plot would not respond to local character.
13. The proposed development would not be very visible from public views given the position of existing buildings on St Marys Road and Auckland Road to the rear. However, the absence of public visibility does not in itself obviate the need to achieve well designed places. Furthermore, the proposal would appear as a cramped form of development for future occupiers given the dominance of the parking areas and associated access, in combination with the small outdoor amenity areas proposed.
14. For the above reasons, I conclude that the proposal would not constitute good design. It would therefore conflict with the requirements of Policy 42 of the Local Plan, as summarised above, as well as Local Plan Policy 44 which requires proposals to respond positively to the context and character of existing areas or the host property and create high quality residential environments through good design. There would also be conflict with Local Plan Policy 45 which, while focussed on housing design standards, does require new housing proposals to be designed to include sufficient space for the intended number of occupants.

### **Other Matters**

15. The appellant argues that the proposal would enhance the CA. However, while the proposal would remove the rear outbuildings, which I acknowledge do not enhance the CA, these nevertheless sit relatively unobtrusively within the site and street scene. Furthermore, while some limited landscaping is proposed, the development would nevertheless include significant areas of parking and the creation of three additional dwellings which would, when considered together, have the overall effect of intensifying the use of the site to the extent that it would represent a significant and unacceptable over development. Any potential benefit to the character and appearance of the CA would not therefore outweigh the harm I have identified, despite attaching considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA.
16. The proposal would contribute (numerically) to housing supply on a small site in a location that is relatively close to services and facilities. There would also be social and economic benefits such as construction employment and additional residents supporting local services and facilities. However, I do not afford such benefits very significant weight given the quantum of dwellings proposed.

17. The benefit to biodiversity identified by the appellant through the proposed landscaping and amenity areas would be very limited given the size of the area.
18. The appellant identifies a willingness to enter into an agreement with the Council to programme works to replace the two dormer windows. This appears to be on the basis of a statement in the Council's officer report, although my interpretation is that the Council is referring to the windows of the property in general. In either case, I am not satisfied that a planning condition requiring the replacement of the windows would meet the tests in paragraph 56 of the Framework, or those for planning obligations in paragraph 57 even if such a mechanism was before me.
19. The appellant has identified a number of Local Plan policies relating to matters including the location of development, living conditions of neighbouring occupiers, internal space standards, flood risk, and sustainable construction that it is contended that the proposal would accord with. While this may be the case, a lack of harm in other respects is effectively neutral in the planning balance. The absence of objection from consultees does not in itself render the scheme acceptable.
20. There is no clear evidence to suggest that anti-social behaviour is a particular issue at the appeal site.
21. None of the other matters raised alter or outweigh my overall conclusion on the harm that would be caused by the proposal.

### **Conclusion**

22. The proposal would conflict with the development plan taken as a whole, and there are no material considerations that would indicate a decision other than in accordance with the development plan. Therefore, for the reasons given, the appeal should be dismissed.

*F Wilkinson*

INSPECTOR