

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 22nd August 2017

Application	1
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Application Number:	17/01369/FULM	Application Expiry Date:	1 st September 2017
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Application Type:	Full Planning Major
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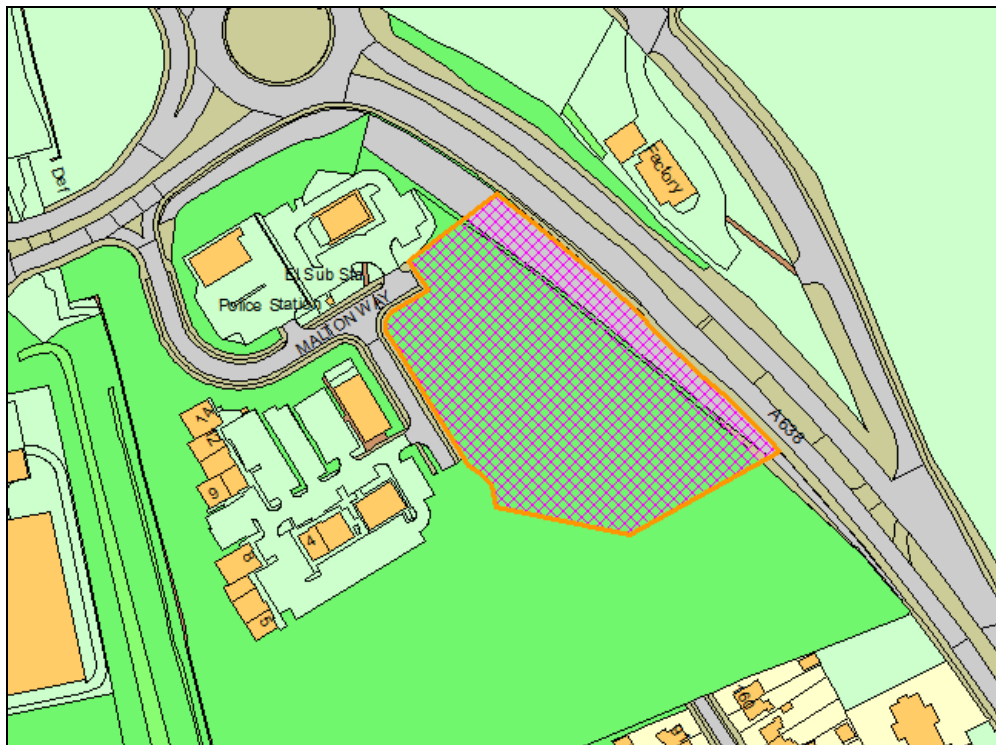
Proposal Description:	Erection of 31 dwellings.
At:	Land off Malton Way, Adwick le Street, Doncaster

For:	Strata Homes Ltd
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Third Party Reps:	0	Parish:	
		Ward:	Adwick le Street and Carcroft

Author of Report	Mel Roberts
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MAIN RECOMMENDATION:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
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1.0 Reason for Report

1.1 This application is being reported to planning committee because it is a departure to the Doncaster UDP.

2.0 Proposal and Background

2.1 This application seeks planning permission for the erection of 31 dwellings on land off Malton Way, Adwick le Street. The proposal includes 19 2-storey dwellings and 12 2.5-storey properties, all of which are 4 bedroomed (see plan 1 in Appendix for site layout). Vehicular and pedestrian access into the site is taken from Malton Way. This proposal forms phase 2 of a development by Strata Homes with phase 1 of 85 houses currently being constructed on land directly to the south (approved under reference 14/02995/FULM).

2.2 The application site is located adjacent to the Great North Road (A638) on its eastern boundary with open countryside beyond this. To the north of the site are the offices of South Yorkshire Police and a McDonald's restaurant. To the west of the site are a number of office units beyond which are a number of large commercial units occupied by companies such as DFS, B&Q and Asda. Phase 1 of the housing is currently under construction on land to the south of the site.

2.3 The application site is approximately 1.2 hectares in extent and currently comprises vacant land. The site is surrounded by mature hedgerows along the north eastern boundary. The site is generally flat, with a gentle slope from the west down towards the east, with a more significant drop in levels down to Great North Road.

3.0 Relevant Planning History

3.1 In January 2010, approval of Reserved Matters (09/02346/REM) was granted for the erection of a hotel, coffee shop and conference facility on this site. This permission has not been implemented.

3.2 Planning permission was granted on land to the south of the site for 85 dwellings under planning reference 14/02995/FULM (approved on 13th November 2015) and this is currently under construction.

4.0 Representations

4.1 The application has been advertised on site and in the press and with letters to the nearby commercial units (including McDonald's and South Yorkshire Police) and no objections have been received.

5.0 Relevant Consultations

5.1 The Urban Design Officer has raised no objections subject to conditions.

5.2 Highways (Development Control) have raised no objections subject to conditions.

5.3 The Environment Agency has responded and has raised no objections on flood risk or drainage grounds. The site falls within Flood Zone 1, which is the least likely to flood.

5.4 Yorkshire Water has raised no objections subject to conditions.

5.5 The Tree Officer has raised no objections because the trees that are to be lost to the development are not of a quality to be an issue. The landscaping on the bund on the eastern boundary is being retained and a condition ensuring that the trees are fenced off during construction will ensure that they are not damaged.

5.6 The Ecology Officer has raised no objections, because the ecological information submitted with the application shows that most of the site comprises habitats of relatively low ecological value. A condition is recommended to secure ecological enhancement of the area with the provision of bat and bird boxes on houses within the site.

5.7 Pollution Control has raised concerns that contaminants may remain on the site because historic maps show the above application is located near a quarry and unknown hole. Conditions are requested to ensure that further investigation is carried out to ensure that any contamination on site is removed.

5.8 Environmental Health has raised no objections subject to conditions to ensure that there is minimal disruption during the construction of the development and that those houses closest to the Great North Road and McDonald's are protected from noise.

5.9 Education has requested a contribution of £91,485 towards Adwick Outwood Academy because the school is already over capacity and this development is likely to create the need for 5 more school places.

6.0 Relevant Policy and Strategic Context

National Planning Policy Framework

6.1 The National Planning Policy Framework (NPPF) has as its central theme a presumption in favour of sustainable development. It does not change the statutory status of the Development Plan as the starting point for decision making set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (Paragraph 12). It confirms that planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.

6.3 The NPPF states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It also states that to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Doncaster Core Strategy

6.4 Policy CS2 states that Adwick (including Woodlands) is a Principal Town and will be the focus for growth and regeneration.

6.5 Policy CS5 states that major employment sites will be retained for employment uses, which may include some small scale supporting uses.

6.6 Policy CS9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.

6.7 Policy CS12 states that sites of 15 or more houses will normally include affordable houses on-site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment, except where a developer can justify an alternative scheme in the interests of viability.

6.8 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

Doncaster UDP

6.9 Policy EMP1 identifies the site as part of a wider strategic employment site and allows for all industrial type uses (B1, B2 and B8). Proposals for other industrial, business or commercial uses will be considered on their merits.

6.10 Policy RL4 requires developments of 10 or more family units to provide for on-site open space or a commuted sum in lieu of this.

7.0 Planning Issues and Discussion

Principle

7.1 The site is allocated within the Doncaster UDP as a strategic employment site, forming part of the wider Redhouse Interchange. Following the allocation, an outline planning permission for up to 2 million sq. ft. of B1 (Office and Light Industrial), B2 (General Industrial) and B8 (Storage & Distribution) use was secured in May 1999. Despite this allocation and subsequent outline planning consent, the application site has not come forward for employment purposes and has now remained vacant for over 14 years. In such circumstances and where there is no reasonable prospect of the site coming forward for employment purposes, paragraph 22 of The Framework (2012) establishes that the allocation should not be protected in the long term and that applications for alternative land uses should be considered on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.

7.2 Although no weight can now be attached to the withdrawn Sites and Policies DPD, it is worth noting that the adjacent site (for 85 houses) had been promoted and subsequently selected as a future housing allocation. In promoting the site for housing, evidence was submitted to demonstrate how other than in prime locations surrounding Leeds, the out of town office market remains challenging where demand is poor and take up is virtually non-existent. The evidence outlined how the bulk of the employment land to the west of the Roman Ridge has been developed and is occupied by companies such as DFS plc and B&Q. The proposed office campus (which includes the application site) has not had the same level of success given that the site has the potential to accommodate up to 225,000 sqft of offices but over the last 12 years has averaged 1,755 sqft per annum. The evidence outlined the coordinated marketing campaign since 2000, which still continues. This included the office campus being marketed under a sub-brand of Chase Park (which includes the application site) rather than Redhouse Interchange and consideration given to build to suitable schemes for office and small scale industrial / distribution occupiers. However, there continues to be no office demand, particularly with various units still available at Ebor Court which was completed in 2007/08 (adjacent to the application site) and industrial/ distribution demand also being limited, with the availability of more economic built space in Doncaster and the wider City Regions. This evidence was accepted and agreed by the Council in the preparation of their withdrawn Sites and Allocations DPD.

7.3 Strata Homes is currently building 85 houses on the site directly to the south, which is also allocated as an employment site. This establishes the principle of developing a previously allocated employment site and this residential uses as suitable alternative use.

7.4 On this basis, there is little prospect of the site coming forward for employment use given that it has not done so over the last 16 to 17 years despite a prolonged marketing campaign. The site in its current use as vacant and undeveloped land does not contribute to the local economy and provides no employment opportunities for the borough and wider region. Therefore in line with paragraph 22 of the NPPF, this employment allocation should no longer be protected and the site should be released for an alternative and viable use.

7.5 The application site is an appropriate location to accommodate housing development. Adwick, including Woodlands, is identified as a Principal Town to accommodate housing growth within the Doncaster Core Strategy (2012). Policy CS2: 'Growth and Regeneration Strategy' identifies Adwick as a focus for growth and regeneration with an indicative housing allocation numbers of 646-923 and at least 3.5 per cent of the overall Borough allocation for housing within the town. The site is situated within close proximity of a range of services, facilities and job opportunities and occupies a highly accessible location close to a range of sustainable transport options including public transport, walking and cycling. The site is also located in close proximity to the Great North Road (A638) which provides access to Doncaster and the A1.

7.6 The obvious lack of demand for businesses to locate to this site, the support for housing on the adjacent employment site to the south and its suitability for housing means that it is acceptable in principle for residential development in compliance with the guidance set out in the NPPF and policy CS2 of the Core Strategy, although in contravention of policies EMP1 of the Doncaster UDP and policy CS5 of the Core Strategy.

Highways

7.7 A Transport Statement has been submitted with the application. The Transport Statement has demonstrated that the development is accessible on foot or by bike to a range of useful local destinations and there are public transport options available for journeys further afield. Access to the development by all modes of transport has been shown to accord with current guidelines. It has been shown that the provision of car parking for the proposals is appropriate for the scale of the development. Servicing of the development can be achieved and it is not expected that any of the junctions on the highway network will experience a detrimental impact in terms of operational capacity as a direct result of the development proposals. It has been shown that traffic flows associated with the development will be 16 trips in the AM peak period and 17 trips in the PM peak period and this will have a negligible impact on the highway network. The application therefore accords with policy CS9 of the Core Strategy.

Design and Residential amenity

7.8 The density of the development at approximately 26 dwellings per hectare is acceptable and in keeping with the surrounding area. The scheme provides a strong visual frontage onto Malton Way with all of the houses fronting onto this road. The proposed layout integrates with existing areas well, provides attractive, active, well defined and enclosed streets and spaces in a legible layout. Boundaries are generally well defined with robust materials or landscape to the fronts. Whilst the scheme is not particularly distinctive and does not try to replicate neighbouring residential areas, the form, scale and detailing of properties will be sympathetic to the area. Landscaping will be provided along the boundary with the employment units on Malton Way to soften the transition between residential and employment uses and to provide an improved visual frontage. A full landscaping scheme is to be secured by suitable planning conditions. The materials to be used will tie in with the materials being used for the phase 1 development to the south. The scheme has been designed to ensure that there will be no loss of amenity from overlooking or overshadowing to the properties being built on the southern boundary because the minimum separation distances are maintained. The application therefore accords with policy CS14 of the Core Strategy.

Noise

7.9 A Noise Assessment has been submitted with the application. This identifies that the ambient noise climate throughout the application site is due to road traffic noise from the A638 Great North Road to the east and (to a lesser extent) from the A1 (M) Motorway, approximately half a kilometre to the west. The ambient noise climate was also influenced by vehicles in and out of the McDonald's restaurant car park. To overcome the noise issues, a scheme of sound attenuating works is proposed to include an acoustic fence along the rear gardens of those houses backing onto the Great North Road and McDonald's car park and enhanced glazing to reduce noise levels to an acceptable level. The application therefore accords with the guidance set out in the NPPF.

Planning Obligations

7.10 Policy CS12 of the Core Strategy requires 26 per cent affordable housing and policy RL4 of the Doncaster UDP requires a commuted sum of £83,000 in lieu of open space on site (based on 10 per cent of the residential land value). There is also a requirement for a contribution of £91,485 towards Adwick Outwood Academy to provide for the additional 5 school places that this development will create.

7.11 The applicant submitted a Viability Assessment with the application and this was sent to Adams Integra, which is a consultancy that offers independent advice to the Council on issues such as viability. Adams Integra uses the Homes and Communities Agency's Development Appraisal Tool, which is a recognised method of assessing viability and has been used at many inquiries where viability is an issue and has superseded the Homes and Communities Agency's Economic Appraisal Tool.

7.12 Adams Integra is of the opinion that the scheme could support a total contribution of £188,089, whilst still making the scheme viable. Given that there is not enough of a contribution to achieve the three requirements of affordable housing, open space and education, a meeting took place with local ward members to agree on where the priority lies for this area. Ward Members agreed that all of the required funding of £91,485 should go to Outwood Academy as a priority because of the fact that there is no capacity at the school. Ward Members also decided that the remaining funding of £96,604 should be put towards off-site affordable housing (equivalent of roughly 3 units, which would equate to 10 per cent of the total units on this site). A contribution of £150,000 was given to Adwick Park as part of the 1st phase development (85 houses) and so Ward members did not feel that a contribution towards open space was necessary as part of this application. There is no requirement for an overage/claw back clause in this case given that the development is only for 31 dwellings and is not intended to be phased.

8.0 Summary

8.1 The development proposals represent a significant opportunity to regenerate this disused site which has lain vacant for over 20 years and has no realistic prospects of coming forward for employment development in the future. The site is suitable for housing and will help the Council to achieve its housing targets. All planning issues have been resolved and it is therefore recommended that planning permission be granted.

9.0 Recommendation

9.1 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:

- i) £91,485 towards the provision of school places for Adwick Outwood Academy.
- ii) £96,604 towards the provision of off-site affordable housing provision.

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

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 BY00051_02_02 Revision J (Site Plan)

Drawing number 08 (Paris house type)

Drawing number 09 (Venice house type)

Drawing number 11 (Oporto house type)

Drawing number Destiny Phase 2_04_01 (Materials Plan)

REASON

To ensure that the development is built in accordance with the approved plans.

3. Before the development commences a detailed hard and soft landscape scheme, including details of boundary treatments, shall be submitted to and approved in writing by the local planning authority. The hard landscape scheme shall provide details of surface materials for all highway areas, footpaths, parking courts, driveways and space around dwellings. The soft landscape scheme should provide details of species, nursery stock specification for all plant material in compliance with the Horticultural Trades Association National Plant Specification, siting, planting distances, details of tree pit design with adequate soil volume, staking/guying for all trees, a detailed management plan and programme of implementation. Thereafter the scheme shall be implemented and maintained in accordance with the approved scheme. Any tree or shrub planted as part of the scheme which is removed or severely damaged or is found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with a tree or shrub as specified in the approved scheme.

REASON

To ensure that a landscape/planting scheme is submitted and implemented in the interests of amenity and in compliance with core strategy policy CS16: valuing our landscape.

4. The scheme of landscaping approved in accordance with condition 3 shall be implemented in full accordance with the approved details and programme of implementation. The local planning authority shall be notified at each stage of implementation to visit the site and approve the implementation and prior to the backfilling and planting of any engineered tree pit to approve setting out and rooting material. Thereafter the landscape scheme shall be maintained in accordance with the approved management plan. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

To ensure that a landscape/planting scheme is implemented and established in the interests of environmental quality and in compliance with core strategy policy CS16: valuing our natural environment.

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

REASON

To ensure that all trees are protected from damage during construction in accordance with core strategy policy CS16: Valuing our natural environment.

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 and pursuant to guidance set out in the National Planning Policy Framework. This is required prior to commencement to ensure that the necessary mitigation measures can be put in place should any contamination be found.

7. Prior to the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or in an alternative timescale to be approved in writing with the local planning authority:
- The inclusion of 4 bat roosting features on buildings on site.
 - The inclusion of 4 bird boxes on buildings on the site.

REASON

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

8. Prior to the occupation of any residential units on site, details of the arrangements for the maintenance of any shared areas within the development shall be submitted to and approved in writing by the Local Planning Authority. The shared amenity areas shall be maintained in perpetuity in accordance with the approved scheme, unless alternative arrangements have first been agreed with the Local Planning Authority.

REASON

To ensure that the appearance of the development is satisfactory.

9. The development hereby approved shall be carried out in accordance with the mitigation measures set out in the report entitled 'Control of dust and noise during construction.'

REASON

To ensure that the construction of the development does not impact on the amenity of surrounding properties.

10. The development hereby approved shall be carried out in accordance with the scheme of sound insulation in table 5.1 in the noise report by Environmental Noise Solutions Limited dated 23rd May 2017.

REASON

To ensure that an acceptable level of noise is achieved in the dwellings in accordance with the guidance set out in the NPPF.

Appendix



Plan 1 Site layout plan.