

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 6<sup>th</sup> February 2018**

**Application**      3

<b>Application Number:</b>	06/00427/FULM	<b>Application Expiry Date:</b>	25th May 2006
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of new retail outlet following the demolition and reconstruction of 1 & 2 Market Place and No.8 Silver Street
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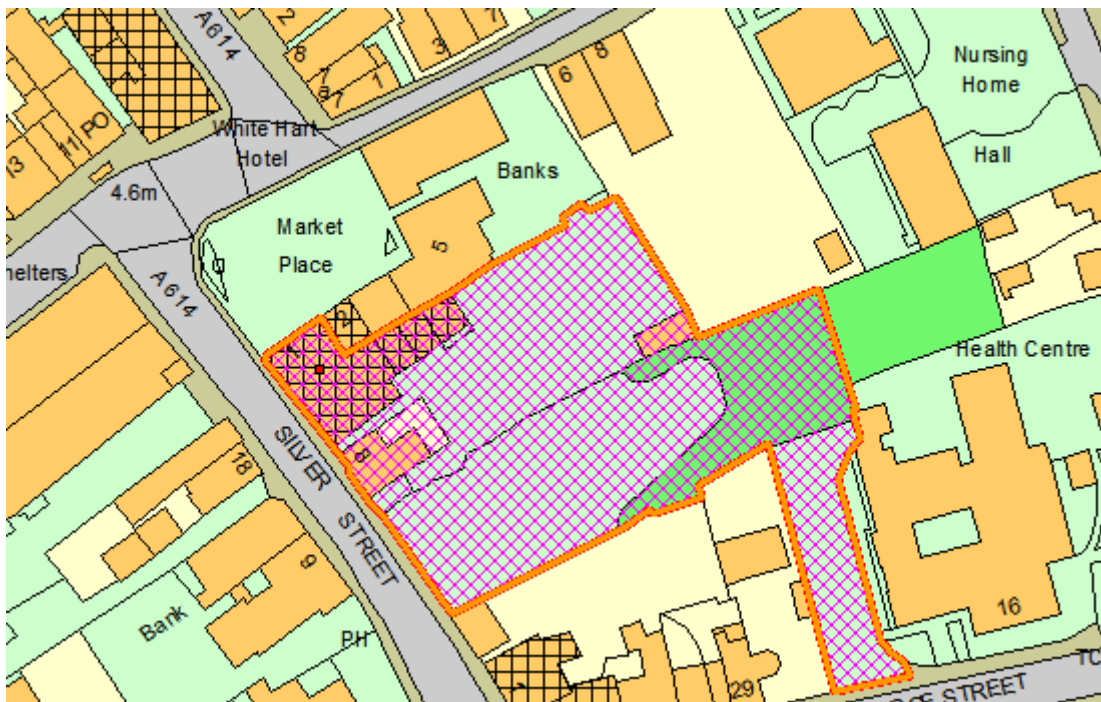
<b>At:</b>	1/2 Market Place And 8 Silver Street Thorne Doncaster South Yorkshire
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<b>For:</b>	Commercial Development Projects Ltd
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<b>Third Party Reps:</b>	7	<b>Parish:</b>	Thorne Town Council
		<b>Ward:</b>	Thorne And Moorends

<b>Author of Report</b>	Gareth Stent
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<b>MAIN RECOMMENDATION:</b>	Grant
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## **1.0 Reason for Report**

- 1.1 The application is presented to committee as the application had been previously reported to planning committee on the 16<sup>th</sup> May 2006. This was due to the opposition from the Civic Societies and was deferred to allow further discussions to take place regarding possible reuse of the building. The application was also presented to the 29.8.2006 committee and again deferred. Since 2006, the application site has increased in size and now includes land owned by Doncaster Council and is not regarded as a routine minor development.
- 1.2 The application therefore is required to be represented to committee for determination and therefore cannot be determined by delegated powers.

## **2.0 Proposal and Background**

- 2.1 This application seeks the demolition of the group of buildings known as 1-2 Market Place and No.8 Silver Street, Thorne and the sites redevelopment for an A1 retail store, car park and new accesses. The site lies within the Thorne Town centre. 1-2 Market Place fronts onto the small Market Place and continues around the corner onto Silver Street where a small gap separates it from 8 Silver Street, a detached property. The properties extend to the rear opening onto a grassed area where there is a further detached, derelict building boarded up and inaccessible. 1-2 Market Place was once a hardware store, known locally as Hirsts and included a small market chip shop at No.2. No.8 Silver Street is a black and white rendered building known as the Old Police House.
- 2.2 The buildings have had a long protracted history and were once important features within the Thorne Conservation Area, however over time through neglect and none operation use, they have fallen into disrepair. No 1 & 2 Market Place are Grade II Listed Buildings. This proposal now seeks the demolition of all buildings and the total redevelopment of the site.
- 2.3 This 2006 application has been resurrected by the submission of amended plans along with the submission of a Listed Building Consent which seeks total demolition of 1 & 2 Market Place (17/00029/LBC). The demolition of No.8 Silver Street can now be considered under this full application as this is not a Listed Building but within the Conservation Area.
- 2.4 The accompanying Listed Building Consent is supported by a Heritage Statement that justifies the demolition of the building and details what attempts have been made to dispose of the building and to secure the building from the weather.

2.5 Finally the plans were amended on several occasions over recent months to primarily address the concerns raised by Historic England and the councils Conservation Officer with regards to the design and appearance of the replacement building. Further highway modelling was also commissioned along with further written justification for the scheme. A new planning Certificate B was also submitted to reflect new land that has been included within the application and falls within Doncaster MBC ownership.

### **3.0 Relevant Planning History**

3.1 The history section shows that back in 2005 an attempt was made to redevelop this site by the submission of a Conservation Area Consent (05/01725 CAC) to demolish 1 & 2 Market Place and No.8 Silver Street and redevelop the site for a retail facility under planning reference 05/01724/FULM.

3.2 During these negotiations and consideration of the Conservation Area Consent, buildings 1-2 Market Place were listed on the 8th November 2005. As such 1 & 2 Market Place were removed from the consideration of the Conservation Area Consent application and a separate Listed Building Consent for demolition of 1 & 2 Market Place was applied for. The full application was refused, as it was deemed the building was capable of being repaired and insufficient efforts had been made to secure the reuse of the property.

3.3 The Listed Building application was also refused by the planning committee as the building was not in a structurally dangerous condition and could easily be repaired. The committee considered insufficient efforts have been made to secure the repair or reuse of the building through maintenance, grant assistance or offer for sale or lease. No suitable scheme for the redevelopment of the site has been put forward. The view was that the building is an important part of Thorne Conservation Area and contains historic elements that should be preserved.

3.4 The Conservation Area Consent (05/01725/CAC) now limited to No.8 Silver Street was part granted for the demolition of the rear buildings connected with No.8 and refused for the frontage building No.8.

3.5 Following the above refusals, 3 further applications were submitted, a new Conservation Area Consent for No.8 Silver Street (06/00429/CAC), similarly a Listed Building application for 1 & 2 Market Place 06/00428/LBD and this current application 06/00427/FULM. The proposal was to retain the frontages of the buildings in connection with the sites redevelopment. All three applications were deferred from planning committee over 10 years ago. The Listed Building application and Conservation Area Consent have since been withdrawn.

3.6 The scheme has been 'moth balled' over recent years pending further discussions over the design and more importantly the condition of the buildings with a view to still seeking total demolition and rebuild. The relevant references are as follows:

- 01/1807/P Change of use of dwelling to offices and formation of car park to rear. Granted. 10.07.2001 No.8 Silver Street
- 05/01724/FULM Erection of retail development on approximately 0.21ha of land following demolition of existing buildings. Refused 20.02.2006
- 05/01725/CAC Conservation Area Consent for the demolition of 8 Market Place. Part Granted (Rear buildings) and Part refused (frontage) on the 20.2.2006
- 05/03534/LBD Listed Building Consent to demolish buildings (1 & 2 Market Place) in connection with proposed retail development refused 20.2.2006.
- 06/00429/CAC Conservation Area Consent for demolition of offices retaining existing facade and demolition of brick barn in connection with erection of new retail outlet. (No 8 Silver Street). Withdrawn.
- 06/00428/LBD - Listed Building Consent for demolition of shop/offices and retention of existing facade in connection with erection of new retail outlet (1/2 Market Place) withdrawn.
- 17/00029/LBC - Listed building consent for demolition of 1 & 2 Market Place in connection with proposed redevelopment of the site. Pending.

#### **4.0 Representations**

4.1 The application was originally advertised in 2006 by the means of a site notice and in the local post office. Adjoining properties were also consulted directly in writing. Having examined the historical committee report it was noted that this attracted two individual letters of objection from local residents on the grounds of the character of the existing building.

4.2 Since the amended plans have been received the application has been advertised on site by x3 sites notices, advertised in the Press (appeared Thursday 26th Jan 17) and by letter to adjoining landowners within the vicinity of the site. The application has also appeared on the social media site of the Thorne Times. This accords with Article 13 of the Town and Country Planning (Development Management Procedure) Order.

4.3 2 letters of representation have been received from a local resident. The observation is as follows:

- The detail on plans coupled with the lack of a Planning Statement and a Design and Access Statement makes it difficult to know what is going on.
- Does Thorne/Moorends needs another supermarket given it has LIDL, Sainsburys, Aldi and the Co-op at the petrol station. This is combined with Heron & Fultons which takes Thorne beyond the capacity.
- The town has gone through a substantial change in recent years resulting in the closure of a number of small shops, banks and this gives the opportunity to redevelop the market place in tandem with the applicant's site.

- The front of Silver Street (with or without 8 Silver Street) and backland sites could be developed for residential purposes with properties consistent with the townscape. The Conservation Area and/or the Commercial Policy Area should be reconsidered in the light of the radical change to the shopping area of the town.
- Any CIL could be invested in Flood Risk attenuation or alternatively in updating the infrastructure of Thorne.
- In mitigation for the loss of the building more attention should be paid to the interior of the new building i.e. replacing as much of the lobby as possible and keeping key furniture (fire places stair cases) for display purposes.
- Part of the building would make "an ideal setting for a small local history museum and information centre inside the building would be in the 'Market Chippie, where a 17th Century fireplace still remains; in other parts of the building we would like to include the history and information of Thorne and Hatfield Moors together with the RSPB; perhaps a coffee shop or tea rooms extending onto the Market Place in the summer. This building would be used to educate our local community, especially our younger generation, also visitors with regards to our local history, provide craft skills and employment while creating accommodation for local people."
- One idea is to locate Thorne/Moorends Town Council in the premises so as to be central and could give some security for the above proposal.
- The Thorne Town Centre Review (by URS), part of the Thorne Neighbourhood Plan should be introduced as evidence as emerging legislation as it is undoubtedly relevant. This document addresses regeneration, which can only really happen, if the population were to increase. The Thorne Conservation Area Appraisal describes the area as 'deteriorating'.

4.4 1 letter of support was received;

- The property has been in a very poor state of repair for many years and is now beyond any reconstruction and unsafe, demolition is the only option. The proposed new build will be of great benefit to the community, the conservation group should be discounted as they do not want the area to be improved. The new build has been developed to enhance the historical features.

4.5 1 letter of interest from a local ecologist;

- With the exception of the parish church, the structure is probably the oldest remaining in Thorne and requires detailed recording and dendrochronological dating. Hopefully these can be added to the planning conditions.

- One other interest is in the local insect fauna, in particular the distribution of Deathwatch and its relation to climate change. It would be interested to know whether the timbers have any extant populations.

4.6 A full round of reconsultation took place in January 2018 based on the amended plans. 3 responses were received. Many of the comments simply reiterated the concerns previously expressed above, over the need for another retail unit and favoured residential and parking instead. Also the need for Silver Street to have an enclosed frontage was reiterated.

- A representation wanted to know what retail out would be formed.
- When Thorne-Moorends town council purchased these properties they envisaged demolition and the creation of a viable development site in keeping with the character of the town including Doncaster's land.

## **5.0 Thorne Town Council**

5.1 This application was considered by the Town Council at its meeting of 24th January 2017. The Town Council welcomes this proposal and the associated site redevelopment in that it would remove a long standing eyesore which has blighted the Town centre for many years. The removal of these derelict buildings will be a major boost for Thorne Town Centre.

## **6.0 Relevant Consultations**

6.1 Many of the responses from the Civic Societies are as per the January 2017 consultation and relate to both the full and listed building consent simultaneously. These will therefore be updated as pre committee notes once received as a result of the latest round of consultation on the amended plans.

6.2 Environmental Health - No objections. The officer noted the commercial and residential split within the town centre and suggested conditions covering the need to provide further details of extraction/planting location and details, demolition and construction operational hours and lighting details. This will ensure the nearby residential properties are safeguarded against nuisance.

6.3 Environment Agency - The site lies within Flood Zone 1, therefore have no comments on the application.

6.4 Fire officer - No objections. Access is to be in accordance with Approved Document B Volume 2 Part B5 Section 16.2, 16.3, 16.11 and Table 20. Water supplies are to be provided in accordance with Approved Document B Volume 2 Part B5 Section 15.

6.5 Ecologist – Initial holding objection based lack of a bat survey as the buildings could be capable of accommodating bats. An ecological appraisal of the site was also required to consider habitat loss and relevant compensation. This survey work only commissioned in September despite being requested in February 2017. Whilst the surveys were undertaken at a suboptimal time of year, the ecologist is confident that bats are unlikely to be using the building. Conditions covering the need for mitigation and compensation measures are suggested, along with the need for bat roosting bricks to be incorporated into the design of the building.

- 6.6 Yorkshire Water: No objections subject to a condition covering the need for separate systems of foul and surface water drainage which will be imposed on any approval. The local system does not have the capacity to deal with surface water and therefore SUDs are a requirement.
- 6.7 Highways DM - Highways raised an initial objection over the access from Silver Street, the inadequate delivery yard / servicing. HGV delivery vehicles will undoubtedly restrict vehicles exiting the car park via the one-way system to Bridge Street. A lack of detail was provided over delivery vehicles negotiate the exit onto Bridge Street and its visibility on to Bridge Street for exiting vehicles. Also concern of how the one way access / egress arrangement will be controlled. Mayer Brown Ltd were commissioned to assess the highway concerns and produced a technical note and stage 1 Road Safety Audit. This combined with amended plans resulted in a satisfactory scheme.
- 6.8 Victorian Society - Objection. The proposal would result in the total and unjustified loss of designated heritage assets and cause serious harm to the special interest of the Conservation Area. The society echo the concerns raised by others over the proposed demolition of 1-2 Market Place and are not convinced that the loss of these buildings has been justified in accordance with the NPPF.

In addition to 1-2 Market Place, the application also proposes the demolition of 8 Silver Street. The building is noted in the Thorne Conservation Area Appraisal as the late nineteenth-century Old Police Office and its poor condition and future is rightly highlighted by the Council as a particular concern. It is a modest but attractive structure, which makes a positive contribution to the character and appearance of the Conservation Area. It is both a non-designated heritage asset and an intrinsic part of the designated heritage asset that is the Conservation Area.

- 6.9 Georgian Group - The Georgian Group wishes to register its objection to the proposed total demolition of the listed building. At the time of listing in 2005 the building retained seventeenth and eighteenth century fixtures and fittings of considerable interest including two eighteenth century staircases, panelling, and chimneypieces.

The Group wishes to defer to Historic England on the impact of the design of the proposed replacement building on the surrounding conservation area, and to the Victorian Society over the proposed demolition of the late nineteenth century former Police Station on Silver Street.

The Group Note the efforts that have been made to find a sustainable new use for the historic buildings on the site and to secure grant aid for its repair. What is less clear from available documents, is what efforts have been made in recent years to prevent the further deterioration of the building's fabric.

Whilst the Group is aware from the supporting documentation that the building is in a state of considerable disrepair, it is not clear what now survives internally. It is also not clear whether it would be practicable to retain the most important of the surviving elements of the building's historic fabric within any new development of the site as a whole. Further work should be undertaken to assess the practicability of this option.

As the proposed works of demolition would cause the total loss of a Grade II listed building, and substantial harm to the surrounding core of the Conservation area which includes the Market Place, demolition must be necessary to achieve substantial public benefits. From the available supporting documents The Group cannot be convinced that the total redevelopment of the site represents the only viable option for achieving the public benefit which the applicants aim to achieve, or that the four key tests set out in para 133 of the NPPF have been met.

6.10 Conservation Officer – No objection. The Conservation officer has been working with the applicant to achieve a suitable design for the replacement building should the principle be supported. Whilst 8 Silver Street is considered to make a positive contribution if the overall redevelopment of the site enhances the Conservation Area this would be considered to be in accordance with Para 137 of the NPPF and saved policy ENV26 of Doncaster's UDP.

The proposal has seen significant amendments to the design and form of the building over recent months, with amendments being made to the detailing of the shop fronts, spacing of the buildings to create an ordered approach, amendments to the rear and form of No.8 Silver Street, materials and boundary walls. The Conservation officer suggested it would have been preferable for the gap between the proposal and the neighbouring 1 Silver Street to have been filled with a building to improve the townscape but this was not considered viable, however a tall brick wall and bike shelter is proposed.

Overall the proposal is welcomed as it replaces the existing historic buildings with buildings of similar forms.

6.11 Historic England (HE) – No objection providing the council is satisfied that the requirements of paragraphs 132 and 133 of the NPPF are met in determining the application. Historic England's preference would be to see the repair and retention of the existing buildings in conjunction with the redevelopment of the site. However, they acknowledge the poor and deteriorating condition of 1-2 Market Place and 8 Silver Street and the visual impact these buildings currently have on the appearance of the Conservation Area.

HE state that the demolition of 1 & 2 is regrettable and that they have worked with the authority and building owners for many years to try and find a solution for this key site within the Conservation Area. HE agree with the changes requested to the design and are satisfied with the documents and justification given with regards to the upkeep of the building and alternative uses.

6.12 SPAB – The Society for the Protection of Ancient buildings. Objection

The SPAB visited Thorne in 2013 and were struck by the history and great character of the town. SPAB were also mindful of the challenging social, economic and employment circumstances of Thorne and how some of these difficulties manifested in the redundancy and neglect of a number of buildings and areas. However, there appeared to us to be great potential to improve the town's future by building upon its inherent special qualities and charm, but sadly such opportunities had not yet been embraced.



A few years since that visit, with several buildings at risk, and the condition of the conservation area categorised as 'very bad' and 'deteriorating' the ongoing situation in Thorne is quite worrying.

SPAB were concerned why the 2006 application had been left undetermined and concerned that the council were in discussions over the past decade with the owners regarding the redevelopment scheme and the design of the replacement buildings(s) when no consent had been given for demolition and no evidence of actions taken to remove the ongoing and worsening risks posed to and by the buildings.

SPAB fail to see how the demolition of all the buildings and replacement with a pseudo historic simulacrum would preserve or enhance the character or appearance of the conservation area. SPAB were also concerned with the measures the applicant had undertaken to keep the building in good health and 'stop the rot' and to find alternative uses since they acquired it in 2004.

SPAB also seek to understand the reasons why the Local Planning Authority do not appear to have used the statutory tools available to them to prevent the building from falling into further disrepair, i.e. Compulsory Purchase Order.

SPAB does not consider this to be an exceptional case and are not convinced that the substantial harm and loss that would result from the proposed demolition and redevelopment is necessary to achieve substantial public benefits that outweigh that harm or loss, or that all of the following tests have been met. For this reason and the reasons set out above SPAB advise that the current applications fail to meet the requirements of Sections 16, 66 & 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 and paragraphs 128, 130, 132, & 133 of the National Planning Policy Framework and should be refused.

6.13 South Yorkshire Archaeological Service – In matters relating to listed buildings and buildings within conservation areas, SYAS defers to the advice given by DMBC's Conservation Officers and Historic England. That is the case in this instance. However, we also wish to reiterate the recommendations we made on this application in 2006. Our preference would be for the retention of these historic buildings but, if consent is granted, a condition should be attached to secure a scheme of historic building recording and archaeological evaluation of any below ground deposits in order that a scheme of mitigation can be agreed.

6.14 Pollution Control – No objection.

## **7.0 Relevant Policy and Strategic Context**

7.1 The site lies within an area allocated as Commercial Policy Area and partially within the Primary Shopping Frontage within the adopted Doncaster Unitary Development Plan. The application is also within Thorne Town Centre Conservation Area. The following text details the relevant National and Local Planning Policies (Core Strategy and Unitary Development Plan) and also highlights relevant parts of the Town and Country Planning Act.

## National Planning Policy Framework (NPPF)

- 7.2 The National Planning Policy Framework (NPPF) (2012) is the national tier of planning guidance and is a material planning consideration in the determination of planning applications. In terms of the NPPF, the overarching aim is for sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. Paragraph 7 of the NPPF identifies that planning should perform the following three roles in the delivery of sustainable development: i.e. the economic role, social role and an environmental role.
- 7.3 Section 12 of the NPPF has the most relevance to this application entitled 'Conserving and enhancing the historic environment'. More specifically paragraph 132 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It further states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification; and that substantial harm to or loss of a grade II listed building should be exceptional.
- 7.4 It is a core planning principle that heritage assets are conserved "in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations".
- 7.5 Paragraph 130 of the NPPF states that; 'Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.'
- 7.6 Paragraph 131 of the NPPF states that local planning authorities should take account of the "desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". It highlights also the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality. Paragraph 132 stresses that "great weight" should be given to the preservation of heritage assets. It further states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification; and that substantial harm to or loss of a grade II listed building should be exceptional
- 7.7 In addition, paragraph 135 of the NPPF states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application". Paragraph 58 compels the Council to ensure that developments "respond to local character and history, and reflect the identity of local surroundings and materials".
- 7.8 Given that under Para. 132 of the NPPF demolition of a listed building is considered exceptional as heritage assets are irreplaceable there needs to be clear and convincing justification. Under Para. 133 of the NPPF this is by demonstrating that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term
- through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.

7.9 Other relevant parts of the NPPF include:

- Chapter 1 - Building a strong, competitive economy
- Chapter 4 - Promoting sustainable transport
- Chapter 7: Requiring good design. Paragraph 55 requires that developments should add to the overall quality of the area and respond to local character/history and reflect the identity of local surroundings.
- Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and enhancing the natural environment.

### Doncaster Development Plan

7.10 This consists of the Core Strategy and the saved policies from the 1998 UDP:

#### Core Strategy:

7.11 The LDF Core Strategy's 10 objectives are also of relevance which promote economic engagement to achieve widespread economic, social and environmental regeneration for all sectors of all our communities, and to allow Doncaster's economy to realise its potential. This proposal will redevelop a derelict site and enable a new retail offer for the principal town, diversifying the retail opportunities and creating wealth and jobs.

Objective 2 seeks to be pro business to stimulate employment opportunities. Whilst the end retailer is not yet know the scheme due to its size will create employment.

Objective 3: To make best use of our excellent road, rail and canal links – Thorne is certainly well served by road and rail and is one of the reasons why it's a growth town. The town is sustainable having a full range of local services, schools, health care. This development will help underpin this growth and develop one of the few remaining gap sites left in the town centre.

Objective 9: To ensure that new development for jobs minimises the loss of Green Belt, countryside and agricultural land by making the most of existing buildings and land that has been used before and maximising opportunities for regeneration, whilst avoiding areas vulnerable to flooding where possible. This site is already within the settlement boundary and reuses a former vacant and derelict site.

Core Strategy Policy CS1: Quality of Life, is also relevant and sets out a number of general development criterion that will be used to assesses all development with the borough. Specifically this policy 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:

A) 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.

B) Strengthen communities and enhance their well-being by providing a benefit to the area in which they are located, and ensuring healthy, safe places where existing amenities are protected.

C) Are place-specific in their design and which work with their surroundings protecting and enhancing the built and natural environment, including green spaces, buildings, heritage assets, trees, waterways and public spaces.

D) Are accessible by a range of transport modes which offer choice, and are open and inclusive to all.

E) Protect local amenity and are well-designed, being: attractive; fit for purpose; locally distinctive; and; capable of achieving nationally recognised environmental, anti-crime and design standards.

Proposals should aim to follow all criteria, demonstrate how each objective has been considered and balanced against any other priorities, and is in accordance with all other relevant development plan policies.

7.11 The proposal is compliant with CS 1 in that it will provide a number of jobs, strengthen local employment sources, utilise an area of derelict land, thus reducing the development pressure placed on greenfield sites.

7.12 Other more detailed policies include:

CS 2 - Growth and Regeneration Strategy

CS 4 - Flooding and Drainage

CS 9 - Providing Travel Choice

CS 14 - Design and Sustainable Construction

CS 17 - Providing Green Infrastructure

CS 16 – Valuing natural environment.

7.13 Finally the relevant saved Unitary Development Plan sections include:

- ENV 26 - Demolition in Conservation Area
- ENV 25 - Conservation Areas
- ENV 30 - Listed Buildings
- ENV 32 - Alterations and additions to Listed Buildings
- ENV 34 - Development affecting the setting of Listed Buildings.
- SH1 – Commercial Policy Areas.
- SH5 - Primary shopping frontage

7.14 Also of relevance to this application is the 1990 The Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 obliges the Council to ensure that any development “preserves or enhances the conservation area.” Also the act requires that in the exercise of planning functions and in considering works to Listed Buildings (s.16 & 66) decision makers are required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **8.0 Planning Issues**

### Main Issues

- 8.1 This application is 11 years old and several legislative and policy changes have occurred over the passage of time, in particular the abolishment of Conservation Area Consents, meaning the demolition of No.8 Silver Street is now to be considered under this application. The demolition of 1&2 Market Place is being considered under the standalone Listed Building Consent application.
- 8.2 Notwithstanding this the main issues are simple in that they require an assessment of the loss of No.8 Silver Street with the Conservation Area, the loss and impact of the new rebuilding of 1&2 Market Place, with its significant rear single storey extension, the principle of the retail use within the town centre, the impact on the local highway network, impact on adjoining landowners and finally the impact on the ecological value of the site.

### Principle

- 8.3 The proposal involves the redevelopment of a former retail unit, chip shop and Police House in the town centre of Thorne. The proposed A1 retail use is an acceptable use and encouraged within town centres. Policy SH1 of the Unitary Plan states that within small town centres, permission will normally be granted for commercial uses and policy SH5 seeks to retain retail uses within primary shopping frontages.

- 8.4 Concern has been expressed over whether Thorne needs another supermarket, however no end user has been stated at this stage and the market will determine if this is needed. The redevelopment of this site may well attract investment back into the centre of Thorne and balance out the new investment which has recently moved to the north of Thorne with the attraction of Aldi and B & M stores. The proposal will also reopen what is currently an inactive part of the primary shopping frontage at 1-2 Market Place and will breathe new life into the historical market square, which is currently suffering from partial inactive frontages and the closures to some banks.
- 8.5 Representations have been made about why alternative uses are not considered i.e. residential units, museums, smaller shops, however the Local Planning Authority has duty to determine the application as applied for and this is an appropriate use. The proposal will make use of a redundant site, create new jobs, create growth in the retail offer and remove a building that currently detracts from the Thorne Town centre. The principle of the scheme is therefore acceptable. No retail sequential testing is required given its town centre location.

### Design and Layout

- 8.6 Planning Policy Principle 7 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and contributes positively to making places better for people. Policy CS 14 of the Doncaster Council Core Strategy sets out the local policy in relation to design and sustainable construction.
- 8.7 The proposed site layout plan indicates that 1-2 Market Place and No.8 Silver Street are to be taken down and rebuilt in a form and character very similar to the buildings that currently occupy the site. A large flat roof building will then extend to the rear in an easterly direction providing 1104 sq m of retail floor space. Access will be taken from Silver Street into a car parking area, where cars will exit a newly formed access onto Bridge Street. Bridge Street will also provide the access for servicing vehicles.
- 8.8 The scale and massing of the frontage buildings pretty much replicates what currently exists and the new rear flat roofed building will provide the necessary floor space for a viable scheme to be produced. The flat roof nature will also safeguard views of the Church to the east of the site when viewed from Silver Street and cause no issue of overbearing or impact to surrounding buildings within the market square. The creation of a wall and bike shelter on Silver Street will recreate some sense of enclosure.
- 8.9 Several representations have been made about why a building cannot plug this gap, however it is required for access and any new enclosure is better than what currently exists. The proposal is unlikely to have any impact on No.1 Silver Street as the wall, which separates the 2 sites will remain and be upgraded. The car parking will only be used during opening hours and the adjoining property and residents are unlikely to suffer from the wider use or sites redevelopment. This accords with Policy CS 14 of the Core Strategy which requires that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

## Highways and Parking

- 8.10 With regard to highway safety and parking, this should be considered against policy CS 14 of the Doncaster Unitary Development Plan which states that new development should ensure quality, stability, safety and security of private property, public areas and the highway, permeability and legibility. The proposal includes a new vehicular access off Silver Street for cars and users of the store with 51 new car parking spaces parking spaces to the southern edge of the site. The car park will operate a one way system where vehicles will exit the site onto Bridge Street, which is also the access for HGV's and servicing of the retail facility. A cycle store is also proposed onto Silver Street. The building is also now set back from Silver Street to allow the existing narrow footway to be widened which is planning gain.
- 8.11 The highway officer had initial concerns over the vehicular access from Silver Street due to its proximity to the existing zebra crossing on Silver Street, concerns over the inadequate delivery yard/servicing a problem and the need for HGV to cut across parking spaces. There were also concerns over the visibility onto Bridge Street and over how the one way system will be controlled. The applicants commissioned Mayer Brown Ltd to undertake a stage 1 road safety audit, swept path analysis and a technical note on the highway matters. This was assessed by the council's highways officer and overcome the original concerns.
- 8.12 Conditions covering detailed layout, engineering and highway drainage drawings are suggested along with site surfacing details and a Traffic Management Plan (TMP) for both demolition and construction phase of development is submitted to and subsequently approved in writing by the Local Highway Authority.

## Ecology

- 8.13 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment, in regards to: valued landscapes, ecosystem services, biodiversity, pollution, and contaminated and unstable land. Paragraph 118 of the NPPF states Local Planning Authorities should aim to conserve and enhance biodiversity. Core Strategy Policy CS16: Valuing our Natural Environment, seeks to ensure that Doncaster's natural environment will be protected and enhanced. No assessment of the sites ecological value was initially submitted with the application.
- 8.14 The council's ecologist intimated that all the buildings on site proposed for demolition have the potential to be used by roosting bats and that necessary surveys would have to be undertaken. The ecologist requested an ecological appraisal of the site that looks at the potential for other protected species to be using the habitats present and discusses potential compensation for habitat losses.

8.15 This was put to the applicants and they initially wished for this to be treated by condition and were reluctant to grant access to the building given its poor condition and liability issues. It is however quite normal situation for a building to be considered unsafe such that an internal building inspection, that is usually included as part of a bat survey, cannot be undertaken. The applicants commissioned the necessary Ecological Impact Assessment in September 2017 despite it being requested in February. The report dated Oct 17 Rev A was undertaken by Access Ecology. This focussed on an initial inspection survey and nocturnal activity surveys. The surveys have found that the site is of low ecological value and the loss of habitats will have, at most with suitable mitigation in place, a minor negative insignificant impact at local level.

8.16 The surveys were undertaken at a suboptimal time of year, however the council's ecologist is confident with the work undertaken and suggests it's unlikely that bats are using the building. Conditions covering the need for ecological mitigation and compensation measures are suggested, along with the need for bat roosting bricks to be incorporated into the design of the building.

### Flooding/Drainage

8.17 Paragraph 99 of the NPPF relates to Flood Risk and the related environment stating that: 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.'

8.18 The site is located within Flood Risk Zone 1 (low probability of flooding) as shown on the Environment Agency flood maps and within the Doncaster Strategic Flood Risk Assessment. The development is regarded as being 'less vulnerable' in terms of its use classification in table 2 of the flood risk vulnerability classification. The development is therefore regarded as appropriate within a flood zone. Likewise the proposal is not required to pass either sequential or exceptions test.

8.19 Whilst being a major application the site area is not more than 1 hectare (0.35ha) and therefore a Flood Risk Assessment is not required. The flood zone 1 classification also negates the need for the applicant to undertake a sequential test. Notwithstanding the above the site is not known to have flooded.

8.20 Foul water will connect to the existing sewer network and the surface water will be disposed of by a soakaway which will be controlled by condition. The council's drainage officer has raised no objections and no further objections are raised from the EA or IDB. Overall the scheme represents no conflict with the aforementioned policy and the drainage strategy is well considered and appropriate.



## Conservation

- 8.21 1-2 Market Place and 8 Silver Street lie within Thorne Conservation Area with the former also being a Grade II Listed Building. Much of Thorne's central core of the town is within the conservation area. The appearance of the area is established by a predominance of small scale residential and commercial properties in the main from the 18<sup>th</sup> and 19<sup>th</sup> century, although some properties also survive from the 17<sup>th</sup> century, including 1-2 Market Place. The Market Place forms an important heart to the conservation area and is surrounded by many historic buildings that form a positive townscape to the area. There is a limited palette of historic materials, being mainly reddish-brown bricks and red clay pantiles, although there are rendered buildings and there is also some use of slate. Tall brick walls are another important feature especially on Southfield Road and Stonegate.
- 8.22 1-2 Market Place is Grade II listed as it is considered that the building is of special architectural interest as it represents the substantial survival in Thorne town centre of a 17<sup>th</sup> century lobby entrance plan house, remodelled and extended in the mid-18<sup>th</sup> century. Despite its unremarkable external appearance, at the time of listing it did retain much early fabric, and significant internal features, including a 17<sup>th</sup> century fireplace and two 18<sup>th</sup> century staircases. The 18<sup>th</sup> century refinement of earlier fabric and plan form is important evidence of the transition from vernacular to polite architectural form in an urban context. It has been empty for approximately 30 years and its condition is considered to be at extreme risk with fabric having deteriorated due to vandalism and being vacant. 8 Silver Street is considered to make a positive contribution to the conservation area due to its traditional form and street presence.
- 8.23 Whilst 8 Silver Street is considered to make a positive contribution if the overall redevelopment of the site enhances the conservation area this would be considered to be in accordance with Para. 137 of the NPPF and saved policy ENV26 of Doncaster's UDP.
- 8.24 The proposal has been subject to lengthy discussions with Historic England's and the council's conservation team over the design of the newly proposed building. Overall the proposal is welcomed by the Conservation officer as it replaces the existing historic buildings with buildings of similar forms with some enhancements as detailed below.
- 8.25 The shop fronts have been redesigned to simplify the design, and more vertical divisions were added to reduce chance of breakages – especially to avoid the use of external roller shutters a real problem in the conservation area. In addition render was added, the design and form of No.8 was changed with steeper pitch roof added and has a narrower gable to the end which looks more balanced. The elevational treatment of the single storey rear element of '8 Silver Street' has been detailed as a plain wall with coping rather than rendered with brick pilasters. Bricks are to be reclaimed. This gives it the appearance of a tall boundary wall in line with a key characteristic of Thorne.

8.26 Finally as detailed above there has been significant concern from the civic societies over the applications particularly as they were not convinced that the buildings need to be demolished or what attempts had been made to secure alternative uses and funding. There was also particular concern over what measures had been put in place to secure the building from the elements and stop its deterioration. The applicants provided additional justification and information in support of this and whilst more could have been done to keep the building from falling into disrepair, the applicants had not actively encouraged its deterioration.

8.27 The application needs to progress to a conclusion and whilst harm will be created by the loss of the existing buildings this is outweighed by the benefit of bringing the site back into use, in particular to the appearance of the Conservation Area. The application has received support from Historic England and as such is recommended favourably. Conditions controlling the quality of the materials and measures such as building recording and a contract for demolition are all suggested.

8.28 Additional conditions securing appropriate materials, landscaping and contracts for demolition will be added as pre committee amendments once drafted.

#### Archaeology:

8.29 Policy CS 15 seeks to ensure Doncaster's heritage is protected in particular its archaeological remains. The NPPF (para. 128) requires "an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting". The South Yorkshire Archaeological Service were consulted and explained in matters relating to listed buildings and buildings within conservation areas, SYAS defers to the advice given by DMBC's Conservation Officers and Historic England. They did however wish to reiterate the recommendations they made on this application in 2006 over a preference to retain the historic buildings but, if consent is granted, a condition should be attached to secure a scheme of historic building recording and archaeological evaluation of any below ground deposits in order that a scheme of mitigation can be agreed.

## **9.0 Summary and Conclusion**

9.1 In conclusion the application has remained stagnant for many years in which time no alternative uses of the building have been sought. The buildings condition has slowly deteriorated and now the final designs for the replacement building have been agreed. These have received support from Historic England and officers feel that whilst some harm is created by the loss of No.8 this is outweighed by the regeneration benefits of Thorne's town centre. The redevelopment of this site is in the public interest and will reintroduce a vibrant active frontage in the heart of the town centre and provide much needed investment into the historical core. On this basis the recommendation is for approval.

9.2 The decision cannot be issued until the accompanying Listed Building Consent has been sent to the National casework unit.

## 10.0 Recommendation

MEMBERS RESOLVE TO GRANT FULL PLANNING PERMISSION ONCE THE LISTED BUILDING CONSENT (17/00029/LBC) HAS BEEN REFERRED TO THE NATIONAL CASEWORK UNIT AND AGREED.

THE HEAD OF DEVELOPMENT BE AUTHORISED TO ISSUE THE PERMISSION SUBJECT TO CONFIRMATION FROM THE CASEWORK UNIT SUBJECT TO THE FOLLOWING CONDITIONS.

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. ACC1            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 amended plans and specifications.  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. DA01            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.
04.                    The development hereby permitted shall not be commenced until a Traffic Management Plan (TMP) for both demolition and construction 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 relevant phases. I would expect the TMP to contain information relating to (but not limited to):

- Volumes and types of vehicles
- Parking of contractors vehicles
- identification of delivery routes;
- Contractors method for controlling demolition / construction traffic and adherence to routes
- Size, route and numbers of abnormal loads (as required)
- Swept path analysis (as required)
- Construction Period
- Temporary signage
- 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.

05. 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. Adequate measures shall be so designed within the proposed access to avoid the discharge of surface water from the site onto the public highway.

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.

06 HIGH 2 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.

07. 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.

08. Visibility Before the development is brought into use, the visibility splay as shown on the approved plan (ref MBSK171122-1 Rev P1) shall be rendered effective by removing or reducing the height of anything existing on the land within the splay which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the public highway.

REASON

In the interests of highway safety.

09. Prior to development commencing detailed layout, engineering and highway drainage drawings for the proposed access arrangements shall be submitted for inspection and approval by the Highway Authority before works commence on site. The detailed design will be subject to Road Safety Audits in accordance with DMRB Volume 5 Section 2 Part 2 Road Safety Audit (HD 19/03).  
REASON  
In the interests of highway safety.
10. Prior to installation full details of any external plant i.e. ventilation, heating, refrigeration or cooling units installed for use within the building shall be submitted to and approved in writing with the Local Planning Authority. Unless otherwise agreed these shall be located on the eastern façade of the building.  
REASON  
To safeguard the living conditions of adjacent occupiers in accordance with Policy CS 14.
11. Demolition or construction works shall not take place outside 08:00 hours to 19:00 hours Mondays to Fridays and 08:00 hours to 17:00 hours on Saturdays or at any time on Sundays or Bank Holidays.  
REASON  
To safeguard the amenities of the occupiers of the adjoining properties.
12. All the mitigation measures detailed in chapter G.4 and compensation measures detailed in chapter H.1 of the Ecological Impact Assessment report by Access Ecology dated October 2017 and submitted with this application shall be carried out as described in full unless agreed otherwise in writing with the local planning authority.  
REASON  
In line with Core Strategy Policy 16 to ensure the ongoing ecological impacts of the site are maintained.
13. Prior to the commencement of development details of the type and siting of 3 bat roosting bricks to be installed in the new buildings on site shall be submitted to the local planning authority for approval in writing. The bat roosting bricks will be installed before the first occupation of the site.  
REASON  
In line with Core Strategy Policy 16 to ensure the ongoing ecological impacts of the site are maintained.
14. U46158 Prior to the commencement of work, full details of the proposed hard and soft landscaping and the design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. Such details should include details of design, materials, and finish of all gates proposed for the site.  
REASON  
In the interests of the character or appearance of the Conservation Area

15. CON2                   Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not 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.

16.                           Prior to the retail unit hereby approved being brought into use details of the proposed store's opening hours shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the store should operate in accordance with these approved details for the lifetime of the development.

REASON

To ensure that the development does not prejudice the local amenity.

17. Archaeology       Part A (pre-commencement)

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

- o       The programme and method of site investigation and recording.
- o       The requirement to seek preservation in situ of identified features of importance.
- o       The programme for post-investigation assessment.
- o       The provision to be made for analysis and reporting.
- o       The provision to be made for publication and dissemination of the results.
- o       The provision to be made for deposition of the archive created.
- o       Nomination of a competent person/persons or organisation to undertake the works.
- o       The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

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

REASON

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

18. Prior to installation, details of lighting for the site shall be submitted to and approved by the Local Planning Authority. The lighting once approved shall be installed in accordance with the approved details. External lighting shall not spill illumination beyond the boundary of the site.

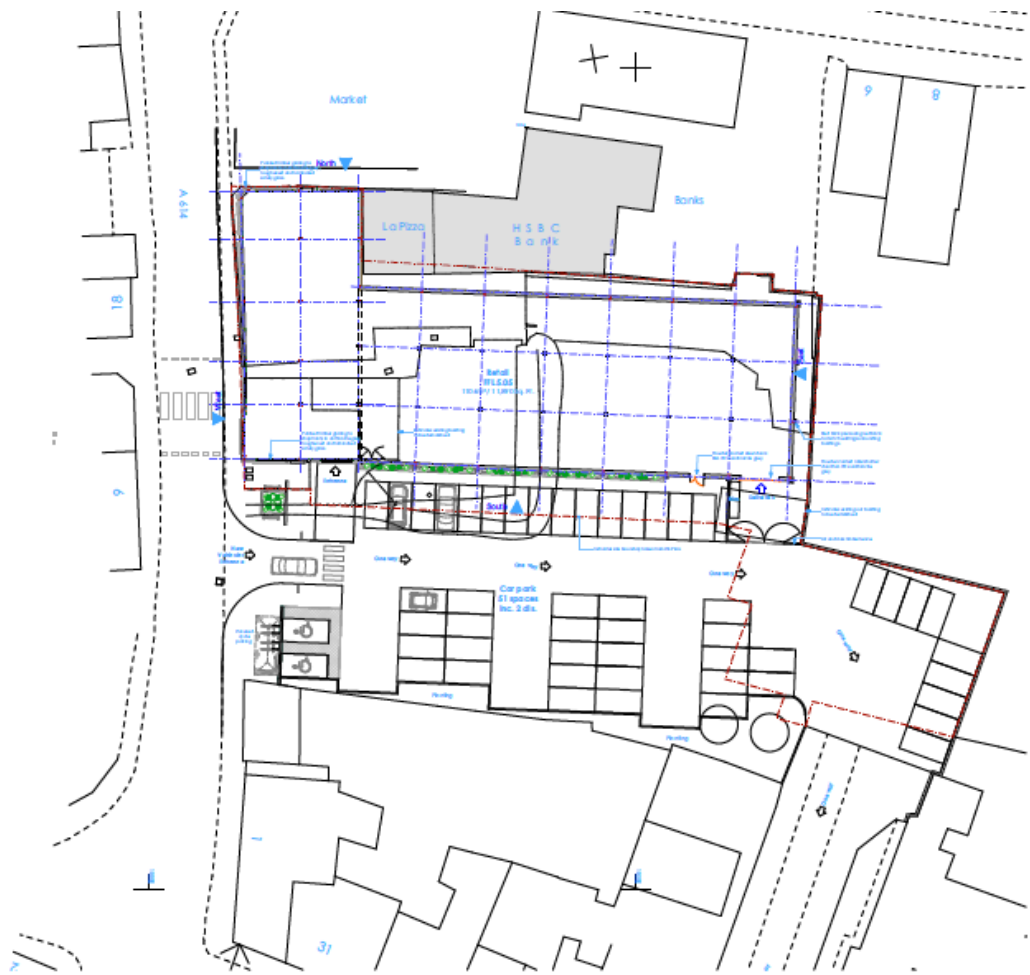
REASON

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

19. Additional conditions from conservation will be added as pre committee amendments.

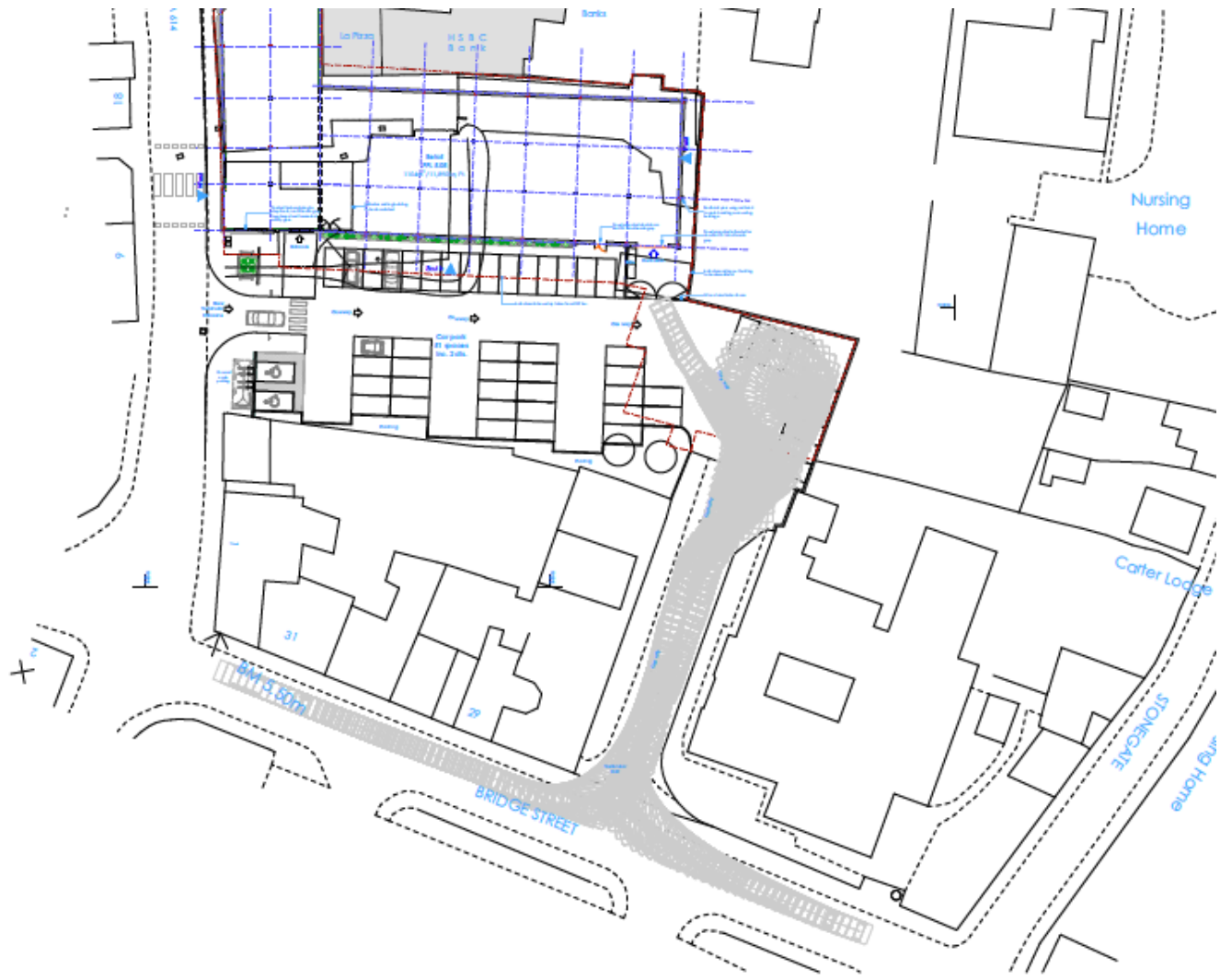
**The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and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

# Appendix 1- Site Plan





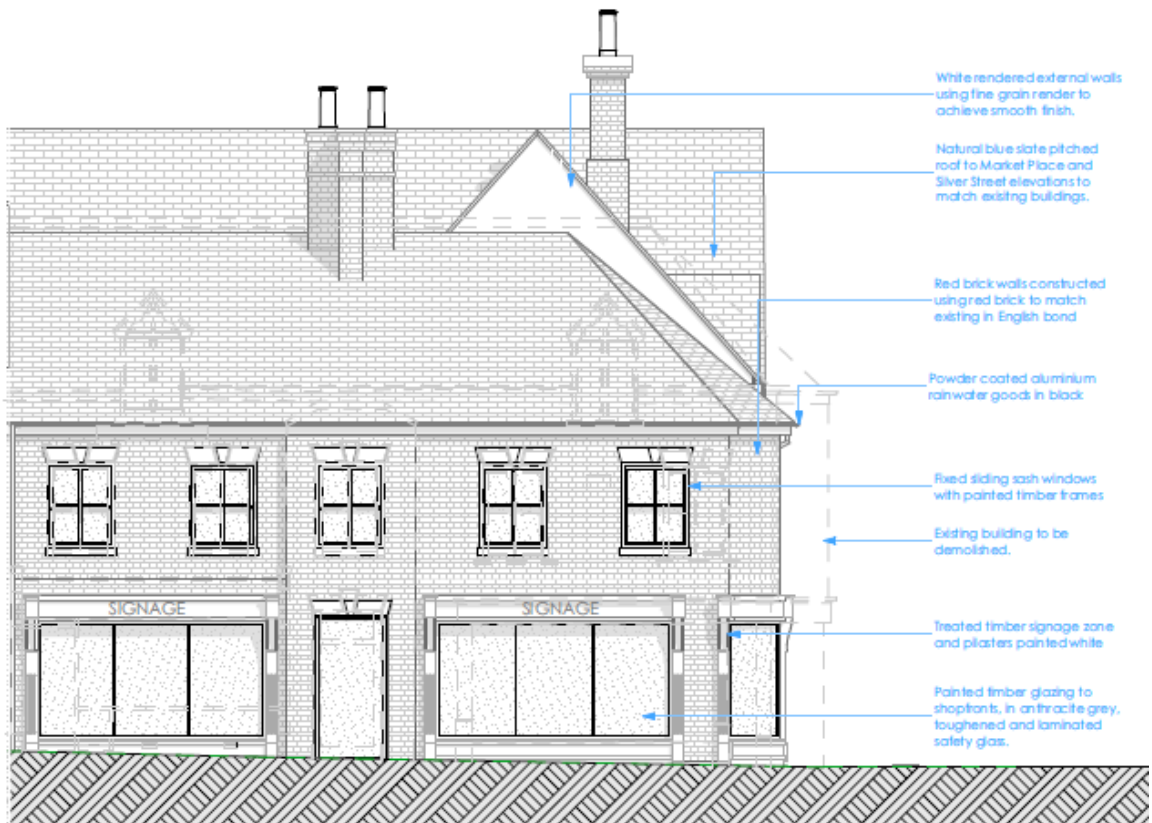
Appendix 2 showing access onto Bridge Street



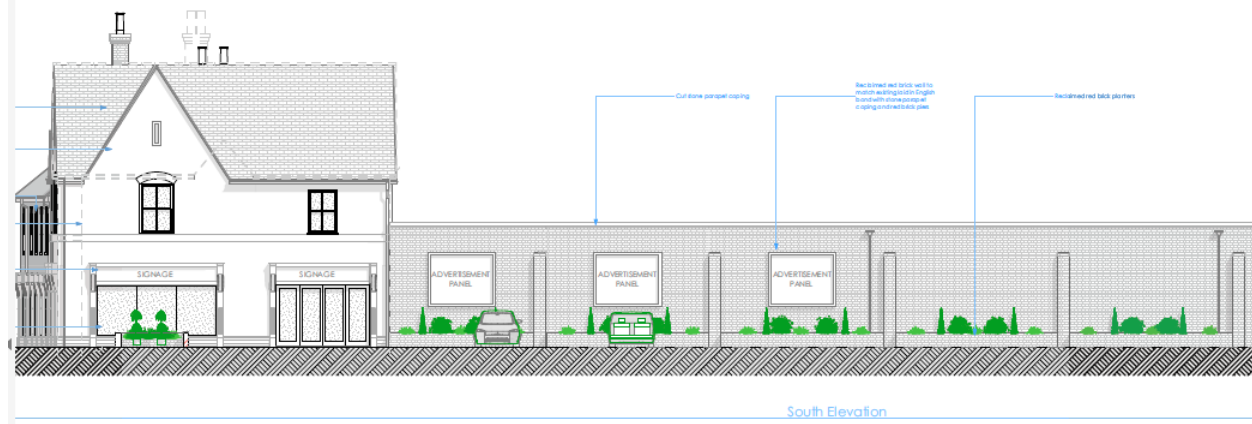
# Appendix 3 – Silver Street elevation



# Market Place elevation



## Elevation from within the site



## 3-D images

