DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 26th June 2018

Application	**4**

Application Number:	17/00095/FULM	**Application Expiry Date:**	14th April 2017

Application Type:	Planning FULL Major

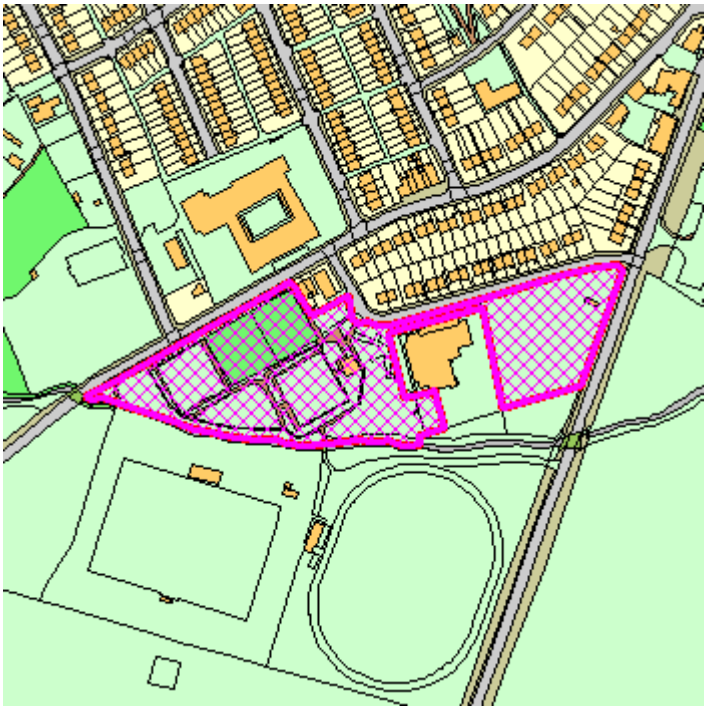
Proposal Description:	Erection of 49 houses and associated infrastructure, access, parking and garages (full). Outline permission for relocation of bowling green and pavillion.
At:	Askern Miners Welfare Club And Institute Manor Way Askern Doncaster

For:	Gleeson Homes Limited (Mr Brian Reynolds) And Askern Miners Welfare Institute

Third Party Reps:	54	**Parish:**	Askern Town Council
		Ward:	Norton And Askern

Author of Report	Gareth Stent

MAIN RECOMMENDATION:	Refuse



1.0 Reason for Report

1.1 The application is presented to committee due to the amount of public representations received in support and in opposition to the application.

1.2 The application was deferred from the 1st May 18 committee for site visit to assess the condition of the club, the condition of the surrounding land and character of the area to establish if any very special circumstances exist to overcome the harm to the Green Belt.

1.3 The application was presented to the 29th May 2018 committee. The application was again deferred to allow the preparation of draft planning conditions and to prepare draft S106 heads of terms to ensure that any monies from the sale of the land could be secured to achieve the upgrading of the Miners Welfare Club, should it be decided that very special circumstances exist to approve this development in the Green Belt.

2.0 Proposal and Background

2.1 This is a hybrid application that seeks full permission for the erection of 50 houses and associated infrastructure, access, parking and garages and outline permission for relocation of bowling the green and pavilion.

2.2 The majority of the proposed dwellings (i.e. plots 1-40) sit to the west of the Miners Welfare Club on the current open space that current hosts a bowling green and some disused and overgrown tennis courts. This sits between Sutton Road to the north and a stream to the south that separates the site from the cricket and football pitches. To the east of the Miners Welfare Club are plots 41-49 that front Manor Way.

2.3 The proposal is a departure from the development plan as the land is allocated as Green Belt and Open Space Policy Area.

<u>Changes since 1st May 2018 deferral.</u>

2.4 Since being deferred from the 1st May 2018 committee there have been several corrections to the report and amendments to plans. The price Gleesons are paying for the land was wrongly reported by the applicant's viability assessment at £486,500 now amended to the correct figure of £405,000.

2.5 Unimplemented dwellings (800) referenced at paragraph 8.22 in the original report at is now reduced to 700 based on the latest figures.

2.6 The scheme has been amended to 49 dwellings by the removal of Plot 50. This along with revised landscaping proposals has overcome the tree officers concerns and reason for refusal 2 (trees) has been removed. Plot 49 dwelling type has also been amended to dual aspect given its now the corner plot.

2.7 The applicants confirmed that the £334,000 deficit listed is not suggesting the scheme makes a loss but that this is the amount the development will fall short of what is considered a reasonable margin, which is generally agreed to be 20%. The viability assessment has been revised based on 49 dwellings and taking into other recent changes and shows -£288,220 deficit. This has been assessed by the council's consultant who confirms it doesn't change the viability of the scheme. The actual profit (where the scheme

actually breaks even) is approximately 10% on gdv but when this is added to the overheads the figure is actually around 17%. A claw back agreement is still suggested.

Changes since 29th May 2018 deferral.

2.8 The recommendation of refusal remains, however appendix 7 details the draft Section 106 Heads of Terms and appendix 8 the draft list of conditions should members find that very special circumstances exist sufficient to support the proposal.

3.0 Relevant site history

3.1 The site has no relevant site history.

4.0 Representations

4.1 The application has been advertised in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) Order by means of site notice, press advertisement (26.1.17) and individual neighbour notification.

4.2 6 representations in opposition have been received as a result, raising a number of concerns as set out below.

4.3 The Chair of Governors at Askern Spa Junior School and have noted 'that the intended access point for vehicles is directly opposite the bus stop for our school and as such would cause severe traffic congestion particularly at the beginning and end of the school day giving me and the school safety concerns for our pupils. Sutton Road is already problematic mainly at the end of school with parents cars awaiting collection of children and an extra junction will only make the situation worse. Whilst the proposed development is welcomed and alternative access should be sought.'

4.4 A petition objecting to the proposal has been received from the residents of Manor Way. This included 18 households, 34 signatures: The 18 households all live directly opposite the club.

- Infringement on privacy/overlooking and the development of this site will remove the ability of being able to watch family members play on the site.
- Loss of the open view our dwellings currently enjoy.
- Manor way is already oversubscribed with on street parking, this will worsen the situation
- Other non-material issues such as loss of view, loss of house value.
- Where can the children now play for free?
- Schools and doctors surgeries will be over crowded.
- Manor way will have to put up with noise traffic and inconvenience.

4.5 The representations in the objections raised similar concerns to those above:

- Does Askern really need another 50 new homes? Lots of houses already being built.
- Askern's services (schools, dentists, doctors) are already struggling, will these be improved to cope with the extra residents?

- Who is actually going to buy all these houses? Concerns re access to the new houses being built on Manor Way and Sutton Road and we will also loose the large grass play area which is used by local children in the summer months - we are losing all our green land/play areas that our children use to play safely. At this rate there will be nowhere for the children of Askern to play.
- Childhood obesity is at crisis point, removing areas where children can play and socialize will compound this.
- The facilities should be kept together and renewed and not built on…section 106 moneys from the other housing sites should be spent on this land.
- The scheme will impact on the privacy of residents on Manor Way, lead to a loss in outlook.
- Insufficient infrastructure to cope with the new houses proposed and in particular the drainage systems, which are prone to backing up in several areas located geographically higher positions in the estate.
- Putting the new bowling green in between the existing houses on Manor Way and the new ones would make more sense so both sets of owners would have a better outlook rather than looking at each other, plus the security of the green would be tenfold ,rather than pushing it in a corner out of sight and open to vandalism.
- The roads leading to the site do not have capacity for more housing. Sutton Road and Manor Way are already congested at school times. The road is narrow and used as cut through.
- The area in question has long since been in dispute regarding land ownership and residents are yet to see any evidence this is resolved. This is in terms of whether the land is a public asset or owned by the club.
- Not every home has a parking space on Manor Way leading to an already congested on street parking scenario.
- Other non-material issues were raised such as ‘will Council Tax increase to pay for all the extra services needed?’, loss of house prices, loss of view to residents on Manor Way.
- Concern over the layout in relation to 'The Houlsby Resource Centre' now named Marketing House, which is located on the corner of Manor Way due to it further segregates the car park and creates a micro cul-de-sac creating what will quickly become 'the place to hang out'. The yellow detailed fencing plan is 100% inadequate and will quickly be vandalised. Needs enhancing.
- Concerns the existing pathway, immediately off Manor Way, is to be maintained. This pathway is currently used by local vandals/drug users as an alleyway to the current derelict areas. This area will need large boulder style landscaping otherwise it absolutely will be victim to youth vandalism.
- Askern needs better shopping facilities not more houses.

4.6 Support:

11 letters of support were received (2 representations from the same person). A petition in favour of the scheme was also supplied (122 signatures). The representations included letters from the secretaries of both the football and cricket clubs and members of a band which uses the facility. The comments were as follows:

- The development would be beneficial to the community, raise vital funds for the club and it will stop the anti-social behaviour on the site. The development will allow the club to make much needed improvements which will benefit all the community that use the club for family gatherings and sport facility

improvements. The welfare is the hub of the community in respect that it supports the community.

- There are many activities each week take part in and around the Welfare, Bowling, Cricket, Football, Snooker and Pool clubs, Darts teams, a Brass Band along with both children's and adult dancing classes, Blood Donation services take place each month. These are all provided as part of the Charitable Aim. The main room is also used frequently for charity evenings and private functions.
- The funds which would be realised from the sale of the land will allow the management committee to make much needed repairs to the main club building which is in quite a state of disrepair. There are sections of the building which are not used due to leaking roofs, these could be opened up for further use. The pavilion which houses the Cricket and Football teams is in dire need of renovation. The bowling green and clubhouse will be completely replaced in a more public part of the grounds improving the security no end.
- The land which is proposed to be sold is currently overgrown and basically wasteland. The new housing is welcomed and will provide an attractive development.
- There are no other sporting facilities within Askern like the ones at the Welfare. These are there for the use of the community.
- The welfare sports pitches are the only sporting facilities available locally and it would be a tragedy if these weren't to survive. The clubhouse is used by families young and old in association with the sporting facilities and this should continue through the generations.
- Membership of the club will increase as a result of the development leading to further improvements.
- The renovations will enable the band room to be reopened which is cold and winter, has a leaking roof, no heating and no cooling in the summer.

4.7 The application was advertised the first week of April to publicise the latest amended plans. 2 letters of objection were received which repeated the concerns stated above. 1 letter of neutral comment stated:

- "As shown on the plans access to the pedestrian entrance to the cricket/football ground (over the footbridge) will be maintained after construction, however this access must also be maintained during the construction period to enable safe entry to the facilities for those on foot."

5.0 Askern Town Council

5.1.The council is concerned whether there will be enough infrastructure to support the development such as the road system, school capacities, water and sewerage implications and traffic management during the construction and whether the development will interfere with the view of open green space.

6.0 Consultations Responses

6.1 Public Health DMBC: Objection ‘Out of the 88 communities in Doncaster, Askern is the 8th most deprived; just over a quarter of reception and year 6 children are obese; life expectancy for males and females is significantly worse than the Doncaster average, as is all age, all-cause mortality.

6.2 This area falls within the South Askern Lower Super Output area which has high rates of inactivity in relation to the rest of Doncaster, particularly for older people. People living in the most deprived areas are less likely to live near green spaces and will therefore have fewer opportunities to experience the health benefits of green space compared with people living in less deprived areas.

6.3 There is significant and growing evidence on the health benefits of access to green spaces. The benefits include better self-rated health; lower body mass index, overweight and obesity levels; improved mental health and wellbeing; and, increased longevity. There is a broad range of types of green space including natural and semi-natural urban green spaces and informal recreation spaces which characterises this area of land. Although the developer is relocating the bowling green there is still a significant loss of natural/semi-natural green space for informal use in an area where deprivation levels are high, physical activity levels are low and health outcomes are poor. Therefore, after due consideration the Director of Public Health opposes the development.’

6.4 Highways Transportation: No objections subject to conditions covering cycle parking and Electronic Vehicle charging points.

6.5 Housing Policy: Objection. ‘General housing development would normally be inappropriate development in the Green Belt. However the National Planning Policy Framework states that the redevelopment of any part of the site that is brownfield is not necessarily inappropriate development provided the redevelopment has no greater impact on the openness of the Green Belt or the purposes of including land in it.

6.6 Its noted that the applicant describes the site as "largely brownfield". Apart from the reference to an area of hard standing which appears to cover a relatively small part of the site the assertion that the site is largely brownfield does not appear to be supported. The site does not have the appearance of a largely brownfield site.

6.7 The proposal seeks to cover most of the footprint of this currently open, and largely green in appearance, site with housing. The large miners welfare institute building is to be retained and is excluded from the proposal. It is difficult to see how this proposal would not have a greater impact on openness of the Green Belt than the current use and no such case appears to have been made. Without such a case being made and accepted the proposal constitutes inappropriate development.

6.8 If the proposal is inappropriate then it would need to be justified by very special circumstances. The case made by the applicants about the location for low cost housing does not amount to a case for very special circumstances.’

6.9 The housing team were reconsulted on the new very special circumstances report however did not change their initial view.

6.10 Environment Agency: Initially objected to the application based on the lack of a Flood Risk Assessment (FRA), however this was due to the FRA being submitted late. The FRA was later provided and sent to the EA who later withdrew their objection.

6.11 The application site lies partially within flood zone 2 (defined by the Environment Agency flood map) as having a medium probability of flooding. Paragraph 103, footnote 5 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.

6.12 The EA also noted that the council should satisfy itself that the flood risk Sequential Test has been undertaken in an open and transparent way, in full accordance with the National Planning Policy Framework and the National Planning Practice Guidance and the Council's adopted Flood Risk SPD, and that it has been passed. Evidence to support the Sequential Test should also be added to the planning file for the public record.

6.13 Air Quality: No objection based on the mitigation measures included in the amended Travel Plan.

6.14 Pollution Control: No objections based on the Phase 1 and Phase 2 Geotechnical and Geo environmental site investigation reports submitted by Eastwoods & Partners. The pollution control team raised no objections however required some clarification of some elements within the reports. This was provided by the Environmental consultants and satisfied the concerns raised within the consultation response.

6.15 Shire Group IDB: No objections subject to the surface water being satisfactorily controlled.

6.16 Internal Drainage: Objection to the drainage strategy, however noted that the strategy contained incorrect technical assessment and detail. This could be amended should the application be supported or conditioned.

6.17 Ecology: No objection to the revised ecological assessments (bat and water vole surveys), however an objection still remains given that the landscape buffer belt alongside Stream Dyke is inadequate and does not reflect the importance to the proposed development of this semi natural feature. Adequate open space and a landscaping scheme that complements the existing vegetation on site should have been included to provide some compensation for losses in biodiversity.

6.18 Yorkshire Water: No objections. 'Further detail required by condition regarding the surface water outflows from the site. The submitted Drainage Strategy (prepared by Shaun Tonge Engineering - dated January 2017) indicates; all surface water is to discharge to a infiltration /and or watercourse. This watercourse adjoins the site. Consent may be required to discharge into this watercourse from the Environment Agency, LA Drainage team and Internal drainage board. In terms of water supply additional off site mains reinforcements will be required to serve the development.'

6.19 Trees – Initial objection. Following the receipt of the tree survey and landscaping assessment the tree officer raised significant concerns with the proposal in that the development fails to retain and protect appropriate trees or provide replacement tree planting in accordance with the Council's adopted guidance and is therefore contrary to core strategy policy CS16: Valuing our Natural Environment. Amended plans were submitting removing plot 50, enhancing the landscaping scheme and amending tree protection areas, as such the concern was overcome.

6.20 Sport England: No objections as such as the proposal does not meet the need for statutory consultation, however consideration should be given to the following:

“If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 74 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place. If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes.”

6.21 Architectural Liaison officer: No objections but ‘would benefit from being built to Secure by Design standards. Other alterations which include new fencing heights, windows added to blank gables are suggested. These amendments have taken place, still concern over the quality of the windows and doors. This is conditionable in the event of an approval.

6.22 Design Officer: Initially raised concerns: ‘the relationship of several plots, blanks gables, the urban house range is inappropriate, lack of detail on materials, inadequate boundary treatments, lack of parking and visitor spaces, garages too small to be counted as a parking space, lack of landscaping. Through several iterations of the plan these details were amended to the satisfaction of the design officer.

6.23 Highways: Initial objection to the scheme, with concern over the access being taken from Sutton Road in relation to the congestion caused by school start and finish times. Further, it was considered that the positioning of the bus stops may hamper access and egress to and from the main access point, with the bus stop outside number 50 and 52 impeding visibility for vehicles exiting the site. The highways officer also had issue with the general layout, turning areas, visibility splays, garage sizes, lack of parking generally.

6.24 The concerns were continually addressed by the submission of amended plans which relocated the access further west. The amendments satisfied the highways officer.

6.25 Open Space: The proposal is contrary to policy in that it leads to the loss of open space. Whilst the proposed bowling green replaces the loss of the old green and provides an enhanced facility, this does not compensate to the wider informal land lost. No all open space is of value to the community and the applicants have completed a consultation exercise within 600m of the site. The consultation demonstrates limited public interest in the site with regards to Public Open Space, with just seventeen responses that were complete enough to assess, of which more people supported the proposal than opposed it (59% to 41%). This is given moderate weight in support of the loss.

7.0 Relevant Policy and strategic and context

The site is allocated as Open Space Policy areas washed over by Green Belt as defined by the Doncaster Unitary Development Plan 1998. The Open space designation encapsulates the entire site.

National Planning Policy Framework; The NPPF establishes 12 ‘Core Planning Principles’ to underpin plan-making and decision taking.

Doncaster Council Core Strategy

The statutory development plan for Doncaster currently comprises the Local Development Framework Core Strategy (adopted May 2012), and the saved Polices of the Doncaster Unitary Development Plan (adopted 1998) (including the Proposals Map). Relevant policies:

Policy CS1 Policy CS2 'Growth and Regeneration Strategy'
Policy CS 3 'Countryside'
Policy CS4 'Flooding and Drainage'
Policy CS 9 'Travel Choice'.
Policy CS10 'Housing Requirement, Land Supply and Phasing'
Policy CS12 'Housing Mix and Affordable Housing'
Policy CS14 'Design and Sustainable Construction'
Policy CS16 'Natural Environment'
Policy CS17 'Providing Green Infrastructure'
Policy CS18 'Air, Water and Agricultural Land'

Doncaster Unitary Development Plan;

The key saved policies of the UDP relevant to the current application are considered below:

ENV 3 - Green Belt.
Policies ENV21 and ENV59
RL1 & RL 4 - Open Space.

Doncaster's Supplementary guidance - Doncaster Council's Development Guidance and Requirements.

8.0 Planning Issues

Main Issues

8.1 The main issue to consider is the principal of development within the Green Belt, if inappropriate whether they are any very special circumstances demonstrated that overcome the harm by reason of inappropriateness. In addition the impact on the character, openness and appearance of the Green Belt, the loss of Open Space, impact on surrounding land users, design and layout, flooding, planning obligation contributions/viability, impact on highways, drainage, ecology and trees.

Principal of development

8.2 The site is designated Green Belt and Open Space Policy Area in the Doncaster Unitary Development Plan and is therefore subject to national as well as local policy on both these issues:

8.3 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; safe guarding the countryside and to assisting in the urban regeneration of recycling derelict and urban land. The essential characteristics of Green Belt are their openness and their permanence. Local policy contained within Core Strategy CS3 seeks to protect and enhance Doncaster's countryside and when considering land within Green Belt, national policy will be applied.

8.4 National Policy (NPPF) paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. The NPPF provides that “very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

8.5 The NPPF, paragraph 89 further states that local planning authorities should regard the construction of new buildings as inappropriate in Green Belt; then goes on to list a set of criteria as exceptions to this:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

8.6 Paragraph 88 of the NPPF states" When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Brownfield Status of the Land

8.7 The applicant describes the site as "largely brownfield". The site is considered to be Greenfield except for a relatively small area of hard standing near the club (which in fact is not shown to be redeveloped) and the site of the small pavilion that is being demolished. The green and open nature also makes the site have the appearance of Greenfield and the site does not have the appearance of a brownfield site. The dispensation in Green Belt policy to redevelop brownfield sites therefore does not apply. The proposal is therefore regarded as inappropriate development.

Openness/encroachment

8.8 One of the key considerations in the assessment of Green Belt sites is to assess the impact of the scheme on the openness of the Green Belt and consider whether encroachment occurs. The redevelopment of 49 dwellings will significantly have a greater impact on openness simply by virtue of the amount of sq ft of development, 2 storey massing and infrastructure. The site is currently open and largely green in appearance and largely devoid of buildings and structures (except for the bowling pavilion). The proposal to redevelop the site’s entire land mass with residential dwellings will have a greater impact on the openness of the Green Belt than presently exists.

8.9 The applicant states that the village's natural boundary is the stream to the south of the site, however, this isn't evident on the ground or from any views from the south. The village boundary is the extent of the existing urban form, which in this case is punctuated by the existing club, however the proposed development will extent to the south of the and to both its sides. Officer's view is that the proposed development will encroach into the Green Belt by creating an extension of the settlement and thus contrary to two of the purposes of including land within the Green Belt i.e. openness and encroachment.

Very Special Circumstances case

8.10 It is agreed by all parties that the proposal represents inappropriate development within the Green Belt. It is therefore necessary to consider if there are any very special circumstances that outweigh this harm.

8.11 The applicant maintains that it does not have the finances to maintain and safeguard the future of the club. They claim (through a planning statement) that this lack of money for such purpose constitutes a very special circumstance sufficient to outweigh the significant harm to the Green Belt.

8.12 The planning statement also questions whether site is fulfilling a Green Belt function, and discusses where the applicant considers the natural boundary of the village. These arguments are given limited weight as the land is allocated as Green Belt and must therefore be assessed as such.

8.13 The planning supporting information points out that the NPPF paragraph 69 states: "The planning system can play a role in facilitating social interaction and creating healthy, inclusive communities". This is a wide overarching statement, and whilst the approval of this proposal might assist with the long term future of the club (there is no guarantee this would occur).Whilst the club is a registered charity, it is a private members club and not a facility open to the community at large, thus it is not considered to be inclusive to all. Further, the proposal causes other harm and is contrary to other national policies which have to be assessed in the round and in the public interest.

8.14 The NPPF also states that planning decisions should guard against the loss of such facilities to ensure they are retained for the benefit of the community. This case is slightly different as this planning decision is not to demolish the club, as it's specifically excluded from the application, and in any event the club is not considered to be facility open to all of the community, thus the public benefits are limited.

8.15 The applicant has undertaken a financial appraisal of the business and a comprehensive and costed building condition survey by an independent Quantity Surveyor, and provided accounts for the financial year March 2016 to March 2017. The survey establishes the extent of the required repairs and the likely future maintenance at the club. The report identifies 'essential works required immediately' and other refurbish works. This has been costed and confirms that in order to bring the Club to a reasonable basis state of repair will be £182,535 of work immediately and refurbish the building to somewhere close to its potential maximum functionality an additional £651,940 would need to be spent over the next 5 years. The council has had sight of these however has not had them independently assessed.

8.16 The submitted accounts show that the Miners Welfare Club currently makes a modest profit. The applicants state that the profits along with minimal cash reserves are inadequate to support the level of funding required for long term maintenance. The current

position is said to be unsustainable in that almost all profits are required to undertake day to day 'sticking plaster' repairs to the building.

8.17 The club generates its income through bar takings and ancillary items /activities all of which rely completely on the premises being in a suitable condition. Over the last couple of years the club has been able to contribute approximately £30,000 to the Welfare Scheme through profits generated. The club has no tangible assets on which lending or additional income could be generated.

8.18 The c£30,000 generated by the Club provides the majority of the unrestricted income of the Welfare Scheme. The income generated by the sporting sections (cricket, bowling etc) generally appears to be covering the expenditure of those sections and is not significantly contributing to the Welfare. It can be assumed that the £30,000 per year from the Club will continue to be the main source of income, however given the need for an immediate £180,000 spend on the club this is x6 the annual contribution from the club. The only asset the Welfare Scheme has is the free hold property on which no mortgage could be obtained. There are no other assets which could be afforded as security to raise the necessary funds for the refurbishment work. The applicants claim the current hand to mouth repair work is unsustainable and failure to refurbish the building will result in the Clubs takings and contribution to the welfare scheme diminish and lead to the eventual loss of the facility. The financial results for the year ending 31.3.16 and 31.3.17 record the club investing almost £40,000 in short term repairs. Any significant event like storm damage would be a major issue as the club has no cash reserves. The council is however unaware if the building is insured (presumably is it) to cover such costs.

8.19 The very special circumstance report states the major investment in the fabric of the building would be in the roof, catellated walls and hard wiring of the building to ensure it remains useable for the next 30-50 years. The report suggests without the additional investment there is little potential for the Club to improve. With a deteriorating structure and no plans for funding the viability of the club is poor. Sections of the building could become in habitable. The lack of investment will deter users thus reducing profits meaning the clubs position will become terminal. The land sale would not meet the full cost of refurbishment, it would allegedly put the club on a sound footing with a fully functioning building. Future profits could then be directed into refurbishment to further increase usage and profitability and allow parts of the building to be reopened which are currently out of commission.

<u>Club upgrades</u>

8.20 The Report by Richard Fletcher (Elemental costing) sets out £834,475 of works to be done which relate solely to the refurbishment of the club and car park area. There is no costing for the new bowling green, pavilion or any other upgrades to the football or cricket facilities.

<u>Officer's analysis of the issues raised</u>

8.21 Having assessed the accompanying reports it is clear that a financial investment into the club could go some way to ensuring the buildings maintenance and long term retention and refurbishment, as well as possibly providing an enhanced bowling green. Officers are however not persuaded by the arguments in relation to the advantages of 49 additional dwellings, housing land supply issues and claim that given the location next to the settlement, small scale nature of the scheme means the harm to the Green Belt is mainly non-existent.

8.22 The section on purposes of the Green Belt in the planning statement would be relevant to an argument for exceptional circumstances for taking land out of the green belt through the local plan process but does not itself make a case for very special circumstances for allowing this development within the Green Belt. The Green Belt Review nevertheless finds that the Green Belt in this location is performing very well against some of the Green Belt purposes. It would not be possible for it to perform well against all the purposes.

8.23 This is not accepted by the Council that any of the applicant's listed benefits of the proposal constitute very special circumstances. Likewise officers do not that permitting an urban extension into a Green Belt site will assist urban regeneration. Askern already has many (700) dwellings in (*amended from 800 in previous report based on Residential Land Availability report 16/17*) unimplemented permissions for housing on urban brownfield and greenfield land that does not involve extending outwards into the Green Belt. This amounts to around 5 times Askern's identified housing needs over the whole of the new plan period (2015-2032) set in the context of an objectively assessed housing need. The Core Strategy does have a much higher housing allocation for Askern in the form of a housing range and made in the context of the now out of date and non-objectively assessed RSS housing target; nevertheless the scale of the unimplemented permissions is towards the top end of that housing range figure. There is no need for new housing permissions in the Green Belt and so a very special circumstances case based around the need for housing falls.

8.24 Even if it is correct that there was a lack of money to maintain the club it is not considered that this is a factor capable of rendering inappropriate development acceptable. Substantial weight must be given to any harm to the Green Belt, as set out in the NPPF, caused by the potential development. The maintenance of the Welfare Club is not considered capable of being a factor in favour of the application that outweighs the harm to the Green Belt.

8.25 The reports touch on alternative funding streams and suggest there aren't any but doesn't investigate any grant funding options or consider what alternative less impactful options for the development of the site have been considered. It does not satisfactorily justify the scale of the incursion into the Green Belt against the scale of benefits to be generated or the scale of the monies needed to save the institute. The arguments about tired land uses and vandalism do not constitute very special circumstances as with investment all the tennis courts and bowling greens could be enhanced. If this land is developed this open and area would be lost forever.

8.26 The proposal asks the council to accept that there is "an absence of other funding streams" and that "the only potential and practical way forward" is redevelopment of the whole site. No evidence has been provided to demonstrate that a partial, less impactful, redevelopment would provide insufficient funds. Could the club be reduced in scale to make it more sustainable and would less dwellings achieve this. Likewise there is no assurance provided that the money from the development would be used in the club or that the club would be open to the public at large. As such, no weight can be given to this argument.

8.27 In addition the elemental costings indicate £834,475 is required solely for the refurbishment of the club which is significantly more than the applicants are paying for the land (£405,000 corrected from the £486.500 in the original report 1st May 2018). Therefore the scheme would only go roughly half way to funding the required works and no provision is made for any improvements of the cricket or football facilities or bowling green/pavilion construction. It is unclear from the information submitted who is going to develop the bowling green and no costings have submitted for this. This however may be

funded through the clubs existing funding streams and future enhanced profits. The improvements are limited to the club and many of the improvements would not be evident to non-users of the club, however the harm to the Green Belt and the approach to Askern would be for all to see.

Public Open Space:

8.28 This site is allocated in the UDP as Open Space Policy Area and is recorded as site no. 442, Askern Miners Welfare, in the 2013 Green Spaces Audit. The relevant policy RL1 in the UDP which states:

"Within open space policy areas, as defined on the proposals map, development will not be permitted, except in exceptional circumstances, for purposes other than outdoor recreation and ancillary indoor facilities; allotments; nature conservation or cemetery uses. Such development as is permitted, including ancillary built facilities, will only be acceptable where:

a. There is no significant loss of outdoor playspace, and

b. The visual amenity of the space is retained and where possible enhanced through the protection of important areas, vistas and frontages and careful attention to detailed design and layout, and

c. The environmental/ecological value of the open space is retained and where possible enhanced through the retention of existing trees and other important habitats and through appropriate landscaping.

8.29 Development for other purposes will only be permitted in exceptional circumstances or where sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site and provided that an alternative provision is made which is of at least the equivalent community benefit and which meets the requirements of the borough council in terms of quantity, quality, nature, location and implementation mechanism/timescale."

8.30 Core Strategy Policy CS17, Green Infrastructure states: Doncaster's green infrastructure network (including key green wedges) will be protected, maintained, enhanced and, where possible, extended.

8.31 The proposal is therefore contrary to these policies as the proposal will involve the loss of a significant amount of open space, the amenity space will not be enhanced as it will be developed on and there will be no significant other enhancement works to the existing sports facilities. The proposal will also involve tree loss. Whilst this is part of a wider open space area, the area loss will not be compensated for by the equivalent community benefit, with the exception of the replacement bowling facility.

8.32 However Doncaster Council's Development Guidance and Requirements: SPD (Para 7.8) acknowledges that, whilst the council resist the loss of open space, especially in deficient areas (Askern Community Profile Area, where this application is sited, is deficient in 2/5 open space typologies: informal Open Space and Woodlands and Nature Conservation Areas), there is also an acknowledgement that not all open space is of value to the local community.

8.33 NPPF paragraph 74 states that: "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements

- 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

- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

8.34 To establish the value of the open space and to understand how it's used the applicants undertook a public consultation exercise to households within a 600m buffer zone of the site to assess if the local community attached any value to this site as an area of open space. The consultation demonstrates limited public interest in the site with regards to Public Open Space, with just seventeen responses that were complete enough to assess, of which more people supported the proposal than opposed it (59% to 41%). The assessment was however relatively small given the size of Askern and the potential number of inhabitants that have access to the site. It may also be the case that the open space isn't used due to the condition and lack of facilities it has.

8.35 The council's open space policy officer stated that support could not be given to the proposal according to policies RL1 in the UDP and CS17 in the Core Strategy, however the impact of the loss and its lack of current usage are a factor. Officers suggest this is given moderate weight in support of the proposal.

8.36 Sport England did not object to the scheme providing the loss was considered, however the council's Public Health team were very much in opposition to the scheme and suggested all forms of open space be retained in order to promote and enable physical activity. On this basis whilst this part of the open space is not well used, this is because of its condition and lack of facilities. The development of this site would lead to its permanent loss which would be irreversible.

8.37 The proposal envisages a new bowling green and pavilion however, it is unclear how, when or by whom this would be provided. If this isn't replaced immediately it would lead to a further loss of the facilities and bowling club. If supported, the proposal would provide a new relocated bowling green (which would need to be secured by a legal agreement) and would require full or reserved matter planning permission. Again this is given moderate weight in favour of the scheme.

<u>Statement of Community Involvement.</u>

8.38 The applicants produced a statement of community involvement mid-way through the planning process in line with the Localism Act 2011and para 188 of the NPPF. This included a leaflet drop, where direct questions were asked regarding the usage of the open space.

8.39 A series of other general questions were asked in terms of whether support was indicated for the redevelopment of the site. Many of the questions added little value to the overall discussion as they were leading questions and the applicants have no control over certain issues like tenure or controlling private rented housing. Likewise the issue of social housing isn't qualified as to the type and reference to local people is again uncontrollable. The most pertinent point was the issues of funds from the development being used to upgrade the club, however no detail of the amount was given so respondents could assess the balance of the money v's the improvements.

8.40 A community event was held on Wednesday 1st March 2017, at Askern Miners Welfare Club and was attended by approx. 25-30 local residents primarily the residents that live opposite the site and one ward councillor. In total 18 residents completed the questionnaire (2.5% response rate).

8.41 The applicants consider that the general feedback for the development as a whole was positive, particularly for the main body of the site, but with a resistance to the development on the Manor Way frontage.

8.42 The conclusions from the exercise, is that the majority of the concern is the loss of the open space in Manor Way. The recurring themes are loss of views, impact on house values and the ability of local infrastructure to cope with the demand arising from the proposed development. In terms of the open space survey, the majority of respondents live close to the site and the majority do not use the site for any open space purpose with twice as many not using the site as use it for any stated purpose. Its evident many people do not use the space due to its condition, however this could be improved if funding was available.

Flooding

8.43 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.' Policy CS 4 of the Core Strategy requires flooding to be taken into account.

8.44 A flood risk assessment (FRA) has been submitted and the Environment Agency raised no objections to this. The FRA denotes the site is only marginally affected from flooding. The development is classed as being More Vulnerable' in accordance with table 2 of the Technical Guidance to the National Planning Policy Framework (NPPF). Site A (west of the welfare) is mainly in flood zone 1, with the margin adjacent to the stream being flood zone 2, with zone 3 being confined to the Stream Beck channel. Site B east of the welfare is wholly within flood zone 1 except for the margin that follows the street, however no development is proposed in this part. The Strategic Flood Risk assessment shows no history of the site flooding and was unaffected in the June 2007 floods. The site is not an active flood plain and has a 0.1 -1% probability of flooding annually. The flood maps are shown within appendices 2-3.

8.45 The FRA recommends flood risk management measures should be implemented into the design and construction of the dwellings.

8.46 In terms of the sequential test this isn't required for sites within flood zone 1, which in this case is the majority of the site. The south and western corners of the site lie within Zone 2. The applicant has provided a flood map overlay which shows 7 out of the 49 dwellings lie within zone 2, and 3 gardens, so 10 dwellings in total. On this basis it is unreasonable to make the applicant undertake a sequential test, as there would be issues concerning the area of search given the proposal are outside the settlement and particularly given the recommendation of refusal.

8.47 Likewise no exceptions test has been submitted. In accordance with paragraph 102 of the NPPF for the Exceptions Test to be passed (i) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood

risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and (ii) a site-specific flood risk assessment must demonstrate that 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.

Drainage

8.48 In terms of the sites drainage, the proposal will increase the impermeable area to the site and it is therefore necessary to ensure the existing surface water system has the capacity to accommodate any increase in surface water discharge from the site. The surface water will be disposed of via a soakaway. The soakaways capability would have to be assessed through percolation tests which could for a drainage condition. Surface water could also be discharged to the water course to the south of the site and consent from the IDB would be required.

8.49 In terms of foul sewerage, this will go to the 300mm combined sewer on Sutton Road, however an upgraded pumping station will be required to pump the flows uphill to the sewer. This is to be located at the rear of the Miners Welfare in the car park and will replace the clubs current facility.

8.50 The council's internal drainage officer objected to the application based on the submitted drainage strategy which was both inaccurate and failed to consider several key considerations. However given the recommendation and the fact that drainage matters could be conditioned this matter should not hold up the determination of the application.

Trees and Landscaping

8.51 Core Strategy policy CS 16 (D) states that proposals will be supported which enhance the borough's landscape and trees by ensuring that design are of high quality, include hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness and retaining and protecting appropriate trees and hedgerows. Policy ENV 59 of the Doncaster Unitary Development Plan seeks to protect existing trees, hedgerows and natural landscape features.

8.52 Following the receipt of the tree survey and landscaping assessment the tree officer raised significant concerns with the proposal in that the development fails to retain and protect appropriate trees or provide replacement tree planting in accordance with the Council's adopted guidance (the Development Guidance and Requirements Supplementary Planning Document) and is therefore contrary to core strategy policy CS16: Valuing our Natural Environment (sub-section D4).

8.53 Overall, the Arboricultural Impact Assessment (AIA) submitted with the application has been rather generous in its assessment of the quality of some existing trees within the site. However, it has been undertaken with full knowledge of the site layout (section 1.2), which is contrary to the recommendations of BS5837, which states that it should be completed and made available to designers prior to and/or independently of any specific proposals for development (section 4.4.1.1). The purpose of an AIA is to identify any material constraints arising from existing trees that merit retention and, along with any other relevant baseline data, should inform feasibility studies and site layout design options. Whilst the AIA makes a fair assessment of the potential impacts on existing trees (section 3.4) it fails to afford appropriate weight to the trees affected in its suggested mitigation (section 4.0). Specifically G3 – 6x London plane trees.

8.54 As proposed, these trees will dominate the garden of plot 50 and significantly constrain the garden of plot 49 from first occupancy, which will result in pressure for disfiguring pruning or removal, a problem that will be exacerbated by the failure to allow for future growth of the trees. These trees are a visually prominent feature in the streetscene at this main entrance into Askern and they merit the category B status afforded to them by the tree survey. The suggested mitigation of reducing the crowns of these trees to fit the proposed site layout does not afford appropriate weight to these trees as set out in adopted guidance. Consequently, amendment of this area of the site layout is required to enable retention of these trees to maturity to provide their full range of potential benefits.

8.55 Following deferral form the 1st May committee, plot 50 has been removed which pulls the development away from the London Plane trees. The applicants have also amended the landscaping plan to increase tree quality and numbers. Finally the plans have increased root protection zones to overcome initial concerns. As such reason for refusal 2 (Trees) from the 1st May committee report is omitted.

8.56 Other discussions were held with regards to the 12x rowan trees on Manor Way. Whilst these trees are clearly visible in the streetscene they are of low quality and the tree officer agreed could be removed and replaced with healthy, young specimens. Again if the scheme was to be supported, the landscape scheme could provide this replacement planting.

Design and Layout

8.57 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.

8.58 The application was accompanied by several documents which sought to explain the design rational, some of which were update and amended as the application progressed. The applicants wanted a scheme which addressed all the normal design requirements should support be offered to the scheme in principle.

8.59 The site is split in two parts with plots 1-40 to the west of the club and plots 41-49 to the east fronting Manor Way. The dwellings are conventional in their style and aimed at relatively small low cost housing with 11 different house types. They are all 2 storey's in height and the density of 24 dph is not considered an over intensive development of the site. This site has no green space within the development, however is surrounded to the south by the recreational area.

8.60 The various iterations of the site layout have mainly been to address highway and design concerns with the original layout. For instance the access to the site has changed moving from Manor Way to Sutton Road. The house type range has changed from urban to rural, materials schedules were added showing the majority of the dwellings having red facing brick as their main material facing existing streets. In addition boundary treatments were upgraded, the overall layout amended to address poor relationship issues, garage sizes increased, visitor parking added and landscaping to plots 41-49 included. Discussions were also held over the retention of the frontage boundary walls to Manor Way and Sutton Road, however it was accepted that this isn't critical to the scheme and conditions could be added to retain the Sutton Road wall if the development is supported.

8.61 On the whole the design and layout of the scheme as a conventional housing site works and raises no undue concerns in terms of overlooking and functionality. The proposal is on the fringe of the settlement and would benefit from a lower density and an enhanced landscape buffer to the south, however it does sit alongside development to the north with a similar density. Full landscape details are still yet to be provided but this again could be conditioned (pre-commencement) if support is offered, which would in turn help soften the impact of the built form in this semi-rural location.

Planning Obligations and Viability

8.62 Paragraph 203 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. The NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

8.63 In paragraph 204 it is stated that planning obligations should only be sought where they meet all of the following tests;
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.
The statutory test is also set out in the Community Infrastructure Levy Regulations 2010.

8.64 Paragraph 205 of the NPPF states that where obligations are being sought, local planning authorities should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

8.65 The application was supported by a HCA viability assessment which was said to generate a 'deficit' of -£315,871 thereby indicating that the provision of additional planning gain would render the site financially unviable. The applicants later clarified that the deficit listed is not suggesting the scheme makes a loss but that this is the amount the development will fall short of what is considered a reasonable margin, which is generally agreed to be 20%.

8.66 The applicants supplied a revised viability assessment which considers the 49 dwellings and certain other changes to the layout recently made. This still shows a -£288,220 loss, meaning no planning gain is possible. This has been assessed by the council's viability consultant, who indicates that this changes very little in terms of viability. The actual profit (where the scheme actually breaks even) is around 10% on gdv but when this is added to the overheads the figure is actually around 17%.

8.67 The scheme meets the triggers for affordable housing, public open space provision and education contributions. The highways transportation team does not consider the development will impact on the local highway network and therefore require no highway improvements of sustainable travel contributions. There is also no biodiversity off setting required.

Affordable Housing

8.68 New housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support mixed communities. To accord with policy CS 12 of the Core Strategy, the scheme should

provide 26% on site affordable housing, as more than 15 dwellings are proposed. The proportion, type and tenure split will reflect the latest Strategic Housing Market Assessment.

Public Open Space

8.69 Core Strategy Policy CS 17 states that proposals will be supported which have regard to local standards and opportunities, and help to address deficiencies, by making an appropriate contribution to sport, recreation and related community uses by providing suitable and appropriate, on-site (or an equivalent contribution towards off-site contribution). Green space provision is identified using the 2013 Green Space Audit. This re-audit evaluates deficiencies by community profile area.

8.70 The development of this site will actually lead to the loss of an area used for recreation, albeit this is privately owned by the institute it is used informally for recreation. The ethos of the welfare is also a community based facility and access to the public has always been maintained across the site. The scheme does include the provision of a new bowling green and pavilion in outline form, however no details of how or when this would be applied for and built have been provided. This could therefore mitigate the loss of the current bowling green, however uses the informal green space off Manor way which is used on occasion for other sporting events. The old tennis courts have been overgrown for a number of years and therefore the redevelopment of this area will not lead to the loss of the current facility that is in operation. The tennis courts are however not used due to their condition and could easily be enhanced. The redevelopment of the space for housing would mean the ability for them to be renovated would be lost forever.

8.71 To conclude the proposal provides no additional bespoke contributions to Public Open Space, provides no direct enhancement of the cricket of football facilities, however does include the provision of a new bowling green and pavilion). It however remains unclear how and when this would be delivered given the extent of the works involved on the Miners Welfare building.

Education

8.72 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.

8.73 The proposal meets the trigger for such a contribution as such, the Education team have been consulted and have identified that there is a deficiency in secondary school education of 8 places. It is requested that a commuted sum of £146,376 be provided to increase capacity at Campsmount Academy. The viability assessment undertaken (discussed below) suggests the scheme can make no such contribution.

Viability

8.74 The purchase price of the land has been agreed by the applicants and landowners at £405,000 (£8265 per plot based on 49 dwellings). The applicants have based this price on similar amounts paid for land within Askern i.e. Selby Road which commanded £6,500 per plot which would equate to £318,000 (based on 49 dwellings) for the Miners Welfare site.

8.75 This price has been agreed without any marketing and is considered low when assessed by the council's estates team and against other greenfield sites. The council's estate team suggested as a rough guide the land should achieve anything from £200,000 to £250,000 per acre – if it was marketed nationally. At 5.2 acres this would be over £1 million. The applicants suggest land values of £200-250k per acre may be aspirational at the moment in Askern, and that might be a reason there a few development sites which remain undeveloped locally.

8.76 It has also been confirmed that the applicants have no overage clause with the institute to cover increased sale price profits, as this may impact on viability. The applicants suggest it's the ethos of the company to not raise values as they are a low cost provider. The Gleeson site at Hilton Park, Askern is selling well and prices are not increasing.

8.77 The viability was independently assessed by the council's consultants (Adams Integra) that concurred with the applicant's assessment. The build cost of £75 per ft2 is a fair assumption. The construction costs of £718,257 which include some abnormal costs compares well with BCIS figures and is a fair and accurate reflection of the costs involved. The sales values average out at £145 per ft2. Askern is a particularly low value area and the sales values accurately reflect the current market for this area at this time. However it is likely that a new build scheme, such as this, of 49 family houses will attract significant interest from investors as this is a particularly buoyant area for rented properties. It is likely that the developer will see much higher sales values than can be demonstrated at this point in time.

8.78 The council's consultant has concluded by stating "The approach taken in this study follows the well-recognised methodology of residual land valuation (RLV). Put simply the residual land value produced by a potential development is calculated by subtracting the costs of achieving that development from the revenue generated by the completed scheme. The results of the RLV are then compared to the existing use value (EUV) of the land if the RLV is more than the EUV then the scheme produces a surplus and is viable if not then there is a deficit and the scheme is not viable."

8.79 The consultant carried out an HCA DAT appraisal of the current scheme using the input values described above for the scheme with 26% affordable housing and this shows a deficit of £334,000 which demonstrates that the scheme is unable to support the full policy compliant requirement.

8.80 The consultants then carried out a further residual land valuation of the scheme with no affordable housing. This showed a deficit of £116,000 which concludes that the appraisal demonstrates that the scheme is not able to support a contribution towards affordable housing or any other S106 contributions.

8.81 The appraisal shows that the scheme is not viable even without any Section 106 contributions. This was put to the developer as to why they are pursuing this development, and willing to pay a sum of £485,500 for the site, when it appears to be "unviable". The applicant's stressed they are developers of low cost homes for local people, many moving from social rented properties into home ownership. The whole ethos of the Company is built around this premise. "Where sites work to somewhere close to our parameters or are otherwise marginal, they will take a decision at Board level as to whether a site should be developed." This is a very unusual situation as no developer would start work when values are shown as negative.

8.82 Following deferral form the 1st May committee, the applicant has since clarified that the £334,000 deficit listed in the viability report is not suggesting the scheme makes a loss but rather that this is the amount the development will fall short of what is considered a reasonable margin, which is generally agreed to be 20%. The viability report has been recently amended by the applicants to take account of the reduction in units form 50-49, amend the correct site purchase price (£406,000) and to reflect the amended layout and house type changes. The loss is now shown at -£288,220, however this is still 10% on gdv but when this is added to the overheads the figure is actually around 17% as stated by the council's viability consultant.

8.83 The consultants advised that should the Council be minded to grant planning approval then the scheme finances should be monitored in terms of build costs and sales revenue so that any increase in viability can be clawed back by the Council should the actual sales revenues increase from those proposed by M J Gleeson. For instance a 10% increase in the sales values, for example, would result in a surplus of £279,000 which would then result in the scheme being able to make a contribution towards affordable housing / S106 contributions. Given the recommendation of refusal this is not relevant, however would be if members supported the scheme. An overage clause would need negotiating in a Section 106 agreement.

Ground Conditions/Air Quality

8.84 Paragraph 120 of the NPPF states: 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.' Paragraph 121 of the NPPF states: 'Planning policies and decisions should also ensure that:

- The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such a mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

- After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990;

- Adequate site investigation information, prepared by a competent person, is presented.'

8.85 Core Strategy Policy CS18: Air, Water and Agricultural Land, seeks to ensure that Doncaster's air, water and land resources will be conserved, protected and enhanced, both in terms of quantity and quality. Specific attention is made to the risks to ground conditions arising from contamination or previous land uses. The policy confirms that proposals will need to incorporate measures to prevent, control and reduce air and water pollution and mitigate any ground instability.

8.86 The applicants produced a phase 1 desk study with the submission which was assessed by the council's pollution team and this was followed by a phase 2 assessment. The council's pollution control officer concurred with the recommendations of the above reports, however did require clarification on certain elements which were later supplied and satisfied any initial concerns. This concludes that the redevelopment of the site will be safe for new residential uses providing the mitigation measures outlined in the report are undertaken.

8.87 In terms of Air quality, the application did not contain any assessment of air quality and is regarded as a medium classification development and mitigation needs to be considered. This was requested of the developer. The medium development means no air assessment is required, however some type 2 mitigation is required. These measures were included in a revised travel plan and addressed the concerns highlighted over Air Quality/ Emissions.

Highways

8.88 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.

8.89 The proposal involves two separate parcels of land. The land to the east of the Welfare is a row of linked dwellings with roll on roll off parking onto Manor Way. To the west is the larger development consisting of 40 dwellings. Within the pre application layout, the applicants' initially had direct access onto Sutton Road (C223) for several properties; however this is a classified road and would require turning. This proposal now plans an estate access slightly staggered from Alfred Road. The estate shows a series of turning heads and private drives to serve plot 1-40.

8.90 The highway layout was the subject of several discussions about the location of the access as concern was raised concern from residents and representatives of the school, as conflict may exist at the beginning and end of the school day due to the position of the access. Sutton Road is said to be already problematic mainly at the end of school with parents cars awaiting collection of children and an extra junction will only make the situation worse.

8.91 The council's highway team acknowledged this concern and had particular issue with other elements of the early designs, which included the design of shared private drives, inadequate turning areas, visibility splays, highway geometry, garage and driveway dimensions.

8.92 The applicants suggested traffic calming and the movement of the bus stop, however these were not supported. It was instead agreed to move the access further west with a stagger to Alfred Road. Amended plans were received, which satisfied the highways officer and accorded with the councils parking and turning standards. The highway officer recommended a series of conditions should the application be supported covering the highway design, the need for road safety audits, Construction Traffic Management Plan and the need for bound driveway materials.

Highways Transportation

8.93 The Transportation team have also been consulted on the proposal and have reviewed the Transport Statement in support of the application. The transportation officer found the trip generation and modal split rates acceptable and robust. The development is not considered to have a severe impact on the surrounding highway network and no objections are raised. No additional off site highway improvements are necessary also. The officer recommends two conditions should planning permission be granted covering dedicated cycle storage to be provided within the curtilage of each dwelling and electric vehicle charging provision for the dwellings.

Ecology

8.94 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 and outlines a number of principles which should be applied, including 'if significant harm 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.'

8.95 Core Strategy Policy CS16: Valuing our Natural Environment, seeks to ensure that Doncaster's natural environment will be protected and enhanced. Policy CS 16 (A) of the Doncaster Council states that proposals will be supported which enhance the borough's Ecological Networks by: (1) including measures that are of an appropriate size, scale, type and have regard to both the nature of the development and its impact on existing or potential networks.

8.96 The application was supported by an ecological survey by Wildlife Discovery. The councils ecologist raised concern that the stream to the south of the site was said to be devoid of vegetation, but this had been recently been dredged by the local drainage board. The stream prior to this was richly vegetated and suitable for aquatic mammals and invertebrates.

8.97 Further surveying was needed to check if water voles have colonised the areas adjacent to the proposed development. Also a further preliminary bat roost assessments was carried out and considered by the council's ecologist. The surveys did not find any further evidence of bats or water vole, however the possible presence of bats in trees T7 and T8 should be further investigated by emergence surveys if these trees are under threat from the proposed development. The applicant confirmed that these trees would be retained and no further surveys were required.

8.98 Overall it is accepted that the majority of the site is of low ecological value. That said, there should be some compensatory landscaping that provides some habitat of value to wildlife and the areas near the stream need enhancing more than just the wildflower seeding to the top of the Stream Dike bank to: nothing except a knee rail. The council's ecologist maintained his concern for the scheme given that the landscape buffer belt alongside Stream Dyke is inadequate and does not reflect the importance to the proposed development of this semi natural feature.

Balancing Exercise

8.99 The harm identified above as a consequence of the inappropriateness of the development in the Green Belt carries substantial weight against the proposals. The loss of openness to the Green Belt involved also attracts substantial weight against the scheme.

8.100 Other factors against the scheme include encroachment into the Green Belt, the loss of Public Open Space, poor landscaping, inadequate tree protection, no education, affordable housing or public open space contributions and no planning gain in the form of a new club or new enabling development. Also no proposed enhancement of the exiting sport facilities and an unclear picture over the deliverability of the bowling green. The

monies from the land sale would simply being used to renovate and keep the club in existence.

8.101 In its favour is the acceptable design and layout of the scheme which attracts moderate weight in favour of the proposals. Likewise the fact that the money from the land sale may well sustain the club improvement carries moderate weight. The fact that the POS isn't well used carries moderate weight in favour of the sites redevelopment.

8.102 The harm caused by reason of inappropriateness, loss of openness for 49 houses and the factors listed against the scheme clearly outweigh the benefits of the proposals. The development of Green Belt for housing should not be used to sustain the upkeep of a financially unstable club and accordingly, the very special circumstances necessary to justify the development do not exist, and the application cannot be supported.

8.103 All other matters raised in the representations have been taken into account but none are of such strength or significance as to outweigh the considerations identified above.

9.0 Summary and Conclusion

9.1 The proposal is regarded as inappropriate development within the Green Belt, which would cause a severe loss of openness which must be afforded significant weight. In addition the development would have a significant impact on the open and green character of the area and cause harm to the outlook of residents opposite the site and lead to the loss of designated open space. The harm to the areas open character must be regarded as harmful and be afforded significant weight and the harm to the area generally moderate weight due to the unkept nature of the site.

9.2 The community consultation results show that the site is not heavily used, however this is mainly due to its condition. This should be afforded moderate weight in the balancing exercise.

9.3 Whilst the financial position and overall condition of the club and surrounding buildings have the potential to benefit from the neighbouring site redevelopment, any impact as a result of this additional money, if spent on the club, would not show any real enhancement of club's facilities (other than repair renewal and renovation of the club) and not create a lasting legacy for the club to be regarded as a very special circumstance. Instead the money will go towards urgent repairs that are required and wider renovation of the building to ensure the building remains in a useable condition for the next 20-30 years. This is a relatively short term benefit, for the benefit of a private club whereas the harm to the Green Belt and loss of open space will be permanent and affect the public.

9.4 From the viability issues discussed above it seems there simply isn't sufficient value in the land to create a balanced residential scheme that provides significant advantages to the local area. The scheme provides no affordable housing, no education contributions or public open space enhancement. In fact the scheme creates the loss of open space by default and seemingly would turn no profit for the developer.

9.5 Therefore when considering the planning balance there are clearly some advantages to be gained from the development, however these are far outweighed by the policy harm, through inappropriateness and physical harm through a loss of openness, loss of open space and loss of outlook. The application is therefore recommended for refusal.

9.6 Should the application receive support form members then it would need referring to the National Planning case work unit for consideration under its powers as to whether the

Secretary of State calls in the application. Members would also have to delegate the imposition of all the necessary planning conditions and mechanisms to ensure the money raised from the land sale is actually spent on the club and agree a schedule of works also a clawback agreement to consider any uplift in residential sales values which may mean section 106 contributions would be possible.

10.0 Recommendation

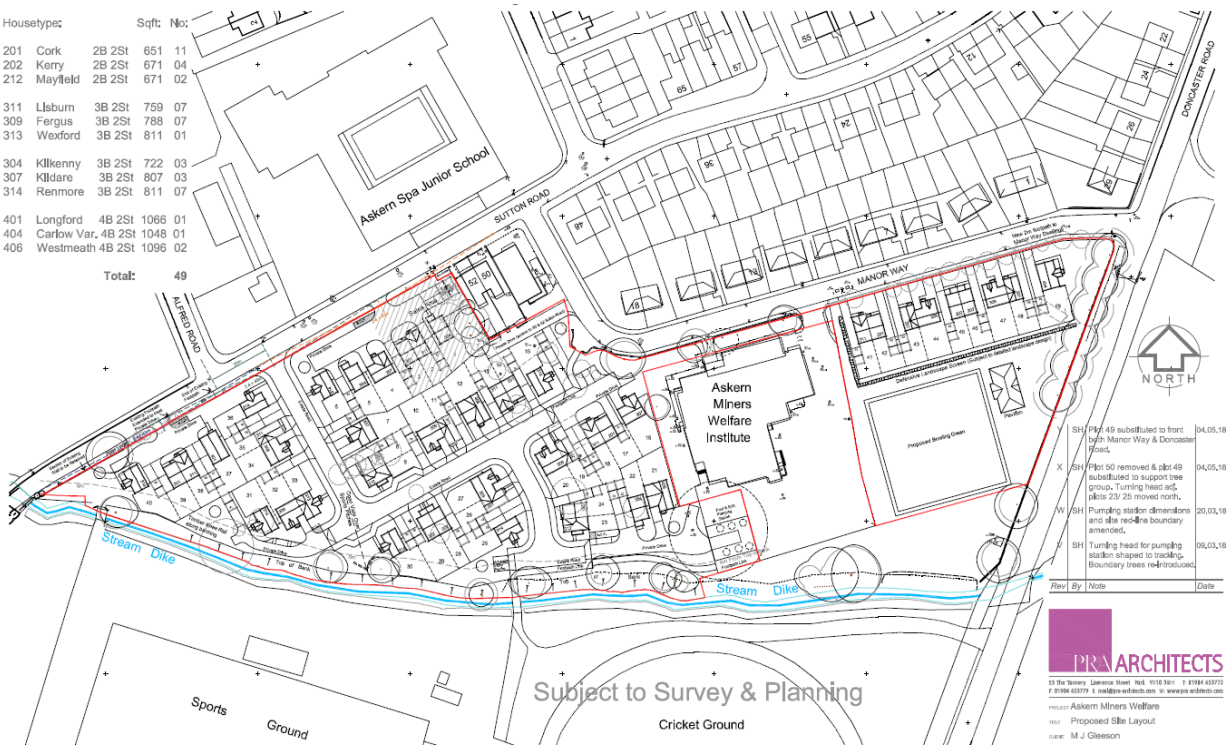
10.1 Planning Permission be REFUSED for the following reasons.

01. Green Belt — The proposal represents inappropriate development within the Green Belt. The circumstances detailed in favour of the application are not considered 'very special' to outweigh the harm by reason of inappropriateness. In addition the development would lead to encroachment into the Green Belt, a loss of openness and would be harmful to the character of this sensitive entrance to Askern. The application is therefore contrary to paragraph 87-89 of the NPPF, Core Strategy CS 3 and ENV 3 of the UDP.

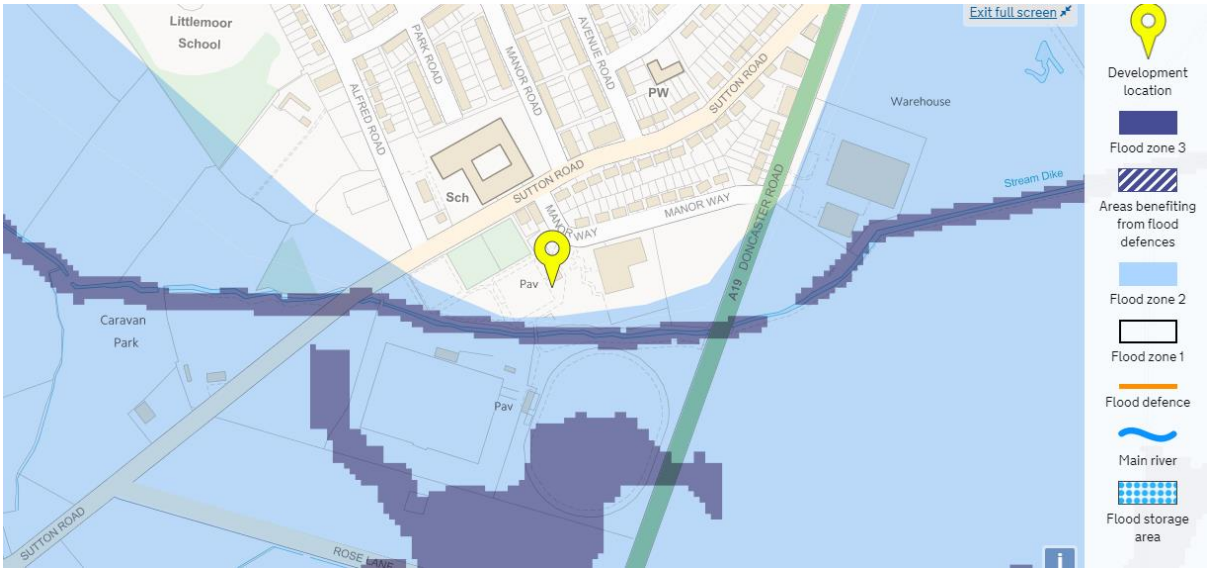
02. POS — The planning system should where possible seek to protect and enhance open space, to encourage recreation. Development of open space will only be allowed in exceptional circumstances. This proposal leads to the direct loss of a significant part of Open Space, the amenity space will not be enhanced as it will be developed on and there will be no significant other enhancement works to the existing sports facilities. The proposal will also involve tree loss and the loss will not be compensated for by the equivalent community benefit with the exception of the replacement bowling facility. This is therefore contrary to UDP Policy RL1, Core Strategy Policy CS 17 and NPPF paragraph 74 which seeks to retain and protect such areas.

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.

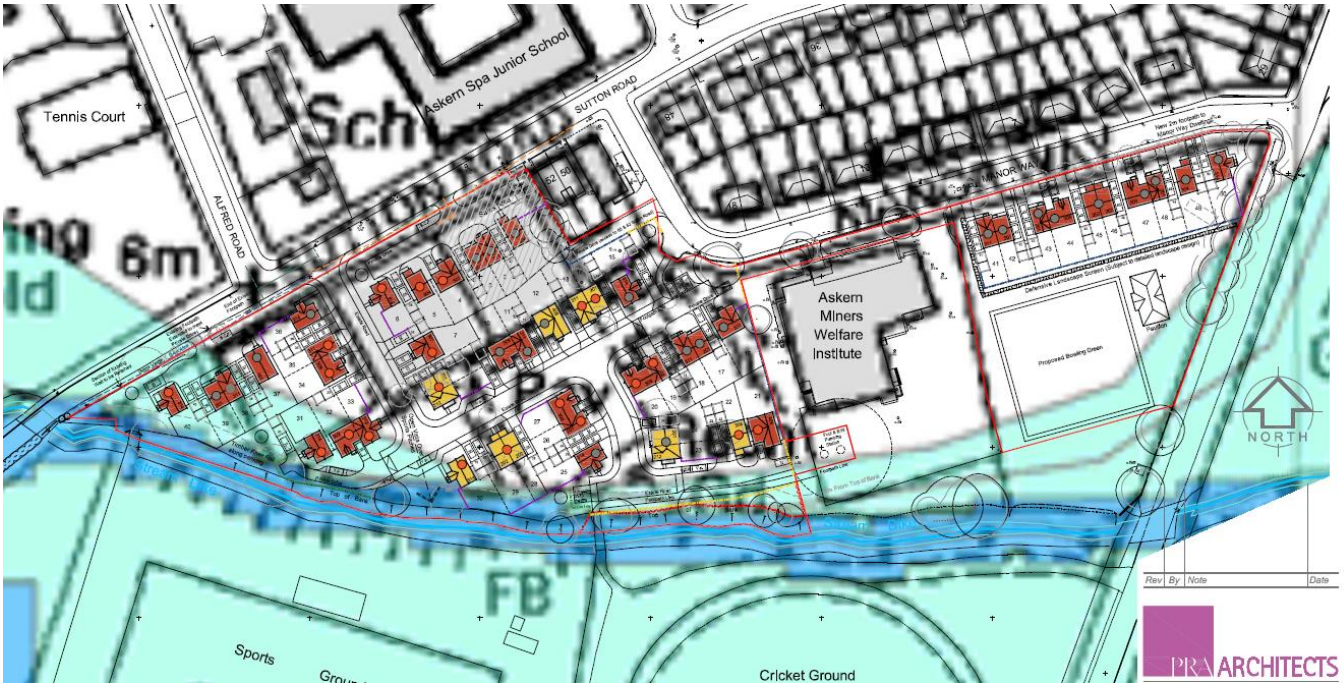
Appendix 1- Proposed site plan 49 dwellings.



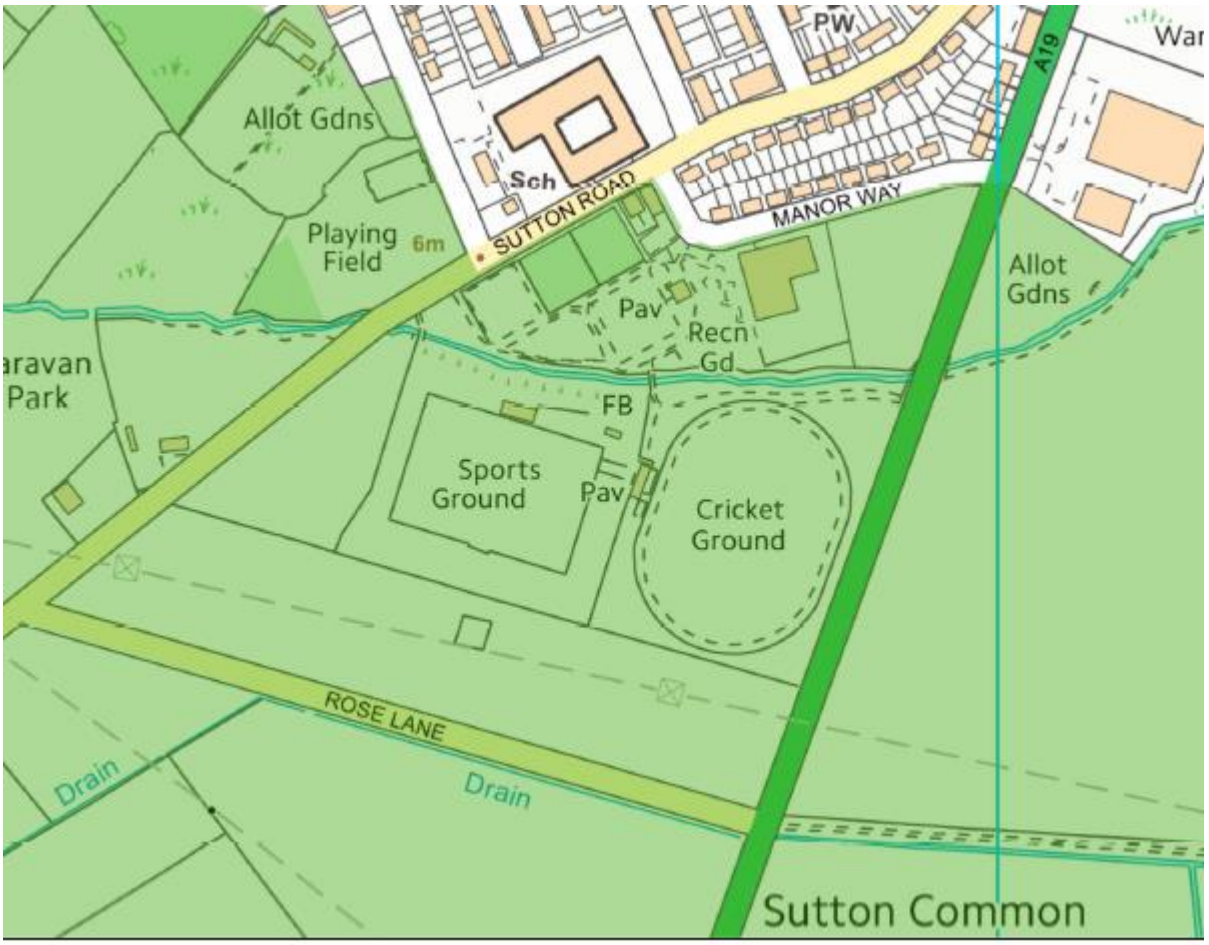
Appendix 2 –Flood zone



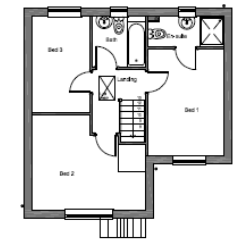
Appendix 3 – Shows the layout in respect of the flood zone.



Appendix 4 – Showing the extent of the Green Belt boundary

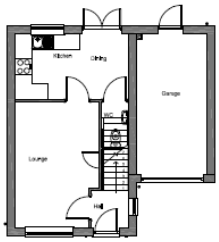


Appendix 5 – Typical House type and Manor way section/streetscene



307
FIRST FLOOR PLAN

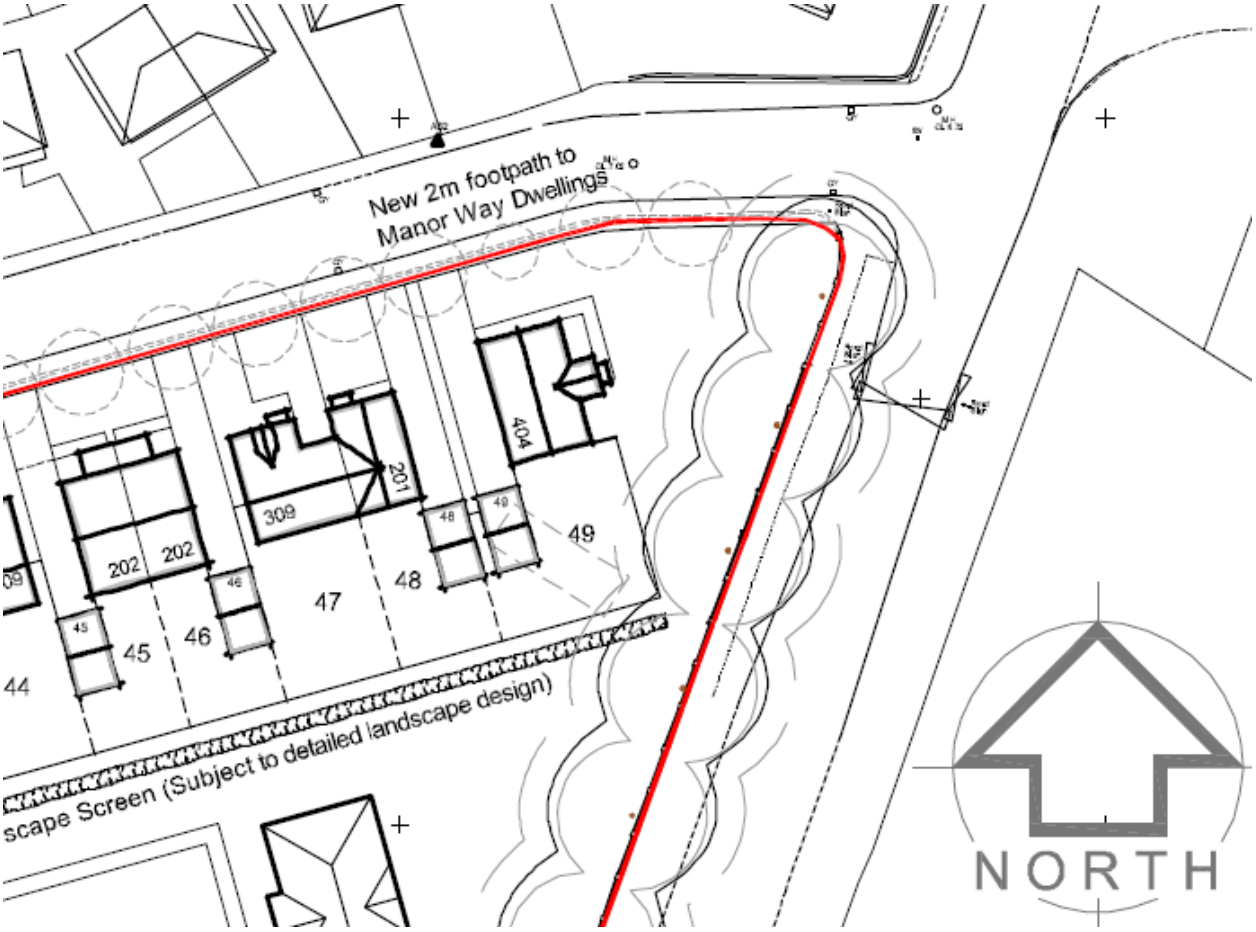
FRONT ELEVATION SIDE ELEVATION



307
GROUND FLOOR PLAN

REAR ELEVATION SIDE ELEVATION

Appendix 6 – showing plot 50 removed.



Appendix 7 - Draft Heads of Terms

The Miners Welfare Club and Gleesons be party to the agreement which could be a Unilateral Undertaking provided by the developer as no monies would be paid to the council.

1. Provide evidence of the completed sale land from the Miners Welfare to Gleesons.

2. The proceeds of the sale of land [to be defined in a section 106 agreement] to be used in full for the upgrading and maintenance of the Community Facility (Askern Miners Welfare Club) prior to the final roof covering being constructed on the final (49th) approved dwelling.
   Risk: There is no prescribed list of 'very special circumstances' and therefore the National Casework Unit may not consider the benefit "for upgrading and maintaining the Community Facility" to amount to a 'very special circumstance' that justifies development in the Green Belt.

   Gleeson's suggested wording:

   Two thirds of the land value (£270,000) to be used prior to the final roof covering being constructed on the final (49th) approved dwelling.

   Reason for suggested wording: To enable some flexibility in the planning and execution of the works to the club.

   Risk: The National Casework Unit may not consider the partial spending of the sale proceeds of the land to be enough to amount 'very special circumstances'. Very special circumstances are required in order to outweigh the potential harm to the Green Belt and any other harm (which in accordance with para 88 of the NPPF must be given substantial weight).

3. On an annual basis the club shall provide the Local Planning Authority with confirmation on what the money has been spent on with a costs schedule until which time the monies have been fully spent.

4. On the third anniversary of the date of this agreement the developer shall complete and submit the FVA (Financial Viability assessment) in respect of the development that will show the level of Gross Development Profit achieved from the development. The council shall respond to the developer either accepting or rejecting the results of the FVA within 12 weeks of the date of the receipt of the FVA and on failure to do so the FVA will be deemed approved by the council. The council and the developer will use all reasonable endeavours to agree the Gross Development Profit within the 12 week period. If no agreement is reached the matter shall be referred to an independent arbitrator for determination. If the agreed percentage is 20% or less the council agree that the developer shall retain the

whole Gross Development Profit. If the GDP exceeds 20% any Gross Development Profit in excess of the 20% level shall be the commuted sum and shall be paid to the council within 28 days of the sum being agreed and spent on either Public open space improvements, education or affordable housing.

Appendix 8 – Draft List of conditions.

Draft Conditions for the Bowling Green (Outline)

01. STAT 2 Time

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. Reserved matters

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. Details

Approval of the details of the appearance, materials, layout, scale and drainage (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.

Draft Conditions for the Housing (Full)

01. STAT1 Time

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. Amended plans -
The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows;

- Site Plan Amended Rev Y 8.5.18
- Materials schedule Rev K 8.5.18
- Boundary Treatment schedule Rev S 8.5.18
- Landscaping Plan Rev E 16.5.18

House type Rural

- Type 404 Rev B Rural.
- Type 201 & 309 Amended 7.3.18
- Type 314 Amended 7.3.18
- Type 307 Amended 7.3.18
- Type 304 Amended 7.3.18
- Type 201 & 311 Amended 7.3.18
- Type 309 & 313 Amended 7.3.18
- Type 202 Amended 7.3.18
- Type 201 & 212 Amended 7.3.18
- Type 406 Amended 7.3.18
- Type 401 Amended 7.3.18
- Amended Streetscene Sutton Road 20.3.18 A-A

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

03. Landscape scheme
No development shall take place on the site until final details of a landscape scheme shown on DRAWING NO 2725/3 Rev E have been submitted to and approved in writing by the Local Planning Authority. Unless specifically approved otherwise in writing by the Local Planning Authority the landscape scheme shall include the planting of appropriate trees on highway verges and shall provide a detailed planting plan and schedule; a landscape establishment specification; a timescale for implementation and a maintenance specification lasting for 5 years. Thereafter the landscape scheme shall be implemented and maintained in full accordance with the approved scheme for a minimum of five years following practical completion of the landscape works. Any landscape feature which is

defective, damaged or removed within five years of establishment shall be replaced in full accordance with the approved scheme.

REASON

In the interests of environmental quality and compliance with the adopted core strategy Policy CS16: Valuing our Natural Environment section D2, D3 and D4

04. Service trenches, drainage and overheads

The alignment of all service trenches and overhead services shall be approved by the Local Planning authority prior to the commencement of development.

REASON: To prevent damage being caused to trees which it has been agreed shall be retained and compliance with the adopted core strategy Policy CS16: Valuing our Natural Environment section D2 and D4

05. Tree works as agreed

Tree surgery work shall be carried out in accordance with the approved plans and particulars (ARBORICULTURAL IMPACT ASSESSMENT section 3.4.2 and section 4.3). Best arboricultural practice shall be employed in all work, which shall comply with BS3998:2010 Tree works recommendations and unless otherwise agreed with the District Planning Authority shall be completed before the development commences.

REASON: To ensure that the work is carried out to the appropriate high standard and compliance with the adopted core strategy Policy CS16: Valuing our Natural Environment section D2 and D4

06. Tree protection

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

REASON : To ensure that retained trees are protected from damage during construction and compliance with the adopted core strategy Policy CS16: Valuing our Natural Environment section D2 and D4

07. Arboriculture method statement

No development or other operations shall commence on site in connection with the development hereby approved (including tree pruning, demolition works, soil moving,

access formation or alteration, or any operations involving the use of construction machinery) until a detailed Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full detail of the following:

- Installation and working method of adjustment of the tree protection scheme as the development progresses
- Method of working for the creation/installation of the road / dwelling / private drives that are within the rooting zone/RPA of retained trees (T10, T20 and T32)
- Siting of materials storage areas and site cabins

REASON

To prevent damage to trees shown for retention on the Approved Plan and compliance with the adopted core strategy Policy CS16: Valuing our Natural Environment section D2 and D4.

08. Drainage

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.

09. Roads sealed - High 1

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

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

10. Construction method statement/Traffic Management Plan

No development shall take place, including any works of demolition, until a Construction Method Statement and scheme of mitigation measures has been submitted to and approved in writing by the local planning authority. The approved statement and measures 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

viii) - the hours of construction/site works, including loading and unloading and deliveries

ix) - details of any proposed external security lighting installation

x) - the routing of contractors vehicles

xi) Details of dilapidation surveys, pre commencement and post completion construction activity (to determine any damage attributable to the construction traffic and remedial measures thereafter)

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

11. Boundary Plan
Prior to development commencing a fully colour coded proposed site boundary plan shall be submitted to and approved in writing by the Local Planning Authority. REASON The submitted Plan Rev S doesn't have all the necessary details colour code and therefore the this needs updating in order that sight lines are maintained in the interests of highway safety.

12. Bound surfaces
The parking/manoeuvring facilities, (including private drives) indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times. REASON: In the interests of highway safety.

13. Visibility splays
Before the development is brought into use, the visibility splay as shown on the approved plan 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.

14. Sewer protection

No building or other obstruction including landscape features shall be located over or within 5 metres either side of the centre line of the water main i.e. a protected strip width of 10 metres, that crosses the site. If the required stand -off distance is to be achieved via diversion or closure of the pipe, 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 and to protect the public water supply.

15. Sutton Road Wall

Prior to development commencing a structural assessment of the wall fronting Manor Way shall be undertaken, details of which shall be submitted to the Local Planning Authority. Should the wall be found structurally sound this shall be reduced in height to 900m throughout the frontage except for the proposed vehicle openings. If the wall is found unsound then a suitable replacement wall shall be submitted to and agreed in writing prior to development commencing. The wall shall then be retained throughout the lifetime of the development.

REASON - In order to maintain the enclosures in the area in order that the proposal assimilates into the local environment.

16. Water course obstruction

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB. REASON In order for the IDB to maintain access to the watercourse.

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

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

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

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

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

Informatives:

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

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

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** 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.

A commuted sum of £5000 to be used towards the future maintenance costs of each highway drain soakaway, shall be paid to the Council, prior to the issue of the Part 2 Certificate.

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

Any trees to be provided in the public highway 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.

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.

The proposed arrangement shall be subject to Road Safety Audits in accordance with DMRB Volume 5 Section 2 Part 2 Road Safety Audit (HD 19/15).