

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 21st August 2018**

**Application**      **3**

<b>Application Number:</b>	18/01590/FUL	<b>Application Expiry Date:</b>	3rd September 2018
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Erection of one detached dwelling (Resubmission of approved planning application 12/03086/FUL)
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<b>At:</b>	Land Adjacent To 41 Allendale Gardens Sprotbrough Doncaster
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<b>For:</b>	N Fairclough Builders Ltd
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<b>Third Party Reps:</b>	7	<b>Parish:</b>	Sprotbrough And Cusworth Parish Council
		<b>Ward:</b>	Sprotbrough

<b>Author of Report</b>	Elizabeth Maw
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<b>MAIN RECOMMENDATION:</b>	GRANT
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## **1.0 Reason for Report**

1.1 The application is being presented to committee at the request of Cllr Cynthia Ransome.

## **2.0 Proposal and Background**

2.1 The proposal is for a dormer bungalow on land to the side of 41 Allendale Gardens, Sprotbrough.

2.2 The application site was given planning consent on 12.01.2015 for a dormer bungalow. This consent was granted subject to conditions, including a three-year time limit to start the development. The bungalow is now substantially complete.

2.3 The reason for this second application is because there is doubt whether the applicant started the development within 3 years, and that not all the pre commencement conditions were discharged. The dwelling as so far constructed is therefore deemed to be unauthorised.

2.4 The new submission is a very similar proposal to the previous permission except for very minor changes, which includes the removal of two side windows and obscure glazing two roof lights. These minor changes make the development slightly better for surrounding residents.

2.5 The site has been a vacant piece of land for many years and its designation within the local plan is Residential Policy Area. The dwelling is therefore acceptable in principle.

2.6 There were no objections to the 2012 approval and the likely reason for this is because the site is tucked away in a corner and adjacent sites were pending redevelopment for new housing.

2.7 The adjacent sites have now been developed and three new family homes directly overlook the site. These family homes became occupied between October 2017 and April 2018 and the occupiers of the three homes have objected to this development. A total of 7 objections have been received.

## **3.0 Relevant Planning History**

3.1 12/03086/FUL: Erection of one detached dwelling on approximately 0.05 ha of land. Granted 12.01.2015

## **4.0 Representations**

4.1 The application has been publicised by sending letters to adjoining neighbours. Seven objections have been received. The objections relate to the principle of the development, density, impact upon the privacy, outlook and daylight of nearby housing, loss of wildlife and the design of the dwelling as it is a dormer bungalow in an area dominated by two storey housing.

## **5.0 Parish Council**

5.1 Sprotbrough and Cusworth Parish Council concluded to not object or support but did raise concerns regarding the access as it narrow and could be unsafe.

## **6.0 Relevant Consultations**

6.1 Highways Development Management: No response received yet although Highways raised no objections to the first scheme.

6.2 Pollution Control: There is no objections to the development but request a condition regarding soil. They advise the only pollution risk could be from the soils around the house. The pollution control team have suggested a condition to ask for soil sampling to be undertaken or alternatively clean soil could be imported onto site.

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

National Planning Policy Framework

Doncaster Council Core Strategy

CS1: Quality of Life

CS2: Growth and Regeneration Strategy

CS14: Design and Sustainable Construction

Saved Doncaster Unitary Development Plan

PH11: Residential Uses and Residential Policy Areas

## **8.0 Planning Issues and Discussion**

Background

8.1 The site is a square shaped piece of land in the corner of Allendale Gardens, Sprotbrough. The site was given planning consent for a dormer bungalow on 12th January 2015 subject to conditions and a three year time limit to commence development.

8.2 The applicant states he started the development within the three-year time limit by digging out part of the footings in October 2017. The applicant also submitted a request to discharge all his planning conditions in 2015. The applicant therefore considered his permission to remain 'live' and development continued in Spring 2018.

8.3 In Spring 2018 a neighbour moved into a property which is close to the site and this neighbour did not know an house had been previously granted. A complaint was therefore made to the Local Planning Authority.

8.4 The Councils Planning Enforcement Team investigated the complaint. The conclusion of the enforcement case was to ask the applicant to resubmit his planning application because there was insufficient evidence to demonstrate development had commenced within 3 years and not all the pre commencement conditions had been discharged.

The owner disputes this is necessary but has cooperated with the LPA by submitting a fresh application at his own cost in an attempt to resolve the situation.

8.5 Officers consider the proposed dwelling to remain acceptable and there have been no planning policy changes to warrant a change in this decision. The comments of the numerous objectors have been taken on board but the concerns raised are not considered to warrant refusal of the planning application.

### Principle

8.6 The site is designated as Residential Policy Area. The Doncaster Council Core Strategy has defined Sprotbrough as a large village and policy CS2 states housing developments in the village boundary are acceptable in principle, such as this site.

8.7 A number of objections refer to the land as amenity and community land although this is not the case. Historic maps from 1946 onwards show the site to have been private garden belonging to 202 Sprotbrough Road but was sold off to the owners father in 1982 and has stood dormant since. The land has never been used for the benefit of the community and it is private land. It is not recognised as open space by the Local Authority.

### Character and Appearance

8.8 The proposal is within a residential area, which is characterised by two storey housing although a wide range of house designs exist. The previous planning officer noted a dormer bungalow differs from the prevailing two storey character of the street scene but the dwelling would be tucked away at the end of the street and was not felt to cause significant harm to the character of the area. The dormer bungalow is now substantially complete and an officer has revisited the site. It is considered the previous officers comments remain correct.

### Residential Amenity

8.9 Saved UDP policy PH 11 states that development for housing will normally be permitted except where; (b) the effect of the development on the amenities of occupiers of nearby properties would be unacceptable. Policy CS14 also states that proposals should not create unacceptable negative effects upon the amenity of neighbouring land.

8.10 The site was originally given planning consent in 2015 and the assessment of this approval took into account the impact on both existing dwellings and the new housing that were to be constructed around this site. This new application is a slightly better scheme than the earlier approval because two windows have been removed and two roof lights will be obscured.

8.11 The proposed bungalow has its own private curtilage. Most windows in the bungalow will not create an overlooking issue because they are at ground floor and there is 2m high fencing along the objector's boundaries. It is recommended that a further 2m high fencing is erected along the boundary with No44 (which has not objected), to give this neighbour additional privacy.

8.12 The front facing dormer windows face 44 Allendale Gardens. These dormer windows are 15 metres away from No44 and face a side elevation. This separation distance is in accordance with Council design guidance and this property has not objected.

8.13 The rear of the dwelling has no first floor windows - only three roof lights, which will serve a landing and two bedrooms. These roof lights will not overlook because they are at a high level but the applicant has agreed to obscure glaze the two bedroom roof lights in order to give certainty that these roof lights will not overlook the objectors.

8.14 Objectors are concerned that the dwelling does not accord with recommended separation distances and a 22m separation distance is quoted in these objection letters. A 21m separation distance is only necessary where windows of two storey dwellings directly face each other. This situation does not arise at this site.

8.15 As noted in the objection letters some neighbours consider the dwelling to be overbearing and block out light. Whilst noting these concerns it is considered the dwelling is acceptable because of its 1 ½ storey form and it adheres to recommended separation distances. The size of the plot and garden is deemed adequate and is not dissimilar to the density of the adjacent housing development.

8.16 Permitted development rights have been removed from the proposal by condition. It is felt that the proposal already takes up a large enough part of the site and if extended or outbuildings were erected this may leave little or no private amenity space or cause highway safety issues with reduced parking space. Furthermore if windows are added to the building this could create unacceptable levels of overlooking if their position is not carefully considered.

## **9.0 Summary and Conclusion**

9.1 It is concluded that the proposed dormer bungalow is acceptable in principle. It will be a good quality dwelling in an residential area and will not harm the character of the area as it is located in the corner of a cul de sac. The proposal meets recommended separation distances and not considered to cause a residential amenity problem. The proposal is therefore deemed acceptable and recommended for approval.

## **10.0 RECOMMENDATION**

10.1 GRANT Full Planning Permission subject to the conditions below:

01. U63710            Within 3 months from the date of this planning approval soil and soil gas sampling 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 within 3 months from the date of this planning approval unless otherwise agreed in writing with the Local Planning Authority beforehand.

If as a consequence of the sampling investigation a 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.

The approved 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.

Upon completion of the remediation works, a 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.

#### 03. CON2

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

#### REASON

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

04. CON3 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.  
REASON  
To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.
05. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.  
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.
07. U63707 Before the first occupation of the dwelling hereby permitted, the two rear facing roof lights that serve the bedrooms shall be obscure glazed with an obscurity equal to Pilkington level 3 or above and they shall be permanently retained in that condition thereafter unless otherwise approved in writing by the local planning authority.  
REASON  
To ensure that the development does not impact on the privacy of the adjoining premises.
08. NOPD1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) England Order 2008, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additions, extensions or other alterations other than that expressly authorised by this permission shall be carried out without prior permission of the local planning authority.  
REASON  
The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.

09. NOPD3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) England Order 2008, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority.

REASON

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy PH11 of the Doncaster Unitary Development Plan.

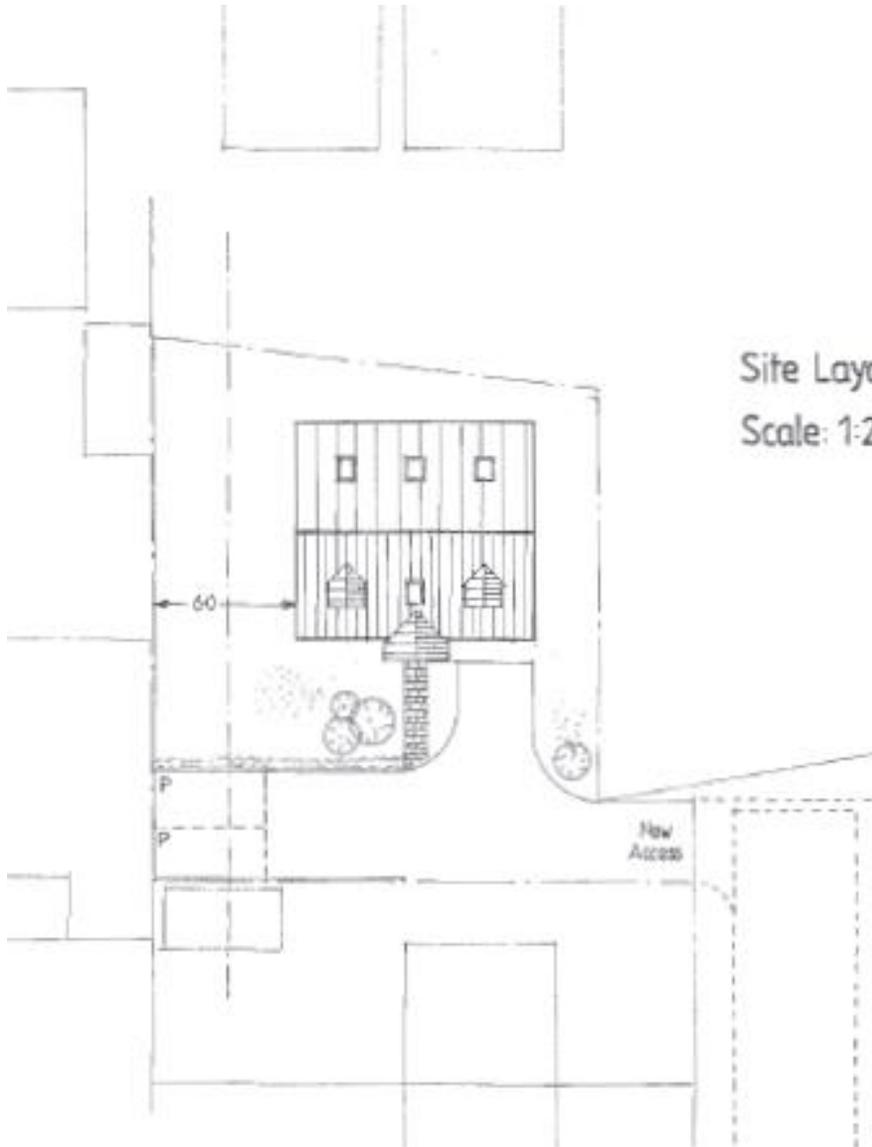
12. U63708 Unless otherwise agreed in writing by the Local Planning Authority, before the first occupation of the dwelling hereby permitted a 2 metre high close boarded fence shall be erected along the boundary with 41 Allendale Gardens.

REASON

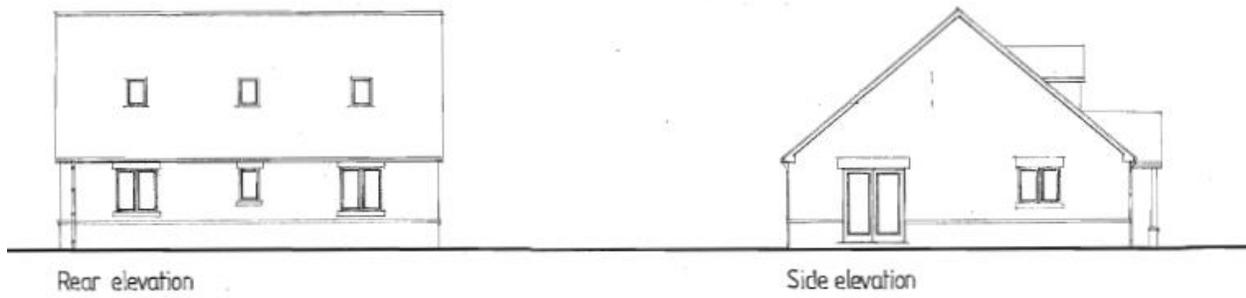
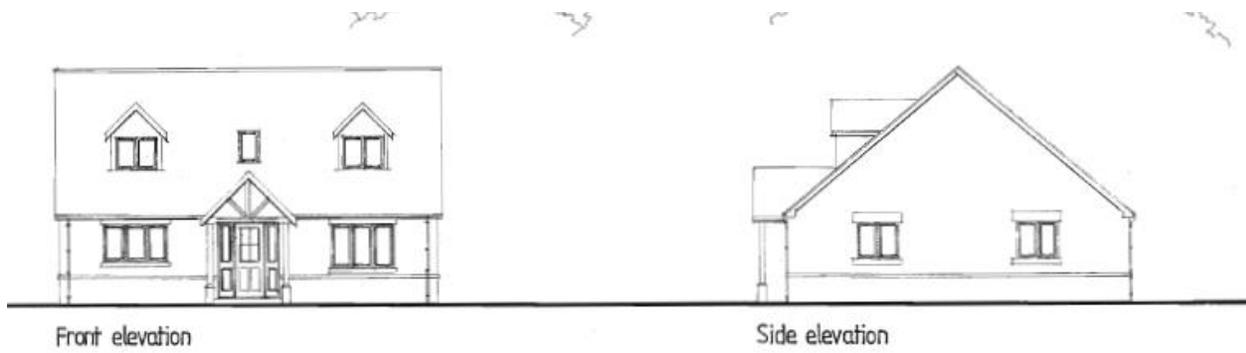
To protect the privacy of the occupiers of 41 Allendale Gardens

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

Appendix 1: Site Plan



## Appendix 2: Proposed Elevations



## Appendix 3: Proposed Floor Plans

