

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 13th November 2018

Application	1
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Application Number:	17/01552/FULM	Application Expiry Date:	15 th September 2017
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Application Type:	Major
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Proposal Description:	Erection of 13 dwellings.
At:	Land adjacent railway line, New Road, Norton

For:	Mr Richard Bland
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Third Party Reps:	2	Parish:	Norton
		Ward:	Norton And Askern

Author of Report	Mel Roberts
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MAIN RECOMMENDATION:	GRANT
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1.0 Reason for Report

1.1 This application is being reported to planning committee because it is a departure to the Development Plan.

2.0 Proposal and Background

2.1 The proposed development is for 13 houses comprising six three bedroomed houses and seven four bedroomed houses. Access to the site will be from New Road, a currently unmade road that is unadopted (see figures 1 to 3).

2.2 The site is currently empty with nothing but foliage and some rubble. The site is approximately 0.45 hectares in size and is relatively flat. An existing foul drain runs across the northern third of the site from east to west at an approximate depth of 2m. A brick sub-station is located to the northern corner of the proposed site, which is not included within the application site.

2.3 The surrounding area is mostly residential in nature, although there is a scrap yard situated to the south of the site. A railway line runs along the eastern boundary of the site.

3.0 Relevant Planning History

3.1 An outline application for residential development (all matters reserved) was submitted on 27th March 2014 under reference 13/02234/OUT. This application has not been determined and is now superseded by this current application.

4.0 Representations

4.1 One letter of objection has been received, which raises the following concerns:

- i) New Road is not wide enough and the access at the top of the road is not suitable for more traffic.
- ii) The existing drains are not suitable for more houses.
- iii) The proposed houses will not fit in with the character of the area.
- iv) Child safety will be an issue with the volume of traffic along New Road.

4.2 One letter of support has been submitted stating that it will be good to see the area tidied up, providing that the sewer is able to cope with the additional housing.

5.0 Parish Council

5.1 Norton Parish Council welcomes the development, but has concerns about the access onto Station Road, which is in close proximity to the level crossing.

6.0 Consultations

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

6.2 The Urban Design Officer has responded and has raised no objections.

6.3 The Open Space Officer states that a commuted sum of 15 per cent is required because the Norton Community Profile Area is deficient in 4/5 open space typologies (informal, formal, public parks and woodlands and nature conservation areas).

6.4 The Public Rights of Way Officer has stated that New Road is not a public vehicular highway, but is a public footpath with a public right of way on foot only. It is illegal to drive a motorised vehicle on a public footpath unless there is a private right of access. The applicant will therefore need to prove that a private vehicular access exists along New Lane to the proposed development site.

6.5 The Tree Officer has raised no objections subject to a condition requiring a landscaping scheme to be submitted.

6.6 The Ecology Officer has raised no objections because the loss of biodiversity on this site would be minimal, especially as there are no habitats of note. The Ecology Officer recommends that a condition be imposed requiring ecological enhancement to offset the small loss of biodiversity on site.

6.7 South Yorkshire Archaeology Service has responded and has advised that although there is a background of archaeological activity in the general area, the site in question is small and will have suffered some disturbance from the bounding infrastructure. Given this, the archaeological potential is negligible and no archaeological investigation is required for this scheme.

6.8 Environmental Health (Noise) has raised no objections subject to a condition requiring mitigation measures to ensure that the proposed dwellings are unaffected by any noise from the adjacent railway line.

6.9 The Contamination Officer has responded and stated that there is no indication from the information derived from the historic maps that the site in question has had a former contaminative use. Nonetheless, the Contamination Officer has asked for further investigation of possible contamination given that housing is a sensitive end use. It would be unreasonable to impose such conditions however, given that there is no indication of contamination and so an informative is to be included reminding the applicant that it is their responsibility to remove any contamination if they come across any during construction.

6.10 Yorkshire Water has raised no objection subject to a condition requiring details of drainage to be agreed. The developer is proposing to discharge surface water to a soakaway/watercourse/Suds and so no surface water from the site is being proposed to discharge to the public sewer network.

6.11 Education have responded and have stated that there is no requirement for a contribution towards primary school places because there are school places at Norton Infant and Norton Junior School until at least 2019/20. They have however requested a contribution of £36,594 towards Campsmount Academy, which will be over-capacity by 2021.

6.12 Network Rail has raised no objections in principle to the proposed development, provided that there will be no impact on the safe operation of the level crossing.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework

7.1 The National Planning Policy Framework (NPPF) confirms that planning law requires that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development. It states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

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

Doncaster Core Strategy

7.4 Policy CS2 states that defined villages (such as Norton) will be conserved and enhanced. Quality infill development will be permitted.

7.5 Policy CS5 states that local employment sites will generally be retained for employment purposes with alternative uses being supported where the use is appropriate in terms of scale, design and location and will not adversely affect the efficient operation of adjacent employment land or uses.

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

7.7 Policy CS16 states that proposals will be supported which enhance the borough's landscape and trees by retaining and protecting appropriate trees and hedgerows and incorporating new tree and hedgerow planting.

Unitary Development Plan

7.8 Policy EMP2 states that on employment sites, permission will normally be granted for classes B1, B2 and B8.

7.9 Policy RL4 requires on site open space or a commuted sum in lieu of this on sites of 10 or more family dwellings.

8.0 Planning Issues and Discussion

8.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for consideration of this application is the development plan. All decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Principle of the Development

8.2 The site is allocated as an Employment site in the Doncaster UDP and policy EMP2 states that permission will normally be granted for industrial uses. The more up to date Housing and Economic Land Availability Assessment (HELAA) 2015, however states that the site is not suitable for employment use with its marketability rating being red, has a poor access, and is isolated. The site has been allocated for employment land since the adoption of the UDP in 1998 and has never come forward for industrial development, which suggest that it is not an attractive site for such a use. The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities. In this case, there is sufficient evidence that this site is not suitable for employment use and other uses can be looked at.

8.3 The site falls within a defined village and policy CS2 of the Core Strategy states that quality infill development will be permitted. The site also falls within Flood Zone 1. The site is in a sustainable location with bus stops located approximately 90 metres from the site. The bus services provide access to Little Smeaton, Campsall, Askern and the wider area including Doncaster town centre. The application is therefore acceptable in principle and in accordance with policies CS2 of the Core Strategy and the advice contained within the NPPF.

Highways

8.4 Highways originally raised concerns about introducing additional traffic from the development along the unmade New Road. Highways stated that the only way to overcome their concerns would be for the applicant to upgrade the road so that the Council can adopt it. The applicant has agreed to do these works and this is to be secured by a Grampian condition. New Road falls within the ownership of the Council and Assets are happy with the applicant's proposals to improve New Road and offer it up for adoption. The works will include an improved surface to New Road, a new footway, street lighting and suitable drainage (see fig 4). The total cost of the works to bring New Road up to adoptable standards totals £155,500. The upgrading of New Road to an adopted highway also overcomes objections raised by Public Rights of Way, as the road will become a public highway with rights of vehicular access to all. Highways have raised no objections with the proposed layout and the development provides adequate off-street and visitor parking.

Design and residential amenity

8.5 In terms of the proposed layout of the development, plots have been orientated to ensure an appropriate relationship to the streetscape with most of the houses fronting New Road. Generally, properties will have clearly defined front gardens, which provide an open frontage of defensible space. This provides a green border to the footpaths and public frontages, creating a visually engaging street scene. The proposal incorporates a mix of two house types to create a varied street scene to this small-scale development. The scale of the houses at two storeys is appropriate for this site, especially as the properties on the opposite side of the road are also two storeys. To encourage permeability, a clear hierarchy of roads and footpaths has been designed from traditional estate road to private drives to offer clear legibility and navigation through this development site.

8.6 In order to protect the residential amenity of existing and future residents in terms of overlooking, overshadowing and dominance, sufficient separation distances have been maintained. The majority of the dwellings have drives located to the side of each property and this helps to reduce vehicles from dominating the street scene. The proposal therefore accords with policy CS14 of the Core Strategy.

Noise

8.7 A Noise Survey has been submitted with the application to assess the noise levels coming from the railway line adjacent to the site to the east and the scrap yard to the south. The report concludes that there are trees between the railway and the proposed development that will provide some noise resistance from the development. The report also concludes that although external noise levels do not exceed recommended levels, acoustic fencing should still be installed around the perimeter of the site (and this is shown on the plans). It is also recommended acoustic double-glazing be installed in bedrooms, with acoustic ventilation in facades facing the railway (and this is secured by a condition). The report also states that the neighbouring scrap yard does not operate in the same manner as a typical scrap yard and that the site is more of a buying and selling of vehicle engine parts and so does not produce the same amount of noise. The application therefore accords with the guidance set out in the NPPF.

Drainage and proposed levels

8.8 A topographical survey has been submitted with the application and this shows that the land drops down slightly from New Road. The proposed levels of the new properties shows that the land will need to be raised by up to 700mm for those properties fronting New Road to ensure that they can be drained properly. The resultant floor levels of the properties will only be up to 300mm than the level of New Road.

Viability

8.9 The development is for more than 10 family dwellings and there would normally be a requirement for a contribution of 15 per cent of the residential land value towards enhancing other areas of open space close to the development. Education

has also asked for a contribution of £36,594 towards Campsmount Academy, which will be over-capacity by 2021.

8.10 The applicant has submitted a Viability Statement with the application. The Viability Statement sets out that there will be a requirement for £155,500 to bring New Road up to adoptable standards (and these costing have been agreed by Highways) and other extra costs such as enhanced foundations (due to the proximity of the railway line) and higher sound proofing. The sales values are derived having regard to local comparables. The development appraisal demonstrates a developer profit of only 4.99 per cent as a percentage of overall value. The profit level is therefore well below the range of 17.5 per cent and 20 per cent suggested in the Homes and Communities Agency Economic Assessment Tool user manual. Although the profit level is low, the applicant feels that the market is as buoyant as it will be for some time and therefore there is a window of opportunity to construct these houses for a low profit at this time. The NPPF states that where a proposed development is not viable then costs such as open space and education should not be applied if this would stop the development being delivered. In this case, it is clear that the development would not be viable with an open space or education contribution and so is not being sought.

9.0 Summary and Conclusion

9.1 The site lies within an area allocated for employment, which is suitable for industrial uses. The site has never come forward for industrial development and the Housing and Economic Land Availability Assessment states that the site is not suitable for employment use with its marketability rating being red, has a poor access, and is isolated. The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits. The site is reasonably sustainable with access to public transport and falls within a defined village where policy CS2 allows for quality infill development.

9.2 The proposed scheme is well designed and ensures that there will be no impact on the amenity of surrounding properties. The scheme will ensure that properties are unaffected by noise from the adjacent railway line and all other planning matters have been satisfactorily resolved.

9.3 The applicant is to pay for the upgrading of New Road so that the Council can adopt it. The currently unmade road with no drainage will be upgraded to an adopted road with proper drainage, footpath and street lighting. This will have benefits both for the residents of the new development and for existing residents and the scrap yard along New Road. This upgrading of New Road will come at a significant cost and means that other contributions such as open space and education would make the scheme unviable.

9.4 The proposed development will make use of a site that is clearly not suitable for industrial development and will help the Council meet its housing requirement for the borough.

10.0 Recommendation

10.1 Planning permission be Granted subject to the following conditions:

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

REASON

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

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

Drawing number 2575-0-001 Rev K (Proposed site layout plan)

Drawing number 2575-0-001 Rev K (Site plan with floor levels)

Drawing number 2575-0-003 E (House Type B)

Drawing number 2575-0-004 D (House Type C)

REASON

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

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

REASON

To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.

4. Prior to the commencement of development, a soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a soft landscape plan; a schedule providing details of the species, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying and a timescale of implementation. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

The details have not yet been provided and are required before the development commences in the interests of environmental quality and core strategy policy CS16: Valuing our natural environment.

5. Within one month of the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be

implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:

- i) The provision of 3No. bat boxes of type Schwegler 1FQ sited on north east oriented walls of dwellings on the eastern side of the development
- ii) The provision of 3No. bird boxes suitable for sparrows, house martins or swifts sited on south west oriented walls of dwellings on the western side of the development.

REASON

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

6. Details of the foul and surface water drainage systems and their respective outfalls to the public sewerage system shall be submitted to and approved by the Local Planning Authority prior to their installation on site. 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 work begins.

7. Prior to the occupation of plots 1, 2, 3, 4, 5, 8 and 9, all windows to the facade of the dwellings facing east (towards the railway line) shall be fitted with glazing specifications consisting of 10.8-20-8.8mm acoustic laminated glass units (or the acoustic equivalent) and all bedrooms shall be provided with acoustic trickle ventilators to ensure internal noise levels detailed in BS8233:2014 is achieved. External walls and ceiling on upper floors of all dwellings shall be constructed from two layers of 12.5mm plasterboard or acoustic equivalent.

REASON

To mitigate against noise from the railway line in accordance with guidance set out in the NPPF.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) - the parking of vehicles of site operatives and visitors
- ii) - loading and unloading of plant and materials
- iii) - storage of plant and materials used in constructing the development
- iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) - wheel washing facilities
- vi) - measures to control noise and the emission of dust and dirt during construction
- vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON

The details have not yet been provided and these are required before the development commences to safeguard the living conditions of neighbouring residents and in the interests of highway safety.

9. The dwellings hereby approved shall not be occupied until New Road has been brought up to adoptable standards in accordance with a scheme previously approved in writing by the local planning authority. The scheme shall include details of how the surface of New Road is to be upgraded, the provision of a new footpath and street lighting.

REASON

To ensure that the road is a suitable standard to accommodate the additional traffic generated by the development.

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



Fig 1: Proposed site layout plan.



Fig 2: Proposed house type B



Fig 3: Proposed house type C.



Fig 4: Proposed highway improvements.