

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 23rd July 2019

Application	4
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Application Number:	19/00991/FUL	Application Expiry Date:	17th June 2019
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Application Type:	Full Application
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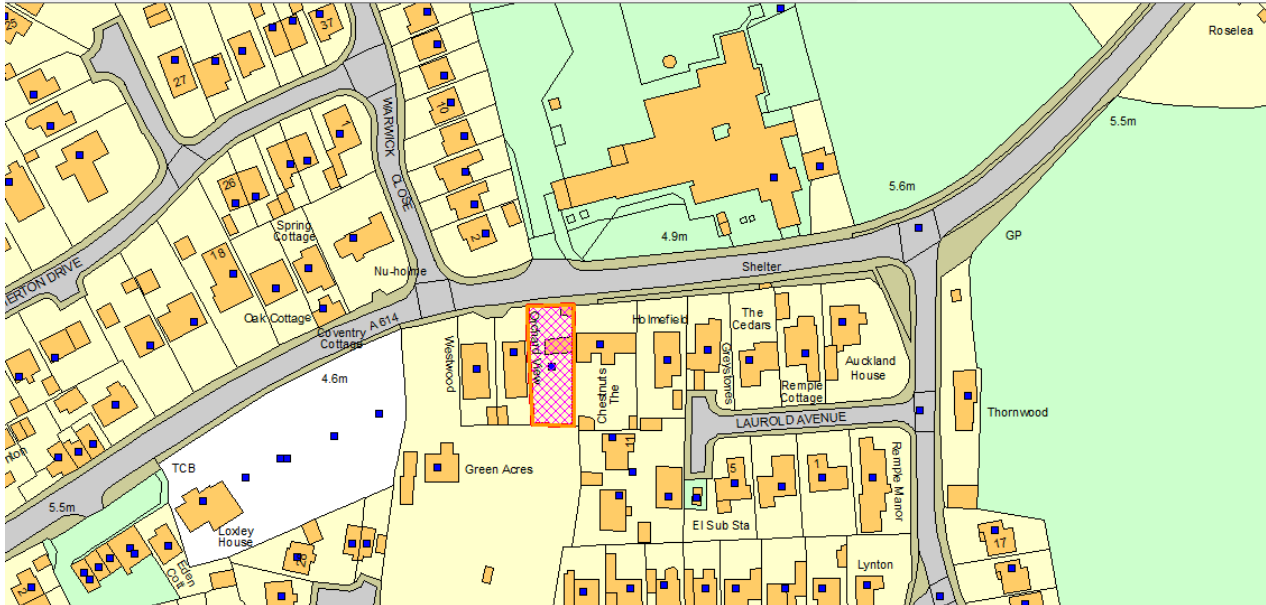
Proposal Description:	Erection of detached dwelling
At:	Land Adjacent To Orchard View Main Street Hatfield Woodhouse Doncaster

For:	Mr Howarth Swales
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Third Party Reps:	7	Parish:	Hatfield Town Council
		Ward:	Hatfield

Author of Report	Joe Perkins
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MAIN RECOMMENDATION:	Approve
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1.0 Reason for Report

- 1.1 The application is being presented to Members as a result of public interest. A total of 7 letters of objection have been received for this application

2.0 Proposal and background

- 2.1 Planning permission is sought for the erection of 1 dwelling.
- 2.2 Access will be taken from Main Street and will utilise an existing dropped kerb.
- 2.3 The site comprises a 34m x 14m plot of land between two residential dwellings on the southern side of Main Street in Hatfield Woodhouse.
- 2.4 The site is allocated as Residential Policy Area as defined by the Doncaster Unitary Development Plan (UDP) (Proposals Map).

3.0 Relevant Planning History

- 3.1 No relevant recent Planning History for this site.

4.0 Publicity and Representations

- 4.1 The application has been publicised by Neighbour notification letters in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- 4.2 The site was originally submitted as 'Orchard View', this has been amended to 'Land adjacent to Orchard View'. It is not considered that the amendment would materially affect the consideration of the planning application as the correct site plan was available at the start of the publicity period and all appropriate neighbours were consulted, therefore it was not considered necessary to publicise the application for a second time.
- 4.3 Amended plans were received to revise the siting of the proposed dwelling and to include planting of replacement trees; this was re-advertised via neighbour notification letter for a 14-day period which expired 18.06.2019.
- 4.4 A total of 7 letters of representation have been received. In summary the representations made reference to the matters listed below.
- Privacy of neighbouring bungalows affected;
 - Bedroom and roof windows will overlook adjacent back gardens;
 - The proposed building could be moved nearer to the road to make it in-line with the adjoining properties and go some way to mitigate the overlooking rear bedroom windows;
 - Mature apple orchard will have to be felled;
 - Bats and Nightjars could be affected;
 - Site plan inaccurate as it shows Orchard View Bungalow to be smaller than reality;

- the applicant has falsely declared that there has been no waste disposal by burning within 250 metres of the site: the neighbouring property regularly burns rubbish on the adjoining boundary;
- the land could be contaminated due to a car being left on the site;
- the proposal should be amended to a single storey dwelling.
- Loss of light to kitchen/diner;
- Loss of trees which produce fruit and provide habitat for birds;
- The revised property siting still blocks light to the adjacent bungalow
- Removing the old trees and planting 3 new trees will overshadow neighbours
- The proposed house is too big for the plot
- Overdevelopment of land in the village
- Apple tree on site is over 100 years old and must not be disturbed
- Green Acres has a 10ft right of way to the main road, granted in 1964
- The main drain and sewage systems in Hatfield Woodhouse are at capacity and cannot cope with additional dwellings
- It looks like the loft will be converted to an additional bedroom in the future
- The trees on the site have not been stated in the application
- The area is already overdeveloped
- The development should not damage the boundary wall shared with The Chestnuts
- the property directly behind the Chestnuts was built with a bathroom window looking directly into the Chestnuts' rear garden and property. This was not on the original plans when planning consent was accepted. This should not be the case with this application

5.0 Relevant Consultations

Yorkshire Water; National Grid; Parish Council – No Response

Highways – No objections subject to visibility splay

Ecology; Rights of Way – no objections

Pollution control; Tree Officer; Drainage Officer – conditions recommended

6.0 Relevant Policy and Strategic Context

National Planning Policy Framework (NPPF 2019)

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Doncaster Core Strategy (May 2012)

The Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the emerging Local Plan is adopted. Core Strategy policies relevant to this proposal are:

CS1: Quality of life
CS2: Growth and Regeneration Strategy
CS4: Flooding and Drainage
CS10: Housing Requirement, Land Supply and Phasing
CS11: Housing Renewal and Regeneration
CS12: Housing Mix and Affordable Housing
CS14: Design and Sustainable Construction
CS16: Valuing our Natural Environment

Saved Unitary Development Plan Policies (Adopted 1998)

ENV 41 - Sites of regional/local importance for nature conservation
ENV 53 - Design of new buildings
ENV 21 & 59 - Protection of trees
PH11 – Residential development in housing policy areas

The emerging Doncaster Local Plan

This will replace the UDP and Core Strategy once adopted. The Council is aiming to adopt the Local Plan by summer 2020. Consultation on the draft policies and proposed sites took place during September and October of last year and the Local Plan is due to be published in early summer 2019. Given the relatively early stage of preparation of the emerging Local Plan, the document carries very limited weight at this stage. The policies of this emerging plan that are relevant to this application are:

Policy 2: Spatial Strategy and Settlement Hierarchy
Policy 11: Residential Policy Areas
Policy 33: Woodlands, Trees and Hedgerows
Policy 45: Residential Design

Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- Residential Backland and Infill Development SPD (2010)
- South Yorkshire Residential Design Guide SPD
- Doncaster Development and Flood Risk SPD
- Doncaster Development and Design Requirements SPD
- Doncaster Growing Together 2019/20
- National Planning Policy Guidance

7.0 Planning Issues and Discussion

7.1 The principal issues for consideration under this application are as follows:

- i) Impact on residential amenity of neighbouring dwellings
- ii) Design and scale
- iii) Access and highways safety
- iv) Impact on Trees and Ecology

Sustainability

- 7.2 The NPPF sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development.

Principle of Development

- 7.3 The application site is in a residential policy area and the application is for a single dwelling. The site lies between two existing residential dwellings and opposite Hatfield Woodhouse Primary school. The proposal would therefore be considered to constitute infill development. Hatfield Woodhouse is a larger (defined) village therefore policy CS2 is relevant and states that 'quality infill will be permitted'.

Design, Scale and Character

- 7.4 The local character is defined by a variety of architectural styles. The property directly to the east is a two storey dwelling finished in cream render and the property directly to the west of the site is a brick built bungalow. The proposed dwelling would be two storeys with a room in the roof space and the western part of the proposal would have a reduced height thus would reflect the different heights of the adjacent dwellings.. The proposal would replace an existing dilapidated outbuilding and the relevant required separation distances would be met. In terms of density; the proposal would include sufficient garden space to the front and rear, and would be 1m away from the eastern boundary and 2.6m from the western boundary and 3.6m from the bungalow to the west. The shortest distance between the rear elevation and the rear boundary of the garden is 14.9m. The spacing of the proposal in relation to existing properties would not significantly deviate from the existing circumstances hence the development would not be at a density or of a form which would be detrimental to the character of the surrounding area and would not result in an over-intensive development of the site. The proposal is therefore considered to accord with saved UDP Policy PH11.
- 7.5 Amended plans have been received to site the proposal closer to Main Street in order to conform to the building line of the adjacent dwellings; this also serves the purpose of increasing the garden space for the host property. The proposed design would generally conform to the local vernacular hence it is not considered necessary to the reduce the scale of the development or to a single storey dwelling.

Amenity

- 7.6 The orientation of the proposed windows would not result in significant harm to the privacy of any neighbouring properties. There are no windows within the side elevation of the two storey dwelling the east of the site. The windows within the side elevation of the bungalow to the west of the site serve a kitchen area which, in terms of the Supplementary Planning Documents, is not considered to be a habitable room. As the room in the roof space is not a habitable room, a condition is recommended to require the proposed window in the side elevation to be obscure glazed in order to alleviate the potential for any overlooking of the rear garden at the Chestnuts, it is not considered that this would detriment living conditions as the loft storage is not proposed to be a habitable room.

Velux windows are angled facing upward and the orientation of these windows would not be a concern with regard to overlooking. Halls and staircases are non-habitable areas therefore windows serving these rooms would not warrant concern with regard to overlooking, additionally the outlook from these windows would mainly be the blank gable end wall of the Chestnuts. It is not considered that adjacent back gardens would be unduly overlooked by the windows within the proposed rear elevation.

- 7.7 By virtue of the siting of the proposal in relation to the neighbouring properties, it is not considered that the outlook from the Chestnuts would be harmed as a result of the proposal and the relocation of the proposal is considered to allow sufficient outlook from the kitchen so as not to create a significant detriment to residential amenity.
- 7.8 As the closest windows within the adjacent neighbouring bungalow serve a room which is not considered to be habitable, it is considered that the proposal would not significantly reduce the light entering any habitable rooms at this property. The proposed 3 trees would not cause any significant overshadowing and trees could be planted on the site without the need for planning permission.

Access and highways Safety and Transportation

- 7.9 The site is within walking distance (400m) of a bus stop therefore is accessible by public transport. Highways Development Control considers that the principle of development is acceptable however requested a site plan to include a visibility splay which demonstrated that the minimum required visibility at this location is 2.4m x 43m was achievable. This site plan complete with the required visibility splay was subsequently submitted, accordingly there are no significant issues in terms of access and highways safety.

Trees

- 7.10 The Council's tree officer was consulted and a mature apple tree has been identified within the site boundary; this would be within the rear garden of the proposed dwelling. The tree officer confirmed that whilst the tree probably dates back to the early 20th century, the graft suggests a more common cultivar rather than anything of any rarity. Whilst it would be regrettable to lose the tree, its removal would not be unduly detrimental to the appearance of the local area. It is recommended that conditions dealing with the replacement planting of three apple trees along with the management of the remaining two damsons would be appropriate.
- 7.11 An amended site plan was provided to include existing and proposed trees. Although the existing apple tree on the site is mature and well established in nature, no Tree Preservation Order is extant. Therefore, although retention of the tree is preferable; loss of the tree would not be a sufficiently significant detriment to warrant a reason for refusal. The applicant has submitted a site plan which includes the planting of 3 new trees to compensate for the loss of the previous trees; this supplements the support of the application as it would limit the loss of trees at the site.

A condition requiring maintenance measures for the two existing damson trees and the planting of three apple trees has been recommended.

Ecology

- 7.12 The Council's ecology officer was consulted as part of the application and, following a site visit, confirmed that no bat survey would be required as bats are not nesting in the outbuildings or trees. The potential loss of wildlife habitat is hence not considered sufficiently significant to substantiate a reason for refusal.

Water Management

- 7.13 The application site is in flood zone 1 therefore flood risk is minimal. The Council's drainage team have responded to a consultation by recommending the attachment of a pre-commencement condition. Details to demonstrate that the site can be appropriately drained would therefore be required at the discharge of condition stage. Yorkshire Water were consulted but did not provide a response. It is considered that, in terms of drainage, the application could be acceptable subject to discharge of the recommended pre-commencement condition and compliance with any scheme approved in relation to the discharge of the recommended condition.

Land contamination

- 7.14 A 'Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) screening assessment form' has been completed following the recommendations of the Land Contamination Officer. The Land Contamination Officer confirmed that the screening assessment is satisfactory, that the development is unlikely to be affected by contamination and that the submitted details are therefore satisfactory subject to imposition of a condition relating to unexpected contamination found during works.

Other Issues

- 7.15 Below is a list of summarised points raised in representations and assessments of each point:

- 7.16 *"Site plan inaccurate as it shows Orchard View Bungalow to be smaller than reality"*

Sufficient information has been provided to assess the application in terms of the impact of the proposal on the neighbouring dwellings.

- 7.17 *"The applicant has falsely declared that there has been no waste disposal by burning within 250 metres of the site: the neighbouring property regularly burns rubbish on the adjoining boundary";*

This is not a material consideration in the determination of this planning application.

7.18 *“Green Acres has a 10ft right of way to the main road, granted in 1964; The development should not damage the boundary wall shared with The Chestnuts”*

These are matters of civil law, and not planning matters and therefore cannot be taken into account in dealing with a planning application. Public Rights of Way were consulted and have confirmed that no right of way exists through the site.

7.19 *“the property directly behind the Chestnuts was built with a bathroom window looking directly into the Chestnuts’ rear garden and property. This was not on the original plans when planning consent was accepted. This should not be the case with this application; It looks like the loft will be converted to an additional bedroom in the future”*

This is not a material consideration. Only comments which raise material considerations can be taken into account when an application is decided. Each planning application is considered on its merits and on the basis of the details that have been submitted.

8.0 Planning Balance & Conclusion

8.1 The application is compliant with the development plan and NPPF and there are no material considerations which indicate the application should be refused. It is recommended that the application be granted subject to suitably worded conditions.

9.0 RECOMMENDATION

9.1 Planning permission be granted subject to the following conditions:

01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

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

02. U0071549 The development shall be carried out in accordance with the details shown on the amended plans referenced and dated as follows:

Location Plan, Proposed Plans, Elevations and Site Plan ‘023-01-REV.02’.

03. U0071550 The development shall not be occupied until the windows in the side elevation(s) of the loft room hereby approved have been obscure glazed. The obscure glazing shall thereafter be retained and maintained for the life of the development.

Reason: In order to protect the living conditions of the neighbouring residents, in accordance with the Local Development Framework.

04. U0071551 Prior to the commencement of development hereby approved, a scheme of orchard management shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) tree protection measures for the two retained damson trees that accord with clause 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations;
 - b) a scheme of management/pruning of the two retained damson trees;
 - c) the planting of three 12 litre container-grown bush-trained apple trees.

Unless as approved otherwise by the Local Planning Authority, the above shall be implemented during the first planting season following completion of development.

Reason: To ensure that the retained trees are protected from damage during construction in accordance with core strategy policy CS16: Valuing our natural environment and to ensure for replacement of the two removed apple trees.

05. DA01 The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.
- REASON
- To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

06. 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.

08. CON2 Should any unexpected significant contamination be encountered during development, all works on the construction of the development shall cease and the Local Planning Authority (LPA) shall be notified in writing immediately. A Phase 3 remediation report shall be submitted to the Local Planning Authority for approval following which the approved scheme of remediation works will be carried out in full on site. Upon completion of the remediation works, a Phase 4 verification report shall be submitted to the LPA for approval.

The works of construction of the development approved by this permission shall not re-commence until the Phase 3 remediation report and the Phase 4 verification report has been approved by the LPA.

Such reports and remediation works to be completed in accordance with the following:

If 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.

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.

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.

09. MAT1A

No development of a building/s shall take place until details of all external facing materials have been 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.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1 – Elevations and site plan

