



## Appeal Decision

Site visit made on 29 June 2020

by **Chris Baxter BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 July 2020

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**Appeal Ref: APP/F4410/W/20/3245324**

**Chateau Renee, Sutton Road, Campsall, Doncaster DN6 9AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Matthew Dale against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 18/02033/OUT, dated 14 August 2018, was refused by notice dated 25 July 2020.
  - The development proposed is described as "construction of 1no house at Sutton Road, Campsall, Doncaster DN6 9AN."
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### Decision

1. The appeal is allowed and outline planning permission is granted for the construction of 1no house at Chateau Renee, Sutton Road, Campsall, Doncaster DN6 9AN, in accordance with the terms of the application Ref 18/02033/OUT, dated 14 August 2018, and subject to the conditions set out in the attached schedule.

### Application for costs

2. An application for costs was made by Mr Matthew Dale against Doncaster Metropolitan Borough Council. This application is the subject of a separate Decision.

### Procedural Matter

3. Outline planning permission is sought with all matters reserved. Submitted plans do show indicative details of an access. I have determined the appeal on this basis.

### Main Issue

4. The main issue is the effect of the proposal on highway safety with regards to access.

### Reasons

5. The proposed property would be accessed from Sutton Road which would be near the edge of the village where the speed limit transitions from 30mph to the national speed limit. The proposed access would also be positioned closer to the junction with Burghwallis Road than the existing access into Chateau Renee.

6. The proposed access would not be situated close to the junction with Burghwallis Road and there would be good visibility both north and south along Sutton Road, to allow vehicles to exit the site safely. There are trees and shrubbery within the highway verges in the surrounding area, including near the junction with Burghwallis Road and on third party land not owned by the appellant. However, these would not be within close proximity and the visibility splays either side of the proposed access would be clear to allow vehicles to exit safely.
7. Sutton Road has been described as being a narrow, busy road with some bends and vehicles travelling at high speeds. It has also been indicated that vehicles regularly park on the road, along with buses stopping and that there is the potential for overtaking of slower vehicles. Nevertheless, the proposed access is located within a 30mph speed limit zone and with good visibility in both directions, the amount of additional traffic generated from the proposal would not adversely compromise highway safety.
8. Local residents have provided details of a vehicle incident and numerous near misses in the area. However, there is no substantive evidence before me to explain how these events have occurred and what were the causes of the incidents. These matters therefore do not alter my findings above. It has also been indicated that the width of the proposed access is future proofing for further development. My assessment of this appeal is on the proposal for one dwelling.
9. Accordingly, I find that the proposal would not have a harmful effect on highways safety with regards to the access. The proposal would be in accordance with Policy CS14 A(3) of the Doncaster Council Core Strategy 2012 which seeks proposals to make a positive contribution to achieve highway safety.

### **Other Matters**

10. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Campsall Conservation Area (CA). The character of the CA and surrounding area is primarily residential with buildings of mixed style and sizes. The application is made in outline therefore specific details of the property are reserved for future consideration. Nevertheless, given the variation in the built design of buildings in the area, I consider that a single property can be constructed which would be in keeping with the form and character of buildings nearby such that the character and appearance of the CA would be preserved.
11. I have had regard to the Council's statement of case and correspondence from local residents including comments on trees, biodiversity, protected species, living conditions of neighbouring occupiers, crime, noise, pollution, need for housing, services in the area, contributions to the local community, publicity, measurements on the submitted plans and recordings of the planning committee. I have given careful consideration to all these matters when reaching my decision, but they do not lead me to a different overall conclusion on the main issue.

### **Conditions**

12. The conditions imposed are mostly those which have been suggested by the Council with the appellant in agreement. In the interests of precision and clarity I have undertaken some minor editing and rationalisation.
13. Conditions relating to timeliness, the submission of reserved matters and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interest of safeguarding trees in the area, conditions are imposed relating to construction methods of the development. To prevent undue risk to the local environment it is necessary to attach conditions relating to drainage, contamination and ecological matters. The appellant had requested that the condition relating to ecology not be imposed however, the submitted ecological survey (ref: 170638/Rev 1) was undertaken in 2017 and given the period of time since then, I consider the imposition of the ecological conditions to be necessary.
14. The Council had suggested a number of conditions including conditions requiring details of boundary treatment, parking and driveway areas, landscaping and access. These conditions are not necessary as they would be required for submission at the reserved matters stage.

### **Conclusion**

15. For the reasons set out above, the proposed development would accord with the development plan and therefore having had regard to all other matters raised the appeal should be allowed.

*Chris Baxter*

INSPECTOR

### **Schedule of Conditions**

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Location Plan Job Dwg No. PL3.
- 5) The development hereby approved shall not commence nor materials or machinery brought onto the site until full details of the access have been submitted to and approved in writing by the Local Planning Authority. The details shall include a site layout plan with the stem position, root protection areas and crown spread of any tree with a canopy spread or RPA affected by the track accurately plotted and clearly differentiate between trees to be retained and trees to be removed; a detailed drawing and written specification for the construction of the access track utilising a professionally recognised 3-dimensional load-bearing construction technique; and a method statement for its installation using a no-dig methodology. Thereafter, installation of the access track shall be undertaken in full accordance with the approved details and the local planning authority notified to approve implementation of the track before any equipment, machinery or materials have been brought on to site for the purposes of the development.
- 6) The alignment of all service trenches and overhead services shall be outside the root protection areas and canopy spreads of retained trees and the position all service trenches and overhead services approved by the Local Planning authority prior to the commencement of development. The design, implementation and maintenance of the services should follow the NATIONAL JOINT UTILITIES GROUP (NJUG) guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees.
- 7) The development hereby approved nor any other associated operations shall commence on site (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 following the guidance in BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations 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 phasing (if needed) of a tree protection and temporary ground protection scheme for the protection of the retained trees
  - Removal of existing structures and hard surfacing from within the root protection area of retained trees

- Installation of new hard surfacing and access - materials, design constraints and implications for levels with the root protection areas of retained trees
  - Treatment of the access points into the site
  - Siting of materials storage areas and site cabins
  - Specification for tree work
  - Auditable system of arboricultural site monitoring, including a schedule of specific site events requiring arboriculture input or supervision.
  - A list of contact details for the relevant parties.
- 8) The development hereby approved shall not commence until an ecology survey of the site, undertaken by a suitably qualified ecologist to establish the status of badgers on the site and inform any necessary mitigation, has been submitted to and approved in writing by the local planning authority. The development thereafter shall be carried out in accordance with the approved details.
- 9) The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and agreed in writing by the Local Planning Authority.
- The Plan will contain details of the following: The working practices on site that will be employed to ensure no construction impacts on badgers.
  - A reasonable avoidance method statement to be employed during site clearance so that species such as reptiles and amphibians are not impacted.
  - A toolbox talk to ensure contractors are aware of possible ecological issues and the actions that need to be taken if they encounter particular species.
  - The Construction Environmental Management Plan shall be followed in full unless agreed otherwise in writing by the Local Planning Authority
- 10) The development hereby approved shall not commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the

approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 30 days of the report being completed and approved in writing by the local planning authority.

- 11) The development hereby approved shall not commence 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 in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.