

Application	4
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Application Number:	20/01413/FUL
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Application Type:	Full Application
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Proposal Description:	Relocation of boundary wall to the side and installation of gate.
At:	42, Bancroft Drive, Auckley, Doncaster DN9 3GQ.

For:	Miss Zoeann Ward.
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Third Party Reps:	7 letters of objection.	Parish:	Auckley Parish Council
	7 letters of support.		
		Ward:	Finningley

Author of Report	Mrs Sara Dodds
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SUMMARY

The proposal seeks permission for the relocation of the boundary wall to the side and the installation of a gate.

The proposal is presented to Planning Committee because of the level of interest in the application.

The proposal is considered to be appropriate development. The proposal does not harm the character of the area, neighbouring amenity nor does it raise any highway safety concerns and is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

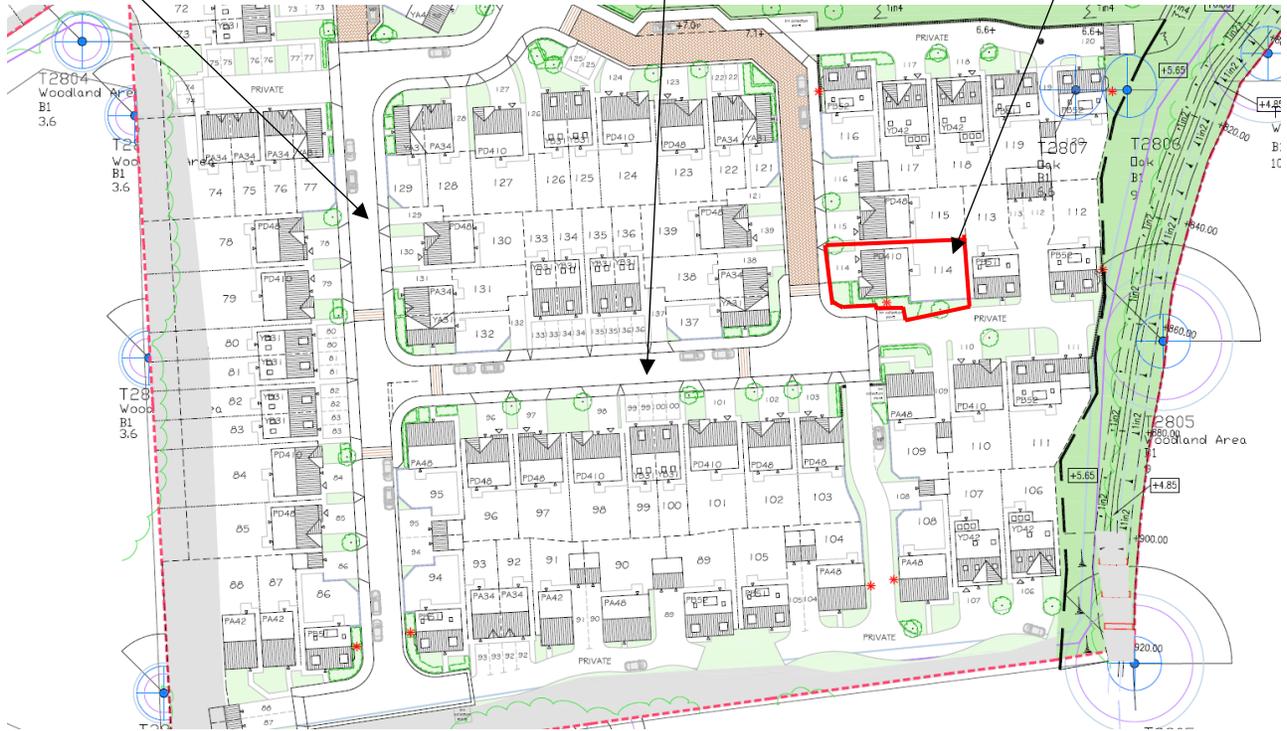
The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location.

RECOMMENDATION: GRANT planning permission subject to conditions

Insall Way

Bancroft Drive

Application site



1.0 Reason for Report

- 1.1 The application is being present to the Planning Committee because of the significant level of public interest it has attracted.

2.0 Proposal

- 2.1 The application is for the relocation of a boundary wall to the side and installation of a gate.
- 2.2 The boundary wall will be 1.8m in height and will match the existing in height and materials.

3.0 Site Description

- 3.1 The proposal is associated with a detached dwelling house, which is constructed from a dark red and black coloured brickwork with grey flat roof tiles on a pitched roof. To the front elevation in part comprises of a two storey gable end forwards projection. The residential property has white window frames and a black in colour front door. The side of the rear garden area is enclosed by a matching brickwork boundary wall with wooden panel inserts.

4.0 Relevant Planning History

- 4.1 Application site:

Application Reference	Proposal	Decision
06/00460/FULM	Formation of new airport access route from Hurst Lane.	Secretary of State Decision 08.06.2006
08/03481/OUTM	Outline application for the erection of 750 homes, roads, footpaths, cycle routes, landscape, open areas and play facilities on approx. 18.6ha of land.	Application Withdrawn 10.02.2009.
09/02048/OUTM	Outline planning application for erection of 750 homes, roads, footpaths and cycle routes, car parking, landscape, open areas and play facilities on approx. 18.6ha of land. Permission Granted (Sec 106) 21.11.2011.	Permission Granted (Sec 106) 21.11.2011.
12/02925/REMM	Details of access, appearance, landscaping, layout and scale for the erection of 352 dwellings on approx 18.6ha of land (Being matters reserved in outline application previously granted under ref: 09/02048/OUTM on 21.11.2011).	Reserved Matters Granted 08.04.2013.
16/01156/MAT	Outline planning application for erection of 750 homes, roads, footpaths and cycle routes, car	Application Invalid on Receipt. Received 22.04.2016.

	parking, landscape, open areas and play facilities on approx. 18.6ha of land (being amendment to previous permission 09/02048/OUTM, granted on 21/11/2011 - amendment to areas around plots 44 - 46 and addition of 2 further plots).	
16/01375/REMM	Details of access, appearance, landscaping, layout and scale for the erection of 354 dwellings on approx 18.6ha of land (Being matters reserved in outline application previously granted under ref: 09/02048/OUTM on 21.11.2011) (without compliance with condition 1 of reserved matters application granted under ref: 12/02925/REMM on 08.04.2013 - addition of the planning layout drawing 14.6237.01 rev S and removal of previous and additional plots 91 and 92 added).	Reserved Matters Granted 17.08.2016.
20/01052/PD	Relocation and extension of existing wall (at 2m in height) to the side boundary, this also includes an installation of an access gate to a detached dwelling house.	Permission/Consent Required 27.04.2020.

5.0 Site Allocation

5.1 The site is designated as technically Countryside Policy Area, however, the site is located on a newly built, large scale housing estate.

5.2 National Planning Policy Framework (NPPF 2019)

5.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

5.4 Paragraph 47 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.5 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5.6 Paragraphs 54 - 56 state local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The tests are:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

5.7 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

5.8 Paragraph 117 states that planning decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.9 Paragraph 127 states that good design criteria should ensure that developments function well and add to the overall quality of the area, are sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

5.10 Core Strategy 2011 - 2028

5.11 In May of 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 Local Plan is adopted. Core Strategy policies relevant to this proposal are:

5.12 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.

5.13 Local Plan

5.14 The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

The Council has now sent out the notice of examination (regulation 24 stage) and is aiming to adopt the Local Plan by winter 2020. The following policies are considered appropriate in assessing this proposal and consideration has been given to the level of outstanding objections resulting in appropriate weight attributed to each policy:

- 5.15 Policy 42: Character and Local Distinctiveness (Strategic Policy)
Some objections have been received, however not relevant to the aspects of this policy relevant to this application so this policy can be afforded at least 'moderate weight', and arguably 'substantial weight'.
- 5.16 Policy 45: Residential Design (Strategic Policy)
2 objections have been received, however these are not in relation to householder extensions therefore this policy can also be afforded at least 'moderate weight', and arguably 'substantial weight'

5.17 Neighbourhood Plan

- 5.18 The Auckley Neighbourhood Development Plan is also a material consideration; however, at this stage, it carries only limited weight given that the plan has been through an initial call for sites and is therefore at an early stage of production.

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of neighbour notification, and being published on the Council's website.
- 6.2 14 public representations have been received. 7 letters of representation are in support and 7 are in opposition to the application.
- 6.3 The letters of objection (material planning considerations) are in regard to the following summarised points:
- Sunlight/loss of daylight into homes.
 - Loss of views from inside homes.
 - The character of the neighbourhood - oppressive impact on the surrounding area/houses. Adverse visual impact - design, landscaping and visual appearance.
 - Impact on amenity of neighbours.
 - Environmental impact and aesthetics.
 - Children will not be able to play in the private road/street safely.
 - Sightlines for vehicles.
 - Pedestrian safety.
 - Vehicle safety.
 - Parking options/manoeuvring of vehicles.
 - Access to the private road.
 - Access to property.
 - Location of drains. Drainage issues. Risk of flooding.
 - Garden space.

- Loss of open space.
- Potential tree issues by moving wall. This may involve uprooting a tree planted by Taylor Wimpey to maintain the design of the estate.

6.4 The letters of objection (non-material planning considerations) are in regard to the following summarised points:

- Risk of precedent.
- Comments on rationale for the proposal - disability access.
- Bin storage issues in general. Fencing to bin storage areas (application involves loss of fencing to bin store area) and issues of ownership of bin storage area.
- Future impact on the valuation of properties.
- No discussions or notification by Taylor Wimpey.
- Breach of contract.
- Proposed area of gain.
- Maintenance issues.
- Dispute with Taylor Wimpey as they (Taylor Wimpey) have not challenged this request for planning permission.
- The applicant's current side access has sufficient space to erect a large gate without moving the access point or wall to the other side of their property.

As a point of clarity the application does not seek approval of the summer house hence objections in relation to this have not been included in this report.

6.4 The letters of support relate to the following summarised points:

- Wall will still be in keeping with the estate and will look the same as other properties on the estate.
- Letter of support from Doncaster Council's Occupational Therapist on medical and physical grounds for the whole family.
- Makes sense for the applicant to take advantage of the amount of land she owns to extend her garden for her children's enjoyment.
- A letter of support has been received from medical professionals who support the application

7.0 Parish Council

7.1 Comments have been received from Auckley Parish Council stating they have concerns that the proposed wall will create a serious sight-line issue when entering and exiting the cul-de-sac, thus posing a danger to both vehicles and pedestrians. Children who currently play in front of the houses will also be at risk, due to the diminished sight-line.

7.2 The Parish Council has also raised issue regarding the loss of grassed area and possible drainage problems if the wall is built.

8.0 Relevant Consultations

8.1 National Grid - No response received.

8.2 Severn Trent Water - No response received.

8.3 Councillor Alan Jones - No response received.

9.0 Assessment

9.1 The principle issues for consideration under this application are as follows:

- The impact upon the character and appearance of the area.
- The impact upon the amenity of neighbouring residential properties/residents.
- Highway safety concerns.
- Overall planning balance.

9.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

9.3 Sustainability

9.4 The National Planning Policy Framework (NPPF 2019) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs

9.5 There are three strands to sustainability, social, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

9.6 SOCIAL SUSTAINABILITY

9.7 Impact on Residential Amenity

9.8 It is not considered that the proposed re-location of the side boundary wall and the installation of the gate would result in harm being caused to residential amenity of the neighbouring residential properties/residents.

9.9 The proposal is to relocate an existing wall that currently runs along the side boundary of a private drive along with the installation of a new access gate. There are no adjacent neighbours affected by the boundary fence realignment. The height of the wall with timber panels will be 1.8m, and will match the existing. The existing wall is located on the corner plot and does not adversely affect the amenity of any nearby neighbours (as can be seen at Appendix 3). The proposed relocation of the wall will include an area of grass verge and will locate the wall closer to the private road. Nevertheless, this relocation will not result in any detrimental impact on the living conditions of occupiers of neighbouring properties.

9.10 Objections have been received which raise concern with regard to the loss of open space. For clarity, the area to be enclosed is not public open space, it is within the applicant's ownership and serves as soft landscaping. There is no overall loss of open space as a result of this proposal, there are 4 areas of public open space within the wider development, two of which are equipped with play equipment. Whilst it would be desirable to retain the wider landscaping, it is not considered that, given the amount to be lost, there is a wider detrimental impact on the character and appearance of the development as a whole. A small parcel of land, owned by the applicant, is to be enclosed for the benefit of the applicant's family life.

9.11 Conclusion on Social Impacts

9.12 In conclusion, it is not considered that residential amenity will be adversely affected by the proposal in accordance with policy CS14.

9.13 The proposed development is minor in nature, with no unacceptable negative effects upon the amenity of the neighbouring residential properties/residents or the surrounding residential estate/area as a whole; therefore no significant weight is attached to harmful or detrimental effect/impact upon residential amenity.

Any very short term noise and disturbance associated with implementing the planning permission is considered to carry little weight against the proposal.

9.14 **ENVIRONMENTAL SUSTAINABILITY**

9.15 Impact upon the character and appearance of the residential estate/area

9.16 It is not considered that the proposed re-location of the side boundary wall and the installation of the gate would result in harm being caused to the character and appearance of the residential area/estate. The proposal is to relocate an existing wall. The new wall will match the existing wall in materials and design and it is considered the relocation of the wall will not detrimentally impact on the character and appearance of the residential area/estate as a whole.

9.17 The Council's Urban Design Officer (who negotiated and agreed the original design, layout and appearance of the housing estate), has provided comment and guidance throughout the applications consideration and has raised no objections to the proposal.

9.18 Objections have been received raising concerns regarding drainage issues and the risk of flooding as a result of the development. However the land is within the applicant's ownership and the relocation of the wall will not create any further risk of flood risk or drainage issues than the current situation. Should there be any issue of flooding or drainage issues then it will be the responsibility of the owner to resolve as it would be currently.

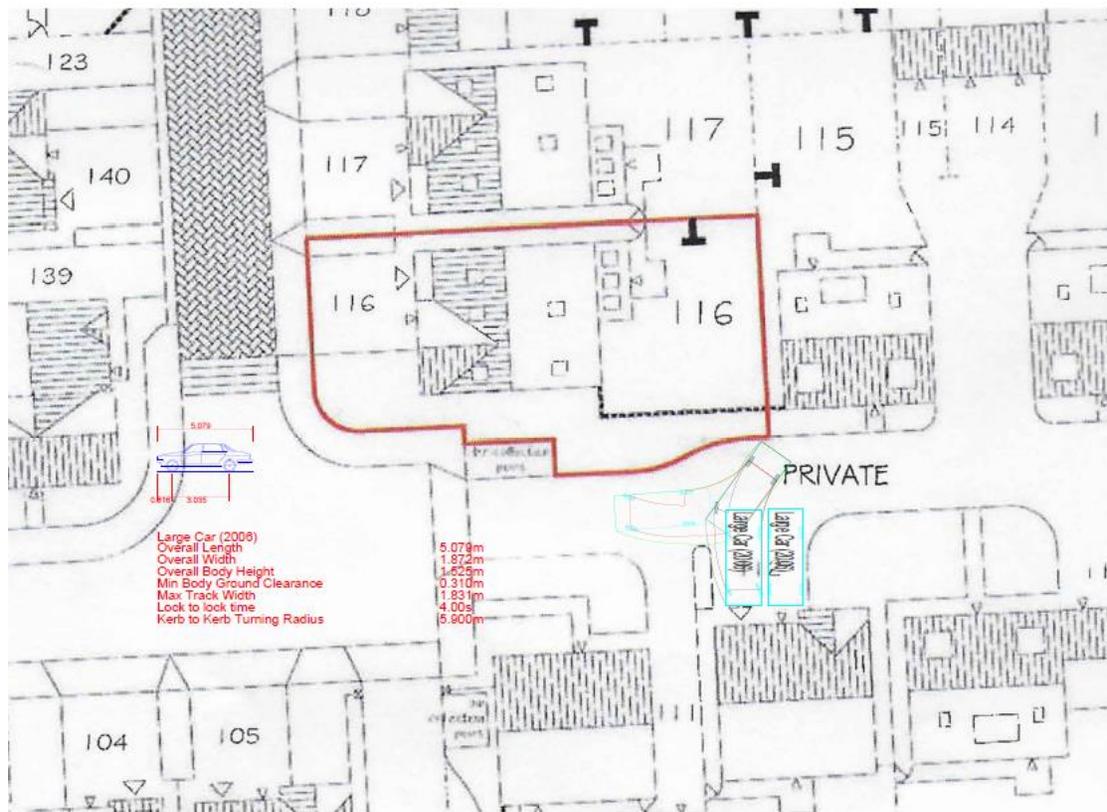
9.19 Impact upon Highway Safety

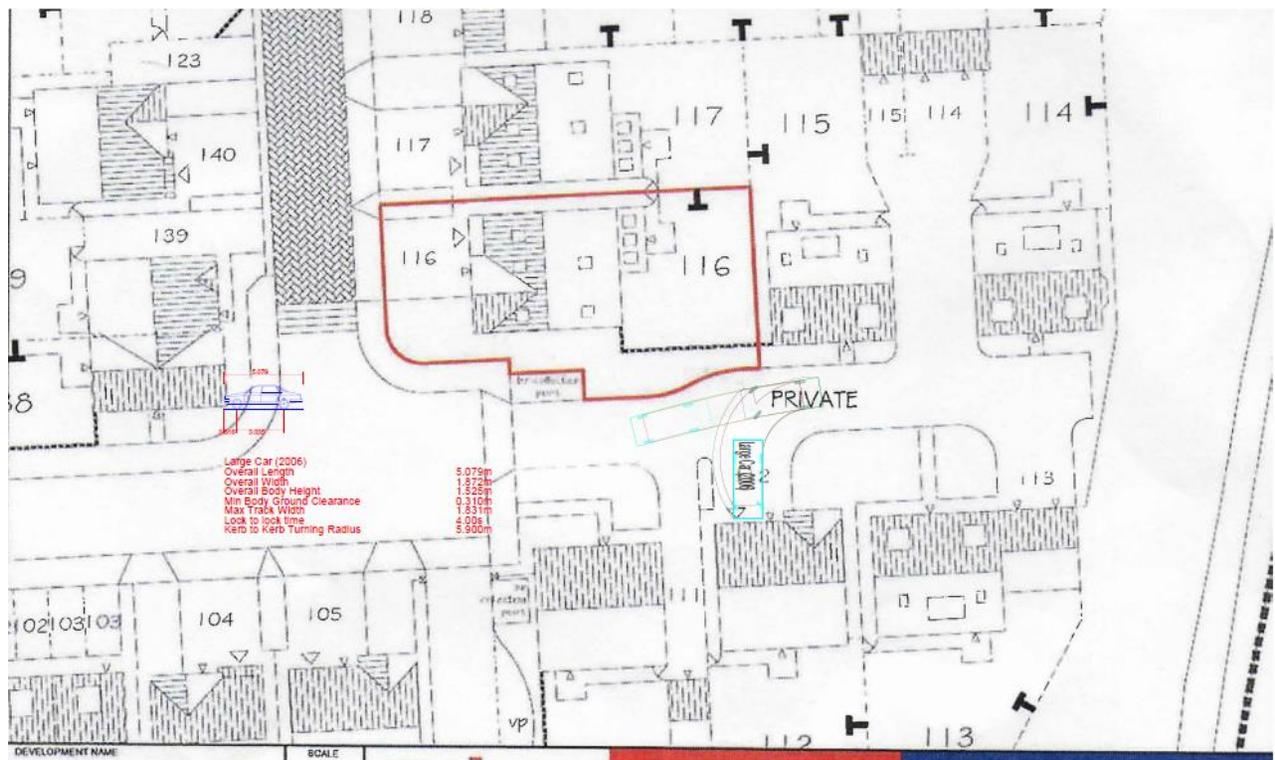
9.20 'Quality, stability, safety and security of private property, public areas and the highway' and 'permeability - ease of pedestrian movement with good access to local facilities and public transport services' are listed as qualities of a successful place within policy CS 14 (A). The NPPF in para 109 states that 'development should only be prevented or refused on highways grounds if there would be an

unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe'.

9.21 Objecting neighbours have raised concerns on account of lack of visibility should the wall be relocated. The Council's Highways Development Control have been consulted on this application and have raised no highway safety concerns with the relocation of the wall. Highway Officers have tracked vehicle manoeuvres to navigate the junction and which demonstrates how this can be safely achieved in the plan below. They have also commented that as this is a private drive with low speeds there will be no impact on visibility.

9.22 The vehicle used was a Large Car 2006, 5.079M Length 1.872M Width. Highways Development Control have undertaken tracking (indicated below) which demonstrates that a large car can manoeuvre suitably without being impacted by the proposal.





9.23 Whilst the objections of residents on the grounds of highway and pedestrian safety are noted, in the absence of any objection from the highway officer, it is not considered that there is an unacceptable or severe impact on highway safety for the purposes of paragraph 109 of the NPPF.

9.24 The Bin store will remain and wall is to be tapered, as demonstrated below in the Proposed Site Plan.

Many different points of objection have been raised either directly or indirectly involved with the private road, road safety or highway safety. The Highways Development Control Section have fully considered all aspects of highway and pedestrian safety and have raised no issues of concern or objections to the application.

9.25 A point of objection has been raised about the loss of a safe zone i.e. the loss of a green area by enclosing it. For clarity, it should be noted that the small green areas are simply that and they have not been designed as or intended to be used as safe zones by pedestrians or for any other use, other than visual green areas within the housing estate.

9.26 Conclusion on Environmental Issues

9.27 Para.8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9.28 In conclusion of the environmental issues, it is considered that the proposal does not harm the character and appearance of the residential area/housing estate nor

does it result in any highway safety concerns or issues. As such, significant weight can be attached to this in favour of the development.

9.29 ECONOMIC SUSTAINABILITY

9.30 It is anticipated that there would be some very short term and very limited economic benefit to the development of the site through the employment of a builder to re-locate the wall and install the gate in connection with this project. This will be very restricted to a short period of time and very limited in terms of economic benefit, because of the very nature of what is entailed with this proposed minor development relocation, and therefore carries limited weight in favour of the application.

9.31 Conclusion on Economy Issues

9.32 Para 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

9.33 The economic benefit of the proposal is slight and afforded only limited weight.

10.0 PLANNING BALANCE & CONCLUSION

10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. There would be no harmful impact upon residential amenity. The proposal does not harm the visual amenity of the area or cause amenity issues. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

11.1 GRANT planning permission subject to the following conditions:

01. 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. 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:

Upgraded Proposed Site Plan 1:100.
Received on the 7th July 2020.

Upgraded Elevation Plan 1:100.

Received on 3rd July 2020.

REASON

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

01.

INFORMATIVE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

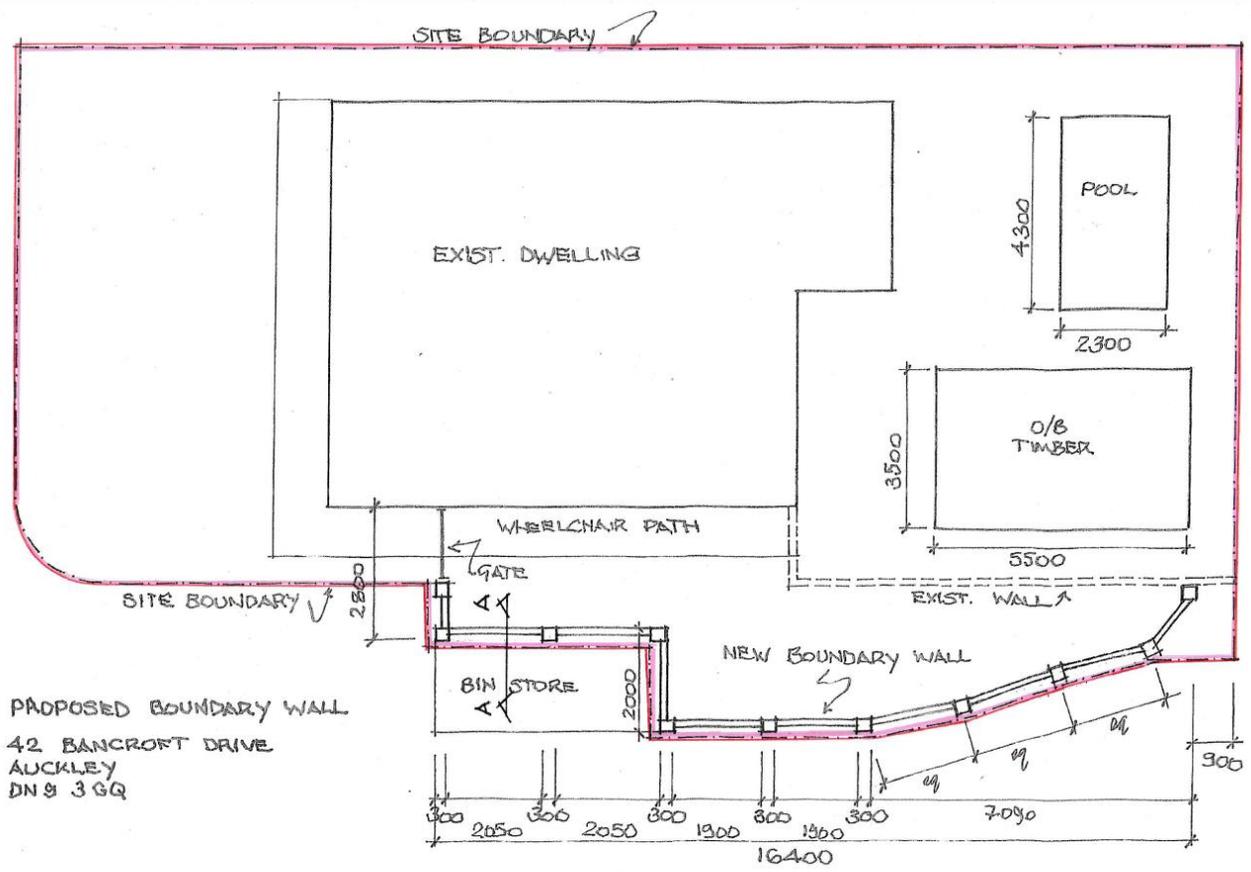
Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2019 until 31st December 2020

The above objections, consideration 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 (Upgraded Version).

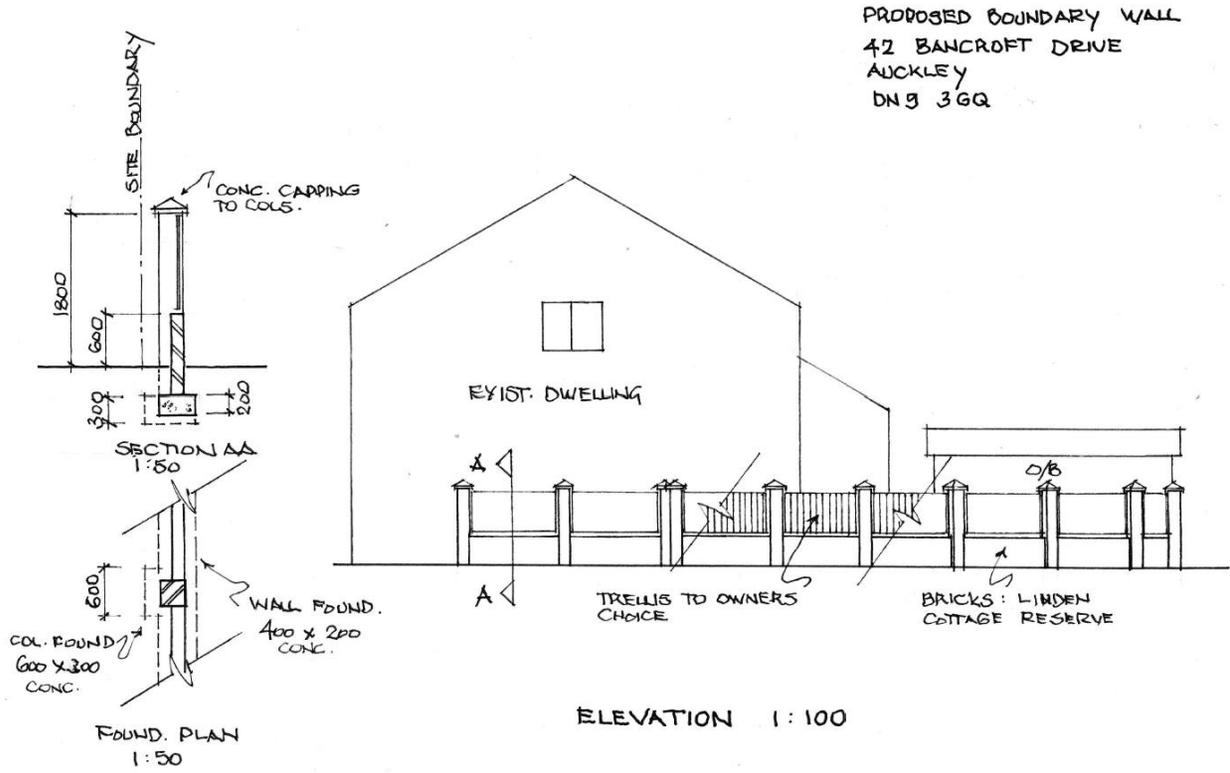
This plan clearly shows the existing Bin Store area still in situ, with a tapered re-located boundary wall.



PROPOSED BOUNDARY WALL
42 BANCROFT DRIVE
AUCKLEY
DN 9 3 GQ

PLAN 1:100

APPENDIX 2 - Proposed Side Elevation Plan (Upgraded Version).



APPENDIX 3 - Site Photo

