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Application Number:	19/02977/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of residential development (Use Class C3), internal access roads, car parking, open space and associated works.
At:	Land off Watch House Lane, Bentley

For:	C/O Quod
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Third Party Reps:	30 letters of objection	Parish:	
		Ward:	Bentley

Author of Report:	Mel Roberts
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SUMMARY

The scheme involves the redevelopment of the site for the delivery of a Build to Rent (BtR) homes scheme for 60 dwellings. BtR units are purpose built housing that is typically 100% rented.

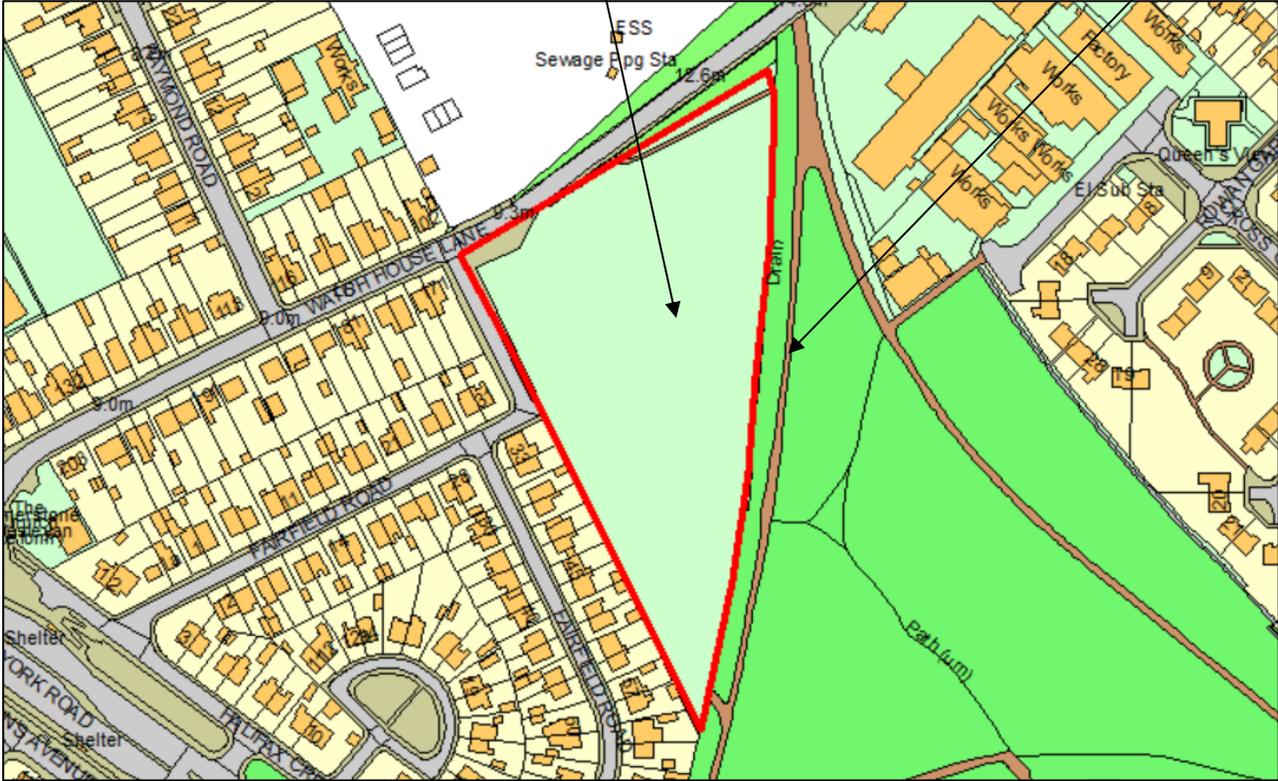
The site is an allocated employment site in the UDP, but this does not reflect the fact the site has not come forward for industrial development and the fact that the surrounding area is residential in nature. The Local Plan is more relevant and this shows the site as falling within the Residential Policy Area.

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. The development would not cause undue harm to neighbouring properties, the highway network or the wider character of the area.

RECOMMENDATION: Grant subject to a Section 106 Agreement

Application site

Trans Pennine Trail



1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee at the request of Councillor Jane Nightingale and because it is a departure to the allocation in the Doncaster Unitary Development Plan (UDP) and due to the number of objections that have been raised. This application was previously reported to the planning committee on 15th September 2020. The application was deferred at the meeting for a site visit in order to assess the highway implications of the proposal including the width of Fairfield Road.

2.0 Proposal and background

- 2.1 The application seeks full planning permission for the erection of 60 new houses, along with vehicular/pedestrian access and new areas of public open space at a vacant site off Watch House Lane, Bentley. The scheme involves the redevelopment of the site for the delivery of a Build to Rent (BtR) homes scheme. BtR units are purpose built housing that is typically 100% rented. Schemes usually offer longer tenancy agreements of three years or more and will typically be professionally managed stock in single ownership and management control.
- 2.2 The scheme provides for new family homes, split between 20 x 3-bed and 40 x 2-bed houses. The homes are a mixture of terraced and semi-detached properties and are all two storeys. The proposals include new areas of public open space, focusing around a central area, providing informal amenity and a play area. Access to the site is to be taken from Fairfield Road. The scheme includes two pedestrian accesses onto the Trans Pennine Trail (TPT) that runs along the eastern boundary of the site (see site plan in the appendix).

3.0 Site Description

- 3.1 The site is triangular and currently comprises approximately 1.4 hectares of vacant land. Industrial uses previously occupied the site, but it has been vacant for over 13 years and cleared of any buildings. There is an existing vehicular access to the site on Watch House Lane to the north and along Fairfield Road bordering the north west of the site. The site topography is largely flat. Currently there is a large man made mound in the centre of the northern half of the site, as well as 1.5m perimeter banks along Watch House Lane and Fairfield Road.
- 3.2 Shrubbery and trees surround the majority of the site boundary, with the TPT running along the eastern boundary. To the north east of the site, beyond a landscape buffer, are industrial uses. To the south east is dense tree cover, interspersed by the TPT footpaths. To the west and north west is existing two storey semi-detached housing. Finally, to the north, beyond Watch House Lane, construction is nearing completion for new homes (brought forward by Persimmon).

4.0 Relevant Planning History

4.1 The relevant planning history is as follows:

Application Reference	Proposal	Decision
17/03140/COUM	Change of use from vacant industrial land to a Residential Park Home complex. (Sui-Generis).	Withdrawn 01.06.2018

5.0 Planning Policy Context

5.1 The site is allocated as an Employment site in the Doncaster UDP.

National Planning Policy Framework (NPPF 2019)

5.2 The National Planning Policy Framework 2019 (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 and the relevant sections are outlined below:

5.3 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development. One of the three overarching objectives of the NPPF is to ensure a significant number and range of homes are provided to meet the needs of present and future generations (paragraph 8b).

5.4 Paragraph 48 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).

5.5 The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force (para 57).

5.6 The BtR sector is formally recognised within the NPPF and is included within the glossary. BtR is singled out in the NPPF at paragraph 64 as being a housing sector that is exempt to the general affordable housing obligations. The NPPF confirms (within the glossary) that when affordable housing is proposed on BtR schemes, it should ordinarily be provided in the form of affordable private rent, a class of affordable housing specifically designed for BtR.

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

- 5.8 Paragraph 118(c) notes '*decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes*', and '*support appropriate opportunities to remediate contaminated land*'. Part (d) of the same paragraph also supports the development of under-utilised land.
- 5.9 Paragraph 120 acknowledges that decisions need to reflect changes in the demand for land and confirms that where there is no reasonable prospect of an application coming forward for the use allocated in the Development Plan, local planning authorities should (a) reallocate land for a more deliverable use as part of plan updates; and (b) support applications for alternative uses, where the proposed use would contribute to meeting an unmet need for development in the area.
- 5.10 Planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life (para 180).

National Planning Policy Guidance (NPPG)

- 5.11 The National Planning Policy Guidance (NPPG) sets a general benchmark of 20% of the homes in a BtR scheme to be affordable private rent, set at a 20% rent discount. This should however be provided where it is viable.

Doncaster Core Strategy 2011 - 2028

- 5.12 Policy CS1 states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.
- 5.13 Policy CS2 identifies Bentley within the Main Urban Area, which is the focus for growth and regeneration with an indicative housing allocation of between 9,225 and 11,808, making up between 50 and 64 per cent share of housing allocations.
- 5.14 Policy CS4 seeks to direct development to areas of lowest flood risk and ensure that mitigation measures are in place to ensure that developments do not flood. Developments within flood risk areas will be supported where they pass the Sequential and/or Exceptions Test.
- 5.15 Policy CS5 states that major employment sites will be retained for employment uses, which may include some small scale supporting uses.
- 5.16 Policy CS9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.
- 5.17 Policy CS10 sets out the phasing of housing for the period of the plan. Existing housing allocations can be built from 2011 onwards, except where flood risk or other delivery issues cannot be resolved.
- 5.18 Policy CS12 states that new housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support communities. Housing sites of 15 or more houses will

normally include affordable houses on-site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment except where a developer can justify an alternative scheme in the interests of viability.

- 5.19 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.
- 5.20 Policy CS16 states that nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals will be supported which enhance the borough's landscape and trees by including measures to mitigate any negative impacts on the landscape, include appropriate hard and soft landscaping, retain and protect appropriate trees and hedgerows and incorporate new tree and hedgerow planting.
- 5.21 Policy CS17 states that proposals will be supported that provide suitable and appropriate on-site open space, or an equivalent contribution towards off-site provision.
- 5.22 Policy CS18 states that proposals will be supported which reduce air pollution and promote more sustainable transport options, and where relevant, incorporate low emission technologies and cleaner transport fuels. Where any risks to ground conditions arising from contamination or previous land uses are identified, proposals will need to incorporate measures to prevent, control and reduce air and water pollution.

Saved Unitary Development Plan (UDP) Policies (Adopted 1998)

- 5.23 Saved policy EMP6 notes that permission will normally be granted for B1, B2 and B8 uses within Employment Policy Areas, whilst proposals for other industrial, business or commercial uses will be considered on their merits in accordance with other relevant plan policies.
- 5.24 Policy RL4 requires 10-15% of the total site area of new developments with over 20 family dwellings to be laid out as public open space, except where the Council requires a commuted sum.

Local Plan

- 5.25 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:

- 5.26 The emerging Local Plan identifies the site as Residential Policy Area.
- 5.27 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 5.28 Policy 2 identifies Bentley as falling within the Main Urban Area, which is to be the focus for development in the Borough, where at least 50 per cent of new housing is to be delivered.
- 5.29 Policy 3 identifies the need for additional housing of between 6,805 and 7,315.
- 5.30 Policy 8 sets out the requirements for the range of housing including the need for affordable housing.
- 5.31 Policy 11 states that within Residential Policy Areas, new residential development will be supported provided that:
 - i) the development would provide for an acceptable level of residential amenity for both new and existing residents; and
 - ii) the development would help to protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
 - iii) the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.
- 5.32 Policy 14 seeks to promote sustainable transport within new developments.
- 5.33 Policy 17 seeks to consider the needs of cyclists within new developments.
- 5.34 Policy 18 seeks to consider the needs of pedestrians within new developments.
- 5.35 Policy 19 states that proposals will be supported which improve the number and quality of opportunities for walking, cycling and riding and create multi-user routes through development sites.
- 5.36 Policy 29 deals with open space provision in new developments and states that proposals of 20 family dwellings or more will be supported which contribute 10 or 15 per cent of the site as on-site open space to benefit the development itself.
- 5.37 Proposals will only be supported which deliver a net gain for biodiversity and protect, maintain and enhance the Borough's ecological network.
- 5.38 Policy 31 deals with the need to value biodiversity.
- 5.39 Policy 33 states that the design process should consider woodlands, trees and hedgerows.

- 5.40 Policy 43 deals with the need for good urban design.
- 5.41 Policy 46 states that new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants and shall meet the Nationally Described Space Standard as a minimum.
- 5.42 Policy 49 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides a high quality, comprehensive hard and soft landscape scheme.
- 5.43 Policy 53 states that where significant housing proposals will create or exacerbate a shortfall in the number of local school places, mitigation will be required, either through an appropriate contribution to off-site provision or, in the case of larger sites, on-site provision.
- 5.44 Policy 55 requires the need to take into account air and noise pollution.
- 5.45 Policy 66 deals with developer contributions.
- 5.46 Policy 67 states that where the applicant can demonstrate that particular circumstances justify the need for a Viability Appraisal, the Council will take a pragmatic and flexible approach to planning obligations and consider their genuine impact on viability of development proposals on an independent and case-by-case basis.

Other material planning considerations

- 5.47 Several Supplementary Planning Documents (SPDs) have been published, which are material considerations in the determination of planning applications, the main ones of which include:

Development Guidance and Requirements SPD (July 2015)

- 5.48 The SPD sets out guidance to help implement policies in the Development Plan. This includes design in the urban and rural environment, the historic environment, transport and accessibility, strategic green infrastructure, biodiversity, geodiversity and ecological networks, open space standards and requirements, landscape, trees and hedgerows.

South Yorkshire Residential Design Guide SPD (2011)

- 5.49 The South Yorkshire Residential Design Guide SPD is intended to provide a consistent approach to design in the development management process and aims to improve the quality of residential design in South Yorkshire.

6.0 Representations

- 6.1 Prior to submitting the application, a public consultation event took place on 16th September 2019 at Cornerstone Church, Watch House Lane. Notification of the event was via post, with leaflets delivered to 685 local residents and businesses informing them of the proposals and inviting them to the public consultation event. 65 people attended the event with 26 of those completing the feedback forms provided. Although broadly supportive of the principle of the

development for residential use, local residents raised some local issues focusing around highways, access and drainage.

6.2 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 site notice, Council website, press advertisement and neighbour notification to all houses bordering the site. 30 letters of objection have been received and these can be summarised as follows:

- i) Fairfield Road and Halifax Crescent act as a thoroughfare during peak traffic time and are regularly used as a short cut between Watch House Lane and York Road.
- ii) there will be disruption during construction.
- iii) there have been numerous accidents along this stretch of road.
- iv) there is insufficient parking provided within the scheme.
- v) The access into the site will compromise access to and from a driveway of an adjoining residential property.
- vi) Fairfield Road and Halifax Crescent share a sewerage and drain system that at times is overloaded and causes flooding and blockage.
- vii) nothing is being done with this development against methane that was reported in the remedial statement from the previous planning application and has not been mentioned in this application.
- viii) there will be overlooking.
- ix) this will result in the loss of an employment site.
- x) it would affect house prices.

6.3 ED Miliband MP has written in to ask that the concerns of his constituents are taken into account.

6.4 Trans Pennine Trail Partnership has stated that there is a need to provide direct access to the Trans Pennine Trail as part of this application.

7.0 Relevant Consultations

7.1 **Transportation** has raised no objections subject to the provision of a Transport Bond to ensure that mitigation measures are in place in the event that traffic numbers exceed those set out in the Transport Assessment.

7.2 **Highways** has raised no objections subject to conditions.

7.3 The **Urban Design Officer** has responded and has raised no objections.

7.4 **Ecology** has raised no objections subject to a net gain in biodiversity.

7.5 The **Tree Officer** has raised no objections and is happy with the proposed landscaping scheme.

7.6 The **Open Space Officer** has responded and has raised no objections.

7.7 **Environmental Health** has raised no objections subject to hours of restriction on construction and provision of a 2.3m acoustic barrier as required by the Noise Assessment. The acoustic barrier is shown on the Boundary treatment plan and hours of construction are to be controlled through the submission of a Construction Method Statement as set out in condition 8.

- 7.8 The **Contamination Officer** has raised no objection subject to a condition requiring further remedial works to those already carried out.
- 7.9 The **Air Quality Officer** has raised no objection, as each dwelling shall benefit from an Electric Vehicle (EV) charging point and cycle parking within the curtilage of each dwelling.
- 7.10 The **Environment Agency** has raised no objections, as the site is within Flood Zone 1 and satisfactory remediation has been carried out to ensure that risks posed to controlled waters are at an acceptable level.
- 7.11 **Yorkshire Water** has raised no objections subject to a condition that development is carried out in accordance with the drainage plan.
- 7.12 The **Internal Drainage Officer** has responded and has raised no objections.
- 7.13 **South Yorkshire Archaeology Service** consider that the archaeological potential is likely to be negligible, as the site has been developed previously in the 20th Century and contained standing buildings until recently. No archaeological investigation is necessary.
- 7.14 **Public Rights of Way** has raised no objections and welcome the connections linking the proposed development and the TPT.
- 7.15 **Education** state that the development will create the need for additional school places resulting in a contribution of £157,859 towards Scawthorpe Sunnyfields Primary School and £164,673 towards Don Valley Academy totalling £322,532.
- 7.16 **Public Health** are pleased to see that the development plans includes two access points to the TPT.
- 7.17 **Strategic Housing** advise that demand for affordable housing in Bentley and Scawsby is very high with the majority of demand (95%) being for 3 bed family properties.

8.0 Ward members

- 8.1 Councillor Jane Nightingale has raised a number of concerns including:
- i) The amount of traffic using Watch House Lane, especially during peak periods.
 - ii) Serious accidents have occurred on Watch House Lane.
 - iii) Fairfield Road is not wide enough to accommodate extra traffic.
 - iv) Surface water is becoming a problem over recent years.
- 8.2 Councillor Bill Mordue has written in to reaffirm his views that the development of 60 houses is in his view too many. Two previous attempts to build far less have been withdrawn. Highways now seemed to have changed their mind regarding traffic issues. The site map does not show the widening of Fairfield Road where it meets Watch House Lane, which it is believed was a condition because of the narrowness it already causes jams. Nothing is mentioned of this, or the former history and the Highways Department's previous view of the junction on to Watch House Lane.

9.0 Assessment

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

- Principle of development;
- Impact on Amenity
- Design and Impact on the character and appearance of the area
- Ecology
- Trees and Landscaping
- Highway safety and traffic
- Flooding
- Noise
- Air Quality
- Contamination
- Energy efficiency
- Economy
- S106 obligations
- 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

Principle of Development

9.3 The site is designated as an Employment Policy Area in the Doncaster UDP. Saved Policy EMP6 states that permission will normally be granted for B1, B2 and B8 uses within Employment Policy Areas, whilst proposals for other industrial, business or commercial uses will be considered on their merits in accordance with other relevant plan policies. Since this allocation within the UDP, the site has been cleared of buildings and the context of the site has significantly changed by the clearance and redevelopment for residential use of the former employment area to the north and north-west of the site beyond Watch House Lane. The application site has been vacant for over 13 years following the clearance of the previous industrial and office buildings. The site has been marketed for commercial development for approximately 13 years. Evidence submitted with the application confirms that the level of interest in the site from industrial occupiers and developers has been poor, with no credible offers received. Reasons for why the site is not attractive to commercial developers include the shape and size of the site, which would restrict the density of the development, the proximity of residential properties causing potential conflict and rental levels being too low to justify new build development.

9.4 In the emerging Doncaster Local Plan, the site is no longer to be included as an Employment Policy Area and is instead designated Residential Policy Area under Policy 11. Assessed against this policy, residential use would be acceptable in principle. Therefore, recent assessment of the site's suitability and value for

employment use (as part of Local Plan preparation) has concluded it is no longer required as an Employment Policy Area.

- 9.5 This application for residential development should therefore be considered on its own merits, having regard to the need for housing development in the Doncaster Main Urban Area to support sustainable local communities. Whilst there is employment development to the north east of the site, the predominant land use in the area is residential. Residential development would therefore be an appropriate use in this location.
- 9.6 Policy CS2 of the Core Strategy identifies Bentley as falling in the Main Urban Area, which is the focus for housing growth and regeneration. The housing requirement for the Main Urban Area is between 9,225 and 11,808 new dwellings and equates to 50-64% of the total borough allocation. The proposal would therefore make a significant contribution towards the Main Urban Area's housing requirement on an urban site and thus contributing towards the objectives of policy CS2 and CS10 of the Core Strategy. As an urban site within the Main Urban Area, there are no phasing implications, because policy CS10 makes it clear that urban sites within the Main Urban Area can be developed from 2011 onwards. The site is sustainable being well located to access the services and facilities in the area, including schools, shops, employment and access to public transport.

Conclusion on principle of development

- 9.7 The extensive marketing and the fact that the site has been vacant for over 13 years, clearly demonstrates that there is no reasonable prospect of the site coming forward for an employment use. In this instance, paragraph 120 of the NPPF supports the delivery of alternative and more appropriate uses, which in this case is residential. Although the Local Plan still has limited weight in terms of considering planning applications, this and the revised land-use context of the site favours the proposed residential use of the site. The loss of the allocated employment site for housing development would still result in a sufficient and healthy supply of future employment land across Doncaster and hence its allocation as residential in the emerging Local Plan.

Sustainability

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

SOCIAL SUSTAINABILITY

Impact on Residential Amenity

- 9.10 The scheme has been designed to ensure that there is no unacceptable impact on the amenity of those residential properties on Fairfield Road that border the site. In

all cases, the scheme either meets or exceeds the minimum separation distances to avoid any unacceptable overlooking or overshadowing. There is a slight pinch point with plot 59, which is 18m from the rear elevation of the closest property on Fairfield Road, but this is set at an angle to avoid any unacceptable direct overlooking. The perpendicular distance measured from the rear elevation achieves the minimum 10m distance to the boundary as outlined in the Development Guidance and Requirements SDP. (Pages 18-19 and point 3 of table 'Separation Distances'). The existing high wall at the rear of the houses on Fairfield Road is to be retained, which will afford some privacy.

- 9.11 During the public consultation, local residents shared issues of anti-social behaviour currently experienced at the site, including littering and throwing of rubbish and rubble from the site into surrounding residents gardens. The development of the site will therefore help to remove these issues currently experienced by some residents. Development of the site for residential is likely to lead to much less harm to amenity than any industrial use on site.

ENVIRONMENTAL SUSTAINABILITY

Design and impact upon the character of the area

- 9.12 The development proposes 60 new homes across a 1.4ha site, resulting in a density of 43 dwellings per hectare. Although quite a high density, this is largely a result of the fact that many of the properties on site are terraced. All of the dwellings are two storey, which reflects the general character of the surrounding area. Materials will be agreed to ensure that they respect the surrounding area, which is mainly red brick, with some buff/brown brick (see typical street scene in appendix).
- 9.13 The scheme has been designed to ensure that those properties that can be seen from Watch House Lane will front onto the road, providing a strong frontage to the development and avoid any back gardens fronting the road, which would be undesirable. Plots 18 to 26 in the north-eastern corner of the site have the back gardens facing Watch House Lane, but this is acceptable given that this part of the site is obscured by trees and the rising road, where it goes over the TPT. Properties (plots 1 to 6) also front onto Fairfield Road to provide a strong frontage to the road.
- 9.14 A boundary and surface treatment plan has been submitted with the application. A water main runs along the boundary of the site and Yorkshire Water has advised that no built structures are provided along this boundary. As such, provision is to be made for low hedges in the front gardens of houses fronting Watch House Lane and Fairfield Road. Other boundary treatments include walling and fencing, with retention of the high wall along the back gardens of houses along Fairfield Road.
- 9.15 The development provides new areas of open space situated centrally to the site, populated with trees (see image in appendix). Furthermore, links are proposed through to the TPT and this will improve connectivity and use into this local amenity for the community. It is understood that the land beyond the site boundary to the TPT routes are within Council ownership.
- 9.16 Each home includes a private rear garden, all of which include the 10m deep distance requirement as per the Council's SPD. Most gardens meet and, in some cases, exceed the minimum private garden space requirement of 50sqm for two-

bed homes and 60sqm for three-bed homes. The properties do not meet the Nationally Described Space Standards (NDSS), but until these are adopted through the Local Plan then the Council cannot insist on this. The application therefore accords with policy CS14 of the Core Strategy.

Ecology

- 9.17 An Ecological Assessment has been submitted in support of the application. The site is not situated within influencing distance of any nature conservation sites of either statutory or non-statutory designation. The report concludes that the site has a very limited ecological value, with some scattered trees along the boundary, whilst the site has moderate potential for bat, bird and hedgehog species. None of the habitats on site are likely to host a wide diversity of invertebrates or mammals. No non-native invasive plant species were found to be present on site during the time of the site survey.
- 9.18 The newly created gardens and trees are likely to provide nesting and foraging opportunities for bird species and form a commuting habitat connecting to the wider landscape for bats, birds and hedgehogs. The newly created habitat of floral species will increase the diversity of invertebrates on site for birds and bats to feed on. The application therefore accords with policy CS16 of the Core Strategy.

Trees and Landscaping

- 9.19 A Tree Survey has been carried out and this shows that the trees that border the site are generally in a good condition. The trees are not protected by a Tree Preservation Order. No tree removals or remedial pruning works are required to facilitate the proposed development.
- 9.20 A landscaping scheme has been submitted and this has been agreed by the Tree Officer. The site will be managed by one management company and this should ensure that all areas are maintained and kept to a high standard. The application therefore accords with policy Cs16 of the Core Strategy.

Impact upon Highway Safety

- 9.21 A Transport Assessment and Travel Plan have been submitted in support of this application. The site is considered to be located in a sustainable location with good access to local amenities, public transport and cycling and walking opportunities.
- 9.22 In terms of walking, Scawsby Saltergate Junior/Infant School is approximately a 700m/9 minute walk to the west of the site. The Cusworth Centre, Scawthorpe Sunnyfields Primary School and Kirkby Primary School are also located within walking distance of the site. Aldi, Morrison's, Tesco Express, and Danum Retail Park are all considered to be within walking distance. There are other healthcare and employment facilities within walking distance of the site. Direct pedestrian access between the development site and the TPT will be provided on the eastern boundary of the site.
- 9.23 In terms of cycling, the report shows that the whole of Doncaster town centre can be accessed within 5km cycling distance of the site. The Travel Plan indicates a commitment to cycle parking within the curtilage of each dwelling with access provided to gardens so that bicycles do not have to be carried through homes.

- 9.24 In terms of access to public transport, the closest bus stop is located on Watch House Lane approximately 325m to the west of the development site and is served by the Number 54 service. In addition, bus stops located on York Road, approximately 350m from the site access offer a number of services towards Doncaster town centre and other local destinations. Additional bus stops are located on York Road, Cusworth Lane and Newlands Drive, which are within 800m walking distance. Bentley train station is located approximately 1km/12 minute walk from the site, which provides services to Leeds and Doncaster.
- 9.25 The Travel Plan sets out a number of measures that will encourage residents on site to use sustainable modes of transport. These includes a Travel Plan Coordinator to provide transport advice to residents and travel information provided to prospective and new residents on all available modes of transport including maps, health benefits, local amenities and public transport timetables.
- 9.26 The development is forecast to generate 35 2-way trips in the AM peak and 37 2-way trips in the PM peak. A junction capacity assessment has been undertaken at the Fairfield Road/Watch House Lane junction and the results show that the junction operates within capacity in the future (year 2024) with the proposed development traffic included. As part of the proposed access arrangements, road markings will be provided at the Watch House Lane / Fairfield Road junction to provide a 'build out' and improve visibility from Fairfield Road.
- 9.27 Vehicular access to the site will be taken approximately 65m to the south of the Fairfield Road /Watch House Lane existing junction. The existing width of Fairfield Road between the access point and Watch House Lane will be retained. With reference to the South Yorkshire Residential Design Guide for conventional streets with a design speed of 20mph or less, a "*minimum carriageway width of 4.8 metres [is] needed for two cars to pass with some care*". Drawings submitted with the application demonstrate that the existing width of the carriageway is sufficient for two large cars to pass each other and for occasional use by fire appliances and refuse vehicles. Widening the carriageway is not considered necessary to accommodate the development. Widening the carriageway on Fairfield Road could potentially encourage drivers to increase their speed and potentially induce additional through traffic from the A638 York Road, to the detriment of existing residents living on Fairfield Road and Halifax Crescent. Overall, taking into account the nature of Fairfield Road within an established residential area, the existing carriageway width (of approximately 5.2m) is adequate for the current and future use of the road.
- 9.28 During pre-application discussions, it was requested that the issue of rat-running using Halifax Crescent, to avoid any queuing on Watch House Lane, be investigated and this has been carried out. Queue length surveys were undertaken during the peak hours on Watch House Lane and Halifax Crescent. There is evidence of queuing on Watch House Lane during the peak hours and evidence of some vehicles using Halifax Crescent to avoid the queues on Watch House Lane. However, the numbers are relatively low and the queue on Halifax Crescent was observed to clear within two green phases of the traffic signals. The addition of the development traffic will, inevitably, add to the queue but the impact is not expected to be significant with the development generating approximately 1 trip every 2 minutes in the peak hours.
- 9.29 100 car parking spaces are proposed across the site. This equates to 40 spaces for the 20 x 3-bed homes and 20 additional spaces for visitors in accordance with the

Council's parking standards. 40 spaces are also proposed for the 40 x 2-bed homes, against the parking standards sought within the SPD of 1.5 spaces per 2-bed unit. Based on the Council's requirements, 115 parking spaces would be required. The overall proposed parking provision is therefore slightly lower than would be expected in line with the Council's requirements. However, as noted above, the site is readily accessible by a range of suitable transport modes and falls within walking distance of a range of amenities and facilities, including schools and shops, thus reducing reliance on owning a car. As such, it is considered the proposed quantity of car parking spaces is sufficient and appropriate to accommodate the proposed development.

- 9.30 Swept path analysis has been undertaken to demonstrate that a fire appliance (as the largest emergency vehicle that would need to use the access) will be able to access the site. In an emergency, a fire appliance would be able to get to a point within 45m of accesses to each dwelling, meeting the requirements of Building Regulations. Sufficient turning space is provided within the site to allow the fire appliance to exit the site in forward gear. The application therefore accords with policy CS9 of the Core Strategy.

Flood Risk, Foul and Surface water drainage

- 9.31 The site sits within Flood Zone 1 (lowest risk of flooding) as indicated on the Environment Agency flood maps. A Flood Risk Assessment and Drainage Strategy has been submitted in support of this application because the site is more than 1 hectare in size. The site levels vary from around 9.35mAOD at the site entrance to 8.63mAOD to the east, but generally, the site is flat with an overall slight fall from east to west. There is no history of flooding occurring at the site. This report has identified that the main flood risk to the development is from over topping of the local watercourse or blockage of drains. The minimum finished floor levels (FFL) are recommended to be 9.35mAOD for the site. The FRA confirms that the site has a no or low risk of flooding and the proposed development is appropriate for this location. The application therefore accords with policy CS4 of the Core Strategy.

Noise

- 9.32 A Noise Assessment has been submitted to assess the potential impact of surrounding noise on the proposed development. Noise measurements were taken within the vicinity of the proposed development site for night-time and daytime periods. The results of the noise monitoring were used to create a noise model of the site. The noise model was used to identify the proposed residential façade that would be subject to the highest levels of noise. Noise ingress calculations were undertaken, which demonstrated that noise levels could be achieved for both daytime and night-time periods with the incorporation of a glazing and ventilation strategy, therefore demonstrating that internal noise levels would not pose a barrier to the development of the site.
- 9.33 The noise model identified plots where World Health Organisation criteria of external amenity areas would not be met. Mitigation is recommended in the form of a 2.3m acoustic fence to provide protection to the affected plots 18 to 26 (this is shown on the submitted boundary detail plan). The noise model demonstrates that this would be sufficient to meet the criteria, therefore demonstrating that with mitigation, external noise levels would not pose a barrier to the development of the site. The predictions were also inclusive of commercial noise from Queens Drive Industrial Estate. The assessment was based on Plot 23, which would experience

the highest levels of commercial noise. The assessment indicates likelihood of a low impact at the receptor location, therefore demonstrating that commercial noise from the industrial estate should not pose a barrier to the development of the site.

- 9.34 With the inclusion of the mitigation measures recommended within the report, it has been concluded that noise will not have any amenity impacts on the new residential development. The application therefore accords with guidance set out in the NPPF.

Air quality

- 9.35 An Air Quality Assessment has been submitted with the application. This report provides a review of existing air quality in the vicinity of the proposed development. It also provides an assessment of the impact of the proposed development on local air quality during both its construction and operational phases. With the implementation of appropriate mitigation measures (such as dust monitoring and dealing with any complaints etc.), the impact of dust associated with construction and demolition activities is considered to be not significant when considered in accordance with Institute of Air Quality Management (IAQM) guidance.
- 9.36 Existing air quality around the development has been reviewed. Concentrations of Nitrogen Dioxide (NO₂) and Particulate Matter 10 (PM₁₀) are likely to be below their respective long and short-term objectives at the proposed development site, which is therefore considered suitable for residential use with regards to air quality. Vehicle emissions associated with the proposed development are not likely to have a significant impact on local air quality. A number of mitigation measures are proposed including the provision of an Electric Vehicle (EV) charging point within each dwelling and cycle parking within the curtilage of each dwelling. The application therefore accords with policy CS18 of the Core Strategy.

Contamination

- 9.37 Previous environmental investigations and risk assessments have been undertaken on the site in consultation with the Environmental Agency and Doncaster's Pollution Officer. Remediation works have already been carried out on site during 2016, which were attended by the Environment Agency and the Council. A Geo-environmental Overview and Remedial Strategy has been prepared in support of this application, which outlines a future remedial strategy and this is secured by a condition. The application therefore accords with policy CS18 of the Core Strategy.

Energy Efficiency

- 9.38 An Energy Statement has been submitted in support of the application. Through assessing low or zero carbon technologies at the development, it concludes that it is not technically feasible or viable to install these technologies. However, through the incorporation of good passive suitable design measures, a 23% improvement in energy efficiency can be achieved when compared to baseline Building Regulations. The application therefore accords with policy CS14 of the Core Strategy.

Conclusion on Environmental Issues

- 9.39 The scheme involves redeveloping previously developed land within the Main Urban Area, which in turn will reduce pressure on the development of more environmental valuable land. The site has undergone significant remediation to

remove contamination. Finally, the development of this site will remove this vacant and underutilised land.

ECONOMIC SUSTAINABILITY

9.40 The construction of the development will create approximately 60 construction jobs, with local supply chains targeted during construction. The annual household spending on goods and services from 60 homes would be expected to be £748,003. Given the site's proximity to local shops and services, a significant proportion of this could be spent in the location area, contributing towards the local economy.

10.0 Planning Obligations

10.1 There are a number of Planning Obligation requirements that have been identified in accordance with local and national planning policy. There is a requirement for a commuted sum of £157,859 towards Scawthorpe Sunnyfields Primary School and £164,673 towards Don Valley Academy, totalling £322,532. Twenty per cent of units on site are to be affordable which equates to 12 dwellings, or a commuted sum in lieu of this of £361,036. The scheme provides on-site open space, but this only equates to 10 per cent of the overall site area and so an additional sum of £15,275 is required to meet the 15 per cent requirement given that the Bentley community profile area is deficient in 3 out of 5 open space typologies. There is a Biodiversity offsetting contribution requirement of £53,687 and a returnable Travel Plan Bond of £7,352 to mitigate any traffic in the event that targets in the Travel Plan are exceeded.

10.2 A viability appraisal has been submitted with the application. It was assessed by Adams Integra who have provided an independent review of the viability of the scheme. Adams Integra conclude that the scheme could contribute £361,036 and still remain viable.

10.3 In line with the Council's Section 106 Protocol, the Section 106 Board met to discuss where the available Section 106 monies should be spent. The Section 106 Board have recommended that half of the available contribution is given over to education, with the focus being on Don Valley Academy where there is the greater need for providing school places. The 106 Board have asked for the full Biodiversity contribution of £53,687. They have also asked that the full off-site open space contribution be given towards improvements to Black Park off York Road. They have asked that the remaining monies of £111,556 be given towards off-site affordable housing.

10.4 Advice in the National Planning Policy Guidance (NPPG) discusses what happens if homes within a Build to Rent (BtR) scheme are sold off into separate ownership. It clearly expects BtR schemes to remain within the rental sector, but accepts that there may be circumstances where a developer needs to sell all or part of a scheme. To allow for such cases, it advises local planning authorities to consider a covenant period *'for the retention of private market rent homes in that tenure and potential compensation mechanisms in the event that private market rent homes are sold before the expiration of an agreed covenant period.'*

10.5 There is little advice on the length of an appropriate covenant period, but BtR is seen as a viable alternative to home ownership and long-term tenancies are seen as one of the benefits of BtR. In light of this, in its Supplementary Planning Guidance on affordable housing and viability, the Greater London Authority

recommends that BtR homes have minimum 3-year tenancies, to be held under a covenant for at least 15 years. A covenant period of 15 years is considered to be reasonable, given that short-term sales would cancel out many of the advantages of BtR, but it would not prevent a secondary buyer's market from developing over the longer term. Moreover, the BtR PPG notes states that *'in granting planning permission for build to rent developments, authorities should set in place a planning condition requiring scheme operators to offer tenancies of 3 or more years to all tenants in the development, who are eligible to live in the country for that period (under the right to rent).'*

- 10.6 Where affordable private rent homes are converted to another tenure, the NPPG provides a formula that may be used to calculate the amount of clawback payable. This is not required in this case as no affordable private rent is being provided on site, however the NPPG also sets out that it is for local authorities to decide how to structure any clawback arrangements for the sale of private market rent homes in the covenant period. The NPPG suggests that it could be calculated by reference to viability at the time of the original application, or viability when the scheme is sold and again makes reference to the value of two sets of figures, one based on Build to Rent and one on Build for Sale. In any case, the NPPG is clear that *'the sale of homes from a build to rent development should not result in the loss of affordable housing without alternative provision being made.'*
- 10.7 Therefore, while the viability assessment undertaken on this application concluded that a total affordable housing contribution of £361,036 could be provided now, it is considered that a further assessment should be undertaken in the event that all or part of the BtR scheme is sold within a 15 year covenant period, to determine the level (if any) of alternative affordable housing provision. This could again take the form of an additional off-site commuted sum.
- 10.8 It is therefore recommended that if permission is granted, a 106 Agreement secures provision of the option of 3-year tenancies for a minimum of 15 years, with a suitable clawback arrangement likely to involve a re-running of the viability assessment at a point of sale within the covenant period to determine whether a further affordable housing contribution can be provided. The heads of terms for the 106 shall therefore include the following:

1) Covenant to secure the option of 3-year tenancies and the provision of all of the private market rental units for a minimum of 15 years.

2) Clawback arrangement, should the covenant be breached, to compensate for the loss of private market rental units based upon viability at the point of sale.

11.0 PLANNING BALANCE & CONCLUSION

- 11.1 The site is allocated as an employment site within the Doncaster UDP, but this is outdated and does not reflect the fact that the site has never come forward for industrial development over the last 13 years or so. The land allocated for employment use to the north of Watch House Lane has been developed for housing and so the predominant land use in the area is residential. Although yet to go through examination, the Local Plan is more relevant and shows the Council's direction of travel and this allocates the site as falling within the Residential Policy Area. The NPPF is clear in that where there is no reasonable prospect of an application coming forward for the use allocated in the Development Plan, local planning authorities should support applications for alternative uses. Given the

surrounding land uses, residential is an appropriate use and would help to support the Council's need for delivering housing in the Main Urban Area in a sustainable location such as this.

- 11.2 The information submitted in support of the application shows that there are no issues with highway safety and as such, no objections have been raised by highways. The site is within walking and cycling distance of schools, shops and public transport provision and the Travel Plan will help to deliver sustainable travel modes. The scheme provides connections to the TRP and EV charging points are to be provided to every dwelling on site.
- 11.3 The scheme has been designed to reflect the character of the surrounding area and avoid any impact on the amenity of surrounding residential properties. Development of the site for residential is much more desirable than industrial when it comes to assessing the potential impact on the amenity of surrounding properties. All other issues such as ecology, air quality, noise and contamination have been thoroughly assessed with the submission of technical documents and are all satisfactory subject to the necessary mitigation measures that are either shown on the plans or secured by condition. There have been no objections from any consultees.
- 11.4 In conclusion, this application comprises a highly sustainable development and accords with national planning policy.

12.0 RECOMMENDATION

12.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 IN RELATION TO THE FOLLOWING MATTERS:

- 1) Covenant to secure the option of 3-year tenancies for those that want them and the provision of all of the private market rental units for a minimum of 15 years.
- 2) Clawback arrangement, should the covenant be breached, to compensate for the loss of private market rental units based upon viability at the point of sale.
- 3) £164,673 for Don Valley Academy
- 4) £15,845 for Sunnyfields Primary School
- 5) £53,687 for Biodiversity offsetting
- 6) £15,275 for improvements to Black Park, off York Road
- 7) £111,556 towards off-site Affordable housing

THE HEAD OF PLANNING BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE AGREEMENT.

Conditions / Reasons

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:

100-448/(P)002 A dated 07.01.19 (Location plan)
100-448/(P)001O dated 11.01.19 (Site plan)
100-448/(P)015B dated 01.11.19 (Typical cluster 2B)
100-448/(P)018B dated 01.11.19 (Typical cluster 2A)
100-448/(P)011B dated 01.11.19 (Typical cluster 3)
100-448/(P)008 A dated 01.11.19 (Typical cluster 4)
100-448/(P)019B dated 01.11.19 (Cluster 4 street corner)
100-448(P)017 dated 11.11.19 (Typical cluster front elevations)
100-448/(P)007B dated 30.10.19 (House type plans)
100-448/(P)016D dated 11.01.19 (Boundary and surface treatment)
19.1473.001 Rev C dated 13.11.2019 (Landscape proposals 1)
19.1473.002 Rev C dated 13.11.2019 (Landscape proposals 2)
19.1473.003 Rev B dated 13.11.2019 (Landscape proposals 3)
5269-JPG-SW-00-DR-D-1401-S2 Rev PO4 (Drainage Plan)

REASON

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

3. The approved phase 3 remediation works (as set out in JPG's Geo- Environmental Overview & Remedial Strategy Ref 5269-jpg-zz-xx-rp-g-1301-s2-p01. Nov 2019. Revision P01) shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. 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 site or parts of 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 pursuant to the National Planning Policy Framework.

4. Prior to the installation of any external lighting on site, a lighting strategy including a lux level diagram detailing all the lighting levels resulting from lighting to be installed on the site shall have been submitted and approved by the local authority. The lighting shall then be installed in accordance with the approved scheme.

REASON

To ensure the ongoing ecological interests of the site with respect to bats in accordance with policy CS16 of the Core Strategy.

5. The development shall be carried out in accordance with the mitigation measures set out in Section 11 of the Air Quality Report Number 102178V2 dated 28th January 2020 including the provision of EV charging points and cycle storage for each dwelling.

REASON

To reduce air pollution on site in accordance with policy CS18 of the Core Strategy.

6. The development shall be carried out in accordance with the measures set out in Section 5 of the submitted Travel Plan by Fore dated 19th November 2019.

REASON

To promote sustainable modes of travel in accordance with policy CS9 of the Core Strategy.

7. Prior to the occupation of any dwellings on site, an informal play area shall have been installed and be operational on the area of open space in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

REASON

To ensure adequate play provision in accordance with policy CS17 of the Core Strategy.

8. No development shall take place 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) – hours of construction

viii) - a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

9. 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.

10. No dwellings shall be occupied on site until highway improvement works, as indicated on plan reference 3798 SK001 04 rev A dated 14/10/19, have been implemented in accordance with a detailed scheme previously submitted to and approved in writing by the local planning authority.

REASON

In the interests of highway safety and to ensure adequate visibility at the junction of Watch House Lane and Fairfield Road.

11. No dwellings shall be occupied until connections to the Trans Pennine Trail as indicated on 100-448/(P)001O dated 11.01.19 have been provided in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

REASON

To encourage sustainable modes of travel in accordance with policy CS9 of the Core Strategy.

12. Upon commencement of development, details of measures for the provision of on-site infrastructure to facilitate the potential future connection of gigabit-capable full fibre broadband for the dwellings hereby permitted, including a timescale for implementation of the on-site infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To ensure that the development provides the on-site infrastructure for potential future connectivity to the fastest technically available Broadband network in line with the NPPF (para. 112) and Policy 22 of the Doncaster Local Plan.

13. Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with British Standard 5837: 2012 Trees in Relation to Design, Demolition and construction shall be submitted to the Local Planning Authority for approval. Tree protection shall be implemented on site in accordance with the approved scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON

To ensure that retained trees are protected from damage during construction.

INFORMATIVES

01. Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement. The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud on the highway is an offence under provisions of The Highways Act 1980.

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

Site plan



Typical street scene



Area of open space

