

<b>Application</b>	<b>5.</b>
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<b>Application Number:</b>	16/01384/FUL
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	Erection of 4 ground floor retail (A1)units and 11 flats at 1st/2nd Floor with amended parking and new vehicle access (amended plans)
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<b>At:</b>	Land East Of Hexthorpe Youth Centre Shady Side Hexthorpe Doncaster DN4 0DH
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<b>For:</b>	Miss D Mayil C/O - Inan Gokcek - Studio Anares
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<b>Third Party Reps:</b>	13 letters of objection	<b>Parish:</b>	
		<b>Ward:</b>	Hexthorpe And Balby North

<b>Author of Report</b>	Dave Richards
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<p><b>SUMMARY</b></p> <p>The proposal seeks permission for the erection of a building incorporating a mixed use development of 4 retail units and 11 apartments. The proposal, as amended, is considered to be acceptable in policy terms given it would reuse a redundant site within the main urban area 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).</p> <p>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.</p> <p><b>RECOMMENDATION: GRANT planning permission</b></p>
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19/01982/FULM - Erection of 671 dwellings, new access road, landscaping and public open space

Application site

Urban Road

## **1.0 Reason for Report**

- 1.1 This application is being presented to Planning Committee at the request of Cllr Glynn Jones and Cllr Sue Wilkinson and due to the public interest shown.

## **2.0 Proposal**

- 2.1 Planning permission is sought in full for the erection of a building incorporating a mixed used development of four retail (non-food) units classified as Class E and eleven one bed apartments. There will be one access/egress served from Shadyside.
- 2.2 The application originally proposed five retail units and nine apartments. During the course of the application, the applicant changed their planning agent who undertook a design review of the proposal resulting in the revised layout.

## **3.0 Background**

- 3.1 The site is approximately 980 square metres in size and is located in Hexthorpe, off Shady Side which is served from Urban Road/Hexthorpe Road. The site is accessed from the A630 on the outskirts of the town adjacent to the railway station and is around 10-15 minutes walking distance from the town centre. Hexthorpe is bordered by Balby and the town centre. It is separated from the villages of Sprotbrough, Newton and Cusworth by the river and the railway lines.
- 3.2 There is a primary school, churches and local shops and facilities that are at the heart of the community. There are two industrial estates in Hexthorpe at Cherry Tree Road and Hexthorpe Trading Park. A large development of 671 dwellings has been granted under 19/01982/FULM to the north of the site.
- 3.3 The site itself is flanked by terraced properties on Shadyside and adjacent to the site is the Hexthorpe Plant Works Boxing Club and a bowling club.

## **4.0 Relevant Planning History**

- 4.1 The site has laid dormant for many years following a historic DMBC redevelopment to provide the bowling club. It is largely overgrown with grass and self-set shrubbery.

## **5.0 Site Allocation**

- 5.1 The site is designated as being within an Education Facility, as defined by the Proposals Maps of the Doncaster Unitary Development Plan. This is due to the site formally being part of the grounds to Hexthorpe Primary School during the formation of the UDP. However, the primary school has long since been demolished and re-developed to form a bowling centre around 18 years ago. The land is allocated as being within the residential policy area according to the Draft Local Plan.

## **5.2 National Planning Policy Framework (NPPF) (2019)**

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

- 5.4 Paragraph 2 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 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development.
- 5.6 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).
- 5.7 Paragraphs 91 – 93 state that planning decisions should aim to achieve healthy, inclusive and safe places which, amongst other things, promote street layouts which enhance connectivity, are safe and accessible and support healthy lifestyles. Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration and local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.
- 5.8 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.
- 5.9 Paragraph 118 states that give substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- 5.10 Paragraph 127 states that planning policies and decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. This includes establishing a strong sense of place which is sympathetic to local character and which optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development.

#### **5.11 Doncaster Core Strategy (CS) 2011 – 2028**

- 5.12 The Core Strategy replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. The Core Strategy policies relevant to this proposal are:
- 5.13 In May of 2012 the LDF 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:

- 5.14 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.
- 5.15 Policy CS2 identifies Hexthorpe as being part of the Main Urban Area and states, together with other settlements, this area will be the focus for growth and regeneration. The area is also appropriate for small retail schemes designed to accommodate 'top up' shopping and local amenities
- 5.16 Policy CS4 requires all development to address the issues of flooding and drainage where appropriate. Development should be in areas of lowest flood risk and drainage should make use of SuDS (sustainable drainage) design.
- 5.17 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. Policy CS14 also recognises that a component of good design is to ensure that new development does not have a negative effect on residential amenity or highway safety.
- 5.18 Policy CS18 seeks to conserve, protect and enhance Doncaster's air, water and land resources. Paragraph B recognises deliverable urban brown field sites. However, 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, mitigate any ground instability and enhance the quality of these resources.

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

- 5.20 Policy CF3 states that education facilities, as defined on the proposals maps, will normally be retained, developed or used for educational purposes
- 5.21 Policy CF4 states that should land or buildings in educational or community facilities use be declared surplus to requirements, proposals for their future alternative use will be acceptable where, amongst other things, no suitable alternative community use could be provided through re-use of all or part of the existing facility.
- 5.22 Policy PH11 allows for residential development in allocated residential areas except where there would be adverse effect on the amenity of neighbours or the development would be at a density or form that would be detrimental to the character of the area or result in an over-intensive development.

**5.23 Local Plan**

- 5.24 Paragraph 48 of the NPPF states that the LA 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). 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 for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:

- Substantial
- Moderate
- Limited

The Council sent out the notice of examination (regulation 24 stage) in August 2020 and the Local Plan is currently in examination, aiming to adopt as soon as practicable once the Inspectors report is published. The following policies would be appropriate for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:

- 5.25 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. Limited weight.
- 5.26 Policy 2 identifies the area as being within the main urban area. This areas will be the focus for substantial housing and commercial growth. Limited weight.
- 5.27 Policy 43 deals with the need for good urban design. Moderate weight.
- 5.28 Policy 45 seeks to ensure high standards of residential design. Moderate weight.
- 5.29 Policy 46 deals with housing design standards and at criterion a) makes reference to ensuring all new housing should meet the Nationally Described Space Standards. Limited weight.
- 5.30 Policy 49 concerns the landscaping of new developments. Limited weight.
- 5.31 Policies 55 and 56 deals with pollution and on site contamination. Limited weight.
- 5.32 Policy 57 requires the need for satisfactory drainage including the use of SuDS. Moderate weight.

### **5.33 Neighbourhood Plan**

- 5.34 There is no Neighbourhood Plan for this area.

### **5.35 Other material planning considerations**

- 5.36 Several Supplementary Planning Documents (SPDs) have been published, which are material considerations in the determination of planning applications.

*Development Guidance and Requirements SPD (July 2015)*

- 5.37 The SPD sets out the 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)*

5.38 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.

5.39 Other Council initiatives include:

- The Doncaster Green Infrastructure Strategy 2014 - 2028
- Doncaster's Economic Growth Plan 2013-18
- Doncaster's Borough Strategy 2014
- Doncaster Health and Wellbeing Strategy 2016- 2021
- Doncaster Growing Together

5.40 The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

## **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 a site notice, council website, newspaper advertisement and neighbour notification.

6.2 When the application was first publicised, seven objections were received, including from Cllrs Jones and Wilkinson, highlighting the following concerns:

- Noise and traffic
- No more takeaways
- There are too many shops in the area
- Lack of parking
- Risks to highway safety from the access
- Traffic generation
- Concerns with delivery area
- Refuse storage
- Anti-social behaviour
- Construction noise
- Density of the apartments
- Scale of the property

6.3 Following a redesign of the scheme, the application was re-advertised and nine representations were received, including further comment from initial objectors, offering the following comments:

- Noise and traffic
- Traffic generation
- Highway safety in relation to a nearby bus stop
- Littering
- Concern with food outlets
- Anti-social behaviour
- Appropriateness of the use

- Loss of light – No. 64
- Overlooking and loss of privacy
- Loss of visual amenity
- Air pollution
- Hazardous waste
- Smell/odour
- Loss of trees/vegetation on the site

6.4 Cllrs Glynn Jones and Sue Wilkinson have objected to the revised plans for the following reasons:

- Noise and disturbance to surrounding residents
- Lack of parking
- Concerns with highway safety
- Increase in traffic generation
- Lack of storage space for waste

## 7.0 Parish Council

7.1 There is no parish council.

## 7.2 Relevant Consultations

7.3 The application when first submitted in 2016 attracted objections from the Council's Highway Officer who had concerns with the amount of car parking for the proposal. Furthermore, the initial plans included a takeaway and therefore objections were received from the Council's Policy and Public Health teams respectively. The comments below are based on the amended plans following a redesign of the scheme in 2020.

7.4 **Highways Development Control** have raised no objections to the amended plans subject to conditions.

7.5 **Waste and Recycling Team** has no major concerns. The density of residential housing proposed alongside a number of commercial units does require a degree of consideration with respect to the separate storage of commercial and domestic waste receptacles, however, we are pleased to note the amended plans incorporate adequate provision.

7.6 **Environmental Health** have raised no objections subject to conditions.

7.7 **Design Officer** raises no major concerns. The development will make good use of a vacant site and the building will have no major negative impacts on adjacent residential properties in terms of overlooking. Whilst no open space is provided for the flats, there are several open spaces within close proximity.

7.8 **Policy Officer** notes the site lies within a residential area, therefore no objections are raised to the erection of the 10 flats over the two floors. Hexthorpe has no designated town, district or local centre however does have a neighbourhood shopping parade (small row of shops serving local needs). Generally, the vitality of these centres is diminishing given the high number of services closing or amalgamating with other stores and/or local services e.g. Post Offices and their services inside general stores and pharmacies within health centres etc. In



accordance with the NPPF, Core Strategy and the spirit of the new Local Plan it is to recognise that town centres are the heart of communities and policies will support their viability and vitality. Core Strategy Policy CS7 states that town centre uses will be located according to the retail hierarchy with Doncaster town centre been the preferred choice. I note and thank the applicants/agents for confirming that all of the units are now being proposed for Class A1 use, therefore, if there is a need for additional retailing within Hexthorpe and given the small scale of this development which is to serve the local area, policy CS7 (D & E) does support this approach and no objections are raised.

- 7.9 **South Yorkshire Architectural Liaison Officer** provided advice provided on meeting Secured by Design accreditation.
- 7.10 **Ecology Officer** has no objections on ecological grounds and no conditions. It is not a viable site ecologically as it is small, has poor habitats and is enclosed on all sides by roads or built development. There could be breeding birds and perhaps some small terrestrial mammals hence it would be a reasonable and precautionary measure to attach a breeding bird informative to give some level of protection under separate legislation.
- 7.11 **Pollution Control (Land) Officer** has no objections subject to condition.
- 7.12 **Internal Drainage Officer** has advised that insufficient information has been provided, however it is felt that suitable conditions can provide sufficient information on surface water disposal and connection to a foul sewer.
- 7.13 **National Grid** has not responded.
- 7.14 **Yorkshire Water** initially objected due to a public sewer which crosses the site. However, this objection was removed following clarification on the plans. No objection.
- 7.15 **Public Health** objected to the original proposal which included the provision of a takeaway. Informative advice has been provided in response to the revised proposal and no objections have been received.

## **8.0 Assessment**

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

- Principle of development;
- Design and layout and impact on character of area
- Highway safety and traffic
- Impact on residential amenity
- Other issues
- Overall planning balance

8.2 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

- 8.3 The proposed development would be contrary to the approach set out in Policy CF3 of the UDP which seeks to protect education facilities from alternative development proposals. That said, the education facility (Hexthorpe Primary School) which included this site has long since been demolished and the application site since has formed a parcel of land 'left over' after redevelopment. This is reflected in the site being allocated as residential policy area in the forthcoming Local Plan and acceptance of the proposal in principle by the Policy Officer.
- 8.4 Whilst the emerging Local Plan has completed consultation for its 'Regulation 19' Publication Stage it carries limited weight in planning decisions. However, it clearly shows the direction of travel towards future planning policy of the site and it would also be unreasonable to protect a site from development under an older policy which reflected the planning use of the site in 1998. Policy CF4 of the UDP allows for the disposal of former education or community land where no suitable alternative use could be provided through reuse of part or all of the site.
- 8.5 The site is well related and close to other services with a wide range of facilities being within a reasonable walking distance to the site, such as local shops and employment opportunities in Hexthorpe and access to green spaces. The site also has good public transport links and is well located in terms of walking or cycling to and from the town centre. The site can also provide valuable amenities to the provision of new residential development taking place to the north of the site.
- 8.6 Taking the above considerations into account; the principle of a mixed used development is acceptable. Although the site benefits from a 'protection' policy, government guidance is clear that substantial weight should be given towards utilising derelict land, especially given the site lies within a sustainable location and would help meet identified needs for housing and commercial opportunities.
- 8.7 Sustainability
- 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
- 8.8 There are three strands to sustainability, social, economic and environmental. 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.

## **8.9 SOCIAL SUSTAINABILITY**

### **Impact on Residential Amenity**

- 8.10 The properties most likely to be affected by the development are those which are sited opposite the site to the north on Shadyside and, to some extent, those which lie to the south west on Beaconsfield Road. Good practice guidance makes clear that new housing should not give rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of occupiers of existing properties. It is noted that an occupant of No. 64 Shadyside believes the building would be overbearing and have a detrimental impact on the levels of light and privacy to their property.
- 8.11 The building is substantial in size, measuring around 20.9 in width, 22.4m in depth with a height to a finished 2<sup>nd</sup> floor level of 6.4m and an overall height to ridge of 10.4m. Although the building is large, the application has been amended to allow a minimum separation of 21m at the closest point between the first floor facing windows of the development and the properties opposite the site to the north on Shadyside. The second storey of the building is set back 24m which is considered an acceptable level of amenity. It is also noted that the local area historically as much closer separation distances between the block grid terraces of around 11m between windows. Although this does not justify new development using historical building patterns, the levels of separation proposed by this application are considered suitable in this area and will not demonstrably affect levels of privacy.
- 8.12 Local and national policies consider the provision of external amenity space in new developments. The aim is also for residential occupiers to have access to at least a shared communal open space or balconies (as a minimum) for apartments. Given the constraints of overlooking to the north and west of the site by existing residential properties and the site otherwise being used for commercial development, it is not felt that on site provision of amenity space should be provided. In this case, two of the proposed apartments would have balcony space to the rear of the building and the rest would not. The main justification for accepting this is the close proximity of a public park on Urban Road some 300m from the site which would give access to external space for sitting out and recreation. The development otherwise would provide acceptable internal room standards with enough space to live, eat and relax. For these reasons, the proposal would generally provide adequate living standards. This approach has been accepted by the Design Officer.
- 8.13 The South Yorkshire Police Architectural Liaison Officer has been consulted and has no objection. There is no existing public use for the site and is a prominent, derelict location which has the potential to attract anti-social behaviour. The development would provide a permanent land use and would introduce natural surveillance and activity to the area.
- 8.14 The land use is not considered to be overly disruptive in this location and the Environmental Health Officer (noise) has no objection. Relevant conditions have been imposed to protect neighbouring properties at the construction stage of development.
- 8.15 In summary, it is not felt that any of these dwellings would lead to unreasonable levels of overlooking or would appear over dominant from the perspective of the neighbours. The standards of living for existing and future occupants is also

considered to be acceptable and the reuse of the site would discourage anti-social behaviour. This attracts neutral weight in the overall planning balance.

## **8.16 ENVIRONMENTAL SUSTAINABILITY**

### **Design and impact upon the character of the area**

- 8.17 The proposal is considered a well-designed infill scheme, which makes good use of an underutilised and sustainably located back land site despite a number of technical constraints.
- 8.18 The proposed external material include brick as the main facing material for the external walls and zinc cladding for the roof. Grey coloured windows and doors, black fascia and soffit boards will enhance the building, with red brick giving a nod to the surrounding area yet overall modern appearance. The building is interesting and well detailed which creates a characterful infill development.
- 8.18 In summary, the scheme would present an enhancement to the architectural character of the area in design terms and the development would comply with Policy CS14 of the Core Strategy. In this regard, the design aspirations of the development result in moderate weight being applied in favour of the application.

### **Impact upon Highway Safety**

- 8.19 There have been objections from members of the public and Council Members in relation to the implications of the proposal on parking and highway safety. However, the Council's Highways Development Control Officer has assessed the proposal in terms of its impact on highway safety and has fully considered the proposed layout in terms of its quality accessibility and legibility. The development would provide sufficient parking for each of the one bed apartments, along with a suitable transitory parking for visitors to the small commercial units. The new access and egress would have suitable levels of visibility and the existing access closer to the bender would be closed and reinstated as pavement. Suitable conditions would be imposed to provide the best possible visibility as well as retaining sufficient levels of parking on site.
- 8.20 Objectors have raised concerns with the potential impact for traffic generation. The proposal would benefit from being located within a sustainable location and the size of the commercial units would cater towards providing local provision which would encourage walking and cycling to the site. It is not felt that the cumulative impact of trip generation from shoppers or the coming and goings of the residential occupants would lead to a severe impact.
- 8.21 There are no recorded Public Rights of Way affected by the development.
- 8.22 It is considered that the proposal will have no adverse impact on the highway and that the proposal accords with Policy CS14 of the Core Strategy. The compliance with this policy attracts neutral weight in the overall planning balance.

### **Ecology**

- 8.23 The site is overgrown with birch saplings which inhibit most other vegetation from taking hold. The Ecology Officer agrees it is not a viable site ecologically as it has poor habitats and is enclosed on all sides by roads or built development. There are

no objections on ecological grounds and the development complies with Policy CS16 of the Core Strategy which seeks to protect and enhance Doncaster's natural environment. The compliance with this policy attracts neutral weight in the overall planning balance.

### **Flooding and Drainage**

- 8.24 There is a public foul sewer crossing the western section of the site and Yorkshire Water are satisfied that the development can provide an acceptable connection. Surface water is proposed to be discharged within the site and suitable conditions proposed by Yorkshire Water are imposed. The development can take a proactive approach towards the management of flood risk and drainage in accordance with Policy CS4 of the Core Strategy. The compliance with this policy attracts neutral weight in the overall planning balance.

### **Air quality**

- 8.25 No objections have been raised from the Council's Air Quality Officer with regards to the proposal creating any significant air pollution. The site lies within a sustainable location with good access to public transport. The development also provides better linkages to adjacent sites to encourage occupants and visitors to walk or cycle. Slow charging electric vehicle charging points will be reserved by condition. The application therefore accords with policy CS18 of the Core Strategy. The compliance with this policy attracts neutral weight in the overall planning balance.

### **Energy Efficiency**

- 8.26 Policy CS 14 (C) requires proposals to meet or exceed the following minimum standards (1) all new housing must meet all criteria to achieve Code for Sustainable Homes of at least Level 3 and (2) all new development must secure at least 10% of their total regulated energy from decentralised and renewable or low carbon resources. This is included within the legislative requirements under the Building Regulations and attracts neutral weight. The commercial units will be in accordance with the required standards.

### **8.27 Conclusion on Environmental Issues**

- 8.28 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition.

### **8.29 ECONOMIC SUSTAINABILITY**

- 8.30 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time.

- 8.31 After the development is completed, additional housing will increase spending within the Borough which is of further economic benefit in the long term. Providing amenities to existing and future residents of Hexthorpe will boost local economic growth and minimise the need to travel wider within Doncaster or outside the Borough.

### 8.32 Conclusion on Economy Issues

- 8.36 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.
- 8.37 Whilst the economic benefit of the proposal is relatively modest overall, it is nevertheless an appropriate development in the right location. The reuse of this site will result in a boost to the economy whilst providing small scale units for residents to live and work locally. For these reasons, the proposal receives moderate weight in favour of the development.

### 9.0 PLANNING BALANCE & CONCLUSION

- 9.1 In accordance with Paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development. The proposal will redevelop a vacant site for a mixed used development which will enhance the appearance of the site and provide housing and employment opportunities. The proposal is compliant with the development plan as a whole and there are no material considerations which indicate the application should be refused.

### 10.0 RECOMMENDATION

- 10.1 Planning Permission **GRANTED** subject to following conditions:

#### Conditions / Reasons

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:  
  
Dwg. Ref. Shadyside005 Block Plan received 15 June 2020  
Dwg. Ref. Shadyside001 Ground floor plan received 15 June 2020  
Dwg. Ref. Shadyside002 Second floor plan received 15 June 2020  
Dwg. Ref. Shadyside003 First floor plan received 15 June 2020  
Dwg. Ref. Shadyside004 First floor plan received 15 June 2020  
Dwg. Ref. Shadyside005 Elevations received 15 June 2020  
Dwg. Ref. Shadyside006 Elevations received 15 June 2020  
  
REASON  
To ensure that the development is carried out in accordance with the application as approved.

03.

No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

a) The Phase 1 desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.

c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

d) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which has not previously been identified, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report

together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment pursuant to the National Planning Policy Framework.

This has to be prior to commencement so that any risks are assessed before works begin to the ground whether this be demolition works or construction works and remediation in place before works begin.

04. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

05. Prior to the first use of the development hereby approved, a soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a soft landscape plan; a schedule providing details of the species, nursery stock specification and planting distances of shrubs; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented within the next planting season in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

Reason:

To soften the appearance of the development in accordance with Policies CS14 and CS16 of the Core Strategy.

06. Before the first occupation of any part of the unit on site, details of the vehicular access, parking and turning area for the site and how it is surfaced, drained and where necessary marked out shall be approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall remain available for access for the lifetime of the development.

REASON



To ensure adequate parking, delivery and turning provision in the interests of public safety as required by Policy CS14 of the Core Strategy.

07. The hours of opening of all commercial units shall be limited to:

Monday to Thursday 08:00am to 21:00pm  
Friday and Saturday 08:00am to 22:00pm  
Closed Sunday and Bank Holidays

REASON

To safeguard residential amenity in accordance with Policy CS14 of the Core Strategy.

08. Before the first use of each respective commercial unit hereby approved, details of the bin store/refuse provision for that unit 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 there is adequate provision for the storage and collection of waste from the site in accordance with Policy CS14 of the Core Strategy.

09. 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 development shall take place until details of external lighting have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed prior to the first use of the building so as to prevent glare and dis-amenity to neighbouring properties, in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the local planning authority.

REASON

To ensure that the proposed lighting scheme safeguards the character of the area and the living conditions of neighbouring residents in accordance with Policy CS14 of the Core Strategy.

11. Prior to the installation of any related equipment, details of any extraction/ventilation system to control the emission of cooking smells and fumes so as to prevent any odour dis-amenity to nearby residents shall be submitted to and approved by the local planning authority in writing. The approved scheme shall be installed and be fully operational when the use commences. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. The system shall be so designed as to

ensure that noise from its operation does not cause noise dis-amenity to nearby residents. This shall also include an acoustic assessment (BS414: 2014) so as to ensure that the rating level of all equipment is no louder than the measured background noise level at the most noise sensitive times that the equipment will be used.

REASON

To safeguard residential amenity in accordance with Policy CS14 of the Core Strategy.

12. The development shall not be begun until a scheme for sound insulation, so as to ensure a minimum airborne sound insulation value,  $D_{nT,w} + C_{tr}$ , of at least 60dB to all separating ceilings/floors between the commercial units and flats above, has been submitted to and approved in writing by the Local Planning Authority and all works which form part of the scheme shall be completed and brought into use before any of the dwellings are occupied.

REASON

To safeguard the amenity of the proposed dwellings from the noise levels which exist on the site in accordance with Policy CS14 of the Core Strategy.

13. No loading or unloading of vehicles at the commercial units, including waste collections shall take place on the site except between the hours of 07:00 and 21:00 on Monday to Friday and 08:00 and 16:00 on Saturdays and not at any time on Sundays or Bank Holidays.

REASON

To safeguard residential amenity in accordance with Policy CS14 of the Core Strategy.

14. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall be clearly shown to allocate spaces for each of the residential units in accordance with a scheme to be approved in writing by the local planning authority. The parking shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site in accordance with Policy CS14 of the Core Strategy.

15. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

REASON

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard in accordance with Policy CS14 of the Core Strategy.

16. Before the first occupation of any part of the unit on site, details of how the existing access is closed and made good shall be approved in

writing by the local planning authority. The access shall be closed in accordance with the approved details prior to the first use of the site.

REASON

In the interests of public safety as required by Policy CS14 of the Core Strategy.

17. Demolition or construction works shall not take place outside 07:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 16:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.

REASON

To safeguard residential amenity in accordance with Policy CS14 of the Core Strategy.

18. No building or other obstruction including landscape features shall be located over or within 3 (three) metres is required from the 300mm and 225mm diameter sewer centre-line. A stand-off distance of 5 (five) metres is required from the 1050mm diameter sewer centre-line either side of the centre line of the sewers i.e. a protected strip width of 6 & 10 metres. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker (In order to allow sufficient access for maintenance and repair work at all times).

REASON

To protect utilities on site in accordance with Policy CS14 of the Core Strategy.

19. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings hereby permitted, including a timescale for implementation, 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 all new housing and commercial developments provide connectivity to the fastest technically available Broadband network in line with the NPPF (para. 112) and Policy 22 of the Doncaster Local Plan.

20. Prior to the occupation of any of the commercial units, details of electric vehicle charging provision for 1 space shall be submitted to and approved in writing by the local planning authority. The commercial units shall not be occupied until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

REASON

To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with policies CS9 and CS18 of the Doncaster Council Core Strategy.

21. Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

**REASON**

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

22. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

**REASON**

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

## **Informatives**

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](http://www.gov.uk/government/organisations/the-coal-authority)

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

02. **INFORMATIVE**

Birds may be nesting in trees and shrubs on the site. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb nesting birds, and vegetation removal or disturbance should be timed therefore to avoid the nesting season (March to August inclusive).

03. **INFORMATIVE**

The applicant's attention is drawn to the advice of Yorkshire Water dated 21 July 2016 which is shown on Doncaster's Public Access website.

04.           INFORMATIVE  
Adequate provision for the storage and collection of waste and recycling is essential for both domestic and commercial premises, lawful arrangements should be in place prior to the occupation of any property. The applicant should contact [waste&recycling@doncaster.gov.uk](mailto:waste&recycling@doncaster.gov.uk) prior to occupation to discuss the provision and siting of suitable bins and setting up a collection service.
05.           INFORMATIVE  
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
06.           INFORMATIVE  
Prior to preparing any reports in support of conditions relating to land contamination, the applicant is strongly advised to refer to the document entitled Development on land affected by contamination. Technical Guidance for Developers, Landowners and Consultants. Yorkshire and Humberside Pollution Advisory Council.
- The document can be found at the following web address:
- <http://www.doncaster.gov.uk/services/environmental/developing-on-contaminated-land>
- Or alternatively you can request a paper copy from the LPA.
07.           INFORMATIVE  
The permission hereby granted shall not relate to the display of any advertisement for which express consent is required. Separate consent under the Town & Country Planning (Control of Advertisements) Regulations 2007 (as amended) is required.

## Justification

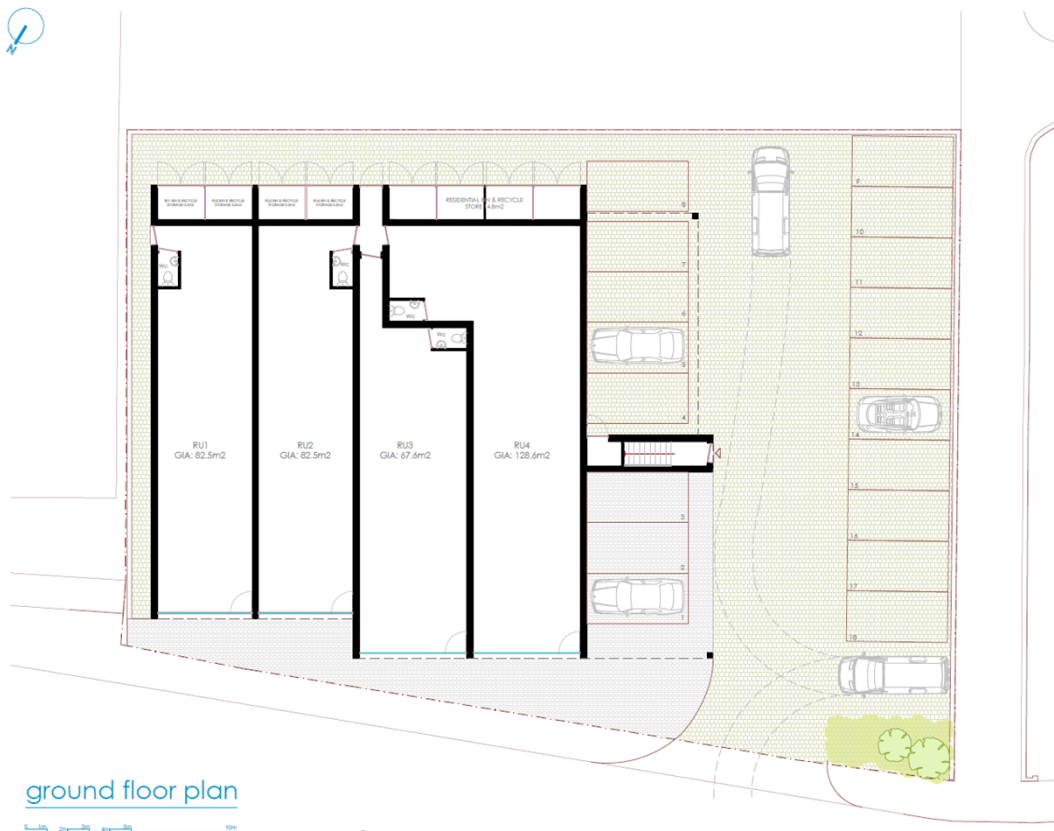
**Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's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

# Appendices

## Appendix A – Site Plan (not to scale)



## Appendix B – Ground Floor Plan (not to scale)



## Appendix C – First Floor Plan (not to scale)



first floor plan



## Appendix D – Second Floor Plan (not to scale)



second floor plan



# Appendix E – Elevations Plan (not to scale)

