

Application	4.
--------------------	----

Application Number:	20/02578/FUL
----------------------------	--------------

Application Type:	Planning FULL
--------------------------	---------------

Proposal Description:	Erection of detached dwelling and detached garage.
At:	Land off Minneymoor Lane, Conisbrough

For:	Rural Estates
-------------	---------------

Third Party Reps:	3 letters of Objections	Parish:	N/A
		Ward:	Conisbrough

Author of Report:	Jessica Duffield
--------------------------	------------------

SUMMARY

The application relates to the full planning permission for one detached dwelling situated off Minneymoor Lane.

The site was historically an overgrown wooded area, covered by trees and shrubbery, which was known to be a former nursery. The site was cleared and levelled following the granting of planning permission to develop the site for 2 detached dwellings in March 2015 (15/00062/FUL).

Two dwellings have since been developed towards the rear of the site, with the subject application relating to the most northern front parcel, which overlooks Minneymoor Lane. The application site was used as a site compound for the development of the now completed dwellings.

The previous application included Grampian conditions relating to improvements to the road surface/standard of Minneymoor Lane.

The proposed dwelling is a dormer style, 3 bedroom bungalow which will face towards the highway, with a detached double garage. The proposed dwelling will be accessed utilising the private drive which was created for the rear 2 properties.

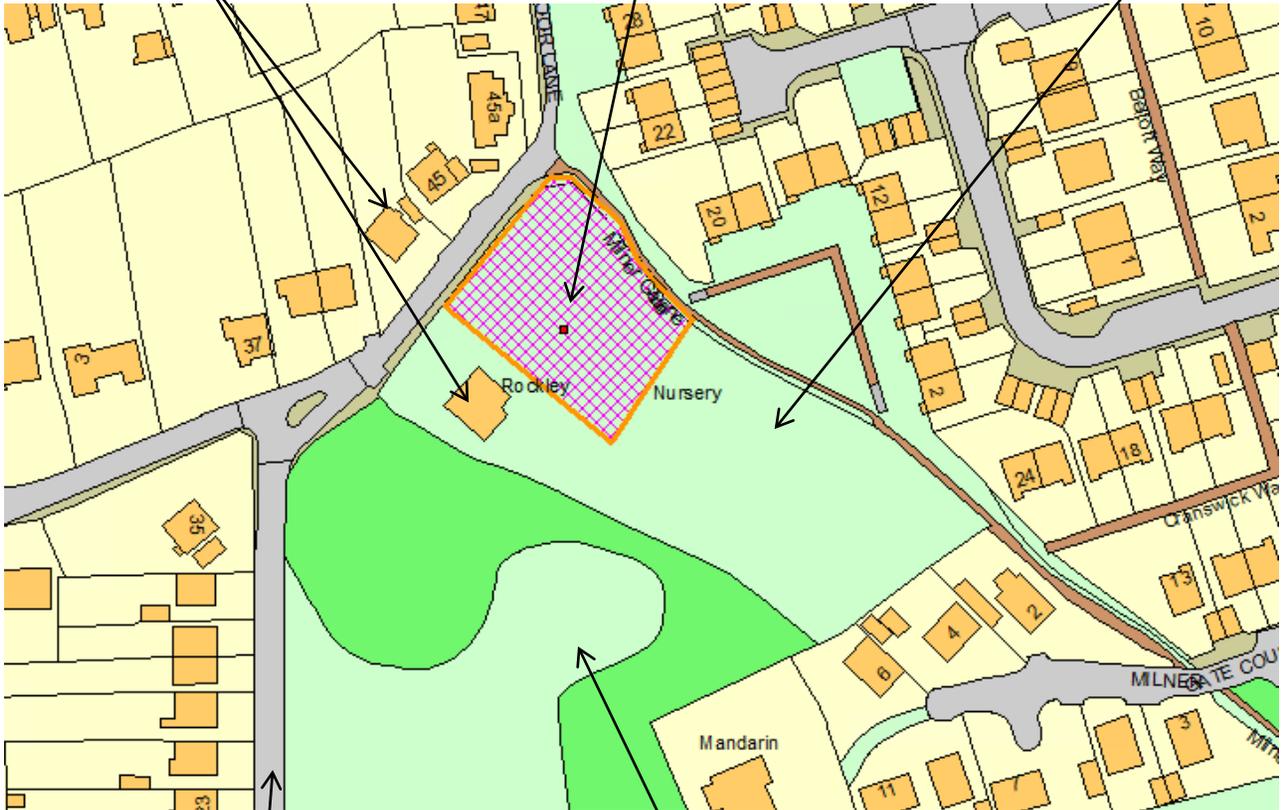
The application is being presented at Planning Committee as it was called in by Cllr Nigel Ball.

RECOMMENDATION: GRANT planning permission subject to conditions

Existing Residential Properties

Application Site

Land to rear developed to provide 2 detached dwellings (15/00062/FUL)



Minneymoore Lane
- leading to A630

Minney Moor Recreation Ground-
designated as Open Space in
Emerging Local Plan

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee because it was called in by Cllr Nigel Ball due to concerns regarding trees; impact on Mill Piece and reduction in privacy and light to neighbours.

2.0 Proposal

- 2.1 Full Planning Permission is sought for the erection of one dwelling, with detached double garage. The proposal is a dormer style bungalow with front facing gable ends and enclosed private garden to the side and rear.
- 2.2 The property will be accessed off a private drive which runs along the western boundary of the site. This access currently serves the recently completed dwellings to the rear.
- 2.3 The property itself will provide 3 bedrooms, all of which will be at the first floor level in the roof space. A dormer bungalow has been proposed to respond to the change in levels across the site. The ridge height of the proposed dwelling is in-line with the single storey bungalow adjacent.
- 2.4 The property will be finished in red brick, tiled roof and white upvc windows and doors with stone cill features.

3.0 Site Description

- 3.1 The application site is currently vacant and cleared. The site is surrounded by residential development in all immediate directions. 2x two-storey detached properties were recently erected to the rear of the application site, with a private drive installed along the eastern boundary of the site.
- 3.2 A detached bungalow is located to the immediate west of the application site. Due to the change in levels, this property is at an elevated level in comparison to the properties on the northern side of Minneymoor Lane. A traditional stone wall defines the front boundary of this property.
- 3.3 There is no obvious scale or design of properties along Minneymoor Lane, however all the properties within close proximity to the site are primarily built from red brick and are slightly set back from the highway. Further along the road, there are a small number of properties built in a 1970s style.
- 3.4 Minneymoor Lane itself is relatively narrow, with parts towards Windgate Hill being single track. Parts of the road have undergone improvement works as per the conditions attached to the previous consent.
- 3.5 A large open space, consisting of grassland and parcels of woodland (known as Minney Moor Recreation Ground) is located to the west of the site. This parkland is designated in the Emerging Local Plan as being protected open space. Residential properties then overlook this park from a western direction.
- 3.6 The site is in Flood Zone 1 as defined by the Environment Agency's Flood Maps, and is therefore at low risk of flooding.

4.0 Relevant Planning History

4.1 Planning History for the site as follows:

Application Reference	Proposal	Decision
15/00062/FUL	Erection of two detached houses and detached garages on approx. 0.36ha of land	Granted- 10/3/2015
11/02093/FUL	Erection of 2 detached dwellings with garages on approx 0.36ha of land	Granted – 28/10/2011 Not implemented and expired.
97/1214/P	Outline application for residential development on 0.34ha of land.	Refused- 2/6/1997 Refused on highways grounds- 'The proposal, to be served from a local highway network lacking in design, width, pedestrian facilities, and with inadequate street lighting, drainage and running surface, is considered detrimental to highway safety and, if approved, would exacerbate an already unsatisfactory highway situation'

5.0 Site Allocation

5.1 The site is allocated as Residential Policy Area as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).

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. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

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 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.6 Paragraphs 54 – 56 of the NPPF set out the requirements for a local planning authority's use of conditions and obligations when considering whether an otherwise unacceptable development could be made acceptable. Imposing conditions should only be used where; they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms, (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 5.7 Paragraphs 59-64 of the NPPF seeks to deliver a sufficient supply of homes that meets the needs of groups with specific housing requirements and that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 5.8 Paragraph 68 states that small sized sites can make an important contribution to meeting the housing requirement of an area.
- 5.9 Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.10 Core Strategy 2011 – 2028
- 5.11 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 5.12 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:
- 5.13 Policy CS1 relates to the quality of accommodation and development within Doncaster. It makes it clear that development must protect local amenity, as well as

being well-designed; fit for purpose and capable of achieving the nationally recognised design standards

5.14 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.

5.15 Policy CS16 relates to the natural environment stating proposals should both protect and enhance.

5.16 Policy CS2 defines Conisbrough as a Principal Town, which will be focus for growth and regeneration.

5.17 Saved Unitary Development Plan Policies (Adopted 1998)

5.18 Policy PH11 states that within Residential Policy Areas development for housing will normally permitted subject to the density and form being appropriate to the character of the area, the effects of the development on the amenities of occupiers of neighbouring properties.

5.19 Policy ENV53 relates to the design of new buildings and states that the scale and appearance of new development must have regard to its wider visual impact.

5.20 Local Plan

5.21 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

5.22 The Council has now carried out its examination in public (Regulation 24 stage) and is aiming to adopt the Local Plan by summer 2021. 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:

5.23 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is afforded limited weight as there are outstanding unresolved objections.

- 5.24 Policy 11 relates to Residential Policy Area, stating that development will be supported which provides an acceptable level of residential amenity for both new and existing residents; protects and enhances the qualities of the existing area and meets other development plan policies such as design and flood risk. This policy can be afforded substantial weight.
- 5.25 Policy 43 deals with the need for good urban design. This policy can now be applied with moderate weight.
- 5.26 Policy 45 relates to residential design and states that proposals for housing will be supported where they respond positively to the context and character of existing areas. This policy can now be afforded with moderate weight.
- 5.27 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum. This policy can be applied limited weight due to outstanding objections.

5.28 Neighbourhood Plan

- 5.29 There is no Neighbourhood Plan for this area.

5.30 Other Material Planning Considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- Residential Backland and Infill Development (2010)
- National Planning Policy Guidance
- South Yorkshire Residential Design Guide (SYRDG)

6.0 Representations

- 6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 by way of site notice and direct neighbour notification letters.
- 6.2 3 representations in objection have been received in response to the application publicity. These are summarised below:
- 6.3 Representation 1 – Concerns regarding operational/construction working hours of the previous application approved at the site. Builders caused disturbance by working late/ burning materials/bad language etc. Concerned that the building of this dwelling will cause further nuisance.
- 6.4 Representation 2- Applicant has not complied with conditions of previous application is respect of maintaining the hedgerow between Milnergate Lane and Orchard Court.
- 6.5 Representation 3- Reduction in light at properties to north of Minneymoore Lane; overlooking and loss of privacy; concerns regarding the quality of improvements to the road; inconsiderate construction hours/site un-kept during development of properties to the rear.

- 6.6 With regards to construction traffic, this is often a concern for local residents on new schemes. There is always an element of disturbance and sometimes obstruction when new houses are being built. The Local Planning Authority would not restrict development because of construction traffic for such a small scale development. In addition, Minneymoor Lane is already used for delivery vehicles, dustbin lorries and traffic from houses, so this traffic would cause more harm to the road than short term construction traffic. It would therefore be the responsibility of the driver and developer to ensure they access the site in a safe manner.
- 6.7 In terms of the inconsiderate operational hours/bad language etc which has caused disturbance during the construction of the two dwellings to the rear, this is considered to be a civil matter rather than a material planning consideration and thus is not a reason to refuse planning permission at this site. Similarly, in regards to conditions relating to the previous consent, the condition referred to relates to land outside of this application's red line boundary and therefore is not a reason to refuse planning permission.
- 6.8 The concerns raised in Representation 3 in regards to impact upon amenity will be addressed in the appraisal section below.

7.0 Parish Council

- 7.1 No Parish Council.

8.0 Relevant Consultations

- 8.1 **Ramblers Association** – No response.
- 8.2 **Footpaths** - No response.
- 8.3 **Environment Agency**– No response (not in Flood Zone).
- 8.4 **Highways**- requested further photos in relation to the standard of works undertaken on Minneymoor Lane in regards to the condition on the previous permission. Grampian Condition proposed to ensure that works are completed prior to occupation of the proposed dwelling. Condition proposed relating to the property driveway. Access via the adjacent private drive acceptable.
- 8.5 **Internal Drainage**- No objection, conditions proposed.
- 8.6 **Pollution Control**- Screening form provided but given previous historic uses conditions regarding ground investigations proposed.
- 8.7 **Tree Officer**- No objection, conditions proposed
- 8.8 **Yorkshire Water**- No response
- 8.9 **National Grid**- No response
- 8.10 **Coal Authority**- No response.

9.0 Assessment

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

- Principle of Development
- Sustainability
- Impact upon Residential Amenity
- Design and Impact upon Character of Area
- Highways
- Flooding
- Trees

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 application site is within the Residential Policy Area (RPA) and as such Doncaster UDP Policy PH 11 states that residential development will normally be permitted where there is no harmful impact upon amenity; and that the form and scale of development is acceptable.

9.4 Emerging Policy 11, which can be afforded substantial weight, also reinforces similar principles, stating that proposals should protect and enhance the qualities of the existing area.

9.5 The proposal looks to erect one detached dwelling on an otherwise vacant parcel of land, surrounded by residential development.

9.6 The principle of development is therefore suitable at the application site, subject to the considerations as addressed below.

9.7 Sustainability

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

9.9 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that 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.

9.10 SOCIAL SUSTAINABILITY

9.11 Impact Upon Residential Amenity

9.12 Policy CS 14 (A) of the Core Strategy states that 'new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment' and paragraph 127 (f) of the National Planning Policy Framework states that planning decision should create places that have a high standards of amenity for existing and future users . The SPD Development Guidance and Requirements states in section 2.5 that '*new housing should not give rise to adverse amenity issues, particularly with respect to overshadowing, privacy and overlooking of existing occupiers*'.

9.13 Potential impact upon residential amenity, particularly in terms of overlooking/privacy and overshadowing have been raised as a concern in Representation 3.

9.14 In response to the concerns raised, the agent has provided additional plans to demonstrate how any potential impact which the development may cause has been mitigated. The property most likely to be impacted by overlooking would be the existing property at No. 43 Minneymoore Lane and thus has been shown on the section plan.

9.15 The Doncaster Development Guidance and Requirements SPD sets out that in order to ensure there is no harmful overlooking, there must be a separation distance of at least 21m, where habitable rooms directly face each other. As shown on the section plan and site plan, the front elevations of the proposed dwelling and existing property at No. 43 has a separation distance of at least 23m, exceeding the guidance set out in the SPD.

9.16 Due to the changes in the ground levels, the proposed property is at a higher finished floor level than the existing properties at No. 43 and No. 45 Minneymoore Lane. As shown clearer on the street section plan, the front gable window, which serves bedroom 3 at the proposed dwelling, directly faces the roof of the adjacent properties rather than habitable windows. The other first floor windows on the proposed property would serve the landing and en-suite bathroom and thus are not main habitable rooms.

9.17 The proposed detached garage has been positioned to the front of the dwelling. Whilst the garage is only single storey, its pitched roof design also provides a form of screening between the proposed dwelling and the existing properties to the north.

9.18 Given the reasons set out above, it is not considered that the proposal will cause harmful overlooking upon the existing properties to the north of Minneymoore Lane, or impose on privacy. The position and design of the proposed dwelling means that there would be no direct overlooking of habitable rooms and exceeds the separation distance as set out in the SPD Guidance.

9.19 In terms of the properties to the rear of the application site, the separation distance between the closest points is over 27m. The dwelling to the rear is positioned at a diagonal angle. Given the substantial distance between these properties and the fact that no direct windows are facing, the proposal will not cause harmful overlooking on those dwellings to the rear.

- 9.20 Though the proposal is set at a slightly higher ground level than those existing properties opposite, given the separation distance between these dwellings, it is not considered that harmful overshadowing will be caused. The proposed dwelling has been designed as a dormer bungalow, with the same ridge height as the adjacent property. Thus no additional overshadowing over and above what is caused by the existing bungalow adjacent will be caused.
- 9.21 The application site was historically covered in dense woodland, with large shrubbery defining the northern boundary of the site. The width of Minneymoore Lane has been increased and thus the proposal set further back from the highway than the original boundary. Whilst it is recognised that the separation distance between the proposed garage and the front elevation of No. 43 is approximately 14m, the single storey design of the garage means that any overshadowing caused by this building would be limited.
- 9.22 It is not considered that the proposal would cause any additional overshadowing in comparison to the former use of the site and overall is more likely to be an improvement. (This is shown clearer in the photos in Appendix 3).
- 9.23 The design and scale of the proposed development has carefully considered the setting of the surrounding properties to ensure that the dwelling does not appear overly tall or overbearing in comparison to the adjacent dwellings. The proposed dwelling has the same ridge height to the adjacent property at Rockley (shown as No. 49 Minneymoore Lane) which is only single storey. Thus, the proposed dwelling would cause no further overshadowing or overbearing appearance than the existing adjacent property.
- 9.24 Considering all of the above, the proposed dwelling is in accordance with the guidance set out in the relevant SPDs in terms of both overlooking and overshadowing, and thus will not harmfully impact existing residential amenity.
- 9.25 In terms of the residential amenity of future occupiers, this is also acceptable and accords with the SPD. The proposed dwelling will provide a large private rear garden exceeding 277sqm, which is over 4x larger than the minimum standard set out in the SPD for a 3 bedroom dwelling.
- 9.26 All the internal bedrooms exceed the space standards set out in the adopted South Yorkshire Residential Design Guide.
- 9.27 In conclusion, the proposed development would not result in a harmful impact upon either the existing or future residential amenity. Therefore the application is in accordance with Policy CS14 and PH11(B) and carries significant weight.

9.28 Conclusion on Social Impacts.

- 9.29 Paragraph 8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 9.30 The proposed development will provide a suitably sized dwelling on an otherwise vacant site, within an established residential area. The application site is

surrounded by residential properties in all directions and thus is suitable for the proposed development.

- 9.31 The proposal would not adversely affect neighbouring residential properties through excessive overlooking or loss of privacy. Although representations have been received referring to potential impacts, plans have been provided to address these concerns and clearly demonstrate that amenity would not be impacted. The proposal accords with all the relevant guidance as set out in the adopted SPDs, as well as the Policy CS14 and PH11(B). Thus the proposal weighs positively in terms social impacts and carries significant weight.

9.32 ENVIRONMENTAL SUSTAINABILITY

9.33 Design and impact upon the character of area.

- 9.34 As set out in Paragraph 3.3, there is no definitive or obvious form of dwelling design along this section Minneymoor Lane. Though all the properties are built from red brick, red/dark roofs and white window frames.

- 9.35 The proposed development will reflect these design features. The property is to be built from red brick (Hoskins Flemish Antique) with a dark grey roof. The windows will be UPVC sliding sash style with stone cills features.

- 9.36 The front boundary of the development will be defined by a beech hedgerow, which has already been installed and will be maintained so that it does not exceed 1m in height. This boundary treatment reflects the original use of the site and provides a natural boundary treatment. The rear garden will be defined by a 1.8m fence.

- 9.37 The design of the proposed dwelling reflects the character of the existing residential area, being set back from the highway and utilising similar materials to both the newly developed dwellings to the rear and those traditional style properties opposite. The proposed appearance and design is in accordance with adopted Policy CS14 and Policy PH 11 (A).

9.38 Highways

- 9.39 The proposed dwelling will be accessed off the private drive which runs to the west of the application site. This private drive was originally installed as part of the previous application and currently serves the two dwellings to the rear.

- 9.40 Historical applications at the site were resisted due to highways concerns. An application in 1997 was refused based on insufficient highway access- particularly relating to the poor condition of Minneymoor lane. This application did however relate to a total of 6 houses.

- 9.41 During the consultation period for both the 2011 and 2015 application, local residents raised concerns relating to the substandard condition of Minneymoor Lane and the fact that additional dwellings (particularly construction traffic) would worsen the condition of the road. Prior to application ref: 11/02093/FUL being granted, Highways DC advised that a development of 2 houses at the site would be supported at the application site as the impact upon the road was considered to be negligible.

9.42 Application ref: 15/00062/FUL (the implemented scheme to the rear) included various conditions relating to the highways improvement. This included the widening of the private drive; provision of bin store and the drive being built so that it can withstand a 12.4 tonne axle load.

9.41 A Grampian Condition, (which is a planning condition that is attached to a decision notice that prevents the start of a development until off-site works have been completed on land not controlled by the applicant), was also attached to a previous planning permission relating to improvements of Minneymoor Lane. It is understood that these works have been partially completed, with the applicant expecting to apply the final tarmac once services for the proposed dwelling have been installed (should permission be granted).

9.42 The Highways DC Officer has reviewed the application submission and requested further photographs of Minneymoor Lane. The addition of one dwelling is not considered to substantially increase the number of traffic movements along Minneymoor Lane/the private drive to the east and therefore there is no objection to the development.

9.43 In terms of the condition of Minneymoor Lane, a Grampian Condition has been proposed in relation to applying the final surfacing. This is to be completed, with evidence to be provided, prior to occupation of the proposed dwelling.

9.44 All surfacing of the proposed driveway to the front of the dwelling is also to be completed prior to occupation.

9.47 Flooding

9.48 The application site is in Flood Zone 1 and thus of low probability of river flooding. On the Government's Surface Water Flooding map, the site is also shown to be in the low risk category- which is the same category as the site to the rear which has recently been developed. Though Cllr Pearson has outlined a series of queries prior to Planning Committee regarding potential underground streams and flood risk.

9.49 The agent has confirmed that there is no record of underground streams or evidence of the application site flooding historically. A Phase 1 Desktop Study was undertaken to support the previous application, which did not identify any site specific ground water issues. Similarly, no ground water issues were encountered during foundation/groundworks when erecting the dwellings to the rear.

9.50 The Environment Agency have been consulted on the application, however given that the site is in FZ1, no further comments have been received. Our Internal Drainage team have also reviewed the application and have proposed the relevant condition.

9.51 Given the scale of the development and the fact that the site is in FZ1, it is not considered that the proposed development would increase the flood risk upon either the site or the surrounding properties.

9.52 Trees

9.53 Cllr Pearson also raised a query regarding the felling of trees. The proposed development does not include the further removal of any trees, with the site being previously cleared prior to the development of the dwellings to the rear.

9.54 New planting has already been installed along the front boundary of the site, as part of the previously approved development. The proposal includes installing 3 new trees in the rear garden of the proposed dwelling.

9.55 The Tree Officer has reviewed the proposal and has no objection subject to the conditions proposed which relate to the protection of existing trees.

9.56 Cllr Ball outlined that the development could have a potential impact upon the Mill Piece, which is a wooded area accessed off Low Road, Conisbrough. This wooded parkland is over 300m from the application site, with existing high density housing located between the application site and the parkland. As such it is not considered that the development of one dwelling on Minneymoor Lane would impact this woodland.

9.57 Contaminated Land

9.58 Core Strategy Policy CS 18 (B) states that where there are any risks to ground conditions arising from contamination or previous land uses are identified, proposals will need to incorporate measures to prevent, control and mitigate any ground instability.

9.59 The Contaminated Land team have been consulted on the application and have identified that historic maps show the application site is located on a nursery near a quarry so there is a strong possibility that contaminants remain on the site. Therefore the screening assessment could not be acceptable and a number of conditions are proposed relating to further ground investigations to be carried out.

9.60 **Conclusion on Environmental Issues**

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

9.62 The application proposal is not considered to harmfully impact the environment or surrounding uses. The site is small in scale, and is situated within an existing built-up area. The proposal will not result in further loss of trees or impact the flood risk at the site. The Highways DC Officer considers that the proposed highways/access arrangements are acceptable subject to the proposed conditions.

9.63 The application is not in a Conservation Area, thus there being no impact upon any Heritage assets. The proposed materials and design is suitable and reflect the character of the surrounding development. The proposal does not detrimentally affect the surrounding environment. This weights moderately in favour of the application.

9.64 ECONOMIC SUSTAINABILITY

- 9.65 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesman connected with the build of the project.
- 9.66 On the wider level, the provision of one additional dwelling will make a limited contribution to housing supply and local spending.

9.67 Conclusion on Economy Issues

- 9.68 Paragraph 8 (a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.69 Whilst the economic benefit of the proposal is of limited benefit, it does not harm the wider economy of the Borough and for the reason weighs in favour of the development.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified that both socially and environmentally the application weighs in positive favour, while no adverse economic harm, that would significantly or demonstrably outweigh the benefits outlined, has been identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the adopted development plan and adopted policies and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

11.1 GRANT planning permission subject to conditions:

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 shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:
Proposed Site Section and Street Elevation, Drawing No: 03, Rev 00, Received 14/1/2021
Proposed Plans and Elevations, Drawing No: 01, Rev 04, Received 19/1/2021

Proposed Site Plan and Garage Plans (includes Highways Details),
Drawing No: 02, Rev 02, Received 19/1/2021

REASON

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

3. Prior to occupation of the approved dwelling, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

4. Notwithstanding the approved plan, prior to commencement of development a scheme shall be submitted to the local planning authority for approval that includes the details of the materials to be used for the surfacing, draining and where necessary, markings on Minneymoore Lane. This shall be implemented in accordance with the agreed plan (Proposed Site Plan and Garage Plans (includes Highways Details), Drawing No: 02, Rev 02, Received 19/1/2021) prior to the commencement of development of the dwellings.

REASON

In the interests of Highway safety

5. Prior to the occupation of the approved dwelling, the improvements to Minneymoore Lane, including the surfacing, drainage and where necessary the markings as shown on the approved plan shall be implemented, with evidence to be submitted and approved in writing by the Local Planning Authority.

REASON

To ensure the associated improvements to Minneymoore Lane are implemented so they can accommodate traffic for the new dwellings.

6. 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.

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.

7. Prior to commencement of development a contaminated land assessment and associated remedial strategy, together with a timetable of works, are submitted to and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

a) The Phase I 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.

To ensure that any risks are assessed and remediation in place before any demolition works or construction works begin to the ground.

8. 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.

9. 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.

10. 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 and approved in writing by the Local Planning Authority. 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.

11. No development shall take place on the site until final details of a landscape scheme as shown on site plan (Drawing 02 Rev 01) have been submitted to and approved in writing by the Local Planning Authority. Unless specifically approved otherwise in writing by the Local Planning Authority the landscape scheme shall include the planting of appropriate trees and shall provide a detailed planting plan, planting specification and schedule; a landscape establishment specification; a timescale for implementation and a maintenance specification. Thereafter the landscape scheme shall be implemented and maintained in full accordance with the approved scheme for a minimum of five years following practical completion of the landscape works. Any landscape feature which is defective, damaged or removed within five years of establishment shall be replaced in full accordance with the approved scheme.

REASON

In the interests of environmental quality.

12. Construction works shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays;
and 08:00 hours to 13:00 hours on Saturdays;
nor at any time on Sundays or Bank Holidays.

REASON

To safeguard the amenities of the occupiers of the adjoining properties.

13. Prior to commencement of the development as hereby approved a Hedgerow Management and Enhancement Scheme shall be submitted and approved in writing by the Local Planning Authority.

REASON

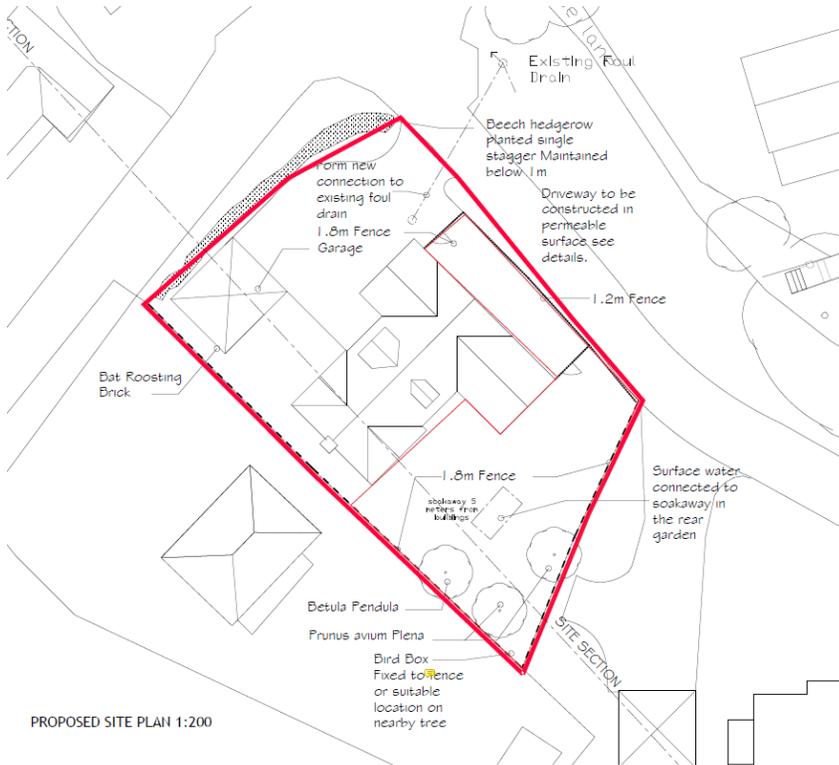
To ensure the proposal is in accordance with Core Strategy Policy CS16

1. INFORMATIVE
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.

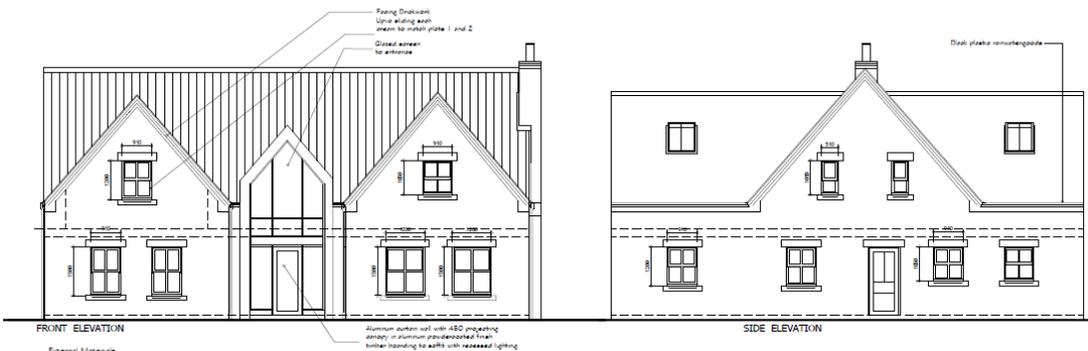
2. INFORMATIVE

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.

APPENDIX 1- Site Layout



APPENDIX 2- Proposed Plans



External Materials
 Black vinyl rainwatergoods
 Sandstone Calenderdale dark grey
 Machine Finish Antique Stone Clia with Brick headers



APPENDIX 3- Photos of Minneymoor Lane

Prior to highways improvement works



Application Site – photos dated 2011



Following highways improvement works- final tarmac to be applied



Application Site –
photos dated 2021

