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Application Number:	19/01835/FULM
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Application Type:	Full Planning Permission
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Proposal Description:	Erection of 27 dwellings on approx 0.913 ha of land.
At:	1 Fulwood Drive Balby Doncaster DN4 8QH

For:	Mr James Blunt - Hooper Limited
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Third Party Reps:	36 Letters of objection.	Parish:	None
		Ward:	Tickhill And Wadworth

Author of Report:	Garry Hildersley
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SUMMARY

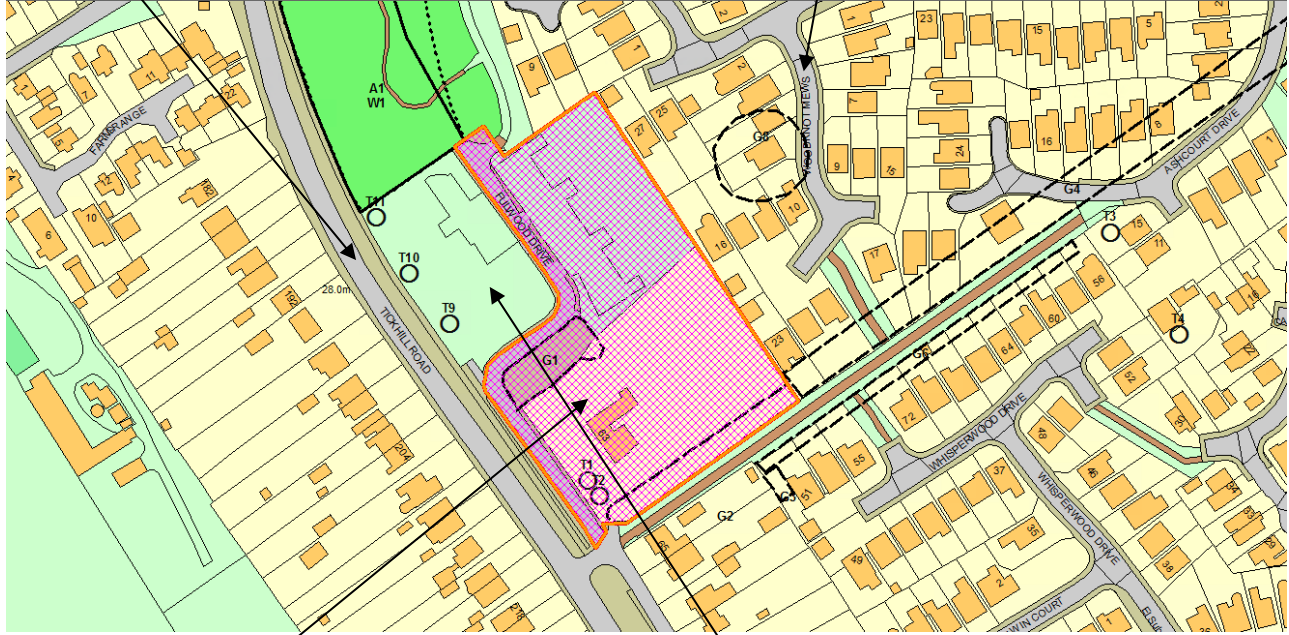
The proposal seeks full planning permission for the erection of 30 dwellings within Residential Policy Area. The proposal is considered to be acceptable in policy terms being designated as Residential Policy Area within the Local Plan and is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2021).

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause undue harm to neighbouring properties, the highway network, trees or the wider character of the area subject to suitably worded conditions.

RECOMMENDATION: GRANT subject to conditions and signing of a Section 106 agreement.

Tickhill Road

Woodknot Mews



Application Site

2016 approval for the erection of 3 pairs of semi detached dwellings and 1 row of townhouses (16/00209/FUL).

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee due to the level of public opposition.

2.0 Proposal and Background

- 2.1 The proposal seeks full planning permission for the erection of 27 dwellings, together with suitable landscaping and parking arrangements. The scheme has been amended several times to take account of comments received by Doncaster's Tree Officer, Urban Design Officer and Highways Officer. The proposal has been reduced from the 30 dwellings initially proposed to 27.

3.0 Site Description

- 3.1 The site lies to the south of Balby and adjacent to the A60 (Tickhill Road). The site is currently bound by a 6ft high close boarded wooden fence that runs adjacent with Fulwood Drive. It appears to be an unkempt parcel of land that has been subject to the dumping of material, resulting in higher than normal land levels. A topographical survey has been submitted as part of the application.
- 3.2 Located centrally within the site lie a number of mature trees. Additional mature trees are located along the southern boundary adjacent to a public footpath.
- 3.3 8 dwellings have been constructed towards the north western corner of the site and these have a modern appearance of red multi brick and white render with white UPVC windows. The western boundary would adjoin a much larger housing development site being Woodfield Plantation and these properties are also modern dwellings predominantly 2 storey in nature. On the opposite side of the A60 lie traditional semi-detached & detached dwellings predominantly of red brick with some variation to their appearance along the street.

4.0 Relevant Planning History

- 4.1 In 2014 planning permission was sought for 40 dwellings on approximately 1.15ha of land following the demolition of existing buildings (reference 14/02181/FULM) however this application was withdrawn and therefore a planning decision was not issued.
- 4.2 In 2016 planning permission was granted on the adjacent site (west of Fulwood Drive) for the erection of 3 pairs of three bedroom semi-detached houses, 1 row of 3 three bedroom townhouses and 2 detached double garages on approx 0.26 ha of land. The planning reference number is 16/00209/FUL. These properties have now been built.

5.0 Site Allocation

- 5.1 The site falls within Residential Policy Area, as defined by the Doncaster Local Plan (adopted in 2021).

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 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 of sustainable development.
- 5.6 Paragraph 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.7 Paragraphs 55 and 56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.8 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.9 Paragraph 119 requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.10 Paragraph 124 states that planning policies should support the development that makes efficient use of land when taking into account the identified need for different types of housing and other forms of development.
- 5.11 Paragraph 130 states planning decisions should, amongst other things, ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site and are sympathetic to local character and history. Subsection 130 requires developments to be made safe, inclusive and accessible.
- 5.12 Paragraph 174 states planning policies and decisions should contribute to and enhance the natural and local environment, including preventing new and existing development from being put at unacceptable risk from land instability.
- 5.13 Paragraph 183 states planning policies and decisions should ensure that a site is suitable taking account of ground conditions and any risks arising from land instability and contamination.

5.14 Paragraph 184 states where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

5.15 Local Plan

5.16 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster includes the Doncaster Local Plan (adopted 23 September 2021).

5.17 The following Local Plan policies are the most relevant in this case:

5.18 Policy 7 sets out the requirements for the range of housing including the need for affordable housing.

5.19 The site lies within a Residential Policy Area according to Policy 10. This policy supports new residential development providing it, amongst other matters, protects and enhances the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood.

5.20 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure.

5.21 Policy 16 seeks to consider the needs of cyclists within new developments.

5.22 Policy 28 deals with open space provision in new developments.

5.23 Policy 30 deals with the need to value biodiversity.

5.24 Policy 32 states that the design process should consider woodlands, trees and hedgerows.

5.25 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions; respond positively to their context, setting and existing site features as well as respecting and enhancing the character of the locality. Developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.

5.26 Policy 42 requires proposals to reflect and respect character and local distinctiveness. In all cases, the components of a development must be designed and assessed to ensure that, amongst other things, it provides safe and secure private property, public areas and the adoptable highway ensuring access points.

5.27 Policy 44 relates to residential design and sets out the key design objectives which residential development must achieve, as well as stating that all developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours.

- 5.28 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features, and provides a high quality, comprehensive hard and soft landscape scheme.
- 5.29 Policy 55 deals with the need to mitigate any contamination on site.
- 5.30 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.31 Policy 58 deals with low carbon and renewable energy within new developments.
- 5.32 Policy 65 deals with developer contributions.

5.33 Other material planning considerations and guidance

- 5.34 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to superseded development plan policies, and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (April 2022) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight.

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 (as amended) by means of site notice, council website, press advertisement and neighbour notification.

- 6.2 36 representations have been received raising the following issues:

- Concerns in relation to boundary treatments
- Concerns in relation to overlooking
- Concerns in relation to the maintenance and upkeep of gate
- Concerns with traffic increases
- Concerns in relation to highway safety
- Concerns in relation to air quality
- Concerns in relation to impact on wildlife
- Concerns in relation to width off access roads
- Concerns in relation to education provision
- Concerns that the proposal will reduce light levels and concerns about lack of sunlight assessment.
- Concerns in relation to loss of privacy
- Concerns in relation to noise
- Concerns about planting of trees proposed.
- Concerns about the parking layout
- Concerns in relation to overshadowing

- Concerns that the proposal would be out of character
- Concerns that the correct publicity has not been undertaken
- Concerns that some trees have been cleared from the site.
- Concerns in relation to drainage

6.3 The following non material objections were raised for which no weight can be afforded:

- Pervious civil agreements
- Devaluation of property
- Concerns in relation to a loss of view

7.0 Relevant Consultations

7.1 DMBC Highways DC:

Initially objected to the scheme but as a result of the amended plans/information has been able to remove their objection subject to condition(s).

7.2 National Grid:

Identified potential pipelines, however the applicant has confirmed that these have been identified and disconnected.

7.3 Yorkshire Water:

Raise no objection.

7.4 DMBC Ecology:

Originally requested a Preliminary Ecology Assessment and Biodiversity Net Gain assessment. These have been carried out and no objections have been received subject to conditions.

7.5 DMBC Tree Officer:

Initially objected to the scheme but as a result of the amended plans/information has been able to remove their objection subject to condition(s).

7.6 DMBC Pollution Control:

No objection subject to condition

7.7 DMBC Urban Design:

Initially objected to the scheme but as a result of the amended plans/information has been able to remove their objection subject to condition(s).

7.8 SY Architectural Liaison Officer:

No objections subject to informative

7.9 SY Archaeological Service (SYAS):

No response received.

7.10 Environment Agency:

No response received. The site lies within Flood Zone 1 as defined by the EA Flood maps

7.11 SY Passenger Transport Executive:

No response received.

7.12 DMBC affordable housing:

No objections.

7.13 DMBC Air Quality:

Initially objected to the scheme but as a result of the amended plans/information has been able to remove their objection subject to condition(s).

7.14 DMBC Internal Drainage:

Initially objected to the scheme but as a result of the amended plans/information has been able to remove their objection subject to condition(s).

7.15 DMBC Education:

No objections but require S106 contributions in respect of secondary school places.

7.16 DMBC Open Space:

Requirement for 15% on site Public Open Space. Unable to provide this due to site constraints and as such a commuted sum to be paid in lieu.

7.17 DMBC Conservation officer:

No direct impact on heritage assets.

7.18 DMBC Transportation:

No objection subject to condition.

8.0 Assessment

8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

- 8.2 The NPPF at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 8.3 This report considers the proposal against the Development Plan (Doncaster Local Plan, Joint Waste Plan), the relevant sections of the NPPF and the National Planning Practice Guidance.
- 8.4 The main issues are:
- The acceptability of residential development
 - The impact on the character of the area
 - The impact on neighbouring residential properties
 - The impact on the highway network and highways standards
 - The impact on the existing trees
 - The impact on the ecology of the site
 - Flooding and Drainage issues
 - Financial contributions
- 8.5 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

- 8.6 The NPPF seeks to significantly increase the overall quantity and quality of housing and to ensure that it is built in sustainable locations. Dealing simply with the principle of development, it is considered that the proposal would be in conformity with the Local Plan and National Planning Policy objectives and as such is considered acceptable in principle. This weighs considerably in favour of the application.

Sustainability

- 8.7 The National Planning Policy Framework (NPPF 2021) 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, environmental and economic. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

SOCIAL SUSTAINABILITY

Impact on neighbouring residential amenity

- 8.9 A number of objections have been received in relation to the potential impact of the development on neighbouring properties in terms of overlooking, loss of privacy and overshadowing/loss of light. The properties most likely to be affected by the development are those located on the north & north eastern boundary of the site as well as existing properties on Fulwood Drive (1 – 9).
- 8.10 The Council has published Transitional Developer Guidance (TDG, April 2022) but this is not an SPD, nor will it be adopted as one. It is guidance to inform developers, applicants and decision-makers about what should be considered when submitting and determining planning applications. It specifically provides guidance on certain elements of design, landscaping, backland and infill, trees, equestrian development and flood risk sequential test.
- 8.11 The TDG states that acceptable day-lighting of interiors is usually achieved if a 25 degree angle is drawn from a point 2 metres above the floor if the façade is not obstructed. Applied to the fronts of 2 storey dwellings, this suggests that a minimum separation distance of 10 metres is required between the front of properties (BRE, 2007). The proposed properties achieve in excess of the 10m minimum requirements. The TDG goes on to state that habitable room windows that overlook neighbouring garden space should normally be at least 10 metres from the boundary which the latest proposal looks to achieve.
- 8.12 The TDG goes on to state that 2-3 storey properties should have back to back distances (between facing habitable rooms) of no less than 21m, and front to front distance of no less than 12m, dependent upon the street hierarchy.
- 8.13 The proposal has been amended to alter the layout of the scheme and this has shown that the proposed properties along the eastern boundary can achieve rear gardens of 10m and above in line with the Council's TDG guidance. This is considered to allow sufficient distance to avoid excessive levels of overlooking and would result in a scheme that would not give rise to excessive levels of overshadowing. The side elevation properties on Woodknot Mews face onto the development site and as a consequence the potential for direct overlooking of neighbouring windows is diminished.
- 8.14 The properties on Goosehill Court are located 26m away and face on to the side elevation of proposed dwellings this is considered far in excess of the required separation and would not give rise to the potential loss of privacy, over dominance or loss of light.
- 8.15 The existing properties on Fulwood Drive are located approximately 14.5m away from the nearest properties and separated by Fulwood Drive. This is in excess of the 12m specified within the Council's TDG and is therefore considered to be in conformity with the Council's adopted guidance.
- 8.16 Concerns have also been received in relation to the proposed boundary treatments. The most recent plan has provided information in relation to the boundary treatments and confirms that the existing treatments of fences and hedges to the north eastern boundary will be retained.

8.17 On balance having assessed the latest layout, it is considered that the proposal would not adversely affect neighbouring properties in terms of excessive levels of overlooking, over dominance, loss of privacy or overshadowing. This weighs positively in favour of the application carrying moderate weight.

8.18 Conclusion on Social Impacts.

8.19 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affected by the proposal in accordance with policy 44 of the Local Plan. The proposal has been able to adequately demonstrate that residential development can be achieved on the site without adversely affecting the residential amenity of neighbouring properties through overlooking, over dominance or loss of privacy.

8.21 It is anticipated that the proposal would lead to some noise and disturbance being generated whilst construction is taking place, however this is considered to be short term when considered against the lifetime of the development. Notwithstanding this, planning conditions have sought to mitigate this harm as far as possible by the submission of a Construction Impact Management Plan (condition 13) and as such this is considered to carry limited weight against the proposal.

8.22 It is noted that neighbouring residents view would change should planning permission be granted and the development built. However it has long been held that a right to a view is not a material planning consideration and that planning control is not concerned with the creation or preservation of private rights (see *Wood-Robinson v Secretary of State for the Environment and Wandsworth London Borough Council* [1998]). As such no weight should be afforded to this matter.

8.23 ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

8.24 Concerns have been raised by neighbours that the proposal would be out of character with its surroundings. Policies 41 and 44 of the Local Plan requires that all proposals in Doncaster must be of high quality design that respects the character of the area in regard to a number of principles of good design.

8.25 The proposal has shown a mixture of two storey terraced, semi-detached, detached as well as 2 ½ storey semi detached dwellings. These are modern in appearance with a mixture of brick and render comparable to the existing 9 dwellings that have been constructed on Fulwood Drive. The dwellings would be seen against the backdrop of properties on Woodknot Mews and Goosehill Court which are part of a large housing development in the late 1990's early 2000's and which also have the appearance of a modern housing estate.

8.26 Doncaster's Urban Design officer had requested amendments to the scheme which have been incorporated into the design of the latest layout. In conclusion has raised no objections to the scheme. Concerns were also raised in relation to landscaping although these issues have now been addressed in consultation with Doncaster's tree officer and through the imposition of a suitable condition.

8.27 On balance having considered the latest proposal's and having context to the surrounding area, it is not considered that the proposal would be out of character with its immediate surroundings.

Highways

Access

- 8.28 During the consideration of the application a considerable amount of time has been given to the assessment of the proposed layout to ensure that it meets with the required standards. The scheme has seen various iterations and alterations take place to result in the latest amended plan. The alterations include changes to:
- Concerns that initial scheme provided insufficient parking across the development site;
 - Concerns that the layout was not conducive with a refuge vehicle manoeuvring around the site;
 - Concerns that the carriageway width was not sufficient;
 - The width of the drive has been missed off for plots 26 – 29;
 - Widening of plots P11 and P15 to meet with the STRDG;
 - Alterations to the spaces for P19 and P20 to meet with the SYRDG;
 - Widening of plots 25 -30 and 32-36 to comply with the SYRDG.
- 8.29 These aspects were amended resulting in the most recent proposed site layout (revision K) and as a result Doncaster's Highways Development Control team have raised no objections subject to suitably worded conditions.
- 8.30 Policy 42 lists safe and secure private property, public areas and the adoptable highway ensuring access points, street design, parking and operational highway requirements safely cater for pedestrians, cyclists and vehicles as qualities of a successful place. Policy 13 of the Local Plan states that proposals will be supported which make an overall contribution to the improvement of travel choice and the transport network.
- 8.31 Highways Development Control Officers have assessed the proposal against the required standards and relevant software and it has been concluded that there would be no adverse impact from a highway safety perspective. Importantly, the NPPF makes clear at paragraph 111 that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 8.32 In this case, no such harm has been identified and this weighs positively in favour of the application carrying moderate weight.

Location to services

- 8.33 National policy seeks to build prosperous and sustainable communities by improving the economic performance of towns and cities, promoting regeneration and tackling deprivation. It seeks to focus development in existing centres accessible to public transport, jobs, key services and infrastructure so as to promote their vitality and viability, support town centre regeneration and minimise the need to travel. Land should be used efficiently and priority given to re-using well located brownfield land.
- 8.34 The nearest bus stops to the site are located on Tickhill Road (approximately 30m to the south east of the entrance to the site) and are served by the 22, 73 456 and 473 buses. They operate on a on a hail and ride basis. These buses operate on a daily

basis operating throughout the week and travel to Doncaster's Town Centre located approximately 2.5 miles to the north.

- 8.35 It is widely acknowledged that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 8.36 Section 9 (Promoting Sustainable Transport) of the NPPF goes into further detail on this core principle. Paragraph 110 states that decisions should take account of whether:
- a) Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - b) Safe and suitable access to the site can be achieved for all users; and
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code.
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.37 Chapter 5 (Delivering a sufficient supply of homes) of the NPPF sets out that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 8.38 With regard to school places, paragraph 95 states that the government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
- 8.39 Doncaster's Transportation team were consulted as part of the application, however as the proposal was less than the 50 dwelling threshold, additional assessment is not required. As a consequence Doncaster's transportation team have raised no objections to the proposal subject to a condition requiring details of the electrical vehicle charging provision on site.
- 8.40 The site lies within 520m (as the crow flies) to a major supermarket chain. In terms of average walking speeds, the Guidance states that as a general rule of thumb a 5 minute walk equates to a distance of 400 metres for non-disabled people and for different groups of disabled people, these distances are significantly less. This calculation concurs with the Institute for Highways and Transportation (IHT) 'Guidelines for Providing Journeys on Foot' published in 2000, which calculated a reasonable walking pace as 3 miles or 5 kilometres per hour.
- 8.41 The IHT document refers to 400 metres as a desirable walking distance and 800 metres as an acceptable distance for trips on foot outside town centres (save for

commuting/schools/sightseeing where the figures are instead 500m and 1000m respectively). The application site lies 700m from the nearest school (Carr Lodge Academy) and approximately 520m from the nearest supermarket located to the east of the development site.

- 8.42 When considered against the distance criteria set out in the South Yorkshire Residential Design Guide and also the guidelines set out by the Institute for Highways and Transportation the development measures well in terms of access to public transport and local services. Consequently the proposal adheres to Policy 13 of the Local Plan.
- 8.43 Taken in the round, the proposal is considered to be located within a sustainable location within a reasonable proximity to bus services, shops and medical facilities carrying significant weight in favour.

Flooding and Drainage

- 8.44 The application site lies within an area designated as Flood Risk Zone 1 by the Environment Agency's flooding maps. This is the lowest areas of flood risk. The applicant has confirmed in their Flood Risk Assessment (FRA) that the site was not affected by any flooding in the past & was not affected by the extreme floods that took place in 2007. The 2007 floods affected large areas located to the north of Doncaster including Bentley, Toll Bar & Scawthorpe where land levels are significantly below those encountered at this location.
- 8.45 Doncaster's Drainage team have been consulted as part of the proposal and although an initial objection was received on the basis of a lack of information, this has subsequently been resolved and suitably worded conditions have been suggested.

Trees and Landscaping

- 8.46 Initially, concerns were raised by Doncaster's Tree officer that plots 26 to 32 and plot 39 were too close the protected tree line that is along the southeast boundary with the footpath. Furthermore, Plots 33 and 34 require the removal of T22, T27, T28, T29 and T30 – T48. Trees T22, T23, T24, T26, T27, T31, T37 and T38 are all tree that are desirable to be retained for their landscape value and remaining years on the site. The loss of these trees was not considered justified.
- 8.47 An amended layout plan has been provided and the scheme looks to protect the central core of trees within the middle of the site. In addition the latest plans show the retention of trees on the southern boundary with the addition of two further trees and the inclusion of protective fencing during construction. Doncaster's Tree Officer has commented that the latest proposals are a marked improvement on the initial scheme and as a consequence has been able to remove his objection subject to suitably worded conditions.

Ecology and Wildlife

- 8.48 Doncaster's Ecologist has been consulted during the course of the application. Initially an objection was received on the lack of information in relation to Biodiversity Net Gain (BNG) and the lack of an environmental assessment. A Preliminary Ecological Assessment (PEA) and BNG assessment have been submitted and assessed by Doncaster's ecologist. On the basis of this information it is accepted

that the BNG required as part of offsetting of the development can be achieved on site. The proposal is therefore considered to be compliant with the requirements of Policy 30 of the Local Plan together with paragraph 174 of the NPPF.

Pollution issues

- 8.49 The site has been investigated both pre and post demolition, it is noted there are 8no. Stockpiles on site. Chemical analysis indicates the soils on site are suitable for reuse, however due to contamination with brick/glass rubble a cover system may be required.
- 8.50 Some of the materials within the stockpiles will need to be treated as waste and removed from site. Relic foundations/services still require grubbing out, so there is a potential for further contamination to be found. The report recommends a Remedial Statement is prepared.
- 8.51 As a result of this, Doncaster Pollution Control Team have suggested a land contamination condition.

Air Quality

- 8.52 Doncaster's Air Quality team have assessed the Air Quality Screening Assessment produced by Wardell Armstrong ref number 001 v0.1 dated May 2022 and agree with their findings. A condition has been suggested that requires details of the electrical vehicle charging units to be provided in line with the Council's Air Quality Technical Planning Guidance 2022.

8.53 Conclusion on Environmental Issues

- 8.54 Para. 8 of the NPPF (2021) 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.
- 8.55 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 and a S106 contribution. As such, moderate weight can be attached to this in favour of the development through the achievement of tree retention and integration, EV charging point integration and remediation of the site.
- 8.56 The proposal has demonstrated that the development is located within a suitable location and this weighs positively in favour of the application carrying significant weight. In addition, the proposal lies within the lowest possible area of flood risk and this weighs positively in favour of the application carrying moderate weight.
- 8.57 Impact on the character of the area - whilst it is acknowledged that the appearance of the land would invariably change in the event that planning permission is granted, the proposed development would be seen as an extension to the existing built environment and spatially would help to compliment the character of the surrounding area. The general appearance of the site will alter if planning permission is approved from what is currently undeveloped land to a new housing estate. However, the conditions set out below will help to ensure that the proposal is designed and integrated into the existing settlement when seen against its backdrop.

Consequently, the impact of the development on the appearance of the surrounding area is considered to weigh neutrally.

8.58 Additional noise issues associated with the development are considered to be short term negative impacts which can be mitigated through appropriate conditions. Given the relative short term nature of the potential construction noise and disturbance when viewed over the lifetime of the development, it is considered that this carries limited weight against the proposal.

8.59 ECONOMIC SUSTAINABILITY

8.60 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 and therefore carries limited weight in favour of the application. Whilst there may be some additional uplift for business within Balby as a result of additional customers, this uplift is unknown and cannot be quantified at this time and so is afforded limited weight.

8.61 Conclusion on Economy Issues

8.62 Para 8 a) of the NPPF (2021) 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.

8.63 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

8.64 Planning Obligations

8.65 Paragraph 55 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

8.66 Paragraph 57 states that 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.

8.67 These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010.

Affordable Housing

8.68 To accord with policy 7 of the Local Plan, the scheme should provide 23% on site affordable housing, as more than 15 dwellings are proposed and in combination with

part of the adjacent site that has been developed, there is a policy requirement to provide affordable housing.

- 8.69 The developer is aware that the existing 9 dwellings and proposed 27 should be seen as one development site and as a result is proposing 8 affordable housing units delivered on site. The house types have been altered to ensure that they meet the Nationally Described Space Standards. Further amendments have been received which alter the layout of the affordable houses to ensure that they are pepper potted throughout the site. On the basis of this information, Doncaster's affordable housing officer has raised no objections.

Public Open Space

- 8.70 The proposal seeks to retain the area located centrally within the site which has a number of established trees. This area would not act as useable open space in the conventional sense. It is not big enough having retained the trees to utilise it for additional play space or equipment. On this basis there is a requirement to provide an offsite contribution the equivalent of 15% of the land value. This will be secured as part of the S106 contributions.

Education

- 8.71 Policy 65 of the Local Plan deals specifically with developer contributions. Where necessary, directly related to the development, and fair and reasonable in scale and kind, developer contributions will be sought to mitigate the impacts of development through:

provision off site, to ensure the development can be delivered in line with other policy objectives, and to a safe and satisfactory standard (such as off-site affordable housing, education facilities, biodiversity net gain, flood mitigation, or highways improvements).

The Council's Education team have been consulted and 5 additional secondary school places are required with a total educational contribution calculated at £91,485.00.

Biodiversity offsetting

- 8.72 Paragraph 174 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 8.73 Policy 30 of the Doncaster Local Plan also requires the submission of a BNG assessment to adequately assess the biodiversity on site and to determine how to deliver net gain on site. The applicant has submitted a Preliminary Ecological Appraisal (PEA) and BNG assessment and having discussed this with Doncaster's ecologist, it has been commented that net gain can be delivered on-site delivery through the landscape scheme proposed. As a consequence no objections have been received and there is no requirement for a S106 contribution to deliver off site mitigation.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site earmarked for residential development in the Local Plan and this weighs considerably in favour of the application. In addition the amendments that have been undertaken have shown that a suitable layout can be achieved that would be reflective of the character of the area and safeguard neighbouring properties through appropriate separation distances and this weighs significantly in favour of the application.
- 9.2 All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions or S106 contributions and holistically this weighs moderately in favour of the application.
- 9.3 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.
- 9.4 The noise and smells associated with equipment used during the construction of the site can be mitigated and controlled by condition and the short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.
- 9.5 Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed by the information supplied and amendments to the scheme. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.
- 9.6 The proposal is subject to a Section 106 Agreement and the proposed heads of terms are outlined below.

10.0 RECOMMENDATION

10.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 IN RELATION TO THE FOLLOWING MATTERS AND THE HEAD OF PLANNING BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE LEGAL AGREEMENT:

- a) 23% Affordable Housing to be provided onsite
- b) Proposal to provide 15% off site Public Open Space (POS) including ongoing management and maintenance.
- c) An education contribution towards additional school places equating to £91,485.00

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 shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

Amended Site Plan – Drawing number 18.010.2 REV M
Proposed Plan – Drawing number HL97 -18.007.56. REV C
Proposed Plan – Drawing Number HL67B2 - 18.007.69 REV D
Proposed Plan – Drawing Number HL67T - 18.007.13.1
Proposed Plan – Drawing Number HL115 – 18.007.49 REV A
Proposed Plan – Drawing Number HL85A2 – 18.007.16
Proposed Plan – Drawing Number HL96A2 – 18.007.55
Proposed Plan – Drawing number HL96B2 – 18.007.28
Proposed Plan – Drawing number HL97T – 18.007.31.1

REASON

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

03. 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.

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

REASON

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

05. No development shall take place on the site until a detailed hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials. The soft

landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements Supplementary Planning Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; 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 in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion of any planting within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in full accordance with the approved scheme, prior to occupation of the home, which will be monitored by the Local Planning Authority. 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:

In the interests of environmental quality and Local Plan Policy 48.

06. The alignment of all service trenches and overhead services shall be approved by the Local Planning authority prior to the commencement of development in relation to the retained trees.

REASON:

To prevent damage being caused to trees which it has been agreed shall be retained

07. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

REASON

To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal.

08. Prior to the first occupation of the development hereby approved, details of the drainage management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The drainage system for foul and surface water drainage shall be retained, managed and maintained for the lifetime of the development in accordance with the approved drainage management and maintenance plan.

REASON:

To ensure the drainage apparatus of the site is adequately maintained for the lifetime of the development and to accord with Para. 169 c) of the NPPF (2021).

09. Prior to the commencement of the development hereby approved, details of electric vehicle charging provision, in compliance with Appendix 4 of the Council's Air Quality Technical Planning Guidance 2022, shall be submitted for the consideration and comment of the Local Planning Authority (LPA). No dwelling shall be occupied until such provision as approved by the LPA has been installed and is operational.
REASON
This condition is in accordance with the aims of Policy 54 of Doncaster's Local Plan
10. Before the development is brought into use, 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.
11. 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.
12. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area 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.
13. No construction works shall take place until full details of offsite highway works have been submitted to and agreed in writing by the Local Planning authority within a Construction Traffic Management Plan. The development shall be carried out in accordance with the agreed details and cover the following points, expanded on as required:
- o Volumes and types of construction vehicles
 - o identification of delivery routes;
 - o identification of agreed access point
 - o Contractors method for controlling construction traffic and adherence to routes
 - o Size, route and numbers of abnormal loads
 - o Swept path analysis (as required)
 - o Construction Period
 - o Temporary signage
 - o Wheel Wash facilities
 - o Timing of deliveries

REASON

In the interests of highway safety and to safeguard the amenity of neighbouring properties.

14.

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.

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, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

15.

Prior to the commencement of development a Management Plan for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing. The Management Plan shall detail the following:

-An adaptive management plan for the site detailing the management measures to be carried out over the phased restoration of the site in order to achieve the target conditions proposed for each habitat parcel.

-Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved.

-A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.

-That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, 3, 5, 10, 15, 20, 25 and 30)) immediately following habitat creation.

-Data will be provided in an agreed standard format to allow for collation into a district-wide biodiversity network database.

Once approved in writing the management measures and monitoring plans shall be carried out as agreed.

REASON

To ensure the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by Local Plan policy 30B and the NPPF paragraph 174.

16. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development 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. 114) and Policy 21 of the Doncaster Local Plan.

INFORMATIVES

01. **INFORMATIVE**
The developer shall consider incorporating all possible sustainability features into the design of the proposed development.

02. **INFORMATIVE: Doncaster Borough Council Tree Preservation Order (No.112) 1993 St. Catherine's Hospital Site, Balby**

All the trees within the application site is subject to Doncaster Borough Council Tree Preservation Order (No.112) 1993 St. Catherine's Hospital Site, Balby. It is a criminal offence to prune without consent or wilfully damage any protected tree. Failure to implement the above Planning Condition which seeks to protect the tree may be deemed to constitute wilful damage and may result in criminal proceedings being instigated by the Council. The Council operates a free advisory service in assisting in tree protection.

03. INFORMATIVE: EV Charging

The developer should consider where the EV charging points will be located and indeed how their usage will be allocated.

Given the Government's stated intention with respect to fossil fuelled vehicles the developer may wish to consider increasing the number of points and/or install the civil works to facilitate future expansion

04. INFORMATIVE: Highways

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.

Due to the proximity of the scheme to the A60 Tickhill Road then it would need consultation with our Network Management Team details of which are below:

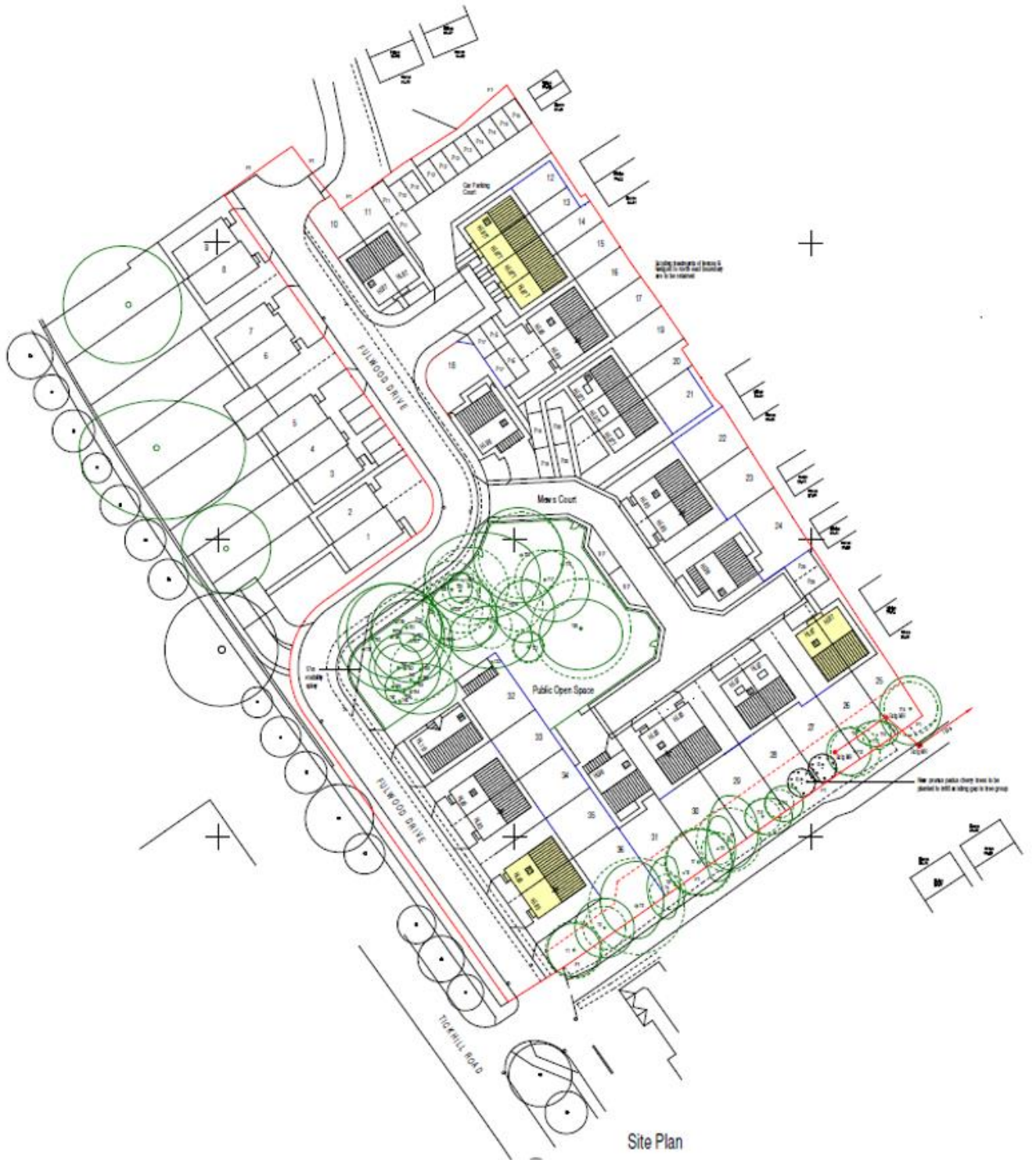
Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

05. INFORMATIVE: Street Lighting

Any alteration to the existing street lighting as a result of the new access arrangements will be subject to a costs which are to be borne by the applicant. Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail Fiona.Horgan@doncaster.gov.uk regarding this as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1 – Site Plan Layout



Appendix 2 – Site layout with measurements

