

Application	1
--------------------	---

Application Number:	21/03464/FUL
----------------------------	--------------

Application Type:	Full Planning Permission
--------------------------	--------------------------

Proposal Description:	Erection of 3 detached dwellings (amended plans)
At:	Land To The Rear Of 7 Milner Gate Court Conisbrough Doncaster DN12 3BW

For:	Mr Mike Murtagh - Rural Estates
-------------	---------------------------------

Third Party Reps:	14 Letters of objection from 9 properties.	Parish:	
		Ward:	Conisbrough

Author of Report:	Nicola Howarth
--------------------------	----------------

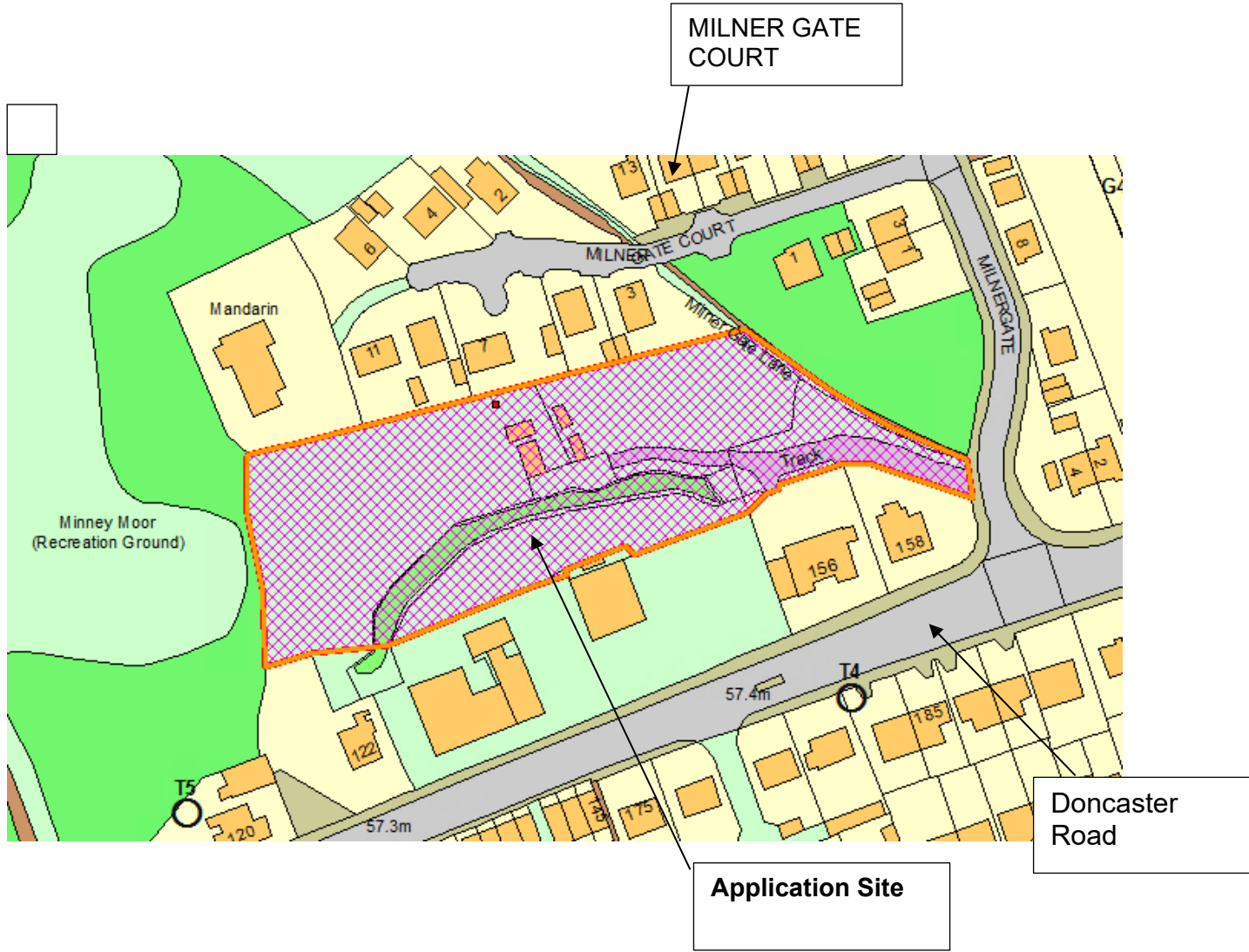
SUMMARY

The proposal seeks full planning permission for the erection of 3 detached dwellings and associated development on scrub land allocated within Residential Policy Area and lying within the built up area of Conisbrough.

The application as amended is being presented to Committee due to the significant public interest shown in the application and member request. The objections raised include increase in traffic, access obstruction, drainage, loss of privacy, scale and loss of habitat.

The site lies within a Residential Policy Area, therefore policies 10, 13, 30, 41 and 44 are applicable. In summary the proposal is acceptable as it does not result in a demonstrable significant detrimental effect on the highway, or harm to surrounding residential amenity, character of the area or the surrounding environment.

RECOMMENDATION: GRANT subject to conditions.



1.0 Reason for Report

- 1.1 The application is being presented to Committee due to the public interest shown in the application and at the request of Cllrs N. Ball, L-M Ball and I Pearson.

2.0 Proposal and Background

- 2.1 The proposal seeks full planning permission for the erection of 3 detached dwellings, together with suitable access, landscaping and parking arrangements.
- 2.2 The layout shows 3 detached, four and five bedroom dwellings with attached and detached double garaging, front and rear garden amenity space and further off road car parking set within the large plots. The existing trees and hedges sited on the boundaries are to be mostly retained with some replacement planting and further enhancement on the northern and western boundary.

The scheme includes:

Plot 1 - Type A - 5 bed detached, 2.5/3 storey height with detached garage.

Plot 2 - Type B - 4 bed detached, 2 storey height with detached garage

Plot 3 - Type C - 5 bedroom detached, 2 storey height with integrated double garage.

- 2.3 The development will be accessed via a private road utilising an existing access point behind No.158 Doncaster Road, off Milner Gate.
- 2.4 The scheme has been amended a number of times to take account of comments received by Doncaster MBC (DMBC) Highways, DMBC Flood Risk, DMBC Ecology, Yorkshire Water and the EA. The proposal has been reduced from 5 to 3 detached dwellings. An on-site waste treatment plant has been removed from the scheme.

3.0 Site Description

- 3.1 The application site is approx. 0.5 Ha and comprises overgrown scrub and scattered trees. A line of trees runs along the western boundary and there are some scattered trees along the northern boundary. A hedgerow runs along the northern and eastern boundary. To the south of the site is a low wall retaining with a number of scattered trees and dense scrub.
- 3.2 The site is accessed from Milner Gate, a residential estate road. The existing access runs to the rear of residential properties, No's 156 and 158 Doncaster Road.
- 3.3 The land surrounding the site largely consists of residential properties and associated gardens immediately to the north on Milner Gate Court, with a recreation area (Minneymoore) to the west. The front boundary is bordered by light industrial units that front onto the A630 Doncaster Road and the residential properties No's 156 and 158 Doncaster Road. To the east lies a residential housing estate off Milner Gate.
- 3.4 The residential area is characterised by mainly low-density, open plan, spacious residential pattern, with detached and semidetached dwellings set in medium sized plots. The area features similar architectural styles and materials, with the most dominant materials being buff brick, render and brown concrete pantile. Most roofs are pitched or hipped, and properties are generally two and one storeys in height.

4.0 Relevant Planning History

- 4.1 09/02551/OUTM - Outline application for residential development on approx 0.55 ha of land. Application withdrawn.

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 in favour 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 Paragraph 60 states 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.
- 5.8 Paragraph 69 on delivering homes, advises that that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should, inter alia, support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 5.9 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.
- 5.10 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.
- 5.11 Paragraph 124 states that planning decisions should support development that makes efficient use of land when taking into account the identified need for different types of housing and other forms of development.

- 5.12 Paragraph 130 states that planning decisions should ensure that developments inter alia will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should also create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.13 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.
- 5.14 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.
- 5.15 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.

5.16 Local Plan

- 5.17 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).
- 5.18 The following Local Plan policies are the most relevant in this case:
- 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 29 relates to ecological networks and that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks.
- 5.22 Policy 30 relates to valuing biodiversity and geodiversity and advises that internationally, nationally, and locally important habitats, sites and species that will be protected through a number of principles. It requires the use of the mitigation hierarchy to ensure that the most valuable ecological features of a site are protected and harm to biodiversity is minimised. In line with best practice, the provision of compensation to account for residual biodiversity impacts will not be allowed unless the prior steps of the mitigation hierarchy have been followed, and all opportunities to avoid and then minimise negative impacts have first been pursued.

- 5.23 Policy 32 relates to woodlands, trees and hedgerows. Proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be a presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.
- 5.24 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.
- 5.25 Policy 42 relates to urban design and states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, and relevant spatial requirement and design standards.
- 5.26 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.
- 5.27 Policy 45 relates to Housing Design Standards and advises that new housing proposals will be supported where they are designed to include sufficient space for the intended number of occupants, and are designed and constructed in a way that enables them to be easily adapted to meet existing and changing needs of residents in Doncaster.
- 5.28 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides high quality hard and soft landscaping scheme which includes fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 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.

Neighbourhood Plan (NP).

- 5.31 No neighbourhood plan is relevant to this application.

5.32 Other material planning considerations and guidance

- 5.33 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 Following this publicity, a total of 14 letters of objection were received from 9 properties. A summary of the material planning issues raised is set out below:

- Poor access;
- Increase in traffic;
- Invasion of privacy and overlooking;
- Overdevelopment;
- Loss of habitat and removal of trees;
- Scale of the development is too large should be single storey;
- Noise and odour from treatment plant;
- Drainage concerns;
- Damage of the gates and new wall to neighbouring property.

Non material issues in respect of planning determination raised included the following:

- Land ownership and easement concerns.
- Structural damage to property.
- 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 Yorkshire Water:

Raise no objection. Advise that for option one for foul drainage would be private treatment works - Yorkshire Water has no comment to make on this. Option 2 is discharge to public sewer via pumping station. If this is the preferred option, Yorkshire Water would require details of pumping station, rate of pumped discharge and gravity breakout chamber prior to discharge to the public network.

7.3 DMBC Ecology:

Requested a Preliminary Ecology Assessment (PEA) and a biodiversity net gain assessment. Confirmed that there are no habitats of high distinctiveness on the site and no protected species constraints that require special measures, further surveys or licencing. It is recommended that a sensitive exterior lighting scheme should be

used in order that commuting/foraging bats are not adversely disturbed. There are a small number of trees that may potentially have bat roosts within dense ivy covering the stems. It is indicated that these trees are to be retained. However the PEA clearly states that if these are to be removed in the future then bat surveys must be carried out. If there are any alterations of any parts of a scheme approved by the LPA then the responsibility for carrying out such surveys is with the developer.

Ecological enhancements through the installation of bat and swift boxes can be conditioned as recommended in the PEA at 6.3.2.3 to ensure the development enhances links with local ecological networks as required by Local Plan policy 29.

The use of the DEFRA small sites metric has been correct in the calculation of baseline habitats as shown in the Phase 1 map at Appendix 1 of the PEA. However, the consultee was unhappy about the pre-emptive site clearance that was carried out to allow for geophysical investigations. It appears to be a cynical move to reduce the biodiversity value of the site or just a fairly reckless and clumsy approach to the investigations.

The biodiversity net gain assessment using the small sites metric has identified that it is possible to achieve a positive outcome from on-site habitat creation and hedgerow planting of 23% and 46% net gains respectively which makes the development compliant with Local Plan policy 30B. The on-site delivery of biodiversity net gain habitats and hedgerows can be conditioned to ensure delivery in line with biodiversity Local Plan and national net gain policy

No objections on ecological grounds and conditions provided.

7.4 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).

7.5 DMBC Pollution Control:

The site investigation confirms the soils on site are suitable for reuse and don't require remediation. It is noted the site has been previously developed, thus unexpected made ground maybe found during the development works, in light of this it is strongly recommended any favourable planning permission should have **CON 2** attached.

7.6 DMBC Flood Risk:

Initially objected to the scheme. Required further details and requested consultation with the EA in regards to a proposed reed bed on site treatment plant. Further amendments to the drainage were submitted with options for both an on-site treatment plant and direct connection to mains sewers. Following final amendment showing the removal of the onsite foul treatment plant the Flood Risk Officer has been able to remove their objection subject to condition(s).

7.7 DMBC Open Space:

The site is allocated in the new Local Plan as Residential Policy Area and is not noted as open space in the Green Space Audit. As such, no objections to this proposal were received on open space grounds, nor is there any open space requirement for

the site, given it is for 5 houses and falls under the threshold. The consultee noted there will be landscaping to the south which will create an attractive feature of some amenity value to residents.

7.8 Environment Agency:

Advise that the EA is no longer a statutory consultee for non-major development proposing non-mains drainage. It is the LPA's responsibility to ensure that proposals for non-mains drainage for non-major development comply with NPPF and PPG. The LPA should be mindful that the developer will need to address four drainage matters to get their environmental permit and meet building control regulations.

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 Principle of the Development
- Residential Amenity
- Design and Visual Impact
- Highways
- Trees, Landscaping and Ecology
- Drainage Impacts

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. The principle of development, 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 NPPF 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 Policies 10 and 44 of the Local Plan and paragraph 130(f) of the NPPF all place a requirement on developments to provide a good standard of amenity for existing and future users. This includes access to daylight and sunlight, a positive outlook from the windows of habitable rooms, a good standard of privacy, and sufficient internal and external amenity space.
- 8.10 The occupiers of some of the bungalows on Milner Gate Court have expressed concerns that the development would overlook their rear gardens and rear habitable rooms, however with the amended scheme this has been avoided.
- 8.11 The three proposed dwellings are not sited parallel with the bungalows on Milner Gate Court and are well-spaced out so that there is no direct built development opposite. Their main elevations are inward facing into each other so plots 2 and 3 will face each other. Plot 1 has a large corner plot and again its main elevations are facing inwards towards plot 2 and outwards towards the recreation area. The detached garages for plots 1 and 2 will site closer to the bungalows than the proposed houses however these are single storey and not directly opposite the existing bungalows.
- 8.12 There will be no overlooking onto the rear gardens as plot 3 has a blank elevation facing onto No 3 Milner Gate Court and plot 2 has an en-suite obscure glazed side elevation facing the rear elevation of No's 5 and 7 Milner Gate Court. Plot 1 is the largest of the proposed dwellings at approximately 2.5 – 3 storeys in height however the majority of the second floor bedroom space is in the roof space and a second - floor dormer and balcony give the dwelling greater height at the rear. This however looks out onto the recreation area and the sides of the balcony are obscure glazed.
- 8.13 Therefore the scheme has been designed to minimise and avoid any overlooking of the rear of the properties along Milner Gate Court.

- 8.14 In terms of appearing over-dominant, whilst there are changes in levels and the proposed houses are at a higher level the houses are orientated the opposite way to the bungalows on Milner Gate Court and therefore the views of the new houses will be of their side elevations which reduces the visual impact and dominance of the properties. Also the dwellings are not positioned opposite the bungalows. The main views residents will have through their habitable windows on the rear elevation will be of the gardens to the properties.
- 8.15 It should be noted that in a residential area views to the rear of adjacent gardens are expected and with new development provided that separation distances are met then overlooking is not considered to cause an amenity issue. Here the overlooking will be between the new houses and the separation distances are achieved and meet the 21m minimum between habitable rooms, back to back and exceed the front to front distance of no less than 12m as set out in Council's published Transitional Developer Guidance (TDG, April 2022).
- 8.16 In respect of scale the three houses are all varied in scale ranging from plot 2 being a dormer detached property, plot 3 is a two storey detached house and plot 1 is a 2 half/3 storey detached property. Given that the plot sizes are extensive a larger scale is considered acceptable on the site as the development plot ratio is low and the houses will sit comfortably within the site.
- 8.17 Site sections have been provided to show how the dwellings will sit on site. The dwellings would be positioned on higher ground on the site higher than the existing bungalows. The land level increases approximately 1.7 – 2 metres from these properties as shown in the site sections. Plot 2 and 3 are the closest properties to No's 3, 5 and 7 Milner Gate Court. The build height would therefore be 7.6m (plot 2) and 10m (plot 3) when measured from the ground level of these bungalows. The properties are not directly opposite the bungalows.
- 8.18 The dwellings are a typical height for a 2 - 3 storey dwellings but given the land level difference from Milner Gate Court they would be more prominent from these dwellings. However, given the orientation of the proposed dwellings (side on) and their setback spacious position within each plot anyway, negates this impact and the dwellings would not have a detrimental impact on residential amenity in terms of shading or over dominance.
- 8.19 Internally, the gross internal floor area of each dwelling would be over 250 square metres, far exceeding the minimum requirements for internal floor space of 4 and 5-bedroom two-storey dwellings set out within the Nationally Described Space Standards. Accordingly, the proposed dwellings are considered to provide a high quality living environment overall.

Conclusion on Social Impacts

- 8.20 Based on the amended site plan, it is not considered that neighbouring residential amenity will be demonstrably harmfully impacted. On balance, it is considered that the proposal is in accordance with policies 10 and 44 of the Local Plan as well as paragraph 130 (f) of the NPPF. This weighs positively in favour of the application carrying moderate weight.

8.21 ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 8.22 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.
- 8.23 The proposal has shown detached properties in generous plots at a scale of 2-3 storey dwellings. These are modern in appearance with a mixture of brick and render. The area is a mixture of 1 and 2 storey brick constructed dwellings set in relatively low density plots.
- 8.24 The low density nature of the development and its scale is considered to enhance the mix of residential development in the locality. On balance having considered the mixed character and context of the surrounding area, it is not considered that the proposal would be out of character with its immediate surroundings.

Highways

- 8.25 The scheme has been amended following objections from highways. DMBC Highway's Development Control team have no objections to the amended scheme.
- 8.26 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.
- 8.27 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."
- 8.28 In this case, no such harm has been identified and this weighs positively in favour of the application carrying moderate weight.

Flooding and Drainage

- 8.29 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.
- 8.30 Doncaster's Flood risk team have been consulted as part of the proposal and an initial objection was made on the basis of a lack of information. However, following consultation with the EA and Yorkshire Water the reed bed filter treatment system has been removed from the scheme and foul mains connection is viable without the need for a pumping station. On this basis a standard drainage condition is proposed.

Trees, Landscaping and Ecology

8.31 Doncaster's Ecologist and Tree Officer have been consulted during the course of the application. A tree survey, Biodiversity Net Gain (BNG) and Preliminary Ecological Assessment (PEA) have been submitted and assessed by the Officers. No objections have been raised subject to planning conditions to ensure mitigation. The proposal is therefore considered to be compliant with the requirements of Policies 30, 32 and 33 of the Local Plan together with paragraph 174 of the NPPF.

8.32 Conclusion on Environmental Issues

8.33 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.

8.34 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. As such, moderate weight can be attached to this in favour of the development through the achievement of tree retention and landscape improvement.

8.35 ECONOMIC SUSTAINABILITY

8.36 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.

8.37 Conclusion on Economy Issues

8.38 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.

8.39 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.

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 where the principle of residential development is acceptable and this weighs considerably in favour of the application.

9.2 The proposal as amended maintains a high standard of residential amenity in respect of layout, is an appropriate scale given the large plot size, with access and parking

arrangements that comply with highway standards. The proposal would result in 3 additional detached dwellings and provision for dedicated parking, appropriately located within the settlement boundary and would not result in demonstrable harm to neighbouring amenity, local character, flood risk, highway safety, protected trees or wildlife and this weighs significantly 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 Having balanced all material planning considerations, whilst a number of objections have been received with 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.

10.0 RECOMMENDATION

10.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW 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:

Proposed Site Plan 21-05-100 Rev 08

Proposed House Type A 21-05-101 Rev 01. Garage superseded by 21-05-105.

Proposed House Type B 21-05-102 Rev 00

Proposed House Type C 21-05-103 Rev 00

Proposed Site Plan (cross sections) 21-05-104 Rev 02 received 22.09.2022

Plots 1 and 2 garage plan and elevations 21-05-105 received 22.09.2022

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 (including a drainage management and maintenance plan) 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. The development hereby granted shall not be commenced until the schedule of tree surgery work hereby approved (RECOMMENDED TREE WORK page 41/44 of Ref: Pre-development Arboricultural Report dated 11 November 2021) has been carried out. Best arboricultural practice shall be employed in all work, which shall comply with British Standards BS3998:2010 Tree Works Recommendations.

REASON:

To ensure that all tree work is carried out to the appropriate high standard

06. 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.

07. No development or other operations shall commence on site in connection with the development hereby approved (including tree pruning, demolition works, access formation, or any operations involving the use of construction machinery) until a detailed Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full details of the following:

- Installation of a tree protection scheme
- Siting of materials storage areas and any site cabins
- Specification for tree work and site clearance work
- Routeing of any additional utility runs and excavations and the requirement for specialized trenchless techniques
- retaining structures to facilitate changes in ground levels
- preparatory works for new landscaping
- auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

REASON

To prevent damage to trees shown for retention on the Approved Plan

08. Within one month of the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site

- Bat boxes of the Ibstock Bat Brick or Beaumaris Woodstone surface mounted type or similar to be installed and retained in one of the new dwellings at heights and orientations determined by a suitably qualified ecologist.
- Swift boxes either integrated or surface mounted to be installed and retained in one of the new dwellings at heights and orientations determined by a suitably qualified ecologist.

REASON:

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29

09. Within one month of commencement, a lighting design strategy for light-sensitive biodiversity in peripheral areas and particularly the southern and western boundaries, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall show how, external lighting will be installed so that it can be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural

areas by bats and other species of nocturnal wildlife. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/18: Bats and Artificial Lighting in the UK.

REASON

To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29

10. No piped discharge of surface water from the development shall take place 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.

11. 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.

12. 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.

13. 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.

14. 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, 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, 5, 10, 20, and 30) immediately following habitat creation.

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.

INFORMATIVES

01. 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.

02 INFORMATIVE: Nesting Birds

Please be aware that this decision does not constitute an exemption under the Wildlife and Countryside Act 1981 (as amended). It is an offence to disturb nesting birds or bats and their roosts even when not in use. The felling or pruning of trees or removal of climbing plants such as ivy should not be carried out unless it has been verified that no bat roosts or active bird nests are present within the tree.

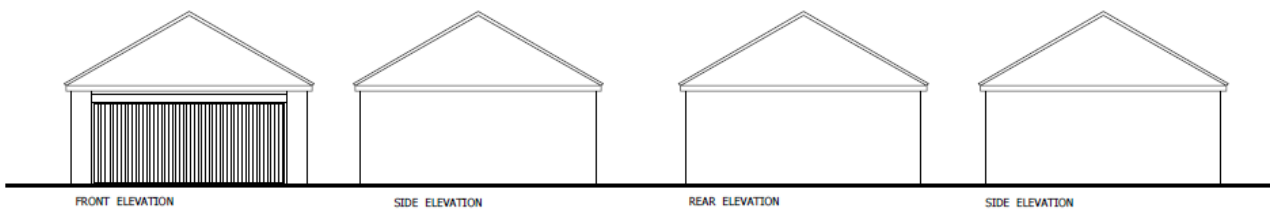
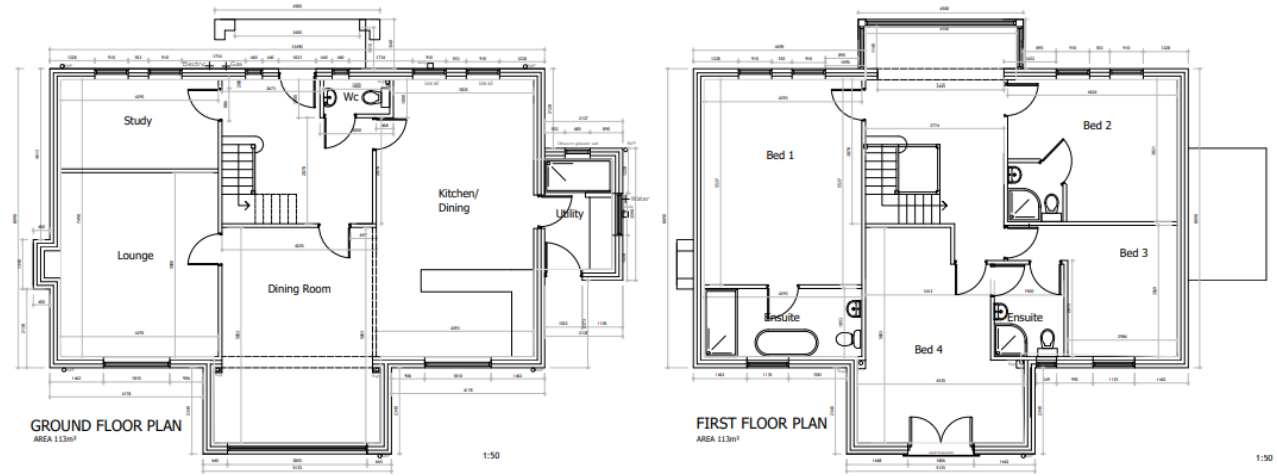
The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Appendix 1 – Site Plan Layout

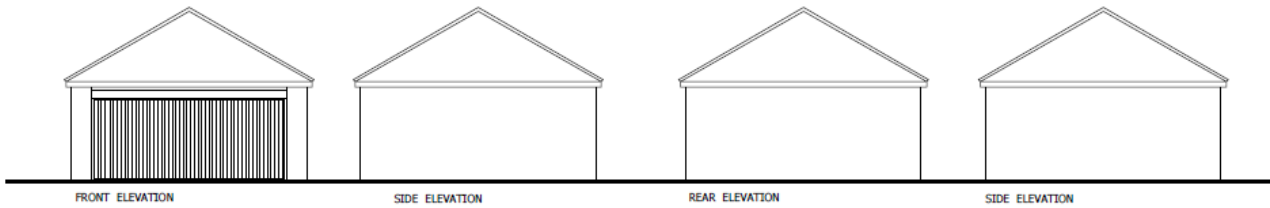
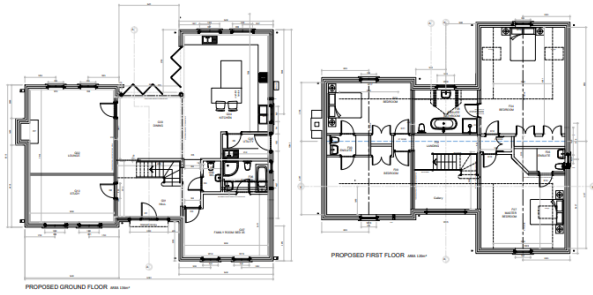


Appendix 2 – Elevations, floorplans and sections

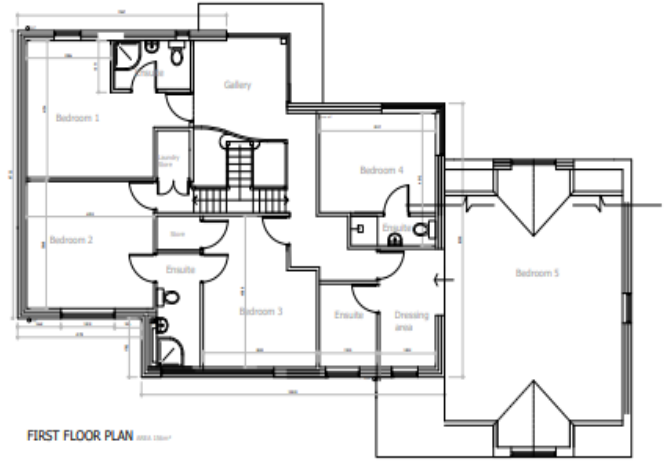
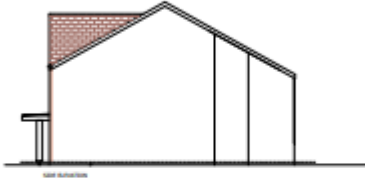
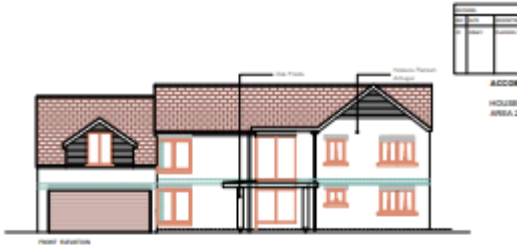
PLOT 1 (HOUSE TYPE A) AND GARAGE



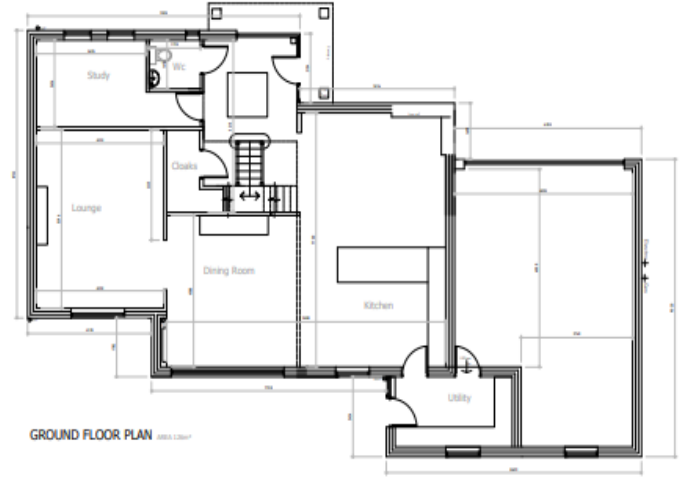
PLOT 2 (HOUSE TYPE B) AND GARAGE



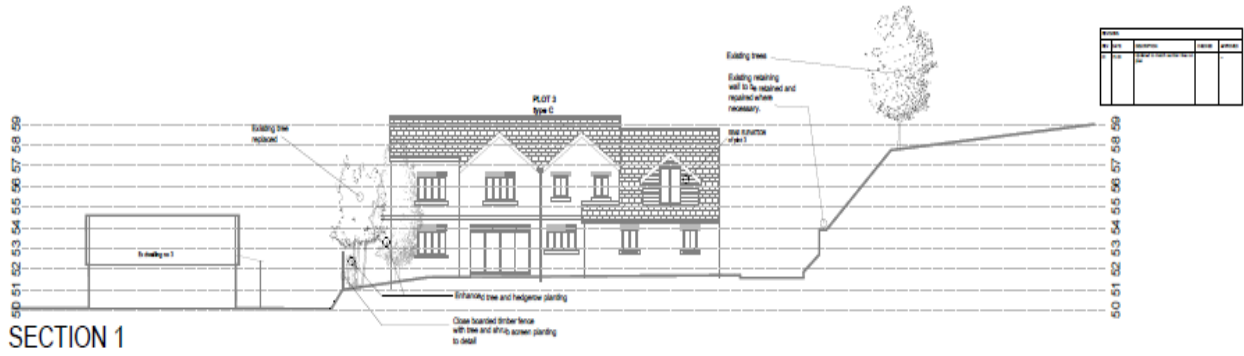
PLOT 3 (HOUSE TYPE C)



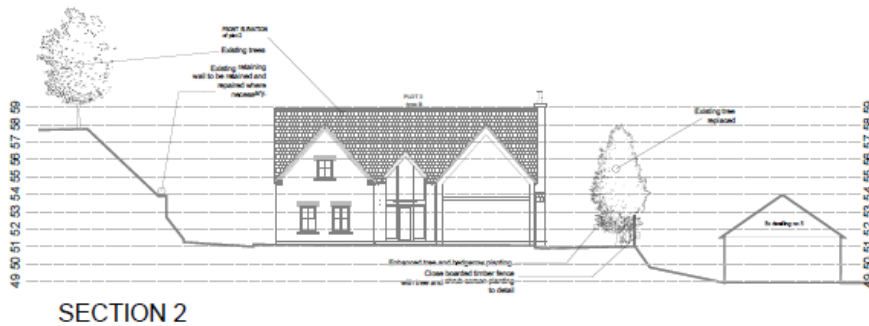
FIRST FLOOR PLAN AREA 1200²



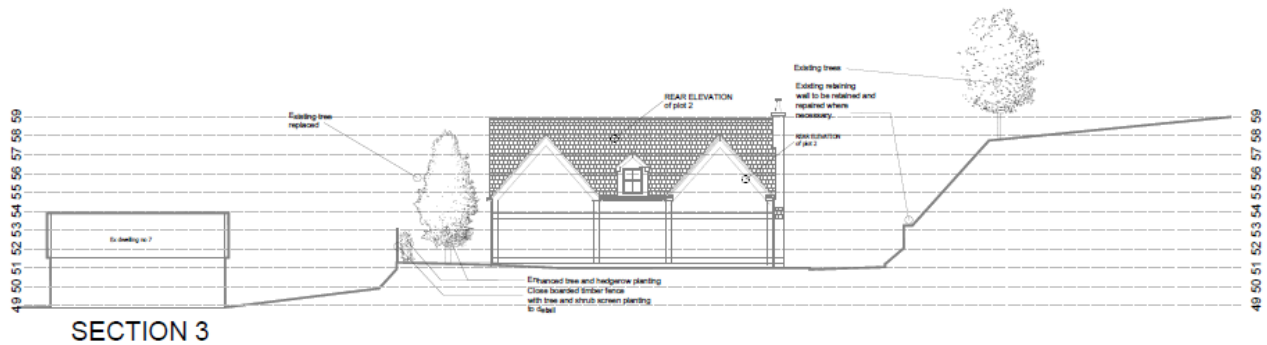
GROUND FLOOR PLAN AREA 1200²



No.3 Milner Gate Court to Plot 3 (type c) (rear elevation)



No. 5 Milner Gate Court to Plot 2 (type b) (front elevation)



No.7 Milner Gate Court to Plot 2 (rear elevation)