

Application	3
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Application Number:	22/01032/FULM
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Application Type:	Planning FULL
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Proposal Description:	Erection of building with commercial units at ground floor level and office space on upper levels (Use Class E) with landscaping; creation of car park area and associated works.
At:	Herten Way Doncaster DN4 7NW

For:	Zuka Ltd
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Third Party Reps:	24 representations	Parish:	N/A
		Ward:	Town

Author of Report:	Jessica Duffield
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SUMMARY

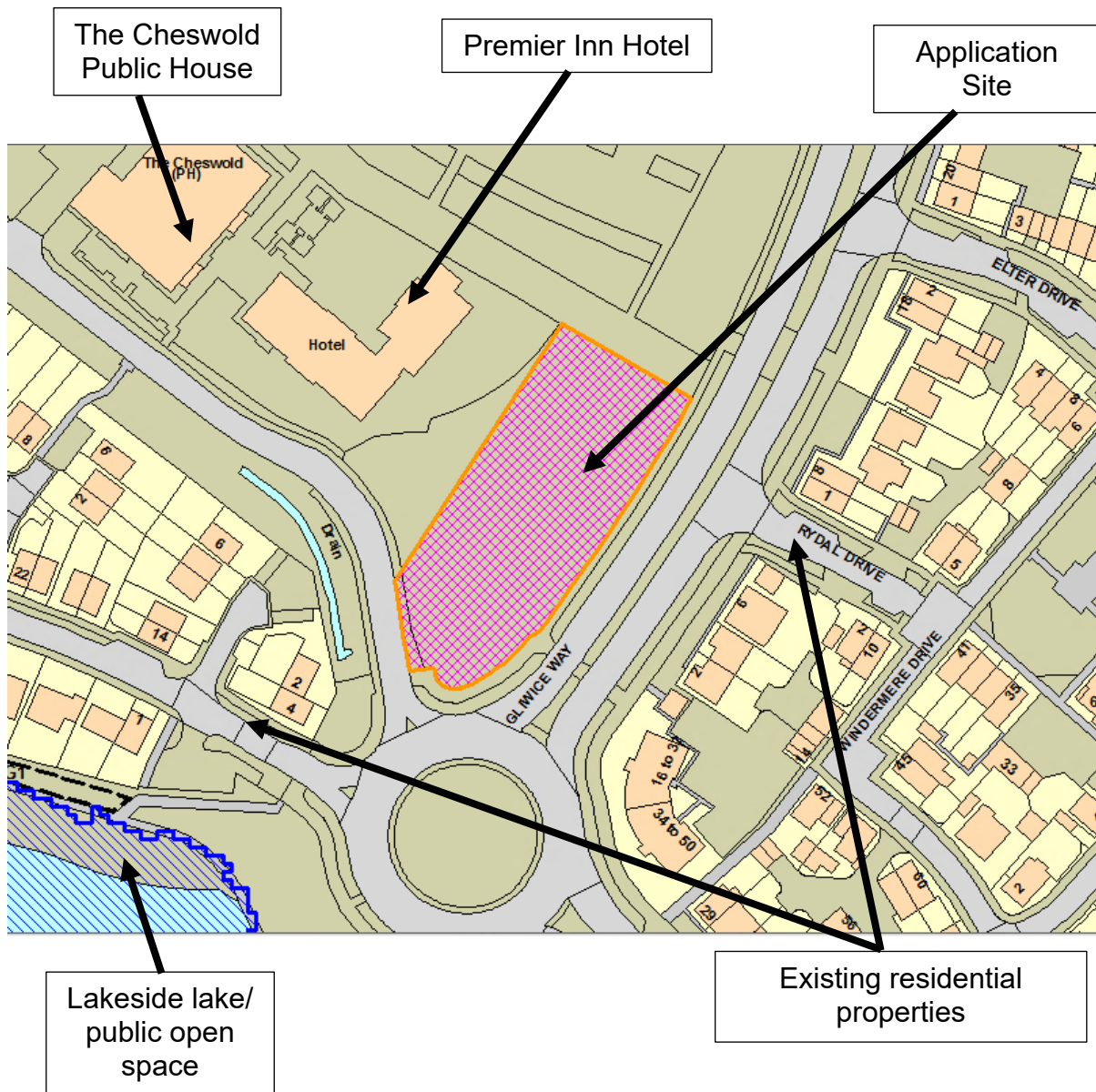
This application seeks permission for the erection of a multi-storey building to be used for office/commercial purposes at the land at Herten Way/Gliwice Way, Lakeside. The building will be 4-storeys in height, with the ground floor providing small scale retail/commercial type units and the upper floors to provide office space. The roof level will also provide outdoor amenity/break-out space connected to the office uses.

The application site is currently greenfield and sits within the established leisure park at Lakeside. The site is designated in the adopted Doncaster Local Plan within the Dome Leisure Park- Out of Centre (Including Retail Parks) site.

A satisfactory retail/office sequential test has been provided to justify the proposed out-of-centre location.

The scale, siting and appearance of the proposed building has been amended during the course of the application to address concerns raised by consultees. The original proposal included residential apartments, but these have been omitted through the design evolution. Permitted development rights to convert the office space to residential are proposed to be removed via condition The existing car park facilities will mostly be utilised, with a service charge towards its maintenance included in the lease, though the development does include some on-site parking is provided.

The recommendation is subject to the signing of a S106 Agreement which secures financial contributions in relation to off-site Bio-diversity Net Gain and Travel Plan Bond.



1.0 Reason for Report

1.1 This application is being presented to Planning Committee due to the number of representations received.

2.0 Proposal

2.1 This application seeks full planning permission for the erection of a 4-storey building including the formation of a new car park/vehicular access; landscaping and associated works at the site on Herten Way. The application description refers to commercial units at the ground floor level and offices at the upper floors, with all uses to fall within Use Class E.

2.2 The original proposal included a much larger building which extended to 6 storeys in height and included residential apartments as well as office and commercial space. The development has been amended during the course of the application, to ensure that it reflects the local character and building traditions whilst also forming an interesting and feature structure at this key corner plot. As a result of the reduced storey height the residential use has

been omitted. The proposal has no outstanding consultee objections as a result of the revised design.

- 2.3 The development proposes:
- 3x commercial/retail units (Use Class E) at ground floor level (unit sizes: 399sqm; 255sqm; 401sqm);
 - 3 floors of office (Use Class E(g) each being circa 806sqm. The office floors are arranged into smaller office spaces/meeting rooms with communal welfare areas and toilets;
 - Outdoor amenity space on roof level for office worker;
 - Public Open Space on the southern part of the site.
- 2.4 The development includes creating a small car park which is to be accessed off Airbourne Road to the south-west. This car park will provide some staff parking as well as 2x disabled spaces. However, the majority of the parking requirement will be provided within the existing leisure park car park. A service charge provision for the maintenance/use of the car park is included within the leasehold agreement for the application site.
- 2.4 An acceptable landscaping scheme has been provided with the application. The development results in a small amount of tree loss, with some of the trees on the Gliwice Way boundary needing to be removed. However, the Tree Officer has inspected these trees and those to be lost are already affected by bacterial canker disease and therefore have no chance of long-term survival and are considered to be low quality trees. The existing healthy trees on the corner of Airbourne Way and the footpath to the north will be retained.
- 2.5 The appearance of the building includes a frame like design, with the use of 2 different colour tones to break up the massing of the large building. Large glazing panels will be used to provide natural light into the office floors as well as balconies. The glazing at the ground floor will create an active street frontage in this commercial area. The building will have a modern appearance but still in-keeping with the local character. Conditions regarding further design details are attached.

3.0 Site Description & Local Characteristics

- 3.1 The application site is a fairly flat site which sits on a key corner plot within the Lakeside area. The site is greenfield and currently has no formal purpose, though the grass is mowed to upkeep its appearance.
- 3.2 The site is surrounded by a mixture of uses. The existing Premier Inn Hotel sits to the west of the site, though views from the hotel rooms into the site are screened by the existing large trees positioned within that site. The hotel building is finished in red and buff coloured brick.
- 3.3 To the north is a tree lined pedestrian footpath which runs along the front of the leisure/restaurant uses and encloses the large car park. Other uses along this stretch include the Vue cinema, public house, bowling alley and 3 restaurant units. The buildings are mostly finished in light coloured brick with

render and cladding features. Additional restaurant/café uses are located at the Herten Triangle development to the north of the car park/Herten Way which have a varied but modern appearance.

- 3.4 The terrace of commercial buildings has a distinctive character consisting of relatively large buildings within spacious plots. The hotel, public house, bowling alley and cinema together with its adjoined restaurants, are all large in terms of their footprint but are surrounded by lawn on all sides. The grassed/landscaped area between each building along with the tree lined pedestrian pathways, create a sense of spaciousness and greenery within the commercial area, and creates an established build pattern along the stretch.
- 3.5 Gliwice Way wraps around the eastern elevation of the site which is a major road link connecting Bawtry Road to Lakeside Boulevard. High density residential housing sits to the west of Gliwice Way. The majority of the housing is finished in traditional red and buff brick with render and clad detailing on key properties.
- 3.6 Newer residential development sits to south of the application site, between Airbourne Way and the lake footpath. Construction of this development has recently completed. This development includes a mixture of brick and render finishes, with contemporary style dark window frames and boundary treatments.
- 3.7 The application site has no formal boundary treatment or enclosure, meaning the site is mostly used as an informal open space/ walking link between the car park to the north and the lake footpath. The site is only enclosed to the east by the established hedgerow/trees. Although the site has been suggested as 'public open space' within the neighbour representations (see Section 6) it is important to note that the site is not formal open space, and is designated as part of the 'Dome Leisure Park' as defined in the adopted Local Plan.
- 3.8 The site is within Flood Zone 1 thus at low risk of flooding from main rivers.

4.0 Relevant Planning History

- 4.1 The application site has no relevant planning history given its undeveloped nature.

5.0 Site Allocation

- 5.1 The application site lies within the Dome Leisure Park- Out of Centre Location (including Retail Parks) designation in the adopted Doncaster Local Plan.
- 5.2 National Planning Policy Framework (2023)
- 5.4 The National Planning Policy Framework 2023 (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:

- 5.5 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.
- 5.6 Paragraphs 7-11 establish that all decisions should be based on the principles of a presumption in favour of sustainable development.
- 5.7 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.8 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.
- 5.9 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 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.
- 5.10 Paragraph 81 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities.
- 5.11 Paragraph 86 states planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. This includes (part E) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. Where sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre.
- 5.12 Paragraph 87 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

- 5.13 Paragraph 88 states when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 5.14 Paragraph 93 relates to the provision of social, recreational and cultural facilities and services for the community and states that planning decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- 5.15 Paragraph 107 relates to parking standards for non-residential development and states that the accessibility of the site; the type, mix and use as well as the availability of public transport should be taken into account.
- 5.16 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
- 5.17 Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 5.18 Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.19 Paragraph 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.20 Paragraph 130 states that planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive; sympathetic to the local character; establish a strong sense of place; optimise the potential of the site and create places which are inclusive and accessible whilst having a high standard of amenity.
- 5.21 Paragraph 131 states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term

maintenance of newly-planted trees, and that existing trees are retained wherever possible.

- 5.22 Paragraph 132 states that design quality should be considered throughout the evolution and assessment of individual proposals.
- 5.23 Paragraph 135 makes clear that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 5.24 Paragraph 174 states planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity or geological value.
- 5.25 Paragraph 180 states if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.26 Paragraph 185 states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 5.27 Doncaster Local Plan (2021)
- 5.28 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).
- 5.29 Policy 1 sets out the Settlement Hierarchy for the City. It seeks to concentrate growth at the larger settlements of the City with remaining growth delivered elsewhere to support the function of other sustainable settlements and to help meet more local needs taking account of existing settlement size, demography, accessibility, facilities, issues and opportunities. The site lies within the Main Urban Area as defined in the Local Plan and its supporting Policies Map.
- 5.30 Policy 2 sets out the level of growth to be facilitated in Doncaster stating that new leisure, retail and office development is to be delivered in accordance with the Network of Centres. Paragraph 4.48 expands on this stating: *For offices in particular, alternative locations such as the Airport and Lakeside are attractive. However, the sequential test set out in national policy (and Policy 22) will need to be undertaken before such developments can be supported.*

- 5.31 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. Appendix 6 includes the parking standards which all new developments must comply with as per Part A.2.
- 5.32 Policy 22 states that Main Town Centre Uses including retail, leisure and office will be located according to the 'Network of Centres'. Part 1 sets out the sequential approach and states proposals for Main Town Centre Uses on the edge of, or outside of, designated centres will only be permitted where it can be demonstrated that sites within, and then on the edge of, town, district and local centres have been assessed and it can be demonstrated that they are not available (or expected to become available within a reasonable period), suitable or viable for the proposed development. Part 2 states that retail and leisure proposals which exceed 500sqm (in all other locations outside of the town centre and edge of centre) must be accompanied by an impact assessment which assesses the impact of the proposal upon existing, committed and planned public and private investment in the catchment of the proposal as well as the impact upon the vitality and viability of centres.
- 5.33 Policy 22 Part 3 sets out the types of retail provision which will be supported in principle within out of centre locations, including:
- A) Bulky-goods, non-food retail development within existing out of centre locations;
 - B) Specialist shops (including car showrooms) and trade centre developments within local employment sites;
 - C) Small-scale shops and other ancillary uses which would complement the function and role of existing or proposed employment, housing or mixed-use sites where they serve a local need.
 - D) Limited and small-scale ancillary retail uses (e.g. farm shops) outside of Development Limits and the Green Belt that satisfy Policy 25.
- 5.34 The policy expands to state that development of Main Town Centre Uses in out-of-centre locations, and particularly retail parks, must remain complementary to defined centres and the impact of such development must be mitigated by imposing appropriate conditions including: on the use of land and premises; the scale of development; the sub-division of units; and the goods that can be sold from any retail outlet.
- 5.35 Policy 24 relates to food and drink uses and states proposals will only be supported which satisfy the requirements of Policy 22; do not have a negative impact upon the amenity and/or safety of residents and other businesses or undermine the vitality and viability of centres.
- 5.36 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 City's ecological networks.

- 5.37 Policy 30 relates to valuing biodiversity and geodiversity and advises that internationally, nationally, and locally important habitats, sites and species will be protected through a number of principles. Policy 30 states that proposals must achieve a minimum 10% net gain in biodiversity.
- 5.38 Policy 32 states that 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.
- 5.39 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.
- 5.40 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.
- 5.41 Policy 46 relates to the design of non-residential developments and states that proposals will only be supported where they are designed to be sympathetic to local character; have no unacceptable effects upon the amenity of neighbouring land uses; promote accessibility and way-finding travel modes; and meet functional requirements whilst being architecturally appropriate with visually attractive elevations and well landscaped.
- 5.42 Policy 48 states that development will be supported which protects landscape character; 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.
- 5.43 Policy 50 states that development will be required to contribute positively to creating high quality places that support and promote healthy communities and lifestyles, such as maximising access by walking and cycling.
- 5.44 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality.

- 5.45 Policy 55 deals with the need to mitigate any contamination on site.
- 5.46 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.47 Policy 65 relates to developer contributions. The policy states that proposals should make appropriate contributions towards new infrastructure as required in order to deliver sustainable development.
- 5.48 However, development should not be subject to such a scale of developer contributions or policy requirements that development viability is put at risk.
- 5.49 Other material planning considerations
- 5.50 Doncaster Council's previous suite of adopted Supplementary Planning Documents (SPDs) were 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 in September 2021. Since then, the Council are in the process of drafting new SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan.
- 5.51 Following public consultation the Council has adopted five SPDs under the Local Plan with respect to Biodiversity Net Gain, Flood Risk, Technical and Developer Requirements, Loss of Community Facilities and Open Space, and Local Labour Agreements. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight.
- 5.52 The Transitional Developer Guidance (Updated August 2023) provides supplementary guidance on certain elements, including design, whereby updated SPDs have not yet been adopted. The Transitional Developer Guidance should be referred to during the interim period, whilst further 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.
- 5.53 Other material considerations include:
- National Planning Practice Guidance (ongoing)
 - National Design Guide (January 2021)
- 5.54 Other Council initiatives include:
- Doncaster Green Infrastructure Strategy 2014 – 2028
 - Doncaster Delivering Together
- 5.55 Launched in September 2021, Doncaster Delivering Together (DDT) is the Council's new 10 year Strategy. DDT is about everyone being able to thrive and contribute to thriving communities and a thriving planet. This strategy

does not form part of the adopted development plan but it is important that the policies of the Doncaster Local Plan achieve the aims and objectives of DDT strategy. The DDT has identified 8 priorities to deliver for Doncaster over the next ten years.

1. Tackling Climate Change
2. Developing the skills to thrive in life and work
3. Making Doncaster the best place to do business and create good jobs
4. Building opportunities for healthier, happier and longer lives for all
5. Creating safer, stronger, greener and cleaner communities where everyone belongs
6. Nurturing a child and family - friendly borough
7. Building transport and digital connections fit for the future
8. Promoting the borough and its cultural, sporting and heritage opportunities

5.56 The body of the report below reflects the planning considerations for the site. However, it is considered that the application would directly contribute towards the aims of DDT.

5.57 The development includes appropriate mitigation though the inclusion of solar panels on the roof of the building and being designed to the 'Very Good' BREEAM rating (1). The scheme will provide modern, purpose built office space in line with current market demands as well as new commercial space in a popular leisure location (2, 3). The layout of the scheme would be safe and inclusive as well as being easily accessible for all. The development includes well-landscaped areas as well as the protection of existing trees (4). The application site is located within close proximity to residential communities and existing schools, as well as being positioned on established sustainable traffic routes. The proposal will provide ancillary commercial space within close proximity to existing residential areas/communities (5, 6). The development will utilise the existing sustainable transport infrastructure which is well-established within this part of the borough as well as encourage the use of cycles and walking routes (7). Finally, the scheme will develop an otherwise vacant but well connected site for Class E uses within an existing and thriving mixed-use area (8).

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) as follows:

- Advertised on the Council website;
- Nearby neighbours notified by letter;
- Site notices around the site boundary to advertise major application;
- Advertised in local press.

6.2 Three rounds of public consultation have been carried out to ensure that neighbours have had the opportunity to comment on the revised plans and updated description. Across the three rounds of consultation a total of 24

neighbour representations have been received, though the majority were received during the earlier rounds of consultation and based upon the initial, larger scale development which included residential apartments. The following comments were raised during the rounds of consultation:

6.3 First Round (May – June 2022)

- Proposed building will be an eyesore;
- Height should be reduced;
- Limited open space within the area;
- Lack of residential parking;
- Lakeside area is over populated;
- Unsympathetic building design;
- Too many fast food outlets;
- Increased litter in area;
- Increased anti-social behaviour;
- Impact upon air quality;
- Increased traffic;
- Proposed development will dominate the area;
- Lack of public parking;
- Development will create additional/overflow parking on surrounding streets;
- Impact upon wildlife/habitats;
- Increase vacancy levels with the town/city centre;
- Overshadowing impact upon adjacent properties;
- Wind funnelling impact;
- Impact upon traffic speeds;
- Impact upon skyline;
- Imposing appearance;
- Not in-keeping with surrounding buildings;
- Light pollution;
- Not appropriate development in this location;
- Overlooking of nearby residential properties;
- Offices should not be close to housing;
- Over-development of the area;
- Impact upon the environment/ health of the community;
- Local roads already congested;
- Drainage issues;
- Lack of public consultation;
- Impact upon privacy of nearby residents;
- Impact upon landscaping;
- Road management schemes to be introduced;
- Offices should be directed to the town centre;
- Transport assessment conclusion is biased;
- No reference to carbon footprint;
- Site should be used as a carehome;

6.4 Second Round (March 2023)

- In support of development, the site currently has no use. Increased commercial space for local residents is welcomed;
- Overdevelopment of the site;
- Building should be smaller;

- Lack of open space;
- Site/area will appear too commercial;
- Not in-keeping with local character;
- Building will appear unsightly/dominating;
- Not enough parking;
- The site is a well used pedestrian walkway;
- The building will dwarf surrounding properties;
- Lack of privacy;
- Too much development within the area;
- Building is too tall;
- Loss of hedges/planting;
- Impact upon air quality;
- Impact upon residential amenity;
- Increased pollution;
- Access via Airbourne Road should be removed;
- Inaccurate transport assessment;
- Increased traffic collisions;
- Overflow car parks already at capacity;
- Impact upon wildlife/habitats;
- Compensation should be awarded;

6.5 Third Round (July 2023)

- Amended plans are still out of character with the area;
- Development should be located closer to existing offices;
- Increased anti-social behaviour;
- A resident parking scheme should be introduced within the area;
- No green space left around Lakeside;
- Noise pollution;
- Impact upon wildlife/habitats;
- Site should be retained as open space;
- Loss of privacy;
- Increased traffic movements;
- Impact upon air quality;
- Potential smells from restaurant uses;
- Inaccurate transport assessment;
- Impact upon parking availability;
- Disturbance caused by construction activities;

7.0 Consultations

Internal CDC Consultees

- 7.1 Environmental Health Officer** – No objection based on the revised proposal with commercial and office space only. Given the distance between the site and the closest properties, it is not anticipated that noise from any plant or vehicle deliveries will have a significant impact upon residential amenity. A condition is proposed relating to extraction/ventilation details in the event that the ground floor units are occupied by a restaurant operator (Use Class Eb).

7.2 Tree Officer- No objections to the revised plans which address all the previous tree related concerns. Conditions proposed regarding compliance with the submitted landscape scheme and tree protection.

7.3 Urban Design Officer – No objection to the revised scheme, the overall form, siting, scale and appearance of the proposal is acceptable. The development will provide a gateway function, being a landmark building whilst being sensitive to the scale of the existing development surrounding the application site.

The development reflects the style of the nearby commercial developments in terms of materiality which helps provide the gateway juxtaposition which is required in architectural terms. Neighbour concerns in relation to overlooking and separation distances are recognised, but even for a 3 storey (or 4 storey development if the rooftop area is included) there is sufficient separation from surrounding residential proposals. The separation standards in the Transitional Developer Guidance requires 21m for 2 storey buildings plus 3m for each additional storey, meaning a separation distance from homes of 27m is required to protect residential amenity. The development hereby proposed is well over 30m from any residential property at its closest point. The way the building is orientated means there should be no unacceptable impacts in terms of access to light or overshadowing at these distances.

No objection to the submitted BREEAM assessment. Condition wording updated to reflect only the 2nd part of the condition (implementation/ pre-occupation).

The following conditions are proposed relating to:

- Material details/samples, to be submitted prior to commencement;
- No external plant;
- Submission of BREEAM review assessment;
- Reduced CO2 emissions statement.

7.4 Air Quality- No objection based on the revised air quality damage cost assessment. Conditions suggested relating to EV charging which has been shown on the site plan, thus disregarded.

7.5 Ecologist- The submitted Biodiversity Net Gain assessment has been reviewed which concludes that based on the +10% net gain requirement, the development results in a 0.867 deficit. A financial contribution to off-set this is to be secured through a S106 agreement.

A condition is attached to secure the 0.31 units which are to be provided onsite.

7.6 Internal Drainage- No objection, condition attached relating to maintenance.

7.7 Highways Development Control- No objection based on the revised plans. All issues regarding parking availability have been dealt with as per the

Transport Planner's comments. The on-site parking is acceptable. Conditions proposed relating to:

- Site surfacing;
- Turning space;
- Retention of parking;
- Submission of construction traffic management plan (pre-commencement)

7.8 Transport Planner- No objection based on the revised Transport Assessment and Travel Plan. The submitted Car Park Occupancy Survey concludes that there is sufficient spare capacity at the existing Herten Way car park to accommodate the requirements of the proposed development. Junction Capacity Assessments have also been provided which indicate that there is sufficient capacity to operate. The CDC Signals team have reviewed the submitted information and are accepting of the results.

A Travel Bond is required to mitigate any traffic in the event that the targets included in the travel plan are not achieved. The formula for calculating the travel bond is as follows: No. of employees x the current cost of a 28 day SY Connect+ ticket (currently £131.70) x 1.1 – this value is to be secured via the S106 Agreement.

Condition proposed relating to the submission of the full travel plan within 3 months of the occupation of each commercial unit/office floor.

7.9 Highway Safety – Concerns regarding use of adjacent car park, though this has been dealt with via Highways Development Control and CDC Transport Planner through the various rounds of consultation as well as confirmation regarding details of the lease via the Council's Assets team.

7.10 Planning Policy: Open Space- No POS contribution required following the removal of the residential element. The proposed landscaping is welcomed.

7.11 Planning Policy: Housing – Covered below, no longer relevant given the absence of residential development.

7.12 Planning Policy: Employment- The site is designated as being part of the Dome Leisure Park- Out of Centre (Including Retail Parks). As per Policy 22 and National Policy (see paragraph 87 of NPPF) offices are a main town centre use and must meet Part 1 and Part 2 of the Policy. As such a sequential test is required which assesses the availability of existing office space and potential/future development sites within the centres set out in the network of centres as per Policy 1.

An acceptable sequential test report has been submitted and reviewed (received: 17/10/2023). Based on the findings/conclusions of that report, the proposed development is acceptable in principle.

7.13 Planning Policy – Retail: In line with Policy 22 of the Local Plan and National Policy Section 7, offices are a Main Town Centre Use (Class E) and should

meet Part 1 and Part 2 of Policy 22. Offices (Class E g) are not any of the 4 criteria's in Part 3 – Out of Centre Locations (including Retail Parks).

As the retail/ancillary commercial spaces are below 500sqm, Policy 22, Part 2 does not apply in this instance. As per above, a satisfactory sequential test has been provided.

Conditions proposed to ensure that the upper floors are used for office (Use Class E(g) only and cannot be converted for any other purpose.

Condition also proposed to ensure that the ground floor commercial units are not amalgamated into one unit, and therefore cannot bypass the impact assessment required by Policy 22, Part 2.

- 7.14 **Local Ward Cllrs** – No response.
- 7.15 **Affordable Housing** – No requirement based on revised plans/ no residential element.
- 7.16 **Education** – No education requirement.
- 7.17 **Investment/ Business Doncaster-** Support the proposed development based on the potential economic development and new investment/jobs created by the proposal. The area is mixed in nature with office uses present at Lakeside.
- 7.18 **Pollution Control-** No objection based on submitted survey/assessment. No conditions required.
- 7.19 **Public Rights of Way-** No response.
- 7.20 **Waste & Recycling** – No objection, proposed waste storage area is acceptable. Informative attached regarding the required waste management arrangements.
- 7.21 **Children's & Young People department** – Financial contributions not required.
- 7.22 **Public Health-** No objection, the inclusion of cycle parking and outdoor amenity space for workers is encouraged.

External Consultees

- 7.23 **Environment Agency** – No response.
- 7.24 **Yorkshire Water-** No objection subject to the proposed conditions in relation to:
 - Submission of a feasibility study;
 - Storage tank capacity;

- 7.25 **National Grid (Cadent)** – No response.
- 7.26 **South Yorkshire Police Architectural Liaison Officer**- No objection, informative attached.
- 7.27 **National Gas- Asset Protection** – No assets affected within the area.
- 7.28 **Northern Gas Networks**- Do not cover area
- 7.29 **Doncaster Civic Trust**- Concerns raised regarding the principle of the development in this location.
- 7.30 **South Yorkshire Archaeology** – No objections.

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 (2023) 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.

8.3 The main issues for consideration under this application are as follows:

- The Principle of the Development
- Sustainability
- Impact upon residential amenity
- Impact upon the character and appearance of the surrounding area
- Impact upon highway safety
- Trees and Landscaping
- Flood Risk and Drainage
- Air Pollution and Contaminated Land
- Energy Efficiency/Sustainability Features
- Archaeology
- Ecology
- Economic Impact
- S106 Planning Obligations
- Overall Planning Balance

8.4 For the purposes of considering the balance in this application, planning weight is referred to in this report using the following scale:

- Substantial

- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

The Principle of the Development

- 8.5 The application site falls within the Dome Leisure Park- Out of Centre Locations (including Retail Parks) as defined in the adopted Doncaster Local Plan. This designation relates to Policy 22. The proposal has been amended to provide Class E space only, with no residential element.
- 8.6 Policy 22 states that Main Town Centre Uses including retail, leisure and office will be located according to the 'Network of Centres' (Policy 1, Table 2). Part 1 sets out the sequential approach and states Proposals for Main Town Centre Uses on the edge of, or outside of, designated centres will only be permitted where it can be demonstrated that sites within, and then on the edge of, town, district and local centres have been assessed and it can be demonstrated that they are not available (or expected to become available within a reasonable period), suitable or viable for the proposed development.
- 8.7 Part 2 requires retail and leisure proposals which exceed 500sqm to be accompanied by an impact assessment which assesses the impact of the proposal upon existing, committed and planned public and private investment in the catchment of the proposal as well as the impact upon the vitality and viability of existing centres.
- 8.8 Policy 22 Part 3 sets out the types of retail provision which will be supported in principle within out of centre locations, including:
- A) Bulky-goods, non-food retail development within existing out of centre locations;
 - B) Specialist shops (including car showrooms) and trade centre developments within local employment sites;
 - C) Small-scale shops and other ancillary uses which would complement the function and role of existing or proposed employment, housing or mixed-use sites where they serve a local need.
 - D) Limited and small-scale ancillary retail uses (e.g. farm shops) outside of Development Limits and the Green Belt that satisfy Policy 25.
- 8.9 Paragraph 87 of the NPPF states that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

- 8.10 The development hereby proposed includes circa 2,400sqm of office space across 3 floors. Offices are defined as a main town centre use as per the definition included at Annex 2 of the NPPF. Policy 22 Part 1 requires such uses to be directed to the sites within or on the edge of town, district and local centres. Although Lakeside is an established leisure destination within the borough, it is not a designated centre as per the network of centres.
- 8.11 In order to be acceptable in principle, the development must satisfy the sequential test, which requires applicants to assess sites within and on the edge of centres and demonstrate why those existing or future sites are not available, suitable or viable for the proposed development.
- 8.12 The Applicant has submitted a satisfactory sequential test which assesses/analyses the following:
- Search of available land currently for sale via Rightmove and Business Doncaster property search portal;
Paragraph 3.15 of the sequential test confirms that no vacant development land within the city centre is currently available/being marketed.
 - Search of the 8 key redevelopment areas identified in Local Plan Policy 68.
Paragraph 3.16 of the sequential test confirmed that no vacant land is currently being marketed nor available in the majority of those sites, with only 1 site available in the Markets Area. The site within the Markets Area was disregarded as it is not considered to be an area/site suitable for large office development, with Policy 68 making reference to the area being developed for 'enterprise space, shops and restaurants' and would also not attract the commuter market.
 - Search of existing office premises being marketed via Rightmove.
Sites at South Parade, Hall Gate, Cleveland Street/Young Street, Silver Street were found and assessed. Though were disregarded due to their size; building/plot constraints; lack of outdoor amenity space; lack of on-site/nearby car parking; and inappropriate surrounding uses.
 - Search of existing office premises being marketed via Business Doncaster.
A site at Copley House was found but was disregarded due to its size; lack of nearby free parking and the costs/impact upon viability in regard to the renovation works required to convert the building to Grade A Office space.
- 8.13 Regarding the proposed retail space, the submitted report states: *'The most likely type of retailer would be day to day convenience and localised/micro customer base rather than shoppers in the centre of Doncaster and as such there is no potential for cross-over trade or for the proposals to have any adverse impact on the vitality and viability on the town centre.'*
- 8.14 The report concludes: *'...it is clear that there are no sites identified in our sequential search that are suitable, available and viable to accommodate the application proposal.... it has been concluded that there are no sites adequate in their capacity for the type of development proposed, which requires not only*

land to accommodate the required retail and offices, but a good amount of off street parking opportunity for tenants, staff and visitors to make the development viable package.'

- 8.15 The Retail and Employment Policy Officers have reviewed the submitted sequential test and are satisfied with its findings/conclusions, thus accept that the proposed development accords with Part 1 of Policy 22.
- 8.16 Part 2 of Policy 22, in relation to the impact assessment, is not necessary in this instance with the proposal not meeting the triggers to require this assessment. Each of the proposed commercial/retail units at the ground floor level fall below the 500sqm threshold, with the largest of the 3 being 401sqm. The size of the proposed shops are likely to welcome small shops/ancillary uses to the function of the offices and nearby residential housing, as per Part 3(c). The proposal therefore accords with Policy 22 parts 2 and 3.
- 8.17 On this basis the proposed development is considered to be acceptable in this location in principle, by virtue of satisfying Part 1 of Policy 22 and according with the later parts. Other considerations are assessed in turn below.

Sustainability

- 8.18 Paragraph 7 of the NPPF states that one of the core principles 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
- 8.19 There are three strands to sustainability, social, environmental and economic. Paragraph 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

- 8.20 Policy 46(A) of the Doncaster Local Plan states: non-residential and commercial developments will be supported where they are designed to have no unacceptable negative effects upon the amenity of neighbouring land uses.
- 8.21 Table 2 of the Transitional Developer Guidance (TDG) does not give direct guidance in regard to commercial buildings, however at page 12 it states that 4 storey properties should have back to back distances of no less than 27m to prevent harmful overlooking.
- 8.22 It is noted that many of the neighbour representations refer to the impact upon residential amenity by virtue of the scale and position of the proposed building in relation to the existing residential properties to the south and east.

- 8.23 During the application, the footprint of the building has been reduced, pulling it away from the southern boundary whilst the height of the building has been significantly reduced from 6 storeys to 4. The orientation of the buildings means that there would be no unacceptable overshadowing or impact upon daylight caused by the proposal.
- 8.24 The closest property to the south is No. 2 Lake View and those closest to the east are Nos 2-6 Gliwice way. All of these properties are over 36m from the closest point, thus are a sufficient distance from the proposed building to ensure that there is no harmful overlooking introduced, significantly exceeding the 27m requirement in the TDG.
- 8.25 The balconies at the upper floor level will serve the office floorspace and provide a provision of outdoor amenity space for workers. Whilst these will face southwards, there is a separation distance of 37m between the edge of the balcony and the garden boundary of No. 2 Lake View. Therefore, no harmful overlooking of outdoor residential garden space would be created. The siting of the existing trees and the road will provide additional screening.
- 8.26 It is recognised that the introduction of a multi-storey building on this current vacant parcel of land will somewhat alter the appearance of the site and street scene, and may be considered as dominating in comparison to the existing arrangement. However, the application site is designated for leisure/commercial uses as per Policy 22, and the proposal is not significantly larger or dissimilar in terms of massing in comparison to the existing neighbouring leisure buildings.
- 8.27 Nevertheless, to minimise any dominating or overbearing impact upon the nearby residential properties, the proposal includes a generous area of open space on the southern part of the site as well as quality landscaping along the boundaries and the retention of established trees. This design will create an added buffer between the proposed building and the neighbouring dwellings in addition to the physical separation distance.
- 8.28 Given the nature of the surrounding area and uses, which includes a variety of restaurants, public house and cinema, an element of disturbance associated with evening activities and vehicle movements already exists in this location. The introduction of office space (which will be typically used during daytime hours) and small ancillary commercial/retail space is not considered to cause significant nuisance over and above the existing uses. A condition is proposed to ensure that appropriate ventilation and extraction details are submitted prior to any possible restaurant use operating at the site, to further protect residential amenity in regard to fumes/odours.
- 8.29 Overall the development would provide acceptable levels of adequate residential amenity in accordance with Local Plan Policy 46.

8.30 Conclusion on Social Impacts.

- 8.31 Paragraph 8(b) of the NPPF (2023) sets out the social objectives which requires developments to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations through well-designed places; accessible service and open spaces that reflect the current and future needs to support community health, social and cultural well-being.
- 8.32 The proposed uses (offices and ancillary commercial) are not expected to create significant disturbance. The proposed development would not detract or harmfully impact the residential amenity of existing neighbouring residential properties by virtue of overlooking or overshadowing. The proposed building would be situated a suitable distance from the nearest residential dwellings to ensure that existing amenity is protected.
- 8.33 It is accepted 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 and a condition is attached to mitigate this. Whilst the development does not create significant social benefits, there is no overall harm either, with the proposal according with the site's designation in the adopted Local Plan. Overall, the social impact of the development is considered to be acceptable and significant weight should be attached to this in favour of the development.

ENVIRONMENTAL SUSTAINABILITY

Impact upon the character and appearance of the surrounding area

- 8.34 Policies 41, 42, and 46 of the Doncaster Local Plan require development to be of a high quality design that contributes to local distinctiveness, respond positively to existing site features and integrate well with its immediate surroundings.
- 8.35 Paragraph 130(a) of the NPPF states that planning decisions should ensure that developments 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. Part (c) seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 8.36 The proposed building consists of a 4-storey structure which is separated into 2 key main blocks, with the northern part of the building having a lower eaves/parapet height than the southern part. The use of 2-blocks/differing material tones helps to break up the massing of the building and provides a more interesting visual appearance.
- 8.37 The Urban Design Officer has worked closely with the Applicant to create a suitable scheme in terms of its appearance, character and style. The amended scheme hereby proposed, includes a frame-like design which encapsulates the inner building block. The brick columns on the outer edge of the structure help to create depth and interest, rather than a flat elevation.

- 8.38 The building has a modern appearance whilst also taking into account the surrounding materials, utilising a mixture of different toned brick, panels and glazing. The ground floor in particular will feature large, glazed windows to create an active frontage along the ground floor which will face over 3 elevations.
- 8.39 At the top floor, the building will provide an outdoor roof terrace area for employees of the office space. This outdoor amenity space is welcomed, with many modern office buildings proposing such facilities.
- 8.40 It is recognised that the height of the building is slightly taller than the adjacent buildings with the Vue cinema; Premier Inn Hotel and residential flats extending to 3 storeys. However, given this corner plot and landmark site on the edge of the commercial terrace, the proposal of a taller building is welcomed and considered acceptable in this instance.
- 8.41 The introduction of 1 additional storey in comparison to its neighbours, will not abnormally dominate or appear overbearing next to the existing built form, but instead create a feature building within the prominent plot, which can be seen from a multitude of viewpoints.
- 8.42 The modern appearance of the building will tie in with the recently developed housing estate to the south and commercial development at Herten Triangle, both of which include contemporary design features, whilst also reflecting the traditional character of the existing leisure uses along Herten Way.
- 8.43 The retention of the trees in conjunction with the proposed landscaping positively contributes to the appearance of the site and makes reference to the existing building traditions along the terrace. The separation between the proposed building and the adjacent hotel matches the established breaks in built form, whilst the generous open space and trees again make reference to the green character which surrounds the neighbouring commercial buildings.
- 8.44 Overall the design and appearance of the proposed development is acceptable and suitably reflects the local character, materials and building traditions which are prevalent in the surrounding area, whilst also being modern and providing contemporary/purpose-built commercial space.

Impact upon highway safety

- 8.45 Policy 13(A) of the Local Plan states that the Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards in Appendix 6 (criterion 4) and development does not result in unacceptable impacts on highway safety (criterion 6). Developments should also include provision for electric vehicle charging points (criterion 4).
- 8.46 Paragraph 111 of the NPPF 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.”

- 8.47 The application has been supported by a Transport Statement, Travel Plan, and additional surveys to assess the capacity of the adjacent car park and surrounding road junctions. These reports have been reviewed by the Council’s Transport Planner and the Signals team who have no objection to the findings of the submitted documents.
- 8.48 The proposal includes the formation of a new access point off Airbourne Way as well as a small car parking area. The majority of the car parking demand created by the development will be facilitated within the existing car park, which is owned and maintained by the Council. The on-site car park/access will mainly provide a service/delivery use rather than parking facilities. Albeit a small number of spaces have been provided to accommodate some on-site parking and disabled bays.
- 8.49 Tracking has been carried out to ensure that waste collection vehicles can adequately turn within the site whilst an appropriate bin storage area will be located at the end of the service drive to allow for suitable waste collection arrangements.
- 8.50 Additionally, the application site is located on an established public transport route with a number of bus services serving Bawtry Road/Dome Leisure Centre and the Lakeside area.
- 8.51 To ensure that the targets in Travel Plan are achieved, in regard to sustainable travel, a financial contribution for a travel plan bond is to be secured via a S106 Agreement, based upon the proposed number of employees.
- 8.52 Overall, the proposal provides suitable arrangements for vehicular access, parking and protects public safety in line with the above policies. The trip generation to and from the site would not lead to a harmful cumulative impact of the wider highway network. The Highways DC Officer and Transport Planner raise no objection to the scheme based upon the proposed parking arrangements; generated highway movements and the findings of the transport assessment, subject to the attached conditions and the agreement of the S106 Agreement.

Trees and Landscaping

- 8.53 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 schemes which include fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 8.54 The application is supported by a tree survey; tree constraints plan and tree protection plan. Initially the Tree Officer did have some concerns regarding the loss of trees along the boundary of the site. However, as a result of the re-positioning and reduced footprint of the proposed building, the Tree Officer is

satisfied with the proposed landscaping design and impact upon existing trees.

- 8.55 The trees along the northern boundary of the site, which line the pedestrian footpath and are categorised as 'Category: A- High Quality' lime trees, will be retained as well as the larger/established horse chestnut trees on the southern end of the site.
- 8.56 Unfortunately some trees along the eastern boundary will be lost as a result of the development. Albeit all those to be removed are classed as 'Category C- Low Quality' trees. Two of the trees to be removed are of particularly low quality and show obvious signs of bacterial canker meaning those trees are unlikely to survive in the long term with the disease being untreatable and common within the horse chestnut species. The Tree Officer has revisited the site recently and agrees with the conclusions of the submitted survey. On this basis the partial tree loss is considered to be acceptable.
- 8.57 The Applicant has provided a good level of detail within the landscaping information and as such no additional information is required in this regard. As described above, the amount of landscaping and its contribution to the appearance of the site is welcomed, with generous open space and public realm included in the proposal.
- 8.58 The Tree Officer is satisfied with the landscaping masterplan in terms of the species proposed and the position of the planting.

Flood Risk and Drainage

- 8.59 Policy 56 states that development proposals will be supported where there is adequate means of foul sewerage disposal; no increase in flood risk or surface water run off and make use of SUDs unless it can be shown to be technically unfeasible.
- 8.60 The site lies within Flood Risk Zone 1 as per the Environment Agency's Flood Map for Planning and by Doncaster's Strategic Flood Risk Assessment (SFRA). This is the lowest area of flood risk from main river flooding. Nevertheless, major planning applications must be supported by the relevant drainage information including plans and strategies in order to accord with Policy 56.
- 8.61 The Applicant has provided a drainage strategy along with calculations and details of the drainage connection. The information provided has been reviewed by the Council's Drainage Officer and there is no objection on this basis, subject to the maintenance condition attached. No further drainage details are required.
- 8.62 Yorkshire Water and the EA were also consulted on the application, neither of which raised any objections. Yorkshire Water's engineers have requested conditions relating to the submission of a feasibility study and storage tank capacity details.

Air Pollution and Contaminated Land

- 8.63 Policy 55 states that proposals will be required to mitigate contamination by demonstrating there is no significant harm to human health; land; natural environment; pollution of soil or any watercourse. Developments must ensure that necessary remedial action is undertaken and demonstrate that any adverse ground conditions have been properly identified and safely treated so suitable for the proposed use.
- 8.64 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality. An air quality assessment will be required to enable clear decision making on any relevant planning application.
- 8.65 The Contamination Officer has reviewed the application in regards to land contamination. A Phase 1 & 2 Geo-technical site investigation has been submitted, with the consultant noting that made ground is found onsite, though this is due to sandy composition and low organic matter, thus does not pose a gas risk and therefore no additional monitoring is required. No conditions are required on this basis.
- 8.66 In terms of air quality, an assessment has been provided which has been reviewed. The site lies outside any Air Quality Management Area. Based on the findings of that report, there is no objections relating to air quality. However, a condition was proposed relating to EV charging but this is now covered by building regulations.

Energy Efficiency/Sustainability Features

- 8.67 Policy 58 relates to low carbon and renewable energy proposals, and states that development will be supported which give priority to heat or power generation from light or other low carbon heat sources.
- 8.68 The application has been supported by a BREEAM Pre-assessment which demonstrates that the building will achieve the 'Very Good' rating. A condition is attached requiring the submission of a post-development report which will then assess the physical building to ensure that this rating is achieved.
- 8.69 The proposed development includes the integration of PV solar roof panels on part of the roof in addition to the provision of 3x EV charging points within the on-site car park. Given the nature of the off-site car parking provision EV charging cannot be demanded as part of this application.

Archaeology

- 8.70 Policy 39 states that development affecting other archaeological assets will need to demonstrate how any benefits will outweigh harm to the site.

- 8.71 The Council's archaeologist has reviewed the information submitted and has no objection to the proposed development in terms of archaeology. Other schemes/development within the area have demonstrated a great deal of ground disturbance and much of the area comprises made ground or imported topsoil. As such, the archaeological potential is negligible.

Ecology

- 8.72 Policy 29 states proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks. Policy 30 states proposals which may harm priority habitats; protected species or features of biodiversity interest will only be supported where the DEFRA biodiversity metrics demonstrates that a proposal will be deliver a minimum 10% net gain for biodiversity.
- 8.73 Paragraph 5.1.1 of the adopted Biodiversity Net Gain SPD states that *'in cases where BNG delivery cannot be secured onsite, nearby or within the wider Doncaster area, then as a last resort a biodiversity offsetting contribution will be accepted by the Council.'*
- 8.74 Paragraph 5.1.2 follows on to state that a contribution of £25,000 per unit will be agreed via a Section 106 agreement in compensation for the loss.
- 8.75 The application has been supported by a preliminary ecological appraisal which the Ecologist has reviewed and has no objection to the development based on the findings and recommendations of that report.
- 8.76 A biodiversity net gain assessment has also been submitted which confirms that the site cannot provide the full +10% biodiversity net gain target on-site, with only 0.31 of the required 1.177 units being accommodated on site. As such a financial contribution which is equivalent to the habitat unit loss/difference is to be secured, in accordance with the SPD. A financial contribution which equates to 0.867 habitat units is to be secured through the S106 Agreement.
- 8.77 A condition is attached to ensure the BNG accommodated on-site is provided in accordance with the submitted Biodiversity Net Gain Report, Rev. C, Weddle Landscape Design June 2023.
- 8.78 Subject to the financial contribution and the condition attached, the Ecologist has no objection to the development and no conditions are required.

Conclusion on Environmental Issues

- 8.79 Paragraph 8(c) of the NPPF (2023) 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.

- 8.80 In conclusion of the environmental issues, it is considered that there have been no significant issues raised which would outweigh against the benefits of the proposal or that cannot be mitigated by condition. The design, layout and appearance of the development is acceptable in this urban location and takes into account the local character and building traditions. Whilst the introduction of a 4-storey building is slightly larger than the adjacent buildings, this is acceptable at this landmark site. The use of the proposed materials/design will contribute towards the appearance of the area and allow a modern mixed-use development to come forward on an otherwise underutilised site.
- 8.81 The parking/access arrangements are deemed to be acceptable, as well as the tree and landscaping proposals. The site is not in a flood risk area and a financial contribution relating to bio-diversity net gain and the travel plan bond are to be secured through the S106 Agreement.
- 8.82 The development will include sufficient energy efficient features such as solar panels and EV charging points, in addition to cycle parking provision. Overall, the environmental impact of the development is considered to be acceptable and significant weight should be attached to this in favour of the development.

ECONOMIC SUSTAINABILITY

- 8.83 The proposed development will provide up to 2,400sqm of Grade-A quality office space within this mixed-use area, as well 3x smaller ancillary commercial units.
- 8.84 It is expected that the development would bring forward substantial long term economic benefits through the creation of a variety of job roles over the life of the development. The office space will create circa 100 new jobs, with the floorspace arranged into smaller/collaboration spaces aimed at start-up type companies, which has proved successful at other office buildings within the borough.
- 8.85 The scheme would bring forward a high level of investment and growth, in accordance with the objectives set out in Policy 2: Level of Growth, and would make a significant and valuable contribution towards the target 481ha of employment land required over the plan period.
- 8.86 Overall the development will have capacity for circa 360 employees, though it is envisaged that some of the employment uses will be businesses relocating from within Doncaster and neighbouring towns/cities, thus not all employees are considered as 'new jobs'. The occupation of the office space in particular would in turn increase footfall within the area and is likely to generate a positive economic impact upon the existing surrounding restaurant uses, particularly during the daytime/lunch time periods, therefore increasing spending on a wider level.
- 8.87 Although the occupiers of the ground floor commercial units have not yet been confirmed, it is anticipated that circa 25 jobs will be generated by the ancillary commercial development, being primarily lower skilled and part time type

roles. This demonstrates that the development will create a variety of job roles in the long term.

- 8.88 In the short term there would be 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.

S106 Planning Obligations

- 8.89 Paragraph 55 of the NPPF states '*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.*'
- 8.90 Paragraph 57 states '*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.*'

Travel Plan Bond

- 8.91 As set out in Section 8.51, a financial contribution for a travel bond is required to mitigate any traffic in the event that the targets included within the travel plan are not achieved. The purpose of the Travel Plan Bond is to ensure that the targets within the Travel Plan towards sustainable travel (bus, walk, cycle etc.) can be met, and if not met the Council would step in with sustainable measures using the Bond. The Council needs to be assured that the Travel Plan is effective and has reasonable targets that can be met.
- 8.92 The formula for calculating the bond is as follows:- No. of employees x the current cost of a 28 day SY Connect+ ticket (currently £131.70) x 1.1
- 8.93 For the purposes of this calculation, the Applicant has confirmed that the prospective number of employees once the building is fully occupied is 357. The financial contribution has been calculated on this basis.

Bio-diversity Net Gain

- 8.94 As set out in section 8.73 where +10% BNG cannot be accommodated within the application site or nearby land, a financial contribution towards the offsetting will be accepted. All money collected from the offsetting contribution will be used to secure BNG schemes within Doncaster which will be delivered either on land owned by the Council or via an agreement with a third party.
- 8.95 The BNG metric calculates an overall target for BNG post development (inclusive of the required +10%) as 1.17 units, 0.31 of which can be accommodated on site. The financial contribution will therefore secure payment for the remaining **0.867 units x £25,000**.

Conclusion on Economy Issues

- 8.96 Para 8 a) of the NPPF (2023) 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.
- 8.97 The proposal would result in some short term economic benefit in the creation of jobs during the construction phase of the proposal and longer term would result in a significant number of new jobs and investment, playing a part in creating the envisaged economic growth for Doncaster. These factors weigh positively in favour of the application and when combined carry significant weight.

9.0 PLANNING BALANCE & CONCLUSION

- 9.1 In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.
- 9.2 The proposal is subject to a Section 106 Agreement which is considered to meet the requirements of the CIL tests. The heads of terms and conditions necessary to make the development acceptable are clear and are outlined below. On this basis the application is recommended for approval.

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:**

1. Travel Plan Bond - No. of employees (357) x the current cost of a 28 day SY Connect+ ticket (currently £131.70) x 1.1
2. Bio-diversity Net Gain – 0.867 units x £25,000

CONDITIONS

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:

Location Plan, Project No: 2136, Number: 009, Received: 25/4/2022

Site Plan, Project No: 2136, Number: 008, Rev: J, Received: 5/9/2023

Proposed Elevations- Gliwice Way Elevation, Project No: 2136, Number: 012, Received: 19/7/2023

Proposed Elevations- Lake View Elevation, Project No: 2136, Number: 013, Received: 19/7/2023

Proposed Elevations- Airbourne Way Elevation, Project No: 2136, Number: 014, Received: 19/7/2023

Proposed Elevations- Herten Way Elevation, Project No: 2136, Number: 011, Received: 19/7/2023

Proposed Floorplan – Ground Floor Plan, Project No: 2136, Number: 001, Rev: E, Received: 22/9/2023

Proposed Floorplan – First Floor Plan, Project No: 2136, Number: 002, Rev: D, Received: 22/9/2023

Proposed Floorplan – Second Floor Plan, Project No: 2136, Number: 003, Rev: D, Received: 22/9/2023

Proposed Floorplan – Third Floor Plan, Project No: 2136, Number: 004, Rev: D, Received: 22/9/2023

Proposed Floorplan – Fourth Floor Plan, Project No: 2136, Number: 005, Rev: G, Received: 22/9/2023

Landscaping Details – Landscape Masterplan, Drawing Number: 1372-006, Rev: D, Received: 3/7/2023

Tree Protection Plan, Drawing Number: 1372-004, Rev: D, Received: 3/7/2023

Drainage Plan- Drainage Strategy, Drawing Number: 46759/001, Rev: F, Received: 16/10/2023

BREEAM Pre- Construction Assessment, Rev: 01, Received: 22/8/2023

REASON

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

03 Prior to the occupation of any Class E(b) uses (sale of food and drink) details of extraction/ventilation systems, to control the emission of cooking smells and fumes so as to prevent any odour disamenity to nearby occupiers, shall be submitted to and approved by the local planning authority in writing. The approved scheme shall be installed and be fully operational when the use commences. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. The system shall be so designed as to ensure that noise from its operation does not cause adverse impact to nearby occupiers.

REASON

In the interests of the amenity of the occupiers.

04 The landscaping scheme which has been agreed as part of this application shall be carried out in complete accordance with details shown on Plan Ref: Landscape Masterplan, Drawing Number: 1372-006, Rev: D, Received: 3/7/2023. It shall be begun during the first available planting season following the commencement of the development hereby granted and shall be maintained by the site owner for a period of five years following planting. Any tree or shrub planted as part of the scheme which becomes damaged or diseased or dies or is removed within five years shall be replaced during the next planting season. Any staking, tying, weeding, watering and other actions deemed necessary by the Local Planning Authority to ensure the maintenance of a viable scheme shall be carried out by the owner in accordance with the Authority's publication entitled 'Landscape Specification in Relation to Development Sites'.

REASON

To ensure the maintenance of a healthy planting scheme and environmental quality in accordance with Local Plan Policy 46 and 48.

05 The scheme of protection for all retained trees shall be implemented in full accordance with the approved plan ref: Tree Protection Plan, Drawing Number: 1372-004, Rev: D, Received: 3/7/2023. Before any equipment, machinery or materials have been brought on to site for the purposes of the development, the local planning authority shall be notified of its implementation.

Tree protection shall be maintained in full accordance with the approved scheme 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 all trees are protected from damage during construction in accordance with Local Plan Policy 48.

- 06 Before the development commences, product details of the proposed external materials (including masonry, windows, spandrel panels) and proposed boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. This may require submission of samples or the construction of sample panels on site if requested by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the approved materials.

REASON

To ensure the satisfactory appearance of the development in accordance with Local Plan Policy 46.

- 07 Before the development commences, large scale details, including materials, colours and finishes, at a minimum of 1:20 scale of the items listed below, shall be submitted to and approved in writing by the Local Planning Authority:
- a) Outer masonry framing which should be set forward of the darker masonry infill panels by around 100-200mm
 - b) Windows and spandrel panels including window reveals of a minimum 150mm,
 - c) Shopfronts and entrance doors and canopies at ground floor level,
 - d) Balconies,
 - e) The proposed standalone bin store,
 - f) Brick detailing including projecting brickwork and soldier coursing to masonry areas,
 - g) The design and furniture for the rooftop amenity area- apart from the pergola no furniture or planting should exceed 1000mm in height. Thereafter, the works shall be carried out in accordance with the approved details.

REASON

To ensure the satisfactory appearance of the development in accordance with Local Plan Policy 48.

- 08 No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and agreed in writing with the Local Planning Authority. Once installed such plant or equipment should not be altered.

REASON

In the interests of the amenities of the locality and occupiers of adjoining property.

- 09 Within 6 months of first occupation, a post construction BREEAM review shall be carried out by a licensed assessor and submitted to the Local Planning Authority for approval.

REASON

In the interests of sustainability and to minimise the impact of the development on the effects of climate change.

- 10 No development shall take place until a statement has been submitted to the local planning authority and approved in writing, explaining how CO2 emissions generated by the development will be reduced. At least 10% of the development's energy consumption must be generated using on-site renewable energy equipment or improvements to the fabric efficiency of the building. Unless otherwise agreed in writing by the local planning authority, the development shall then proceed in accordance with the approved report.

To enable full discharge of this condition, prior to the occupation of the building, evidence to demonstrate that the agreed measures have been installed must be provided and agreed by the local planning authority.

REASON

In the interests of sustainability and to minimize the impact of the development on the effects of climate change.

- 11 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 (2023).

- 12 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.

- 13 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.

- 14 Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall 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.

- 15 No development shall take place, including any works of demolition/site clearance, until a Construction Traffic Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control noise and the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety in accordance with Local Plan Policy 13.

- 16 Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

REASON

To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.

- 17 There shall be no construction of new buildings on site prior to the completion of a feasibility study (CEMP) to understand the impact of planning permission on the source protection zone. Furthermore, the findings and recommendations of the study must be implemented.

REASON

To ensure that the development can be properly drained.

- 18 Prior to the commencement of development, a Management and Monitoring Plan based on the recommendations in Biodiversity Net Gain Report, Rev. C, Weddle Landscape Design June 2023, Received: 3/7/2023, for proposed onsite habitats shall be submitted to the Local Planning Authority for approval in writing.
- The baseline biodiversity assessment against which an uplift in biodiversity unit value of 0.31 Habitat units will be monitored.
 - The project's biodiversity unit targets.
 - A detailed adaptive management plan setting out how habitats will be created or enhanced and describing the proposed ongoing management for a minimum of 30 years.
 - The details of when target condition will be achieved and how it shall be maintained.
 - A detailed monitoring plan that will be used to inform any potential changes to the ongoing management and assess the progress towards achieving target condition. This should outline the surveys that will be used to inform condition monitoring reports. Monitoring reports will be provided to the Local Planning Authority by the end of years 1,2,5,10,20, and 30 of the monitoring period.
 - The roles, responsibilities and professional competencies of the people involved in implementing and monitoring the biodiversity net gain delivery.
 - Evidence that the necessary resources are available to deliver the proposed biodiversity net gain plan and the ongoing management.

Once approved the Management and Monitoring Plan shall be implemented in full and any subsequent changes to management as a result of findings from the monitoring agreed in writing with the Local Planning Authority.

REASON

To fulfil specifically the requirements of Local Plan policy 30B and enhance local ecological networks in accordance with Local Plan policy 29.

- 19 Within 3 months of the first occupation of any commercial unit or first occupation of each office floor, a Detailed Travel Plan for that unit shall be submitted to the local planning authority. The Travel Plan shall include staff numbers; targets for reducing single occupancy car trips, and details of the monitoring to be carried out.

REASON

In the interests of promoting sustainable travel in accordance with Local Plan Policy 13.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order with or without modification), the upper floors of the development hereby approved (first floor, second floor, third floor and rooftop level) shall only be used/occupied by uses falling within Use Class E(g)- offices, research and development, or light industrial, and for no other purpose (including any other purpose in Class E of the Schedule to the Use Classes Order).

REASON

To ensure that the building is only used for its intended use and cannot be converted to other town centre uses and thus bypass the Sequential Test exercise which is required by Local Plan Policy 22- Part 1.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order with or without modification), the ground floor units cannot be amalgamated into any other arrangement and must remain as three separate commercial units as indicated on the approved floorplan: Proposed Floorplan - Ground Floor Plan, Project No: 2136, Number: 001, Rev: E, Received: 22/9/2023.

REASON

To ensure that the development does not bypass the Impact Assessment exercise which is required by Local Plan Policy 22- Part 2.

- 22 Construction or clearing works shall not take place outside the following times:
Mondays to Fridays: 07:30 - 18:00
Saturdays: 09:00 - 13:00
And not at any time on Sundays or Bank Holidays.

REASON

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

INFORMATIVES

01 INFORMATIVE: BREEAM RATING

Advice should be sought from a licensed BREEAM assessor at an early stage to ensure that the required performance rating can be achieved. A list of licensed assessors can be found at www.breeam.org.

02 INFORMATIVE: HIGHWAY WORKS

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.

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

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.

03 INFORMATIVE: WASTE MANAGEMENT

Businesses have a duty to manage Commercial Waste or Industrial Waste in accordance with s.34 Environmental Protection Act 1990 and shall not:

- deposit (or knowingly cause or knowingly permit) that waste to be deposited on any land unless an environmental permit authorising the deposit is in force;
- treat, keep or dispose of that waste in a manner likely to cause pollution of the environment or harm to human health.

And shall take all such measures as are reasonable in the circumstances—

- to prevent the unauthorised or harmful deposit, treatment or disposal of that waste;
- to prevent the escape of that waste from their control;
- on the transfer of that waste, to secure that:
 - (i) the transfer is to an authorised person or for authorised transport purposes; and
 - (ii) a written description of that waste is transferred to enable other persons to avoid a contravention of the Environmental Permitting Regulations and to comply with the duty as respects the escape that waste.

The written description of the waste transferred must be exchanged between the parties (waste transfer notes) with copies kept on file for 2 years for inspection purposes. See <https://www.gov.uk/dispose-business-commercial-waste/waste-transfer-notes>

04

INFORMATIVE: SOUTH YORKSHIRE POLICE

All external doors and windows should meet one of the following:

- PAS 24:2019
- LPS 1175 SR 2
- STS 201 or STS 202 BR2

Windows (including any curtain walling) under 2.4m in height are to comply with the PAS24 specification. The glazing units to consist of a minimum of one pane of glass that achieves compliance under the BS EN356 P6 attack resistance standard.

All egresses on the ground floor, where possible, should be flush with the building line and designed to avoid the creation of any recesses. Recessed doorways can obstruct surveillance and collect windblown litter that can be used to start fires. More information can be found at www.securedbydesign.com

It is important to keep the development secure and safe during the construction phase: Please refer to-

https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

Appendix 1: Site Plan



Gliwice Way Elevation - East Facing
1:100



Herten Way Elevation - North Facing
1:100

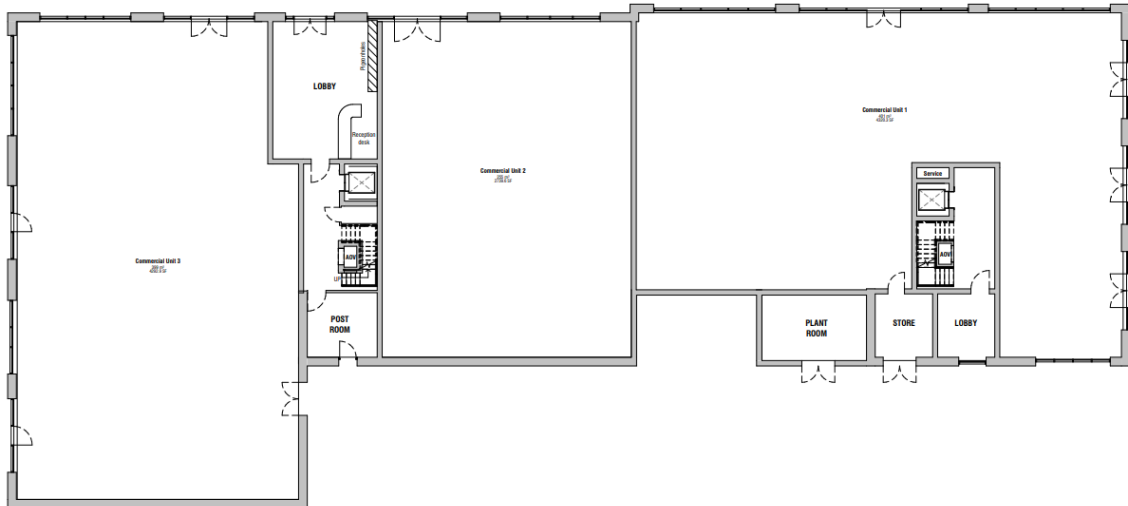


Lake View Elevation - South Facing
1:100



Airbourne Way Elevation - West Facing
1:100

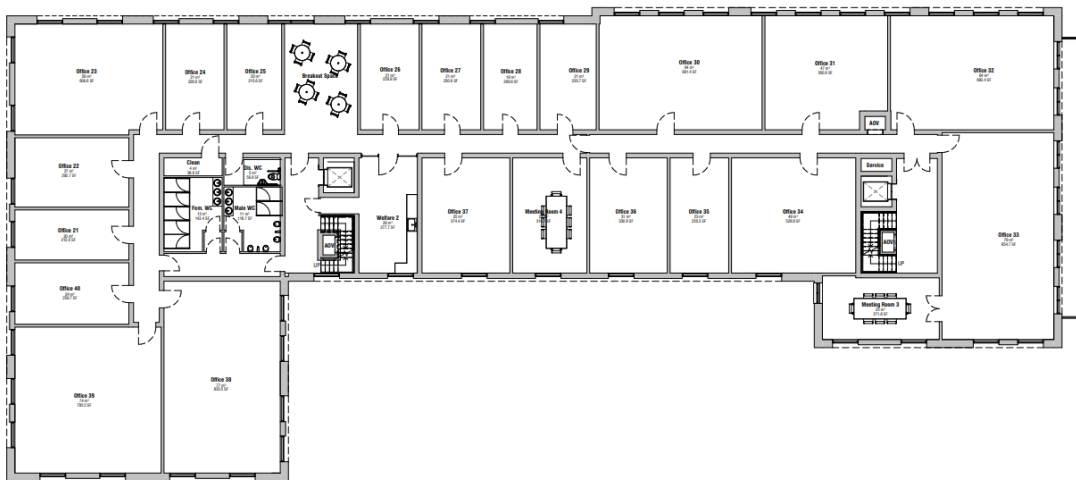
Appendix 3: Proposed Floorplans



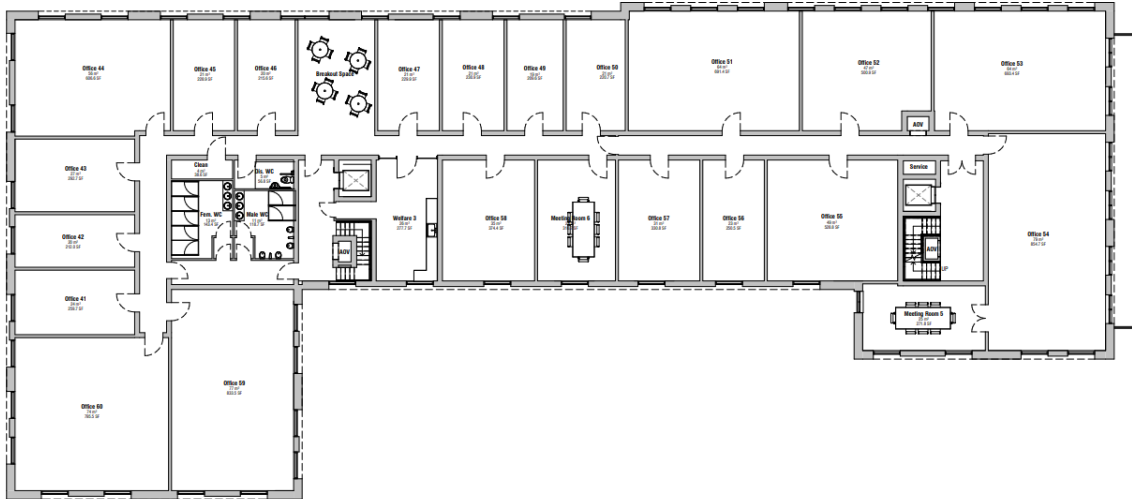
Ground Floor
1:100



First Floor
1:100

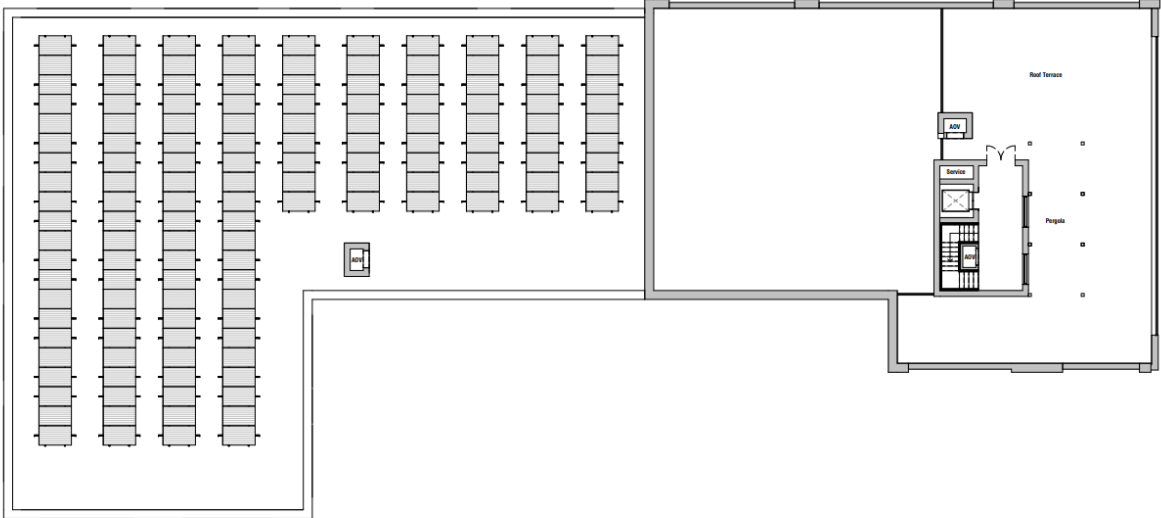


Second Floor
1:100



Third Floor

1 : 100



Fourth Floor

1 : 100