

<b>Application</b>	<b>5</b>
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<b>Application Number:</b>	22/02382/OUT
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<b>Application Type:</b>	Planning OUTLINE with all matters reserved except for access (Minor)
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<b>Proposal Description:</b>	Outline application for erection of 1 residential dwelling (up to one-and-a-half storey) on vacant play area (approval being sought for access) (AMENDED SCHEME)
<b>At:</b>	Land Off Sutton Road, Kirk Sandall, Doncaster, DN3 1NY

<b>For:</b>	Barnby Dun with Kirk Sandall Parish Council
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<b>Third Party Reps:</b>	3 Objections (1 petition with 5 signatures), 3 Support	<b>Parish:</b>	Barnby Dun/Kirk Sandall
		<b>Ward:</b>	Edenthorpe and Kirk Sandall

<b>Author of Report:</b>	Susie Boyce
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**SUMMARY**

The application seeks outline planning permission for the redevelopment of a vacant former playground off Sutton Road, Kirk Sandall, for up to 1 dwelling (one-and-a-half storey), with all matters reserved except for access.

The site is designated as Open Space on the adopted Local Plan Policies Map, although the former playground has been closed since 2007 due to surface water flooding and anti-social behaviour problems. The application is submitted by Barnby Dun with Kirk Sandall Parish Council.

The scheme has been reduced in scale from its original submission of 3 dwellings to just one dwelling. The main considerations are the principle of the loss of the land as Open Space and its redevelopment for housing, as well as highways and access, drainage, neighbouring amenity, land contamination, ecology and trees.

The report concludes that public consultation has satisfactorily demonstrated there is no overwhelming support for the retention of the site as open space and the site may be released for alternative uses. There is sufficient space and suitable access to accommodate one dwelling of up to one-and-a-half storeys in height. All other policy considerations have been satisfactorily addressed.

Overall the proposal is considered compliant with the relevant national and local planning policies.

**RECOMMENDATION: GRANT outline planning permission with all matters reserved except for access, subject to conditions**

Tynedale Court

Application Site

Longton Road



Sutton Road

Harewood Avenue

## **1.0 Reason for Report**

- 1.1 The application is being presented to Members due to the level of public interest in the application and because the recommendation represents a departure from the development plan.

## **2.0 Proposal and Background**

- 2.1 The application seeks outline planning permission with all matters reserved except for access for the erection of 1 residential dwelling (up to one-and-a-half storeys) on a vacant play area at land off Sutton Road, Kirk Sandall.
- 2.2 The development proposal has been reduced in scale from its original submission of 3 dwellings, in response to officer concerns regarding site access.
- 2.3 The proposed development seeks to enlarge the existing access at Sutton Road and erect a single dwelling on the site. The indicative proposed site layout drawing shows an inverted L- shaped one-and-a-half storey dwelling with roof lights, private garden amenity space and 2 car parking spaces, accessed via the long narrow driveway from the existing site access at Sutton Road. To improve the proposed access, a slight diversion of the public footpath is proposed to provide adequate visibility splays.
- 2.4 The application is submitted by Barnby Dun with Kirk Sandall Parish Council (BDKSPC), who own the site.
- 2.5 The site is designated as Open Space in the adopted Local Plan Policies Map (2021). Representations were submitted by the Parish Council to the Publication Draft consultation in 2019 to have the site redesignated as residential policy area, however the allocation was retained in the adopted plan.

## **3.0 Site Description**

- 3.1 The application site itself comprises some 0.15 ha of vacant land off Sutton Road, Kirk Sandall. The site is owned by the Parish Council and formerly comprised a playground and open space. The site was closed in September 2007 by the Parish Council due to poor surface water drainage and anti-social behaviour, and has remained disused since then, with the play equipment also removed.
- 3.2 The site is roughly triangular in shape with access being taken via a narrow strip of land from Sutton Road. A number of trees are located at its boundaries but otherwise the site has largely been cleared, with some patches of scrub and grass still present. It is bounded by fencing at all sides and secured by a palisade green metal gate to the front.

- 3.3 The site is surrounded on all sides by residential dwellings at Sutton Road, Harewood Avenue, Longton Road (two-storey properties) and Tynedale Court (bungalows). These are typically red brick detached or semi-detached properties set back from the road by front gardens or driveways. Sutton Road has wide grass verges separating the highway from the pedestrian footpath on both sides of the road.
- 3.4 The site falls within Flood Zone 1 on the Environment Agency's Flood Map for Planning (Rivers and Sea), an area at the lowest risk of flooding. It also lies in an area of 'Very Low' risk of flooding from surface water (it is understood historic issues of surface water flooding are related to the soil type). The top north east corner just falls within a 'Low' risk area.

#### 4.0 Relevant Planning History

- 4.1 Planning history for the application site as follows:

Application Reference	Proposal	Decision
95/3213/P -	Retention of children's play equipment.	Granted 5 <sup>th</sup> February 1996

#### 5.0 Relevant Planning Policy

##### 5.1 Site Allocation

- 5.2 The site is designated as Open Space on the adopted Local Plan Policies Map (2021).

##### 5.3 Local Plan

- 5.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:

- Policy 1 : Spatial Strategy and Settlement Hierarchy (Strategic Policy)
- Policy 2 : Level of Growth (Strategic Policy)
- Policy 13 : Promoting sustainable transport in new developments
- Policy 18 : Development affecting Public Rights of Way
- Policy 27 : Protecting Open Space and Non Designated Open Space
- Policy 29 : Ecological Networks (Strategic Policy)
- Policy 30 : Valuing Biodiversity and Geodiversity (Strategic Policy)
- Policy 31 : Local Wildlife and Geological Sites
- Policy 32 : Woodlands, Trees and Hedgerows
- Policy 41 : Character and Local Distinctiveness (Strategic Policy)

- Policy 42 : Good Urban Design (Strategic Policy)
- Policy 44 : Residential Design (Strategic Policy)
- Policy 54 : Pollution
- Policy 55 : Contamination and Unstable Land
- Policy 56 : Drainage
- Policy 57 : Flood Risk Management

## **5.5 National Planning Policy Framework (NPPF 2023)**

5.6 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:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Annex 1 - Implementation
- Annex 2 - Glossary
- Annex 3 - Flood risk vulnerability classification

## **5.7 Other material planning considerations and guidance**

5.8 The following Supplementary Planning Documents (SPDs) have been adopted and can therefore be treated as a material consideration in decision-making.

- Biodiversity Net Gain SPD (adopted September 2022);
- Flood Risk SPD (adopted August 2023);
- Local Labour Agreements SPD (adopted August 2023);
- Loss of Community Facilities and Open Space SPD (adopted August 2023);  
and
- Technical and Developer Requirements SPD (adopted August 2023).

5.9 Doncaster Council's previous suite of adopted SPDs have been formally revoked in line with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012, following the adoption of the Local Plan. The SPDs refer to

superseded development plan policies, and some provide guidance which is not in accordance with the new Local Plan. The Transitional Developer Guidance (August 2023) provides guidance on certain elements, including design, during the interim period, whilst new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight.

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

## **6.0 Representations**

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of council website and neighbour notification letters. This closed on 21<sup>st</sup> February 2023.
- 6.2 A second round of public consultation (21 days) was undertaken in April following the revision of the number of dwellings proposed from 3 to 1, and the red line boundary altered to include land at the highway to be altered to provide adequate visibility. This closed on 5<sup>th</sup> May 2023.
- 6.3 The first round of consultation (3 dwelling scheme) attracted 2 representations (both objections). Points raised are summarised below:
- Access - the site has a very narrow access which doesn't allow 2 vehicles to pass each other. It wouldn't be wide enough to allow access to emergency vehicles.
  - Pollution - during the construction phase impacting on neighbouring houses
  - Impact on house values to neighbouring 2 storey houses due to open space being built on.
  - Privacy - the new bungalows will be situated close to 2 storey dwellings whose occupants will be able to look down into the bungalows. Potential views from roof windows of the new bungalows into rear gardens of neighbouring houses.
  - Loss of trees: the land is fallow with lots of trees after the children's park was closed 15+ years ago.
  - Drainage: the site needs to be adequately drained, otherwise it will exacerbate existing problems in rear gardens adjacent which often experience waterlogging.
  - Neighbouring property (no. 43 Harewood Avenue) needs access to land to maintain their rear boundary hedge, and hopes there will be no access restriction.

6.4 The revised proposals (1 dwelling scheme) received 3 representations: 1 objection (a petition signed by 5 residents) and 3 letters of support. It should be noted that two of the letters of support were submitted by members of the Parish Council, although in their own private capacity. Points are summarised below:

6.5 Objections:

- Land is designated as public open space
- Mature trees will be affected, loss of trees may affect existing natural drainage on site which is already prone to severe flooding. A root system survey should be undertaken.
- Loss of trees impacts insect population and consequently reduces food supply for bats.
- Width of access narrower than the recommended distance. Work to increase the access point could result in the repositioning of an electrical substation, disrupting supply to local residents.
- Flooding – site is built on clay and has been prone to significant flooding in the past.
- The land could be used as public space for residents, such as a community orchard, a nature area for local school children to visit or a small copse, which would ease the flooding problems encountered.

6.6 Support:

- The site is currently waste land with no use. Other uses have been considered but only residential is feasible due to access and drainage.
- The site is unsuitable for a park – it is secluded, not overlooked and has been closed for 16 years due to drainage problems. There is already good provision of parks locally, another one is not needed.
- Money from sale of the land can be invested back into the community by the Parish Council.

6.7 In respect of the above points raised, impact on house prices are not a material planning consideration that can be taken into account in the decision-making process. None of the proposed works to the site access would result in the repositioning of the electrical substation, which is located on land outside of the application site. All other matters are discussed in the assessment section later in this report.

## 7.0 Relevant Consultations

### *Internal Consultees*

7.1 **CDC Local Plans (Community Facilities) Officer** – Objection removed.

Initial comments received 29<sup>th</sup> June 2023: objects.

Insufficient evidence of meaningful engagement with the local community since its closure as to possible alternative uses for the site, or to preserve the open space use in the interim period beyond applying for funding in 2008. To satisfy Policy 27, further

consultation with the local community is warranted. Given the park has been closed for some time, in order to be meaningful the consultation should be about the future of the site and how it could possibly be used as an open space. A six-week consultation period would be appropriate. This should be summarised by the applicant afterwards with comments on any suggestions and the viability of these.

7.2 Updated comments received 17<sup>th</sup> October 2023: objection removed.

Officer agrees with the Parish Council that the comparative lack of feedback on the consultation shows there is not overwhelming public support for the retention or re-imagining of this open space. From the details provided, it appears there has been every effort to reach as many people as possible on this via a number of means, and even given this, feedback has been low. Officer is therefore satisfied that the loss of this space has been justified in accordance with Local Plan Policy 27 and NPPF para. 99(a) and therefore the policy objection has been overcome.

7.3 **CDC Highway Officer** – Objection removed.

Initial objection received 28/02/2023 (3 dwelling scheme):

Inadequate site access width. Due to its location and the multiple adjacent access points, the drive width needs to be 4.5m wide for the first 10m. This will also provide enough room for the fire appliance to turn within the drive and keep the 0.5m safety zone to the 1.8m high fencing. Additionally, the proposal does not have a bin collection/storage area within 5m of the highway boundary either, which will need to be in addition to and not interfere with the 4.5m wide access.

7.4 Updated comments received 14/03/2023: Objection sustained

In Appendix BGH 6 of the Access Appraisal, the swept path analysis for the Fire Engine perfectly shows that the manoeuvre into the site cannot be undertaken and is commented on within the report as being tight. Within the SYRDG Section 4B.3.7 Turning Areas and in particular reference 4B.3.7.6 sets out the principles of where the location of a Boundary Fence needs to be in relation to the carriageway edge and the minimum distance of 0.5m. Whilst the appraisal is a thorough piece of work the fact remains the entrance is not wide enough, does not meet Policy in terms of good design, does not meet the standards within the SYRDG and unfortunately cannot be supported.

7.5 Comments on revised scheme (1 dwelling) 19/05/2023: Objection sustained.

Supports the principle of a single dwelling being served from Sutton Road. Requests confirmation of the extent of the proposed hardstanding driveway and turning area. The width of the driveway for a single dwelling will need to be a minimum of 3.3m wide from where the proposed access joins the highway as there is no separate footway into the development. The turning head shown on the plan shows two cars parked within it, however this is too narrow at 4.9m wide and will need amending to a minimum width of 5.5m wide. The space behind these cars is enough for a reversing manoeuvre to be undertaken.

7.6 The existing drop crossing to be used to access/egress the property will need to be extended/widened in order to accommodate right and left turns into and out of the



development. Tracking should be provided to show these manoeuvres in order to confirm the verge width to be reconstructed. The plan shows a line on the Northern side of the proposed access continuing straight through to join up with the existing highway kerb line. This is too excessive and too close to the existing Lighting Column which would require moving at considerable cost if this was to remain as shown.

7.7 Updated comments received 7<sup>th</sup> June 2023: objection removed.

Following receipt of the revised site plans (Revision C), Officer is content that the extend line shown on the previous plan has been removed with the extents of the extended kerb shown on the plan. Due to the length of the drive there may still be a requirement for sprinklers but Building Control can advise accordingly. Requests conditions HIGH1 (site surfacing and sealing) and HIGH3 (parking to be retained as such), as well as a dropped kerb informative.

7.8 **CDC Ecology Officer** – Objection removed.

Initial comments provided 24/04/2023: holding objection until BNG assessment received:

The proposal will require a biodiversity net gain (BNG) assessment but, given the size of the site at 0.15ha, this can be achieved using the biodiversity net gain small sites metric. The clearance works that had been carried out were, it is believed, undertaken by an adjoining property owner and not an attempt by the applicant to reduce the biodiversity value of the site. The baseline for the BNG assessment can reflect the site as it currently is, i.e. principally unmanaged grassland with some bramble scrub and a number of trees. Following a BNG assessment the Officer feels sure that the applicants can return a positive biodiversity net gain outcome through the application of a high-quality soft landscaping scheme which is certainly possible now that the amended scheme provides additional areas not being built on.

7.9 In respect of ecological surveys, it is considered that given the very 'landlocked' nature of the site and its proximity to domestic curtilages there will be little in the way of protected species other than small songbirds, hedgehogs and other fauna associated with domestic gardens.

7.10 No objections on ecological grounds in principle to the proposed development, but a BNG assessment is needed prior to determination to comply with LP Policy 30B. Subject to that and other requirements such as an ecological enhancement plan then compliance with Policy 29 can also be achieved.

7.11 Updated comments received 18/10/2023: Objection removed.

Satisfactory BNG assessment received. Given this is an outline application, conditions will need to be attached to ensure that the BNG net gain commitments are deliverable through either condition or S106 agreement.

7.12 In respect of the scheme that is to be delivered as the on-site habitat enhancements and creations, there is a 5 year management and monitoring plan that suits small sites such as this where the habitats are neither extensive nor significant. This will

be identified through a final BNG assessment metric being included with the reserved matters submission as is indicated in Table 3 of the biodiversity net gain SPD. In respect of the deficit, whatever it might be according to the final BNG assessment this should be secured through a s106 agreement as a financial contribution if the developers cannot identify an off-site compensatory scheme. Conditions provided.

**7.13 CDC Drainage Officer** – no objections.

Subject to a condition requiring full drainage details. On the EA's surface water flood maps, the site is shown to be at low risk of surface water flooding. However, as the site has a history of surface water flooding, the Local Lead Flood Authority (LLFA) requires a freeboard of 300mm, not 150mm.

**7.14 CDC Tree Officer** – No objections.

The amended scheme retains the trees whose previously proposed removal raised concern. Condition requested to secure the protection of tree root protection areas during construction work.

**7.15 CDC Waste and Recycling Officer** – no objections.

The access route for the placement of bins in an accessible location for collection (on or at the edge of the highway) is via the private driveway; whilst lengthy, this is considered acceptable given the property owner would be aware of this prior to purchase/rental.

**7.16 CDC Pollution Control** – No objections, subject to condition.

The site investigation has identified 'made ground' on the site which is contaminated with poly aromatic hydrocarbons (PAH). The top soil on site is suitable for reuse. To ensure the made ground on site is dealt with in an appropriate manner it is strongly advised CON 1 (minus a) is attached to any favourable permission.

**7.17 CDC Area Manager** – No comments received.

*External Consultees*

**7.18 South Yorkshire Fire and Rescue Service** – No objections.

Given that the development is comprised solely of dwellings and does not involve flats or mixed use buildings, South Yorkshire Fire and Rescue will be satisfied if the vehicle access provision is in accordance with the recommendations of ADB1: Section B5. Information provided regarding current SYFR appliance dimensions and weights.

**7.19 Yorkshire Water** – No objections, comments provided.

Water Supply: there is 7" CI main that runs within the footpath outside the entrance and may fall within the new access road formation. This can remain in-situ but requires protecting during the access road formation. If the main is found to be impacted, e.g. found at not an adequate depth, existing levels changing, it may require diverting. This can be dealt with on an ad hoc basis and can be applied for via the Yorkshire Water developer services portal.

Waste Water: if planning permission is to be granted, requests conditions should be attached in order to secure details of separate systems of drainage for foul and surface water have been submitted and agreed by the local authority to protect the local aquatic environment and Yorkshire Water infrastructure.

7.20 **National Grid (Cadent Gas)** – No objections.

7.21 **National Grid (Asset Protection)** – No objections, no assets affected.

7.22 **The Coal Authority** – Low Risk Area Standing Advice applies.

## **8.0 Assessment**

8.1 The application seeks outline permission for 1 dwelling (up to one and a half storeys) with all matters reserved except for access. All other matters (appearance, landscaping, layout and scale) are reserved.

8.2 The main considerations of the proposal are:

- a. Principle of the proposed loss of designated Open Space
- b. Access and parking
- c. Neighbouring amenity
- d. Character of the Area
- e. Ecology
- f. Trees
- g. Drainage and Flooding
- h. Pollution Control

### Principle of development

8.3 The principle of the development relates to the loss of Open Space (vacant play area) and its development for housing.

8.4 The former playground was closed to the public in 2007 due to surface water flooding issues and anti-social behaviour. It has remained vacant since then, with all playground equipment removed. However, the site remains designated as Open Space in the adopted Local Plan Policies Map (2021).

8.5 The NPPF is clear in its protection for existing open space, with Paragraph 99 stating that such sites should not be built on unless:

*(a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

*(b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*(c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

8.6 Local Plan Policy 27 requires the protection of open spaces which provide important opportunities for formal and informal recreation as well as those which provide a social, cultural and ecological role. Part D states that proposals involving the loss of open space policy areas will only be supported where they meet both of the following criteria:

- 1) *They are in accordance with national policy, and*
- 2) *Where community support can be demonstrated through public consultation.*

8.7 Following an initial objection by the Local Plans (Community Facilities) Officer on the lack of evidence of any meaningful public consultation, the applicant has subsequently undertaken a period of public consultation on the potential alternative uses for the site which would retain it as open space for community use. The six week consultation period closed on 1<sup>st</sup> October 2023, and comprised a questionnaire issued to 60 homes, as well as an online survey advertised on various platforms including on the Parish notice board, inside Parish Council halls, at local shops and on Facebook. A summary report has been compiled by the Parish Council and submitted in support of the application.

8.8 A total of 15 surveys were completed. Whilst respondents broadly expressed interest in retaining the site for some community purpose, only four indicated willingness to volunteer to facilitate this. Overall the response rate was extremely low, representing just 0.17% of the parish. Given the low response rate, it is agreed that there is no overwhelming public support for the retention of the site as public open space or for any other community use. Therefore, the requirements of NPPF paragraph 99(a) and Local Plan Policy 27(D) have been met, and the site may be released for an alternative use.

8.9 In terms of the principle of residential development, the site is surrounded on all sides by residential houses and its use for housing is acceptable, subject to an appropriate scheme which satisfies other policy requirements.

#### Highways

8.10 Local Plan Policies 13(A.6), 42 and 44(B.8) requires, amongst other criteria, that site layouts function correctly and development should not result in unacceptable impacts on highway safety.

8.11 Policy 13 (A) (4) requires developments to provide appropriate levels of parking provision in accordance with the standards contained within Appendix 6 of the LP. For 2+ bed units, the minimum parking standard is 2 allocated spaces per dwelling.

8.12 The application proposal seeks to use the existing access point for the site, but with improvements to its access at Sutton Road to meet visibility and highway safety requirements, including a slight alteration to the public footpath to accommodate this.

- 8.13 The scheme has been reduced from 3 dwellings to 1 dwelling in response to concerns raised by the Highways Officer as to suitability of the site access, which was too narrow, at 4.1m, to serve more than dwelling as it could not provide passing places (which need a min. 4.5m width). Following receipt of the amended scheme, and after various alterations to the proposed plans to satisfy highway requirements, the Highways Officer has confirmed he has no objections to the proposals from a highways perspective, subject to conditions HIGH1 (site sealed and surfaced) and HIGH3 (parking layout to be retained as such) and a dropped kerb informative.
- 8.14 The indicative parking layout shows ample room for parking for at least 2 vehicles within the site on a private driveway. There is sufficient space within the site near the highway to accommodate a bin collection area without obstructing the highway. Whilst this would be some distance from the likely position of the proposed dwelling, this is acceptable given the property owner would be aware of this prior to purchase or rental. The Council's Waste and Recycling Officer has raised no objections in this respect.
- 8.15 The South Yorkshire Fire and Rescue Service have also been consulted due to initial concerns over the width of the access and turning space for a Fire Vehicle within the site, and have confirmed they have no objections to the proposed amended scheme.
- 8.16 The Council's Public Right of Way team have also been consulted on the proposals in respect of the proposed alterations at the Sutton Road access point and have raised no objections.
- 8.17 In light of the above, the proposal is complies with policies 13, 42 and 44 of the Local Plan and is acceptable on highways and parking grounds.

#### Impact on Neighbouring Amenity

- 8.18 Paragraph 130 of the NPPF seeks, amongst other things, to ensure developments will function well and promote health and well-being with a high standard of amenity for existing and future users.
- 8.19 Policies 42 and 44 of the DLP states developments must protect existing amenity and not significantly impact on the living conditions or privacy of neighbours or the host property (including their private gardens), be over-bearing, or result in an unacceptable loss of garden space.
- 8.20 The Council's SPDs gives guidance to inform in what situation development should not significantly impact on the living conditions, privacy and amenity of neighbours (including their private gardens) or be over-bearing.
- 8.21 The site lies within a residential area and is surrounded by residential properties on all sides. The properties most likely to be affected are Nos. 5, 7, 9 and 11 Longton Road, 39, 41, 43 and 45 Harewood Avenue and 12, 14, 16 and 18 Tynedale Court.

- 8.22 Whilst the application does not seek permission for the detailed scale and design of the proposed dwelling, nevertheless an indicative site layout has been provided which shows that one dwelling can comfortably be accommodated within the site and meet all of the relevant minimum separation distances required to its shared boundaries with neighbouring properties and neighbouring habitable windows.
- 8.23 Objections have been received on privacy grounds from residents of 43 Harewood Avenue, as well as another resident concerned over first floor views from the 3 dwelling scheme into the bungalows at Tynedale Close. The scheme has since been reduced in scale to just a single dwelling, for which there would be ample separation distance to neighbouring boundaries. The description for revised scheme for the single dwelling also specifies that the dwelling would be up to one-and-a-half storeys. Whilst the detailed design of the dwelling is yet to be established, the indicative plans show a bungalow with loft accommodation served by roof windows only, not dormer windows, which would represent more of an overlooking concern. Subject to a suitable condition ensuring that any future detailed scheme retained this feature and did not include dormer windows, there would be no impact on neighbouring amenity or loss of privacy through overlooking to private gardens or habitable windows.
- 8.24 The introduction of a new residential dwelling in a residential area does not introduce any residential amenity concerns in respect of noise, pollution or other impacts.
- 8.25 The development therefore complies with the above policies.

#### Character of the Area

- 8.26 Paragraph 130 of the NPPF states planning decisions should, amongst other things, ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site and are sympathetic to local character.
- 8.27 Policies 41 (a), 42 (b), 44 (b) all seek for development to be sympathetic to the character of the area and to integrate well with the immediate and surrounding environment.
- 8.28 The application is for outline permission with only details of access at this stage. There is no reason to conclude that a single one-and-a-half storey dwelling cannot be designed in reserved matters stage will be used to establish the detailed design of any future scheme to ensure that it is in keeping with the character of the area.

#### Ecology

- 8.29 The NPPF requires developments to contribute to and enhance the natural and local environment through a number of core principles.

- 8.30 Local Plan Policy 26 requires the Council to protect, maintain, enhance and, where possible, extend or create Doncaster's green infrastructure.
- 8.31 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 by:
- A) being of an appropriate size, scale and type in relation to their location within and impact on the ecological network;*
  - B) maintaining, strengthening and bridging gaps in existing habitat networks;*
  - C) planting native species and creating new, or restoring existing, national and local priority habitats and/or species; and*
  - D) working with strategic partnerships to deliver conservation projects at a landscape scale where appropriate.*
- 8.32 In terms of the site's current ecological value, it is principally unmanaged grassland with some bramble scrub and a number of trees at the boundaries. The Council's Ecologist has visited the site and, due to the 'landlocked' nature of the site and its proximity to domestic curtilages, has concluded there will be little in the way of protected species, just flora and fauna typically associated with domestic gardens. As such, no further ecological surveys have been requested. An ecological enhancement plan can be secured by condition to satisfy Policy 29.
- 8.33 Policy 30 requires all applications to be considered against the mitigation hierarchy in accordance with National Policy. In line with best practice, the provision of compensation to account for residual biodiversity impacts will not be allowed unless the prior steps of the mitigation hierarchy have been followed, and all opportunities to avoid and then minimise negative impacts have first been pursued. The Council use the DEFRA biodiversity metric to account for the impacts of a proposal on biodiversity and demonstrating that a net gain will be delivered. A minimum 10% net gain will be expected unless national standards increase this in the future.
- 8.34 A BNG assessment and report has been submitted which concludes that a total of 0.5 habitat unit needs to be delivered in order to provide 10% biodiversity net gain. The Council's Ecologist has confirmed he is satisfied with the report and that the requested Ecological Enhancement Plan condition, which will be informed by a final BNG metric assessment at the reserved matters stage, can be used to ensure that 10% BNG is delivered. Any deficit that cannot be delivered onsite can be secured through a S106 agreement at the reserved matters stage if the developers cannot identify an off-site compensatory scheme at that time.
- 8.35 In light of the above, the proposal complies with the above policies in respect of ecology.

### Trees

8.36 Policy 32 states 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. Proposals will need to include:

*A) the submission of survey information of woodland, trees and hedgerows, as appropriate, to a recognised professional and fit for purpose standard which is able to demonstrate evaluation of these features for realistic long-term retention, and how this has positively informed the design process;*

*B) demonstration of how retained features are to be protected during development;*

*C) an adequate landscape buffer (which excludes built development and residential gardens) adjacent to existing woodlands, wildlife sites and at settlement edges;*

*D) sufficient provision of appropriate replacement planting where it is intended to remove trees and hedgerows; and*

*E) avoidance of the loss or deterioration of woodland.*

8.37 The site contains a number of trees close to its boundaries. Whilst some were proposed for removal in the original 3 dwelling scheme, the indicative layout for the amended 1 dwelling scheme no longer proposes to remove any trees. Notwithstanding that the current application is for outline permission only, and the final detailed layout will be decided at the reserved matters stage, it is considered there is sufficient room within the site to accommodate a single dwelling without undue impact on existing trees. As such, the Tree Officer has raised no objections, subject to a condition ensuring adequate protection of tree root protection areas during the construction process.

8.38 The proposal therefore meets the requirements of Policy 32 in respect of trees and is acceptable in this respect.

#### Drainage and Flooding

8.39 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Local Plan 56 requires development sites to incorporate satisfactory measures for dealing with their drainage impacts to ensure waste water and surface water run-off are managed appropriately and to reduce flood risk to existing communities. In terms of flood risk management, Policy 57 (A) states all development proposals will be considered against the NPPF.

8.40 The site lies in Flood Zone 1 on the Environment Agency's Flood Map for Planning (Rivers and Sea), an area at the lowest risk of flooding and suitable for residential development in this respect. It falls within an area of 'Low/Very Low' Risk on the Surface Water Flood Map.



- 8.41 As such, the Council's Drainage Officer has raised no objections to the proposal from a flood risk or drainage perspective, subject to a detailed drainage strategy to be secured by condition. Bearing in mind the historic issues at the site regarding surface water flooding, she has also requested a condition to ensure that the freeboard level is no lower than 300mm.
- 8.42 Subject to the above conditions, the development is acceptable in terms of drainage and flood risk and complies with the above policies.

### Pollution Control

- 8.43 Policy 54 states development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that pollution can be avoided, or where mitigation measures (such as those incorporated into the design and layout of development) will minimise significantly harmful impacts to acceptable levels that protect health, environmental quality and amenity.
- 8.44 Policy 55 requires the submission of an appropriate Preliminary Risk Assessment where development is on land that is unstable, currently contaminated or suspected of being contaminated. Satisfactory mitigation will be required where this is found.
- 8.45 A Geo-Technical and Geo-Environmental Report has been submitted in support of the application. This has identified made ground on the site which is contaminated with poly aromatic hydrocarbons (PAH). The top soil on site is suitable for reuse. The Council's Pollution Control Officer has therefore requested the attachment of a condition to ensure that the made ground on site is dealt with in an appropriate manner.
- 8.46 Subject to the above condition, the development complies with Policies 54 and 55 and is acceptable in terms of pollution control.

## **9.0 PLANNING BALANCE & CONCLUSION**

- 9.1 The principle of the loss of the former playground site as Open Space is acceptable as it has been demonstrated it is surplus to requirements, and public consultation has indicated there is no overwhelming support for retention of the site for community use. Its development for a single residential dwelling is therefore supportable in principle.
- 9.2 The only matter of detail submitted for approval is Access, which has been assessed as satisfactory for a single dwelling.
- 9.3 Whilst other matters of detailed design and layout are to be addressed at the reserved matters stage, it has been demonstrated that the site can satisfactorily accommodate this scale of development and comply with the relevant policies in terms of ecology, trees, parking, neighbouring amenity, pollution control, flood risk and drainage, subject to conditions requested by the relevant Council Officers.

9.4 In conclusion, the application proposal is considered to comply with all the relevant local and national planning policies, including Policies 1, 2, 13, 18, 27, 29, 30, 31, 32, 41, 42, 44, 54, 55, 56 and 57 of the Doncaster Local Plan, as well as relevant sections of the NPPF, and is therefore acceptable.

## **10.0 RECOMMENDATION**

**10.1 That the application be APPROVED, subject to the following conditions:**

### **Conditions / Reasons**

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:- i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates the final approval of the last such matter to be approved.

#### **REASON**

Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Approval of the details of the scale, appearance, layout and landscaping (hereinafter referred to as reserved matters) of the development shall be obtained from the Local Planning Authority before the commencement of any works.

#### **REASON**

The application is in outline and no details having yet been furnished of the matters referred to in the outline they are reserved for subsequent approval by the Local Planning Authority.

3. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

- Location Plan, received 08/06/2023
- Proposed Site Access, drawing no. 19/456/TR/001, received 24/10/2023
- Tree Survey & Constraints Plan, Weddle Landscape Design, drawing no. 1326-SPKS 01
- Flood Risk Assessment, Eastwood & Partners, ref. 46012-001, dated 11/06/2021
- Geotechnical & Geo-environmental Site Investigation Report, Eastwood & Partners, ref. 46012-002, dated 18/06/2021
- Biodiversity Net Gain Assessment Report and Metric (Weddle Landscape Design, May 2023), received 08/06/2023

#### **REASON**

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

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

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

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

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

d) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

#### REASON

To secure the satisfactory development of the site in terms of human health and the wider environment, in accordance with the National Planning Policy Framework and Doncaster's Local Plan Policy 54 & 55.

5. Prior to the commencement of the development hereby granted a scheme for the protection of the root protection areas of all trees shown for retention on the

approved plan that complies with clause 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the approved details and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. 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 32.

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

**REASON**

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

7. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. The details shall include the means of restricting surface water discharging to public sewer to a maximum discharge rate of 3.5 litres per second, in accordance with the submitted Flood Risk Assessment prepared by Eastwood & Partners 46012-001, dated 11 June 2021. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

**REASON**

To ensure that no surface water discharges take place until proper provision has been made for its disposal

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

**REASON**

In the interest of satisfactory and sustainable drainage

9. 5 year biodiversity net gain management plan on-site

On the commencement of development a Management and Monitoring Plan for proposed onsite habitats based on the proposals set out in the biodiversity net gain report (Weddle Landscape Design, May 2023) shall be submitted to the Local Planning Authority for approval in writing. The Management and Monitoring plan shall detail the following:

- Objectives relating to the timescales in which it is expected progress towards meeting target habitat conditions will be achieved.
- A commitment to adaptive management that allows a review of the management plan to be undertaken and changes implemented if agreed in writing by the LPA and if monitoring shows that progress towards target conditions is not progressing as set out in the agreed objectives.
- That monitoring reports shall be provided to the LPA on the 1st November of each year of monitoring (Years 1, 2, and 5) immediately following habitat creation.

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

**REASON**

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

10. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

**REASON**

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

11. 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.

12. The freeboard of the dwelling hereby granted outline consent shall have a freeboard of no lower than 300mm.

**REASON**

To make the development safe from surface water flooding and in accordance with Doncaster Local Plan policy 56

**Informative(s)**

1. INFORMATIVE: Yorkshire Water -

Yorkshire Water promote the surface water disposal hierarchy and the developer has submitted evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical. As a last resort, the surface water discharge from the proposal to the public surface water sewer network will be restricted so as not to exceed 3.5 (three point five) litres per second

Notes For The Developer:

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

2, INFORMATIVE: Dropped crossing

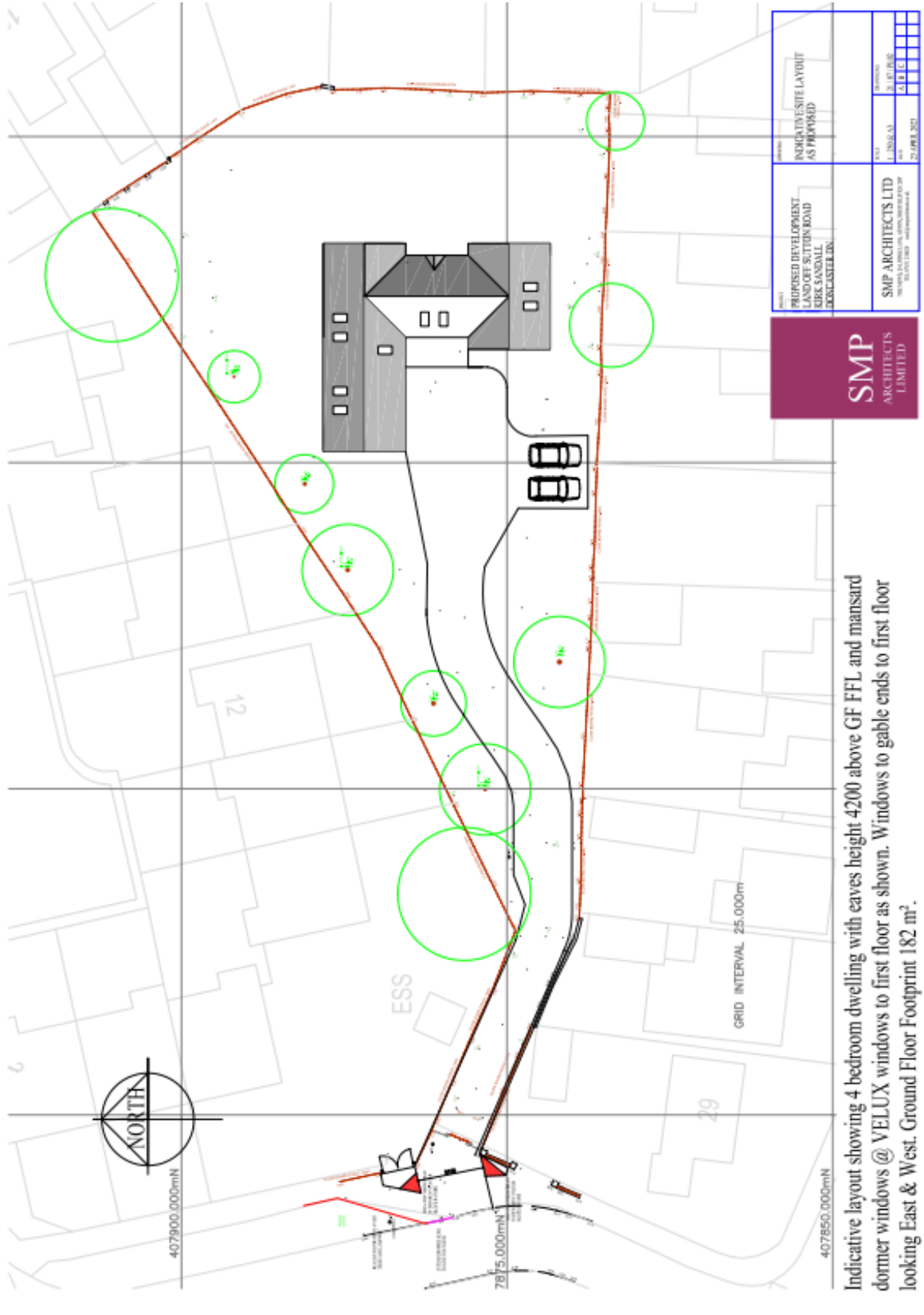
Applications for a vehicle crossing facility can be carried out by completing the e-form at the following: <https://www.doncaster.gov.uk/doitonline/dropped-kerb>

**STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

The applicant has provided additional information in respect of public consultation and biodiversity net gain, in addition to amended plans showing a reduced scheme and to address highway concerns.

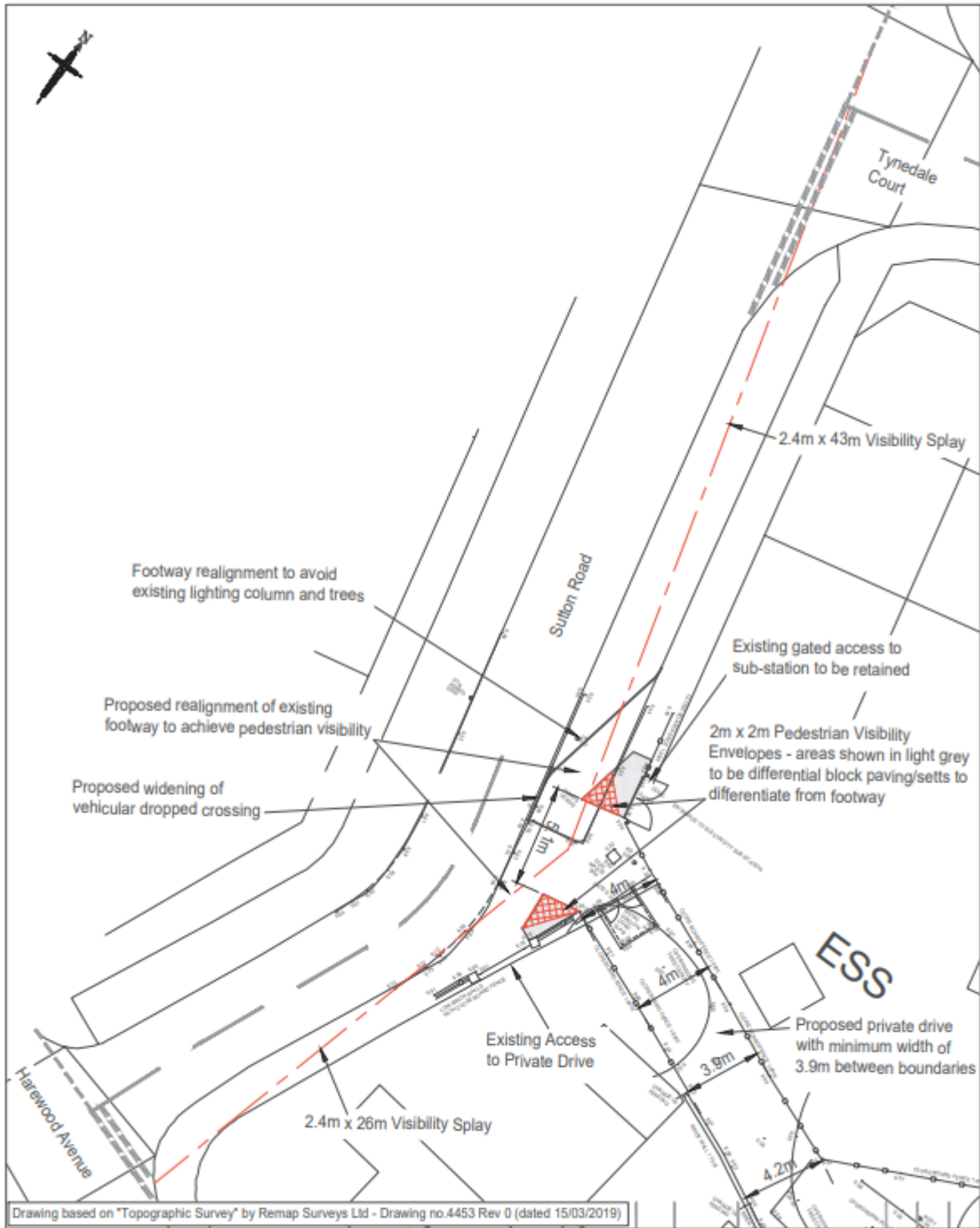
**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

# APPENDIX 1 – Indicative Proposed Site Layout



Indicative layout showing 4 bedroom dwelling with eaves height 4200 above GF FFL and mansard dormer windows @ VELUX windows to first floor as shown. Windows to gable ends to first floor looking East & West. Ground Floor Footprint 182 m<sup>2</sup>.

## APPENDIX 2 – Proposed Access



Drawing based on "Topographic Survey" by Remap Surveys Ltd - Drawing no.4453 Rev 0 (dated 15/03/2019)

**BRYAN G HALL**  
CONSULTING CIVIL & TRANSPORTATION PLANNING ENGINEERS  
Proprietor: Bryan G Hall Ltd



Title: POTENTIAL SITE ACCESS IMPROVEMENTS

Rev:	Date:	Amendment:	DRN:	CHK:	APR:

Client: SHIELD COMMERCIAL ESTATES



**APPENDIX 3 – Site Photos (19<sup>th</sup> September 2023)**



**Photo 1: Site Access at Sutton Road**



**Photo 2: Application Site - access track**



**Photo 3 – Application Site, facing South East**



**Photo 4 –Application Site, facing North East**



**Photo 5 – Application Site, facing west**