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## Appeal Decision

Hearing held on 6 February 2024

Site visit made on 23 February 2024

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 March 2024**

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**Appeal Ref: APP/F4410/W/23/3329658**

**Land off Rose Hill Rise and The Avenue, Bessacarr, Doncaster**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Adam Pitman on behalf of Miller Homes Ltd against the decision of the City of Doncaster Council.
  - The application Ref 22/01710/4FULM, dated 12 July 2022, was refused by notice dated 14 April 2023.
  - The development proposed is the erection of residential development with public open space and associated landscaping, drainage and infrastructure.
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of residential development and public open space with associated infrastructure, landscaping and drainage at land off Rose Hill Rise and The Avenue, Bessacarr, Doncaster in accordance with the terms of the application, Ref 22/01710/4FULM, subject to the conditions in the attached schedule.

### Background

2. Since the Council's decision to refuse planning permission, a subsequent planning application ('the subsequent application') concerning the same site and with the same description of development, but with changes to the original scheme was approved by the Council in November 2023. The planning permission granted by the Council is now the subject of a Judicial Review (JR). The merits of the JR are for the planning court to consider and is therefore a separate matter to this appeal.

### Preliminary Matters

3. Many of the plans and documents before the Council when it refused planning permission have been superseded through the appellant's appeal submissions. Furthermore, the main parties consider that the appeal should be determined based on the plans and documents that led to the Council's decision on the subsequent planning application. A list of those plans and documents was confirmed prior to the Hearing.
4. The main parties explained that the revised plans and documents do not change the description of development or the number of dwellings proposed. The layout of the site has changed so that all plots, where applicable, meet nationally described space standards, are accessible and to achieve a four-metre unobstructed width for the bridleways across the site. Furthermore, the revised plans and documents seek to retain habitat, including trees, through the relocation of the surface water outfall.



5. The type and nature of the development proposed has not fundamentally altered despite the changes. The supporting assessments and documents have been updated due to the passage of time (ecology) or in response to concerns raised about the proposal's effect and/or to respond to technical issues highlighted with the assessments. Those supporting assessments and documents have not resulted in fundamental changes to the proposed scheme. Therefore, I consider that the revised plans and documents can be considered, in substantive terms, as part of the appeal.
6. Public consultation was carried out as part of the subsequent planning application. The Council confirmed the dates on which the plans and documents upon which the main parties wish the appeal to be determined were published on the Council's website. The Council identified that five documents were not in the public domain before planning permission was granted on the subsequent planning application. Nonetheless, a webpage was shared with Rose Hill Residents Association (RHRA) in advance of the Hearing so that all the plans and documents submitted in relation to the two planning applications were available to view in one place.
7. The first of the documents is an ecological survey that is to be kept confidential to avoid ill treatment of animals. The second is highway Technical Note 1 which was made available to the RHRA on 22 January 2024. RHRA were given the opportunity to make any further comments on this document before the Hearing, and the appellant and the Council provided a reply. Two other documents are responses from the appellant to the lead local flood authority and cover highway matters. The final document is a layout plan. The last three documents do not change the nature, type, or layout of the proposal, and they have been made available to the RHRA since 22 January 2024.
8. The Statement of Common Ground sets out that there are no matters in dispute between the main parties based on the plans and documents considered as part of the subsequent planning application. For the reasons set out above, considering the appeal based on the revised plans and documents would not fail the substantive or procedural tests laid out in *Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)*. As such, I have determined the appeal based on the plans and documents that effectively relate to the subsequent planning application. I have therefore had regard to the objections raised by interested parties in their appeal submissions, and in relation to the subsequent planning application.
9. A signed and complete s106 planning agreement (s106 agreement) was submitted by the appellant shortly after the Hearing closed.
10. In response to matters raised at the Hearing I asked the appellant and the Council to prepare a note concerning the committed developments that residents suggested should be taken into account as part of assessing the effect of traffic arising from the proposed development. After the submission of Technical Note 5, I accepted further comments from RHRA and provided the Council and the appellant with a final opportunity of reply (Technical Note 6). I have had regard to those submissions in reaching my decision.

### **Main Issues**

11. Having regard to the matters raised I consider the main issues to be: a) the effect of the proposal on the provision of open space; b) the effect of the proposed development on green infrastructure, including biodiversity; c) the



effect of traffic from the proposed development on highway safety on Rose Hill Rise, The Avenue and Bawtry Road, including the Cantley Lane, Gliwace Way and Racecourse Roundabout junctions; d) the effect of the proposal on the character and appearance of the area; e) the effect of construction traffic relating to the proposed development on highway safety on Rose Hill Rise, The Avenue and Bawtry Road; and f) whether the proposal makes adequate provision in respect of affordable housing, public open space, school places, a travel plan and transport bond, biodiversity net gain, and highway works.

## **Reasons**

### *The appeal site and the approach to the decision*

12. The appeal site lies within the urban area of Doncaster and covers roughly 6.93 hectares. To the southwest is existing residential development, to the south-east is a mineral railway line, with residential development immediately beyond it. Doncaster Racecourse/Common adjoins the site to the north-west, and to the north is agricultural land and Redhouse Plantation woodlands. Doncaster Common and Redhouse Plantation are Local Wildlife Sites (LWS). Sandall Beat Site of Special Scientific Interest (SSSI), an established woodland, is to the north-east. Redhouse Plantation lies between the SSSI and the appeal site.
13. There are two access points to the site from the heads of Rose Hill Rise and The Avenue. Both are existing residential streets with a carriageway width of 5.5m and 1.8 to 2.5m wide footways. They both link to Bawtry Road (A638), a major distributor road in and out of Doncaster Town Centre.
14. The Doncaster Local Plan 2015-2035 (Local Plan) was adopted in September 2021. The appeal site is allocated for residential development (MUA56) through Policy 5 which supports the delivery of the housing requirement and distribution set out in Policy 2. Prior to the Local Plan, the appeal site was allocated for housing in the Unitary Development Plan. The indicative capacity for the appeal site in the Local Plan is for up to 166 dwellings. The appeal scheme comprises of 121 dwellings.
15. Notwithstanding points about the site's allocation, that matter has been recently considered as part of the Examination in Public (EiP) of the Local Plan. It is also not for a s78 appeal to consider whether or not site allocations are correct, as the evidence before me relates solely to the appeal site and the detailed proposals for its development for housing. Nonetheless, despite the site's allocation, consideration does need to be given to all the policies within the Local Plan, though as paragraph 1.14 of the Local Plan sets out, "all the policies in the Local Plan should be read together - individual policies do not necessarily refer to other relevant policies" and they "should also be read in conjunction with...other material considerations (such as the National Planning Policy Framework (the Framework))."
16. Essentially, this follows the requirement in planning law that means applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have considered the appeal on this basis.

### *Open space*

17. Although it was argued as part of the EiP that the site should be designated as open space and assessed as Local Green Space, the Examining Inspector did not agree on either matter and found the Local Plan 'sound' within the site allocated for residential development. Hence, the site is not defined as Local



- Green Space or an open space policy area. Doncaster Racecourse/Common, Redhouse Plantation and the SSSI are open space policy areas.
18. Local Plan Policy 27 B) sets out that within non-designated open space, development proposals will only be supported where they meet listed criteria. The glossary of the Local Plan does not define what is meant by non-designated open space, but paragraph 10.16 provides an explanation of what it is considered to be. Having regard to this, I consider the appeal site would not follow that interpretation due to its size, location and recreational value.
  19. Even so, the appeal site would fall within the Framework's definition of open space due to the opportunity for recreation and the site's visual amenity. However, given that the Local Plan outlines different types of open space, the Council's interpretation of non-designated open space, and the policy map defines where open space policy areas are, I consider that the Framework's definition does not take precedence here. As such, the proposed development, on an allocated housing site, would not conflict with Local Plan Policy 27.
  20. However, should I be wrong, then parts B) and D) of Policy 27 would apply. The proposal would not leave every part of the site's casual playing space unaffected nor retain or enhance all of the site's existing visual amenity. Developing the site for housing means that nature conservation improvements are not the key driver for the scheme and whilst some green infrastructure (GI) connections would be part of the proposed layout, not all of them would be retained due to the scale and extent of the proposal. If residents are correct that the site acts as a transitional buffer to LWS's, then the proposal would not leave this space unaffected, meaning that conflict would be caused with points 1 to 5 of part B). It was agreed by all that point 6 is not relevant here.
  21. Community support does not exist for the proposal. Therefore, the proposal would not comply with part D) even if it accords with national policy.
  22. Nevertheless, the proposal includes the provision of on-site open space in excess of the requirement of 10 to 15% set by Local Plan Policy 28. The proposal would provide around 28.93% of the site's area as on-site public open space, which exceeds the policy requirement even when amenity or small landscaped areas or the landscape buffer to the racecourse are discounted.
  23. It is my primary conclusion that the appeal site is not non-designated open space and that, as a result, there is no conflict with Local Plan Policy 27. The proposal would also accord with Local Plan Policy 28 for the reasons explained. However, if I am wrong about Policy 27, then the proposal would conflict with parts B) and D) of that policy, but limited material harm would be caused due to the site's allocation within the development plan for housing.

#### *Green Infrastructure, including biodiversity*

##### The baseline

24. Local Plan Policy 26 states that the Council will protect, maintain, enhance and, where possible, extend or create Doncaster's green infrastructure (GI), including landscapes, ecological networks, natural environment, open spaces, public rights of way, geodiversity, biodiversity, navigable river and waterway assets, through several principles.
25. Figure 8 of the Local Plan sets out the broad spatial position of GI Corridors (GICs). The GICs are broken down in regional, sub-regional, district and local



- corridors. Figure 8 does not precisely define the areas of land or the extent of land that those corridors cover. It is a high-level illustration of the GICs, and it appears to build on the Council's Green Infrastructure Strategy 2014-2028 (GI Strategy), an evidence base document produced to inform the Local Plan that outlined the spatial distribution and extent of GICs in Doncaster.
26. There is considerable debate about whether the appeal site is part of the Sandall Beat Loversall Link GIC, which is a district level GIC. The Local Plan and the Policies Map do not assist. If residents are correct, figure 4.3 of the GI Strategy indicates that the site is in a GIC. The GIC would also include both LWS's and Sandall Beat SSSI. It is unclear, despite residents' suggestions, whether the site is in the Finningley Cover Sands Biodiversity Opportunity Area (BOA) based on the high-level diagram in figure 9 of the Local Plan. BOA's assist with the Council's vision of having a coherent ecological network. However, there is simply not enough certainty from the high-level illustrations of GIC's and BOA's in the Local Plan to conclusively say that the site lies within them, though I recognise it is a possibility.
  27. Even so, the main parties accepted at the Hearing that the appeal site accords within the Local Plan's definition of GI. I agree for reasons that I now set out. The appeal site is a green space next to the urban and rural areas. It also adjoins two LWS's and is within relative proximity of a SSSI. Leaving my stance about the GIC and BOA to one side, there is a spatial connection of GI between the appeal site, the LWS's, and the SSSI. On that basis, the GI on the site forms part of an ecological network for various reasons.
  28. Public bridleways crossing the site provide recreational links between the urban and rural areas. The site is valued by residents, including in terms of its benefits to health and quality of life. The site also supports a variety of flora and fauna, including a range of birds (red and amber-listed species) and bats. Residents have also suggested that caterpillars of the cinnabar moth are present on the site. The site also contains other lowland acid grassland, a UK BAP Priority Habitat.
  29. There have been successional vegetation changes over time. There are now a substantial number of trees on the site. Residents say their number is in the region of 1,100. The main parties have not provided a precise number and point to differences in approaches to how trees are classified. The onus rests with the appellant to provide such information, even if it may be difficult to do so. But as there is only one figure before me, my assessment is based on that figure. Within that number, the trees fall into different categories, and they are not all mature. Many of the trees are category A or B specimens.
  30. Different approaches between the professions of arboriculture and ecology may lead to different outcomes when assessing whether something is a woodland or not. Yet, the appellant's vegetation survey identifies several parts of the site to comprise woodland. These are not limited to the trees along the north-east boundary. There are some variations between the vegetation survey and the wildscapes survey provided by RHRA in terms of the location and extent of woodland. However, there are broad similarities also. Even so, applying the Forestry Commission's interpretation of 'woodland', I consider parts of the appeal site to contain woodland. That woodland is not ancient, nor does it contain veteran trees.
  31. There are different categories of woodland in the UK Habitat Classification



(version 2.0). Having regard to the classifications provided (Document 2) and the oral responses at the Hearing, I consider that the woodland on the appeal site falls into the w1g category (medium distinctiveness) primarily based on the age of the woodland. As such, there is no w1f7 category (Priority Habitat) woodland on the appeal site.

32. Collectively, Local Plan Policies 26, 29 and 30 seek to protect, maintain, enhance, and where possible extend or create Doncaster's GI/ecological networks, and deliver a net gain for biodiversity. Local Plan Policy 32 sets out 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.
33. Local Plan Policy 26 does not cite GIC's, but they are part of the overall network of GI. Hence, whether the site is in a GIC is not crucial to the application of Local Plan Policy 26 because the policy is focused on all GI. The site's allocation does not change the site's accordance with the GI definition, but it does mean that Local Plan Policies 5 and 26 need to, like the others, be read together.

#### The effect of the proposal

34. The proposal has evolved through the planning process and has been informed by survey information. Most, if not all the woodland in the central area of the site would be lost, and part of the woodland on the north-east boundary next to Redhouse Plantation would be lost. However, existing trees and woodland on the site would be incorporated into the proposed layout as part of the open space provision on the site's boundary with Redhouse Plantation or on the site's boundary with the racecourse. This is due to the proposed surface water drainage arrangements, which include a surface water attenuation tank, pumping station and an outflow into the watercourse that extends along the site's boundary with the plantation. Root pruning of four trees in G19 is proposed but this will minimise damage and the trees are not to be removed. The Arboricultural Impact Assessment details protection measures for during the development. Yet, overall, the proposal would not avoid the loss or deterioration of woodland on the site.
35. Furthermore, by developing the appeal site biodiversity would not be protected or maintained in its current form. That habitat as a collective is not irreplaceable, though it has evolved over time, and to replicate it and its ecological benefits, such as wildlife hosting, water transpiration, soil enrichment and urban cooling, could theoretically take a similar period of time.
36. The Biodiversity Metric shows that there would be an on-site net loss of 22.37 habitat units (58.82% loss) and a 0.61 hedgerow unit gain (11.59%) because of the development. I note the earlier criticisms of the metric submitted, but I have no reason to disagree with the baseline of the metric, dated 13 November 2023 based on the category of woodland on the appeal site.
37. From a natural environment perspective, the loss of the GI on the appeal site jars with the aims and objectives of the Local Plan to see GI retained, enhanced, extended, or created. The proposal would therefore cause the loss or deterioration of a GI asset and not protect or maintain the site's contribution to the Borough's existing ecological network due to the scale, extent, and nature of the development. Furthermore, the proposal would displace and/or



- disturb species living on the site, some of which are protected. This is despite the retention of some trees and woodland, the translocation/creation of new acid grassland, and the enhancement of neutral grassland and tall forbs.
38. The retained bridleways would offer a different user experience as they would extend through a modern housing development. While the use of estate roads is to be avoided, that is on a wherever possible basis. Parts of the bridleways would be set amongst public open space; some would be near an estate road. However, those sections near the estate road would be set back within a landscaped corridor, subject to natural surveillance, free from sharp bends or blind spots and free from barriers. The retained bridleways will continue to provide a link from the main urban area to the GI assets of Redhouse Plantation and the SSSI. They will meet the Council's requirements in terms of type, size, shape, and design. As such, the position of part of the routes near the estate roads would provide safe, convenient, and attractive routes for users. A planning condition controlling detailed highway finishes could ensure that there will be no safety or accessibility issues with the bridleway crossing the estate road near to the play area.
39. A buffer next to the racecourse would be kept free from development and would provide connectivity between the two LWSs. I do not disagree with the views of the Council's ecologist or Natural England, who jointly consider that the proposed development, even with a potential increase in visitor numbers, would not damage or destroy the qualifying features of the SSSI.
40. The proposal would result in the delivery of new housing on a site allocated for residential development. This would contribute to the supply and mix of new homes in Doncaster. The proposal also includes on-site open space provision and a play facility. Hence, the proposal would fulfil a need and opportunity identified through the development plan process, even if the Council's current supply of housing is healthy. The delivery of houses on the site cannot be achieved without having an impact on its GI value or its contribution as part of a wider network. The proposal would not exceed the spatial area of the site's allocation, and the number of dwellings is less than that envisaged. This means that larger areas of public open space have been included alongside retained or proposed habitat on the appeal site, next to existing habitats adjoining the site. Nonetheless, it must be recognised that there is tension between these two aspects of the Local Plan.

#### On-site mitigation

41. Some trees and woodland would be retained, and the new acid grassland would be translocated/created. Existing hedgerows would be beat up. Extra native planting is proposed with different standard trees, hedges, and shrubs, along with wildflowers, grass and ornamental planting. This would enhance the distinctiveness of existing habitats (bracken and tall forbs and other neutral grassland) to a higher value. The corridor next to the racecourse boundary would be left free from development, and further tree and shrub planting would be added to provide an adequate buffer and strengthen the link within the site between the LWS's to the north and the north-east. Furthermore, the land and open space in the north-eastern part of the site would be multi-functional, providing ecological habitat, recreation provision, and a visual landscaped buffer to Redhouse Plantation.
42. Local Plan Policy 32 D) requires sufficient replacement tree planting. The Technical and Developer Requirements Supplementary Planning Document



(SPD) outlines the number of trees required to compensate for the loss of trees through development. Table 5 of the SPD sets out the number of trees that are required depending on the trunk diameter of the tree lost to development. Table 5 does not apply to trees that form part of woodland. Therefore, based on the survey information and the SPD, around 250 replacement trees would be needed after the woodland areas are discounted. The proposed landscape masterplan indicates around 84 new trees would be planted, with around 35 of these being extra heavy standard trees. The SPD acknowledges that using heavy standard trees can allow for a proportionate reduction of the number of replacement trees needed. Even so, the proposal would likely fall short of the SPD requirement.

43. That said, further tree planting could be secured to achieve a suitable quantity, or a proportionate reduction based on the standard of the tree. There is scope for more trees to be planted along the roads, within public open space or within gardens. To plant trees in a highway, the appellant would need to secure a license under section 142 of the Highways Act 1980 (as amended). On this basis, subject to a planning condition, sufficient replacement planting could be achieved to avoid a significant adverse impact on public amenity due to the loss of trees and woodland. This would also help people and wildlife adapt to the impacts of climate change, soften the proposed built form and habitat.
44. The imposition of planning conditions could also ensure detailed planting specifications to secure enhanced planting along the Redhouse Planation boundary, as sought by the development brief for the site. Planning conditions could also ensure habitat features for various species are formed on the site, such as for birds, bats, and caterpillars of the cinnabar moth. For example, common ragwort could be provided in the public open space and managed to ensure that alternative on-site habitat is provided for the caterpillars of the cinnabar moth, which can be found wherever there is ragwort. Despite the absence of an invertebrate survey, this would ensure the favourable conservation status of the species even if there is some initial loss of habitat from the proposed development.
45. The implementation, management, and maintenance of onsite biodiversity units would be secured through the s106 agreement for a 30 year period. A construction environmental management plan (ecology) and tree protection measures can be secured by planning conditions to mitigate the effects of building the development. Future management and long-term implementation of the Habitat Management Plan would be secured by the s106 agreement.

#### Off-site mitigation / compensation

46. Local Plan Policy 30 B) requires proposals to demonstrate that they will deliver a minimum 10% net gain for biodiversity. The s106 agreement requires, before the commencement of development, the submission of details of an offsite mitigation project for the number of units required or payment of a biodiversity offsetting contribution of [REDACTED] to the Council to deliver 26.17 units offsite. This would satisfy the habitat trading rules and the s106 agreement would, despite the habitat losses on the appeal site, ensure the 10% net gain in biodiversity required by Local Plan Policy 30 and the Biodiversity Net Gain Supplementary Planning Document (BNGSPD).
47. The s106 agreement also includes long term management, maintenance, and monitoring commitments (30 years) should an offsite offsetting project be taken forward. Long term management, maintenance, and monitoring



arrangements would also be secured through the s106 agreement for on-site biodiversity units along with the implementation of the habitat management plan to limit the impact of the development upon the Redhouse Plantation.

#### Conclusion on the main issue

48. The proposal would not avoid biodiversity impacts as it would result in the loss or deterioration of the existing habitat. However, that is not an irreplaceable habitat, based on the glossary in the Framework. The harm caused by fulfilling an allocated housing site cannot be avoided by locating the development elsewhere, given that the housing allocations for the whole of Doncaster were considered as part of the Local Plan process.
49. The proposal has changed since its initial design, with the removal of houses earmarked for the north-east of the site, leaving a larger area of open space and a greater buffer to Redhouse Plantation that will allow extra landscaping to be planted. On and off-site mitigation measures are proposed and can be secured either through planning conditions or the s106 agreement. These would either fully mitigate the development's effect if an offsite offsetting project is taken forward or partially mitigate them, with compensation provided as a last resort to secure the required 10% biodiversity net gain.
50. Although aspects of the proposal would protect, maintain, enhance, extend, or create Doncaster's GI, equally, parts of the proposal would also not achieve these matters. Nonetheless, the necessary biodiversity net gain would be delivered and could enhance the Borough's ecological networks. No harm would be caused to the LWS's and SSSI as appropriate buffers would be formed and enhanced. Further, despite the effects of the proposal, including the loss and deterioration of woodland, a significant adverse impact on public amenity and ecological interest would be avoided. This is due to the retention of trees and woodland and the proposed landscaping, including that which can be secured through a planning condition. The retained bridleways would safely run through open, landscaped areas, despite parts of them being near an estate road. For these reasons, while recognising that delivering housing on this allocated site cannot leave the GI on the site as existing, I conclude that the proposal would accord with Local Plan Policies 18, 19, 20, 26, 29, 30 and 32, Framework paragraph 186 and the SPD and BNGSPD. The proposal would accord with the mitigation hierarchy.
51. Although conflict is suggested with Local Plan Policy 31 that policy sets out the Council's intention to identify and designate LWS's and Geological Sites. This policy does not therefore require a judgement to be reached on the merits of development proposals having regard to such sites.

#### *Highway Safety*

##### Existing highway network

52. Rose Hill Rise and The Avenue are residential streets subject to a 30mph speed limit. Both roads are lit and provide pedestrian footways. The bridleways extend off both roads. Rose Hill Rise and The Avenue meet Bawtry Road at priority T junctions. Due to the central reservation on Bawtry Road, traffic turning into and out of Rose Hill Rise must turn left to/from Bawtry Road. The initial section of The Avenue from Bawtry Road is one-way only which means traffic leaving the site would need to use Rose Hill Rise to access Bawtry Road.
53. Bawtry Road links the A18, Doncaster Town Centre, Doncaster Racecourse, The Dome complex, and the Lakeside area. It is a major distributor road that



provides onward connections to the strategic road network. Bawtry Road offers pedestrian and cycle infrastructure, and there are crossing points at different points along the road.

54. Due to the central reservation on Bawtry Road, traffic travelling from the site will need to either go through the Bawtry Road/Cantley Lane signalised junction or perform a u-turn at the junction using the filter lane. For the same reason, traffic travelling to the site from the east would need to carry out a u-turn at the Bawtry Road/Gliwice Way signalised junction. Next to the junction of Bawtry Road/The Avenue, and in the approach to the Bawtry Road/Cantley Lane junction, there is a pedestrian crossing followed by a bus stop. At this point, the two lanes become four. The first lane is a left-turn lane onto Cantley Lane, the middle two lanes are straight ahead on Bawtry Road, and the fourth lane is a right-hand (u-turn) onto the west-bound carriageway towards Doncaster Racecourse and the Town Centre.
55. To the west of the site, after the Bawtry Road/Gliwice Way signalised junction, the west bound carriageway reaches the Racecourse Roundabout, which has four arms. On approach to the roundabout, the two lanes of Bawtry Road become four. The first is a filter lane to allow traffic to join Carr House Road without stopping. The middle two lanes are for traffic joining Bennethorpe, with the right-hand lane of these two also facilitating traffic joining Leger Way. The fourth lane is specifically for traffic joining Leger Way.
56. Testimony from residents indicate that there are several issues associated with the existing situation on the local road network. These include lengthy queues and journey times, stationary queues in filter lanes blocking the movement of other vehicles, unsafe manoeuvres, and risks to vulnerable road users.
57. Using traffic surveys from 2021, the Bawtry Road/Cantley Lane junction was operating over capacity along the Cantley Lane approach during the morning peak hour. This junction was operating within the desired practical capacity during the PM peak hour. The Racecourse Roundabout was operating over capacity in 2021. The Bawtry Road/Gliwice Way junction was operating within the desired practical capacity in the morning and evening peak hours.

#### Transport assessment

58. The 2021 traffic survey was carried out in neutral traffic conditions. Further surveys in May 2023 show lower traffic flows compared to the 2021 data. However, the survey date of 4 May 2023, was during a week of a bank holiday. It also preceded a bank holiday in the following week. The survey was not carried out in neutral traffic conditions. Nevertheless, the Council accepted this survey data as being robust based on the first two Thursdays in May that year having higher traffic flows than the last two Thursdays. That may be true, but the first two Thursdays and the last Thursday in that month were not in neutral traffic conditions due to the bank holidays. However, the third Thursday was, and therefore I have no reason to disagree with the Council's analysis about the robustness of the traffic survey.
59. Automatic Traffic Counters (ATC) show that there are fluctuations along the Bawtry Road corridor. These are evident across the month of June in 2021, 2022 and 2023. It is suggested that 2021 is not a suitable year to base exiting traffic flows against due to effects relating to the pandemic. The ATC's show a general increase in traffic during June 2022 compared to June 2021 along the Bawtry Road corridor. But the increases in some instances are small and there



- are some days when traffic in the evening peak is lower than in June 2021. However, when June 2021 is compared to June 2023 the suggested effect of the pandemic is not borne out in the ATC data, with most of the morning and evening peak traffic data in June 2023 lower than that in June 2021.
60. Changes to the modelling were made in response to concerns raised to reflect lane widths, to ensure the u-turn at the Bawtry Road/Cantley Lane junction was a permitted route, and to reflect flare lengths on the approaches to the Racecourse Roundabout. These changes improve the robustness of the modelling undertaken.
  61. RHRA say that the modelling does not reflect actual que lengths. However, the extent of queueing at junctions varies throughout the day, from week to week and across the year. Therefore, queue lengths could be higher and lower than those modelled, but the model shows the typical level of queuing that could be expected over a period greater than a day. Calibrating a model based on recorded queue data from a single day is not a robust approach to base an assessment of the proposal's effect as extreme care and highly detailed data would be required. Checks have instead been made to ensure the model is representative of recorded queues when the surveys were undertaken, though inherently, unless queues are observed continuously over a period of time, the model will not pick up longer or shorter queues that happen on a daily basis.
  62. The Planning Practice Guidance outlines the importance of considering cumulative impacts from other committed development where there is a reasonable degree of certainty that it will proceed in the next three years.
  63. The Transport Assessment (TA) factored in traffic flows from two committed developments and took account of traffic growth based on projections of population, employment, housing, car ownership, and trip rates. A design year 10 years after the date of the subsequent planning application (2033) has been applied to the 2021 peak hour flows. Using 2033 as a design year would account for the build out of the proposed development based on the standard commencement condition and the reasonable build-out rate.
  64. It is common for there to be a spike in traffic movements in connection with the afternoon school pick up. Traffic flow data from the school pick up period on Bawtry Road is lower than the flows from the evening peak hour. Bearing in mind trips generated by the development would be lower during the school pick up period, I consider the modelling undertaken to represent a worst-case scenario, and modelling of a second evening peak is not necessary.
  65. The Planning Practice Guidance confirms that TAs need to be proportionate to the size and scope of the proposed development. In this regard, the modelling evidence before me is a proportionate and reasonable assessment to base my assessment of the proposal's impact in the study area.

#### Development traffic, accessibility, and accident records

66. The development is predicted to generate a 62 two-way vehicular trips in the morning peak hour (08:00-09:00) with 47 of these departures and 15 arrivals. In the evening peak hour (17:00-18:00) 61 two-way trips are predicted, with 42 arrivals and 19 departures.
67. For most potential future occupiers, accessing the bus services on Bawtry Road would be beyond the desirable travel distance, but they would still be within reasonable proximity along lit pedestrianised routes that are subject to natural



surveillance and with suitable crossing points. These factors, together with the high frequency of bus services connecting to a range of facilities and services, would provide an alternative to travel other than the private vehicle. Similarly, the dedicated lit cycle route along Bawtry Road and Bennethorpe between Rose Hill Rise and the Town Centre would encourage travel by bicycle. Furthermore, while the distance on foot to the facilities and services to the south-west may not be desirable for all, it would not be prohibitive either.

68. Given the site's location and accessibility by different modes of transport, I have no reason to doubt the appellant's figures in respect of trip rates and trip generation. These figures are also higher than those produced from a survey of existing households that would live near the proposed development.
69. In just over six years, there have been four serious accidents on Bawtry Road between its junction with Rose Hill Rise and the Cantley Lane junction. Along roughly the same length of road, there have also been thirteen slight accidents. Three of the four serious incidents have occurred at signalised crossings and all four have involved vehicles and pedestrians or cyclists colliding. The cause of the incidents appears to have involved different factors, but there is some commonality of persons not adhering to signals. Nonetheless, there has been a decrease in recorded accidents since 2022 and none in 2023.

#### Proposal's effect on the road network

70. The Framework in paragraph 115 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'. Local Plan Policy 13 A) 6 reflects this wording. The term severe is not defined by the Local Plan or the Framework. I consider the term to be something more than an inconvenience. This could be a substantial delay over a long period of time and not just an impact on a driver or it could be an effect on the capacity of the road to accommodate the traffic generated by the proposal.
71. The proposal will result in extra vehicles using the local road network and the junctions contained within it. Accidents have occurred along Bawtry Road, and there is always the potential for accidents to occur. But given the amount of additional traffic from the proposed development along with the proposed access arrangements and the use of existing highways, I do not consider that there would be an unacceptable impact on highway safety. The queuing of vehicles along Bawtry Road during peak hour periods does not alter my view given that manoeuvres would typically take place at slower speeds along a road that is lit, and which has good lines of visibility.
72. I have approached considering the residual cumulative impacts on the road network on the basis that the sites at Manor Farm, Lakeside Plot 5a and Doncaster Road should all be committed developments.
73. RHRA say that there will be a considerable increase in queue lengths and delays at the junction of Rose Hill Rise with Bawtry Road. However, the appellant's modelling shows that the junction will operate within capacity during the morning and evening peak hours. I recognise that queue and delay lengths at the junction will vary, but that would not equate to a severe residential cumulative effect taking into account traffic growth, committed developments, and the proposed development.
74. The approach on Cantley Lane to the Bawtry Road/Cantley Lane junction



- would, without traffic from the proposed development, be considerably worse by 2033 due to the increased background traffic. Longer queues and delays are expected. At this time, the north-west approach to the junction on Bawtry Road would operate above the desired practical capacity but remain within the theoretical capacity during the morning peak hour. The junction would operate within the desired practical capacity during the evening peak.
75. The development is predicted to generate 50 trips in the morning peak hour and 29 trips in the evening peak hour at the Bawtry Road/Cantley Lane junction. These represent an increase in traffic volumes of 1.4% in the morning and a 0.8% increase in the evening. Most of the trips that make up these figures relate to the use of the u-turn lane. The uptick will result in a higher saturation, longer delays at the junction, and longer queues in both peak hour periods. However, the changes could, despite additional queuing in the morning peak extending backwards and into lane 4/3, be accommodated within the capacity of the u-turn on Bawtry Road.
76. The proposal would add to the expected increase in the saturation, delay and queue length on Cantley Lane during the morning peak hour. When the number of trips stated by RHRA generated by committed developments are accounted for, sufficient levels of traffic growth have been accounted for at this junction. In effect, the modelling overestimates traffic volumes in the morning and evening peak hours and no further allowance is necessary. That said, the modelled increase in delay and queue length would be around 30% between the 2033 base and design (development included). This change would be perceptible compared to the current situation, which already sees this arm of the junction operating slightly over its absolute practical capacity.
77. Funding secured through the s106 agreement would be used to revalidate the junction to optimise the efficiency of the signals and, therefore, queue lengths and delays experienced. The signals would be dynamically adjusted based on traffic demand on a real time basis. Doing so will not lessen the existing or anticipated number of vehicles using the junctions, but it would help with the junction's efficiency to minimise queueing and delays. Given this, on balance, the extra congestion and inconvenience to highway users would not be severe.
78. During the morning peak hour, the development is predicted to result in 48 trips at the Bawtry Road/Gliwice Lane junction, a 1% increase in traffic volume, and 47 trips in the evening peak hour, an increase of 0.9% in traffic volume. The effect would vary from day to day. With traffic growth, committed developments, and the proposed development, the evidence shows that the junction would continue to operate within absolute capacity in the morning and evening peak hours. There would be an increase in the queue length and delay experienced, and while this would be an inconvenience to people at busier times of the day, in the context of typical journey lengths, I do not consider the residual cumulative impacts on the road network would be severe here.
79. The existing situation at the Racecourse Roundabout is expected to worsen by 2033 due to background traffic growth and committed development. The development is predicted to generate 36 trips in the morning peak and 35 trips in the evening peak at this junction. These equate to a 0.7% increase in traffic volumes at this junction at the busiest times of the day. However, the proposal's effect on the operation of the junction would be negligible across both peak hour periods. The proposal would result in longer queues and delays on all approaches to the roundabout, but especially on the Bawtry Road. Even so, despite the extra time and inconvenience involved for people at busier



times of the day, neither factor would lead me to consider that the effect on highway users would be severe in the context of typical journey lengths.

80. The term severe in a high hurdle to overcome when considering residual cumulative effects on the road network. For the reasons set out, when the proposed development's effect is set against the existing situation and the predicted situation without the proposal, I do not consider the extra congestion and inconvenience to highway users would, on balance, be severe in this case. Accordingly, I conclude that there would be no conflict with Local Plan Policy 13 A) 6 and Framework paragraph 115.

*Character and appearance*

81. The appeal site is next to established residential development on two sides, with the railway line providing a linear barrier to the dwellings to the south-east. Dwellings to the south-west between Bawtry Road and the appeal site are typically detached or semi-detached properties of single and two storey scale. The latter are generally found on roads closer to Bawtry Road, with bungalows, some of which are dormer bungalows, nearer to the appeal site. Properties on York Gardens and Goodwood Gardens reflect the lower scale residential development found on The Avenue and Rose Hill Rise near to the site. Two storey semi-detached and terraced properties on Epsom Road and Aintree Avenue extend alongside the railway line.
82. Developing the appeal site for residential development would inevitably change its character and appearance. The extent of that change would depend on the number of houses, associated infrastructure and the layout pursued.
83. The Landscape and Visual Appraisal (LVA) recognises that the appeal site lies in a predominately flat landscape off a major transport route with residential development, woodland, large areas of open space, and a railway line nearby. The LVA remarks that the site itself has a tranquil quality due to the level of containment from vegetation and the strong connection to adjacent open space, which affords a sense of openness. Because of this, the greatest effect of developing the site for housing would be from within the site itself, on the bridleways. According to the LVA, a major adverse effect would be felt here. The LVA, however, is based on a 'no development' baseline, i.e., it does not factor in the site's allocation, and on an earlier version of the scheme comprising 157 dwellings, not the 121 now proposed.
84. Further adverse effects would be caused from viewpoints near to the site. The degree of visual change would vary, but overall, the LVA considers that the proposal would cause a moderate adverse landscape effect. I have no reason to come to a different view because developing the site for housing would be a considerable shift from the site's current verdant character and appearance. It is also fair to say that the dwellings and any activity associated with them would mean that the existing tranquil character of the site would be lost.
85. That said, Local Plan Policy 42 requires new development to strike a balance between optimising the potential of a site, making efficient use of land, and responding to local character, relevant spatial requirements, and design standards. In this regard, the initial design for the site has evolved and the number of dwellings has reduced, which has enabled the inclusion of more open spaces. The proposed layout would extend the existing loop created by Rose Hill Rise and The Avenue to and from Bawtry Road. This would ensure continuous and enclosed streets, spaces and buildings with active frontages.



- The proposed layout would be accessible, legible, safe, and inclusive so that existing and future occupants could access local facilities and services, open space and public transport.
86. The layout, density, siting, and spacing of the proposed development would respond to the urban layout of residential development to the south-east and south-west of the site. A landscaped buffer alongside the racecourse boundary with residential gardens backing onto that would prevent the proposed dwellings from looming over the racecourse. In the future, users would have a different experience travelling along the bridleways through the site, but the links would remain and journeys through the site would be short.
  87. Most of the proposed dwellings would be two storeys in height. The six bungalows would be sited next to the railway line and at the furthest point from Rose Hill Rise and The Avenue. As such, there would be an abrupt change from the existing bungalow development to the south-west of the site, and the two storey dwellings proposed on the site itself. Even so, as a similar transition is found on Rose Hill Rise, The Avenue, and Epsom Road, the proposal would reflect that characteristic. Furthermore, the scale and massing of the proposed dwellings would broadly respond to those found in the local area.
  88. Numerous traditionally designed house types are proposed. They vary in size and design through architectural features such as pitched roofs, bay windows, and porches. A mixture of brickwork, render, and tile roofs would be used. The proposed designs would complement local character and provide variety in the street scene. All the dwellings would meet the Nationally Described Space Standards, thereby providing future occupants with suitable living environments. The proposal also includes homes that accord with Building Regulation requirements M4(2) and M4(3) which relate to accessible and adaptable dwellings and wheelchair adaptable dwellings, respectively.
  89. The dwellings would be sited next to existing residential development and leave a good-sized area of landscaped public open space along with a children's play area adjacent to Redhouse Plantation. This would retain a degree of openness next to the woodland landscape beyond the site. Moreover, a wide grass verge with street trees next to the road extending off Rose Hill Rise would avoid a hard built-up frontage and provide views along the road/bridleway towards the open space and Redhouse Plantation. A range of native planting, hard surfacing and boundary treatments are proposed across the site.
  90. A sustainable drainage system would see surface water run-off directed to an attenuation tank before it is discharged into a watercourse along the site's north-eastern boundary. The s106 agreement secures the subsequent management and maintenance of the on-site public open space and children's play facilities.
  91. Drawing these matters together, the proposal would cause a permanent and irreversible change to the character and appearance of the site. There would also be some adverse off-site effects, but a lower quantum of housing is proposed than the site allocation envisages. The LVA was also predicated on a higher quantity of housing and without regard to the site's allocation. So, while there is no alternate substantive evidence to counter the overall moderate adverse landscape effect, those two factors cannot be ignored. Further, the site's baseline has evolved over time, but it has still remained an allocation.
  92. Fulfilling that allocation will result in change and tension with the site's existing situation, but efforts have been made to integrate the proposal physically and



visually into its surroundings. I therefore conclude that the proposed development would not cause material harm to the character and appearance of the area. Hence, the proposal would accord with Local Plan Policies 41, 42, 43, 44, 45 and 48. These policies, among other things, seek development proposals to respect and enhance identity, character, and local distinctiveness through high quality design which responds to its context, setting and integrates visually and functionally with the immediate and surrounding area while making the most efficient use of land. Furthermore, new housing should be large enough for the number of occupants, and there should be accessible and adaptable dwellings. Development should also protect and enhance existing landscape features and provide high-quality, comprehensive hard and soft landscape schemes.

*Highway Safety – construction traffic*

93. The Construction Method Statement, Site Management and Environmental Plan, Rev F (CMS) and the Construction Management Plan (CMP) set out how the proposal would be built out and the nature, type, and number of vehicles that would travel to and from the site during the construction of the proposed development. The CMS confirms the route constructed traffic would take and how such traffic would be managed to minimise its effect on residents.
94. The appellant suggests that operatives working on the site will share vehicles or use public transport. They may, and may be encouraged to do so, but there is no firm evidence or measure in the CMS that would ensure that they do. The worst-case scenario is potentially 40 operative vehicles per day, which equates to a total of 80 trips using Rose Hill Rise and The Avenue in addition to the 35 or so construction vehicles that would travel to and from the site during the normal operations phase of the construction (months 5 to 35). The potential number of operative vehicles exceeds the number of on-site parking spaces proposed for them. Without measures to limit the number of operative vehicles, they would potentially need to park on existing roads near the site.
95. Rose Hill Rise and The Avenue both allow two vehicles of varying sizes to pass in either direction but swept path analysis highlights that HGV's would need to use most of the carriageways. However, large refuse vehicles currently use both roads, and those which lead off them. Pedestrians could continue to use the footways safely in any event. Parking beat surveys indicate that on-street parking occurs but is not widespread, as each property has its own off-street parking provision. That reflects my own observations on two separate weekdays. Parked vehicles would require large construction vehicles to navigate around them, but there is sufficient safe opportunity to do so, and visibility is satisfactory given that lower vehicle speeds would be expected in this area. It is indicated that parking restrictions will not be needed, but given the swept path analysis, it would be prudent for the CMS to be reviewed and amended near to construction starting and potentially once it has started to avoid any highway safety issues. This could be secured by planning condition.
96. No deliveries would take place outside of the proposed working hours of 07:30 to 18:00 Monday to Friday and 08:30 to 14:00 on Saturdays with no working on Sundays or Bank Holidays. Vehicles accessing the site would need to use Rose Hill Rise. HGV's would specifically use Rose Hill Rise to enter and join Bawtry Road, with a section of The Avenue near to the site used to join back onto Rose Hill Rise before egressing onto Bawtry Road.
97. Both lanes on Bawtry Road would be needed by large construction vehicles to



turn in and out of Rose Hill Rise and to turn into The Avenue. This would require other vehicles to stop or slow down. Temporary advisory warning signs would be required in my view along Bawtry Road on approach to the Rose Hill Rise junction. Although visibility at the corner of Bawtry Road and Rose Hill Rise may not be ideal, outside of peak hour periods, this access arrangement would not pose a highway safety issue due to the volume of traffic and visibility along Bawtry Road, even though the entry to The Avenue is near to a signalised pedestrian crossing.

98. However, during peak hour periods, Bawtry Road is considerably busier across both lanes and around the nearby junctions. During these times, large construction vehicles turning off Bawtry Road to access the site or to turn into Bawtry Road would increase the potential for conflicts to arise given that they would need to use both lanes to carry out manoeuvres. That would be unacceptable and add to the existing peak hour congestion experienced on Bawtry Road. The CMS does not suggest a limitation on delivery hours, but one would overcome the issue. A planning condition to secure an updated version of the CMS is necessary.
99. Subject to an updated CMS being secured by a planning condition in respect of, but not limited to, delivery hours, potential parking restrictions, and measures to minimise the number of operative vehicles, I conclude that the proposal would not result in harm to highway safety from construction traffic relating to the proposed development. The proposal would accord with Local Plan Policy 13 A) 6 and Framework paragraph 115 which seek development not to result in unacceptable impacts on highway safety, and for developers, where necessary, to mitigate any predicted adverse effects on the highway network.

#### *Planning obligations*

100. The completed s106 agreement would secure financial contributions towards the impacts of the development on secondary school places and with a transport bond that ensures targets within the Travel Plan, which encourage the use of sustainable modes of travel, are met, or if they are not met, allow the Council to fund other sustainable travel to and from the site. The s106 agreement also includes a Travel Plan monitoring fee and a signal revalidation contribution in respect of the development's effect on highway safety and the movement of traffic. The s106 agreement also includes mechanisms to secure the delivery of affordable housing, biodiversity net gain, and on-site public open space and children's play facilities and its subsequent management and maintenance. The contributions are secured through the s106 agreement and meet the statutory tests set out in the Framework and in Regulation 122 of the CIL Regulations. As such, they are material considerations in this appeal.

#### *Other matters*

101. Residents living near to the appeal site or on the roads leading to and from it would experience construction traffic, noise, dust, and disruption, which would affect their living conditions across the duration of the construction phase. This is estimated to last at least three years. Whilst those effects are real and will affect people, they are time limited and not permanent. The CMS includes measures to control dust, noise, and vibration, to prevent pollution through surface water runoff, and to prevent material being deposited on the road network. They will all help mitigate the construction effect of the development.
102. The proposed development will have a direct impact (through direct physical impact upon fabric) on at least two Roman pottery kilns and two Iron Age/



Roman enclosures located within the site. There is potential for further archaeological features to be found within the site. The proposed design has been informed by the investigations to preserve the most important remains. The proposal's economic and social benefits, such as the provision of a range of housing, including affordable homes, construction jobs, and spending in the local economy, outweigh that harm, but a planning condition is necessary as sought by Local Plan 39 to secure appropriate investigation and recording.

103. Despite concerns, there is no substantive evidence to support the assertion that there is no demand for new build homes. Conversely, the proposal would fulfil a site allocation in the Local Plan and broaden the supply and mix of new homes in the local area. Although I note points relating to the level of housing need following the closure of Doncaster Airport, the Framework seeks to significantly boost the supply of homes. No contributions have also been sought by the Council in respect of medical facilities, nor is there substantive evidence to suggest that contributions are necessary to mitigate the proposal's effect on them. Furthermore, the courts have held that private interests, such as the value of property is not a material planning consideration.
104. I note residents' points about section 135 of the Highways Act 1980 concerning the closure or rerouting of the bridleways across the site. As set out, the bridleways are to be retained, but if their alignment does need to be altered, then this would need to be considered as part of a public path order.
105. Reference has been made by residents to extracts from the Doncaster Delivering Together and the Environment and Sustainability Strategy. Based on the evidence before me they appear to align with the aims and ambitions set out by policies in the Local Plan. Therefore, they have not altered my conclusions on the main issues.
106. Although the Council may own the appeal site, I have considered the appeal based on its planning merits alone.

### **Conditions**

107. I have imposed an approved plans condition in the interests of certainty (2). So that ecological information remains valid and up to date before development commences a condition is necessary to outline that further survey work will be required if development does not commence within a specified timeframe (3).
108. Pre-commencement conditions are necessary in respect of a Construction Method Statement, Site Management and Environmental Plan (4) and details of the phasing and management of enabling works (5) in the interests of safeguarding neighbouring residents living conditions and highway safety. In the interests of the character and appearance of the area and the design of the highway, a condition is necessary to secure a satisfactory landscape scheme and utility design for the adaptable highway (6). Conditions (7 and 8) are necessary in the interests of the character and appearance of the area to secure a landscape scheme for the site and its subsequent implementation and aftercare. So that trees are protected during construction, I have imposed a condition to secure protection measures (9). A condition is necessary to secure gigabit-capable full fibre broadband to provide future occupiers with connectivity to the fastest technically available Broadband network (10).
109. So that the site is connected to suitable drainage systems and to ensure adjacent woodland is not affected, I have imposed a condition requiring drainage details to be submitted and approved (11). A Construction



Environmental Management Plan (12) is necessary in the interests of the ecological interests of the site. For the same reason, I have imposed a condition concerning a license from Natural England (13).

110. In the interests of safety, operational needs and integrity of the railway, a condition is necessary to secure a construction methodology showing how the site can be developed without affecting the railway line (14). In the interests of the character and appearance of the area, conditions are necessary to secure details of the materials to be used and details of the design of the pumping station, together with the materials and boundary treatments to be used (15 and 16). To secure the satisfactory development of the site in terms of human health and the wider environment I have imposed a condition concerning soil testing before it is brought onto the site (17). In the interests of the ecological interests of the site, I have imposed conditions (18 and 20) to secure an ecological enhancement plan, the provision of ecological habitat on the site and satisfactory light-sensitive external street lighting and bollards. The latter is also required to safeguard the nearby railway line, so I have amalgamated the two suggested lighting conditions. To ensure adequate provision for all types of users of the bridleway I have imposed a condition requiring details of the surfacing materials to be submitted, approved and carried out (19).
111. To deliver accessible and adaptable homes, I have imposed a condition so that specific requirements are achieved for particular plots (21). A condition is necessary (22) to ensure proper investigations are carried out in respect of archaeological remains and so they are properly recorded and understood. I have imposed a condition so that each dwelling has secure cycle parking facilities to encourage the use of sustainable modes of travel (23). Conditions are necessary so that the children's play equipment is fit for purpose (24 and 25). I have imposed conditions so that highways are drained, constructed and surfaced in the interests of highway safety, and so that parking provision is provided and retained for each dwelling and visitors (26, 27, 28 and 29). To ensure that the site is adequately drained, and the drainage apparatus is adequately maintained for the lifetime of the development conditions are necessary to control when piped discharge can start and to secure a drainage management and maintenance plan (30 and 31).

### **Conclusion**

112. I recognise the Council has declared a climate emergency, but the Local Plan aims to help tackle climate change and create a stronger economy in a way that supports a sustainable natural and built environment and delivers a better quality of life for residents and for future generations.
113. I have found that the proposed development would accord with policies in the Local Plan, though there is inherent tension between the policies in this case given the current situation on the ground and the fact that it is allocated for residential development. However, in the event that I wrong about Policy 27, the limited material harm that would arise from this conflict would not alter my conclusion (with or without conflict with Policy 27) that the proposal would accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this.
114. For the reasons given above, I conclude that the appeal should be allowed.

*Andrew McGlone*

INSPECTOR



## APPEARANCES

### FOR THE APPELLANT:

Matthew Reed KC	Counsel
Andy Naylor	Miller Homes
Emma Lancaster	Director, Quod
Emma Bilton	Senior Planner, Quod
Martin Whittaker	Director, Optima
Sam Kitching	Principal Ecologist, Brooks Ecological
Jonathan Cocking	Principal Consultant and Managing Director, JCA
Mark Smeeden	Design Director, Smeeden Foreman
Emma Burton	Graduate Lawyer

### FOR THE LOCAL PLANNING AUTHORITY:

Constanze Bell	Counsel
Andrea Suddes	Principal Planning Officer, City of Doncaster Council
Chris Hall	Principal Planning Officer, City of Doncaster Council
Helen Markland	Principal Ecologist, City of Doncaster Council
Roy Sykes	Head of Planning, City of Doncaster Council
Alison Hartley	Solicitor, City of Doncaster Council
Andy Wiltshire	Highway Development Control, City of Doncaster Council
Martin Nowacki	Ecologist, City of Doncaster Council

### INTERESTED PARTIES:

Laura Fern, Airedon Planning  
Chris Owen  
Steve Mercer  
Diana Hoyle  
Nick Allen  
Majid Khan  
Nicholas Evans

### DOCUMENTS

- 1 – Technical and Developer Requirements Supplementary Planning Document
- 2 – Extracts from The UK Habitat Classification Version 2.0
- 3 – Technical Note 5, Rev 2 Committed Development Analysis
- 4 – Representation to the Inspector from the RHRA on Technical Note 5 (Rev 2) – Committed Development Analysis: February 2024
- 5 – Technical Note 6, Rev 1 Committed Development Analysis



## SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) 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 following approved plans: 2332.02; 2332.01 Rev F; 2119.03 Rev D; 2119.03 Rev E; 2332.06 Rev D; 2332.04; R/2528/1J; 2332.BEA.01 Rev B; 2332.BEA.02 Rev B; 2332.BRA.01; 2332.BRI.01 Rev A; 2332.BRI.02 Rev A; 2332.CHA.01; 2332.CLE.01; 2332.CLE.02; 2332.DEF.01; 2332.DEF.02; 2332.DEF.03; 2332.DEN.01; 2332.DEN.02; 2332.FAV.01; 2332.FAV.02; 2332.GLE.01; 2332.GLE.02; 2332.GRA.01 Rev A; 2332.GRA.02 Rev A; 2332.HAM.01; 2332.KIN.01; 2332.KIN.02; 2332.KIN.03 Rev A; 2332.LOC.01; 2332.SHE.01 A; 2332.SHE.02 A; 2332.TOR.01; 2119.SG.01; and 2119.TG.01.
- 3) Where development commences more than two years from the date of the original protected species surveys, including [REDACTED] bats, great crested newts, reptile and breeding bird surveys, additional/updating surveys should be carried out to ensure that approved mitigation is appropriate for the current situation. Any changes to proposed mitigation measures must be submitted to and approved in writing by the Local Planning Authority.

### *Pre-commencement*

- 4) Prior to the commencement of development, a Construction Method Statement, Site Management and Environmental Plan shall be submitted to and approved in writing by the Local Planning Authority, and which shall include for the following;
  - a) location of site compound and plant equipment/storage;
  - b) the means of access, storage and parking/holding areas (including workforce parking), means of loading and unloading of all contractor's plant, equipment, materials and vehicles and associated traffic management measures;
  - c) measures to control the emissions of dust, dirt and noise during construction;
  - d) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved;
  - e) avoidance of water or mud run off;
  - f) construction working hours and management of deliveries, including delivery routes;

The development shall thereafter be constructed and managed in accordance with the approved details.

- 5) Prior to any enabling works commencing a programme to include the phasing, anticipated duration and management of enabling works to prepare the site shall be submitted to and approved in writing by the Local Planning Authority.
- 6) Prior to the commencement of the works for roads and sewers, a landscape scheme which includes details of the proposed tree pits and utilities siting and alignments within the adoptable highway shall be submitted to and approved in writing by the Local Planning Authority. This shall include a detailed specification for tree pit construction that utilises either grass verges or a professionally recognised crate system construction to provide the minimum rooting volume set out in the Council's Transitional Developer Guidance and a load-bearing capacity



equivalent to BS EN 124 2015 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a timescale of implementation, and a maintenance specification until trees are adopted by the Council. The landscape scheme and utility design shall be implemented in accordance with the approved details, with the crating system laid prior to any utilities. The Local Planning Authority shall be notified prior to the backfilling of any engineered tree pits to inspect and confirm compliance and within seven days of the completion of landscape works to inspect and approve practical completion in writing.

- 7) Excluding site preparation, ground engineering and site infrastructure works no development shall take place on the site until a detailed hard and soft landscape scheme based on the approved landscape masterplan (drawing R/2528/1J) has been submitted to and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials, including adoptable highway finishes and footpaths through Public Open Space. The soft landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with the Council's Transitional Developer Requirements Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescales for delivery; a detailed specification for tree pit construction for the trees within highway that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's guidance and a load-bearing capacity equivalent to BS EN 124 2015 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation and details of management and maintenance for a minimum of 5 years following practical completion of the landscape works.

Thereafter the landscape scheme shall be implemented within the first year following commencement of the development in accordance with the approved details and the Local Planning Authority shall be notified in writing within 7 working days to approve practical completion of any planting within public areas or adoptable highway within the site. Soft landscaping for any individual housing plot must be implemented in accordance with the approved scheme, prior to occupation of the home. Any part of the scheme which dies, or is damaged or removed within five years of planting shall be replaced during the next available planting season with others of similar size and species.

- 8) Following the commencement of the hard and soft landscaping scheme and before 30th September of every year during the implementation period (either phased or in full) and 5 year aftercare period, a 'Landscaping Implementation Report' shall be prepared by a suitably qualified landscape architect and / or contractor, and submitted by the developer to the Local Planning Authority in order to demonstrate that the hard and soft landscaping scheme has been carried out in full accordance with the approved landscaping details. The report should record the landscaping operations carried out on the land since the date of commencement, or previous report / aftercare meeting, and set out the intended operations for the next 12 months. It shall cover: species, size, location, planting and aftercare specification, and include an overall progress summary, inspection site visit notes, a schedule of maintenance operations undertaken, and before and after photos of any remedial plantings or completed works.



- 9) Prior to the commencement of the development hereby permitted a scheme for the protection of the root protection areas of all trees shown for retention on Appendix 7: Arboricultural Implications Plan, Arboricultural Impact Assessment (20891a/EW) 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 accordance with the approved details 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.
- 10) Prior to the commencement of development details of measures to facilitate provision of gigabit-capable full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11) The development hereby permitted shall not be begun until details of the foul, surfacewater 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 relevant part of the drainage system that serves those plots shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the of those plots.
- 12) Prior to the commencement of development a Construction Environmental Management Plan (ecology) (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The CEMP shall then be implemented in accordance with the approved details for the duration of the construction period. The measures within the CEMP will be based on those outlined in Table 6.1 of the Ecological Impact Assessment Brooks Ecological Ref: Brooks Ecological Ref: ER-5334-17H 22/06/23 (revised 13/11/2023) and also include:
  - A risk assessment of the potentially damaging construction activities in relation to habitats and fauna.
  - Any measures identified to protect the adjacent Local Wildlife Site, Red House Plantation from direct and/or indirect impacts of the construction phase.
- 13) No development shall commence until the applicant has provided to the Local Planning Authority with evidence of either: a licence issued by Natural England pursuant of [REDACTED] authorising the specified activity/development to go ahead, or a statement in writing from Natural England (or another relevant licencing authority) to the effect that a specific activity /development does not require a licence.
- 14) Development shall not commence until a construction methodology has been agreed with the Asset Protection Project Manager at Network Rail and submitted to and approved in writing by the Local Planning Authority which demonstrates that the development can be undertaken without impact to operational railway



safety. The development shall thereafter be carried out in accordance with the approved construction methodology.

*After commencement*

- 15) Notwithstanding the approved Site Layout Plan Dwg Ref: 2332.01 Rev F and prior to commencement of the relevant works, full details of the design of the pumping station, including all materials and boundary treatments shall be submitted and approved in writing with the Local Planning Authority. This shall include details of the vehicular access to the pumping station.
- 16) No work shall take place above damp proof course level until product details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. This may include submission of samples if requested by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
- 17) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the Local Planning Authority prior to any soil and soil forming material being brought on to site.
- 18) Prior to the installation of any external street lighting and bollards to private shared drives, a lighting design strategy for light-sensitive biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall show how all external lighting within the site will be designed (through the provision of external lighting contour plans and technical specifications) so that it can be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural areas by bats and other species of wildlife. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/23: Bats and Artificial Lighting at Night. All external lighting shall be installed in accordance with the specification and locations set out in the strategy and retained as such.
- 19) Prior to commencement of works to the existing bridleways within the site, details of the surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The surfacing shall be complete prior to the occupation of the last dwelling within the development.

*Before first occupation*

- 20) Prior to the first occupation of the site, an ecological enhancement plan shall be submitted to the Local Planning Authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or in an alternative timescale to be approved in writing with the Local Planning Authority:
  - on 30% of new dwellings a swift box of the, <https://www.manthorpebp.co.uk/environmental/swift-nesting-brick/swift-nesting-brick->



or equivalent approved by an ecologist to be located on the northern aspect of the building above 5m from ground level on walls away from trees.

- the translocation of the g1a6 'other lowland dry acid grassland' areas to the undeveloped north eastern boundary area of the site
- on 20% of new dwellings in suitable site boundary locations, bat boxes of the type: <https://www.nhbs.com/Ibstock-enclosed-bat-box-c> or equivalent approved by an Ecologist to be sited above 4 m from ground level at south or south west locations on the new building
- 6 No. tree mounted bat boxes of the Kent Bat Box <https://www.nhbs.com/nhbs-kent-bat-box> or equivalent approved by an ecologist.
- hedgehog highways features to be incorporated into property boundaries.
- the creation of two reptile/amphibian hibernacula features on the site.
- the provision of common rosgwort in the area of Public Open Space and suitable management of it.

Photographic evidence of the implementation of the measures must be submitted to the Local Planning Authority to discharge this condition.

- 21) Prior to first occupation of each of the dwellings listed below, Building Control Completion Certificates must have been provided to the Local Planning Authority demonstrating that the specified optional requirements as set out in the Building Regulations 2010 (as amended) have been achieved for the following plots: Plots 3-5, 7-9, 11-14, 16-20, 27, 29-34, 38-45, 47, 52, 53, 57-60, 63-66, 69-75, 79, 83-85, 87-106, 110, 112-116, 120 to meet Part M4(2) 'accessible and adaptable dwellings'. Plots 21-26 must meet Part M4(3) 'wheelchair adaptable dwellings'.
- 22) The development shall take place in accordance with the approved Written Scheme of Investigation (WSI) document entitled "Rosehill, Bessacarr Written Scheme of Investigation for Archaeological Mitigation" Revision 5 (Revised June 2023). The development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.
- 23) Prior to the first occupation of the development hereby permitted, details of secure cycle parking facilities for each dwelling to the development in accordance with Appendix 2 of the Doncaster Local Plan 2015 – 2035 (2021) shall have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented and made available for use prior to the occupation of each dwelling hereby permitted and shall thereafter be retained for use at all times.
- 24) Prior to installation of the play equipment on the green space area designated to accommodate a LEAP, as shown on Landscape Masterplan Dwg R/2528/1J, a location plan and design, which identifies the type and placement of equipment, and safety surfacing to be used shall be submitted to and approved in writing by the Local Planning Authority. The equipment should be robust, sustainable, meet the needs of the community and meet the relevant safety standards. The play equipment shall be installed and maintained in accordance with the approved details. The LEAP shall be delivered following occupation of no more than 50% (60) units on the site.
- 25) Within 1 month of the installation of the play equipment, the applicant will provide the Local Planning Authority with a copy of the post installation inspection certificate certifying the play equipment meets with European standards EN1176



and EN177. The inspection must be carried out by an independent RPII (Register of Play Equipment Safety Inspectors International) registered Playground Equipment Inspector, who is suitably experienced and trained for the task.

- 26) 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. These areas shall be implemented and retained thereafter.
- 27) The vehicle turning space as shown on the approved Site Layout 2332.01 Rev F shall be constructed before each phase of the development is brought into use and shall thereafter be retained as such.
- 28) Prior to the occupation of each dwelling of the development hereby permitted, the parking serving that dwelling as shown on the Site Layout 2332.01 Rev F 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 relevant dwelling.
- 29) Prior to the first occupation of the development, a plan showing the phasing arrangements for the provision of the visitor parking spaces shown on Site Layout 2332.01 Rev F shall be submitted to the Local Planning Authority for approval in writing. These areas shall be implemented in accordance with the approved details and retained thereafter as visitor parking.
- 30) 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.
- 31) There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

END OF SCHEDULE