DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 12 October 2010

Application	02		
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Application Number:	10/00398/OUTA	Application Expiry Date:	17th June 2010
Application Type:	Outline With Environmental Assessment		
Proposal Description:	Outline application for construction of 500 berth marina, access, car parking and ancillary marina facilities, including the provision of nature conservation areas, water features and public open space on approx. 12.97ha (being resubmission of planning application No 09/01616/OUTA withdrawn on the 30.10.09)		
At:	Land On The North Side Of Measham Drive Stainforth Doncaster		
For:	Waystone Ltd (Mr D Reece)		

Third Party Reps:	0	Parish:	Stainforth Town Council
		Ward:	Stainforth And Moorends

Author of Report	Arthur Doyle
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MAIN RECOMMENDATION: GRANT



1.0 Reason for Report

1.1 Hatfield Town Council has objected to the development. Therefore it cannot be determined using my delegated powers. The Planning Committee is required to determine the planning application.

2.0 Proposal and Background

- 2.1 This is an application for outline planning permission in respect of a 500-berth marina with 4 basins and associated pontoons, together with ancillary built facilities including a pub/restaurant with approximately 1,100 square metres floor space, an activities centre of 2000 square metres, a Visitor's Centre of 1000 square metres and a number of shop units. The height of the buildings will vary, but it is not envisaged that any will have a height greater than 20m. The ancillary Marina facilities, including a fuelling area, water supply and sewage disposal, will be located at the centre of the Marina basin. A separate application will need to be submitted for a boat launching /removal facilities and a chandlery area. Car, coach and cycle parking spaces would be provided. The applicants state that detailed car parking numbers have not yet been established, but the current Masterplan shows 558 spaces, including 28 disabled bays, along with 9 coach spaces. Specific numbers will be established at the reserved matters stage based on Doncaster Council's parking standards. The application also indicates a new access road into the site together with a new roundabout junction with Kirton Lane and associated highway improvement works. The plans also show a notional nature conservation area and recreational area (including water bodies) on land to the east, although this does not form part of the current application.
- 2.2 The application site covers an area of approximately 12.8 hectares of low lying land approximately I kilometre to the north east of the centre of Stainforth. It is bounded to the north by the Stainforth and Keadby Canal with its towpath. The Fishlake Conservation Area, which contains the Grade 1 listed Church of St Cuthbert as its focal point, is visible across the waterways to the north of the site. Immediately to the south west of the site is a school and a housing estate comprising predominantly semi-detached housing. To the east is arable agricultural land between the site and the M18 motorway. To the south of Kirton Lane lies the Hatfield Colliery site which is undergoing a number of regeneration developments, including a major power station.
- 2.3 Colliery spoil has been tipped on part of the site many years ago, although this has mostly re-vegetated.(This is known as the Poltentoft tip)
- 2.4 An almost identical application was submitted in July 2009 and, following concerns expressed by Natural England, subsequently withdrawn. A revised application, accompanied by an Environmental Statement, has now been submitted. The applicants state "The delivery and construction of the Marina is dependant on a subsequent planning permission being granted for a comprehensive scheme of "enabling works".[Such works] would include a colliery tip washing scheme, colliery spoil importation and engineering to raise ground levels, construction of development platforms and other important infrastructure enabling works. The Marina proposal is therefore the first phase of an overall Masterplan of proposed development, with a mix of uses including housing."

3.0 Relevant Planning History

3.1 As noted, an almost identical application was submitted in July 2009 (Ref 09/01616/OUTA) and, following concerns expressed by Natural England, subsequently withdrawn.

4.0 Representations

4.1 No representations have been received to date.

5.0 Parish Council

5.1 The application site is located within Stainforth Parish Council. Stainforth PC, Hatfield TC and Thorne Moorends PC were consulted. Only Hatfield TC has responded, objecting to the proposal on the grounds of increased traffic created on top of that which will result from the Power Park.

6.0 Relevant Consultations

- 6.1 The following bodies have been consulted:-
- DMBC Architectural Liaison, Transportation, Environmental Health, Pollution Control, Ecology, Landscape, Trees, Drainage, Public Rights of Way, Highways, Design & Conservation, Neighbourhood Manager, Stainforth PC, Hatfield TC, Thorne Moorends PC, Yorkshire Wildlife Trust, Yorkshire Water Services, Local Government Yorkshire & Humber, The Coal Authority, Natural England (inc. Agriculture), South Yorkshire Mining Advisory Service, HM Inspectorate of Mines, SY Fire & Rescue, Environment Agency, IDB, Doncaster Naturalists, British Waterways, SY Archaeology.
- 6.2 Natural England welcomed the revised plans that increase the compensatory habitat to the West and allow for more canal side habitat to be retained within the local wildlife site. Natural England also advised that the detailed design of the multi-use tracks within the compensatory habitat be altered. These points could, however, be incorporated in the more detailed plans to be submitted at reserved matters stage.
- 6.3 Natural England went on to state that the applicant's letter to Doncaster MBC, dated 9 February 2010, outlined a suggested condition that would ensure detailed plans regarding the creation of public open space and nature conservation areas are submitted prior to determination of subsequent reserved matters. Such a condition was welcomed by Natural England and is recommended in this report.
- 6.4 Natural England also expressed concern over housing issues, and this is dealt with below.
- 6.5 Natural England also advised the Authority of the need to consider [Government] guidance and determine whether alternative sites are material to this planning proposal. This is dealt with below.
- 6.6 Natural England also suggested that sustainable building practices and energy efficiency measures, including green roofs, are incorporated in to the design. These matters can be dealt with by an appropriate condition.
- 6.7 Yorkshire Water notes that the application is for outline permission only and therefore subject to change at reserved matters stage. However, the details submitted on drawing SD-MP-PL-04 (revision D) dated 24/11/2009 are not acceptable to Yorkshire Water. It

appears that a lake will be located over the line of the sewers (which are not shown on the drawing) and this could jeopardise Yorkshire Water's ability to maintain the sewerage network. The developer is strongly advised to amend the layout prior to submission of reserved matters. A re-submitted drawing should show the proposed lake stand-off from public sewage pumping main - or an agreed alternative scheme- along with the site-surveyed position of the public sewage pumping mains crossing the site. This issue can be dealt with by appropriate informatives.

- 6.8 The Environment Agency states that although they are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information relating to the proposals to an acceptable standard to ensure that the proposed development can go ahead without posing an unacceptable flood risk. Appropriate conditions can be attached.
- 6.9 CPRE states that although the proposal is supported in principle, there is concern over its location and it questions why it cannot be located further west and closer to Stainforth. The issue of location and alternative sites is dealt with below.
- 6.10 Doncaster Naturalists state that while the need for new developments and job opportunities in the Stainforth area is understood, they wish to object to this present proposal as the whole development and access to it are within a significant local natural history site and there is also much of local historical interest such as Ash Field bank, which was one of Vermuyden's earliest engineering projects at the start of his massive drainage scheme for the area. It is also questions why it cannot be located further west and closer to Stainforth. Natural history issues are dealt with below under Ecology. The issue of location and alternative sites is dealt with below.
- 6.11 British Waterways notes that there is a national shortage of secure offline moorings and this lack of supply of moorings was first raised in early versions of PPG 17 on Planning for Sport and Recreation. Demand for boat ownership on BW waterways has grown steadily at average 2.4% p.a. over the past 5 years to April 2006. Demand has increased amongst all age groups but particularly amongst the over 50s Demographic forecasts suggest that growth in boat ownership will accelerate over the next 10 years, with 11,700 additional mooring berths required on BW owned/managed network by 2015.
- 6.12 DMBCs Landscape officer states that while the scheme would be a high quality development and ultimately the site would provide an attractive and enduring place for canal users and local residents, the complex of new buildings to a potential height of 20m, the access road, car parking and marina would recreate an urban intrusion in an area of intact countryside which is predominantly rural in character. My main concerns relate to the changes in landscape character that would result from the development; in particular the loss of primary woodland that exists on Pontontoft Spoil Tip which is designated as public open space.
- 6.13 The Council's Conservation Officer states that additional details will be required to assess the impact on the Fishlake Conservation Area.
- 6.14 The remaining consultees have no objection to the proposal, subject to appropriate conditions.

7.0 Relevant Policy and Strategic Context

- 7.1 The site is within the Countryside Policy Area as designated in the UDP. The main policies under this designation include ENV 4 and ENV 7 (Recreation & Leisure). Parts of the site come within the Ashfields Site of Scientific Interest (SSI), a site of local/regional importance for nature conservation. Relevant policies under this designation are ENV 41, ENV 42 and ENV 44. An area within the centre of the site is designated in the UDP for development as an informal open space under Policy RL 5 (52). Relevant policy under Open Space Policy Areas include Policy RL 1.Other relevant policies relating to leisure activities include Policies RL 8, RL 10, RL 11and SRL 2, RL 17, SRL 3, RL 22. The whole site is designated as Vulnerable to Flooding relevant policy PU 9. The Fishlake Conservation Area, containing Listed Buildings, is visible from the application site and Policies ENV25 and ENV 34 are relevant.
- 7.2 Stainforth is designated as a Regeneration Priority Area in the UDP and Policy Gen 3 states that within such areas, attention will be focused on measures to secure economic development and social improvements. Policy TO 2, under Tourism Canal and River Network states that the development and tourism potential of the canal and river network will be encouraged.

National Policy

7.3 PPG 21 recognises the contribution that tourism makes to national and local economies while PPG 17 highlights the importance of leisure provision in social improvements.

8.0 Planning Issues and Discussion

Regeneration/Economic Development/Tourism

- 8.1 The applicant states that it is widely accepted that marina developments have a positive effect, stimulating regeneration and promoting tourism the proposal will therefore provide a positive social and economic impact on a deprived area of Yorkshire. A number of consultee responses accept that the proposal could have positive regeneration effects.
- 8.2 It is clear from the comments and support of British Waterways that there is a demand for a new marina. It is likely, therefore, that the marina will help to secure economic development, tourism potential and social improvements. The development will, therefore, comply with Gen 3 and TO 2.

Development in the Countryside

- 8.3 The proposal involves a leisure development within the Countryside Policy Area. Policy ENV 4 states that development will not normally be allowed within the Countryside Area for purposes other than...outdoor recreation and leisure, or other uses appropriate to a rural area. A marina, in itself, would come under the definition of outdoor recreation and leisure. In principle, therefore, a marina is appropriate to a rural area and complies with the policy.
- 8.4 The proposal does, however, include buildings associated with a marina, such as a pub/ restaurant and visitor centre. Policy ENV 7 states that within the Countryside Area, the development of recreation and leisure uses will be permitted provided that: a) the use would be predominantly outdoor and would have a low proportion of building area in relation to land area, and, b) ancillary facilities (clubhouses, visitor centres, car parks etc.)

would not exceed those which are reasonable and sufficient for the users of the main facilities and are sited designed and screened to the satisfaction of the Council.

- 8.5 DMBCs Landscape officer notes that the complex of new buildings to a potential height of 20m, the access road, car parking and marina would recreate an urban intrusion in an area of intact countryside which is predominantly rural in character.
- 8.6 While the development will, no doubt, include urban elements within the countryside, these elements are reasonable and in proportion to the overall development: the proposal is, therefore, in accordance with these requirements of policy ENV 7.

Recreation & Leisure

- 8.7 Policies RL 11and SRL 2, RL 17, SRL 3, RL 22 all support recreational and leisure activities, including informal countryside recreation, on the canals, on the urban fringe and in the countryside, and indoor related facilities, provided that there is no conflict with other policies.
- 8.8 Part of the site is designated for development as an informal open space under Policy RL 5 (52). Relevant policy under Open Space Policy Areas includes Policy RL 1 and RL 8. Policy RL 1 states that development will not be permitted for purposes other than outdoor recreation and ancillary indoor facilities. Policy RL 8 refers to sites adjacent to Open Space Policy Areas and requires that development will be designed to avoid adverse impact on the value of the open space.
- 8.9 As a recreational and leisure development the proposal is supported by policies RL 11and SRL 2, RL 17, SRL 3, RL 22 and there is no conflict with other policies. The proposal also complies with relevant open space policies.

Ecology and Wildlife

- 8.10 The site includes the existing Ashfield SSI and the wildlife corridor along the canal. The SSI includes an attractive woodland area which provides a significant wildlife habitat. Doncaster Naturalists object to the proposal as the whole development and access to it are within a significant local natural history site. (i.e. the Ashfield SSI).
- 8.11 Although parts of the site come within the Ashfields Site of Scientific Interest (SSI), a site of local/regional importance for nature conservation, Natural England now welcome (after objecting to the original proposal) the revised plans that increase the compensatory habitats. The Environment Agency have raised no objection on ecology grounds, subject to appropriate conditions. It is proposed that a "Grampian" type condition (as suggested by Natural England) be imposed, requiring that the details of the increased compensatory habitats be completed prior to the commencement of the development.

Flooding

8.12 A Flood Risk Assessment has been submitted which concludes that the proposal will not unacceptably increase flood risk in the area. The Environment Agency have raised no objections on flood risk, subject to appropriate conditions.

Conservation Areas and Listed Building

8.13 The Council's Conservation Officer states that the proposed site sits across waterways from the Fishlake Conservation Area which contains the Grade 1 listed Church

of St Cuthbert as its focal point whose tower is visible across the waterways. The application in general does not consider the impact on the character of the Fishlake conservation area to the north. The extent of the development will have some impact on the more low key and rural setting of the Fishlake conservation area although without an idea of height, materials, colour, and elevations it is difficult to ascertain fully this impact. Some idea of the scale, form, and size of the 'landmark' building will be required. Policies ENV 25 and ENV 34 require that the effect on Conservation Areas and Listed Buildings will be taken account of.

8.14 Clearly, any reserved matters application will need to address these issues.

Visual Amenity and Landscaping

- 8.15 The Landscape Officer states that "I would agree that the scheme would be a high quality development and ultimately the site would provide an attractive and enduring place for canal users and local residents. The compensatory area would provide a new open space with improved access. Overall I feel the scheme is well designed and includes landscape elements structure planting; even so, the complex of new buildings to a potential height of 20m, the access road, car parking and marina would recreate an urban intrusion in an area of intact countryside which is predominantly rural in character.
- 8.16 Although a substantial area of open space has been created the design does not represent a depth of wood as exists on the existing spoil tip.
- 8.17 Were the application to be approved a landscape condition should be attached that includes tree and hedge planting along the access road and an area compensatory woodland. A small area of car park could be provided for visitors to the country park area." Appropriate conditions will be suggested.

Trees

- 8.18 The Tree Officer states "I gather that the spoil tip is unrestored and that the self regenerated vegetation will require removal in order to remove contamination. Although an outline application, it is clear how the development is proposed and yet there does not appear to be much survey information as to the condition of trees and hedgerows to be removed."
- 8.19 As under Landscape, a condition could be attached that includes tree and hedge planting and compensatory woodland.

Archaeology

8.20 S Y Archaeology recommends that, should planning permission be granted, relevant conditions be attached.

Highways and Parking

8.21 No objections, subject to appropriate conditions.

Housing

8.22 The Landscape Officer states that "The development could potentially become a tourist attraction and help to regenerate the area. Unfortunately there is a suggestion that the area around the marina will become further developed. The inclusion of a roundabout

suggests that area round the Marina will be developed further for housing and a future Chandlery area. These developments would clearly be out of character and contrary to UDP policy ENV 4 (Countryside Policy Area). It is stated that the Chandlery has been excluded from the application however the access road to this are is shown retained on the plan. These factors should be considered as part of the application.

- 8.23 Natural England also expressed concern over housing issues, i.e. that the nature of the green space provision to the East would change if housing was eventually built between the marina and this open space. However, at the present time Natural England understands that the land is not allocated for housing in Doncaster's local plan therefore they can only comment in detail once future proposals materialise.
- 8.24 The developer's long term proposals clearly include housing: the current outline application, however, is purely for a marina and ancillary development and does not include housing, or the chandlery development referred to, and is a stand alone development which needs to be determined solely on its own merits.

Groundwater and Contaminated Land

8.25 The Environment Agency and DMBC's Pollution Control Officer have noted that site investigations need to be carried out to determine the previous uses of the land and the current state the land is in. Appropriate conditions have been proposed.

Location and Alternative Sites

- 8.26 Natural England also advised the Authority of the need to consider [Government] guidance and determine whether alternative sites are material to this planning proposal.
- 8.27 CPRE also expresses concern over the site location and it questions why it cannot be located further west and closer to Stainforth. Doncaster Naturalists also questions why it cannot be located further west and closer to Stainforth.
- 8.28 The courts have held that, in certain cases, consideration of alternative sites is a material consideration. Such circumstances would arise where the proposed development, though desirable in itself, involved such conspicuous adverse effects that the possibility of an alternative site lacking such drawbacks became a relevant planning consideration.
- 8.29 The applicants, in the Environmental Statement, have considered a number of options and alternatives in relation to the design and location of the marina. The applicants point out that the proposal to tip colliery spoil to the east of the proposed site means that the marina should be located as far west as possible.
- 8.30 Natural England's comments on alternative sites relate to the loss of part of a Site of Regional Significance. Given that Natural England are not objecting to the proposal and welcome the revised plans that increase the compensatory habitat to the West and allow for more canal side habitat to be retained within the local wildlife site, it is considered that the current outline application for a Marina will not involve conspicuous adverse effects and does not, therefore, meet these criteria and that alternative sites do not, therefore, need to be assessed.

9.0 Summary and Conclusion

9.1 The proposal, for a large marina including ancillary built development, is located within a Countryside Policy Area and partly within a SSI nature reserve. Clearly, any significant development within such areas will have some adverse impact and a number of consultees, while not out rightly objecting, have expressed concern over certain issues such as nature conservation, housing and location. Nevertheless, as a recreation and leisure development, UDP policies generally offer support to such developments. In addition, the proposal is likely to secure economic development, tourism potential and social improvements. Natural England and the Environment Agency have both expressed approval of the proposed new compensatory habitat scheme and, on balance therefore, the proposal is considered to be acceptable, subject to appropriate conditions.

STATEMENT OF REASONS FOR DECISION TO GRANT PERMISSION

The Local Planning Authority has decided to grant planning permission:-

1. Having regard to the policies and proposals in the adopted Doncaster Unitary Development Plan set out below, and all relevant material planning considerations:

National Policy

PPG 17 - Planning for Open Space, Sport and Recreation

PPG 21- Tourism

Local Policy

Environment Policies

ENV 4 - Countryside Policy Area

ENV 7 - Recreation & Leisure Developments

ENV 25 - Conservation Areas

ENV 34 - Listed Buildings

ENV 38 - Archaeology

ENV 41- Sites of Regional/Local Importance for Nature Conservation (SSI)

ENV 42 - Sites of Regional/Local Importance for Nature Conservation (SSI)

ENV 44 - Wildlife Corridors

Recreation Leisure Policies

RL 1 - Open Space Policy Areas

RL 5 (52) - Open Space Allocations

RL 8 - Development Adjoining Open Space

RL 10 - Protection of the Countryside Recreation Resource

RL 11 - Recreation on the Urban Fringe

RL 17 - Recreational Opportunities

SRL 2 - Countryside Recreation

SRL 3 - Built Facilities

RL 22 - Provision of Facilities

Public Utilities

PU 9 - Areas Vulnerable to Flooding

Doncaster into the 21st Century

Gen 3 - The Regeneration Priority Areas

Tourism

TO 2 - Canal and River Network

Other Considerations

The Sustainable Borough Strategy for Doncaster - Shaping Our Future to 2025

2. For the following reasons:

Having taken into account all the planning considerations raised in the consultations and representations, against the policy background referred to above, it has been concluded that the proposed scheme for a marina is acceptable. In particular, the Local Planning Authority is of the view that its accordance with the relevant policies of the Doncaster Unitary Development Plan, taken together with advice in the relevant national planning policy guidance, justifies the development.

The proposal, for a large marina including ancillary built development, is located within a Countryside Policy Area and partly within a SSI nature reserve. Clearly, any significant development within such areas will have some adverse impact and a number of consultees, while not out rightly objecting, have expressed concern over certain issues such as nature conservation, housing and location. Nevertheless, as a recreation and leisure development, UDP policies generally offer support to such developments. In addition, the proposal is likely to secure economic development, tourism potential and social improvements. Natural England and the Environment Agency have both expressed approval of the proposed new compensatory habitat scheme and, on balance therefore, the proposal is considered to be acceptable, subject to appropriate conditions.

N.B. The foregoing Statement is a summary of the main considerations leading to the decision to grant permission. More detailed information may be obtained from the Planning Officer's Report and the application case file and associated documents, which may be inspected, by appointment, at the offices of the Development and Planning Service (for address see Decision Notice).

RECOMMENDATION

Planning Permission GRANTED subject to the following conditions.

01. U24228

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 seven years from the date of this permission or ii) The expiration of four 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.

02. U24229

In the case of the reserved matters, application for approval must be made not later than the expiration of four years beginning with the date of this permission.

REASON

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

03. STAT4

Approval of the details of the access, layout, scale, appearance and landscaping of the site (hereinafter referred to as reserved matters) shall be obtained from the local planning authority before the commencement of any works.

REASON

To enable the local planning authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

04. U24335

Prior to the commencement of the development details of the proposed Kirton Lane roundabout shall be submitted to and approved by the LPA. The construction of the roundabout shall thereafter be carried out in accordance with the approved details and the roundabout shall be constructed prior to the site being used as a marina.

REASON: to ensure that the local highway network is suitable for the proposed use in the interests of highway safety

05. U24336

No development shall commence until details of the off-site highway works - to include: off-site signage directing pedestrians/cyclists to access the site via Ramskir Lane, off-site works to A614 South Parade, Thorne – provision of high friction road surfacing, warning sign and associated "slow" road markings at the junction of the A614/Kirton Lane, have been submitted to and approved by the LPA. No occupation of the development shall take place until the approved off-site highway works have been completed in accordance with the approved details and a s278 agreement with the Highway Authority.

REASON: to ensure that the local highway network is suitable for the proposed use in the interests of highway safety

06. U24337

A detailed travel plan shall be submitted for the written approval of the local planning authority within 3 months of occupation. The detailed travel plan is to be informed by the Interim Travel Plan titled Stainforth Marina Interim Travel Plan Final (Rev02) dated August 2010 and staff survey results of which are to be summarised and appended to the submitted details travel plan.

Reason: In the interests of sustainable transport

07. U24338

No development shall commence until the acid grassland habitat on the Poltontoft Tip has been translocated in accordance with a scheme of details, including timings, location(s) and methodology that have previously been approved by the LPA.

Reason: To ensure the protection of wildlife and supporting habitats and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy in accordance with Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan.

08. U24339

Prior to the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:

- The work that will be undertaken to create a new marsh and wetland habitat at the western side of the site.
- The habitat creation proposals for the eastern mitigation area. This shall include a timetable for the mitigation works that details how, wherever possible, all habitats lost within the development area will be re-created in the mitigation areas prior to existing habitats on site being removed.
- The planting that will be carried out to improve the wildlife corridor along the canal.
- How the footpath layout on site and in all mitigation areas will leave areas undisturbed for use by wildlife.
- How water vole habitat on the site will be improved. This shall include details of the design of the banking in the western water body and any enhancement measures that will be undertaken along ditches on the site.
- The provision of a range of bird nesting features at suitable locations across the site.
- Details of any treatment of site boundaries and /or buffers around water bodies.

REASON

To ensure the ecological interests of the site are maintained in accordance with policy ENV 43 of the Doncaster Unitary Development Plan.

09. U24346

No development shall commence until a scheme of landscaping and tree/shrub planting for the site, including future maintenance and management and a timescale for implementation has been submitted and approved in writing by the LPA.

Reason: To ensure that the site is landscaped

10. U24347

No development shall commence until a scheme of details for the layout, design and appearance of all public open areas has been submitted for the written approval of the LPA. Details of such a scheme shall include –

- Seating and viewing areas
- Eating areas
- Paths/Walkways/Tracks
- General open areas
- Programme of implementation

Reason: In the interest of the creation of public open space.

11. U24348

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 agreed in writing with the LPA.

- a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 should include a full site history, details of a site walkover and initial risk assessment. The Phase 1 should propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.
- b) 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 should including relevant soil, soil gas, surface and groundwater sampling, 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.
- c) The Phase 3 remediation report, if appropriate, should be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding

environment including any controlled waters, the site MUST not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

- d) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works contamination is encountered which has not previously been identified then all associated works should cease until the additional contamination is fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the Phase 3 works, this condition shall not be discharged until the Phase 4 verification report has been 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 in 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 and pursuant to Planning Policy Statement 23- Planning and Pollution Control.

12. U24350

Should any unexpected significant contamination be encountered during development all associated works should cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation report shall be submitted to the LPA for approval. The associated works shall not re-commence until the report has been approved. Following such works all the data in accordance with the Phase 3 remediation must be submitted to the LPA in as a Phase 4 verification report, 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 and pursuant to planning policy statement 23- Planning and Pollution Control.

13. U24351

Any soil or soil forming materials brought to site for use in garden area, soft landscaping, filing 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 approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence (laboratory certificates,etc) submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

Reason: To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23- Planning and Pollution Control.

14. U24352

Unless otherwise agreed in writing by the local planning authority, no building or other obstruction (including landscape/water features) shall be located over or within 6 metres either side of the centre line of the sewer i.e. a total protected strip width of 12 metres), that crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times

15. U24353

No construction of any highway shall take place until measures to divert or otherwise formally close the sewers and water mains that are laid within the site have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.

Reason: In order to protect water and waste water infrastructure

16. U24354

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage

17. U24355

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading

18. U24356

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained

19. U24357

Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal

20. U24358

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage

21. U24359

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filing points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

22. U24360

The development hereby permitted shall not commence until details showing finished floor levels of ancillary buildings on the raised platform have been submitted to, and approved in writing by, the Local Planning Authority.

Finished floor levels shall be set no lower than 7.1m above Ordnance Datum (AOD), in accordance with Cross Section Drawing No. SD-MP-PL-05 Rev. A

Reason: To reduce the risk of flooding to the proposed development and future occupants.

23. U24361

The development hereby permitted shall not commence until details of the enabling works and land raising have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved detail.

Reason: To ensure enabling works do not present an unacceptable increase in flood risk.

24. U24362

The development hereby permitted shall only be carried out in accordance with the mitigation, enhancement and creation works outlined within the submitted Ecological Assessment Report (MRB Ecology) and Addendum – Ecological Statement. Any variation in mitigation proposals shall first be submitted to and agreed in writing by the local planning authority.

Reason: To ensure the protection and enhancement of wildlife and supporting habitats and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy in accordance with Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan.

25. U24363

Prior to the commencement of development a plan is required for the protection and/or mitigation of damage to populations of water voles, a protected species under Wildlife and Countryside Act 1981 (amended), and Conservation (Natural Habitats & C) Regulations 1994 (amended) associated habitat during construction works and once the development is complete. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The water vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

The scheme shall include the following elements:

- Details of new habitats to be created on site:
- Details of enhancements of existing habitats;
- Details of strategy for implementation;
- Detailed method statement explaining how the populations are to be protected during works and if disturbed, mitigation/compensation for this:
- Details of proposed exclusions (if required) and timescales to ensure compensatory habitats are available for excluded animals to move to (which are vacant of populations) so they are not totally displaced.

Reason: To protect the water vole and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 9 and Planning Policy Statement 1. The applicant could also be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (amended).

26. U24365

Prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor. On going maintenance of the interceptor shall be provided in accordance with the manufacturers instructions.

Reason: To prevent pollution of the water environment.

27. U24367

The development hereby permitted shall not be commenced until such time as a scheme to install the underground tank(s) has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully

implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reasons: To ensure fuel is stored adequately, especially in this sensitive location with regards to controlled waters.

28. U24368

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: To prevent pollution of the water environment.

29. U24369

Prior to the submission of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ will be approved in writing with the local planning authority and then implemented.

Reason: To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters and to comply with policy ENV38 of the Doncaster Unitary Development Plan.

30. U24370

Prior to the submission of any reserved matters application, a scheme, in accordance with "Safer Places - the Planning System and Crime Prevention (ODPM/Home Office, 2003) detailing security and safety aspects of the development shall be submitted for the written approval of the LPA.

Reason: In the interests of safety and security for both persons and property on site,

31. U24411

Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with British Standard 5837: 2005 Trees in Relation to Construction and the Council's supplementary planning document 'Planning for Trees and Hedgerows on Development Sites in Doncaster' shall be submitted to the Local Planning Authority for approval. Tree protection shall be implemented on site in accordance with the approved scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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

32. U24413

The following measures will be implemented in the timescales indicated in order to ensure the interests of bats using the site are fully accounted for.

- Prior to the commencement of development Summer bat activity surveys will be undertaken and submitted to the local planning authority for approval in writing. These surveys will include recommendations that will be incorporated into the scheme.
- An ecological clerk of works must be present on the site to supervise while trees T3 and T4, as indicated in Figure 2 in the bat survey report by fpcr dated May 2010, are removed.
- If any works is required to trees T5 or T7, as indicated in Figure 2 in the bat survey report by fpcr dated May 2010, then prior to this work commencing further bat survey work must be undertaken in order to fully assess the bat roost status of these trees.
- A scheme detailing the proposed lighting on the site that is in accordance with the Bat Conservation Trust's 'Bats and lighting in the UK' guidance shall be submitted to the local planning authority for approval in writing prior to the commencement of development.
- Prior to the commencement of development details of how roosting opportunities for bats on the site will be improved shall be submitted to the local authority for approval in writing.

REASON: To ensure the ecological interests of the site are maintained in accordance with policy ENV 43 of the Doncaster Unitary Development Plan.

33. U24414

Prior to the commencement of development a report detailing mitigation proposals for reptiles using the site shall be submitted to the local planning authority for approval in writing. This shall include details of the following points:

- Information on the receptor site including foraging areas, refuges, hibernation sites and connectivity to the wider environment;
- Evidence that the receptor site is suitable and has sufficient carrying capacity to support the animals that will be moved. detailed enhancement proposals:
- Information on timings;
- A detailed methodology to be used for translocation; and
- Information on long-term habitat management for reptiles.

REASON: To ensure the ecological interests of the site are maintained in accordance with policy ENV 43 of the Doncaster Unitary Development Plan.

34. U24415

No built development shall take place within 7m of the ditch running along the eastern side of the development unless approved in writing by the local planning authority. This 7m stand off will be planted with native trees and shrubs in order to create a wildlife corridor along the ditch.

REASON: To ensure that the ditch is buffered from the development and the interests of the water vole population using the ditch are protected in accordance with EVN 43 of the Doncaster Unitary Development Plan.

35. U24416

Prior to the commencement of development, an ecological management plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of how Thorne and Ashfield banks local wildlife site will be managed. The site shall thereafter be managed in accordance with the ecological management plan.

REASON: To ensure the ecological interests of the site are maintained in accordance with policy ENV 41 of the Doncaster Unitary Development Plan.

36. U24417

Prior to the commencement of development, an ecological management plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of how all the retained and created habitats on the site will be managed. The habitats shall thereafter be managed in accordance with the ecological management plan.

REASON: To ensure the ecological interests of the site are maintained in accordance with policy ENV 43 of the Doncaster Unitary Development Plan.

37. U24418

The development shall take into account all possible sustainability features, including green roofs, energy efficiency measures, and sustainable drainage in the design of the proposed development.

Reason: In the interests of sustainable development.

01. U04090

Any works carried out on the public highway by a developer or any one else other than the Highway Authority shall be undertaken under the provisions of section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement, and for on site inspection. The applicant should make contact with Malc Lucas - tel 735110 as soon as possible to arrange the setting up of the agreement.

02. U04091

The site is within the Ashfields and West Moor Internal Drainage Board's (IDB) area, and their Byelaws also apply. Any proposal to discharge surface water must be agreed with the Ashfields and West Moor IDB.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS are an approach to managing surface

water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soak ways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SuDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

The variety of SuDS techniques available means that virtually any development should be able to include a scheme based around these principles.

Flow balancing SUDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the local greenfield run off rate. Flow balancing should seek to achieve water quality and amenity benefits as well as managing flood risk.

03. U04092

Protected species licences will be required for any translocation of water voles as part of this application; these are obtained and will be approved by Natural England.

The plan does not show the presence of the marsh referred to on page 31 of the report, this should be denoted separately on the plan.

04. U04093

It has been stated in the Environmental Statement that the plans incorporate the excavation and washing of colliery spoil materials from the Polentoft Tip, with a view of using the won materials to construct the development platforms. This waste may require permitting depending on the analysis of the material.

Any material, colliery spoils or soils, imported onto the site may require permits or exemptions under EPR 2007 (revised 2009). All materials should be analysed before use to asses their suitability. As part of the enabling works application we would request that a testing programme and subsequent report be submitted regarding the contamination associated with the tip material before it is processed, and the resultant chemical and physical analyses of the won material, to ensure it's suitability for the stated use

Any spoils from the Poltentoft Tip deposited off the site will be subject to EPR regulations.

05. U04094

Applicants should be aware that if any controlled waste is to be used on the site the operator will need to obtain the appropriate authorisation from the Environment Agency. The Agency is unable at this time to specify what exactly would be required due to the limited amount of information provided.

06. U04095

- i) Two existing 12 inch and 4 inch diameter water mains located in Kirton Lane will be affected by the proposed highway works and will require diversions at the developer's expense. It is important that an appropriate condition (as suggested above) is attached to any planning permission for this development. The line of the mains will have to be determined on site under YWS supervision. The applicant should contact the Area Office (0113 2013386).
- ii) A water supply can be provided under the terms of the Water Industry Act, 1991.

07. U04096

i) The proposed site overlies the Sherwood Sandstone aquifer from which YWS abstract groundwater

for public water supply. The south-eastern part of the site falls within groundwater Source Protection

Zone III (total catchment zone), as defined by the Environment Agency (EA), of the Doncaster borehole group groundwater sources. YWS therefore has some concerns with regard to groundwater protection and potential pollution risks to the public water supply arising from the proposed activities.

This is a large scale development and activities at the site may pose potential pollution risks to groundwater. The main period of risk is the construction phase, during periods of ground disturbance and increased risk of hydrocarbon pollution from plant vehicles on site and mobilisation of contaminants from any contaminated land at the site. Post-construction, pollution risks from such a site arise mainly from drainage issues including car park run-off, the risk of hydrocarbon spillage and foul drainage.

The applicant should consult the Environment Agency to ensure that pollution risk to the Sherwood Sandstone aquifer is minimised. In particular the disposal of surface water to balancing ponds should be considered with respect to the risk of establishing pollution pathways to groundwater. Foul drainage should be to a foul sewer.

08. U04097

A developer may, where it is reasonable to do so, require a sewerage undertaker to alter or remove a pipe where it is necessary to enable that person to carry out a proposed improvement of land. This provision is contained in section 185 of the Water Industry Act 1991 that also requires the developer to pay the full cost of carrying out the necessary works.

For information, there are recorded to be abandoned public sewage pumping mains crossing/crossing close to this site. The Applicant/ Developer is advised to survey the site/area and thoroughly

investigate the situation and take adequate precautionary measures prior to building-over and/or building in close proximity.

ii) There is a sewage pumping station (SPS), under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time.

The proximity of the existing SPS to the site may mean a loss of amenity for future workers / residents. In order to minimise the risk of odour, noise and nuisance, industry standards recommend that habitable buildings must not be located within 15 (fifteen) metres of the existing SPS compound.

To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.

- iii) The development of the site should take place with separate systems for foul and surface water drainage.
- iv) Foul water domestic waste should discharge to the 150mm diameter public foul water sewer recorded in Measham Drive, at a point approximately 200 metres from the site. If the ground level of a site or the level of any basement is below the ground level of the point of connection to a public sewer, the developer may have to take precautions to prevent the risk of flooding of the site from surcharge of the public sewer network. Such precautions may include raising the level of the site, having (a) pumped discharge(s) from the site and/or the installation of (a) anti-flooding valve(s). If sewage pumping is required, the peak pumped foul water discharge must not exceed 5 (five) litres per second.

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

The developer is required to consult with Yorkshire Water's Industrial Waste Section (telephone 0845 1242424) on any proposal to discharge a trade effluent to the public sewer network.

iii) The local public sewer network does not have capacity to accept any discharge of surface water from the proposal site.

Surface water run-off from hardstanding and/or communal parking (greater than 800 sq metres or 50 or more parking spaces) must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to prospectively adoptable sewer. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.iv.) An off-site foul and an off-site surface water drain may be required. These may be provided by the developer.

v) The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option and there is no highway drain available and if capacity is available within the

public sewer network. In this event, the developer will be required to enter into a formal agreement with Yorkshire Water Services under Section 115 Water Industry Act 1991 to discharge non-domestic flows into the public sewer network.

vi) 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 should contact our Developer Services Team (telephone 0845 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

The submitted Environmental Statement:

The Environmental Statement - (prepared by Heaton Planning - Report dated 02/2010) is satisfactory from Yorkshire Water's viewpoint. The report confirms that surface water from the site will discharge to watercourse/river via attenuation.

09. U04098

Prior to preparing any reports in support of conditions related to land contamination, the applicant is advised to refer to best practice guidance and "Technical Guidance for Developers, Landowners and Consultants – Yorkshire and Humberside Pollution Advisory Council." A description of the reports is as follows:

Phase I desktop study, site walkover and initial assessment - typically consists of a desk top study, site walkover, conceptual model and a qualitative/quantitative risk assessment. The 'conceptual model' must include both actual and potential risks. The information obtained should be of sufficient detail to enable recommendations to be made and further investigation to be undertaken (including design of intrusive investigation), where necessary.

Phase 2 intrusive site investigation and risk assessment - typically consists of an intrusive site investigation and qualitative and/or quantitative risk assessment. These studies aim to characterise the ground conditions, identify any contamination present and assess whether it will potentially result in harm. A more detailed conceptual model should be constructed based on the further information available and supported by quantitative risk assessments, where necessary. Recommendations for further investigation and remedial, protective and/or monitoring works should also be included.

Phase 3 remediation report - contains details on required remedial, protective and/or monitoring measures demonstrating how the works will render the site 'suitable for use' describing the works in relation to the development hereby permitted. A range of remedial options should be reviewed/considered and the preferred option(s) should be justified by cost-benefit analysis. The report should include full details of any works to be undertaken including proposed site clean up criteria, site management and contingency procedures,

validation/protection/monitoring measures, timetable for carrying out the

works. (This may comprise a technical specification report prepared for the tendering process to procure a specialist remediation contractor).

Phase 4 verification report - includes evidence with discussion on substantiating data to confirm that the works agreed in the approved remediation report have been implemented. Information to be submitted at the agreed timescales as outlined in the agreed remediation report. Any significant deviations from the approved remediation report (e.g., due to unexpected contamination) must also be included in this report.

10. U04099

The Phase 3 remediation report and Phase 4 verification report relating to unexpected contamination shall be prepared in accordance with CLR11, PPS23 and "Technical Guidance for Developers, Landowners and Consultants – Yorkshire and Humberside Pollution Advisory Council."

11. U04100

The risk assessment, remediation and verification relating to the importation of soil or soil making material should be carried out in accordance with CLR11, PPS23 and "Technical Guidance for Developers, Landowners and Consultants – Yorkshire and Humberside Pollution Advisory Council."

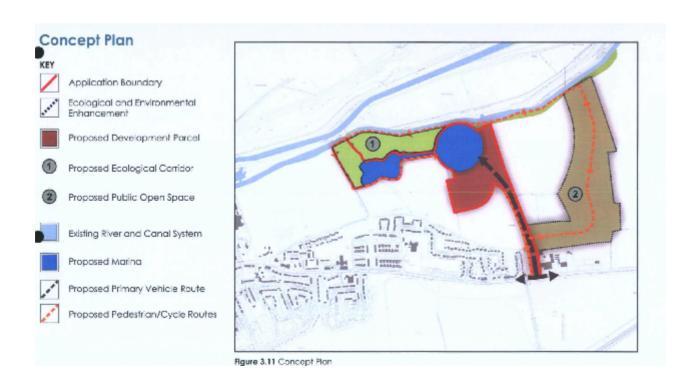
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

APPENDIX 1

SITE LAYOUT PLAN



Concept plan



APPENDIX 2

SITE PHOTOS



View from the proposed marina towards the canal



View north towards the proposed marina site from the Poltentoft spoil tip

APPENDIX 3

SCRUB WOODLAND, ACID GRASSLAND AND HEATHER ON THE COLLIERY TIP

