

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 16<sup>th</sup> October 2018**

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| <b>Application</b> | <b>3</b> |
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| <b>Application Number:</b> | 16/02555/FULM | <b>Application Expiry Date:</b> | 10 <sup>th</sup> January 2017 |
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| <b>Application Type:</b> | Major |
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| <b>Proposal Description:</b> | Erection of residential development comprising 175 houses with garages and/or parking spaces (Being resubmission of application granted under Ref: 14/02981/FULM on 15.10.2015 – change in land levels). |
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| <b>At:</b> | Former Earth Centre Car Park, Denaby Main. |
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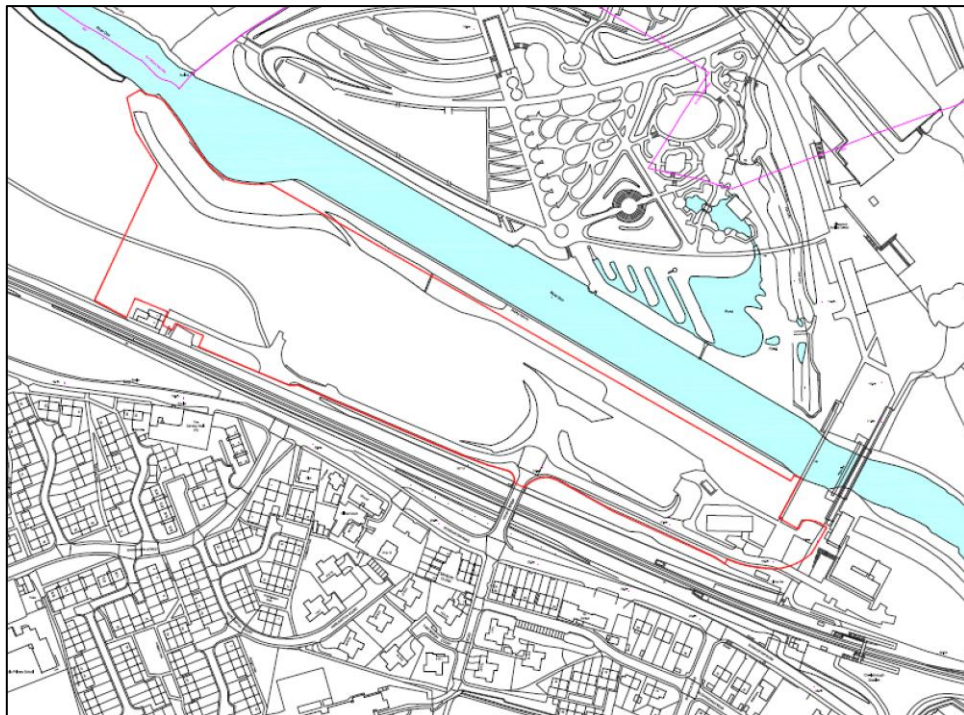
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| <b>For:</b> | Gleeson Developments Ltd |
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| <b>Third Party Reps:</b> | 2 | <b>Parish:</b> |  |
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| <b>Ward:</b> | Conisbrough |
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| <b>Author of Report</b> | Mel Roberts |
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| <b>MAIN RECOMMENDATION:</b> | GRANT SUBJECT TO 106 AGREEMENT |
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## **1.0 Reason for Report**

1.1 This application is being reported to planning committee at the request of Councillor Nigel Ball, who has raised concerns about issues of flooding of properties adjacent to the site.

## **2.0 Proposal**

2.1 This application seeks planning permission for the erection of 175 houses on the former Earth Centre car park site (see site layout in figure 1). The proposed site access is off Doncaster Road and utilises the existing bridge (Kilners' Bridge) over the railway line that once formed the vehicular entrance to the Earth Centre (see figure 2). The proposals include an area of open space and children's play area at the far eastern end of the site and a riverside walkway along the northern edge of the site.

2.2 This proposal is identical in terms of the layout and house types to an application approved on 15<sup>th</sup> October 2015 under reference 14/02981/FULM. The only difference with this application to the one that was approved and which is currently under construction is that the proposed land levels are different to those approved under the 2014 application.

2.3 The approved plans under the 14/02981/FULM permission showed no change in land levels. The only change in levels from the existing levels at that time would have been an increase in 600mm (including a minimum of 100mm topsoil) as a result of capping that was required by condition to address any potential contamination issues. There was no need to raise land levels on the site for flooding reasons because ground levels had already been raised in the past with crushed limestone overlying made ground as part of remediation works allowed under planning reference 07/02177/FULM. The Flood Risk Assessment submitted with the 2014 application concluded that despite the site falling within flood zones 1, 2 and 3, the site would be considered as flood zone 1 given the height of the ground levels and this was accepted by the Environment Agency.

2.4 At the time of the permission granted under reference 14/02981/FULM, ground levels at the western part of the site were generally between 16m and 16.5m AOD. Ground levels then gradually increased eastwards where ground levels were typically between 19.5m and 20m AOD and towards to the south-east boundary ground levels exceeded 22m, rising up to 23m AOD.

2.5 Gleeson's have stated that the reason for the change in land levels is because the remediation measures agreed under the 2014 permission were not designed with the approved layout in mind and simply catered for a cart blanch 600mm cover system across the whole of the site. When Gleeson's engineers established perimeter levels and placed the roads with maximum gradient on to the original topography, it showed that there was a surplus of material on site at the eastern end of the site. The levels to the eastern end of the site are dictated by the railway boundary to the south and the top of embankment to the River Don to the north. The western side of the development is wider with less constraint in terms of gradient and was seen as the ideal location to marginally raise levels prior to placing the 600mm

cover system already approved. The equalising of cut / fill was always a target of the development for the site. Once this principle had been established, the effects on the rising main which meanders through the site had to be considered to avoid conflict with the new foul and surface water drainage to be installed. The foul sewers were deepened to go under the rising main and the surface water lifted to go over the top. The combination of these two considerations has contributed to the proposed finished levels that are the subject of the application.

2.6 The resultant levels of the houses proposed under this application are therefore higher in some areas than those approved under the 2014 consent and lower in others. The proposed floor levels of those properties at the western end of the site are generally around 17 to 18m AOD (1 to 1.5m higher than original ground levels at 2014) and the properties at the eastern end of the site are around 19 to 23m AOD (slightly lower than levels at 2014).

2.7 The application site is located on the edge of the built up area of Denaby Main to the north of the residential area that connects Denaby Main to the neighbouring settlement of Conisbrough. Historically, the site was occupied by a glassworks and colliery and later occupied by a tarmac surfaced car park associated with the adjacent Earth Centre. This use ceased when the Earth Centre closed in 2004 and the site was subsequently cleared. The site is long and thin in nature, narrowing towards the south east extending to an area of around 6.5 hectares.

2.8 The site is adjacent to a predominantly residential area on the edge of the countryside. The River Don forms the northern boundary of the site, beyond which is the main site of the former Earth Centre and open countryside. The boundary to the site is natural in form and contains a relatively thick belt of trees and vegetation. To the east of the site is the pedestrian entrance to the former Earth Centre site, which comprises a foot / road bridge across the River Don to the north. The railway line forms the southern boundary of the site, with Conisbrough Railway Station located immediately to the south east of the site. Pedestrian access onto the station platforms can be made directly from the application site. Beyond the railway line to the south is Doncaster Road (A6023) and a residential area. To the south west of the site is a two storey building, Northcliffe House, which comprises two semi-detached dwellings. To the west of the site is an adjoining area of rough land, which includes vegetation and trees that runs along the southern side of the River Don and north of the railway line; beyond this area is the site of Dearne Valley Leisure Centre.

### **3.0 Background**

3.1 Following approval of the development under reference 14/02981/FULM, Gleeson's started building the houses. The Council received complaints from the occupants of 1 Northcliffe House of surface water running off from the Gleeson's development onto their property. Officers from the Council visited the site and it was clear that Gleeson's had raised the land levels on this part of the site and that this was causing the problems with surface water run-off onto the garden of 1 Northcliffe House and also the access lane that serves this property (also under the ownership of Gleeson's).

3.2 The Council advised Gleeson's that they would need to apply for planning permission for the increased land levels as there was no indication on the approved plans that land levels were to be changed (other than the 600mm capping required by a condition). Gleeson's duly submitted the application for the change in land levels in October 2016 and this is the application being considered in this report.

3.3 Since the Council were made aware of the change in land levels back in September 2016, there have been ongoing problems with surface water run-off from the Gleeson's site onto the property of 1 Northcliffe House. Officers from Planning and Drainage have had numerous meetings with representatives of Gleeson's to try and resolve the issues of flooding onto the property of 1 Northcliffe House and also the lane leading up to this property. Various attempts were made to try and address the issue of surface water run-off including a bund around the garden of 1 Northcliffe House, but these proved unsuccessful, particularly during times of heavy rain.

3.4 In March 2018 and with a new director in place, Gleeson's agreed that the drainage works along the lane and outside Mr Threadgould's property had not been built to a suitable standard to prevent the problems of flooding during construction. Gleeson's agreed to build another drain and bund around the property of 1 Northcliffe House to ensure that there would be no further surface water run-off into the garden of this property during construction. Gleeson's also agreed to improve the bund and ditch alongside the lane and provide a speed bump at the top of the lane to try and prevent further flooding of the lane during construction. These measures have been checked by the Council's drainage Officers who are satisfied that sufficient measures are in place to prevent further surface water run-off from Gleeson's site onto the property of 1 Northcliffe House during construction of the development. The lane that serves Northcliffe House will no longer exist once the development is completed and the occupants of Northcliffe House will access their property along the adopted and private roads within the scheme. These issues of flooding during construction are not a material planning consideration in terms of the determination of the application, but are nonetheless relevant in terms of the background to this current application.

#### **4.0 Relevant Site History**

4.1 There have been a number of planning consents relating to the development of the site for housing, which is summarised below:

4.2 06/01778/OUTM - Outline planning permission was granted for the erection of 300 houses and flats, and offices on 29th January 2007.

4.3 07/02177/FULM – Planning permission was granted for remediation works to form a development platform for a mixed end use on 19<sup>th</sup> December 2007.

4.4 09/02943/EXTM - Planning permission was granted for the extension of time of outline permission 06/01778/OUTM on 5th March 2010.

4.5 12/03075/EXTM - Planning permission was granted for the extension of time of the outline permission 09/02943/EXTM on 11 March 2013.

4.6 14/02981/FULM - Planning permission was granted for the erection of 175 houses with garages and/or parking spaces on 15<sup>th</sup> October 2015.

## **5.0 Publicity and Summary of Representations Received**

5.1 This application has been advertised by way of a press advert, site notices and letters sent to the 2 residential properties adjoining the site. Both of the residents from the adjacent properties have objected to the proposal and their concerns are summarised as follows:

- i) There have been flooding issues on both the adjacent residential properties and the lane leading up to these properties during the construction of the development due to the raising of the land. There are also concerns that there will be run-off of surface water from the gardens when the development is finished because of the increased land levels.
- ii) There will be overlooking issues due to the increase in land levels and a loss of sunlight.
- iii) There is contamination on site and this has been running into the gardens of the adjacent properties due to flooding problems.
- iv) Bin wagons and other large vehicles will not be able to access the existing properties adjacent to the site because the proposed roads are too narrow.

## **6.0 Consultations**

6.1 The Environment Agency has raised no objections subject to a condition that the development is carried out in accordance with the Flood Risk Assessment. The EA has stated that there is no need to raise floor levels because no building will be below the 16m AOD contour and therefore the development will be above the 1 per cent plus new climate change flood level. The EA has stated that they do not know what the purpose of the land raising is because the current land levels appear to be above the flood level. They note the comments from a resident concerned about increasing flood risk by land raising, but state that it is unlikely that the land raising will increase flood risk from the River Don, as the current land level before raising is shown to be higher than the modelled 1 per cent plus climate change flood level. Any surface water scheme should ensure that there is no increase in flood risk on or off site up to and during the 1 per cent plus climate change level.

6.2 Yorkshire Water has responded and has raised no objections subject to a condition that the development is carried out in accordance with the drainage plans.

6.3 The Council's Drainage Officer has responded and has raised no objections.

6.4 The Contaminated Land Officer has raised no objections subject to a condition requiring further remedial works. Some remedial works have already been carried out on site and part of the contamination condition of the previous consent has been discharged. Further works are however required including the need for a 600mm cover system and geotex/no dig layer across all gardens and the Public Open Space and so a condition requiring additional remediation is applied.

6.5 The Air Quality Officer accepts the findings of the Air Quality Assessment which shows that the impact on air quality from this proposal is negligible.

6.6 Highways (Development Control) has responded and has raised no objections.

## **7.0 Relevant, Local, National Policies**

### National Planning Policy Framework

7.1 The National Planning Policy Framework (NPPF) has as its central theme a presumption in favour of sustainable development. It does not change the statutory status of the Development Plan as the starting point for decision making set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (Paragraph 12). It confirms that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise and notes that proposed development which accords with an up-to-date Local Plan should be approved without delay.

7.2 The NPPF states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It also states that to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

### Doncaster Core Strategy

7.3 Policy CS2 states that Conisbrough is a Principal Town and will be the focus for growth and regeneration.

7.4 Policy CS4 seeks to ensure that developments are directed to areas at low risk of flooding and that mitigation measures are put in place where this is not possible.

7.5 Policy CS9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.

7.6 Policy CS10 states that sites with planning permission or those that are allocated can come forward for development.

7.7 Policy CS12 states that sites of 15 or more houses will normally include affordable houses on-site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment, except where a developer can justify an alternative scheme in the interests of viability.

7.8 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions,

responds positively to existing site features and integrates well with its immediate and surrounding local area.

7.9 Policy CS16 seeks to ensure that Doncaster's natural environment will be protected and enhanced.

7.10 Policy CS18 states that where any risk to ground conditions arising from contamination or previous land uses are identified, proposals will need to incorporate measures to prevent, control and reduce air and water pollution, mitigate and ground instability and enhance the quality of these resources.

### Doncaster UDP

7.11 Policy RP4 identifies that the site (as part of a much wider area) can be used for a mix of uses including housing, recreation and leisure.

7.12 Policy RL4 requires developments of 10 or more family units to provide for open space.

## **8.0 Planning Assessment**

### Principle

8.1 The site (as part of a much wider area) is allocated under Policy RP4 of the Doncaster UDP for a mix of uses including housing, leisure and recreation. The site is located where it is accessible to a range of services and facilities. Furthermore, the proposed development makes use of a vacant previously developed brownfield site, which is encouraged by the NPPF. Full planning permission for an identical housing development (apart from the land levels) already exists on the site and is currently under construction and therefore the principle of the proposed development has already been established. The principle of the development is therefore acceptable and in accordance with policies CS2 and CS10 of the Core Strategy and policy RP4 of the Doncaster UDP.

### Flooding and drainage

8.2 A Flood Risk Assessment has been submitted with the application. The Environment Agency Flood Zone Map shows that the application site is partly within all three flood zones. The Flood Risk Assessment however concludes that the flood zones are based on the 2004 River Don Model and that ground levels have since been raised and the site is now at least 2m above the flood level. This would essentially place the site in Flood Zone 1 were the flood zone boundaries to be reassessed on current data. Although there is evidence that the site was affected by flooding in the 1947 and 2007 events, this evidence is no longer relevant, as ground levels have since been raised and at current ground levels the site would not have been affected by these events. The risk of surface water flooding from off-site sources is assessed to be very low and the development will not increase flood risk elsewhere. As the development is effectively in flood zone 1, it passes the Sequential Test and the Exceptions Test is not required.

8.3 Ground investigations have concluded that infiltration drainage will not be feasible for this site due to cohesive deposits and low permeability mudstone and siltstone underlying the site. As infiltration drainage will not be feasible, it is proposed to discharge surface water to the River Don at a rate not exceeding the previous run-off rate from the site to the River Don. The report concludes that increasing the ability of the site to absorb rainfall by the creation of garden areas will reduce the peak flow rate to the River Don by around 24 per cent which represents a substantial improvement compared with existing conditions. Controlled discharge to the River Don is therefore not warranted, as the increase in the permeability of the site will substantially reduce peak flow rates in all rainfall events.

8.4 Given the issues of flooding that have been experienced by the occupants of 1 Northcliffe House during construction of the development, it is imperative to ensure that there are no issues of surface water run-off once the development is complete. Despite the issues that have arisen during the construction of the development, the Council's drainage engineer is of the opinion that there would be no surface water run-off from the development even with the original plans that showed a 1 in 8 gradient sloping down from the new properties to 1 Northcliffe House. The reason for this is because once the gardens have been landscaped then there would be no run-off of water at this gradient. The view of the Drainage Officer is that many of the issues of water run-off during construction are caused because the land is not graded and has no landscaping to take up any rainwater. The current ground conditions are such that rainfall tends to run off the site rather than soak up the water, which would be different once topsoil is added and gardens landscaped. The Flood Risk Assessment states that approximately 70 per cent of the site has been capped with a crushed compacted dolomite limestone which is likely to have poor permeability and during intense rainfall there will be a high proportion of rapid response run-off. This could explain the issues of surface water run-off that have been apparent during construction of the development.

8.5 Notwithstanding the fact that there should be no issue with surface water run-off from gardens onto Northcliffe House once the development is complete, Gleeson's have offered further solutions to effectively guarantee that there will be no problems. Rather than have a gradual sloping garden at a gradient of 1:8 as originally proposed, the plans have been amended to show that there will be only a very slight gradient in the gardens of those new properties with a mostly flat rear garden and the land stepping up to a patio at the rear of the houses (see figure 3). To give further guarantees of no surface water run-off, 2 land drains are proposed to run through the gardens of the 4 properties closest to Northcliffe House, one positioned at the end of the gardens closest to 1 Northcliffe House and another one where the land drops down from the patio area. The applicant has suggested that this would be some type of French Drain that will catch any excess rainwater and discharge it to a suitable outlet and these details are to be secured by condition.

8.6 The fact that the gardens of those houses nearest to Northcliffe House will be landscaped, together with the slight gradient of the gardens and the provision of land drains will ensure that there will be no issues of surface water run-off once the development is completed. The application is therefore in accordance with policy CS4 of the Core Strategy.



## Impact on character of the area and Residential amenity

8.7 The change in levels of the land will have minimal, if any impact, on the character of the surrounding area. The change in land levels are themselves mostly slight and even on those parts where the increase is at its highest in the western part of the site (at around 1m difference), the impact on the surrounding area will be negligible. The site is positioned away from other residential areas and is bounded by the railway line to the south and the River Don to the north, such that it does not have to fit in with a particular land level where it might appear out of character. This together with the fact that the site is well screened by established landscaping means that the change in land levels is acceptable. Even where the land levels increase near to Northcliffe House, the proposed dwellings are still lower in height than the existing pair of semi-detached dwellings because the height of the new properties are fairly low at just over 8m height compared with the much taller pair of semis (see figure 3).

8.8 Consideration needs to be given as to how the change in levels may affect residential amenity. The only properties affected by the proposed development are 1 and 2 Northcliffe House. The layout of the development has been arranged to ensure that there is adequate separation distances between new dwellings and 1 and 2 Northcliffe House. Number 2 Northcliffe House is well away from any new properties and so will be unaffected by any overlooking or overshadowing. There are no new properties directly in front of 1 Northcliffe House, but one of the new houses at plot 129 is slightly offset and has a suitable distance of 18m front to front. Plot 129 will have floor levels approximately 70cm higher than 1 Northcliffe House and this is not so significant that it would cause any overlooking or overshadowing issues given the separation distance of 18m and the fact that it is offset. There will be no impact on the amenity of 1 Northcliffe House at the rear because the closest proposed dwelling at plot 124 has its side elevation facing Northcliffe House with only a bathroom window at first floor and a dining room window at ground floor and also has a separation distance of 19m (well beyond the 11m required). The floor level of plot 124 will be approximately 40 cm higher than the floor levels of 1 Northcliffe House, which is not an issue given the distance and orientation described.

8.9 The main area where impact on residential amenity could be an issue is at the side of 1 Northcliffe House, where the levels of the proposed new houses are higher than those to the front and rear. The proposed floor levels of plots 127 and 128 are 17.85m AOD, which is approximately 1.2m higher than that of 1 Northcliffe House. There is however a separation distance of 14m between the rear of the new houses and the side elevation of 1 Northcliffe House, which is greater than the required distance of 11m. The section (see figure 3) shows the proposed relationship of plot 128 and 1 Northcliffe House. Although the section shows that plot 128 is now elevated compared to 1 Northcliffe House, the fact that it is only the side of Northcliffe House and exceeds the minimum separation distance ensures that overlooking is not an issue. All of the windows on the side elevation of 1 Northcliffe House are secondary windows to the kitchen and lounge on the ground floor and a bedroom on the first floor. The new dwellings will not dominate Northcliffe House, particularly as they will be still be lower in height despite the increase in land levels and there will be no overshadowing given the separation distance and the fact the new dwellings are north of the existing semi-detached properties. It can be seen from the sections provided that there will only be a small section of garden at the

raised level with the garden area dropping down to a similar level of 1 Northcliffe House to minimise any overlooking from the garden.

8.10 It should be noted that the topographical survey shows that existing levels on this part of the site in 2014 were approximately 16.5m AOD. Under the 2014 consent, there was a requirement for a 600mm capping layer with floor levels 150mm above this and so the already approved floor levels for this part of the site are 17.25m AOD. The change in levels for this part of the site are therefore 600mm higher than that which has already been approved for plots 127 and 128 (at 17.85m AOD) and 300mm higher than for plots 125 and 126 (at 17.55m AOD). It is therefore considered that the impact on residential amenity with the change in land levels is acceptable.

### Contamination

8.11 A Contaminated land report has been submitted identifying remedial works that are necessary to ensure that the development is safe. The report states that the site has already been subject to some remedial works carried out between June and September 2007 approved under application reference 07/02177/FULM. The remedial works included the removal of Hydrocarbon hotspots and the installation of a limestone cap, to form a development platform.

8.12 The report states that further remediation is required because the made ground would pose a risk to human health if left as is. Remedial measures to be carried out include clearance of any general debris, chemical assessment of existing on-site stockpiles for re-use on site, excavation and removal of any buried structures and slabs in the east of the development areas and placement of a 600mm clean cover system in all soft landscaping areas incorporating a minimum thickness of 100mm topsoil to ensure that future site users cannot come in contact with any contamination.

8.13 Of those houses that have already been built, the applicant is in the process of demonstrating to the Council (through validation reports) that the gardens have been provided with the 600mm clean cover system and this is an ongoing process. A condition is being imposed to ensure that all soft landscaped areas are provided with this clean capping system and that validation reports are submitted to show that this has been done. The application is therefore in accordance with policy CS18 of the Core Strategy.

### Design

8.14 Within the site, the buildings are mostly arranged in perimeter blocks with a large number of dwellings fronting onto the streets. The majority of the proposed dwellings along the northern boundary front onto the River Don, making good use of the existing views across the open countryside beyond. The dwellings along the western boundary front into the site; this allows an appropriate finishing off of the development, whilst ensuring that the development would integrate well with the adjacent site should it ever come forward for development. Incidental areas of open space are provided throughout the site on corners and along frontages that provide breaks in the built development. There is also a larger area of open space with tree

planting in the eastern section of the site. All the dwellings have an appropriate level of private amenity space. The scheme has been designed to provide street or cul de sac fronting dwellings that successfully turn corners to ensure active frontages. On-plot car parking spaces for all properties will be provided and the majority of dwellings will include the provision of a garage, which will ensure that on-street parking is kept to a minimum. The development is in accordance with policy CS14 of the Core Strategy.

### Highways

8.15 The applicant has submitted a Transport Statement and this assesses the accessibility of the site and the potential impacts that the development could have on the highway network. The statement confirms that the development proposals will be accessible by a range of travel modes and a range of key facilities and services, including employment, retail, health and education uses are accessible from the site. The development site previously had outline consent for 300 residential dwellings, which would have generated in excess of the vehicular flows forecast to be generated by the current proposal. The proposed development is therefore likely to have a positive impact upon the surrounding highway network when compared against the traffic likely to be generated by the previous consent. Kilner's Bridge is the sole access to the site and will undergo minor highways works to narrow the carriageway and provide footways on both sides.

8.16 The submitted Travel Plan indicates that a Travel Plan Coordinator will be appointed and will be in place for a five year period. The Travel Plan Coordinator will assist residents with queries about transportation and provide up-to-date information about the options available. The aim is to achieve a 10 per cent reduction in single occupancy car trips over the five year Travel Plan monitoring period, based upon the predicted trip generations. Overall, it is considered that the site is in a suitable location for the proposed development and there are no highways or transport reasons that should prevent the granting of planning permission. The development is therefore in accordance with policy CS9 of the Core Strategy.

### Ecology

8.17 The applicant has submitted an Ecological Walkover Survey. In terms of habitats, the survey concludes that the majority of the site comprises highly disturbed land containing a mosaic of bare ground, ephemeral / short perennial vegetation and areas developing into species-rich grassland. The belt of woodland and scrub along the northern boundary of the site provides suitable habitat for breeding birds, and good foraging/commuting habitat for bats. The site is subject to heavy disturbance by dog-walkers, anglers and vehicles making the site unsuitable for riparian mammals and badgers and of limited suitability for mobile reptiles including grass snakes.

8.18 The report recommends that as much of the woodland and scrub on the northern margin of the site is retained as possible. If a continuous belt of woodland and scrub is retained and a sensitive light scheme adopted, it is considered that the development will not affect the value of the site for the local bat population and therefore a further survey will not be necessary. The scheme retains this woodland and a condition will secure ecological enhancement of the site with additional bird

and bat boxes. The application therefore accords with policy CS16 of the Core Strategy.

### Landscaping

8.19 The arboricultural report identifies that the most significant trees in visual terms are those in the woodland along the northern boundary of the site and the second most important are the group along the southern boundary. Both groups have trees which, whilst not particularly tall, provide a dense planting feature that creates a substantial screen. There are no trees of high quality (category A) on site. Some work is recommended to a number of trees and groups of trees. The landscaping plan shows how the existing planting around the edges of the site is to be retained and new planting introduced into the site in a way which will strengthen the landscape structure and create an attractive environment for the new housing. A detailed landscaping scheme is to be secured by a condition. The proposal therefore accords with policy CS16 of the Core Strategy.

### Noise

8.20 A Noise and Vibration Assessment has been submitted and this concludes that rail is the dominant source of noise at the application site, although road traffic noise can also be heard.

8.21 A noise mitigation strategy has been developed by considering the site layout, as well as the noise insulation and noise control requirements for the proposed plot facades and external amenity areas together with a 2.5m close boarded fence along the gardens facing onto the railway line. The mitigation scheme has been proposed and specified to satisfy internal and external noise levels in accordance with BS 8233 and World Health Organisation Guidelines for Community Noise.

8.22 An assessment of site vibration levels has also been undertaken. The measured levels are very low which indicates a low probability of adverse impact. The application therefore accords with the guidance set out in the NPPF which advises that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

### Planning Obligations and viability

8.23 A Viability Assessment was submitted with the 2014 application and this was sent to Adams Integra, which is a consultancy that offers independent advice to the Council on issues such as viability. Adams Integra used the Homes and Communities Agency's Development Appraisal Tool, which is a recognised method of assessing viability and has been used at many inquiries where viability is an issue and has superseded the Homes and Communities Agency's Economic Appraisal Tool. The Viability Statement included costs for the land value, Code for Sustainable Homes Level 3, plot division costs and acoustic fencing. Adams Integra advised that the proposal would not be able to support any affordable housing on site or further contributions to open space and still remain viable.

8.24 The viability statement included a cost of £140,600 towards Code for Sustainable Homes. The Council no longer requires this by condition and so the

applicant agreed to put this sum towards affordable housing. This commuted sum towards off-site affordable housing was secured through a Unilateral Undertaking and has already been paid to the Council and so would no longer be required.

8.25 The Unilateral Undertaking also included provision of £15,032 for a Transport Bond, which could be used in the event that vehicle numbers exceed those set out in the Transport Assessment. This will form part of a new 106 agreement should planning permission be granted for this current application. Although the provision of on-site open space does not meet the policy requirement, the applicant has shown through the viability assessment that a larger contribution would make the scheme even more unviable. The scheme does at least provide some open space with a play area that will be overlooked by nearby houses. As with the original 106 agreement on the 2014 consent, a new legal agreement will also ensure that a Viability Assessment is submitted on occupation of 150<sup>th</sup> dwelling to ascertain whether market conditions have improved such that a contribution can be made towards affordable housing and/or open space.

## **9.0 Summary and conclusions**

9.1 This application is identical to the one currently being constructed apart from a change in land levels brought about by technical requirements of the layout of the development. All issues are the same as those deemed to be acceptable under reference 14/02981/FULM and the only consideration under this application is whether the change on land levels brings about other relevant planning issues.

9.2 The report shows that there will be no impact on the character of the area given the slight changes in levels and the fact that the site is well screened and bound by the railway line to the south and river to the north.

9.3 The main consideration of this change in land levels is how it will impact on the residents of Northcliffe House, which is a pair of semi-detached houses immediately adjoining the site at the western end. Sections shows that the new houses will be lower than Northcliffe House despite their elevated position and will therefore not dominate or overshadow or appear out of character. There will be no unacceptable harm to residential amenity through overlooking, as the separation distances exceed those normally required. There will also be no issues of flooding to Northcliffe House because the rear gardens are relatively flat with drains provided and by their very nature of being landscaped will ensure that there is no surface water run-off.

9.4 All relevant conditions from the 2014 permission will be carried over and a new 106 agreement will secure the outstanding matters of a Transport Bond and the need for a further Viability Assessment.

## **10.0 Recommendation**

MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 IN RELATION TO THE FOLLOWING MATTERS:

- a) Viability Assessment to be submitted on occupation of 150th dwelling to ascertain whether a further contribution can be made towards affordable housing.
- b) A Transport Bond of £15,032 to be paid in the event that traffic numbers exceed those set out in the Transport Assessment.

THE HEAD OF DEVELOPMENT BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE AGREEMENT.

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

REASON

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

2. The development shall be carried out in accordance with the measures set out in Section 5 of the Travel Plan dated April 2015.

REASON

To encourage sustainable modes of travel in accordance with policy CS9 of the Doncaster Core Strategy.

3. Prior to the occupation or use of those properties directly adjoining the railway line, a high close boarded timber fence shall be erected along the boundary with the railway line in accordance with the details shown on drawing number SD117 dated 10.08.15.

REASON

To ensure that properties are not unduly affected by noise from the railway line.

4. The development hereby approved shall be carried out in accordance with the Construction Method Statement on drawing number Con-01 dated Dec 2015.

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

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

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

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

**REASON**

To secure the satisfactory development of the site in terms of human health and the wider environment pursuant to the National Planning Policy Framework.

6. All tree protection measures shall be maintained in full accordance with the details shown on plan drawing TP-01 revision A dated Dec 2015 until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

**REASON**

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

7. Within three months of the date of this permission, a detailed hard and soft landscape scheme, including details of boundary treatments, shall be submitted to and approved in writing by the local planning authority. The hard landscape scheme shall provide details of surface materials for all highway areas, footpaths, parking courts, driveways and space around dwellings. The soft landscape scheme should provide details of species, nursery stock specification for all plant material in compliance with the Horticultural Trades Association National Plant Specification, siting, planting distances, details of tree pit design with adequate rooting volume, staking/guying for all trees, a detailed management plan and programme of implementation. The landscape scheme shall include proposals for the area of public open space and play area.

**REASON**

To ensure that a landscape/planting scheme is submitted in the interests of environmental quality and in compliance with core strategy policy CS16: valuing our natural environment.

8. The scheme of landscaping approved in accordance with condition 7 shall be implemented in full accordance with the approved details and programme of implementation. The local planning authority shall be notified at each stage of implementation to visit the site and approve the implementation and prior to the backfilling and planting of any engineered tree pit to approve setting out and rooting material. Thereafter the landscape scheme shall be maintained in accordance with the approved management plan. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

## REASON

To ensure that a landscape/planting scheme is implemented and established in the interests of environmental quality and in compliance with core strategy policy CS16: valuing our natural environment.

9. The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) dated 18 December 2014 by JOC consultants, and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off to an agreed rate to the River Don.
2. No encroachment below the existing 16 metre AOD ground contour.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

## REASON

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

10. The development hereby approved shall be carried out in accordance with the Ecological Enhancement Plan drawing number Eco-01 dated Dec 15.

## REASON

To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16.

11. The development hereby approved shall be carried out in accordance with the Ecological Management Plan carried out by ECUS dated February 2017.

## REASON

To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16.

12. The boundary treatment hereby approved shall be erected before the occupation of the dwelling to which that boundary relates.

## REASON

To ensure the satisfactory appearance of the development.

13. Prior to the occupation of the 80th dwelling on site, a play area shall be provided on the area of open space at the eastern end of the site in accordance with a scheme previously approved in writing by the local planning authority. Details for the arrangement of maintenance of the open space shall also be approved in writing prior to the occupation of the 80<sup>th</sup> dwelling on site.

## REASON

To ensure the provision of play equipment that offsets the loss of an area of open space, as per policy RL1 of the Doncaster UDP and to ensure the maintenance of the open space.



14. The development hereby approved shall be carried out in accordance with the materials plan drawing number Mat-01 rev C dated Dec 2015.

REASON

To ensure the satisfactory appearance of the development.

15. The footways along Kilners Bridge as shown on plan drawing number SK-001 Rev A dated Dec 2014 shall be constructed in accordance with a timescale to be agreed in writing with the local planning authority.

REASON

In the interests of road safety.

16. The development shall be carried out in accordance with the details shown on the submitted drainage plan on drawing 15/627/7183 revision G dated 03/03/2016 prepared by James Eaton Design, unless otherwise agreed in writing with the Local Planning Authority.

REASON

In the interest of satisfactory and sustainable drainage.

17. Prior to the occupation of any of plots 125 to 128, the gardens to all of these plots shall have been graded as per drawing numbers 3045-SEC001 dated May 18 and 3045-SEC002 dated Sept 18 and drains shall have been installed along all 4 plots in the positions shown on drawing 3045-SEC0001 in accordance with a scheme previously approved in writing by the local planning authority.

REASON

To reduce overlooking from the garden areas and to avoid any surface water run-off to the adjacent dwelling.

INFORMATIVE

There is a mains gas pipe running through the site and you are advised to contact National Grid to ensure that the works you are proposing does not affect this.

INFORMATIVE

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980 and adoption of the new access road shall be carried out under Section 38 of the Highways Act. The S38 and S278 agreements 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 on Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans on Email: [p.evans@doncaster.gov.uk](mailto:p.evans@doncaster.gov.uk) or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Malc Lucas on Tel 01302 735110 as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

A commuted sum of £5000 to be used towards the future maintenance costs of each highway drain soakaway, shall be paid to the Council, prior to the issue of the Part 2 Certificate.

The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud on the highway is an offence under provisions of The Highways Act 1980.

Any trees to be provided in the public highway require a commuted sum for maintenance purposes of £1500 per tree (£300 pounds per annum for a period of 5 years) to be paid to the Council, prior to the issue of the Part 2 Certificate.

**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

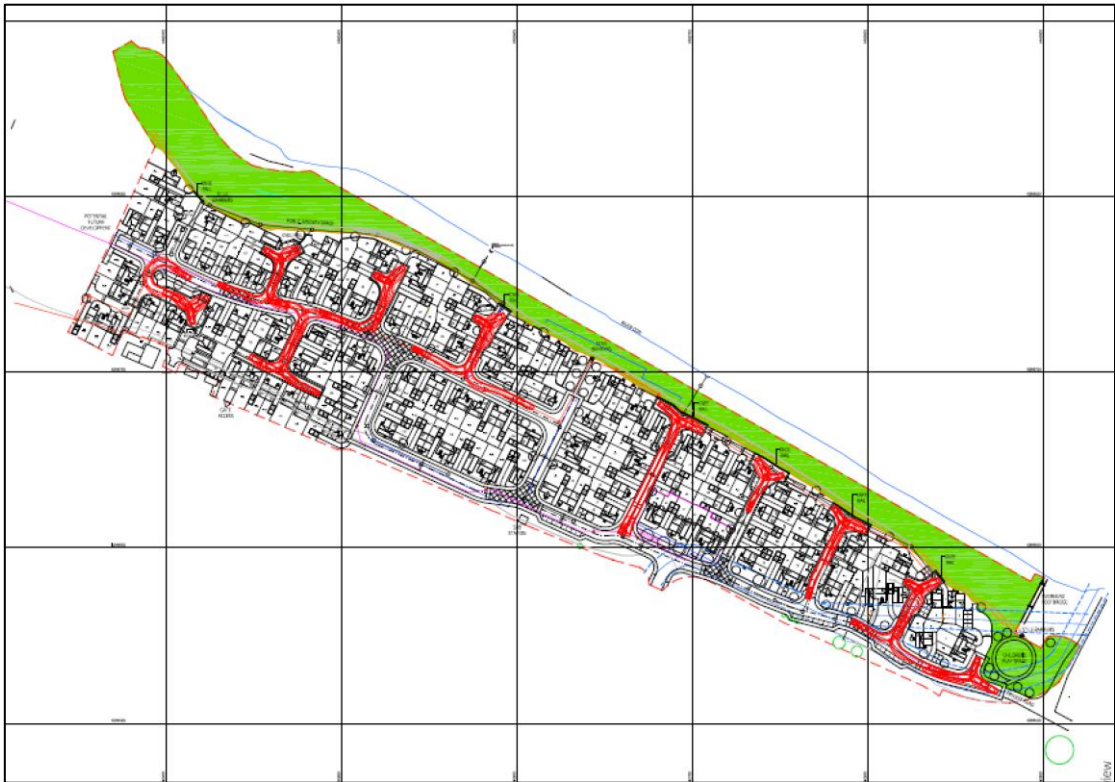


Figure 1: Proposed site layout.

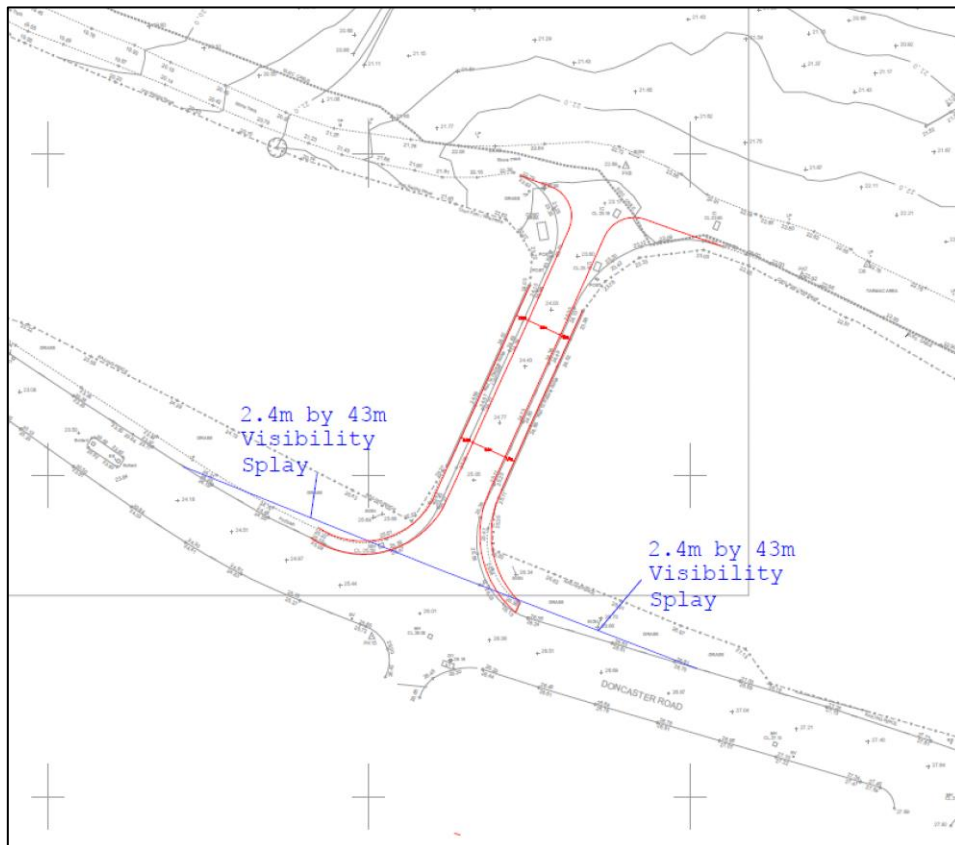


Figure 2: Access arrangements over Kilner's Bridge.

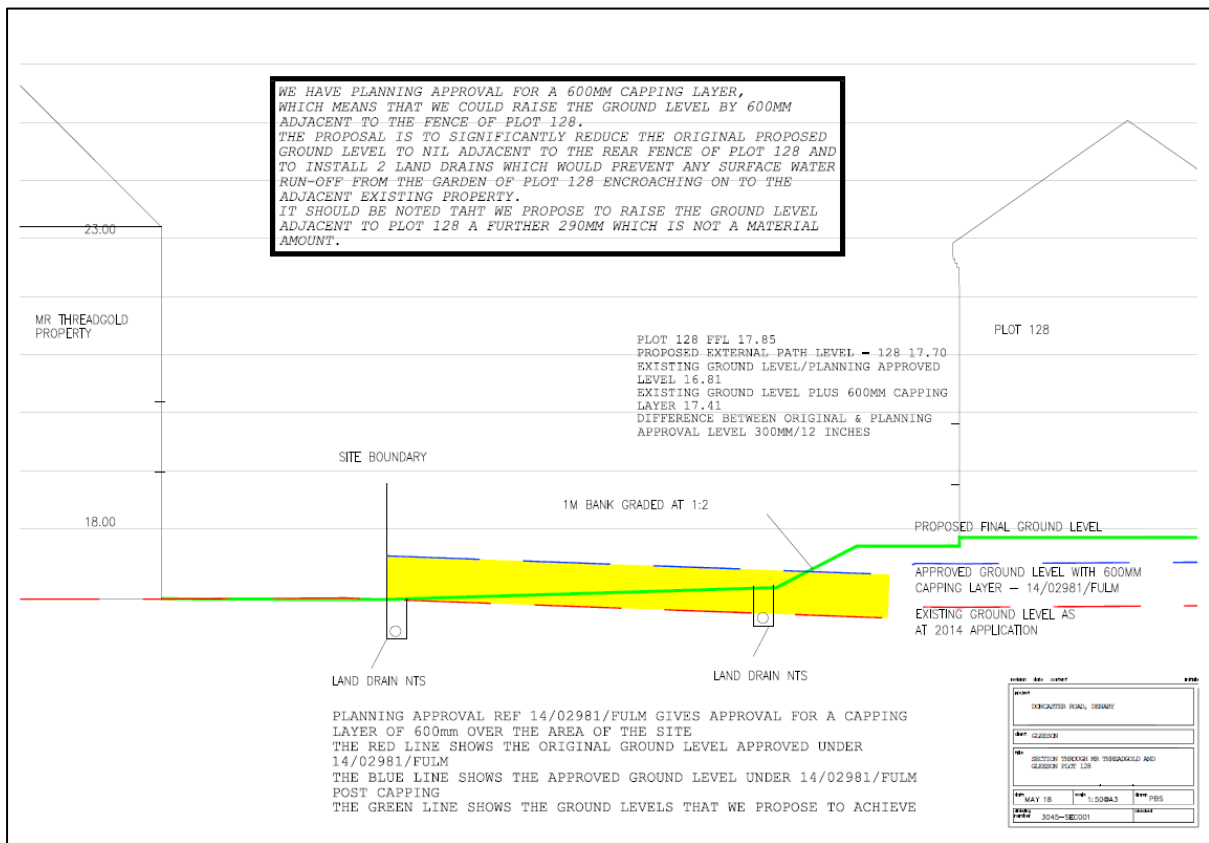
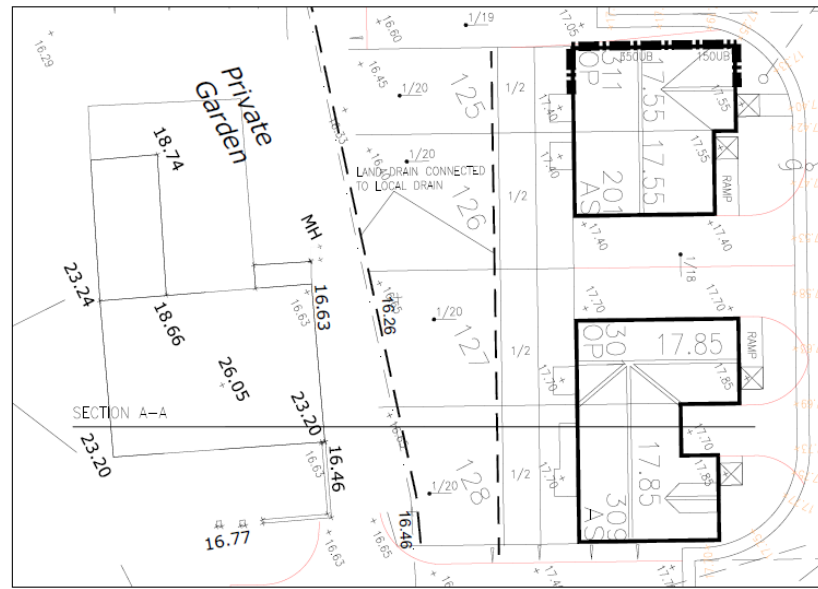


Figure 3: Proposed section of plot 128 with 1 Northcliffe House