

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE -

Application	3
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Application Number:	19/01334/OUT	Application Expiry Date:	26th July 2019
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Application Type:	Outline Application
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Proposal Description:	Outline application for residential development of 5 houses (approval being sought for access and layout).
At:	Land Adjacent 113 Kirton Lane Thorne Doncaster

For:	Mr Michael Hardwick
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Third Party Reps:	1 letter of objection	Parish:	Thorne Town Council
		Ward:	Thorne And Moorends

Author of Report	Alicia Murray
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MAIN RECOMMENDATION:	GRANT, subject to conditions
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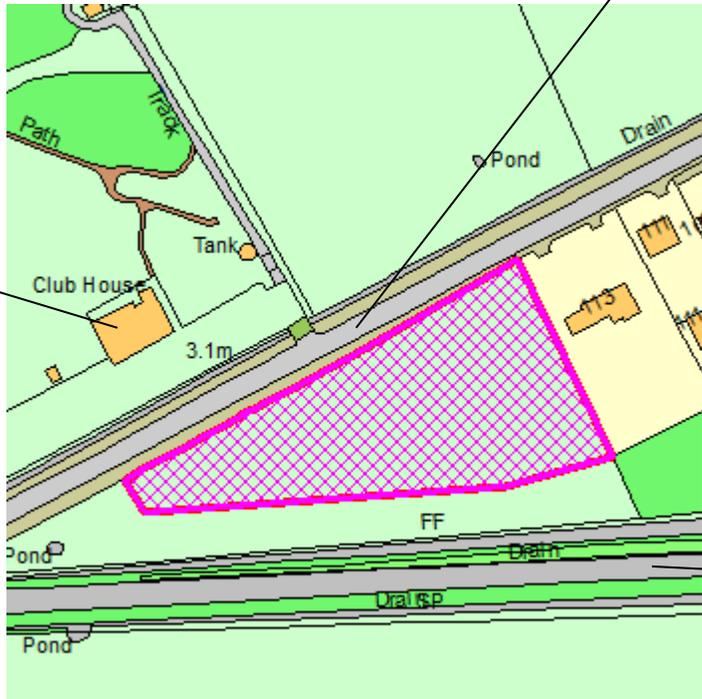
SUMMARY

The proposal seeks outline permission for residential development with matters of appearance, landscaping, and scale being reserved. The proposal is considered to be acceptable in policy terms as it would be a natural extension to the settlement boundary and with defensible boundaries beyond and is therefore considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal in this location. The development would not cause undue harm to neighbouring properties, the highway network, rail network, flood risk, or the wider character of the area. The development can also accommodate net-gain biodiversity, with space to provide sufficient landscaping.

RECOMMENDATION: GRANT planning permission subject to conditions.

Thorne Golf Club



Kirton Lane

Railway Line

1.0 Reason for Report

- 1.1 This application is being presented to planning committee due to: The proposal comprising a housing development within the Countryside Policy Area, hence constituting a Departure from the Development Plan.

2.0 Proposal

- 2.1 Planning permission is sought for Outline application for residential development of 5 houses (approval being sought for access and layout).
- 2.2 Outline Planning permission was originally sought for 7 dwellings however the application has been amended to reduce the number of dwellings to 5.

3.0 Site Description

- 3.1 The application site comprises an open green space and is located to the West of Thorne. The site is bound by Kirkton Lane to the North/West and by the railway to the south. A residential policy area abuts the eastern site boundary with 113 Kirton Lane being the closest residential property.

4.0 Relevant Planning History

- 4.1 No recent relevant Planning History

5.0 Site Allocation and Relevant Policies

- 5.1 The application Site is allocated as Countryside Policy Area.
- 5.2 The application site was promoted as part of the emerging local plan but was rejected due to failing the sequential test for Flood Risk.

National Planning Policy Framework (NPPF 2019)

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraph 79 deals with homes in the countryside.
- 5.5 Paragraph 170 b) recognises the intrinsic character and beauty of the countryside.

Core Strategy 2011 - 2028

- 5.6 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 5.7 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.8 Policy CS1 of the Core Strategy states that, As a means to securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported which contribute to the Core Strategy objectives and in particular: promote a healthy safe place to live; comprise considered and appropriate design; are accessible; and protect local amenity.
- 5.9 Policy CS2 (Table 1) identifies Thorne as a Principal Town which *“will be the focus for growth and regeneration, along with the two Potential Growth Towns. The combined Main Urban Area/Principal Towns provision will be 80-85% of the borough’s total housing allocations, with at least 3.5% of the overall borough allocation within each Principal Town.”* Paragraph 3.23 under CS2 states that *“Urban extensions will be necessary to accommodate the proposed growth (even at the lower end of the growth range) at Adwick, Armthorpe, Askern and Thorne”*.
- 5.10 Policy CS3 B) states that B) The countryside in the east of the borough will continue to be protected through a Countryside Protection Policy Area (as indicated on the Key Diagram). The key considerations for land within this area are:
1. new urban extension development allocations will be confined to those necessary to deliver the Growth and Regeneration Strategy;
 2. minor amendments to settlement boundaries will be supported where existing boundaries are indefensible;
 3. proposals will be supported where they would be appropriate to a countryside location and would protect and enhance the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all; and;
 4. proposals that would generally be acceptable include agriculture, forestry, outdoor sport and recreation, habitat creation, flood storage and management, essential infrastructure, mineral extraction, some forms of stand alone renewable energy, suitable farm diversification schemes, limited extension, alteration or replacement of existing dwellings and re-use of suitable buildings for uses appropriate in the countryside.
- 5.11 Policy CS3 C) states proposals which are outside development allocations will only be supported where they would:
1. protect and enhance the countryside, including the retention and improvement of key green wedges where areas of countryside fulfil a variety of key functions;
 2. not be visually detrimental by reason of siting, materials or design;
 3. not create or aggravate highway or amenity problems; and;
 4. preserve the openness of the Green Belt and Countryside Protection Policy Area and not conflict with the purposes of including land within them.
- 5.12 Policy CS4 states that *“A pro-active approach will therefore be adopted which manages flood risk, to support borough-wide regeneration, based on the principles set out below.*
- A) Development will be directed to areas of lowest flood risk (from all sources) within the overall framework of the Growth and Regeneration Strategy and its emphasis on deliverable urban brownfield sites (as set out in Policies CS2, CS5,*

CS7 and CS10). Where this results in development within flood zones 2 and 3, priority will be given to sites which:

1. *already benefit from an acceptable standard and condition of defences; or;*
2. *have existing defences which will be improved as a result of the proposal to an acceptable standard and condition;*
3. *do not have existing defences, if it can be shown that there are no appropriate sites already benefiting from defences, and the development can be made safe through the creation of new defences which would also benefit existing communities.*

B) Developments within flood risk areas will be supported where they pass the Sequential and/or Exception Tests (if they are required). Proposals which are in accordance with both allocations and any other Local Development Framework policies will normally be deemed to have passed the Sequential Test.

C) ... any development within flood risk areas, will be supported where it:

1. *provides a fit-for-purpose site specific Flood Risk Assessment;*
2. *will be safe from all forms of flooding, without increasing the level of flood risk to surrounding properties and/or land for the lifetime of the development;*
3. *provides adequate means of foul sewage disposal and achieves a reduction in surface water run off on brownfield sites and no increase from existing rates on greenfield sites;*
4. *makes use of Sustainable Drainage Schemes, where appropriate;*
5. *is designed to be resilient to any flooding which may occur (including making provision or circumstances in which existing flood defences fail);*
6. *facilitates the maintenance of flooding and drainage infrastructure; and;*
7. *ensures that mitigation measures (including Sustainable Drainage Schemes) can be maintained over the long term and will not have an adverse impact on the water environment, including ground water aquifers, flood water capacity and nature conservation interests.”*

5.13 Policy CS14 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.” As the proposal comprises an application for the layout and access, the following aspects of CS14 are relevant:

A) The components of development, including use mix, layout (movement patterns, townscape, landscape, open space and public realm), density (intensity of development) and form (scale, height, massing; and architectural details of buildings), will be assessed to ensure that the development proposed is robustly designed, works functionally, is attractive, and will make a positive contribution to achieving the following qualities of a successful place:

1. character – an attractive, welcoming place with its own identity appropriate to the area;
2. continuity and enclosure of streets and spaces by buildings;
3. quality, stability, safety and security of private property, public areas and the highway;
4. permeability – ease of pedestrian movement with good access to local facilities and public transport services;
5. legibility – a development that is easy to navigate;
6. adaptability – flexible buildings capable of changing over time;

7. inclusive – accessible development that meets the needs of as much of the population as possible;
8. vitality – creating vibrant, busy places with a mix of uses where appropriate; and;
9. sustainability – proposals are environmentally responsible and well managed.

B) New housing developments will be expected to meet relevant Building for Life criteria (14/20 criteria for developments of more than ten dwellings). An agreed proportion of new homes should be designed to Lifetime Homes standards, subject to design and viability considerations.

C) The design and layout of development must also be designed to adapt to a changing climate, whilst helping reduce the causes of climate change, by using energy, water and materials in the most efficient way as possible. In order to help achieve this, proposals will be supported which meet or exceed the following minimum standards:

1. all new housing must meet all criteria to achieve Code for Sustainable Homes of at least Level 3 and new non-domestic buildings must meet the BREEAM rating of at least 'Very Good'. This should be supported by preliminary assessments at planning application stage; and;
2. all new developments must secure at least 10% of their total regulated energy from decentralised and renewable or low carbon sources.

5.14 Policy CS16: Valuing our Natural Environment Doncaster's natural environment will be protected and enhanced, in accordance with the principles set out below.

A) Proposals will be supported which enhance the borough's Ecological Networks by:

1. including measures that are of an appropriate size, scale and type and have regard to both the nature of the development and its impact on existing or potential networks;
2. maintaining, strengthening and bridging gaps in existing habitat networks; and;
3. using native species and delivering local and national Biodiversity Action Plan targets, especially in the following regionally important biodiversity opportunity areas: the Humberhead Levels, the South Yorkshire Magnesian Limestone Ridge, the River Don Corridor and the Dearne Valley.

B) Nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals which may impact on Local Sites and Non Designated Sites will only be supported where:

1. they protect, restore, enhance and provide appropriate buffers around wildlife and geological features;
2. harm is avoided where possible, and any unavoidable harm is appropriately mitigated and compensated;
3. they produce and deliver appropriate long term management plans for local wildlife and geological sites; and;
4. they can demonstrate that the need for a proposal outweighs the value of any features to be lost.

C) Proposals located within 3km of Thorne and Hatfield Moors Special Protection Area will be supported where they deliver a net gain in nightjar foraging habitat.

D) Proposals will be supported which enhance the borough's landscape and trees by:

1. being appropriate to the landscape's character, sensitivity and capacity;
2. including measures to mitigate any negative impacts on the landscape;
3. ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness; and;
4. retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

Saved Unitary Development Plan (UDP) Policies (Adopted 1998)

- 5.15 Policy ENV2 of the UDP acknowledges the status of the Countryside Policy area and lists the purposes of the Countryside Policy as follows:
- to assist in safeguarding the countryside from encroachment;
 - to provide an attractive setting for towns and villages;
 - to prevent settlements from coalescing;
 - to provide opportunities for outdoor sport and recreation near urban areas;
 - to retain land in agriculture, forestry and nature conservation uses;
 - to protect other non-renewable resources;
 - to assist regeneration by directing development;
 - towards urban areas and strategic allocations;
 - to help sustain rural communities and a diverse rural economy.
- 5.16 Policy ENV4 of the UDP states that development will not normally be permitted within the Countryside Policy Area, and sets out exceptions to this stance including:
b) infilling development within settlements washed over by the countryside policy area subject to the limitations included in policy env 9 (which was replaced by policy CS3).

Local Plan

- 5.17 The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:
- Substantial
 - Moderate
 - Limited
- 5.18 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 5.19 Policy 2 identifies Thorne and Moorends as a main town, which will be a focus for new development.

- 5.20 Policy 3 sets out that at least 40 per cent of the borough's total housing should be within the main towns such as Thorne and Moorends.
- 5.21 Policy 8 sets out the requirements for the range of housing including the need for affordable housing.
- 5.22 Policy 14 seeks to promote sustainable transport within new developments.
- 5.23 Policy 17 seeks to consider the needs of cyclists within new developments.
- 5.24 Policy 18 seeks to consider the needs of pedestrians within new developments.
- 5.25 Policy 21 states that development proposals that are expected to give rise to significant increase in the use of public rights of way where they cross roads, railway lines, canals and rivers must show that all safety and accessibility considerations have been taken into account to ensure use of the crossing can be maintained. This should include consultation with the appropriate authority (for example, Network Rail).
- 5.26 Policy 26 refers to types of development that are acceptable in the countryside and this does not include large-scale housing.
- 5.27 Policy 31 deals with the need to value biodiversity.
- 5.28 Policy 33 states that the design process should consider woodlands, trees and hedgerows.
- 5.29 Policy 43 deals with the need for good urban design.
- 5.30 Policy 55 requires the need to take into account air and noise pollution.
- 5.31 Policy 56 deals with the need to mitigate any contamination on site.
- 5.32 Policy 57 requires the need for satisfactory drainage including the use of SuDS.
- 5.33 Policy 58 deals with the need to consider flooding.
- 5.34 Policy 59 deals with low carbon and renewable energy within new developments.
- 5.35 Policy 61 requires the need to protect the best and most versatile agricultural land.

Neighbourhood Development Plan

- 5.36 The Town Council has produced a draft Thorne and Moorends Neighbourhood Plan. The plan was published in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 on Monday 31st October 2016 for 6 weeks. As such, moderate weight is attached to the Neighbourhood Plan (NP) at this stage, as it has not yet been submitted to the Local Planning Authority, has not been subject to independent examination and has not been to a referendum. The NP Working Group are making some amendments to the NP and will then re-consult for 6 weeks. The application site is not allocated in the Neighbourhood Plan. The following policies are considered relevant:

- 5.37 Policy H2 states that housing development will be permitted within or immediately adjacent to the built-up area of Thorne and Moorends, subject to the development:
- Being well related to the existing developed extent of Thorne and Moorends.
 - Physically and visually being integrated into the existing settlements.
 - Prioritising physical relationship and integration above flood risk concerns.
- 5.38 Policy H3 states that housing developments should incorporate a mix of housing types in terms of size, tenure and type to satisfy the aspirations of the local community.
- 5.39 Policy DDH3 sets out the need for good design.
- 5.40 Policy PT1 states that developments that are likely to increase the patronage for public transport service will be expected to contribute to facilitating access to those services
- 5.41 Other material planning considerations
- *Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)*
 - *National Planning Policy Guidance*

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification. One public objection has been received by neighbouring properties. The comments can be summarised as:
- Concerned that there would be a heightened risk of flooding to my home and surrounding properties as a direct result of the proposed development.
 - The land and subsequent ditches surrounding 113 Kirton Lane, on the development proposal land, provide some drainage to both 113 and 113a Kirton Lane however it is not clear on the submitted site drawings or application documents as to the fate of these existing drainage ditches within the boundaries of application plot. The failure to acknowledge these drainage ditches suggest these are to be filled.
 - Surrounding properties to the south and west of my boundaries, have all been built within the last 20 years. These properties have suitably been built to incorporate an increased first floor height above AOD.113 Kirton Lane of which the objector has owned for just over 2 years, being built in the early 70s does not conform to similar standards, as such any building or landscaping that would have a detrimental impact on the effective drainage of the area and would also further increase the risk of flooding and flood damage to this single storey bungalow.
 - The objector has outlined discrepancies with the land levels on site and what is shown on plan; Acceptance of this development would ensure my boundaries are surrounded from the East, West and South with properties at a level of 3.5m AOD or greater, ultimately and severely impacting the flood risk to 113 Kirton Lane directly.
 - The proposed buildings adjacent will overlook our property; this will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of the objector's home and garden.

- The proposed height of the building not being known or documented needs careful consideration. The application states properties consisting of 4 bedrooms, with no stipulation as to the height. Building of 2 storey houses would be visually overbearing. It would be an inappropriate design for this part of the village. Such a collection of potentially large buildings would be totally out of keeping with the neighbouring properties, which are mainly 1 storey bungalows, or 1.5 story dormer bungalows. This would result in an increased height of the proposed properties when compared to 113 Kirton Lane with it being a single-story bungalow. This would contribute to privacy concerns when overlooking 113 Kirton Lane and its boundaries regardless of property type, be it 2 storey House, 1.5 storey Dormer or just a single storey Bungalow.
- Impact the Human Rights of the neighbouring residents and would have a dominating impact to the residents of 113 Kirton Lane, and their right for quiet enjoyment of their land and surroundings.
- The size of the proposed properties (4-bedroom detached homes) and the off street car parking spaces allocated (2 per property) should be considered as a potential highways safety risk. Such properties potentially being occupied by 1,2,3 or even 4 vehicles, not taking into consideration visitors or temporary goods / service deliveries to each property. The nature of the speed restrictions and the proximity to the railway level crossing, any on street parking must be considered as dangerous and contributing to an overall reduction in safety of this stretch of road. Which in turn would result in idle traffic, increasing emissions into the air.

7.0 Parish Council

7.1 The Town Council opposes this application and echoes and supports the observations made by the Local Plan Team in response to the application. In particular the Council notes that the site is not one that has been identified for development within the emerging Neighbourhood Plan.

8.0 Relevant Consultations

8.1 **Highways Development Control** – Originally objected to the application, as the site layout did not allow for safe access and egress of the site. Following the submission of amended site plan, the Highways Department are satisfied that the proposed dwellings can be accessed safely without causing significant harm to the local highway network, subject to conditions.

8.2 **Environment Agency** – Originally objected to the application and requested an amended FRA which has been submitted and reviewed by the Environment Agency, who now offer no objections subject to conditions.

8.3 **Trees** - A good level of arboricultural information has been submitted as part of this application and trees are not an issue. The officer has requested conditions relating to landscaping and tree protection.

8.4 **Planning Policy (housing)** - This site is well defined, being bordered by Kirton Lane and the adjacent railway line, and it could be argued that its development would be well related to the adjacent built form, and could lead to the logical conclusion to the urban limit of Thorne in this location, whilst not setting a precedent for further release of land at this location. The site lies in the western extremities of Thorne, approximately 1km from Thorne town centre, albeit on a

relatively frequent bus route. There is, however, poor access to Thorne South railway station.

The site lies predominantly within Flood Risk Zone 3, and is recognised as falling within an area vulnerable to flooding (UDP Policy PU9). Core Strategy Policy CS4 and the Council's SPD on Development and Flood Risk is also relevant. Preparation of the Emerging Local Plan and Thorne Neighbourhood Plan has demonstrated that flood risk is a considerable constraint in this area, and the proposed development needs to demonstrate that a sequential test for flood risk assessment can be satisfied

- 8.5 **Environmental Health** - Any noise issues have been raised/addressed by network rail and in the design in the form of the buffering zone. No objections from Environmental Health as long as suitable buffering and glazing is used in the properties to mitigate any train noise
- 8.6 **Internal Drainage Officer** – No objections subject to a condition relating to surface water and foul drainage.
- 8.7 **Ecology Officer** – Upon receipt of the Method Statement, the Ecologist does not have any objections subject to conditions relating to further details being submitted at Reserved Matters stage and landscaping for onsite bio-diversity net gain.
- 8.8 **Contaminated Land Officer** – Following receipt of the phase 1 desktop study by Humberside Material Laboratory for the above site, the Pollution Control team have confirmed that they are satisfied that the site is unlikely to be significantly affected by contamination.
- 8.9 **Network Rail** – No objections subject to conditions relating to noise and landscaping.
- 8.10 **National Grid** – No comments received.
- 8.11 **Doncaster East Internal Drainage Board** – Outlined that no development should commence until a surface water drainage scheme has been agreed with the Lead Local Flooding Authority and that the surface water run-off rates to receiving watercourse must not be increased as a result of the development.
- 8.12 **Yorkshire Water** – No objections have been received.

9.0 **Assessment**

9.1 The principal issues for consideration under this application are as follows:

- Principle of development;
- Whether the scheme is appropriate development in the Countryside Policy Area;
- The effect of the proposed scheme on the character and appearance of the area and openness of the Countryside Policy Area;
- Need for the development;
- Landscape impact and visual effects;
- Impact on residential amenity & quality of life;
- Highway safety and traffic;
- Flood risk and drainage;

- Air quality;
- Ecology;
- Noise;
- Energy efficiency;
- Overall planning balance.

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

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

9.3 Principle of Development

9.4 The application site is allocated within the Countryside Policy Area as defined by saved Policy ENV2 of the UDP. Policy CS3 of the Core Strategy also sets out the key considerations for land within the Countryside. Saved Policy ENV4 of the UDP sets out the types of development which would normally be acceptable within the countryside, this includes agriculture and forestry, recreation and leisure, infilling of washed over settlements or small scale expansion of an existing source of employment. New residential development, excepting the aforementioned infilling or replacement of existing dwellings, is not acceptable use under the terms of the policy. The application is therefore a departure from the development plan and has been advertised accordingly.

9.5 Policy CS3 of the Core Strategy (B) states that the countryside in the east of the borough will continue to be protected through a Countryside Protection Policy Area. Part 1 of this policy states that new urban extension development allocations will be confined to those necessary to deliver the Growth and Regeneration Strategy. Part 2 states that minor amendments to settlement boundaries will be supported where existing boundaries are indefensible.

9.6 Policy CS2 of the Core Strategy identifies Thorne as a Principal Town and in support of the Growth and Regeneration Strategy, new housing will be supported in accordance with the settlement hierarchy and sets a housing target of 646 – 923 homes for the settlement. Core Strategy Policy CS10 states that sufficient land will be provided to deliver the housing figure, and sustainable urban extensions will be necessary to deliver some of the target. Table 5 in the Core Strategy acknowledges the need for extensions to Principal Towns, which includes land currently designated as Countryside Policy Area. Any extensions in Thorne will require land in Flood Zone 3.

9.7 This site is well defined, being bordered by Kirton Lane and the adjacent railway line, and it could be argued that its development would be well related to the adjacent built form, and could lead to the logical conclusion to the urban limit of Thorne in this location, whilst not setting a precedent for further release of land at this location. Thus whilst the site falls within the general extent of the Countryside Protection Policy Area defined on the Key Diagram this proposal is capable of

supporting the Core Strategy in that 1) it is capable of forming a sustainable urban extension to Thorne, and 2) it will help deliver the Core strategy housing target for Thorne. As such, it is considered that the principle of the development of this site for residential purposes, is acceptable. Flooding matters will be considered in a later section of this report.

SOCIAL SUSTAINABILITY

9.8 Residential Amenity

9.9 It is acknowledged that no.113 Kirton Lane has objected to this application, outlining concerns of overlooking, over dominance, loss of privacy, and impact to Human Rights through the loss of the quiet enjoyment of their land and surroundings.

9.10 Policy CS 14 of the Core Strategy requires that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

9.11 The proposal has been amended to reduce the number of dwellings from 7 to 5, this has resulted in the dwellings being along the same build line which is forward of the build line of no.113 Kirton Lane which is set further back than the other dwellings on Kirton Lane. Whilst scale is not a matter under consideration on this outline application, it is assumed that the dwellings will be at least 2 storeys in height; 113 Kirton Lane is a bungalow, careful consideration has been given to the impact plot 5 would have on no.113 Kirton Lane and the rear property 113a Kirton Lane. Plot 5 is approximately 7m away from the side elevation of 113 Kirton Lane, but this elevation contains a double garage, with the nearest habitable room window approximately 15m away from Plot 5 side elevation. Given the northern orientation of the front elevations of properties on Kirton Lane and the distances outlined above, it is not considered that the proposed dwellings would overshadow the front of no.113 Kirton Lane. The rear of Plot 5 is approximately 29m away from the front elevation of no.113a Kirton Lane, this is an acceptable separation distance even when considering the raised floor levels likely. Thus, it is not considered that the proposed dwellings would detrimentally overlook the neighbouring properties. Given the double garage attached to 113, the south facing gardens and the position of the proposed dwellings, it is not considered that the proposal would overshadow the neighbouring resident's property or amenity areas. Concerns have been raised regarding the loss of the resident's quiet enjoyment of the area, whilst it is acknowledged that there would be some increase in activity during the construction period and not for the lifetime of the development, the addition of 5 family homes would not have a detrimental impact in terms of noise once occupied. Furthermore, residents do not have a right to a view or the right to preserve the openness of neighbouring green field land.

9.12 The proposed dwellings would all be situated over 5m apart from one another and plots 1-4 would have greenfield land to the front and rear, resulting in no opportunity for overlooking. The proposed dwellings are all concerned to meet the separation distances as outlined with the Residential Design and Requirements SPD. However, side elevation windows and boundary treatments will all need to be carefully considered at reserved matters stage.

Conclusion on Social Impacts.

- 9.13 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affected by the proposal in accordance with policy CS14. The proposal has been able to adequately demonstrate that residential development can be achieved on the site without adversely affecting the residential amenity of neighbouring properties through overlooking, over dominance or loss of privacy. This is given significant weight in favour of determining this application.

ENVIRONMENTAL SUSTAINABILITY

9.14 Visual Amenity

- 9.15 Policy CS3 (C) states that proposals which are outside development allocations will only be supported where they would: protect and enhance the countryside, including the retention and improvement of key green wedges where areas of countryside fulfil a variety of key functions; not be visually detrimental by reason of siting, materials, or design; not create or aggravate highway or amenity problems; and; preserve the openness of the Green Belt and Countryside Protection Policy Area and not conflict with the purposes of including land within them.
- 9.16 The site is located at the end of a row of residential properties opposite Throne Golf Club, to the rear of the site is the railway line. The site is confined on all boundaries resulting in this being a natural urban extension to the residential area with defensible boundaries on all sides.
- 9.17 Kirton Lane consists of a mixture of bungalows and two storey dwellings, mostly constructed of red brick but there is no clear character or linear form of the dwellings. Whilst scale and appearance are reserved matters, given the requirement from the Environment Agency for floor levels to be set at 4.4m AOD, the impact of this should be considered in relation to the neighbouring properties. It is clear that the proposed dwellings will be higher than those at no.113 Kirton Lane, especially given these dwellings are likely to be 1.5 or 2 storeys due to the EA requirements for no sleeping accommodation on the ground floor. However, due to position of the proposed dwellings set back from the road with a landscaping buffer from Kirton Lane and the neighbouring dwellings it would not give the appearance of towering over the neighbouring properties. Furthermore, given the mixture of dwellings on Kirton Lane it would not out of character and would give the appearance of a stand-alone development. However, to ensure the applicant is aware of the careful consideration required prior to submitting the reserved matters, an informative will be added onto the decision outlining this.
- 9.18 Policy CS14 of the Core Strategy sets out a series of design principles and quality standards intended to ensure that all proposals are of high quality design that integrates with its immediate and surrounding local area. Generally the density, scale and layout will echo the existing suburban character of this edge locality, although the proposed houses are taller at 2 storey minimum. The use of detached house types will create a pleasant symmetrical street-scape and distinctive character to the development. There is proposed to be a landscape buffer to the south to soften the visual impact of the visual development at the countryside edge and to provide a noise buffer for the future residents from the railway line. The existing hedgerow to the northern boundary facing Kirton Lane will also remain, this will also help soften the overall height of the proposed dwellings from the wider street scene.

9.19 As such, it is considered that the proposal meets with policies CS 3 and CS 14 of the Core Strategy in that the development will reflect the existing character of surrounding development, without significantly compromising the openness of the countryside.

9.20 **Flooding and Drainage**

9.21 The application site lies within flood zone 3a defined by Table 1 of the National Planning Practice Guidance as having a high probability of flooding and shown on the Environment Agency's flood map and in Doncaster's Strategic Flood Risk Assessment. Policy CS 4 sets out the Council's policy in relation to flood risk. It states that large areas of Doncaster are at risk from flooding, however many of these areas already benefit from defences and are otherwise sustainable locations for growth. Part A of policy CS 4 states that development will be directed to areas of lowest flood risk (from all sources) within the overall framework of the Growth and Regeneration Strategy. Where this results in development within flood zones 2 and 3, priority will be given to sites which: (i) already benefit from an acceptable standard and condition of defences; or (ii) have existing defences which will be improved as a result of the proposal to an acceptable standard and condition or (iii) do not have existing defences, if it can be shown that there are no appropriate sites already benefitting from defences, and the development can be made safe through the creation of new defences which would also benefit existing communities.

9.22 The site is located within an area protected by flood defences from the River Don. The site levels are 3.1m AOD but given the site is within the the 1% AEP River Don Fluvial Breach Flood Event area, with depths between 0.5 – 1m during a flooding event and the site is within the Isle of Axholme which has a Critical Flood Level of 4.4m AOD; the Finished Floor Levels will need to be 4.4m AOD. This is an additional 1.3m on top of the sites existing levels. The original Flood Risk Assessment (FRA) submitted specified finished floor levels of 3.7m AOD, which is not sufficient to protect the dwellings and occupiers in a flood event. The Environment Agency subsequently objected to the application based on insufficient flood mitigation and justification.

9.23 An amended FRA was submitted in August 2020 and has been reviewed by the Environment Agency. The FRA stipulated the dwellings would have the required 4.4m AOD and would be sufficiently protected during a flooding event. The Environment Agency are content with the proposed flood mitigation outlined in the amended FRA. The Council's Drainage Team and Yorkshire Water also do not offer any objections to the application subject to a series of conditions in relation to both surface water and foul drainage.

Sequential and Exceptions Test

9.24 Policy CS 4 part (B) goes on to state that developments within flood risk areas will be supported where they pass the Sequential Test and/or Exceptions Test. Paragraph 101 of the NPPF states that 'the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

- 9.25 With regard to the Sequential Test, the Council's Development & Flood Risk SPD (October 2010) sets out how the sequential test should be applied in Doncaster to reflect our relatively unique flood risk constraints.
- 9.26 The SPD pre-dates the adoption of the Core Strategy and states that the area of search would normally be the whole borough. The adopted Core Strategy has since identified Thorne/Moorends as one of 4 Renewal Towns which have been identified as suitable for providing up to 9% of the housing growth for the plan period. It does not prescribe how this requirement should be distributed between the 4 Towns, and the Sites & Policies DPD which would have identified the exact sites to deliver this growth was withdrawn following Examination in summer 2014. The SHLAA outlines that 94% of the developable sites in Thorne/Moorends are in Flood Zone 3, furthermore the 252 houses that are outlined as deliverable within the 5 years only 188 of these are in Flood Zone 1 and therefore all Flood Zone 1 sites would be delivered before the end of the 5 year housing supply period. Therefore, sites within Flood Zone 3 must be utilised to enable the 5 year housing supply target to be met.
- 9.27 The applicant's sequential test sets out all of this in comprehensive detail and has justified why therefore the adopted SPD constrains the delivery of the Core Strategy's housing requirement if it is to be followed to the letter. Instead a pragmatic approach has been applied which identifies all potential sites across the Thorne and Moorends and has discounted them as either not being sequentially preferable, or not reasonably available etc. As residential is 'more vulnerable' development in Flood Risk Zone 3, then the requirements of the Exceptions Test must also be met and a separate statement, coupled with a site specific FRA, has been provided.
- 9.28 As the Sequential Test is passed, it is appropriate to apply the flood risk Exception Test. Paragraph 102 of the National Planning Policy Framework (NPPF) makes clear that both elements of the Test must be passed for development to be permitted. Part 1 of the Test requires that it be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared. Part 2 of the Test requires the applicant to demonstrate in a site specific flood risk assessment that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk elsewhere.
- 9.29 With regard to part 1, in order to demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, the applicant has carried out an assessment of the sustainability benefits of the proposed development. The sustainability statement submitted by the agent outlines that the scheme would meet the requirements of the South Yorkshire Residential Design Guide in terms of accessibility, with the site being in walking distance to local services and 220m away from bus stop on Kirton Lane which offers buses every 20 minutes during peak hours. The site is also within close proximity to Thorne Town Centre, within a 20 minute walk. Furthermore the site has a primary school within 19 minutes' walk away but is not within walking distance of the secondary school but this can be accessed via bus from the nearby stop. It has been determined that the site is an efficient extension to the settlement boundary of Thorne and would provide family homes within the Renewal Town.
- 9.30 The applicant also states that the development would benefit the local economy by providing construction jobs, delivering investment in construction, increasing the

annual household expenditure in the local area, directly supporting existing business within the town and attracting further investments and trade.

- 9.31 With regard to part 2, a Flood Risk Assessment has been provided and following amendments to the proposed finished floor levels, the Environment Agency have removed their objection subject to the development maintaining those levels. The revised Flood Risk Assessment concludes that the proposed development will be safe, by virtue of the proposed floor levels and design. Resilient design provisions will be made to the design floor level with additional freeboard allowance. The hazard of floodwater to residents to be mitigated by an advanced warning evacuation plan, there is also likely to be refuge at first floor level on all properties; however scale and appearance is not under consideration on this application.
- 9.32 As such, as the Environment Agency has removed their outstanding objection, it is not considered that there are flood risk grounds to refuse the application. A flood evacuation plan is requested by condition which will be assessed by the Council's Drainage team, as the EA does not normally comment on or approve the adequacy of flood emergency response procedures.
- 9.33 **Highways and Parking**
- 9.34 In relation to highway design and layout policy CS 14 requires developments to achieve the following qualities of a successful place; quality, stability, safety and security of private property, public areas and the highway and permeability (ease of pedestrian movement with good access to local facilities and public transport services).
- 9.35 Objections have been raised regarding access, the speed restrictions and nearby railway crossing, and the amount of parking proposed. The application has been assessed by the Council's Highways Department, following the receipt of amended plans which altered the site layout and saw the reduction to 5 dwellings; the Highways Officer does not raise any objections to the proposal. It is considered that the access can provide adequate visibility and there is sufficient enough space to provide the required level of parking for 5 3+ bedroomed homes, with room for at least 2 cars on the driveways and 3 visitor spaces in defined bays.
- 9.36 Given that this proposal is for 5 dwellings, it is not considered that the increased traffic generation either during construction or at occupation would be significant enough to harm the highway safety of the area and would not result in a significant increase in traffic generation on Kirton Lane or the wider highway network.
- 9.37 It is not considered that these matters combined would lead to an unacceptable impact on highway safety. Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. As such, the layout is on balance, considered to be acceptable.
- 9.38 Policy CS 9 relates to the provision of travel choice. Whilst this is a more strategic policy, part G 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. Given the scale of this development there is no requirement for a transport assessment/travel plan, however whilst not part of the proposal, there is travel choice available within Thorne. The site is within close

proximity to public transport with regular services to Doncaster, Thorne and Goole. The combined settlement of Thorne and Moorends scores 10 out of 12 in the Settlement Hierarchy in terms of its provision of key services.

9.39 **Trees and Landscaping**

9.40 Policy CS16 of the Doncaster Core Strategy states that Doncaster's natural environment will be protected and enhanced in accordance with a number of principles. Part D states that proposals will be supported which enhance the boroughs' landscape and trees by ensuring designs are of a high quality and enhance the landscape character while protecting its local distinctiveness, and retaining and protecting trees and hedgerows and incorporating new tree, woodland, and hedgerow planting.

9.41 A good level of arboricultural information has been submitted with this application and no objections have been raised by the Tree Officer subject to conditions relating to landscaping details to be submitted and tree protection. The Tree Officer did make comments on the originally submitted site layout which saw multiple access points which would have guaranteed the removal of the historic hedgerow. However, the amended layout plan shows that the site would be accessed from one central point and the remaining hedge is proposed to remain. The Tree Officer has now supplied further comments regarding the amended layout and is pleased to see the hedgerow will remain in part on site and will provide a sufficient buffer from the houses and the wider rural character.

9.42 There is adequate space on site for a good level of landscaping to be provided, which given this is not a matter for consideration on this outline consent can be secured via condition and details supplied at reserved matters stage.

9.43 **Ecology and Wildlife**

9.44 An Ecological Method Statement has been submitted by Estrada Ecology Ltd dated September 2019. This has been reviewed by the Council's Ecologist, who has raised no objections commenting that whilst Great Crested Newts have used the ditch to the south of the site, the sites proximity to the railway means access to complete the surveys is difficult. However, the submitted Method Statement demonstrates how the requirements of a Natural England License can be met in the unlikely event that a large population of newts is present on site. A condition has been requested for the evidence of the Natural England License being satisfied to be submitted to the Local Planning Authority (LPA).

9.45 With regards to bio-diversity net gain, the Ecology Report indicates that there are opportunities to deliver this on site with the use of broadleaved tree planting and an area of the embankment is set aside for habitat enhancement works. This can be secured via the landscaping condition.

9.46 It is considered that proposed development can accommodate bio-diversity net gain on site and there would be no significant harm to protected species subject to a Natural England License and planning conditions.

9.47 **Summary of Environmental Sustainability**

9.48 Para.8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and

historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 9.49 The proposed development is considered to protect and enhance the natural environment with the provision of landscaping and bio-diversity improvements. The development would not impact the highway network severely and it provides a sufficient level of off street parking for both residents and visitors. Matters of scale, appearance, and landscaping are not matters for consideration on this outline application but providing the properties are no higher than 2 storey it is not considered that the development would harm the visual amenity of the area, furthermore the retention of the boundary hedgerow provides an adequate green buffer to the development which would soften it within this rural location. Furthermore, the development will be constructed with sufficient flood mitigation measures to ensure the safety of the future occupiers whilst not causing greater risk of flooding for the surrounding area. The above is given substantial weight in favour of the development.

ECONOMIC SUSTAINABILITY

- 9.50 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application. Whilst there may be some additional uplift for business within Thorne as a result of additional customers, this uplift is unknown and cannot be quantified at this time and so is afforded limited weight.

9.51 Conclusion on Economy Issues

- 9.52 Para 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

- 9.53 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site which is considered to be a natural extension to the settlement boundary of Thorne, whilst protecting the wider Countryside from expansion, due to the defensible boundary of the railway line, and this weighs considerably in favour of the application. In addition the site plan submitted with the application has shown that a suitable layout can be achieved that would be reflective of the character of the area and safeguard neighbouring properties through appropriate separation distances and this weighs significantly in favour of the application.

- 10.2 The potential biodiversity net gain and landscaping potential achieved by the development weigh moderately in favour of the application. It is noted that whilst the proposal lies within a flood risk zone, the applicants have provided sufficient justification to the Environment Agency meaning that no objections have been received subject to a suitably worded condition, which weighs substantially in favour of the application.
- 10.3 Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

11.0 RECOMMENDATION

11.1 GRANT PLANNING PERMISSION subject to conditions:

Conditions / Reasons

01. The development to which this permission relates must be begun not later than whichever is the later of the following dates:- i) The expiration of three years from the date of this permission or ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates the final approval of the last such matter to be approved.
REASON
Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:
Site Plan amended 13.12.19
Location Plan received 31.05.19
REASON
To ensure that the development is carried out in accordance with the application as approved.
03. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.
REASON
To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.
04. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.
REASON
To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.
05. Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The

parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

REASON

To ensure that adequate parking provision is retained on site.

06. Before the development is brought into use, the sight lines as shown on the approved plan shall be rendered effective by removing or reducing the height of anything existing on the land hatched black on the said plan which obstructs visibility at any height greater than 900mm above the level of the near side channel line of the public highway. The visibility thus provided shall thereafter be maintained as such, unless otherwise approved in writing with the local planning authority.

REASON

In the interests of road safety and to provide and maintain adequate visibility.

07. The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.

REASON

To avoid damage to the verge.

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

REASON

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

09. The Development hereby approved shall not be occupied until a scheme for protecting residents in the proposed dwellings from noise from the railway has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the permitted dwellings. The protection measures in the agreed scheme shall be maintained throughout the life of the development.

REASON:

To safeguard the amenity of the proposed dwellings from the noise levels which exist on the site.

10. All surface and foul water arising from the proposed development must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

REASON

11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) - the parking of vehicles of site operatives and visitors
- ii) - loading and unloading of plant and materials
- iii) - storage of plant and materials used in constructing the development
- iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) - wheel washing facilities
- vi) - measures to control noise and the emission of dust and dirt during construction
- vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) - risk assessment in relation to the railway and construction traffic management plan
- viv) - where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks.
- vv) - Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for Network Rail approval.

REASON

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

12. No development shall take place on the site until details of a landscaping/planting scheme have been agreed in writing with the Local Planning Authority. This scheme shall indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those which are to be retained, those proposed for removal and those requiring surgery. The scheme should also indicate, where appropriate, full details of new or replacement planting. All planting material included in the scheme shall comply with British Standard 3936: 1992 Nursery Stock Part One. Planting shall take place in the first suitable planting season, following the completion of the development. Any tree or shrub

planted in accordance with the scheme and becoming damaged, diseased, dying or removed within five years of planting shall be replaced in accordance with the above document.

REASON

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

13. Prior to the commencement of the development hereby granted a scheme for the protection of the root protection areas of all retained trees that complies with clause 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the approved details and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON:

To ensure that all trees are protected from damage during construction in accordance with core strategy policy CS16: Valuing our natural environment.

14. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. The boundary treatment must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing/wall must not be removed or damaged. Unless otherwise approved in writing by the local planning authority, the details as approved shall be completed before the occupation of any buildings on site.

REASON

To ensure the satisfactory appearance of the development.

15. Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.

16. Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have 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 guidance set out in the National Planning Policy Framework.

17. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the 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 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 guidance set out in the National Planning Policy Framework.

18. At the time of submission of the application for reserved matters, evidence should be provided of how a Natural England license in respect of great crested newts will be satisfied. This shall include results of further survey work if access is allowed. If access is denied then details of how the license application would be approached in line with that already submitted with this application shall be updated and resubmitted.

REASON

In line with Core Strategy Policy 16 to ensure the ongoing ecological interests of the site with respect to great crested newts.

19. Upon submission of the reserved matters application on this site details of updated ecology surveys shall be provided if more than 48 months has passed since the last survey was carried out. These shall include all necessary method statements to be followed during construction to ensure no impacts on protected species.

REASON

In line with Core Strategy Policy 16 to ensure the ongoing ecological interests of the site.

20. Detailed landscaping plans that demonstrate how a net gain in biodiversity shall be delivered on the site in line with the ecology report submitted with this application shall be submitted with the reserved matters application on this site.

REASON

In line with Core Strategy Policy 16 to ensure that the landscaping proposals deliver a net gain in biodiversity.

21. Surface Water run-off rates to the receiving watercourse must not be increased as a result of this development.
REASON
To ensure the development does not harm the watercourse, in accordance with CS14 and CS4 of the Core Strategy.
22. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON
To ensure that all new housing and commercial developments provide connectivity to the fastest technically available Broadband network in line with the NPPF (para. 112) and Policy 22 of the Doncaster Local Plan.
23. Before first occupation of any part of the development hereby permitted, a Flood Evacuation Plan shall be submitted to and approved in writing by the local planning authority. The Flood Evacuation Plan shall include the following details:
i) flood warning procedures;
ii) safe points of extraction and evacuation;
iii) the areas of responsibility for those participating in the Plan;
iv) implementation procedures;
v) communication strategies for occupiers; and
vi) details of a scheme to update the Plan.
The Flood Evacuation Plan shall thereafter be maintained and adhered to.
REASON
To ensure that measures are in place for residents to be evacuated safely during times of flood.
24. In the case of the reserved matters, application for approval must be made not later than the expiration of three 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.
25. Approval of the details of the 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.
26. The development shall be carried out in accordance with the submitted flood risk assessment (ref; Flood Risk Assessment

Addendum 2, 19/01334/OUT, 08/08/2020, Howard J Wroot
Chartered Surveyor) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.4 metres above
Ordnance Datum (AOD) as stated within section 1.9 of the FRA.

These mitigation measures shall be fully implemented prior to
occupation and subsequently in accordance with the scheme's
timing/phasing arrangements. The measures detailed above shall be
retained and maintained thereafter throughout the lifetime of the
development.

REASON

The finished floor level of the proposed development shall be set no
lower than 4.4m AOD to ensure all future occupants remain safe
throughout the designed lifetime of the development. The height of
4.4m AOD has been adopted as this is the height of the critical flood
level for this area. This height is also above the breach height of the
River Don (3.7m AOD). This provide 700mm freeboard on top of the
breach height as the breach doesn't include an allowance for climate
change

Informatives

01. Any alteration to the existing street lighting as a result of the new
access arrangements will be subject to a costs which are to be borne
by the applicant. Street lighting design and installation is generally
undertaken by the Local Highway Authority. There is a fee payable for
this service and the applicant should make contact with Fiona Horgan -
Tel 01302 735097 or e-mail Fiona.Horgan@doncaster.gov.uk
regarding this as soon as possible. Further information on the selected
DNO / IDNO together with the energy supplier will also be required as
soon as possible as they directly affect the adoption process for the
street lighting assets.

Works carried out on the public highway by a developer or anyone else
other than the Highway Authority shall be under the provisions of
Section 278 of the Highways Act 1980. The agreement must be in
place before any works are commenced. There is a fee involved for the
preparation of the agreement and for on-site inspection. The applicant
should make contact with Malc Lucas - Tel 01302 735110 as soon as
possible to arrange the setting up of the agreement.

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.

02. All surface and foul water arising from the proposed works must be
collected and diverted away from Network Rail property. All soakaways
must be located so as to discharge away from the railway
infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

Access to Railway and Level Crossing

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, access to and from the adjacent railway level crossing should remain clear and unobstructed at all times both during and after construction works. Construction vehicles should not be parked on the crossing approaches or be parked in a way that obscures crossing warning signage and lights to approaching crossing users.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

03. We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods
<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:
<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

04. This area lies within an area covered by a specific flood warning. We would advise residents and tenants to sign up to receive these free warnings via the Environment Agency website or by calling Floodline Warnings Direct on 0345 988 1188. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site
05. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining

feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2019 until 31st December 2020

06. The developer shall consider incorporating all possible sustainability features into the design of the proposed development.
07. The site is remote from the public sewer network. The nearest recorded public foul sewer is located approximately 88 metres to the north east of the site in Kirton Lane.

From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 6 (six) litres per second.

An off-site foul water sewer may be required. This may be provided by the developer and considered for adoption by means of a sewer adoption agreement under Section 104 of the Water Industry Act 1991. Alternatively, the developer may in certain circumstances be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991.

It is noted from the submitted planning application that surface water is proposed to be drained to SuDS. The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.

08. Careful consideration must be given regarding the scale and appearance of the proposed dwellings at Reserved Matters stage, due to the required finished floor levels specified by the Environment Agency, the hierarchy of neighbouring buildings and the edge of settlement location.

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

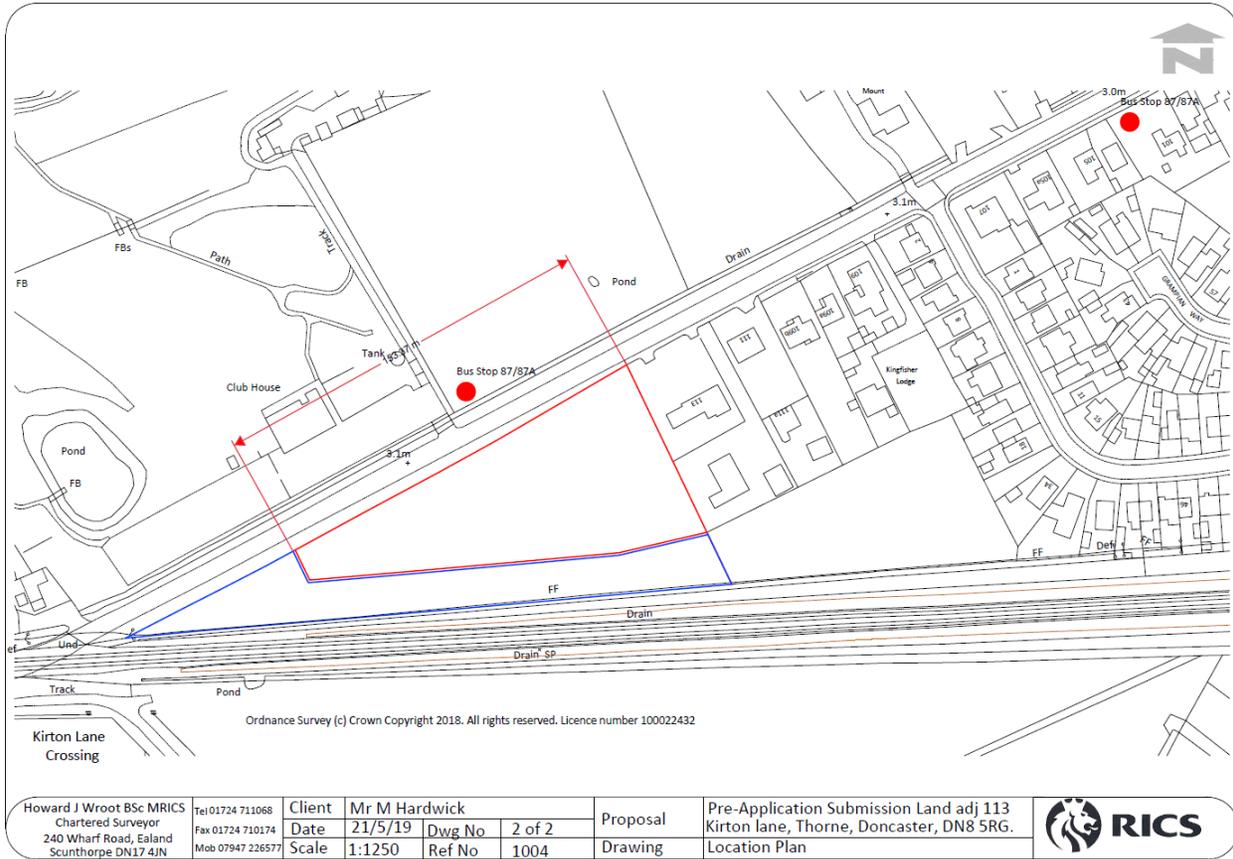
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Highway Safety
Flood Risk
Ecological Impact

Layout

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

Appendix 1: Location Plan



Howard J Wroot BSc MRICS
Chartered Surveyor
240 Wharf Road, Ealand
Scunthorpe DN17 4JN

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Fax 01724 710174
Mob 07947 226577

Client
Date
Scale

Mr M Hardwick
21/5/19
1:1250

Dwg No
Ref No

2 of 2
1004

Proposal
Drawing

Pre-Application Submission Land adj 113
Kirton lane, Thorne, Doncaster, DN8 5RG.
Location Plan



Appendix 2: Site Plan

