

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 20<sup>th</sup> August 2019**

<b>Application</b>	4
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<b>Application Number:</b>	18/02496/OUTM	<b>Application Expiry Date:</b>	11 <sup>th</sup> January 2019
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<b>Application Type:</b>	Major
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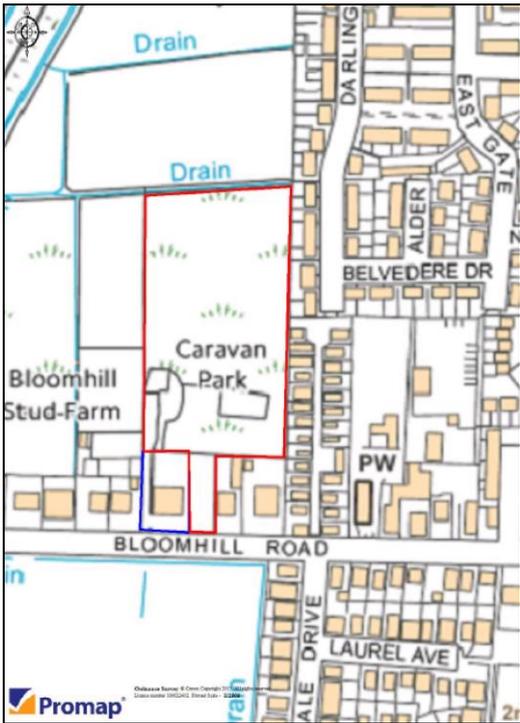
<b>Proposal Description:</b>	Outline application for residential development with means of access to be agreed (being resubmission of application 17/02717/OUTM refused on 27.06.2018).
<b>At:</b>	Land to the rear of Rivendell, Bloomhill Road, Moorends

<b>For:</b>	Mr Lomas of DLP Planning on behalf of Councillor Joe Blackham
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<b>Third Party Reps:</b>	Petition (182) & 24 against/107 in support	<b>Parish:</b>	Thorne Town Council
		<b>Ward:</b>	Thorne And Moorends

<b>Author of Report</b>	Mel Roberts
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<b>MAIN RECOMMENDATION:</b>	REFUSE
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## **1.0 Reason for Report**

- 1.1 This application is being presented to Planning Committee because: i) the development land is in the ownership of Councillor Joe Blackham; ii) it is a departure to the Development Plan; iii) Planning Committee determined the previous application on 27<sup>th</sup> June 2018; and iv) due to the significant public interest (Petition (182) & 24 against/107 in support) it is, as a result, considered to be potentially controversial.

## **2.0 Proposal and Background**

- 2.1 This application seeks outline planning permission for residential development with the means of access to be agreed at this stage and all other matters to be reserved. An indicative layout has been submitted which shows a development of 59 dwellings comprising 2, 3 and 4 bedroomed properties (see Fig 1). This application is identical to the one that planning committee refused in June 2018 under reference 17/02717/OUTM.
- 2.2 Access to the site is to be taken directly from Bloomhill Road. The proposed access to the site runs from Bloomhill Road and into the side garden of a bungalow called Rivendell and then carries on to serve the land to the rear. There is another bungalow called Green Acres that sits on the other side of the proposed access road. The indicative site plan shows that a landscaping strip is proposed between the access road and Green Acres. The indicative layout has been designed to allow for access to adjoining parcels of land.
- 2.3 At the point of access into the proposed housing site (and further beyond to the west), Bloomhill Road is a narrow carriageway with no footpaths either side and is different in character to the road further along to the east (beyond the residential park site), which has a typical width carriageway with footpaths either side.
- 2.4 The application site comprises a single parcel of Greenfield land, which measures approximately 1.72 hectares in size. The site comprises a single field that is level in terms of topography and is vacant and unused.
- 2.5 Existing dwellings lie on the southern boundary on Bloomhill Road and to the east on Darlington Grove with the back gardens bordering the site. Mount Pleasant also exists to the east, which is a residential park site and accommodates 26 pitches. To the west and north are open fields with some minor vegetation in the form of young trees and shrubbery.
- 2.6 The properties to the south of the site on Bloomhill Road are predominately bungalows with some having accommodation within the roof space. The properties on Mount Pleasant are single storey caravan type units with flat roofs and small plots. Darlington Grove forms a cul de sac off a wider residential estate and is made up of semi-detached dormer bungalows and houses.

### **3.0 Planning History**

- 3.1 An identical outline application for residential development was refused on 27<sup>th</sup> June 2018 under reference 17/02717/OUTM. The application was refused for three reasons including: 1) loss of countryside and contrary to policy CS10 of the Core Strategy; 2) not passing the exceptions test; and 3) out of character with the area with floor levels set at 3.5m AOD.
- 3.2 Historical outline planning permission for residential development of 7.35 acres of land at Bloomhill Road, Moorends (Ref: 74/1426/TT). Given the antiquity of this scheme i.e. pre-Development Plan (in the form of the Unitary Development Plan allocation as Countryside), this historic planning decision carries no planning weight, as planning law requires decisions to be taken in line with the Development Plan, unless material considerations indicate otherwise.
- 3.3 1997 Planning Appeal relating to 96/80/1536/P/OTL – relates to Bloomhill Stud, not the land in question. The Inspector did not consider this site to be isolated or in open countryside but part of a largely developed frontage on the north side of the road. The current application site in question is not frontage.
- 3.4 97/2342/P - Revocation of Section 52 Agreement relating to Rivendell, Bloomhill Road. This was a stand-alone agreement on land adjacent to the site that has now been discharged. It is not relevant to this current pending application.
- 3.5 Planning Appeal APP/F4410/A/07/2053597 – this relates to a permission for the erection of a three bedroom detached house at Redmore House. Like the 1997 appeal, the development was acceptable because that side of Bloomhill Road, in the immediate locality, was “*clearly a substantial frontage and the development of that site would not consolidate a fragmented pattern of development*”. The current application site in question is not frontage, so comparisons to this appeal decision are not appropriate.

### **4.0 Representations**

- 4.1 The application has been advertised in the press, on site and with letters sent to all properties bordering the site.
- 4.2 A petition with 182 signatures has been submitted in opposition to the application stating the following concerns:
- i) The site is in a flood zone, with risk of flooding to neighbours and the village.
  - ii) The proposed access is unsuitable.
  - iii) It is a Greenfield site.
  - iv) It is an extension to the village and not infill.
  - v) The site is landlocked by the railway line and existing properties.
  - vi) The infrastructure is inadequate to cope with the additional housing.
  - vii) There will be a detrimental impact on ecology.
  - viii) There will be overlooking of existing properties.

4.3 A further 24 letters of objection have been received and the comments can be summarised as follows:

- i) The site has a poor access and infrastructure and Bloomhill Road cannot cope with traffic from another 59 homes.
- ii) There is no need for any more houses in this area.
- iii) The site is Greenfield land and should therefore be protected.
- iv) The site is at risk of flooding and building more properties is going to add even more volume to existing sewers and drains that cannot cope in heavy rainfall.
- v) The land is continually waterlogged and the water from the development will be forced onto the adjacent caravan site.
- vi) Schools, doctors and hospitals are all stretched to capacity and cannot cope.
- vii) If the attenuation tank overflows then it could flood the adjacent property.
- viii) The site has ecological value.
- ix) There will be a loss of privacy to surrounding properties.
- x) Very little weight should be attached to the Neighbourhood Plan.
- xi) Many supporters of this application belong to the same family.
- xii) Nothing has changed since the previous refusal.

4.4 107 letters of support have been received and the comments can be summarised as follows:

- i) More housing is required in Moorends.
- ii) The development will attract investment into the local community.
- iii) The site is located close to local amenities.
- iv) The development will bring much needed affordable housing.
- v) The influx of children into the area will help the schools.

4.5 Of the 107 letters received in support of the application, 19 are from people who share the same surname as the owners of the land.

## **5.0 Town Council**

5.1 The Town Council received representations from members of the public at its full council meeting on 13th November 2018. Those representations opposed the development with focus on the grounds of the inadequacy of the highway infrastructure to support the development, the loss of green land and flood risk in the area.

## **6.0 Consultations**

6.1 The Environment Agency initially objected to the proposed floor levels of 3.0m above ordnance datum (AOD). The applicant has since agreed to floor levels of 3.5m AOD and the EA has removed its objection subject to a condition requiring finished floor levels to be set no lower than 3.5m AOD.

- 6.2 Although not consulted on this application, Yorkshire Water raised no objections subject to conditions on the previous application.
- 6.3 Doncaster East Internal Drainage Board has raised no objections subject to a suitable scheme for surface water drainage.
- 6.4 Although not consulted on this application, the Council's Drainage section raised no objections subject to conditions on the previous application.
- 6.5 Although not consulted on this application, Transportation raised no objections on the previous application.
- 6.6 Although not consulted on this application, Highways raised no objections subject to a number of conditions on the previous application.
- 6.7 Although not consulted on this application, the Urban Design Officer raised no objection on the previous application.
- 6.8 Although not formally consulted, the comments from the Open Space Officer on the previous application are still relevant. The Open Space Officer indicated that the Moorends Community Profile Area is deficient in 2/5 Open Space typologies, including informal open space. In line with UDP Policy RL4, 10 per cent of the site should be laid out as useable informal Public Open Space, suitable for children's play, or a commuted sum in lieu of this.
- 6.9 Although not formally consulted, the comments from the Ecology Officer on the last application are still relevant. The Ecology Officer was satisfied that no protected species were at risk from the proposed development and therefore raised no objections subject to a condition requiring an ecological enhancement plan.
- 6.10 Although not consulted on this application, the Tree Officer raised no objections on the previous application subject to the submission of a landscaping scheme. This would be determined under a reserved matters application should outline approval be given.
- 6.11 Although not consulted on this application, Environmental Health raised no objections on the previous application subject to conditions that would control noise and dust during construction of the development.
- 6.12 Although not consulted on this application, the Air Quality Officer raised no objection on the previous application subject to a condition requiring electric vehicle charging points within the site.
- 6.13 Pollution Control has commented that although there is no evidence of any previous industrial or other potentially polluting use of the land, further investigation of possible contamination should be secured by a condition given the sensitive nature of the end use as residential. Given that there is no evidence of any previous potentially contaminating uses then such a condition is not necessary.

- 6.14 Although not consulted on this application, Public Rights of Way raised no objections on the previous application, as there are no recorded rights of way affected by the proposed development.
- 6.15 Although not formally consulted, the comments from Education on the last application are still relevant. Education requested a contribution of £164,673 towards school places for Trinity Academy Secondary School, which will be over capacity with the additional nine school places that the development will create.
- 6.16 Network Rail has raised concerns that there will be an increase in usage of the level crossing because of this new housing and therefore an increase in risk. In order to mitigate the increase in risk at the crossing, Network Rail consider that improvements to the crossing deck, layout of the crossing and equipment are necessary. There would be a requirement for the installation of gravel boards to level the ground, alterations to fencing to improve entry/exit to the crossing, along with new heavy duty gates with closers to protect vulnerable users (such as children) and the cost would be around £15,000.

## **7.0 Relevant Policy and Strategic Context**

### National Planning Policy Framework (Feb 2019)

- 7.1 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) 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); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

### Doncaster Core Strategy

- 7.3 Policy CS2 identifies Moorends as a Renewal Town, which together with the other Renewal Towns of Denaby, Edlington and Carcroft/Skellow is to provide up to a total of 1660 houses over the plan period. In Renewal Towns, the priority will be regeneration and housing renewal rather than market-led growth. The Core Strategy states at para 3.30 *“Renewal is therefore the priority in all four towns and this could be undermined (particularly in the*

*short-medium term) by large urban extensions whilst more sustainable opportunities for market-led growth have been identified elsewhere in the borough. For these reasons, the scale of the overall allocation (up to 9%) and the distribution of this between the towns (unspecified) are flexible so that it can be informed by site sustainability considerations.”* The Planning Inspector’s Report in respect to the Core Strategy reinforces that the actual allocation to each town (for all towns and villages in the hierarchy) would be a job for the Sites & Policies Plan.

- 7.4 Policy CS3 states that Doncaster’s countryside will be protected and enhanced. It cites a number of examples of development that would be acceptable in the countryside and these do not include major housing schemes. Proposals which are outside of development allocations will only be supported where they would: retain and improve key green wedges; not be visually detrimental; not create or aggravate highway or amenity problems and preserve the openness of the Countryside Protection Policy Area.
- 7.5 Policy CS4 seeks to direct development to areas of lowest flood risk and ensure that mitigation measures are in place to ensure that developments do not flood. Developments within flood risk areas will be supported where they pass the Sequential and/or Exceptions Test.
- 7.6 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.
- 7.7 Policy CS10 sets out the phasing of new houses to be built and states that new urban extension allocations to the Renewal Towns will be released from 2021 onwards (provided that suitable sites can be identified).
- 7.8 Policy CS12 states that new housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support communities. Housing 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.
- 7.9 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.
- 7.10 Policy CS16 states that 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 will be supported which enhance the borough’s landscape and trees by including measures to mitigate any negative impacts on the landscape, include appropriate hard and soft

landscaping, retain and protect appropriate trees and hedgerows and incorporate new tree and hedgerow planting.

- 7.11 Policy CS18 states that proposals will be supported which reduce air pollution and promote more sustainable transport options and where relevant incorporate low emission technologies and cleaner transport fuels. Where any risks 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.

#### Unitary Development Plan

- 7.12 Policy ENV4 establishes the purposes for which development in the Countryside Policy Area is likely to be permitted. Major residential developments do not fall into any of the identified categories of development deemed to be acceptable.
- 7.13 Policy ENV53 states that the scale of new development must have regard to its wider visual impact. It should not have a significant adverse visual impact on views from major transport routes; or views across open countryside; or views of important landmarks.
- 7.14 Policy RL4 seeks the provision of local public open space or a commuted sum in lieu of this on new developments of 10 or more family dwellings.

#### Local Plan

- 7.15 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Local Plan was approved at Full Council on the 25<sup>th</sup> July 2019 and Regulation 19 Publication is commencing on Monday 12<sup>th</sup> August 2019 for 7 weeks. The Council is aiming to adopt the Local Plan by summer 2020. The emerging Local Plan only identifies housing sites in flood zones 2/3 where they have the benefit of planning permission already (or progressing towards a positive determination) and are considered deliverable and viable. Any further housing site allocations are flood zone 1 (or have a relatively small part of the site area that is at risk) but the developer requirements make clear that only uses such as open space and landscaping will be acceptable on these parts of the site. Given the relatively early stage of preparation of the emerging Local Plan, the document carries limited weight at this stage, although the following policies would be appropriate:
- 7.16 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 7.17 Policy 2 identifies Thorne and Moorends as a main town, which will be a focus for new development.
- 7.18 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.

- 7.19 Policy 8 sets out the requirements for the range of housing including the need for affordable housing.
- 7.20 Policy 14 seeks to promote sustainable transport within new developments.
- 7.21 Policy 17 seeks to consider the needs of cyclists within new developments.
- 7.22 Policy 18 seeks to consider the needs of pedestrians within new developments.
- 7.23 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).
- 7.24 Policy 26 refers to types of development that are acceptable in the countryside and this does not include large-scale housing.
- 7.25 Policy 29 deals with open space provision in new developments.
- 7.26 Policy 31 deals with the need to value biodiversity.
- 7.27 Policy 33 states that the design process should consider woodlands, trees and hedgerows.
- 7.28 Policy 43 deals with the need for good urban design.
- 7.29 Policy 55 requires the need to take into account air and noise pollution.
- 7.30 Policy 56 deals with the need to mitigate any contamination on site.
- 7.31 Policy 57 requires the need for satisfactory drainage including the use of SuDS.
- 7.32 Policy 58 deals with the need to consider flooding.
- 7.33 Policy 59 deals with low carbon and renewable energy within new developments.
- 7.34 Policy 61 requires the need to protect the best and most versatile agricultural land.
- 7.35 Policy 66 deals with developer contributions.

#### Neighbourhood Development Plan

- 7.36 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 31<sup>st</sup> October 2016 for 6 weeks. As such, moderate weight is attached to the Neighbourhood Plan 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. In line with the guidance set out in paragraph 48 of the NPPF, it is unknown if there are unresolved objections, as the regulation 14 consultation was the first formal consultation on the NP. The application site is not allocated in the Neighbourhood Plan.

7.37 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.

7.38 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.

7.39 Policy H4 sets out the need for affordable housing.

7.40 Policy DDH3 sets out the need for good design.

7.41 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

#### Supplementary Planning Documents

7.42 Several Supplementary Planning Documents (SPDs) have been published, which are material considerations in the determination of planning applications.

#### *Development Guidance and Requirements SPD (July 2015)*

7.43 The SPD sets out the guidance to help implement policies in the Development Plan. This includes design in the urban and rural environment, the historic environment, transport and accessibility, strategic green infrastructure, biodiversity, geodiversity and ecological networks, open space standards and requirements, landscape, trees and hedgerows.

#### *South Yorkshire Residential Design Guide SPD (2011)*

7.44 The South Yorkshire Residential Design Guide SPD is intended to provide a consistent approach to design in the development management process and aims to improve the quality of residential design in South Yorkshire.

*Development and Flood Risk SPD (October 2010)*

- 7.45 The Development and Flood Risk SPD has been produced to set out the Council's approach to managing flood risk and sets out the requirements for a sequential assessment.

**8.0 Planning Issues and Discussion**

- 8.1 Planning applications have to be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that "the determination shall be made in accordance with the plan unless material consideration indicates otherwise."

Principle of the Development

- 8.2 The site lies within the Countryside Policy Area as allocated in the Doncaster UDP and within the broad extent of the Countryside Policy Protection Area as defined in the Core Strategy. The proposal should be primarily judged against Core Strategy policies CS2 and CS3 and policy ENV4 of the UDP. These policies protect the countryside from development that would not be appropriate such as major housing proposals and so the proposed development would not comply with these policies.
- 8.3 A recent appeal decision recovered by the Secretary of State (February 2019 – Ref: APP/F4410/W/17/3169288) concluded that UDP Policies ENV2 and ENV4 were out of date. The Secretary of State attached limited weight to policies ENV2 and ENV4 and applied the tilted balance in favour of sustainable development (as stated in paragraph 11 of the National Planning Policy Framework 2019). However, it should be borne in mind that this was the conclusion reached based on the specific circumstances of that application, which related to an urban extension of 600 dwellings to the Doncaster Main Urban Area.
- 8.4 Policy CS2 of the Core Strategy defines Moorends as a Renewal Town and sets a housing target of up to 1660 to be built across Moorends and the other three defined Renewal Towns (Denaby, Edlington and Carcroft/Skellow) over the plan period. Policy CS2 explains that in Renewal Towns, the priority will be regeneration and housing renewal rather than market led-growth.
- 8.5 Core Strategy policy CS10 states that sufficient land will be provided to deliver housing targets according to a phasing strategy. In Renewal Towns, it is envisaged that the potential for delivering urban extension allocations (provided suitable sites can be identified) will be delayed until after 2021. Release of this site for housing now would be contrary to Policy CS10 in that it would be 2 years earlier than the earliest date for the release of new Greenfield urban extensions to the Renewal Towns, including Moorends. Any approval of an application at this stage would undermine the phasing policy of

the Core Strategy and possibly set a precedent for other similar applications to the detriment of the aims of the Core Strategy.

- 8.6 The Core Strategy has not been accompanied by the anticipated Sites and Policies document and so new allocations for the settlement have not yet been defined. Therefore, an argument could be made that the proposal would be supportive of the Core Strategy's Growth and Regeneration Strategy as set out in policy CS2. In terms of progress towards the Renewal Town's Core Strategy indicative housing requirement, annual monitoring as at 1<sup>st</sup> April 2018 shows that during the plan period, 461 net new dwellings have been built so far. As at the same base date, the monitoring identifies a further supply of deliverable/developable permissions at the Renewal Towns of 655 net new dwellings. Completions and deliverable/developable supply therefore totals 1,116 units compared to the target of up to 1,660; or in other words 67% of the Renewal Town's plan period requirement has been identified by year 7 of the plan, with a further 10 years of the plan remaining. There is a very realistic prospect that the strategy for Renewal Towns will be achieved in the next 10 years and there is therefore no pressing need to release the site for housing at present.
- 8.7 The Council can demonstrate a 5-Year Deliverable Housing Land Supply and this has been rigorously tested as part of two recent Public Inquiries. The same Appeal decision as per the above (February 2019 - Ref: APP/F4410/W/17/3169288) concluded that *"The Secretary of State notes that there is some dispute between the main parties as to whether the Council can demonstrate a five year housing land supply. While he notes that the applicant has used an alternative approach to calculate the figure, the Secretary of State considers that the standard methodology should be used in line with the Framework. Using this, the Secretary of State considers that Doncaster Council's annual requirement is circa 600 homes per year, and that based on forecast levels of supply, they can currently demonstrate over ten years supply of housing land."*
- 8.8 To be compliant with policy CS2 of the Core Strategy, proposals for housing development in this Renewal Town should demonstrate how the proposal is contributing to regeneration. As a market-led development, the development does not achieve this and does not attempt to provide other means of contributing to the objectives of policy CS2, such as, for example, provision of a commuted sum towards a regeneration project in Moorends. The only contribution would be indirect by the arguable provision of a new wider choice in house types and affordability in the settlement. The proposal does not therefore comply with policy CS2 of the Core Strategy.
- 8.9 The site is located close to services within the centre of Moorends. It has one edge along the boundary of the built up area of Moorends. The ribbon of houses along Bloomhill Road lie within the countryside. The development is not infill. If there was a need to allocate a site for an urban extension to deliver more houses as part of the future Local Plan then the site might have locational merit, but would need to be considered against other sites and

planning criteria as part of the due process of the Local Plan preparation, having regard to the fact that the site lies within flood zone 3.

- 8.10 Given the above, policy CS2 has a clear emphasis on renewal rather than market-led growth at all four of the Renewal Town settlements and there is a realistic prospect that the strategy for the Renewal Towns will be achieved so there is no pressing need to release the site at present. The proposal does not comply with policy CS2 or CS10 of the Core Strategy.

### Flooding

- 8.11 A Flood Risk Assessment (FRA) has been submitted with the application. The Environment Agency flood maps indicate that the site is wholly located within Flood Zone 3. The main potential source of flooding to the site is tidal flooding, but the risk is low due to the protection offered by flood defences. The risk of flooding to the site is residual and attributed to possible failure of flood defences and pumping stations.
- 8.12 The Topographical Survey shows that site levels vary from a low of 1.46m AOD in the centre of the site to approximately 2m AOD in the northern part of the site. The report concludes that the mitigation of residual flood risk can be achieved by raising ground floor levels to 3.0m AOD, as opposed to 3.5m AOD as agreed with the Environment Agency on the previous application. The Environment Agency has objected to floor levels being set at 3.0m AOD however on the basis that the applicant had demonstrated that 3.5m AOD was achievable on the previous application and due to a lack of evidence to demonstrate that this level is sufficient to exclude flood risk for the lifetime of the development. The FRA does not assess the breach risk from the Upper Humber model, which demonstrates that the site could be impacted from a breach in the flood defences of the River Don. The FRA also states that flood defences and pumping stations will continue to be funded; there is no certainty that funding will be available for the lifetime of the development to maintain these assets to an appropriate standard to protect this area. All new development proposals should be resilient against flood risk and not rely on existing flood defence assets. Any housing built after 2012 cannot be used to generate flood defence grant in aid funding and therefore does not contribute to the maintenance of these assets. Additional development proposals in high flood risk areas that are not built in a flood resistant and resilient manner will increase the burden on the existing flood defence infrastructure protecting this area.
- 8.13 The applicant has therefore reverted to a finished floor level of 3.5m AOD as agreed with the Environment Agency on the previous application. This floor level will be achieved by raising site levels in the location of individual plots. This will entail raising ground levels to 3m AOD (approximately 1m – 1.5m of ground raising) and raising finished floor levels by 0.5m. Ground raising at individual plots can be achieved through ramping up driveways and gardens.

This approach is recommended to prevent any structural issues associated with pressure of water against walls. Flood resilience and resistance measures will also be incorporated into the design. The report concludes that the raising of land levels to facilitate raised floor levels would have negligible impact on flood risk elsewhere and would not increase tidal flood levels at nearby properties.

- 8.14 The proposed development would introduce impermeable drainage areas in the form of buildings and roads. This will result in an increase in surface water runoff. In order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control can be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 30% climate change. Attenuation can be provided within a pond, basin or an underground tank. Yorkshire Water have confirmed that foul flows can discharge to the 225mm public combined sewer in Bloomhill Road.
- 8.15 The development is classed as a more vulnerable use of the site and therefore the Sequential and Exceptions Tests must be applied and passed.
- 8.16 In terms of the Sequential test, the area of search can be limited to Moorends given the need for housing at the Renewal Towns as set out in policy CS2 and this approach has been accepted on other recent applications made in the area and other Renewal Towns. Moorends is wholly located within Flood Zone 3 and so by default there are no alternative sites with a lower flood risk classification. As such, there are no alternative sites within Moorends at a lower flood risk and the Sequential Test is passed.
- 8.17 The Exception Test is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. For the Exception Test to be passed, it must be demonstrated that:
- a) the development provides wider sustainability benefits to the community that outweigh flood risk; and,
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 8.18 Further to this, the Planning Practice Guidance states that evidence of wider sustainability benefits to the community should be provided, for instance, through the sustainability appraisal (SA). If a potential site fails to score positively against the aims and objectives of the SA, or is not otherwise capable of demonstrating sustainability benefits, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so

- 8.19 In September 2018, the Council published its SA of housing site options that have been promoted via the emerging Local Plan process as part of the Local Plan Draft Policies & Proposed Sites consultation. The site subject to this application is included in the SA (site reference 469) and overall is identified as having mainly positive or neutral effects across the 32 SA criteria. There are only a handful of potential negative effects identified, such as proximity to a train station, flood risk, biodiversity, landscape, and secondary school capacity. The applicant has submitted a number of site surveys and assessment documents (e.g. a Transport Statement, Sequential Test, Ecology Report) and a contribution towards increasing school capacity has been identified. In line with NPPF and the Planning Practice Guidance, the SA demonstrates that there are wider sustainability benefits to the community and potential negative effects have been addressed. The proposal therefore passes part a) of the Exceptions Test and this is therefore not a reason for refusal as was the case on the previous application.
- 8.20 In terms of part b), a site specific Flood Risk Assessment has been submitted which demonstrates that with the increase in finished floor levels, and other measures proposed, that the development will be safe for its lifetime and will not increase flood risk elsewhere. The proposal therefore also passes part b) of the Exceptions Test.

#### Character and appearance

- 8.21 The applicant has submitted a Landscape and Visual Assessment (LVA). The report appraises the landscape and visual baseline within which the application site is located and considers the changes that might arise as a result of the proposals.
- 8.22 The LVA generally concludes that the impact of the development on the immediate site context and landscape character area is moderate/minor adverse during the construction period to minor adverse in the longer term when the site has matured with landscaping. The greatest significance of visual change would be restricted to existing dwellings immediately to the south and east of the site. The significance of visual change upon these dwellings has been generally assessed as major/moderate adverse during construction and moderate adverse in the longer term. The LVA also indicates that the significance of visual change decreases with distance from the site and properties at the western end of Bloomhill Road, the northern end of Darlington Grove and at the southern end of Bloomhill Court will experience moderate or minor adverse change during construction and minor or negligible change in the longer term. Boundary landscaping to the south and east of the site could be employed in mitigation if deemed necessary.
- 8.23 The site and surrounding area is a relatively flat landscape and the introduction of a development of around 60 houses with floor levels much higher than surrounding properties is bound to have an impact on the character and appearance of the area.

The fact that Moorends has a typically flat topography and houses are at a similar ground level, there is genuine concern that a development of around 60 houses with floor levels up to 2 metres higher will not be in keeping with the character of the area and will be visible especially when viewed from the south over the open fields. The EA has indicated that properties will need to be two storeys to ensure that there is accommodation at higher than ground level given that the site is within flood zone 3. The applicant has suggested that dormer bungalows could meet the EA requirement and keep the scale of properties down; many of the properties surrounding the site are either bungalows or dormer bungalows and so the proposed dwellings are likely to be of similar or greater height and on higher land. Landscaping would take many years to establish and it is unlikely that this would mitigate against the harmful visual impact that the development will have. The application does therefore not comply with policy CS14 of the Core Strategy and policy ENV53 of the Doncaster UDP.

#### Residential amenity

- 8.24 The proposal is not seeking to agree layout and appearance at this stage and so matters such as possible overlooking or overshadowing of properties surrounding the site is not a consideration. If outline permission is granted then the layout and appearance of the development can be agreed at reserved matters stage to ensure that there is no impact on the amenity of surrounding properties by for instance maintaining adequate separation distances.
- 8.25 The main consideration at this stage is the possible impact that the new access road will have on the adjoining residential properties. The new access road will be only 6m from the side elevation of Rivendell and there is clearly going to be additional noise and disturbance to the occupants of this property from what currently exists given the number of comings and goings from the development. There are windows on the side elevation of Rivendell, which will exacerbate the impact on this property. The possible impact on the occupants of Rivendell is less of a consideration however, given that the family own the application site and are agreeable to allowing the access to run through their garden.
- 8.26 Consideration needs to be given to the possible impact on the occupants of Green Acres in terms of noise disturbance from vehicles and people using the access road. The access road will be 10.5m from the side of the bungalow. As with the case of Rivendell, there is likely to be an increase in noise and disturbance to the occupants of Green Acres given that there are side windows facing the access road and the back garden runs parallel with the road. The plans do however show a landscaping strip between the access road and Green Acres, which together with an acoustic fence (that could be secured by a planning condition) could mitigate against any noise disturbance to the occupants of Green Acres to an acceptable level.

It is not uncommon to see an access road serving an estate that passes front houses in this way. Although there will be an impact on residential amenity from noise arising from use of the access road, it is considered on balance that this would not in itself be a sufficient reason to refuse the application.

### Transport

- 8.27 A Transport Statement has been submitted with the application. The report demonstrates that the site is within walking distance of the local centre; this reduces the need for private car travel with ease of access to the nearby services and bus routes that connect to employment locations further afield.
- 8.28 The report states that the proposed development will generate 9 arrivals and 35 departures during the morning peak hour and 26 arrivals and 14 departures during the evening peak hour, which is negligible.
- 8.29 In order to accommodate the additional traffic generated by the proposal, Bloomhill Road will require widening where it narrows. A plan shows that the road will be widened up to and slightly beyond the access point into the site with a footway provided on the northern side of the road (see fig 2). There is highway land available to accommodate the widening of the road and these works could be secured by a Grampian condition. The plans show a suitable visibility splay and tracking shows that refuse vehicles can access the site safely. The application therefore accords with policy CS9 of the Core Strategy.

### Ecology

- 8.30 The applicant has submitted an Ecological Appraisal. The report concludes that the majority of the habitats on the site are of negligible or low ecological value. The site consists of a residential garden and a field consisting of species-poor semi-improved grassland and an area of marshy grassland. A partially dry ditch runs to the north of the site bordered by dense scrub and a mature hedgerow runs along the border to the west. The hedgerows are species poor and the dense scrub is mainly comprised of bramble and nettles, but will provide limited habitat for breeding birds.
- 8.31 The report states that a number of birds were observed on site and it is likely that some species will be nesting in the hedgerows and dense scrub. House sparrows, starlings and red-listed birds of conservation concern were recorded foraging on the site.
- 8.32 Common pipistrelle and noctule bats were recorded foraging over the site. Buildings were assessed as having negligible potential to support roosting bats. No evidence of reptiles or badgers was found. The report recommends that development works seek to retain the native hedgerow that runs along the western boundary and incorporates native wildlife friendly planting into the landscaping scheme.

- 8.33 A pond 720 metres from the site at Thorne Railway Delves does have Great Crested Newts present. However, there are no ponds within the site or the immediate area and given that Great Crested Newts normally stay within 250m of the breeding ponds, they are not considered to be present at the site. The application therefore accords with policy CS16 of the Core Strategy.

#### Loss of agricultural land

- 8.34 Agricultural land classification maps (Natural England – Yorkshire and Humberside ALC) indicate that the soil quality within the site is Grade 3B 'moderate.' The land has negligible agricultural value however given its size and proximity to existing built form and is not currently in agricultural use. There is therefore no loss of high quality agricultural land and the proposal complies with policy CS18 of the Core Strategy.

#### Benefits of the proposal

- 8.35 The proposal would clearly add to the housing mix in Moorends. The proposal would create temporary construction jobs. The proposal could also create affordable housing (subject to viability) and the indicative layout includes provision for 16 affordable homes, which equates to a 27 per cent on site contribution. The applicant has not submitted a viability statement at this stage, but could do so at any point in the future should the development be found unviable owing to the requirement for 26 per cent affordable housing, 10 per cent of the site area for open space (or a commuted sum in lieu of this), £164,673 of education contributions, road widening works and the significant costs to achieve required floor levels.

### **9.0 Overall conclusions**

- 9.1 The site lies within an area shown as countryside in the Core Strategy and UDP, where policies do not normally allow for developments such as large scale housing schemes and the proposal is therefore contrary to policies CS3 and ENV4. Policy CS2 of the Core Strategy identifies Moorends as a Renewal Town and sets a housing target of up to 1660 to be built across Moorends and the other three defined Renewal Towns (Denaby, Edlington and Carcroft/Skellow) over the plan period up to 2028. Policy CS10 however states that urban extension allocations to Renewal Towns (provided suitable sites can be identified) will be delayed until after 2021. The release of this site for housing now would be contrary to policy CS10 and would undermine the phasing aims of the Core Strategy. There is no pressing need to release this site for housing because 70 per cent of the housing target for Renewal Towns is accounted for, with still another 10 years of the plan period left to run. As a market-led development, the proposal is not compliant with policy CS2, which seeks to promote regeneration and housing renewal.

The Council can demonstrate that it has a 5-year housing supply and so the policies within the development Plan are up-to-date. Although the site is within a location close to the centre of Moorends, its suitability for housing should be considered as part of the due process in preparing the Local Plan.

- 9.2 The applicant has shown that the site can be mitigated against flooding with the raising of floor levels to 3.5m AOD and that the development will not cause flooding to surrounding properties. The proposal passes the Sequential Test and Exceptions Test.
- 9.3 Although generally finding no significant visual harm from the development, the LVA accepts that there will be a moderate adverse impact to residential properties to the south and east of the site in the longer term. Although scale and appearance are not a consideration at this stage, there is concern that allowing a development of 2 storeys with floor levels of 3.5m AOD will result in harm to the character of the area, especially when viewed from the south. Any landscaping proposed will take time to mature and is unlikely to mitigate against the visual impact that this large development will have.
- 9.4 Although the position of the access so close to the existing properties is likely to result in increased noise disturbance, this type of arrangement is not uncommon and can be mitigated with the provision of an acoustic fence and landscaping and is not in itself a sufficient reason to refuse the application. The Transport Statement shows that the site can accommodate the extra traffic generated particularly with the widening of Bloomhill Road as indicated on the plans. The ecological value of the site is low and can be mitigated against and the site is not high quality agricultural land.
- 9.5 There would be some benefits arising from the proposal including the provision of affordable housing (subject to viability) and the creation of jobs during construction of the development, but these material considerations do not outweigh the fact that the proposal is contrary to the Development Plan in that the site is countryside and is within flood zone 3 and there is no pressing need to release this site for housing at this stage.

## **10.0 Recommendation**

10.1 Planning permission be **REFUSED** for the following reasons:

- 1) The application is contrary to policies CS3 of the Core Strategy and policy ENV4 of the Doncaster UDP, which do not normally allow for housing developments in the countryside. The application is also contrary to policy CS10 of the Core Strategy, which states that housing allocations in Renewal Towns such as Moorends are not intended to be released until 2021 onwards. The proposal is a market-led development, does not offer any regeneration benefits to Moorends and is therefore contrary to policy CS2 of the Core Strategy.

- 2) Although not seeking to agree scale and appearance at this stage, the proposal will be out of character with the surrounding area at the floor levels of 3.5m AOD required to mitigate against flood risk, especially when viewed from the south and the application is therefore contrary to policy ENV53 of the Doncaster UDP.

**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: Indicative site layout plan.

