

CITY OF DONCASTER COUNCIL

REGENERATION & HOUSING OVERVIEW & SCRUTINY PANEL

THURSDAY, 7TH MARCH, 2024

A MEETING of the REGENERATION & HOUSING OVERVIEW & SCRUTINY PANEL was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on THURSDAY, 7TH MARCH, 2024 at 2.00 PM

PRESENT:

Chair - Councillor Majid Khan

Councillors Sue Farmer, Iris Beech, Sophie Liu, John Mounsey, Thomas Noon, Ian Pearson and Andrea Robinson

ALSO IN ATTENDANCE:

Councillors Gemma Cobby, Emma Muddiman-Rawlins, David Nevett and James Church

Scott Cardwell, Service Director Place
Jonathan Clarke Planning Policy and Environment Manager
Nicola Ward Principal Planning Officer
Richard Dobson, Senior Planning Officer
Helen Markland, Principal Ecologist

APOLOGIES:

Apologies for absence were received from Councillors Steve Cox

		<u>ACTION</u>
1	<u>TO CONSIDER THE EXTENT, IF ANY, TO WHICH THE PUBLIC AND PRESS ARE TO BE EXCLUDED FROM THE MEETING.</u>	
	There were no items on the agenda.	
2	<u>DECLARATIONS OF INTEREST, IF ANY.</u>	
	There were no declarations of interest made.	
3	<u>MINUTES OF THE MEETING HELD ON 19TH OCTOBER 2023</u>	
	RESOLVED: That the minutes of the meeting held on 19 th October 2023, be approved as a correct record and signed by the Chair.	

4	<u>PUBLIC STATEMENTS - [A PERIOD NOT EXCEEDING 20 MINUTES FOR STATEMENTS FROM UP TO 5 MEMBERS OF THE PUBLIC ON MATTERS WITHIN THE COMMITTEES REMIT, PROPOSING ACTION(S) WHICH MAY BE CONSIDERED OR CONTRIBUTE TOWARDS THE FUTURE DEVELOPMENT OF THE COMMITTEES WORK PROGRAMME].</u>	
	There were no public statements made.	
5	<u>DONCASTER LOCAL PLAN 2015-2035 UPDATE</u>	
	<p>The Planning Policy and Environment Manager presented the Panel with an annual monitoring report on the Doncaster Local Plan 2015-2035, adopted by the Full Council in September 2021.</p> <p>A detailed and informative presentation accompanied the report covering the following key areas:</p> <ul style="list-style-type: none"> • Local Plan recap including post adoption and implementation; • Local Plan Objectives, with a focus on the key monitoring indicators for Regeneration and Housing; • Appeals performance; and • Levelling-up and Regeneration Act: Reforms to National Planning Policy with respect to Plan-making. <p>Following the presentation the Chair outlined to the Panel that it was required to consider and comment on the performance and effectiveness of the Local Plan and the extent to which it continued to meet the Borough’s needs and objectives. Members therefore considered the following issues in detail:</p> <p><u>General Performance of the Local Plan</u> – It was explained that the Local Plan was performing well and serving the needs of the City, with both employment and housing development exceeding targets which confirmed the right sites had been allocated in the right place. It was noted that as part of the Local Plan evidence base, the forecasting work undertaken was accurate and reflected the current position. Linked to housing development were for example, affordable housing targets, policies for highways improvement and green infrastructure design which linked everything together providing a good quality of life for people across the City of Doncaster.</p> <p><u>Planning appeal performance</u> – in response to a Member questioning why there were still a number of planning applications going to appeal, it was explained that it was an applicant’s right to appeal if they were dissatisfied with the outcome. Each application was considered on it’s merits with some overturned and some allowed. It was noted that some appeals for development within the Countryside Policy area had been refused due to Local Plan policies. It was further explained that the Government monitored appeal outcomes and would undertake an</p>	

investigation if there was thought to be a problem.

The Service Director praised the Team that prepared the Local Plan, looking at the success rate of 85% of appeals agreed in the Local Authority's favour, showing there were robust policies in place.

The Panel was reminded by a Member that Planning Appeal decisions were included in the Planning Agenda, for information.

A Member questioned benchmarking undertaken with other authorities and in response it was explained that this required a fair comparison and neighbouring authorities were at very different stages with their Local Plan process however, it was something that the officer would investigate. The officer also offered to circulate the South Yorkshire Mayoral Combined Authority Statement of Common Ground, that identified Doncaster's, Sheffield's, Rotherham's and Barnsley's housing requirements, completions and 5 year land supply position. This would provide a flavour of the scale of ambition and delivery. It was stressed that Sheffield would always have a different approach to Doncaster due to the city centre apartment density type accommodation.

Unadopted roads – It was clarified that when a developer approached the local authority with a planning application that included estate roads, they had to be brought up to adoptable standard. Planning applications that include up to 5 dwellings could be built on a private road and in this case a Section 278 Agreement would be sought.

Members acknowledged that infill properties could be built within residential areas on unadopted roads and in these circumstances vehicular safety standards were required, for example, turning areas to ensure vehicles were always driving away in a forward gear.

It was noted that it was always a challenge for the Highways Team to make good and adopt unadopted roads and these were addressed in priority order. It was stressed that Doncaster's position was no different to other Councils across the country.

Properties for people with disabilities – in response to a statement by a Member relating to properties that included charging units for electric vehicles and disabled parking, it was explained that the Local Authority could only create planning policy that mirrored national planning legislation and if local policies were developed outside this framework then a developer would most certainly win planning appeals.

Following detailed discussion, the Chair sought clarification and it was confirmed that the Planning Team and Building Inspectors were working within the legislation and if developers did not meet building regulations, enforcement action would be taken.

Housing stock and the aging population – in response to concerns

expressed, it was confirmed that policies relating to accessibility standards were in place and that developers were to adhere to them. The Panel noted that the Housing Needs Assessment within the Local Plan detailed settlements broken down into communities and highlights housing need, including bungalows. Developers used this information to assess housing needs within communities which aids them to develop proposals. It was acknowledged that bungalows required more land and the local authority was achieving its targeted development for this type of property.

Levelling Up Act future consultation - Future consultations on issues such as climate change adaptation, flood risk management, provision of social homes and electric vehicle points was expected but nothing had been published to date. The Panel noted that the Government was undertaking an internet based approach with web based consultations with authorities being notified through information bulletins, generally with a short timeframe for response.

New social housing built with solar electric vehicle charging points – the Panel’s comments were appreciated but it was explained that infrastructures of this nature were being installed by developers in line with Government requirements, even if they were not required at this time by the current households. It was accepted that they could be required by families in the near future.

Implementation of the Local Plan – A Member referred to the compelling evidence with regard to this and commended officers for the work they had undertaken.

New homes building targets – A Member’s comments on this issue included the positive impact on the economy, concerns relating to a possible tipping point of being over target and whether further consideration had been given to what now constitutes an affordable home, particularly bearing in mind the cost of living crisis.

In response it was explained that during the Local Plan examination housing supply was discussed and identified a front loaded trajectory of house building. This was partly due to a number of developments with existing planning permissions, meaning not many additional new sites were required. It was noted that the only way of spreading out house building was to introduce phasing policies allowing a number of sites at particular times. Having a front loaded trajectory showed that housing need was being met and more affordable houses were being built sooner within the Local Plan period. Members were reminded of the 5 year review of the Local Plan that would address housing growth, requirements and how the sector was performing.

With regard to assessing affordable housing the definition was provided by Government. It was noted that 361 starter homes had been built but when the housing needs study was undertaken it

showed 200 per annum were required additional to the Local Authority's own Council House build programme. The Panel noted the optimism in relation to the amount of affordable housing being provided. In relation to the Local Plan and Policy this had been future proofed by stating that planning applications and decisions would be informed by the latest local housing need assessment and understanding of affordable housing.

Disposal of land to smaller house builders – In response to a query relating to building opportunities for smaller businesses in Doncaster and also provision of homes for more specialist need, it was explained that the Local Plan issued sites where five properties could be developed (this was the threshold within Government guidance). It was noted that the smaller infill development that provided for up to four properties were monitored and within the Local Plan made an allowance of 200 sites, the sum of which was taken off the overall sites required.

It was also noted that the Local Authority was working with a number of SME builders to promote working together, enabling them to seek the larger development sites. It was acknowledged that the vast majority of sites within the Local Plan were not owned by the Council and therefore it would not have control to assist small builders, but there was an opportunity through Strategic Housing to offer opportunities and assistance.

Following a request from a Panel Member, it was acknowledged that an update on the work with SME's would be programmed for a future meeting of the Panel.

Flood Risk Management Strategy and links with the Local Plan – It was explained that during the Local Plan preparation the 2014 Flood Risk Management Strategy was in place but since its adoption a new Strategy had been approved in 2023. The Strategy focused on the Local Authority's responsibility including management of surface water, ground water and highway flooding opposed to responsibility by the Environment agency of main river flooding.

It was outlined that there were five strategic aims within the Strategy which were being actioned including procuring a study by specialist flood risk engineers. This would update detailed boundaries of functional flood plains designed to flood in extreme flooding events. This information would be updated on the local flooding plan, and an example of how the Strategy would support and update the Local Plan.

In response to concern relating to sewage outlets, the Panel's concern was appreciated but Members were reminded that the Local Authority had statutory consultees whose advice must be taken into account, including the Water Authorities, and until Central Government stated

they were not fit for purpose, their expert advice much be taken into account.

At this stage of the meeting a presentation on Biodiversity was provided by the Principal Ecologist. The following areas were addressed:

Protection of rare flora and fauna – In response to concern about protecting sites across the borough from development, it was noted that some of the existing natural areas were fantastic. It was noted that these sites were of high value in terms of biodiversity units and expensive to compensate for and therefore were less likely to be used for building development.

With regard to improving condition of such Council owned sites, was an issue being addressed in terms of how new habitats could be created and delivery of biodiversity net gain projects. This was an extensive piece of work and in some cases acknowledged that existing grasslands could be better managed but it was dependent on individual circumstances. It was noted that there were many protection projects ongoing in relation to conservation and sites of interest, for example the South Yorkshire Local Nature Recovery Strategy that would identify sites of current value or could have potential good value.

New Biodiversity Net Gain – It was noted that whilst the local authority was operating under the biodiversity planning policy prior to biodiversity net gain becoming mandatory, Section 106 contributions were achieved to deliver on specific sites, for example project working with the Wildlife Trust delivering grassland habitats near Rossington. It was acknowledged that it took considerable time to establish sites and the specific scope of each site.

It was noted that where the local authority created a habitat bank and units were sold on the open market, technically they could be identified as development sites but they would be very expensive to acquire and therefore developers wouldn't necessarily seek permissions for such a site.

In response to a question relating to working alongside Street Scene it was explained that maintaining and establishing land banks were undertaken in a specialised manner, and in terms of management of the Council projects options available would be explored for example, as highlighted with the Rossington Project the Council was working alongside the Wildlife Trust.

Areas Biodiversity net gain units could be purchased – the Panel expressed concern with regard to the distance from the original development site where Biodiversity Net gain credits could be purchased. In response it was explained self-set trees as had been described by a Member would need to be compensated for but young

trees were not as valuable in terms of biodiversity units as an old established woodland. Units would have to be found to compensate for the loss of such areas and could be on a national scale.

Impact of Biodiversity net gain on Section 106 Agreements – Concern was expressed with regard to possible loss of amenity for local communities gained through Section 106 Agreements but it was explained that requests for contributions through this mechanism were for many amenities and that would not change. The only change would be contributions for biodiversity net gain.

It was confirmed that to compensate for biodiversity impact, this would not be undertaken through a Section 106 but by the mandatory purchase of biodiversity net gain units for sale on the open market, they must be met and could not be negotiated away.

With regard to public open space, it was explained to the Panel that as part of the Local Plan, development viability studies were undertaken and presented as a key piece of evidence to the Inspector that sites proposed should generally be able to provide developer contributions in line with relevant policy requirements.

It was confirmed that the law dictated steps to be taken by any developer wishing to build on a site and planning applications need to provide present habitats on the day they were submitted. If a site was cleared prior to development then an assessment of exactly what was on site prior to development must be provided.

A Member expressed concern with regard to a specific council owned site but it was explained that within the design of the scheme the biodiversity could be compensated for. The Panel was informed that the specific site was an allocated housing site within the Local Plan and the application far exceeded open space and green area policy requirements.

National sites register – It was reported that DEFRA had established a National Sites Register. If a developer was delivering biodiversity net gain units off site, they must be recorded on the National Sites Register. The role of the Register was to prevent double counting and stop units being sold to 10 different developers. Therefore, when a developer submits its biodiversity net gain plan the local authority would check where the off-site units were proposed and if it was registered. Development could not commence until a developer had confirmed its biodiversity plan and units purchased were confirmed with a legal agreement in place.

Rewilding – It was explained that rewilding was leaving a site to create its own habitats.

Greenfield sites – when a site was proposed as a biodiversity net gain

	<p>site, it would have to be assessed for what it was currently used as. For example, a public open space that people used for walking and the grassland was not of a good quality, this could be enhanced to include scrubland areas or meadowland habitats.</p> <p><u>SSSI's</u> – It was confirmed that the use of these sites would not be allowed for the purpose of a biodiversity net gain site because they were already being managed to be in good biodiverse conditions.</p> <p><u>Use of quarries as a biodiversity net gain sites</u> – it was explained that this would depend on the planning history of such sites. The Panel acknowledged that Doncaster already had fantastic habitats on such sites, but there would need to be a site where there was room for improved or new biodiversity to be established as a net gain site.</p> <p><u>Monetary value of biodiversity units</u> – a legal agreement would need to be in place that set out when units were purchased. Some units could be reserved for a smaller fee to ensure certainty of cost whilst planning applications were being agreed. Generally units would be purchased upfront prior to development works commencing.</p> <p>RESOLVED: That the presentations and discussion, be noted.</p>	
7	<p><u>OVERVIEW AND SCRUTINY WORK PLAN AND COUNCIL'S FORWARD PLAN OF KEY DECISIONS</u></p>	
	<p>The Senior Governance Officer presented the Scrutiny Work Plan and Council's Forward Plan of Key Decisions to the Panel for it's consideration. She also requested that if Members were aware of any areas they wished to give consideration to in the new Civic Year to inform both the Senior Governance Officers and the Chair.</p> <p>RESOLVED: That the report, be noted.</p>	

	<p>Signed: _____</p> <p>Dated: _____</p>	
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