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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 5TH MARCH, 2019

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 5TH MARCH, 2019, at 2.00 pm.

PRESENT:

Chair - Councillor Iris Beech
Vice-Chair - Councillor Sue McGuinness

Councillors Duncan Anderson, Mick Cooper, Susan Durant, John Healy, David Hughes, Eva Hughes, Dave Shaw and Jonathan Wood

APOLOGIES:

An apology for absence was received from Councillor Andy Pickering

72 DECLARATIONS OF INTEREST, IF ANY.

No declarations were reported at the meeting.

73 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 5TH FEBRUARY, 2019.

RESOLVED that the minutes of the meeting held on 5th February, 2019, be approved as a correct record and signed by the Chair.

74 SCHEDULE OF APPLICATIONS.

RESOLVED that upon consideration of a Schedule of Planning and Other Applications received, together with the recommendations in respect thereof, the recommendations be approved in accordance with Schedule and marked Appendix 'A'.

75 TOWN AND COUNTRY PLANNING ACT 1990, SECTION 106 AGREEMENT

RESOLVED that prior to the issue of planning permission in respect of the following planning application, which is included in the Schedule of Planning and Other Applications marked Appendix 'A' and attached hereto, the applicant be required to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990, regulating the development:-

Application No.	Description and Location.
18/01748/OUTM	Outline application for erection of up to 140 dwellings, including scale and means of access at land on the North

	Side of Hayfield Lane, Auckley, Doncaster.
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76 ADJOURNMENT OF MEETING

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 3.39 p.m. to be reconvened on this day at 3.45 p.m.

77 RECONVENING OF MEETING

The meeting reconvened at 3.45 p.m.

78 APPLICATION TO MODIFY TERMS OF SECTION 106 AGREEMENT RELATING TO THE TIMING, DETAILS OF WORKS, IMPLEMENTATION PROGRAMME AND SAFETY MEASURES ASSOCIATED WITH THE RAILWAY CROSSING IMPROVEMENT SCHEME, IN CONNECTION WITH PLANNING APPLICATION 01/1201/P (MIXED USE DEVELOPMENT AT MANOR FARM, BESSACARR) - APPLICATION REFERENCE 18/00717/DOV.

The Committee considered a report which detailed an Application submitted by Persimmon Homes for the modification of the terms of a Section 106 agreement in order to allow further homes to be occupied on the Manor Farm development before the Railway Crossing Scheme (an underpass) is provided.

Members were advised that during the consideration of the first Reserved Matters application, Network Rail and Persimmon agreed a Heads of Terms document whereby up to 150 dwellings could be occupied, and if the underpass was still not in place, then more than 150 dwellings could be occupied with additional safety measures.

It was reported that the Heads of Terms document was not formalised, despite the parties working within the perimeters of the agreement, and the original Section 106 agreement was not at that time varied. However, a condition was imposed, following consultation with Network Rail, that no more than 150 dwellings were to be occupied prior to 31 December 2015 and the completion of the improvement works (upgrading of the crossing) set out in the Section 106 agreement. This condition was added at the request of Network Rail. A further condition was imposed for a 1.8m high fence running North-South across the site to prevent occupants from phase one of the development being able to access Carr Lane Crossing until the railway crossing scheme (underpass) was in place and open to the public.

Members were advised that a fence was in place and Network Rail were satisfied that this measure was effective. Network Rail had assessed the risk of allowing up to 250 homes to be occupied without a railway crossing scheme in place and had produced a report 'House Occupations at Manor Farm Development: Risk/Mitigation of Risk to Rail Crossing Users' dated February 2018. It was noted that the report sets out that the statutory consultee, Network Rail was satisfied that at the current time sufficient measures were in place to allow a further 100 number of houses to be occupied, giving a total of 250 occupancy.

It was advised that Persimmon must still fulfil their requirement to provide an underpass as part of the legal agreement to support the Manor Farm Development.

Officers reported that since the submission of the Deed of Variation, the 150 dwelling limit had been exceeded up to 187 by February 2019. Network Rail were aware of this and this follows their reassessment of occupancy to 250. It was noted that Network Rail had supported Persimmon at a Level Crossing Safety Event on the 5th February 2019, which is one of the soft measures outlined in the report that should be in place to support the increased number. As such, the authority had not considered taking enforcement action because the application to vary the agreement had been submitted and was determined and Network Rail were aware of the increased occupancy and raised no objection.

It was reported that a number of representations had been made as a result of the advertisement of the Deed of Variation application. Councillor Neil Gethin had requested that the proposal be decided by the Planning Committee and Councillor Richard Allan Jones had objected to the proposal.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Robin McGinn, Persimmon Homes (the applicant), spoke in support of the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Phil Midgely, spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor Majid Khan (on behalf of Councillor Neil Gethin) spoke in opposition to the application for the duration of up to 5 minutes.

A representative from Network Rail was also present at the meeting to answer any questions.

Subsequently, it was MOVED by the Chair, Councillor Iris Beech and seconded by the Vice-Chair, Councillor Sue McGuinness that the Deed of Variation to the Section 106 agreement to allow up to 250 dwellings to be occupied be approved prior to the underpass being in place.

A vote was taken on the proposal made by the Chair, Councillor Iris Beech which was declared as follows:-

For	-	2
Against	-	4
Abstain	-	0

On being put to the meeting, the motion proposed by the Chair, Councillor Iris Beech FELL.

Subsequently, an amendment to the MOTION was MOVED by Councillor Mick Cooper and seconded by Councillor John Healy that the Deed of Variation be deferred for further clarification on the contractual arrangements and timescales

for delivery of the underpass, for further clarification on the points raised by Mr Midgely and for consideration of other pedestrian routes that could be used as an alternative to the underpass.

A vote was taken on the amended proposal made by the Councillor Mick Cooper which was declared as follows:-

For	-	6
Against	-	0
Abstain	-	0

On being put to the meeting, the amendment to the motion proposed by the Chair, Councillor Mick Cooper was declared CARRIED.

RESOLVED that the Deed of Variation be deferred for further clarification on the contractual arrangements and timescales for delivery of the underpass, for further clarification on the points raised by Mr Midgely and for consideration of other pedestrian routes that could be used as an alternative to the underpass.

79 DURATION OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 33.1, the Committee, having sat continuously for 3 hours, continue to consider the items of business on the agenda.

80 APPEAL DECISIONS.

RESOLVED that the following decisions of the Secretary of State and/or his inspector, in respect of the under-mentioned Planning Appeals against the decision of the Council, be noted:-

Application No	Application Description and Location	Appeal Decision
15/01278/OUTM	Outline application for residential development with open space, landscaping and associated access (Approval being sought for access) at Land to the east, Mere Lane, Edenthorpe, Doncaster	Appeal Allowed 05/02/2019
18/00794/OUT	Outline application to create dwelling following demolition of existing barn at Cherry Tree Farm, Stone Hill, Hatfield Woodhouse, Doncaster.	Appeal Dismissed 30/01/2019

18/02123/FUL	Erection of a dwelling. (Re-submission) at 66 Crookes Broom Lane, Hatfield, Doncaster DN7 6LD	Appeal Dismissed 18/02/2019
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81 EXCLUSION OF PUBLIC AND PRESS.

RESOLVED that the public and press be excluded from the remaining proceedings of the meeting, in accordance with Section 100(A)(4) of the Local Government Act, 1972, as amended, on the grounds that exempt information as defined in Paragraph 6 of Schedule 12A to the Act, is likely to be disclosed.

82 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 23/01/19 TO 19/02/19 (EXCLUSION PARAGRAPH 6).

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during 23 January to 19 February, 2019.

Scott Forbes, Enforcement Manager wished to advise Members that future reporting on enforcement cases would be made in the public domain for the purposes of being open and transparent. Members welcomed this proposal.

RESOLVED that all Planning Enforcement Cases received and closed for the period 23 January to 19 February, 2019, be noted.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 5th March, 2019

Application	1
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Application Number:	18/01748/OUTM	Application Expiry Date:	17th October, 2018
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Application Type:	Outline Planning Major
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Proposal Description:	Outline application for erection of up to 140 dwellings, including scale and means of access.
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At:	Land On the North Side of Hayfield Lane, Auckley, Doncaster
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For:	Peel Land and Property Ltd – D Bailey
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Third Party Reps:	12	Parish:	Auckley Parish Council
		Ward:	Finningley

A proposal was made to grant the application subject to a Section 106 Agreement.

Proposed by: Councillor Eva Hughes

Seconded by: Councillor Sue McGuinness

For: 6 Against: 5 Abstain: 0

Upon the Chair declaring that there was an equal number of votes cast for and against the application, the Chair, Councillor Iris Beech, in accordance with Council Procedure Rule 21.2, exercised her right to use her casting vote and voted to grant the application.

Decision: Planning permission granted subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to the following matters marked at (A) to (c) below, the replacement of Condition 17 to read as

below and the Head of Planning be authorised to issue the Decision Notice upon completion of the Agreement:-

- (A) 26% Affordable Housing to be provided onsite.**
- (B) A Travel Plan Bond required to mitigate any traffic in the event that targets within the Travel Plan are not met, based upon the No. of dwellings x the current cost of a 28 day SY Connect+ticket (currently £107.50).**
- (C) An education contribution towards providing additional secondary school places at Hayfield.**

- 17. No development shall take place until a scheme for offsite ecological mitigation and enhancement for reptiles (including future monitoring and management) has been designed and implemented following agreement in writing by the Local Planning Authority. The offsite mitigation will be no less than 0.7ha in size and connected to the proposed development site such that it serves the same population of reptiles. The scheme shall contain details of habitat creation, monitoring and the ongoing management works that will be undertaken. The scheme will also detail the trigger point at which development can start once the newly created reptile habitat has become sufficiently established so that it provides substantially better habitat for reptiles that that which will be lost and the methods that will be used to ensure no harm to reptiles during site clearance.**

REASON

To ensure the ecological interests of the site and surroundings are protected and enhanced.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Ms Delyse Bailey (applicant) spoke in support of the application for the duration of up to 5 minutes.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’ Councillors Richard Allan Jones and Steve Cox (Ward Members) spoke in opposition to the application for the duration of up to 5 minutes each.

(Clarification in relation to the S106 education contribution of £384,237.00 if 140 dwellings were provided on the site was reported at the meeting).

(To be noted that only matters of access are to be formally considered under this application – not scale as indicated by the application description was report at the meeting)

(A briefing note, which had been circulated separately to Committee Members by email on 1st March, 2019 was reported at the meeting).

Application	2
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Application Number:	18/01984/FUL	Application Expiry Date:	Extended until 5 March 2019
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Application Type:	Full Application
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Proposal Description:	Erection of single storey aluminium framed marquee. (Retrospective).
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At:	Harvey Arms, Old Bawtry Road, Finningley, DN9 3BY
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For:	Mrs Sandra Kennedy – The Harvey Arms
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Third Party Reps:	17 representations	Parish:	Finningley Parish Council
		Ward:	Finningley

A proposal was made to grant temporary Planning Permission in accordance with the Officer recommendation outlined within the report.

Proposed by: **Councillor Susan Durant**

Seconded by: **Councillor David Hughes**

For: 4 Against: 4 Abstain: 0

Upon the Chair declaring that there was an equal number of votes cast for and against the proposal, the Motion to grant temporary Planning Permission FELL

Subsequently, an amendment to the proposal was made to grant temporary Planning Permission subject to an additional condition.

Proposed by: **Councillor Jonathan Wood**

Seconded by: **Councillor Iris Beech**

For: 7 Against: 2 Abstain: 1

Decision: Temporary Planning Permission granted subject to the addition of the following condition:-

- 09. The marquee shall not be used unless written notification has been given to Finningley Parish Council and advertisement via a Parish notice board no less than 2 weeks prior to the event taking place. A written record of the notice shall be made available for inspection by the local planning authority with seven days' notice.**

REASON

To protect the living conditions of adjacent residential occupiers from noise and disturbance in accordance with Policy PH12 of the UDP.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mrs Angie Clegg and Mrs Sandra Kennedy (Events Manager and Applicant) spoke in support for the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee' Mr Stephen Paramore spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Planning Guidance 'Having Your Say at Planning Committee' Councillor Steve Cox (Ward Member) spoke in opposition to the application for the duration of up to 5 minutes

Application	3
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Application Number:	17/01955/FUL	Application Expiry Date:	Extension until 12 March 2019
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Application Type:	Full Application
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Proposal Description:	Erection of 5 dwellings with garages and associated works
At:	Land at Field Cottage, Main Street, Hatfield Woodhouse, Doncaster

For:	Dantom Homes (Development) Ltd – Mr Pete Thompson
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Third Party Reps:	9 representations	Parish:	Hatfield Parish Council
		Ward:	Hatfield

A proposal was made to refuse the application.

Proposed by: **Councillor Eva Hughes**

Seconded by: **Councillor Mick Cooper**

For: 6 Against: 4 Abstain: 0

Decision: Planning Permission refused.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’ Mr Ken Knight and Mr Jim Lomas (agent) spoke in support of the application for the duration of up to 5 minutes.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’ Councillor Joe Blackham, Linda Curran and Derek Smith spoke in support of the application for the duration of up to 5 minutes each.

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