



Doncaster Council

Agenda

To all Members of the

PLANNING COMMITTEE

Notice is given that a Meeting of the above Committee is to be held as follows:

Venue: Council Chamber - Civic Office, Waterdale, Doncaster

Date: Tuesday, 11th January, 2022

Time: 2.00 pm

PLEASE NOTE: Due to current restrictions arising from the Covid-19 pandemic, there will be limited capacity in the public gallery for observers of the meeting. If you would like to attend to observe in person, please contact the Planning Department by email tsi@doncaster.gov.uk or telephone 01302 734854 to request a place, no later than 2.00 pm on Monday, 10th January, 2022. Please note that the pre-booked places will be allocated on a 'first come, first served' basis and once pre-booked capacity has been reached there will be no further public admittance to the meeting. If you do not notify the Planning Department in advance you may still be able attend the meeting on the day if there are spaces available, however, this cannot be guaranteed. You are therefore strongly encouraged to contact us in advance if you wish to attend to avoid any disappointment or inconvenience. Anyone attending the meeting must wear a face covering throughout the meeting and when using all communal areas in the Civic Office, including washrooms and lifts, unless they are exempt or experience discomfort. Face coverings can be removed when speaking.

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Damian Allen
Chief Executive

Issued on: Wednesday, 22 December 2021

Governance Services Officer for this meeting

Amber Torrington
01302 737462

Doncaster Metropolitan Borough Council
www.doncaster.gov.uk

1. Apologies for Absence
 2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
 3. Declarations of Interest, if any.
 4. Minutes of the Planning Committee Meeting held on 7th December, 2021 1 - 16
- A. Reports where the Public and Press may not be excluded.**
- For Decision**
5. Schedule of Applications 17 - 30
 6. Doncaster Council Planning Committee Protocol 31 - 60

Members of the Planning Committee

Chair – Councillor Susan Durant
Vice-Chair – Councillor Duncan Anderson

Councillors Daniel Barwell, Iris Beech, Steve Cox, Aimee Dickson, Sue Farmer, Charlie Hogarth, Sophie Liu, Andy Pickering and Gary Stapleton

Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 7TH DECEMBER, 2021

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 7TH DECEMBER, 2021, at 2.00 pm.

PRESENT:

Vice-Chair - Councillor Duncan Anderson (In the Chair)

Councillors Iris Beech, Steve Cox, Aimee Dickson, Sue Farmer, Charlie Hogarth, Sophie Liu, Andy Pickering and Gary Stapleton.

APOLOGIES:

Apologies for absence were received from the Chair, Councillor Susan Durant and Councillor Daniel Barwell.

41 Declarations of Interest, if any

In accordance with the Members' Code of Conduct, Councillor Steve Cox declared that in relation to Application No 21/02966/FUL, Agenda Item No.5 (5) he was a Local Ward Member for Finningley.

42 Minutes of the Planning Committee Meeting held on 9th November 2021

RESOLVED that the minutes of the meeting held on 9th November, 2021, be approved as a correct record and signed by the Chair.

43 Order of Business

In accordance with Council Procedure Rule 4, the Committee agreed to the variation of the order of business that Application No. 2, 16/02136/OUTA, in Agenda Item No. 5, Schedule of Applications, be deferred and be considered after Application No. 4, 21/02348/FULM, to allow the Applicant to be present during consideration of the Planning Application and address the Committee.

44 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'.

45 Adjournment of the Meeting

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 3.00 p.m. to be reconvened on this day at 3.10 p.m.

46 Reconvening of the Meeting

The meeting reconvened at 3.10 p.m.

47 Town and Country Planning Act 1990, Section 106 Agreements

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
19/00099/OUTM	Outline Permission for the erection of 207 dwellings with associated infrastructure, parking, hard surfaces, public open space, balancing pond/biodiversity sink and associated works. (Permission being sought for access) on land to the South of Alexandra Street, Thorne, Doncaster, DN8 4EY
16/02136/OUTA	Outline application for the demolition of the existing building on site and proposed employment development consisting of light industrial (Use Class B1c), general industrial (Use Class B2) and storage and distribution (Use Class B8) units and associated service roads, parking areas, landscaping and pedestrian and cycle ways on approx. 74ha of land (Approval being sought for access) on land on the North East side of Selby Road, Thorne, Doncaster, DN8 4JE

48 Duration of the Meeting

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

49 Appeal Decisions

RESOLVED that the following decision of the Secretary of State and/or his Inspector, in respect of the undermentioned Planning Appeal against the decision of the Council, be noted:-

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
20/00992/FUL	Demolition of nissen hut and erection of 9 dwellings (being resubmission of 19/01422/FUL). at Land South Of Ridgill Avenue, Skellow, Doncaster, DN6 8HS	Appeal Dismissed 16/11/2021	Adwick Le Street & Carcroft	Committee	No
20/00207/H	Appeal against enforcement action for alleged unauthorised creation of vehicular access with turning facility to front of house in Conservation Area (refused under 19/01163/FUL and dismissed on appeal under 19/00031/HOUSE) under grounds F at 9 Town Moor Avenue, Town Fields, Doncaster, DN2 6BL	ENF-App Dis/Upheld Sub to Correction/Var 26/10/2021	Town		No

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 7th December, 2021

Application	1		
Application Number:	19/00099/OUTM		
Application Type:	Outline Planning Major		
Proposal Description:	Outline Permission for the erection of 207 dwellings with associated infrastructure, parking, hard surfaces, public open space, balancing pond/biodiversity sink and associated works. (Permission being sought for access).		
At:	Land to the South of Alexandra Street, Thorne, Doncaster, DN8 4EY		
For:	Knox and Brookes Trust		
Third Party Reps:	23 Letters of objection 1 Letter of support	Parish:	Thorne Town Council
		Ward:	Thorne & Moorends

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

Proposed by: Councillor Iris Beech

Seconded by: Councillor Aimee Dickson

For: 9 **Against:** 0 **Abstain:** 0

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 and the Head of Planning be authorised to issue the planning permission upon completion of the legal agreement:-

- (a) 23% Affordable Housing to be provided onsite;
- (b) Proposal to provide 15% on site Public Open Space (POS) including ongoing management and maintenance;
- (c) An education contribution towards additional school places equating to £1,101,499;

- (d) Offsite highway mitigation at:-**
- (i) Field Side / Field Road / King Street signalised junction;**
 - (ii) Mitigation to the A614 Selby Road / Omega Boulevard signalised junction; and**
 - (iii) Widening of west of Alexandra Street, Lands End Road.**
- (e) A travel bond of £25,363.78 based upon a calculation of No. of dwellings x the current cost of a 28 day SY Connect+ ticket (currently £111.40) x 1.1; and**
- (f) In conjunction with the submission of the first reserved matters application a Biodiversity Impact Assessment and Biodiversity Offsetting Scheme to assess biodiversity losses and gains and compensate for any biodiversity loss with a minimum 10% net gain, either through on site mitigation and/or by off site offsetting and/or by payment of an Offsetting Contribution calculated at £25,000 per Biodiversity Unit.**

Application	2
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Application Number:	16/02136/OUTA
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Application Type:	Outline Planning Major (EIA Development)
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Proposal Description:	Outline application for the demolition of the existing building on site and proposed employment development consisting of light industrial (Use Class B1c), general industrial (Use Class B2) and storage and distribution (Use Class B8) units and associated service roads, parking areas, landscaping and pedestrian and cycle ways on approx. 74ha of land (Approval being sought for access).
At:	Land on the North East side of Selby Road, Thorne, Doncaster DN8 4JE

For:	Mr Don Parkinson & Mr Kim Parkinson & Wilton (Thorne) Limited
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Third Party Reps:	189	Parish:	Thorne
		Ward:	Thorne & Moorends

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

Proposed by: Councillor Sue Farmer

Seconded by: Councillor Charlie Hogarth

For: 8 Against: 0 Abstain: 1

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 and the amendment of the following Conditions:-

- (a) A Travel Plan Bond;**
- (b) Full Travel Plans;**
- (c) Biodiversity Net Gain of 10%;**
- (d) Local Labour Agreement; and**
- (e) Provision of bus service**

- 01. A plan showing the proposed phases and (if required) sub phases of the development (“Phasing Plan”) shall be submitted to the Local Planning Authority prior to or as part of the submission of the first application for the approval of reserved matters and no development shall commence until the Phasing Plan has been approved in writing by the Local Planning Authority. Thereafter an updated Phasing Plan may (if required) be submitted for the approval of the Local Planning Authority either alongside or independently from any subsequent application for approval of reserved matters. The development shall be carried out in accordance with the most up to date approved “Phasing Plan” ‘phase’, ‘phases’ or ‘sub phases’. The conditions below shall refer to the Phasing Plan and phases thereby approved pursuant to this Condition 01.**

REASON

To ensure a satisfactory development in a phased manner and integrates successfully with existing and future developments.

- 04. Development (including any demolition, earthworks or vegetation clearance) shall not commence on any phase or sub phase of the development (save for Advance Infrastructure and Enabling Works pursuant to condition 7) until approval of the appearance, landscaping, layout and scale (hereinafter referred to as the reserved matters) in relation to that phase or sub phase have been obtained from the Local Planning Authority. The development of each phase or sub phase shall be carried out as approved.**

REASON

Condition required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.

- 08. The Advance Infrastructure and Enabling Works within a phase or sub phase shall be carried out in accordance with the details approved pursuant to condition 7. For the avoidance of doubt, any approved Advance Infrastructure and Enabling Works may be undertaken prior to the submission or approval of reserved matters applications pursuant to condition 4 and without compliance with pre-commencement conditions 2,3, 4, 17, 22, 25, 26, 33, 36, 37.**

REASON

To ensure a satisfactory development in a phased manner and integrates successfully with existing and future developments.

21. The development shall be carried out in accordance with the submitted flood risk assessment (ref [September 2020/5714-JPG-XX-XX-RP-0620-S2-P03/JPG]) and the following mitigation measures it details:-

- a Finished floor levels shall be set no lower than 4.4 metres above Ordnance Datum (AOD) to take account of the flood risk identified in the Isle of Axholme study . For buildings where there are commercial and operational requirements that also need to mitigate against flood risk from a potential breach from the River Don, floor levels shall be set no lower than 5.23 metres AOD.**
- b All offices will have a finished floor level no lower than 5.23mAOD.**
- c All proposed units will have a safe place of refuge no lower than 5.23mAOD and will be large enough to accommodate all staff on site.**

There will be the provision of flow paths through the development at existing ground levels. These will maintain flow routes through the site in the event of a breach in the River Don defences as described in the FRA. Details of such must be submitted in accordance with the requirements of Condition 22.

REASON

To reduce the risk of flooding to the proposed development and future occupants.

33. Reserved matters applications for each phase or sub phase shall include a BREEAM pre-assessment, or equivalent assessment, demonstrating how BREEAM 'Very Good' will be met. Unless otherwise agreed in writing with the Local Planning Authority, that phase or sub phase (save Advance Infrastructure and Enabling Works approved under condition 7) must take place in accordance with the approved assessment. Prior to the occupation of any building within a phase or sub phase, a post construction review should be carried out by a licensed assessor for that building and submitted to the Local Planning Authority for approval.

REASON

In the interests of sustainability and to minimise the impact of the development on the effects of climate change.

- 36. No development of a phase or sub phase (save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 7) shall commence on the site until a detailed Hard and Soft Landscape Scheme has been submitted to and approved in writing by the Local Planning Authority.**

The hard landscape scheme shall include details of all external hard surfacing materials including footpath treatments and carriageway finishes. The soft landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with section 8 Landscape, Trees and Hedgerows of the Council's Development Guidance and Requirements Supplementary Planning Document, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. The trees in prominent locations shall be container grown or root balled and of minimum Extra Heavy Standard (14-16cm) size in accordance with table 1 of British Standard 3936-1: 1992 Nursery Stock. The pots of containerised trees must be proportionate to the size of the tree in accordance with table D4 of British Standard 8545: 2014 Trees: From nursery to independence in the landscape - Recommendations (BS8545) and the rootball of rootballed trees in accordance with table D5 of British Standard 8545. The trees shall be handled in accordance with 'Handling and Establishing Landscape Plants' by the Committee of Plant Supply & Establishment (1995) published by the Joint Council for Landscape Industries and/or section 9 Handling and Storage and Annexe E of BS8545.

Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion of any planting within public areas or adoptable highway within the relevant phase or sub phase of the development. Soft landscaping for each phase or sub phase must be implemented in full accordance with the approved scheme, prior to occupation of their respective building(s), which will be monitored by the Local Planning Authority.

Any part of the scheme which fails to achieve independence in the landscape, or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless

the local planning authority gives its written approval to any variation.

REASON

In the interests of environmental quality and in accordance with Policy 32 of the Local Plan.

38. The first submission of Reserved Matters shall contain a Design Guide, to be approved by the Local Planning Authority, which shall be applied to all subsequent Reserved Matters submissions for all other units within the site. The document to be produced shall refer to and reflect the Council's current design guidance, and cover the following key detailed design matters:-

- Urban design principles- how the development will create a permeable and secure network of blocks and plots with well-defined, active and enclosed streets and space;**
- Architectural appearance, building details and materials;**
- Hard and soft landscape, including fencing, lighting, signage, cycle parking.**

It is recommended for further detailed advice, applicants speak to the Council prior to developing the design guide.

A revised or replacement Design Code relating to any Reserved Matters application for a phase or sub phase may be submitted to the Local Planning Authority and approved in writing at any time.

REASON

To ensure a consistent design approach to the development of the site in the interests of the satisfactory appearance of the site.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr G Mason, 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', Mr Chris Darley, the Agent, spoke in support of the application for the duration of up to 5 minutes.

(The receipt of 11 further representations from 2 interested parties, an additional consultation response from DMBC Public Health and clarifications to paragraph 6.1 and 8.16 of the report, were reported at the meeting).

Application	3
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Application Number:	21/00661/FULM
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Application Type:	Full Application.
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Proposal Description:	Change of use of 19, 21 & 23 from hotel to apartments and the conversion of 25 from dwelling into apartments (11 apartments in total), including demolition of rear outbuilding, erection of front boundary wall/railings, replacement windows and creation of car parking.
At:	19-25 Auckland Road, Wheatley, Doncaster, DN2 4AF

For:	Mr J Polonijo - Moderna Developments Ltd
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Third Party Reps:	26 letters in opposition.	Parish:	N/A
		Ward:	Town

A proposal was made to grant the Application

Proposed by: Councillor Duncan Anderson

Seconded by: Councillor Aimee Dickson

For: 4 Against: 4 Abstain: 1

Upon the Chair declaring that there was an equal number of votes cast for and against the proposal to grant the Application, the Vice-Chair, Councillor Duncan Anderson, in accordance with Council Procedure Rule 21.2, exercised his right to use his casting vote and voted for the proposal to grant the Application.

Decision: Planning permission granted.

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr David Dawson 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’, Mr Jordan Polonijo, the Applicant, spoke in support of the application for the duration of up to 5 minutes.

Application	4.
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Application Number:	21/02348/FULM
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Application Type:	Full Planning
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Proposal Description:	Provision of an extra 163 car parking spaces within the existing distribution complex.
At:	Bawtry Business Park, High Common Lane, Tickhill, Doncaster, DN11 9HE

For:	Taurus Two Investment Ltd.
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Third Party Reps:	There have been no representations.	Parish:	Tickhill
		Ward:	Tickhill & Wadworth

A proposal was made to grant the Application

Proposed by: Councillor Garry Stapleton

Seconded by: Councillor Steve Cox

For: 9 Against: 0 Abstain: 0

Decision: Planning permission granted subject to the amendment to Condition 02 to read as follows:-

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:-

Circulation Plan - amended 24.11.21

Car Park Layout Plan - amended 24.11.21

Concrete Slab Layout - received 23.07.21

Construction Details - received 23.07.21

Drainage General Arrangement Plan - received 23.07.21

Landscaping Strategy - amended 24.11.21

Landscaping Masterplan and Planting Plan - received 23.07.21

Location Plan - received 23.07.21

Site Plan (General Masterplan) - amended 24.11.21

Site Plan (external works general arrangement) - received 23.07.21

Retained and Removed Tree Plan - amended 24.11.21

Swept Path Assessment – submitted 24.11.21

REASON

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

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Mr Michael Edgar, the Agent, spoke in support of the application for the duration of up to 5 minutes.

(The receipt of amended plans and additional consultation responses from Highways and Drainage, were reported at the meeting).

Application	5
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Application Number:	21/02966/FUL
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Application Type:	Planning FULL
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Proposal Description:	Running of child-minding business from residential property (retrospective)
At:	41 Lower Pasture, Finningley, Doncaster, DN9 3RF

For:	Mrs V Aldridge
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Third Party Reps:	6 objectors, 27 supporters	Parish:	Blaxton Parish Council
		Ward:	Finningley

A proposal was made to refuse the Application

Proposed by: Councillor Charlie Hogarth

Seconded by: Councillor Iris Beech

For: 3 Against: 5 Abstain: 1

On being put to the meeting, the proposal to refuse the Application was declared LOST.

Subsequently, a proposal was made to grant the Application, which was contrary to the Officer's recommendation.

Proposed by: Councillor Steve Cox

Seconded by: Councillor Sue Farmer

For: 6 Against: 2 Abstain: 1

On being put to the meeting, the proposal to grant the Application was declared CARRIED.

Decision: Planning permission granted subject to the following Conditions:-

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

REASON

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

02. The operating hours of the childminding business shall be restricted to 07:15-18:00 on Mondays to Fridays, and at no time on Saturdays, Sundays or bank holidays.

REASON

To protect neighbouring amenity, in accordance with policies 10 and 46 of the Local Plan.

03. Two car parking spaces within the curtilage of the application property shall be reserved exclusively for the drop-off and collection of children during the entirety of the operating hours of the business. Staff members shall not be permitted to park in these designated spaces.

REASON

In the interests of highway safety, in accordance with policy 13 of the Local Plan.

04. The child-minding business hereby approved shall be permitted to employ no more than two members of staff and a staff register shall be maintained and made available for inspection for the life of the development by the Local Planning Authority on request.

REASON

To prevent the over-intensification of the business in a residential area, in accordance with policies 10 and 46 of the Local Plan.

05. No more than 16 children shall be cared for at the premises at any given time. A weekly register of those registered children shall be maintained and made available for inspection on request by the Local Planning Authority for the lifetime of the development. No less than six consecutive months' worth of registers shall be available for inspection.

REASON

To prevent the over-intensification of the business in a residential area, in accordance with policies 10 and 46 of the Local Plan.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Mark Wilton, 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', Mrs Victoria Aldridge, the Applicant, spoke in support of the application for the duration of up to 5 minutes.

(The receipt of an additional representation in support of the Application, was reported at the meeting).

DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 11th January 2022

To the Chair and Members of the

PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

1. A schedule of planning applications for consideration by Members is attached.
2. Each application comprises an individual report and recommendation to assist the determination process. Any pre-committee amendments will be detailed at the beginning of each item.

Human Rights Implications

Member should take account of and protect the rights of individuals affected when making decisions on planning applications. In general Members should consider:-

1. Whether the activity for which consent is sought interferes with any Convention rights.
2. Whether the interference pursues a legitimate aim, such as economic well being or the rights of others to enjoy their property.
3. Whether restriction on one is proportionate to the benefit of the other.

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Scott Cardwell
Assistant Director of Economy and Development
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

Summary List of Planning Committee Applications

NOTE:- Site Visited applications are marked 'SV' and Major Proposals are marked 'M'
Any pre-committee amendments will be detailed at the beginning of each item.

Application	Application No	Ward	Parish
1.	21/02309/FUL	Conisbrough	Conisbrough Parks Parish Council

Application	1.
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Application Number:	21/02309/FUL
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Application Type:	Full Application
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Proposal Description:	Installation of wood burning stove and flue to outbuilding (retrospective)
At:	Aberdeen Bungalow Drake Head Lane Conisbrough Doncaster

For:	Mr P Heath
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Third Party Reps:	4 letters of objection 8 letters of support	Parish:	Conisbrough Parks Parish Council
		Ward:	Conisbrough

Author of Report	Bethan Gledhill
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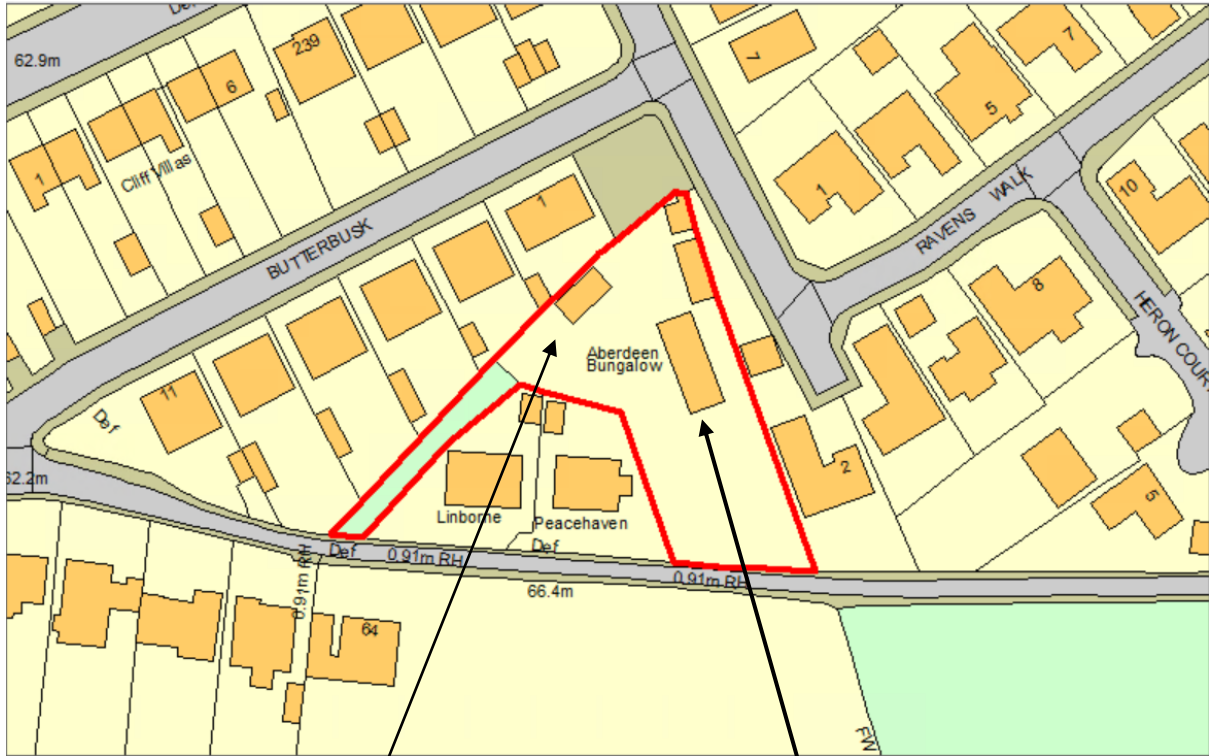
MAIN RECOMMENDATION:	GRANT
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SUMMARY

The proposal seeks retrospective permission for the installation of a wood burning stove and flue to an outbuilding. The proposal is considered to be acceptable lying within Doncaster's allocated residential policy area and is considered to be an acceptable and sustainable form of development in line with Local and National Planning

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, heritage assets, the highway network or the wider character of the area.

RECOMMENDATION: GRANT planning permission subject to conditions.



**Outbuilding upon
which flue is
installed**

Application property

1.0 Reason for Report

- 1.1 This application is being presented to planning committee at the request of Councillor Nigel Ball, due to concerns over residential amenity. In addition, significant public interest in the application has been generated by the application.

2.0 Proposal

- 2.1 Retrospective planning permission is sought for the installation of wood burning stove and associated flue to an outbuilding within the property's curtilage. The outbuilding is used as a workshop.
- 2.2 Planning permission is required as Class E of the General Permitted Development Order does not allow for chimneys to be installed on residential outbuildings.
- 2.3 The outbuilding is located within the rear garden of the property along the north-western boundary. It is parallel with part of the boundary shared with no. 1 Butterbusk.

3.0 Site Description

- 3.1 The property itself is located on Drake Head Lane. The outbuilding upon which the flue has been installed is located along the north-western boundary of the site.
- 3.2 The outbuilding has a floor area of 47m², is 3.7m in height to the ridge, with the flue extending 1m above the ridge height.
- 3.3 Surrounding properties are mainly bungalows and dormer bungalows.

4.0 Relevant Planning History

- 4.1 There is currently an enforcement complaint open as regards the erection of the flue, which is being applied for as part of this application.

5.0 Site Allocation

- 5.1 The site falls within Residential Policy Area, as defined by the Local Plan. The following policies are applicable:

5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (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 Paragraphs 7 - 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.5 Paragraph 56 states that planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.6 Paragraph 130 states that Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.6 **Doncaster Local Plan**

- 5.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Doncaster includes the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:

- 5.8 Policy 41 (Character and Local Distinctiveness) states that development will be supported where they integrate visually and functionally with the immediate and surrounding area at a settlement, neighbourhood, street and plot scale
- 5.9 Policy 44 (Residential Design) states that development proposals will be supported where they recognise and reinforce the character of local landscapes; are of a high quality design that contributes to local distinctiveness and respond positively to their context, setting and site features.
- 5.10 Other material planning considerations and guidance
- 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 (as amended) on the council website, and by neighbour notification.
- 6.2 4 letters of objection have been received from 3 persons.
- 6.3 The letters of objection are in regard to the following summarised points:
- The acrid smoke produced by the other burners is a danger to health;
 - The chimney has an industrial appearance;
 - The reflection from the chimney causes harmful glare, reducing the enjoyment of the garden of 3 Butterbusk;
 - Aberdeen Bungalow has 2 further wood burners one in the main residence and a further wood burner of similar construction in an outer building;
 - There are two tall stainless steel chimneys which are industrial looking and unsightly in a residential area;
 - The smoke produced is an environmental concern.
- 6.4 8 letters of support have been received from 7 persons.
- 6.5 The letters of support are in regard to the following summarised points:
- A person should be able to burn wood when he wants to burn wood;
 - The applicant burns kiln dried wood and man-made smokeless fuel and has never had problems with smoke or pollution;
 - The wood burning stove and chimney have been installed by a bona fide company and comply with all current regulations;
 - The appliance is Defra approved and multi fuel and is designed to burn smokeless fuel;

- The occupier of Lynborne has never had a bad reflection of the chimney with the sun and never had bad smoke coming over the property;
- There is no objection to the proposal.

6.6 The below concern raised is not a material consideration and cannot be considered as part of this application:

- The chimney causes damage to paintwork.

7.0 Parish Council

7.1 No comments have been received from the Parish Council.

8.0 Relevant Consultations

8.1 Environmental Health - No objection in principle to the installation of a domestic solid fuel appliance in a domestic setting. The proposed height of the flue is at the recommended 1 metre above the roof ridge height of the building to allow adequate dilution and dispersal of any smoke and/or odour.

8.2 Pollution Control - Neither support or object. However, any domestic combustion appliance operated within the borough of Doncaster must be in compliance with the requirements of the Clean Air Act 1993.

9.0 Assessment

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

- o Principle of development;
- o Impact on Amenity
- o Impact upon the character and appearance of the area

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 Sustainability

9.4 The National Planning Policy Framework (NPPF 2021) sets out at Paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.5 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

a) an economic objective - to 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;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9.6 Accordingly, Accordingly, the acceptability of this application rests upon an assessment of the impact of the flue upon the residential amenity of neighbouring properties, as well as determining the visual impact of the flue upon the character of the area.

9.7 SOCIAL SUSTAINABILITY

9.8 Impact on Residential Amenity

9.9 The flue requires planning permission, as Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does not allow the installation of flues to outbuildings. The principle of development is deemed acceptable subject to the impacts upon the amenity of neighbouring properties and their private amenity spaces.

- 9.10 As a result of the publicity afforded to the application, objections relating to the reflection caused by the chimney have been received. It is accepted that as the sun moves south to west, it is reflected off the surface of the chimney. The reflection is subsequently received by the rear window and garden of 3 Butterbusk. It is considered however, this this can be mitigated via a planning condition which requires the chimney to be painted in a matt, fire resistant paint in a dark, matt colour and both maintained and retained as such throughout the life of the development.
- 9.11 Concerns have been raised as regards the smoke which would be produced by the flue. The objector at no 3 Butterbusk states that the flue is not currently in use. However, there are concerns that once the flue is in use, the alleged problem of acrid smoke and smells from 2 other burners located on the site would be exacerbated.
- 9.12 The Environmental Health Officer has been consulted on this application, and raises no objections. It is noted that the flue is installed at a height of 1m above the height of the outbuilding to allow adequate dilution and dispersal of any smoke and/or odour.
- 9.13 The Pollution Control officer has been consulted on this application. No objections are raised. The appliance that has been installed is a Dunsley Yorkshire Multifuel Stove. This can be found on the list of Clean Air Act approved appliances.

9.14 Conclusion on Social Sustainability

- 9.15 Based upon the comments received from the consultees, and the fact that the appliance is on the list of Clean Air approved appliances, it is not felt that the flue, when in use, would result in harm being caused to the health of nearby neighbours, nor upon the enjoyment of their private amenity spaces.

9.16 ENVIRONMENTAL SUSTAINABILITY

9.17 Impact Upon the Character of the Area

- 9.18 As noted above, the property is located on Drake Head Lane. The outbuilding upon which the flue is installed is located on part of the north-western boundary, and is parallel with part of the boundary shared with 1 Butterbusk.
- 9.19 There are limited views of the flue from public vantage points. The outbuilding itself is located approx. 20m from Archers Way (measured at its nearest point), approx. 21m from Butterbusk, and approx. 53m from Drake Head Lane.
- 9.20 External flues are not uncommon additions to residential buildings. Therefore, whilst the flue can be glimpsed from the wider street scene, it is not considered that it causes harm to the surrounding area.

9.21 Conclusion on Environmental Issues

9.22 In summary, it is not considered that the flue significantly harms the character of the area and that the environmental impact of the proposed development is acceptable.

9.23 ECONOMIC SUSTAINABILITY

9.24 This application is a householder application for a minor development. Whilst providing employment for those installing the wood burner and flue during the period of the works, this is the extent of its economic impact.

10.0 PLANNING BALANCE & CONCLUSION

10.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the NPPF taken as a whole. Subject to the recommended conditions, the proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

11.0 RECOMMENDATION

Grant permission subject to the following condition:

01. Within 3 months of the date of the permission hereby granted, the flue shall be painted in a matt, fire resistant paint. The colour shall be grey. The paintwork shall thereafter be retained and maintained throughout the life of the development.

REASON

In order to protect residential amenity.

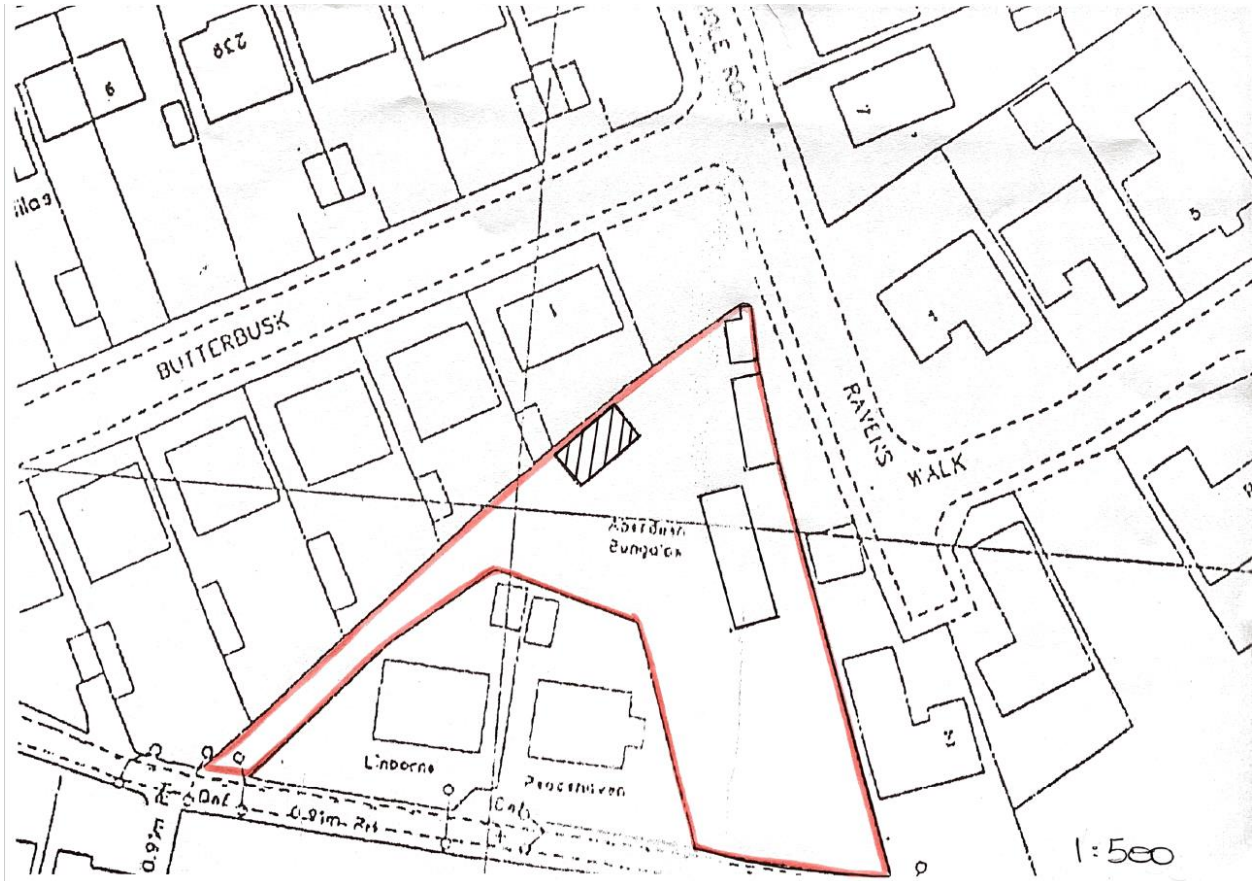
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

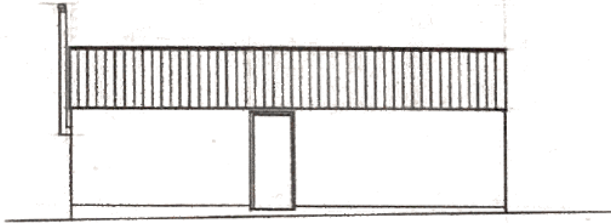
The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

APPENDIX 1

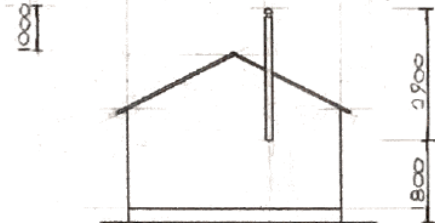
SITE PLAN



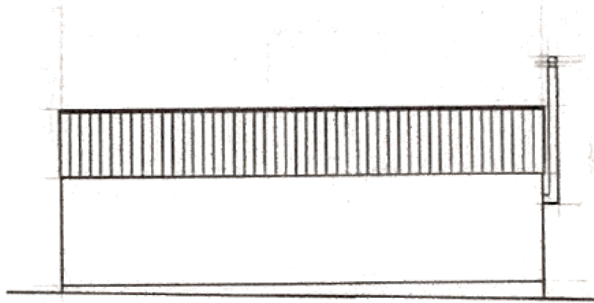
APPENDIX 2
ELEVATIONS



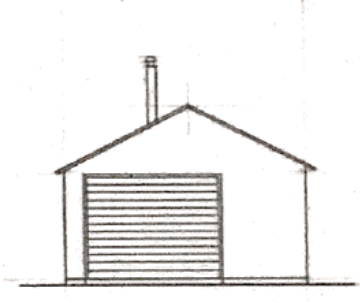
FRONT ELEVATION



SIDE ELEVATION



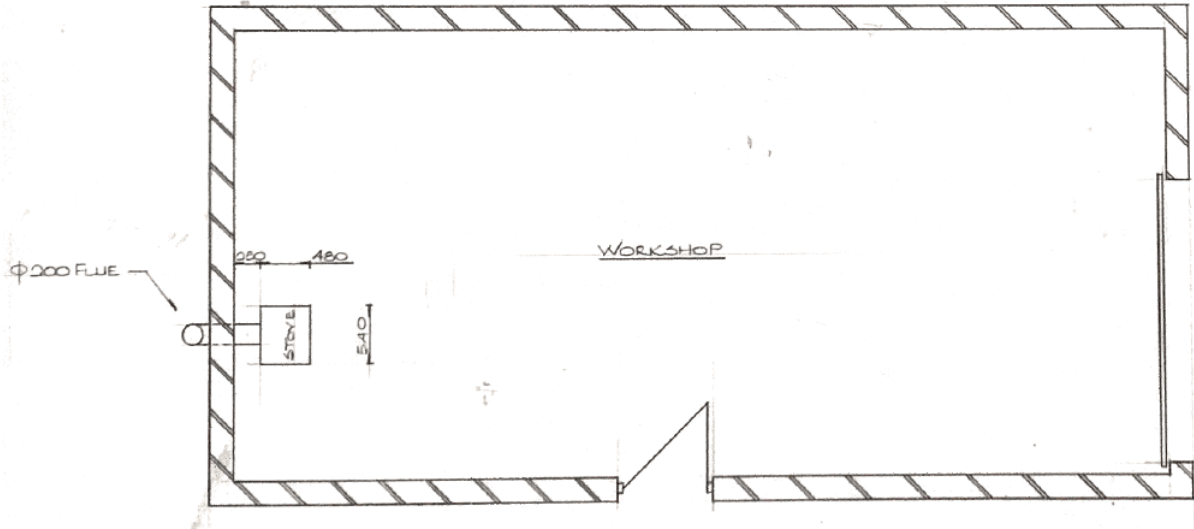
REAR ELEVATION



SIDE ELEVATION

APPENDIX 3

FLOOR PLAN





Doncaster Council

Report

11th January 2022

**To the Chair and Members of the
PLANNING COMMITTEE**

DONCASTER COUNCIL PLANNING COMMITTEE PROTOCOL

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Nigel Ball	All	No

EXECUTIVE SUMMARY

1. This report summarises the 'Planning Committee Protocol' ('the Protocol') - see appendix 1. The purpose of this Protocol is to aid Members, Officers, Parish Councils, residents and applicants/agents by having an up to date, clear and transparent document on how this important decision-making process is carried out.
2. The Protocol responds positively to the 'Planning Committee Peer Review', which was undertaken by Planning Advisory Service (PAS) in November 2018. The peer team used their extensive experience and knowledge of local government and good constitutional governance in order to put forward their suggestions for improvement.
3. The key findings of this report highlighted a number of potential improvements to the Planning Committee function and associated processes, specifically in relation to:
 - i) How matters previously dealt with via Technical Briefings needed to stop and would be dealt with moving forwards;
 - ii) Improvement in the presentation of material at Planning Committee;
 - iii) Improvement in the quality of Member debate;
 - iv) Improvement in Planning Committee procedures and operation in order to support the Chair in running the committee well;
 - v) Consistency in applying public speaking rules at the meeting; and
 - vi) Site visit procedures.
4. Importantly, adoption and implementation of this Protocol will mean that the

final outstanding actions from the Peer Review recommendations will have been addressed and completed.

5. Consistency, fairness and openness are important qualities for any regulatory function and are particularly vital to the conduct of a Planning Committee. Planning decisions are based on balancing competing interests and making an informed judgment against a local and national policy framework. Decisions can be controversial and the risk of controversy and conflict are heightened by the openness of the system which invites public opinion before taking decisions and the legal nature of the development plan and development notices. Adherence to the Protocol is intended to ensure the process is clear and transparent thus building public confidence in the Council's planning system whilst seeking to respond to the recommended improvements from PAS.
6. The purpose of the Protocol is:
 - i) to state how the Members of the Planning Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties;
 - ii) to ensure a consistent and proper approach by all Members to the exercise of planning functions;
 - iii) to ensure applicants and their agents, residents and other third parties are dealt with by Members consistently, openly and fairly;
 - iv) to ensure the probity of planning transactions and the high standards expected in public office; and
 - v) to ensure that planning decisions are made openly, fairly and in the public interest, in accordance with legislation and guidance.
7. To achieve this, the Planning Committee Protocol covers the following aspects:
 - i) Planning Committee consideration criteria** – via written request or in line with the approved Scheme of Delegation;
 - ii) Public speaking procedures;**
 - iii) The registering to speak procedure;**
 - iv) Items on the Planning Committee agenda;**
 - v) Presentation of new information;**
 - vi) A summary of examples of both material and non-material planning considerations** - a summary;
 - vii) Site visits** - requests for, arrangements, attendance at and conduct at.
 - viii) Pre-Planning Committee amendments;**

- ix) Order of proceedings;
- x) Good decision making;
- xi) Voting procedures;
- xii) Review and monitoring of the Protocol.

8. The intention is, once adopted, that the Protocol will be uploaded to the Council's website where it can be clearly and easily referred to by interested parties. What is included in the Protocol is nationally recognised as good governance and constitutes best practice.
9. In terms of consultation the following has taken place:
- a. Informal consultation with Planning Committee (15th October 2019)
 - b. Briefing with the Portfolio Holder Cllr McGuinness (various dates)
 - c. Cabinet informal consideration (10th September 2019)
 - d. All Member engagement session (17th December 2019)
 - e. Further All Member written consultation following the engagement session above to ensure all members have an opportunity to feed into the document (deadline for final comments 15th January 2020).
 - f. Executive Board (14th July 2020).
 - g. Cabinet (20th August 2020)
 - h. Planning Committee (15th September 2020) - deferred.
 - i. Planning Committee briefing (23rd November 2021)
10. As a result of all this consultation, the following matters were raised and have been considered and incorporated into the revised Planning Committee Protocol:

Written feedback from Members

- a. *"The only reservation I have is around the site visit being a necessary part of the process. I understand why this has been put in place. So it remains how it pans out practically over the next year, following implementation."*

RESPONSE: This will be continually assessed following implementation of the Protocol – also please note paragraph 'g' below.

- b. *"I believe a ward councillor should not have to submit a request to speak at least 120 hours before the committee although I would certainly encourage it, as often you are requested at the last minute by a resident to speak either in favour or against an application at the last minute. I therefore request that ward councillors have the ability to notify prior to commencement of the actual committee meeting."*

RESPONSE: This has been incorporated into the Protocol (at para 3.5).

- c. *"I still think that the speakers could be unbalanced if 2 councillors*

wish to speak against as well as an objector there could be 15mins on one side and only 5 mins on the other from the applicant/agent.”

RESPONSE: The amount of time available to Ward Members for speaking has been reduced from a maximum of 15 mins to 10 mins maximum (at para. 3.9). It remains at Chair’s discretion to allow longer speaking times – especially for ‘Exceptional Planning Committee’ meetings which may require more technical information to be presented.

Feedback at the All Member engagement session

- d. *“Site visits – not necessary to attend first meeting (where deferred) – just need to be present at the visit and then the committee after – to be eligible to vote.”*

RESPONSE: The need to be at the first Planning Committee meeting where an item is deferred for a site visit in order to be eligible to vote has been removed from paras. 4.3 & 4.9.2. It is felt that the site visit itself and consideration of the report returning back to Planning Committee provides enough information for Planning Committee members to be able to reach an informed and robust decision.

- e. *“It’s felt the Protocol should go to Full Council for approval.”*

RESPONSE: The Protocol is a document that is to be adhered to by the Planning Committee. Member consultation has taken place and all feedback has been assessed and incorporated where possible. The Protocol is therefore proposed to be agreed to by the Planning Committee and this has been verified by Democratic Services as the most appropriate route.

- f. *“We shouldn’t be able to accept amendments to plans at the last minute as members of the public, ward members and planning committee haven’t had an opportunity to digest the changes and assess if this will impact their viewpoint on the application.”*

RESPONSE: Late amendments are a part of the planning process and it is not in the LPA’s control as to when information may be submitted. Should late amendments be submitted – it will be for the case officer to make a judgement as to whether the information is able to be dealt with by pre-committee amendments or if the change is so significant, that the committee item should be withdrawn from the agenda to allow fuller consultation and consideration to take place.

Feedback from the Planning Committee Briefing (23rd November)

- g. *Site visits should not be compulsory in order to vote on the item but should be strongly encouraged to attend wherever possible. The use of other technologies will assist Members in their deliberations.*
- h. *Site visits are important and should be essential for Planning Committee Members to attend in order to be eligible to vote.*

- i. *Travelling into the town centre (Civic Office) to get on a mini-bus may not always be convenient or may even require additional journey times for Planning Committee members who live close by (or need to pass) the site to be visited in order to get onto the mini-bus.*
- j. *How will the Protocol be reviewed, by who and how triggered?*
- k. *Ward Cllrs should be notified as soon as possible that an item is to be heard by the Planning Committee – in order to make arrangements to attend/speak if felt warranted.*

RESPONSE: These matters have been clarified and incorporated into the attached revised Planning Committee Protocol. The majority of Planning Committee Members at the most recent briefing were opposed to site visits being compulsory but agreed should be attended wherever possible – especially so by those Members who proposed and seconded the motion to defer for a site visit. It is proposed to build into the Protocol that attendance at site visits should be ‘strongly encouraged’ rather than compulsory and this will be reflected on as part of the review process.

The travelling together on a mini-bus is preferable, but flexibility is built in where this saves unnecessary journey times for Members.

The use of detailed site photos/videos will also be considered to assist Members in their deliberations to ensure that they are in position of all the relevant facts of a planning application.

The Protocol Review process is clarified within the Protocol.

Ward Members are to be notified as soon as practicably possible of an item being referred to Planning Committee for consideration.

11. The attached Protocol represents the final version of the Planning Committee Protocol, having responded to all the additional consultation and feedback that has been received to date.

EXEMPT REPORT

12. This report is not exempt.

RECOMMENDATIONS

13. The Planning Committee are recommended to:

- i) Adopt the Planning Committee Protocol.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

14. Having a Planning Committee Protocol will ensure that there are no grounds for suggesting that a decision has been biased or not well founded in any way. One of the key purposes of the planning system is to regulate development and use of land in the public interest. The role of a Member of

the Planning Authority is to make planning decisions openly, impartially, with sound judgment and for justifiable reasons. Members are also democratically accountable decision-takers who have been elected to provide and pursue policies. The Protocol will ensure that the Council is operating to the highest standard of probity in the performance of its planning function. Consistency, fairness and openness are important qualities for any regulatory function in the public eye and they are vital to the conduct of a Planning Committee.

15. The Protocol aims to reinforce councillors' community engagement roles whilst maintaining good standards of probity that minimizes the risk of legal challenges. The protocol should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally improper. Adherence to the Protocol is intended to build public confidence in the Council's planning system.

BACKGROUND

16. The determination of planning applications is a process involving the application of national, strategic, local and neighbourhood level planning policies within a legislative framework.
17. Planning decisions can be appealed by unsuccessful applicants and challenged by way of judicial review by third parties. Complaints about maladministration and injustice can also be made to the Local Government Ombudsman.
18. It is important that those involved in the determination of planning applications, and particularly officers and Members, act reasonably and fairly to applicants, supporters and objectors. This Protocol will therefore ensure fairness to all and consistency in the functions of the Planning Committee.
19. The current functioning of the Planning Committee is done in relation to a number of existing approved documents, which include:
 - Planning Committee – Request to Speak (online)
 - Planning Committee Site Visits – guidance note
 - Planning Committee Technical Briefings – guidance note

These documents are guidance notes and therefore provide general advice rather than clear and unambiguous ways of working as proposed in the Protocol. As such, it is recognised that the current Planning Committee guidance documents are open to interpretation and sometimes lead to haphazard approaches (for example, requests to speak being received in the middle of a committee meeting) and does not represent good governance or meet expected standards.

20. The Council's Members' Code of Conduct rules must be always be complied with. The Members' Code sets out both the rules on disclosable pecuniary interests (and other interests) and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Protocol seeks to

explain and supplement the Members' Code of Conduct for the purposes of planning control.

21. This Protocol updates, consolidates and will ultimately supercede the Planning Committee guidance notes referred to above, and in so doing provide one easily referable document. By adhering to the Protocol all those involved in the Planning Committee process should not have any doubt about how the Committee meeting will be conducted and how the Protocol will be applied throughout the decision making process. In turn this should reduce the risk of judicial review or complaints about maladministration and injustice to the Local Government Ombudsman – representing good constitutional governance.

OPTIONS CONSIDERED

22. There are two options available for the Planning Committee Protocol:

- **OPTION 1 (RECOMMENDED)** – Agree that the Planning Committee Protocol should be adopted.
- **OPTION 2 (NOT RECOMMENDED)** – Do not agree that the Planning Committee Protocol should be adopted.

REASONS FOR RECOMMENDED OPTION

23. Option 1 is recommended in order to respond positively to the independent advice given by PAS as part of the Peer Review of the Planning Committee process.

24. Currently, the functioning of the Planning Committee is done in accordance with a number of documents (i.e. speaking at Planning Committee; Technical Briefing guidance note; Site Visit guidance note), which are not readily accessible, outdated and in places (i.e. Technical Briefings) at odds with the advice from PAS. This does not meet nationally expected standards and does not represent good constitutional governance.

25. By agreeing the Planning Committee Protocol, these various documents will be superseded by being pulled into one, transparent and user friendly document that is easily referable. This will ensure that Doncaster Council moves forward by carrying out its Planning Committee function in a manner considered to be best practice amongst other Local Authorities and in line with the Peer Review recommendations.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

26. The Planning Committee Protocol is considered to positively impact on Doncaster Council's key outcomes as follows:

	Outcomes	Implications
	Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and	The Planning Committee Protocol will provide confidence for inward investment and existing businesses in terms of being

	<p>prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>much more transparent in how planning applications are dealt with at future Planning Committee meetings.</p>
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>The Planning Committee Protocol will provide confidence for both prospective house-builders and people affected by such proposals in terms of being much more transparent in how planning applications are dealt with at future Planning Committee meetings.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>N/A</p>
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>N/A</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer 	<p>The Planning Committee Protocol will create consistency, fairness and openness, which are important</p>

	<p>interactions</p> <ul style="list-style-type: none"> • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>qualities for any regulatory function in the public eye and is vital to the conduct of a Planning Committee.</p> <p>Adherence to the protocol is intended to build customer confidence in the Council's planning system whilst seeking to address the suggested improvements by PAS.</p>
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RISKS AND ASSUMPTIONS

27. Not agreeing to the Protocol will leave the Council operating in many regards as it was before the Peer Review conducted their work by not responding to the feedback and key recommendations provided. Whilst a number of Planning Committee improvements are already completed or well progressed (i.e. specifically in relation to the customer experience, providing enforcement updates in an open forum and improvement in the quality of officer reports) – many key aspects in relation to the proper functioning of the Planning Committee process need to be updated to avoid the risk of 3rd party challenges to our processes.

LEGAL IMPLICATIONS [Officer Initials HL Date 31.07.2019]

28. The Council's Code of Conduct for Members concerns probity and other aspects of conduct across the whole range of a Member's duties. This Protocol (which is intended to supplement the Member Code of Conduct) seeks to relate the Code of Conduct's requirements specifically to planning. However, it goes beyond the specific concerns of the Member's Code of Conduct to give more detailed advice on the operation of the planning system. It seeks to ensure that the council, its officers and its elected councillors maintain the highest standards of conduct.

29. Planning is a sensitive area of local authority work because much is often at stake (considerable sums of money can hinge on individual planning decisions and strong emotions are often felt by those supporting or opposing development proposals within the borough). It is particularly important, therefore, that the planning process is conducted in a fair, open and even-handed way.

30. Determining a planning application is a formal administrative process involving rules of procedure, rights of appeal, and an expectation that people will act reasonably and fairly. Those involved should always be alert to the possibility that an aggrieved party may:

a) seek judicial review of the way the decision was arrived at; and/or

b) complain to the Ombudsman on grounds of maladministration; and/or

c) complain to the Monitoring Officer (with a potential to be referred to Audit Committee's Hearings Sub-Committee) that a Member has breached the Code of Conduct.

31. It is therefore crucial to ensure the integrity of the planning system is preserved, and that decisions are made openly, impartially, with sound judgement and for justifiable reasons. Likewise it is vital that there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. Adoption of a Planning Protocol (in conjunction with abiding by the Members' Code) would reduce:

- a) the Council being at risk of proceedings on the legality or maladministration of the related decision; and
- b) Councillors at risk of either being named in a report made to the Audit Committee or Council or, if the failure is also likely to be a breach of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

32. The Protocol takes into account the update to the Seven Principles of Public Life (the 'Nolan principles') and commentary from the Committee on standards in public life, the changes in the approach to codes of conduct and also to predetermination introduced by the Localism Act 2011 and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government 2013.

FINANCIAL IMPLICATIONS [BC Date 26/07/2019]

33. There are no direct financial implications to the recommendations of this report.

HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 30/07/2019]

34. There are no HR implications specific to the recommendations in the report, however, any emerging matters that impact on the workforce will require HR engagement at the appropriate time.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 6/8/2019]

35. None

HEALTH IMPLICATIONS [Officer Initials CT Date 30/07/2019]

36. Public Health welcomes the introduction of the protocol which will bring together a variety of guidance documents together in one place. Good spatial planning has a positive impact on the health and wellbeing of our communities. It is imperative that good governance is in place to ensure committee decisions are made according to policy and procedure therefore it is important that these are explicit, ensuring everyone concerned understands the processes and rules associated with the decision making process.

EQUALITY IMPLICATIONS [Officer Initials RS Date 1/8/2019]

37. Adoption of the Planning Committee Protocol will continue to adhere to the

Planning Statement of Community Involvement (adopted 2015). If an application is to go before the Planning Committee for a decision, all parties that have made representations will continue to be informed of the time and date of the planning committee meeting and how they may make a request to speak at the meeting if they wish to do so.

Anyone wanting to speak at Planning Committee (including Ward, Town or Parish Councillors) must register a 'Request to Speak' in advance by either filling out a 'Request to Speak at Planning Committee' e-form on the Planning section of the Council's website; or by contacting the Planning Case Officer or a member of the TSI team.

A 'Request to Speak' **must** be received at least 120 hours before the start of the Planning Committee meeting. Requests to speak will not be carried forward to future Planning Committee meetings and therefore it will be necessary to register a 'Request to Speak' for each and every Committee meeting

All of the above will not prejudice any interested parties and the Protocol will be viewable on line for transparency and to easily refer to.

The Planning Committee Protocol importantly includes a mechanism for reviewing and revising should aspects of it need to change.

CONSULTATION

38. Extensive informal and formal consultation has taken place (see para. 9 above).

BACKGROUND PAPERS

39. Appendix 1 – Planning Committee Protocol

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Doncaster Council

PLANNING COMMITTEE PROTOCOL

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Appendix 1 - Members - Referral to Planning Committee Request Form

Purpose of the Planning Committee Protocol

- (i) This Protocol has been adopted by Doncaster Metropolitan Borough Council (“DMBC”) to ensure the highest standards of probity in the performance of its planning function.
- (ii) Consistency, fairness and openness are important qualities for any regulatory function in the public eye and they are vital to the conduct of a planning committee. Adherence to the Protocol is intended to build public confidence in the Council's planning system.
- (iii) The purpose of the protocol is:
 - (a) To state how the Members of the Planning Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties;
 - (b) To ensure a consistent and proper approach by all Members to the exercise of planning functions;
 - (c) To ensure applicants and their agents, residents and other third parties are dealt with by Members consistently, openly and fairly;
 - (d) To ensure the probity of planning transactions and the high standards expected in public office; and
 - (e) To ensure planning decisions are made openly, fairly and in the public interest, in accordance with legislation and guidance.
- (iv) The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by councillors and to adopt a local code of conduct. The Members Code of Conduct sets out the general principles the Council has adopted as its ethical values and this includes the 7 key principles based on the Nolan Committee on Standards in Public Life. This Protocol relating to planning matters is intended to be supplementary to The Members’ Code of Conduct (Part 5 Section 2 of the Council’s Constitution).
- (v) The provisions of the Code of Conduct continue to have full force and effect.
- (vi) The aim of this protocol is to provide more detailed guidance on the application of the guidance in relation to planning matters.
- (vii) Copies of this protocol will be made publicly available online and will be kept under review.

1. Introduction

- 1.1 These rules apply to all meetings of the Council's Planning Committee in relation to the determination of planning applications and any other business dealt by the Planning Committee.
- 1.2 The determination of planning applications is a process involving the application of national, strategic, local and neighbourhood level planning policies within a legislative framework. Planning decisions can be appealed by unsuccessful applicants and challenged by way of judicial review by third parties. Complaints about maladministration and injustice can also be made to the Local Government Ombudsman. It is important that those involved in the determination of planning applications, and particularly officers and Members, act reasonably and fairly to applicants, supporters and objectors.

2. Planning Committee Consideration Criteria

- 2.1 A planning application may be referred to the Planning Committee for a decision where the criteria set out in paragraphs 2.2(i) or 2.2(ii) is met.
- 2.2 All planning applications, other than those relating to the grant of a Certificate of Lawful Use or Proposed Lawful Use, and associated applications, consents and authority including those relating to listed buildings, conservation area consents, Tree Protection Orders (TPOs), enforcement actions and prosecutions are considered to fall within the delegation scheme and will be determined by the Head of Service or his/her designated officers unless:
- (i) Any Member of the Council submits to the Head of Planning, a "*Members - Referral to Planning Committee Request Form*" (see Appendix 1) or via an email to the Planning Department at TSI@doncaster.gov.uk during the 21 day publicity period following validation of the planning application and clearly outlining what the material planning reasons are; or
 - (ii) The Scheme of Delegation requires that the matter should be decided by the Planning Committee.

3. Public Speaking Procedure

- 3.1 This document sets out the procedures members of the public, Town and Parish Councils and Councillors who are not members of the Planning Committee must follow when addressing the Planning Committee.
- 3.2 If members of the public have written to support or object to an application or Tree Preservation Order (TPO) the Council will write to them about the date and location of the Planning Committee meeting where the application will be

considered¹. Likewise, the Council will also notify all applicants (or their agents) whose applications are to be considered, those served with and who have commented on a TPO to be considered, and the Parish Council.

3.3 Anyone who has not made a representation on the application at the planning consultation stage, or who sent them in late, will still be able to speak at Planning Committee but the Council will not write to them about the date and location of the Committee meeting.

3.4 Anyone who supports or objects to an application does not have to speak at a Planning Committee meeting. Representations are reported to the Planning Committee either in writing or verbally so it is up to the individual whether to attend or speak.

3.5 Registering to Speak at Planning Committee

3.6 Anyone who wants to speak at Planning Committee (which for the avoidance of doubt includes Ward Councillors, and Town or Parish Councillors) must register a 'Request to Speak' in advance, in either of the following ways:

- i) Filling out the "Request to Speak at Planning Committee" e-form on the Planning section of the Council's website; or
- ii) Emailing the Planning Case Officer or a member of the TSI team at tsi@doncaster.gov.uk.

3.7 A 'Request to Speak' should be received at least 120 hours² (i.e. equating to the equivalent of 5 days) before the start of the Planning Committee meeting. Ward Members are encouraged to notify the Planning Department of their request to speak in line with the above timeframes, but may make such a request prior to the formal opening of the Planning Committee meeting.

Requests to speak will not be carried forward to future Planning Committee meetings and therefore it will be necessary to register a 'Request to Speak' for each and every Committee meeting and for each category of speaker (see Rule 3.9).

¹ All correspondence will be with the organiser where any objection/support is part of an organised campaign or petition.

² This allows for adequate notification for Planning Committee Meetings to be held on different days/times e.g. *exceptional planning meetings* as required.

3.8 Right to Speak Process at Planning Committee

3.9 At Planning Committee, the Chair will introduce the item and ask speakers to address the Planning Committee. Time allocated to each category of speaker below is five minutes in total, not five minutes for each speaker in the category³.

Ward Members will be afforded up to a maximum of 10 mins in total⁴.

The five categories and order of speakers is as follows:

- i) **Objector(s)**
- ii) **Town or Parish Council Representative(s)** - The Council expect the Parish Council representative to express the single, corporate view of that Council.
- iii) **Ward Councillor(s)** - not sitting as a Planning Committee Member. In the case of a Member of the Planning Committee wishing to speak either in support or opposition of an application, that Member must declare an interest and be excluded from any discussion and decision on the application.
- iv) **Supporter(s) who are not associated with the applicant or application** (for the avoidance of doubt this cannot include family of the applicant or agent).
- v) **The applicant and/or agent**

To assist the process those wishing to speak are requested to ensure they express their views clearly and concisely within the time allocated and any matters raised are relevant to the application.

3.10 The Chair of the Planning Committee may intervene, or vary the order of speakers, in the interests of efficiency. Exceptionally, the Chair may increase the time available, for example if an application straddles a Ward boundary or if a large number of people wish to speak or in conjunction with an *exceptional*

³ At the discretion of the Chair, the allocated speaking time for any speaker may be increased (See 3.10)

⁴ For Wards which have three Members – the 10 mins will be split amongst all 3 Members. For Wards with two Members, both will have up to a maximum of 5 mins each.

planning meeting where it may be necessary to provide more technical information to ensure that an informed decision is reached. Exceptional planning committee meetings, which involve full public participation, provide the mechanism to allow additional time for more complex/technical applications to be fully considered by the Planning Committee. In such cases the time will be increased equally for each of the groups. Normally, no notice will be given.

3.11 Those addressing the Planning Committee will not be able to ask questions or join in the debate after their speaking time has elapsed. Members of the Planning Committee may ask questions to speakers on points of fact and clarification but must not enter into a debate on any issue raised.

3.12 Speakers must not interrupt other speakers, nor interrupt the Planning Committee's debate.

3.13 Items on the agenda

3.14 Items on the agenda will be dealt with, however there is a possibility that the applicant may withdraw the application, that the Planning Committee may defer consideration, for example to obtain further information or attend a site visit, or the Committee may decide after 3 hours that the meeting will conclude and all remaining items thereon be referred to the next meeting of the committee.

3.15 The Planning Committee agenda is available 5 working days in advance of the meeting at the Civic Office, Waterdale, Doncaster, DN1 3BU. Alternatively, the reports can be viewed at the Council Chamber Section on the Doncaster Council's website at <http://www.doncaster.gov.uk/>

3.16 Speakers are advised to familiarise themselves with the contents of the relevant Planning Committee report in the Committee Agenda prior to addressing the Planning Committee in order to avoid taking up Planning Committee time in repeating the Officer's comments.

3.17 The Planning Case Officer will ensure that planning applications to be determined by the Planning Committee for consideration are notified to Ward Members at the earliest opportunity to ensure they have the option to participate should they feel it warranted.

3.18 Requests to Speak - deferrals

3.19 If an application is considered by Planning Committee and deferred to a future Committee, each category of speaker will be restricted to the speaking times detailed above.

Requests to speak on a previous Committee will not be carried forward to future Planning Committee meetings and therefore it will be necessary to register a 'Request to Speak' for each and every Planning Committee meeting.

3.20 Presenting new information

3.21 If speakers wish to present documents, photographs or other material to the Planning Committee, the material must be submitted to TSI at tsi@doncaster.gov.uk or telephone 01302 736000 **by noon the day before the meeting is to take place**. The speaker will be informed if the material can be presented to the Committee. The Council will consider the information to ensure that there is no issue of impropriety, i.e. showing people or events in an unfavourable way, or defamation/slander for example.

3.22 Any PowerPoint or visual information must be provided in a PDF format and emailed to the Planning Case Officer in advance of the meeting, as the Council's equipment cannot accept external hardware. If the proposed material is deemed acceptable by the Council it will be loaded into the presentation for the item for consideration, and the Case Officer will bring up the images as requested by the speaker during their presentation to the Committee.

3.23 The submission of paper documentation or other materials on the day of the meeting by applicants, agents and persons making representations to the Committee is not permitted and cannot be circulated in the meeting.

3.24 Examples of relevant issues in considering planning applications (**material considerations**) may include:

- The Local Plan
- The National Planning Policy Framework and other Government planning policy advice
- Highway safety and traffic considerations
- Landscape impact
- Local amenity
- Noise/Air Quality
- Privacy (overlooking etc.)
- Conservation
- Archaeology
- Design/Character
- Trees/hedgerows

- Case law and relevant previous decisions

3.25 The Committee must only consider material considerations when determining planning applications.

3.26 Examples of issues which are irrelevant when determining planning applications (**non-material considerations**). This list is not exhaustive but gives examples of the types of issues that are not relevant when determining applications:

- Business competition
- Ownership disputes
- Reduction in property values
- Restrictive Covenants
- Moral objections
- Personal circumstances or private rights
- Matters controlled by other legislation e.g. Buildings Regulations, Licensing.
- The applicant's motives for making an application.
- Loss of trade elsewhere.
- Construction issues e.g. standard of workmanship, length of time taken to do work.
- Precedent e.g. unrelated decisions that have been made before.
- Complaints about procedures in dealing with applications.

3.27 An application submitted after development has been carried out has to be determined on its own planning merits like any other.

4. Pre-Committee Matters Including Site Visits

4.1 Site Visits

The site visit is for the Members of the Planning Committee to see aspects of an application site that cannot be fully understood through photographs, plans or by other means in the report or at the Planning Committee meeting. It is a fact finding exercise for the Planning Committee. The prospect of a Planning Committee site visit should not deter Members from looking at a site themselves from any public vantage points in the same way that any other member of the public may do.

4.2 Although the site visit is a formal part of the decision making process, it is not where decisions are taken.

4.3 Requests for site visits

A site visit may be initiated in one of two ways:

- i) At a Planning Committee, any Planning Committee Member may propose that a decision on an application be deferred to allow a site visit to take place. If seconded and voted upon by a majority of Members, a site visit will take place. **Members proposing a site visit must state planning reasons for visiting the site and how this will assist the Committee in determining the proposal.** These reasons will be recorded in the minutes. If an application is deferred for a site visit (or a site visit is required in advance of the Committee Meeting). Attendance at the site visit is strongly encouraged, especially so by those Members who proposed and seconded the motion to defer an application's consideration for a site visit.
- ii) If before a planning application is put on the Planning Committee Agenda the Head of Planning and the Chair agree that a Planning Committee site visit should be conducted sometime before that Planning Committee meeting. If a site visit is conducted prior to the item being heard at the Planning Committee then the item cannot be again deferred for a further site visit unless there are new planning matters to be considered on the site. Attendance at the site visit is again strongly encouraged for all Planning Committee Members.
- iii) The use of site photos/site video footage may be displayed to the Planning Committee meeting where this will assist Members in their considerations. This may also be necessary in certain unforeseen scenarios (e.g. pandemic/severe inclement weather etc.). However, wherever possible, all efforts should be made to attend the site visit in person and the use of such technology should not be used as a reason to not attend the visit.

4.4 Reasons for a site visit may include:

- i) The material available at the meeting is insufficient to understand the impacts of the proposal on the site and its surroundings;
- ii) Where the characteristics of the site and its surroundings are unusually complex e.g. relationships between buildings or levels;
- iv) The proposals raise issues on site that need to be experienced, e.g. noisy or smelly processes on or near to the site.

4.5 Information provided at Planning Committee is designed to allow Members to make informed decisions. Decisions to have a site visit should not be taken simply to defer making a difficult decision on a controversial application, or because applicants or objectors have requested them.

4.6 Arrangements for the site visit

- 4.6.1 Planning Committee site visits will take place before the application is considered by the Planning Committee. The date, time and order of site visits will be circulated to Planning Committee Members, local Ward Members and the Parish Council. Prior to the visit, officers will also send out a 'Site Visit Scoping Note' along with any other necessary supplementary information to assist in the proper running of the visit. Any Councillor needing assistance with transport to the site visit should contact tsi@doncaster.gov.uk or telephone 01302 734854 no later than 24 hours before the site visit is due to take place.
- 4.6.2 A Planning Committee minibus will be utilised wherever possible to ensure that the Planning Committee attend the site visit as a group. However, there may be occasions where this is not feasible e.g. recent COVID pandemic/social distancing requirements; or it would require a Member of the Planning Committee to travel into the Civic Office, which would add unnecessary journey by having to travel outside of, or past the site to actually be visited etc.). Meeting times and locations as detailed in the 'Site Visit Scoping Note' should be adhered to and the Planning Committee Members should avoid any contact with applicants/agents/members of the public/other Ward Members whilst awaiting the start of the site visit.
- 4.6.3 If access onto the site is necessary, the applicant or agent will be informed of the site visit and asked to ensure that access is available.

4.7 Attendance at the site visit

- 4.7.1 If an application is sufficiently important to warrant a site visit then all Members are strongly encouraged to attend.
- 4.7.2 The persons entitled to be present at all times during the site visit are Members of the Planning Committee and appropriate Council Officers.
- 4.7.3 Local Ward Members and Parish Council representatives may join the site visit group **but only to observe and listen**. Where this happens the representative(s) will not be permitted to address the Planning Committee or its Members unless asked to identify physical features such as boundaries or access points.
- 4.7.4 The land owner or their agent or the applicant may need to accompany Members on the site visit. Where this happens **that person will not be permitted to address the Planning Committee or its Members** unless asked to identify physical features such as boundaries or access points.

4.7.5 Members of the public may attend and listen to the proceedings where these are conducted in public areas, but they have no right to enter private land or buildings without the land-owners permission.

4.8 Conduct at the site visit

4.8.1 The following procedural rules will be observed in the holding of all Planning Committee site visits:

4.8.2 Officers will arrange the site visit in advance with relevant parties. There is no right to enter on private land without permission of the land owner. Where appropriate, officers will obtain permission from the land owner or his/her agent for those invited to attend the site visit to enter the land. If permission is not given for Members and Officers and other interested parties to enter, the site will have to be viewed from the public highway/areas.

4.8.3 The Chair (or Vice Chair) will control proceedings throughout.

4.8.4 The Chair will explain that the purpose of the site visit is to obtain information relevant to the determination of the application. The Chair will summarise the proceedings and the constraints as set out below.

4.8.5 The Chair will introduce the Planning Officer who will describe the proposals to Members with reference to matters of fact and features on the land and the submitted plans/drawings and summarise the relevant issues and material considerations. It is expected that Members will already be familiar with the planning officer's report where one has been provided.

4.8.6 Members may ask the Planning Officer for factual clarification of any planning matter relating to the proposal or surrounding land, for example, distances to adjoining or objectors' properties or the location of the planned development.

4.8.7 Other officers may be present to provide specialist/expert advice where required (e.g. Highways Engineers, Tree Officers, Environmental Health Officers etc.).

4.8.8 Members will then be invited through the Chair to ask any questions of fact or seek clarification from the Officers present. Members should not direct these questions to the applicant or others present. Any matters not to hand will be reported at the Planning Committee meeting. Discussion on the merits of the application will not be permitted, and Members should refrain from making comments on the proposal.

- 4.8.9 Representatives of objectors and/or supporters may be invited/allowed to attend the site visit as interested parties. However, the right of a representative to address the Planning Committee does not arise until this item is reached on the agenda during the relevant meeting of the Planning Committee. Presentations from interested parties should on no account be made. However, occasionally it may be appropriate for interested parties to be asked, through the Chair, to point out important or relevant site features. At no point during the site visit will debate or comment on the planning merits or otherwise of the proposal be permitted, as the proper time for such debate/comment is at the relevant meeting of the Planning Committee.
- 4.8.10 Ward Councillor(s) may attend the site visit however, any Ward Councillors will refrain from debating, lobbying or commenting on the planning merits or otherwise of the proposal. Ward Councillors will be permitted to make their representations at the relevant meeting of the Planning Committee in due course.
- 4.8.11 During the site visit, no separate discussions regarding the application must take place with officers or Members and either applicants, objectors or supporters. In order to assist in ensuring that Members receive the same information, they are required to keep together in one group with the Chair and the Planning Officer during the entirety of the accompanied site visit. They will not break-off to discuss the proposal separately with residents or the applicant.
- 4.8.12 During the site visit, Officers and Planning Committee Members will not accept any representations (including verbal presentations, documents, letters or petitions) from applicants, objectors or supporters. Any representations should be sent to the Planning Department and these will be reported at the relevant meeting of the Planning Committee.
- 4.8.13 No hospitality will be accepted by Officers and Members from the applicant or any other interested party present at the site visit.
- 4.8.14 The Planning Committee Members present at the site visit will sign an attendance sheet.
- 4.8.15 The Chair (or Vice Chair) will conclude the site visit. Members will leave the site promptly, as a group, and refrain from talking to the applicant, objectors or other interested parties. No indication of the views of Members or the likely outcome of the Planning Committee's deliberations on the application will be given. To do so might imply that a Member's mind is already made up.

4.8.16 If Members require further information or clarification of any aspect of the development, the officer(s) attending the site visit will be asked to ensure that such information is available by the time the application is considered by Members at the relevant meeting of the Planning Committee.

4.9 After the site visit and at the subsequent Committee(s)

4.9.1 The application will be reported to the next available Planning Committee for debate and determination.

4.9.2 To ensure openness and transparency the Chair/Officer will provide feedback to the meeting on the key issues arising/identified from the site visit.

4.10 Pre-Committee Briefings

4.10.1 Pre-committee briefings will be held with **all Planning Committee Members**. The purpose of the pre-committee briefing is to update Members on the applications to be presented at the next Planning Committee meeting and to go through any amendments/speakers etc. following dispatch of the formal agenda.

4.10.2 No decision shall be taken at the pre-committee briefing and no debate or views are to be given on the merits of an application as Members must remain open in their minds and have the ability to reach an informed view at the formal Planning Committee meeting once all the information has been presented, speakers have spoken and the debate has been had.

4.10.3 The pre-committee briefing will allow a reasonable amount of time for officers to prepare responses to any queries or information requirements that Members may have to avoid any frustrations at the actual formal Planning Committee meeting.

4.10.4 The use of virtual technology (i.e. MS Teams) will be utilised to facilitate the ease of holding such briefings and attendance.

5. Committee Agenda

5.1 The Committee's agenda will include the following parts for planning reports:-

- Applications for consideration – these items attract public speaking rights.
- Items for decision – non-planning application matters that require consideration by Committee – there are no public speaking rights.
- Items for information: reports for information only.

5.2 Each planning application for decision is the subject of a written report with an officer recommendation. In addition to the report, officers will present the item

for consideration together with illustrative material to explain the scheme. The planning application itself is available to view on Public Access at <http://www.doncaster.gov.uk/services/planning/planning-applications-online-public-access> under the relevant application number and Members are encouraged to view this information for themselves.

- 5.3 The Planning Case Officer will also present to the Committee, pre-committee amendments contained within the Pre-Committee Amendments document which is available on the Council's website wherever possible before the Committee. The pre-committee amendments will consist of list of registered speakers, any late representations received, an update of any amendments to any conditions required and any required updates to the report.
- 5.4 Any additional material from the applicant, Town or Parish Council, Ward Member, supporter(s) or objector(s) to the proposal or technical consultees should not be distributed to Planning Committee Members unless this has been approved in accordance with para. 3.21 above.

6. Order of Proceedings

- 6.1 Generally, Planning Committee meetings take place at the Civic Building, Doncaster, however virtual Planning Committee meetings may also be utilised where situations require it and powers are given for this to happen. The time of the meeting is stated on the agenda papers and published in the Diary of Meetings on the Council's website.
- 6.2 At the discretion of the Chair, the order of business on the agenda may be varied at the meeting and with the agreement of the Committee.
- 6.3 The procedure for considering each item shall be as follows:
- The Planning Case Officer shall provide an update on any pre-committee updates and then proceed to introduce the application.
 - Public speaking in accordance with the Public Speaking Procedure (as set out in paragraph 3.9 of this Protocol will take place).
 - The Head of Planning and/or the Planning Officer will address, where necessary, any issues raised during public speaking and respond to questions from Members of the Planning Committee.
 - The Planning Committee will then move into debate on the merits of the application and reach a decision.
 - Advice may be provided by the Head of Planning and/or the Planning Officer and/or the Legal Officer at any time as necessary.

7. Decision Making

7.1 In coming to a decision on a planning application, a Planning Committee Member must:

- Come to the meeting with an open mind;
- Not communicate with anyone (except officers, other Planning Committee Members and public speakers through the Chair) orally, electronically, in writing or by any other means during the proceedings of the Committee;
- Come to a decision only after due consideration of all the information reasonably required to base a decision upon;
- Not vote on a proposal unless they have been present to hear the whole debate including the officer's presentation and any public speaking; and
- Ensure that if they are proposing, seconding or supporting a decision contrary to the officer's recommendation or the Development Plan, that they identify and understand the planning reasons leading to their conclusion and that they consider any professional advice given.
- Reasons must be given before a Secunder to the proposal is sought and the vote is then taken and recorded.

8. Voting Procedures

8.1 Members must be present for the entire Planning Committee item, including the officer's introduction and update; otherwise they cannot take part in the debate or vote on that item.

8.2 The Chair of the meeting will bring the Planning Committee to a vote where he/she considers that there has been sufficient debate on the item. All items on the agenda will require a decision making on them and cannot be undetermined.

8.3 The Committee will vote on the recommendation set out in the report, unless a motion is made and seconded to depart or defer from the recommendation set out in the report.

8.4 If a Planning Committee Member wishes to amend the recommendation (such as an additional or amended condition) they will need to move this proposal which must be seconded prior to any vote on the recommendation. Reasons for the amendment to the motion must be given prior to the vote.

8.5 For the vote on the recommendation (or an amendment to the recommendation) to be successful there needs to be a majority vote in favour.

In the event of votes being equal then the Chair has an additional casting vote (which can be exercised whether or not the Chair voted in the first instance).

Decisions contrary to the Recommendation

- 8.6 If the Committee votes to overturn the recommendation of the Planning Officer by way of a “minded to approve or refuse the planning application” motion, the Member proposing the motion to overturn the recommendation must outline the reasoning and material planning considerations relied upon for reaching such a decision. Such reasoning should explain, as and when appropriate, why it is proposed to depart from the development plan, the departure from policy or policy interpretation relied upon and/or what material planning considerations are being attributed determining weight (see paragraph 3.24 as a general guide). The receipt of the reasoning and material planning considerations from the Member proposing the motion will ensure that the Committee is fully aware of the reasoning and material planning considerations upon which such a motion is based.
- 8.7 Planning Committee decisions contrary to Planning Officer recommendation may be subject to appeal or to legal challenge. Members should therefore ensure that the planning reasons for the decision are set out and based on proper planning reasons prior to any resolution being made and voted upon thereafter. The Planning Officer should always be given the opportunity to explain the implications of the Planning Committee’s decision.
- 8.8 Examples of relevant material planning considerations which can be considered are detailed at paragraph 3.24. The Committee must only consider material considerations when determining planning applications.
- 8.9 Examples of matters which are irrelevant when determining planning applications (non-material considerations) are detailed at paragraph 3.26.
- 8.10 The Planning Committee must, before voting on the motion, receive advice from the Head of Planning (or his/her representative) and if necessary the Legal Officer at the meeting as to the form of a new motion. That advice will be based upon the material planning considerations that will have been discussed by the Planning Committee in debate.
- 8.11 Once the Planning Committee has received the advice of the Head of Planning (or his/her representative) and Legal Officer, they can proceed to a vote. A detailed minute of the Planning Committee’s reasons to go against the officer’s recommendation will be recorded.

9. Following the Committee Meeting

- 9.1 The decisions of the Planning Committee must be recorded in the minutes of and published on the website (for interested parties who cannot attend).
- 9.2 If an application for planning permission has been refused, or permission has been granted with conditions imposed, an applicant can appeal to the Planning Inspectorate.
- 9.3 The decision notice issued by the Planning Department will be accompanied by information on how to appeal. There is no 'third party right of appeal', so only the applicant may appeal against a decision made.
- 9.4 Audio and visual recordings of each meeting will be made by the Council. These recordings will be posted on the Council's webpages. All comments made by speakers appearing before the Committee, whether elected representatives, planning agents or members of the public will be included within the recording following the meeting.

10 Review & Monitoring and Training

- 10.1 The effectiveness of this Protocol will be monitored in the following ways:
- Officers will produce an 'Annual Review', which will be presented to the Planning Committee for consideration/agreeing; and
 - An annual report will be prepared for the Standards Committee on any formal complaints made under the Council's complaints procedure in relation to the functioning of the Planning Committee, and where the Ombudsman has decided to investigate.
- 10.2 It is recommended that participating Planning Committee Members continue to attend relevant training on planning matters as required and/or provided in association with the Head of Planning.

APPENDIX 1:

Members - Referral to Planning Committee Request Form

Please use this form to request that a planning application is referred for consideration by the Planning Committee.

Applications can be referred to the Committee if an elected Member of the Council makes representations to the Head of Planning during the 21 day publicity period of the application, which details the material planning reasons for requiring the application to be heard by Planning Committee.

To: Head of Planning

REQUEST FOR APPLICATION TO BE REFERRED TO PLANNING COMMITTEE

Application Number *

Location *

Proposal

I would like to request that the application described above be reported to Planning Committee *

My reason(s) are as follows:

*(Please note that these must be valid planning reasons – see Para. 3.23 of the Protocol for a general guide)**

Councillor name: *

Date: *

Please submit your request to TSI at tsi@doncaster.gov.uk