

PLANNING COMMITTEE - AMENDMENTS TO THE AGENDA

Committee Date: 15th September 2020

Officers Present: Roy Sykes – Head of Planning, Garry Hildersley – Planning Development Manager, Andrea Suddes – Principal Planning Officer, Mel Roberts – Principal Planning Officer, Alicia Murray – Principal Planning Officer, Roisin McFeely– Senior Planning Officer, Stacy Cutler – Senior Legal Officer, Amber Torrington – Governance Officer

Agenda Item No. and Application Reference	Notes
ITEM 1 20/00109/3FULM	<p>Erection of 22 affordable council houses, with associated highway and infrastructure. (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)</p> <p>Location: Land Adjacent To Adwick Lane, Toll Bar</p> <p><u>Amendment to para 5.21 of the officer report</u></p> <p>Para 5.21 has been updated to reflect the most up to date status of the Local Plan, and now reads as follows;</p> <p>The Local Plan has been formally submitted for examination on 4th March and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). When the local plan was published under Regulation 19 in August 2019, all of the policies were identified as carrying 'limited weight' for the purposes of determining planning applications. Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy:</p> <ul style="list-style-type: none"> - Substantial - Moderate - Limited

	<p>The Council is aiming to adopt the Local Plan by winter 2020 and the following policies would be appropriate for each policy the level of outstanding objections has been assessed and the resulting appropriate weight noted against each policy</p>
<p>ITEM 2 19/02977/FULM</p>	<p>Application description: Erection of residential development (Use Class C3), internal access roads, car parking, open space and associated works.</p> <p>Location: Land off Watch House Lane, Bentley</p> <p><u>Build to Rent</u></p> <p>Advice in the National Planning Policy Guidance (NPPG) discusses what happens if homes within a Build to Rent (BtR) scheme are sold off into separate ownership. It clearly expects BtR schemes to remain within the rental sector, but accepts that there may be circumstances where a developer needs to sell all or part of a scheme. To allow for such cases, it advises local planning authorities to consider a covenant period <i>‘for the retention of private market rent homes in that tenure and potential compensation mechanisms in the event that private market rent homes are sold before the expiration of an agreed covenant period.’</i></p> <p>There is little advice on the length of an appropriate covenant period, but BtR is seen as a viable alternative to home ownership and long-term tenancies are seen as one of the benefits of BtR. In light of this, in its Supplementary Planning Guidance on affordable housing and viability, the Greater London Authority recommends that BtR homes have minimum 3-year tenancies, to be held under a covenant for at least 15 years. A covenant period of 15 years is considered to be reasonable, given that short-term sales would cancel out many of the advantages of BtR, but it would not prevent a secondary buyer’s market from developing over the longer term. Moreover, the BtR PPG notes states that <i>‘in granting planning permission for build to rent developments, authorities should set in place a planning condition requiring scheme operators to offer tenancies of 3 or more years to all tenants in the development, who are eligible to live in the country for that period (under the right to rent).’</i></p> <p>Where affordable private rent homes are converted to another tenure, the NPPG provides a formula that may be used to calculate the amount of clawback payable. This is not required in this case as no affordable private rent is being provided on site, however the NPPG also sets out that it is for local authorities to decide how to structure any clawback arrangements for the sale of private market rent homes in the covenant period. The NPPG suggests that it could be calculated by reference to viability at the time of the original application, or viability when the scheme is sold and again makes reference to the value of two sets of figures, one based on Build to Rent and one on Build for Sale. In any case, the NPPG is clear that <i>‘the sale of homes from a build to rent development should not result in the loss of affordable housing without alternative provision being made.’</i></p> <p>Therefore, while the viability assessment undertaken on this application concluded that a total affordable</p>

housing contribution of £361,036 could be provided now, it is considered that a further assessment should be undertaken in the event that all or part of the BtR scheme is sold within a 15 year covenant period, to determine the level (if any) of alternative affordable housing provision. This could again take the form of an additional off-site commuted sum.

It is therefore recommended that if permission is granted, a 106 Agreement secures provision of the option of 3-year tenancies for a minimum of 15 years, with a suitable clawback arrangement likely to involve a re-running of the viability assessment at a point of sale within the covenant period to determine whether a further affordable housing contribution can be provided. The heads of terms for the 106 shall therefore include the following:

- 1) Covenant to secure the option of 3-year tenancies and the provision of all of the private market rental units for a minimum of 15 years.
- 2) Clawback arrangement, should the covenant be breached, to compensate for the loss of private market rental units based upon viability at the point of sale.

Section 106 Board

The Section 106 Board have recommended that half of the available contribution is given over to education, with the focus being on Don Valley Academy where there is the greater need for providing school places. The 106 Board have asked for the full Biodiversity contribution of £53,687. They have also asked that the full off-site open space contribution be given towards improvements to Black Park off York Road. They have asked that the remaining monies of £111,556 be given towards off-site affordable housing.

Section 106 Agreement

Should planning permission be granted, the terms of the Section 106 Agreement are therefore to include:

- 1) Covenant to secure the option of 3-year tenancies for those that want them and the provision of all of the private market rental units for a minimum of 15 years.
- 2) Clawback arrangement, should the covenant be breached, to compensate for the loss of private market rental units based upon viability at the point of sale.
- 3) £164,673 for Don Valley Academy
- 4) £15,845 for Sunnyfields Primary School
- 5) £53,687 for Biodiversity offsetting
- 6) £15,275 for improvements to Black Park, off York Road
- 7) £111,556 towards off-site Affordable housing

Additional conditions

No dwellings shall be occupied on site until highway improvement works, as indicated on plan reference 3798 SK001 04 rev A dated 14/10/19, have been implemented in accordance with a detailed scheme previously submitted to and approved in writing by the local planning authority.

REASON

In the interests of highway safety and to ensure adequate visibility at the junction of Watch House Lane and Fairfield Road.

No dwellings shall be occupied until connections to the Trans Pennine Trail as indicated on 100-448/(P)001O dated 11.01.19 have been provided in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

REASON

To encourage sustainable modes of travel in accordance with policy CS9 of the Core Strategy.

Upon commencement of development, details of measures for the provision of on-site infrastructure to facilitate the potential future connection of gigabit-capable full fibre broadband for the dwellings hereby permitted, including a timescale for implementation of the on-site infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON

To ensure that the development provides the on-site infrastructure for potential future connectivity to the fastest technically available Broadband network in line with the NPPF (para. 112) and Policy 22 of the Doncaster Local Plan.

Additional representations

Councillor Bill Mordue has written in to reaffirm his views that the development of 60 houses is in his view too many. Two previous attempts to build far less have been withdrawn. Highways now seemed to have changed their mind regarding traffic issues. The site map does not show the widening of Fairfield Road where it meets Watch House Lane; this I believe was a condition because of the narrowness it already causes jams. Yet absolutely nothing is mentioned of this, or the former history and the Highways Department's previous view of the junction on to Watch House Lane.

Request to Speak

Mr Ken Murray is to speak in opposition to the application.

Councillor Jane Nightingale is to speak in opposition to the application.

Tim Waring of Quod (Planning agent) is to speak in support of the application. The applicant and others will

	also be available to answer questions if needed.
ITEM 3 19/01334/OUT	<p>Application description: Outline application for residential development of 5 houses (approval being sought for access and layout).</p> <p>Location: Land Adjacent 113 Kirton Lane, Thorne, Doncaster, DN8 5RG</p> <p><u>Amended conditions</u></p> <p><i>Condition 18</i> With the submission of the reserved matters application, evidence should be provided of how a Natural England license in respect of great crested newts will be satisfied for approval. This shall include results of further survey work if access is allowed. If access is denied then details of how the license application would be approached in line with that already submitted with this application shall be updated and resubmitted for approval. REASON In line with Core Strategy Policy 16 to ensure the ongoing ecological interests of the site with respect to great crested newts.</p> <p><i>Condition 19</i> With the submission of the reserved matters application on this site, details of updated ecology surveys shall be provided if more than 48 months has passed since the last survey was carried out. Informed by these updated surveys any necessary method statements to be followed during construction shall also be submitted to the Local Planning Authority for approval in writing. These method statements shall then be followed in full to ensure no impacts on protected species or ecological features on the site. REASON In line with Core Strategy Policy 16 to ensure the ongoing ecological interests of the site.</p> <p><u>Additional Condition</u></p> <p>With the submission of the reserved matters application, a sensitive lighting strategy should be provided for approval by the Local Planning Authority. This strategy shall ensure that the boundary vegetation of the site is not lit. The lighting on the site shall thereafter follow what is agreed within the lighting strategy. REASON To ensure the impacts of lighting on the site do not adversely impact bats, in accordance with Core Strategy Policy 16.</p> <p><u>Request to Speak</u></p> <p>Howard Wroot has requested speak – acting as the Agent.</p>

<p>ITEM 4 19/02192/FUL</p>	<p>Application description: Erection of 5 dwellings following demolition of existing building.</p> <p>Location: Former St Johns Ambulance Building, Grange Road, Moorends, DN8 4LS</p> <p><u>Amended description</u></p> <p>Summary refers to 6 dwellings, scheme has been amended to 5 should read: Erection of 5 dwellings following demolition of existing building.</p> <p><u>Amend Recommendation:</u></p> <p>RECOMMENDATION: to refuse planning permission however if members are minded to grant the application determination of the application be delegated to the head of planning, such determination shall be in accordance with any direction given by the secretary of state under s77 TCPA 1990 following consultation with him in accordance with the provisions of the Town and Country Planning (Consultation) Direction 2009. If no such direction is given within 21 days of the secretary of state confirming receipt of the referral, the head of planning shall grant the application subject to conditions.</p> <p><u>Additional consultation response</u></p> <p>The EA have agreed that the committee report is an accurate reflection of their position in relation to this application. They support the recommendation for refusal based on the details submitted to date.</p> <p>In terms of FFLs, 4.4mAOD is considered a starting point in line with the requirements of the SFRA. However they acknowledge there are instances where it may be difficult to achieve this so if the applicant can justify why they can't achieve 4.4mAOD then they may consider 3.5mAOD with flood resilience measures as outlined later in the EA's original consultation response in their section 'Overcoming our objection'.</p> <p>In respect to their follow up response, this was in relation to an email received via case officer Joe Perkins (at the time) where the applicant suggested keeping FFLs at 3mAOD but increasing resilience up to 4mAOD, however the plans were not formally updated to reflect this. Their position remains that the applicant hasn't justified not being able to meet 4.4mAOD and their proposed FFL's of 3mAOD do not meet the minimum requirements even if they did provide justification. They haven't received anything since then to suggest they are going to address this. The EA note that there are some revised plans on the planning portal, however the FFLs are still 3mAOD and there is no revised FRA so their position remains as per their original response dated 18 October 2019.</p> <p><u>Amended Reason for refusal 1:</u></p>
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Amenity to be removed from reason for refusal. Agent has provided a 25 degree overshadow projection plan which shows that there is no significant harm caused to amenity. Considering there was previously a building in close proximity to the neighbouring dwelling the first reason for refusal is now removed as it is felt that substantial harm to no.60 from overshadowing will not be created at this distance. It is acknowledged it is less than the 11m in guidance however in this case given the below assessment and previous building on the site it is felt to be acceptable.

Updating reason for refusal 2:

The EA have clarified their position and feel that the FRA is still inadequate and so the reason for refusal has also been updated to the below:

It is considered that the proposal has failed to pass the Exception Test for flooding and has an inadequate Flood Risk Assessment, contrary to paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance, Paragraphs 160, 161 and 163 of the NPPF (2019), Development and Flood Risk SPD and Policy CS4 (Flooding & Drainage) of the adopted Core Strategy (2012).

Amend Paragraph 9.12

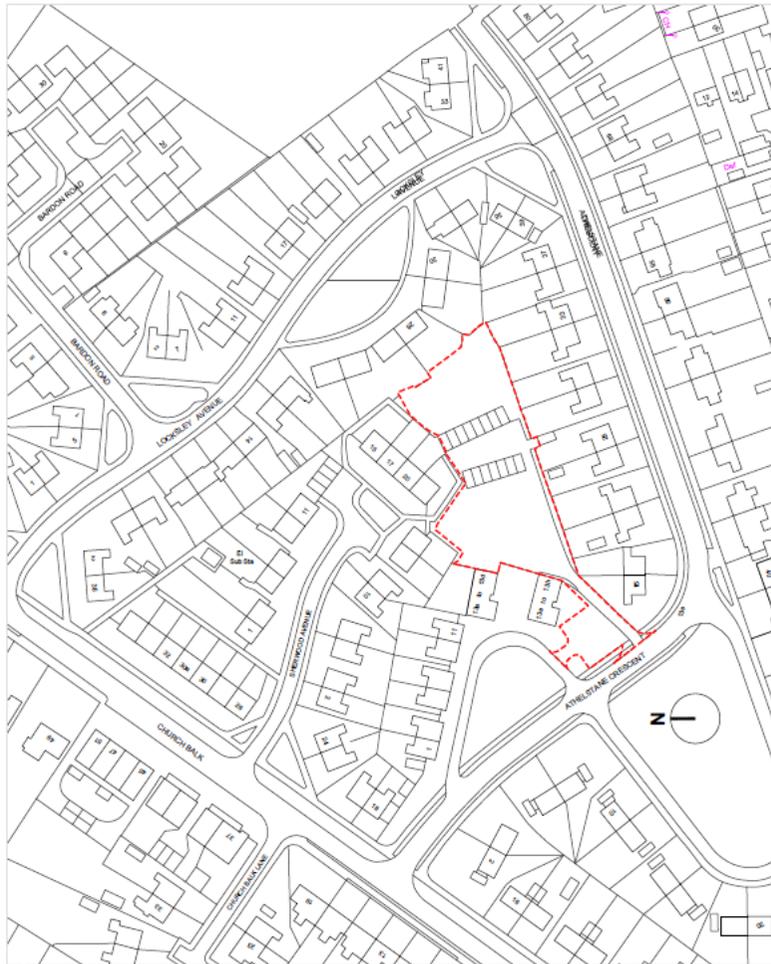
Agent has provided additional information which overcomes the overshadowing issue. Paragraph 9.12 therefore should be amended to reflect this:

9. 12 The side of plot 6 has a separation distance of 8m to no. 60 Grange Road. Standards as set out in the backland SPD states that there should be a separation distance of 11m from blank elevations to habitable/non-habitable room windows. The proposal does not include any windows in this side elevation but the 60 Grange Road does have windows to non-habitable rooms in their gable end and so should enjoy a reasonable amount of light. The agent provided a 25 degree overshadow projection plan to show that the impact of the proposal would not be significantly harmful to no. 60 Grange Road. It should also be noted that there was previously a building on the site located 2m further way from no. 60. Given the previous building, it is therefore considered that the proposal would introduce overshadowing more significantly harmful than the previous building. Whilst the proposal does not meet the separation distances as set out in the SPD, it is considered given the previously building and justification provided by the agent to be acceptable in this instance as the overshadowing is not considered to be significantly harmful. The proposal was amended to remove windows from the side elevations of the proposal to avoid harmful overlooking.

Numbering to be amended

Should members be minded to approve this application the numbering will need to be amended as it does not follow on correctly

<p>ITEM 5 20/01187/3FUL</p>	<p>Application description: Erection of 5 affordable dwellings.</p> <p>Location: Land adjacent to Athelstane Crescent, Edenthorpe, Doncaster, DN3 2NQ</p> <p><u>Additional Publicity</u></p> <p>Application has been re-advertised for 21 days as an alteration to the red line boundary has been submitted. This will take the application advertisement date beyond the committee date and therefore will need to be delegated to the head of service should members be minded to approve. The Recommendation needs to be delegated to head of service and should read:</p> <p>RECOMMENDATION Approve subject to conditions: resolve to delegated authority to head of planning to issue the decision should members be minded to grant</p> <p><u>Amended Plan</u></p> <p>The location plan did not match the site plan redline boundary and thus has been amended below and now includes the proposed parking area:</p>
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RevB Redline boundary updated 07.09.20



**Doncaster
Council**

**Construction
Services**
CIVIC OFFICE,
WATERDALE,
DONCASTER, DN1 3BU
TEL: 01422 706000

Project:
**Athelstone Crescent
Doncaster**
Drawing:
Location Plan

Project Number
PQ2060
Scale
1:250
Sheet size
A4
Revision

Drawing Number
AD 01/B
Date
02/01/2020
Drawn
R.V
Designed

File Location: S:_Technical_Services\PROJECTS\PQ2060 - Athelstone Crescent\Changes to 1:1k, Erection of 2 Detached Dwellings with 2 Detached Garages AD 01/B MAPS 1:250.dwg

ITEM 6
20/00442/OUT

Application description: Outline application for the erection of 2 detached dormer dwellings with detached garages (with some matters reserved: appearance and landscaping).

Location: 55 Whiphill Lane, Armthorpe, Doncaster, DN3 3JP

Amended Planning condition 14: (gives a specific height for the dwellings)

14. The maximum ridge height of the dwellings hereby approved shall be no larger than 7.6m in height.

REASON

To ensure that the dwellings are in keeping with the character of the locality and in accordance with Policy CS14 of the Core Strategy.