



Doncaster Council

Report

Date: 14th September 2021

To the Chair and Members of the PLANNING COMMITTEE

11/00246/EXTM - Erection of 112 houses and 84 apartments (being extension of time on planning application 06/00014/FULM, granted on 09/04/2008). Wright Business Park, Stevens Road, Balby, Doncaster

Relevant Cabinet Member(s)	Wards Affected	Key Decision
		No

EXECUTIVE SUMMARY

1. This report is presented to the Planning Committee as an update on some new developments which need to be considered prior to issuing the planning permission for the erection of 112 houses and 84 apartments (being extension of time on planning application 06/00014/FULM, granted on 09/04/2008) at Stevens Road, Balby.
2. The application was previously presented to Planning Committee on the 22nd September 2015 and again on 20th October 2015.
3. Copies of the most recent planning committee reports and approved minutes of this meeting are appended for reference.

EXEMPT REPORT

4. This report is not exempt.

RECOMMENDATIONS

5. Planning Committee agree to delegate authority to the Head of Planning to issue the planning permission, subject to the completion of the legal agreement, in line with the Planning Committee's previous unanimous decision to grant permission on 20th October 2015.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

6. The development will provide a significant contribution to Doncaster's housing
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target on a site allocated for housing in both the current development plan and the emerging Doncaster Local Plan.

BACKGROUND

7. Planning permission for the proposed housing development was originally granted by the Council on 9th April 2008 (Ref: 06/00014/FULM). Prior to the expiry of the planning permission requirement to implement the scheme (as per the standard planning condition to commence development within 3 years) an 'extension of time' application was made to the Council to extend the timescale for implementation (Ref: 11/00246/EXTM), as was permitted at that time by regulations allowing extension of time applications to be submitted to help developers deal with the economic downturn by extending the period within which to implement their permissions.
8. This application was presented to the Planning Committee on 22nd September 2015, where a decision to defer the application was taken to allow officers to reassess the s106 legal contributions, in particular the affordable housing element.
9. The application was returned to Planning Committee the following month with an update on the viability reassessment. This still concluded that the scheme was, as previously reported, unviable for affordable housing – although additional monies were able to be secured for the provision of a pair of bus shelters in order to promote the sustainability credentials of this development.
10. Subsequently, a resolution to grant the application was unanimously agreed by Planning Committee on 20th October 2015 – subject to alterations to the proposed conditions. This entailed two conditions being deleted and replaced by two amended conditions, which related to 1) the standard implementation condition being amended to reduce it from 3 to 1 years; and 2) the requirement to submit a Statement of Noise Attenuation measures. Since this time there has been a prolonged period of negotiation in relation to the legal agreement to allow the permission to be issued. The legal agreement is now largely agreed so the decision is close to being ready to be issued.
11. As a result of the delay, two important matters have arisen that requires members of the Planning Committee to be updated, prior to issuing the decision. Firstly, the policy landscape has changed and it is necessary to update members on relevant policy considerations that have evolved – principally as a result of both the emerging Doncaster Local Plan and the new National Planning Policy Framework (NPPF) (2021). Secondly, given the passage of time since the Planning Committee's resolution to grant - a further updated viability appraisal has been requested by officers and carried out to check if the viability situation has changed.
12. The emerging Doncaster Local Plan, which is afforded substantial weight in the determination of planning applications and which, upon adoption by the Council, will supersede both the current Unitary Development Plan policies and map and the Core Strategy, continues to allocate this site for housing (Site Ref: MUA47). Considerations in relation to: the principle of the development; design, layout and character; residential amenity; flood risk; highways and traffic; planning obligations required to make the development acceptable – have all been considered and are unaltered by the emerging Doncaster Local Plan or new NPPF (2021). The issue of Biodiversity Net

Gain is now enshrined in planning policy both locally and nationally and this has been recently considered. Doncaster's ecologist has recently visited the site and has provided an overview of the current situation describing the habitats generally as disturbed, cleared, un-vegetated land with some sealed surfaces which are poor ecologically. Some high value habitat possibly up to 0.4ha may be identified. Whilst the development indicatively suggests that between 8-12 BNG credits are required in order to offset the development, the scheme has previously and continues to be unviable for policy asks and so this cannot be provided. The Council's ecologist considers that the delivery of 8-12 BNG units on this site would cost approximately £200 – £300k, however, as is set out below, the site has been retested for viability and is still considered to be unviable.

13. As a result of the passage of time and in preparation for concluding the legal agreement and issuing the planning permission, a more recent viability retest has taken place. The site has been tested for viability in December 2013, and July 2015 and on both occasions has been found to be unviable. The site has been retested using the same independent assessor to determine if any circumstances have changed that would make the site more viable. The most recent viability assessments of December 2019 and July 2020 have concluded that the scheme is unable to contribute any of the planning policy requirements. The independent viability assessor has agreed with these findings and this has not altered the situation from that previously considered by planning committee in 2015.
14. As such, the policy framework does not alter the balance of the officer's recommendation or the Planning Committee's resolution to grant.

OPTIONS CONSIDERED

15. OPTION 1 - Authority be delegated to the Head of Planning to issue the planning permission following completion of the legal Agreement, in accordance with the resolution of planning committee on 20th October 2015 – **Recommended**

OPTION 2 - The Head of Planning not to be given authority to issue the decision and the application be referred back to Planning Committee for consideration – Not recommended.

REASONS FOR RECOMMENDED OPTION

16. Option 1 will be in line with previous Planning Committee resolution to grant permission. The site is currently allocated for housing in the Unitary Development Plan and is proposed to remain as a housing allocation in the emerging Local Plan. The housing will help to return the site to beneficial use and help to deliver much needed housing towards the Borough's housing targets on an allocated site. As a precaution, the proposal has since the Planning Committee's resolution to grant in October 2015, been retested for viability by an independent consultant on behalf of the Council – demonstrating that the site is still unviable to provide affordable housing, education or biodiversity net gain policy requirements. However, a mechanism is to be built into the s106 legal agreement to retest viability again, if the development is not built out within three years. If at that point it is found to be viable – any monies can be used towards affordable housing elsewhere in the Borough.

17. Option 2 will not be in line with the NPPF requirement, which for decision taking, means approving development proposals that accord with an up-to-date development plan without delay.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

	Outcomes	Implications
	<p>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 prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>This outcome is likely to be unaffected.</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 proposal will deliver housing on an allocated site in a sustainable location, with provision for sustainable travel and onsite Public Open Space.</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>This outcome is likely to be unaffected.</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>The amenity impacts of both existing and future residents have been fully assessed in the resolution to grant permission and remains unaffected.</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • 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>This outcome is likely to be unaffected.</p>

RISKS AND ASSUMPTIONS

19. None.

LEGAL IMPLICATIONS [Officer Initials SC Date 26.8.21]

20. The Local Planning Authority (LPA) must when determining planning applications, comply with its duty under s70(2) of the Town and Country Planning Act 1990 as amended to deal with all applications in accordance with the development plan and any other considerations. As the decision notice has not yet been issued, the LPA is still dealing with the application and it should make members aware of any new matters which were not before the committee the last time the application was presented. That is the purpose of this report. Once members have been updated therefore they have the option of delegating to the Head of Planning the authority to issue the decision in accordance with the previous resolution of Planning Committee subject to prior completion of the legal agreement (recommended) or requesting the application be referred back to members for reconsideration.

FINANCIAL IMPLICATIONS [Officer Initials BC Date 31.08.2021]

21. There are no direct financial implications arising from the recommendation of this report.

The report states that the viability situation has not altered since the

previous Planning Committee decision of October 2015.

HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 27/08/2021]

22. There are no HR implications to this report.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 31.08.2021]

23. There are no technology implications in relation to this report

HEALTH IMPLICATIONS [Officer Initials CT Date 31.08.2021]

24. This housing application was submitted several years prior to the Director of Public Health being included as a consultee for planning applications. This location would benefit from affordable housing ensuring that people on low to moderate income are able to afford other basic living costs, such as food and utility bills which have positive impacts on health and wellbeing. It is disappointing that affordable housing is not viable on this site. However, it is noted that in the Recommended Option, option 1, that a mechanism is to be built into the s106 legal agreement to retest viability again if the development is not built out within three years. If at that point it is found to be viable – any monies can be used towards affordable housing elsewhere in the Borough.
Public Health supports the recommendation.

EQUALITY IMPLICATIONS [Officer Initials RS Date 2.9.21]

25. There are no equality implications.

CONSULTATION

26. Chair and Vice Chair of Planning Committee
Ward Members

BACKGROUND PAPERS

27. Appendix 1 - Committee report – 20th Oct 2015.
Appendix 2 - Approved minutes of meeting - 20th Oct 2015.

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

28. NPPF – National Planning Policy Framework

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