

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 23RD AUGUST, 2022

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 23RD AUGUST, 2022, at 2.00 pm.

PRESENT:

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

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

APOLOGIES:

Apologies for absence were received from Councillors Aimee Dickson.

15 Declarations of Interest, if any

In accordance with the Members' Code of Conduct, the Chair, Councillor Susan Durant declared a non-registerable interest in relation to Application No 21/01926/FUL, Agenda Item No.5 (1).

In accordance with the Members' Code of Conduct, Councillor Steve Cox, declared an interest in relation to Application No. 21/02365/FULM, Agenda Item No. 5(2), by virtue of being a Local Ward Member.

16 Minutes of the Planning Committee Meeting held on 26th July, 2022

RESOLVED that the minutes of the meeting held on 26th July, 2022 be approved as a correct record and signed by the Chair.

17 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'.

18 Adjournment of Meeting

RESOLVED that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 2.57 p.m. and 3.17 p.m. respectively to be reconvened on this day at 3.02 p.m. and 3.20 p.m.

19 Reconvening of Meeting

The meeting reconvened at 3.02 p.m. and 3.20 p.m. respectively.

20 Proposed Deed of Variation to Section 106 Agreement for a residential development at Briars Lane, Stainforth

The Committee considered a report which sought approval a variation to the Section 106 Agreement for an approved residential development for the erection of 152 dwellings on 4.2ha of land at Briars Lane Stainforth.

It was reported that Full Planning Permission was granted on the 17th February, 2015 the decision being subject to a S106 Agreement. During the application process, the applicants had provided a viability assessment which demonstrated that the scheme could not provide the required 26% affordable housing requirement whilst returning an acceptable level of profit. On this basis, the Council and the Developer entered into a Section 106 legal agreement, that sought to ensure that the viability of the scheme could be reassessed on the third anniversary of the S106 agreement which was 11th February, 2018. Should the scheme then be shown to be viable, the agreement would allow for either the delivery of built affordable units on the site, or a commuted sum in lieu of should no Affordable Housing provider be identified to take ownership of units.

Members were informed that development commenced on the site prior to that 3 year trigger, but the site was subsequently mothballed. However, a new Developer had now taken ownership of the site and wished to complete the development. The Developer wished to provide a new viability assessment, but the time to do that was in 2018, and as such, the obligation within the existing S106 agreement could not technically be discharged. Given that the original application was agreed by the Planning Committee, any changes to the associated S106 also required Committee approval. It is therefore proposed to vary the original S106, to allow for a revised date for submission of a new viability assessment for the site. In this case, it is recommended that such an assessment should be provided within 3 months of the date of the new legal agreement. This would allow the Developer to submit the required information, which they previously were not able to do through no fault of their own as the site was acquired by the Developer after the previous trigger to submit a viability assessment had passed, and allow the delivery of a stalled housing site.

RESOLVED that the Head of Planning be given delegated authority to agree a Deed of Variation to vary the terms of the Section 106 Agreement dated 11th February, 2015 in accordance with the terms of this report.

21 Appeal Decisions

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
21/02802/FUL	Siting of two 8 x 20 feet shepherd huts within the 15 acre site to be used as holiday lets at Fields View, Common Lane, Clifton, Rotherham	Appeal Dismissed 26/07/2022	Conisbrough	Delegated	No
20/03301/FUL	Erection of a two storey office building (9.6m x 9.6m) for a temporary period (to be removed by January 2034). at Hazel Lane Quarry, Wakefield Road, Hampole, Doncaster	Appeal Allowed 13/07/2022	Sprotbrough	Committee	Yes

22 Planning Enforcement Quarterly Report - June 2022

The Committee considered a report, which was presented by Garry Hildersley, Planning Manager, that detailed all Planning Enforcement performance in the second Quarter of 2022/23.

The Planning Manager requested that if Member had a specific question relating to any Enforcement Cases, they submit their question in writing to the Team Manager for the Enforcement Team, Scott Forbes, who would provide a written response.

RESOLVED that the report on Planning Enforcement performance in the second Quarter of 2022/23, be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 23rd August, 2022

Application	1
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Application Number:	21/01926/FUL
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Application Type:	Planning FULL
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Proposal Description:	Erection of one dwelling, private stables, paddock, domestic garage/workshop and associated works (amended application site boundary)
At:	Land off Land Ends Road, Thorne, Doncaster, DN8 4JL

For:	Mr M Blackham (Mrs Diane Holgate - DCH Consulting acting as agent)
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Third Party Reps:	2 representations in support	Parish:	Thorne Town Council
		Ward:	Thorne & Moorends

A proposal was made to grant the Application which was contrary to the Officer's recommendation.

Proposed by: Councillor Steve Cox

Seconded by: Councillor Garry Stapleton

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

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

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

- 02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the approved plans and documents below:**

**Application form amended 06/05/2022 received 05 May 2022
Location plan received 06 December 2021
Site plan Amended 12/04/2022 received 12 April 2022
Drainage plan and Flood Risk Assessment received 10 March 2022
Ecological Appraisal received 11 January 2022
Stables received 30 December 2021
Ground Flood Plan received 09 December 2021
First Floor Plan received 06 December 2021
North elevation received 09 December 2021
South elevation received 06 December 2021
East elevation received 06 December 2021
West elevation received 06 December 2021**

REASON

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

- 03. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.**

REASON

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin. Details are required prior to the commencement of development to ensure a drainage strategy is in place before the property is constructed.

- 04. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:**

- The programme and method of site investigation and recording.**
- The requirement to seek preservation in situ of identified features of importance.**
- The programme for post-investigation assessment.**

- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

REASON

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

05. Unless as shall be specifically approved in writing by the Local Planning Authority, the scheme of soft landscaping shall be implemented in full accordance with the approved plans and particulars (ref. AB Ecology Landscape Plan Project No. 2017/15 Drawing No. 2 dated 28.11.20) during the first available planting season following the completion of the development hereby granted and the local planning authority notified in writing within 7 working days of the completion of the landscape works to inspect and approve practical completion in writing; which shall be based upon an agreed planting and maintenance (for five years) schedule. 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.

06. No development shall take place until there has been submitted to and approved in writing by the local planning

authority a plan indicating the access arrangement, together with the positions, design, materials, height, and type of boundary treatment to be erected on site, including any gates. Unless otherwise approved in writing by the local planning authority, the details as approved shall be completed before the occupation of any buildings on site.

REASON

To ensure that the access arrangement is acceptable to ensure that highway safety and neighbouring amenity is maintained. Details are required prior to the commencement of development to ensure the boundary treatments are agreed before the property is constructed.

07. Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

08. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

09. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

10. Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure that the materials are appropriate to the area.

11. The finished ground floor level of the dwelling shall be at least 4.5m AOD with flood resilience measures to be agreed in writing by the local planning authority up to 5m AOD. The development shall be implemented in accordance with the agreed details prior to the first occupation of the dwelling. There shall be no ground floor sleeping accommodation.

REASON

To protect life from flood risk.

12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

REASON

To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal.

13. The discharge from the septic tank hereby approved, whether to a drainage field/mound or wetland/reedbed shall be in accordance with Part H of the Building Regulations. Details of the drainage system shall be submitted to and approved by the Local Planning Authority and be fully operational before the development is occupied.

REASON

To avoid pollution of the local land drainage system and in the interests of amenity.

14. The dwelling shall be provided with its own Waste Water Treatment Plant, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The wastewater treatment plant shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

To ensure that the site is adequately drained.

15. No building shall be erected within 10 metres of the watercourse or culvert, which passes through/runs adjacent to the site.

REASON

To ensure adequate access at all times and to protect the culvert from damage.

16. The stables hereby approved shall be for private use only and shall not be used for any trade or business purposes.

REASON

To ensure that the use remains appropriate for the location.

17. The development shall be carried out in accordance with the submitted flood risk assessment (reference '13678-FRA and Drainage Strategy-03', dated 2 March 2021 produced by Waterco Consultants) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.5 metres above Ordnance Datum (AOD)
- Flood resistance and resilience measures shall be incorporated up to level of 4.1m AOD (as set out on page 13 of the FRA)
- There shall be no ground floor sleeping accommodation as shown on the submitted floor plans LE_GFLP_rev1 and LE_FFLP_rev0.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no additions, extensions or other alterations other than that expressly authorised by this permission shall be carried out without prior permission of the local planning authority.

REASON

The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy 25 of the Doncaster Local Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order) no development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority.

REASON

The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with policy 25 of the Doncaster Local Plan.

INFORMATIVES

01. In order to discharge the drainage conditions DA01, SuDS, D54B, DM13, DO15, DNQ17, the applicant is advised that they would be expected to submit information using the guidance provided by the DMBC drainage officer provided within the application.
02. There is a recorded public right of way, Thorne Footpath No. 6, which runs in close proximity to the eastern boundary of the development area. At all times this public footpath must remain unobstructed and not be interfered with in any way by the development.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Joe Blackham spoke in support of the Application for the duration of up to 5 minutes.

Councillor Steve Cox requested that his concerns be noted with regard to the process of the determination and agreement of proposed Conditions with the Applicant in the event that a Planning Application, which was recommended for refusal, was subsequently overturned and granted.

In response, Garry Hildersley, the Planning Manager, explained that when a Planning Application recommended for refusal was overturned and subsequently granted, the Planning Application would normally be subject to suitable planning Conditions. Procedurally, there was a requirement for the

Planning Committee in its decision making role, to attach Conditions that it considered met the tests set out in paragraphs 55 & 56 of the National Planning Policy Framework. To avoid the subsequent delay in issuing the decision notice, a pre prepared list of Conditions was subsequently circulated to the Members of the Planning Committee. In accordance with Section 100ZA of the Town and Country Planning Act, 1990, the Planning Case Officer had received agreement the with the Applicant on the Conditions proposed, in the event that Planning Committee Members resolved to overturn the recommendation to refuse planning permission. Subsequently, the Vice-Chair, Councillor Duncan Anderson, proposed that this issue be subject to a further discussion between the Chair and Vice-Chair of the Planning Committee, the Head of Planning and Planning Manager, to determine a more open, transparent and robust decision making process.

Application	2
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Application Number:	21/02365/FULM
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Application Type:	Full Planning Permission
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Proposal Description:	Erection of residential development of 27 dwellings on land south west of the junction at First Avenue and Hayfield Lane
At:	Land at First Avenue/Hayfield Lane, Auckley, Doncaster, DN9 3GA

For:	Melissa Kroger - Fenwood Estates Limited
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Third Party Reps:	10 letters of objection.	Parish:	Auckley Parish Council
		Ward:	Finningley

A proposal was made to defer the Application for a Site Visit in order to understand the drainage impacts of the proposal and proximity to local Schools and public transport facilities, and for Officers to provide a breakdown of the abnormal costs associated with the viability of the scheme.

Proposed by: Councillor Susan Durrant

Seconded by: Councillor Gary Stapleton

For: 10 Against: 0 Abstain: 0

Decision: Planning Application deferred for a Site Visit to understand the drainage impacts of the proposal and proximity to local Schools and public transport facilities, and for Officers to provide a breakdown of the abnormal costs associated with the viability of the scheme.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Alastair Gooderham, a local resident and Governor of the Hayfield Lane Primary School, 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 Graham Fennell, representing the Applicant and Ms Amy Gaskell, the Agent, spoke in support of the Application for the duration of up to 5 minutes.