

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 14th November, 2023

Application	01
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Application Number:	23/01305/4FULM
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Application Type:	Planning FULL (DMBC Reg 4) Major
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Proposal Description:	Erection of residential development with public open space and associated landscaping, drainage and infrastructure. (Being resubmission of application 22/01710/4FULM refused on 14/04/2023.)
At:	Land North Of The Railway Line Rose Hill Rise Rose Hill Doncaster DN4 5LE

For:	Mr Adam Pitman - Miller Homes Limited
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Third Party Reps:	111 Letters of objection	Parish:	None
		Ward:	Bessacarr

A proposal was made to GRANT Planning Permission subject to conditions and the signing of a Section 106 Agreement

Proposed by: Councillor Susan Durant

Seconded by: Councillor Sue Farmer

For: 7 Against: 0 Abstain: 2

Decision: Planning Permission Granted subject to conditions, the amendment of Conditions 22 and 26 to read as follows, the addition of condition 35 to read as follows and the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990, 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) Provision of 22 Rented and 6 Shared Ownership dwellings. Shared Ownership mix of 4 x 2 bed houses and 2 x 3 bed houses.
- (B) Provision of 15% on site POS (and Maintenance) and LEAP
- (C) A commuted sum of £481,752.00 towards the provision of school places at Hall Cross Academy.
- (D) Commuted sum of £17,529.27 as a Transport Bond in the event targets within the Travel Plan are not met.
- (E) Annual Travel Plan monitoring at a cost of £5,000 per entrance/exit point.
- (F) Traffic signals revalidation at the following junctions at a cost of £2,000 per junction.
SCND0011 A638 Bawtry Road/B1396 Cantley Lane
SCND0029 A638 Bawtry Road Adj St Augustine's Rd
- (G) Biodiversity Net Gain to deliver a minimum 10% net gain to be secured via a suitable offsite location or paying the Council of a biodiversity offsetting contribution of £27,500 per biodiversity unit needed.

22. Prior to the commencement of development, a Construction Environmental Management Plan (ecology) shall be submitted to the Local Planning Authority for approval in writing. The Plan shall then be implemented in accordance with the approved details. The measures within the CEMP will be based on those outlined in Table 6.1 of the Ecological Impact Assessment Brooks Ecological Ref: Brooks Ecological Ref: ER-5334-17H 22/06/23 (revised 13/11/2023) and also include:
- A risk assessment of the potentially damaging construction activities in relation to habitats and fauna.
 - Any measures identified to protect the adjacent Local Wildlife Site, Red House Plantation from direct and/or indirect impacts of the construction phase.
- REASON**
To ensure the ecological interests of the site are maintained in accordance with Local Plan policy 29 and 30B(3)

26. Notwithstanding the submitted Habitat Management Plan (Brooks Ecological ref ER 5334-11. 12/06/23), prior to first occupation of the site, a Management and Monitoring Plan for proposed onsite habitats detailed in the Biodiversity Gain Assessment (Brooks Ecological ref ER-5334-16E) further details shall be submitted prior to the first occupation of the site to detail the following measures:
- The details of when target condition will be achieved and how it shall be maintained.
 - A detailed monitoring plan that will be used to inform any potential changes to the ongoing management and assess the progress towards achieving target condition. This should detail the surveys

that will be used to inform condition monitoring reports. Monitoring reports will be provided to the Local Planning Authority by the end of years 1,2,3,5,10,15, 20 and 30 of the monitoring period.

- Details of the approval process with the LPA that will be used in instances where monitoring reports show that measures within the approved Habitat Management and Monitoring Plan need to be changed in order to meet target conditions.
- The roles, responsibilities, and professional competencies of the people involved in implementing and monitoring the biodiversity net gain delivery.
- Evidence of the necessary contractual arrangements to ensure that the necessary resources are available to deliver the proposed biodiversity net gain plan and the ongoing management.
- The approved Management and Monitoring Plan shall be implemented in full.

REASON

To fulfil specifically the requirements of Local Plan Policy 30B and enhance local ecological networks in accordance with Local Plan Policy 29.

35. Prior to commencement of works to the existing bridleways within the site, full details of the surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The surfacing shall be complete prior to the occupation of the last dwelling within the development.

REASON

To ensure adequate provision for all types of users of the bridleway in accordance with Doncaster Local Plan Policy 18.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', the following individuals spoke on the application for the duration of up to 5 minutes each:-

- Mr Chris Owen on behalf of Rose Hill Residents Association spoke in opposition to the Application;
- Councillor Nick Allen, Ward Member spoke in opposition to the Application
- Councillor Majid Khan, Ward Member spoke in opposition to the Application; and
- Emma Lancaster, the Agent and Ian Thompson, Miller Homes, the Applicant spoke in support of the Application.

(The receipt of 3 additional representations regarding the following issues

- Inaccuracies in the Construction Method Statement
- Site is within Biodiversity Opportunity Area and the level of biodiversity loss is totally unacceptable, and full ecological survey have not been submitted and
- Illegal planting of 32 trees on the estate spine road

And a late representation received on behalf of RHRA raising issue with the officer recommendation in the report was reported at the meeting).

(The following amendments to paragraphs 8.55, 8.97, 8.100 and 8.166 were reported at the meeting as follows:-

Paragraph 8.55 is updated to reflect an error in the modelling

The TA also includes an operational analysis of the nearby signalised junctions namely the A638 Bawtry Road/B1396 Cantley Lane and the A638 Bawtry Road adjacent St Augustine's Road. Further counts and modelling of the U-Turn on Bawtry Road have been undertaken to include a future year of 2023 as opposed to 2032. This has now been corrected and the model re-run. The CDC Traffic Signals team has assessed the modelling for this junction which is currently operating slightly over absolute practical capacity during the morning peak hour. During the PM peak all arms of the junction operate within desirable practical capacity. The performance of the junction will be impacted during the AM peak (not in the PM peak) due to the addition of traffic growth and committed development. The assessments carried out still confirm that the development will not result in a severe impact, however a financial contribution of £2,000 for the junction to be 'revalidated' will be secured to review the sequencing and queue times at the signalised junctions and adjusting where necessary. Paragraph 111 of the NPPF advises that 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' As such no objections are raised and this financial contribution is included within the S106 Legal Agreement.

Paragraphs 8.97, 8.100 and 8.166 updates on Biodiversity Net Gain following update of the Defra Metric and should read as follows:

Paragraph 8.97

Local Plan Policy 30B requires that developments demonstrate a minimum net gain of 10%, and further guidance on this is contained within the Council's Biodiversity Net Gain SPD (2022). Table 3 of the SPD provides a list of submissions required to support an application. A biodiversity net gain assessment has been submitted with the latest DEFRA metric 4.0 as the final version dated 13th November, 2023.

Paragraph 8.100

It is proposed that the deficit in biodiversity net gain should be discharged through agreement of a s106 with the developer. This will require the developer to demonstrate that off-site biodiversity net gain has been secured, prior to the commencement of development. This will either involve legally securing biodiversity net gain units on the open market within Doncaster, or through a financial contribution to the Council if no suitable units can be found in line with the Council's SPD. This is the standard method for securing offsite BNG units that is being used in Doncaster prior to the introduction of the national Mandatory BNG in January 2024. Were a commuted sum to the Council ultimately be required then, based on the latest metric calculations and the current fee of £27,500 per unit, this would be £719,625 to deliver 26.17 units. On a site such as this, where the offsite unit delivery has not yet been

identified, then it is normal for the trading rules to be broken. This will be resolved once offsite units are secured.

Paragraph 8.166

Prior to development the biodiversity value of the site has been assessed as being worth 38.03 habitat units and 5.26 hedgerows units. The proposed development will result in the loss primarily of habitats of medium distinctiveness according to the Defra Biodiversity Metric. These habitats have arisen over the last 20-30 years and are not considered irreplaceable, as they could be recreated on a different site over a similar time frame. Post development onsite there will be 15.66 Habitat Units and 5.87 Hedgerow Units. 7.67 of these habitat units are derived from 1.27 hectares of existing habitats (18.9% of the total site area) that are being retained and/or enhanced to improve their biodiversity value. The remaining 7.99 units are derived from new habitats that are being created on site as off-site compensation to ensure the development delivers a minimum 10% net gain, in accordance with Planning Policy. In line with the Council's Biodiversity Net Gain Supplementary Planning Document, the S106 agreement will commit the developer to either, showing that biodiversity units have been secured in a suitable offsite location, or paying the Council a biodiversity offsetting contribution of £719,675 to deliver 26.17 units at £27,500 per biodiversity unit needed. The Council would then secure the necessary biodiversity units using this money. An offsite delivery project will be identified that delivers the appropriate types of habitat compensation. This means that the trading rules will be satisfied).

The press and public were then excluded from this part of the meeting to enable privileged legal advice to be taken.

Following the provision of legal advice, the Committee then considered and determined the application in public.

Application	02
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Application Number:	22/00848/FULM
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of 38 residential units and 56 retirement living homes, including landscaping and access.
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At:	Land on the north east side of Sandford Road, Balby
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For:	Stacey Chappell - Hooper Urban Partnership
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Third Party Reps:	Petition (51) against 1 letter in support.	Parish:	
		Ward:	Balby South

A proposal was made to GRANT Planning Permission subject to the completion of a Section 106 Agreement.

Proposed by: Councillor Gary Stapleton

Seconded by: Councillor Iris Beech

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, 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) 100 per cent affordable housing, the retirement living units to be exclusively for the over 55's.**
- (B) Travel Plan Bond of £13,617.78 and monitoring costs.**
- (C) £2,000 towards the revalidation of the signals at the junctions of Sandford Road/Sunningdale Road and Balby Road/Sandford Road.**

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Kat Crisp, the agent and Andrea Brough of Housing Together spoke in support of the Application for the duration of 5 minutes.

Application	03
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Application Number:	22/01032/FULM
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Application Type:	Planning FULL
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Proposal Description:	Erection of building with commercial units at ground floor level and office space on upper levels (Use Class E) with landscaping; creation of car park area and associated works.
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At:	Herten Way Doncaster DN4 7NW
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For:	Zuka Ltd
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Third Party Reps:	24 representations	Parish:	N/A
		Ward:	Town

A proposal was made to GRANT Planning Permission subject to the completion of a Section 106 Agreement.

Proposed by: Councillor Steve Cox

Seconded by: Councillor Charlie Hogarth

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, 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) Travel Plan Bond - No. of employees (357) x the current cost of a 28 day SY Connect+ ticket (currently £131.70) x 1.1; and**
- (B) Bio-diversity Net Gain – 0.867 units x £25,000**

In accordance with Planning Guidance ‘Having Your Say at Planning Committee’, Max Jones, the agent spoke in support of the Application for the duration of 5 minutes.

Application	04
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Application Number:	23/01702/COU
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Application Type:	Planning FULL (Minor)
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Proposal Description:	Change of use of ground floor from vacant bar/public house (Sui Generis) to off licence (Class E)
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At:	Former Hexthorpe Star Bar, 2 Langer Street, Hexthorpe, DN4 0EX
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For:	Mr Thiru Makeetharan
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Third Party Reps:	14 objections	Parish:	N/A
		Ward:	Hexthorpe & Balby North

A proposal was made to DEFER the application for a site visit to allow members to understand the highways/street layout and the impact upon parking availability.

Proposed by: Councillor Sue Farmer

Seconded by: Councillor Iris Beech

For: 8 Against: 0 Abstain: 1

Decision: The application be deferred for a site visit to allow members to understand the highways/street layout and the impact upon parking availability.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', the following individuals spoke on the application for the duration of up to 5 minutes each:-

- **Mr Richard Hall, member of the public, spoke in opposition to the Application; and**
- **Mr Mubeen Patel on behalf of the applicant, spoke in support of the application.**

Application	05
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Application Number:	22/02382/OUT
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Application Type:	Planning OUTLINE with all matters reserved except for access (Minor)
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Proposal Description:	Outline application for erection of 1 residential dwelling (up to one-and-a-half storey) on vacant play area (approval being sought for access) (AMENDED SCHEME)
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At:	Land Off Sutton Road, Kirk Sandall, Doncaster, DN3 1NY
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For:	Barnby Dun with Kirk Sandall Parish Council
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Third Party Reps:	3 Objections (1 petition with 5 signatures), 3 Support	Parish:	Barnby Dun/Kirk Sandall
		Ward:	Edenthorpe and Kirk Sandall

A proposal was made to GRANT outline planning permission with all matter reserved except for access, subject to conditions

Proposed by: Councillor Susan Durant

Seconded by: Councillor Iris Beech

For: 6 Against: 1 Abstain: 0

Decision: Outline Planning Permission granted with all matters reserved except for access, subject to conditions.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', the following individuals spoke on the application for the duration of up to 5 minutes each:-

- **Mr Paul Daniels, member of the public, spoke in opposition to the Application; and**
- **Councillor Gary Stapleton on behalf of the applicant, spoke in support of the application.**