

CITY OF DONCASTER COUNCIL

PLANNING COMMITTEE

TUESDAY, 14TH NOVEMBER, 2023

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE, WATERDALE, DONCASTER DN1 3BU on TUESDAY, 14TH NOVEMBER, 2023, at 2.00 pm.

PRESENT:

Chair - Councillor Susan Durant

Vice-Chair - Councillor Sue Farmer (In the Chair for Agenda Items 6 and 7).

Councillors Duncan Anderson, Iris Beech, Steve Cox, Charlie Hogarth, Sophie Liu, Emma Muddiman-Rawlins and Gary Stapleton.

APOLOGIES:

Apologies for absence were received from Councillors Aimee Dickson and Andy Pickering.

42 DECLARATIONS OF INTEREST, IF ANY.

In accordance with Members Code of Conduct, Councillor Sophie Liu declared an interest in Application No. 23/01702/COU Agenda Item 5(4) by virtue of being a Local Ward Member.

In accordance with Members Code of Conduct, the Vice-Chair Councillor Sue Farmer declared an interest in Application No. 22/02382/OUT Agenda Item 5(5) by virtue that a family member was speaking on the item. She took no part in the discussion and left the meeting for the duration of the consideration of the application.

In accordance with Members Code of Conduct, Councillor Steve Cox declared an interest in Application No. 23/01305/4FULM Agenda Item 5(1). He stated that he had read all the information provided and would listen to proceedings today and form an opinion following the debate. His opinion had not been predetermined.

In accordance with Members Code of Conduct, Councillor Gary Stapleton declared an interest in Application Nos. 23/01305/4FULM and 22/02382/OUT Agenda Item 5(1 and 5) stating that regarding Application 1, any decision he would be making would be based on the information presented and discussed in the Chamber today. He had not predetermined his decision. Regarding Application 5 he stated that he would be speaking in support of the application on behalf of the applicant. He took no part in Committees debate on the application and did not vote.

43 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 17TH OCTOBER, 2023

RESOLVED that the minutes of the meeting held on 17th October, 2023 be approved as a correct record and signed by the Chair.

44 SCHEDULE OF APPLICATIONS

RESOLVED that upon consideration of a Schedule of Planning and Other Application received, together with the recommendations in respect thereof, the recommendations be approved in accordance with Schedule and marked Appendix 'A'.

45 EXCLUSION OF PUBLIC AND PRESS

The Committee heard from the planning officer presenting Application No.1 (23/01305/4FULM) and speakers. Prior to the Committee entering debate, the Committee undertook a vote to exclude the public and press to enable Members to receive privileged legal advice that was exempt under Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act, 1972.

It was moved by Councillor Iris Beech and seconded by Councillor Steve Cox that public, and press be excluded for part of the item.

A vote was taken on the proposal made by Councillor Iris Beech and declared as follows:-

For	-	9
Against	-	0
Abstain	-	0

On being put to the vote the proposal made by Councillor Iris Beech and seconded by Councillor Steve Cox was declared CARRIED. It was also agreed that Committee Members would move to a private room to avoid disruption with removing the public and press from the Civic Chamber.

RESOLVED that the public and press be excluded from part of the agenda item in accordance with Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

46 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 applicants be required to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990, regulating the developments:-

<b>Application No.</b>	<b>Description and Location</b>
23/01305/4FULM	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
22/00848/FULM	Erection of 38 residential units and 56 retirement living homes, including landscaping and access and land on the north east side of Sandford Road, Balby.
22/01032/FULM	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 at Herten Way, Doncaster DN4 7NW

47 ADJOURNMENT OF MEETING

RESOLVED that in accordance with Council Procedure Rule 17(l), the meeting stand adjourned at 3.20 p.m. and 4.32 pm respectively, to be reconvened on this day at 3.30 pm and 4.40 pm.

48 RECONVENING OF MEETING

The meeting reconvened at 3.30pm and 4.40 pm.

49 DURATION OF MEETING.

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

50 DEED OF VARIATION

The Committee received a report seeking approval for the variation to the Section 106 Agreement for a development of residential housing at Owston Road, Carcroft. The report was previously presented to Members at the 17th October Planning Committee but was deferred to provide further education information.

An officer from Children and Young People was present at the meeting and an update was provided stating that a revised education calculation had been provided which advises that based on the reduced number of dwellings, this along with a post covid birth rate drop, a change to parental preference and removing any out of catchment children from the calculations there is sufficient space at Carcroft Primary and Outwood Academy Adwick to accommodate any

children arriving from this development, therefore no education contribution would be required.

During debate, further discussion took place regarding education contributions and who was responsible for picking up the places i.e. Local Authority, the school or Department for Education (DfE). Members were advised that as a consultee on a planning application, the service will carry out their own assessment and where insufficient places are found, a contribution would be sought through S106 Agreement. It was acknowledged that in some cases that contribution has not come forward and in these cases, it would be the Local Authorities responsibility to ensure that places are available. The Local Authority have a small amount of capital funding provided through the DfE which would be used in addition to the funding from the S106 monies received. It was advised that where it is a significant development and the creation of a new school was required, a request would be made to the DfE to supply that funding.

It was **MOVED** by Councillor Iris Beech and **SECONDED** by Councillor Gary Stapleton that authorisation be given to Head of Planning to agree the Deed of Variation to vary the terms of the Section 106 Agreement dated 13th December, 2019.

A vote was taken on the proposal made by Councillor Iris Beech which was declared as follows:-

For	-	7
Against	-	0
Abstain	-	0

On being put to the vote the proposal made by Councillor Iris Beech and seconded by Councillor Gary Stapleton was **CARRIED**.

RESOLVED that the Head of Planning be authorised to agree a Deed of Variation to vary the terms of the Section 106 Agreement dated 13th December 2019, to remove the requirement to provide affordable housing and to remove the requirement for a commuted sum in lieu of education in accordance with the terms of this report. The provisions relating to POS are unchanged.

## 51 APPEAL DECISIONS

In response to a query made in relation sale of caravans at Bethel House, Moss Road, Moss, Doncaster, officers would investigate this outside of the meeting and an update would be provided.

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

<b>Application No.</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>	<b>Ward</b>	<b>Decision Type</b>	<b>Committee Overturn</b>
21/00565/INJ	Appeal against alleged unauthorised change of use of green belt land for the creation of 4 caravan/mobile home plots under grounds A and G. at Land West Of, Peastack Lane, Tickhill, Doncaster	ENF- Appeal Dismissed, ENF Notice Upheld  04/10/2023	Tickhill And Wadworth		No
22/01034/FUL	Regularise the sale of caravans. at Bethel House, Moss Road, Moss, Doncaster	Appeal Dismissed 04/10/2023	Norton And Askern	Delegated	No
21/00321/M	Appeal against enforcement action for selling of caravans and display of advertisements under grounds (g) at Bethel House, Moss Road, Moss, Doncaster	ENF-App Dis/Upheld Sub to Correction/Var 04/10/2023	Norton And Askern		No
22/02432/FUL	Erection of a single dwelling including associated external works at Land Between 2 & 2B Devonshire Road, Intake, Doncaster, DN2 6LA	Appeal Dismissed 18/10/2023	Wheatley Hills And Intake	Delegated	No
22/02566/FUL	Erection of 2 shops with 2 flats above at 24 The Circle, New Rossington, Doncaster, DN11 0QR	Appeal Dismissed 10/10/2023	Rossington And Bawtry	Delegated	No

22/00043/FUL	Erection of two single storey terraced dwellings following demolition of existing outbuildings and conversion and extension of attached outbuilding to form third unit. at 4 St Marys Road, Wheatley, Doncaster, DN1 2NP	Appeal Dismissed 09/10/2023	Town	Delegated	No
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## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 14th November, 2023

<b>Application</b>	01		
<b>Application Number:</b>	23/01305/4FULM		
<b>Application Type:</b>	Planning FULL (DMBC Reg 4) Major		
<b>Proposal Description:</b>	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.)		
<b>At:</b>	Land North Of The Railway Line Rose Hill Rise Rose Hill Doncaster DN4 5LE		
<b>For:</b>	Mr Adam Pitman - Miller Homes Limited		
<b>Third Party Reps:</b>	111 Letters of objection	<b>Parish:</b>	None
		<b>Ward:</b>	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 13<sup>th</sup> 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.

<b>Application</b>	02
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<b>Application Number:</b>	22/00848/FULM
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Erection of 38 residential units and 56 retirement living homes, including landscaping and access.
<b>At:</b>	Land on the north east side of Sandford Road, Balby

<b>For:</b>	Stacey Chappell - Hooper Urban Partnership
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<b>Third Party Reps:</b>	Petition (51) against 1 letter in support.	<b>Parish:</b>	
		<b>Ward:</b>	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.

<b>Application</b>	03
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<b>Application Number:</b>	22/01032/FULM
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	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.
<b>At:</b>	Herten Way Doncaster DN4 7NW

<b>For:</b>	Zuka Ltd
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<b>Third Party Reps:</b>	24 representations	<b>Parish:</b>	N/A
		<b>Ward:</b>	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.

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

<b>Application</b>	05
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<b>Application Number:</b>	22/02382/OUT
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<b>Application Type:</b>	Planning OUTLINE with all matters reserved except for access (Minor)
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<b>Proposal Description:</b>	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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<b>At:</b>	Land Off Sutton Road, Kirk Sandall, Doncaster, DN3 1NY
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<b>For:</b>	Barnby Dun with Kirk Sandall Parish Council
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<b>Third Party Reps:</b>	3 Objections (1 petition with 5 signatures), 3 Support	<b>Parish:</b>	Barnby Dun/Kirk Sandall
		<b>Ward:</b>	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.**