

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING REGULATORY BOARD****VISITS OF INSPECTION - Thursday, 9th November, 2006**

1. **RB2006/0361 - Raising ground levels to form external sales area (trees, plants and shrubs), erection of three horticultural polytunnels and extension to existing single storey prefabricated sales building at Fosters Garden Centre, Doncaster Road, Thrybergh for Fosters of Thrybergh.**

Agent:- Barry W. Owen, 17 Reneville Road, Rotherham. S60 2AR

Requested By:- Councillor Pickering

Reason:- To allow Members to view the site and consider the impact on the environment and on surrounding villages.

2. **RB2006/0341 - Two storey front extension including first floor balcony area, single storey rear extension with balcony over, single storey side extension, new bay window to side and detached garage/workshop with store over at Faircroft, Sledgate Drive, Wickersley for Dr. Z. A. Khan.**

Agent:- S. Hainsworth, 48 Milton Road, Branton, Doncaster.

Requested By:- Councillor Turner

Reason:- To allow Members to view the site, its location and the impact on nearby residents.

3. **RB2006/1276 - First floor side extension over existing at 51 Martin Close, Aughton for Mr. and Mrs. Parkin.**

Agent:- Mark Langrick, West Bank House, 2 Freesia Close, South Anston, Sheffield. S25 5JB

Requested By:- Councillor Smith

Reason:- To allow Members to see the property in the context of those in the area.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2006/0361	Thrybergh	9.10 a.m.	9.35 a.m.
2.	RB2006/0341	Wickersley	9.45 a.m.	10.10 a.m.
3.	RB2006/1276	Aughton	10.20 a.m.	10.40 a.m.

Return to Town Hall at approximately 11.00 a.m.

SITE VISIT NO. 1 (Approximate time on site – 9.10 a.m.)

RB2006/0361

Raising ground levels to form external sales area (trees, plants and shrubs), erection of three horticultural polytunnels and extension to existing single storey prefabricated sales building at Fosters Garden Centre, Doncaster Road, Thrybergh for Fosters of Thrybergh.

RECOMMENDED: GRANTED CONDITIONALLY

That the Planning Regulatory Board has taken into account and agrees with the reasons for grant as set out below in this report and resolves to grant planning permission subject to the following conditions:

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

The Local Planning Authority has decided to grant planning permission:

1. Having regard to the policies and proposals in the Rotherham Unitary Development Plan and Supplementary planning guidance set out below, and all relevant material planning considerations:

Unitary Development Plan

ENV1 'Green Belt'

RET6.2 'Garden Centres'

ENV2.2 'Interest outside statutorily protected sites'

WM1.2 'Assessment of Waste Management Proposals'

WM1.3 'Waste Management Site Control'

Planning Policy Statement/Guidance

PPG2 'Green Belts'.

PPS10 'Planning for sustainable Waste Management'.

2. For the following reasons:

In considering whether there are any special circumstances which would justify an exception to the policy it is important to note that the primary objective of the Green Belt is to check unrestricted sprawl of built up areas. This is also one of the five main purposes of Green Belts set out in PPG2. In checking such sprawl, the second objective, of safeguarding the surrounding countryside from further encroachment, is also relevant.

Whilst the proposal is generally an extension of an urban use into the countryside, it is considered there to be some very special circumstances that may justify the support of the application.

Firstly with the deletion of the storage area granted under RB1994/0847, and it's subsequent regrading and planting with trees and shrubs for sale, together with an appropriate screen fence and substantial landscaping, the scheme on the basis that the visual impact will be lessened is acceptable. The proposal is generally open in nature, with minimal built development, such that its impact on the openness of the Green Belt is considered to be minimal.

Furthermore, and with specific regard to the fly tipping that has occurred on the site in previous years which has resulted in the degrading of this parcel of land, the enclosure of this land within the garden centre would stop such unauthorised activity continuing.

The erection of poly tunnels is considered acceptable development in the Green Belt if associated with agriculture or horticulture uses. Whilst this does not apply in the instance, the poly tunnels are considered to be acceptable and will allow an expansion of an existing established local business.

With regard to Policy WM1.2 'Assessment of Waste Management proposals' the applicant has adequately demonstrated the need for the facility has an extension to an established garden centre, such that the proposed site is a suitable location in terms of the highway network and avoiding a proliferation of sites in this locality.

However, in terms of highway issues a condition is recommended to control the access position from Doncaster Road, a central access point to Doncaster Road being advised.

Turning to the ecological and biodiversity issues, it can be argued that the application site and parcel of land beyond (ponds and grassland areas), has an important visual function as part of an area of unmanaged land situated between a built up area to the west and open, undulating, arable land to the north and south. With this in mind, and bearing in mind the significant reduction in the area of the application site, this ecological area will largely remain unaffected. Members should note that the revised application site does not fully fall within the natural history designation, but does include all of the area granted earlier as a storage area for the garden centre.

The deletion of the two ponds and marsh areas from the application site are welcomed, these areas having greater ecological importance.

It is also further considered that this proposal generally complies with Policy RET6.2 'Garden Centres' in that the proposal is acceptable in environmental, amenity and highway terms and would not result in an unacceptable intrusion into the open countryside.

In conclusion, and whilst the proposal is within the Green Belt and not one of the uses in the categories highlighted in Policy ENV1 and PPG2, there are in this case very special circumstances to justify on balance the support of the scheme.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission.

Conditions Imposed:

01

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

02

[PC38] Within the first available planting season after the commencement of the development, trees and/or shrubs shall be planted on the site in accordance with a scheme to be submitted to, and approved by, the Local Planning Authority. Such scheme to provide for species, siting, planting distances, programme of planting and maintenance to establishment and any plants dying, removed or destroyed within five years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.

03

[PC44*] No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is brought into use.

04

Notwithstanding the submitted layout drawing and the permission hereby granted the sales building shown on the drawing is not approved.

05

[PC67] No part of the land other than that occupied by buildings shall be used for the storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

06

Notwithstanding the submitted layout drawing / supporting statement all vehicles entering / exiting the site whilst carrying out tipping operations shall utilise the central access point to Doncaster Road only.

07

[MC03*] The finished contours and gradients of the site shall be as shown on the approved plan(s) unless otherwise agreed in writing by the Mineral's Planning Authority.

08

[MC15] Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

09

[MC17] All loaded lorries leaving the site shall be securely and effectively sheeted.

10

[MC31*] Except in case of emergency, no operations shall take place on site other than between the hours of 0830 to 1730 Monday to Friday and between 0830 to 1300 on Saturdays. There shall be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Mineral's Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

11

[MC32*] Heavy goods vehicles shall only enter or leave the site between the hours of 0830 to 1730 on weekdays and 0830 to 1300 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

12

[MC45] At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Mineral's Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

13

[MC56] Effective measures shall be employed by the developer to ensure the surface and sub-surface drainage of the tipped/regraded areas as operations proceed and on completion of the final landform so as to avoid any instability arising within the site, surface ponding, or problems of flooding on adjoining land. Drainage/off-site drainage of the final landform shall be installed in accordance with details which shall have received the prior written approval of the Mineral's Planning Authority.

14

[MC71] There shall be no processing or recovery for export/sale of material tipped on the site in furtherance of this permission.

15

[MC70] The types of material to be tipped on site in furtherance of this permission shall be restricted to demolition and other solid, dry and inert wastes consistent with the engineering requirements of the site.

16

Tipping operations shall be completed within 12 months of the date of commencement of any works on site.

Reasons for Conditions:

01

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

02

[PR38] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

03

[PR44] In the interests of the visual amenity of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

04

For the avoidance of doubt and in the interests of Policy ENV1 'Green Belts'.

05

[PR67] To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

06

In the interests of road safety.

07

[MR03] To ensure that the site is restored to a form suitable for the intended afteruse, in accordance with Policy MIN 6 of the adopted Unitary development Plan.

08

[MR15] In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

09

[MR17] In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

10

[MR31] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

11

[MR32] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

12

[MR45] In the interests of local amenity, to give effect to the requirement of Policy MIN 6.1 of the adopted Unitary Development Plan.

13

[MR56] To ensure that the development does not give rise to drainage problems, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

14

[MR71] In the interests of local amenity and to promote the early restoration of the site in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

15

[MR70] To enable the envisaged afteruse of the site for development purposes to be realised and to prevent underground and surface water pollution, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

16

[PR82] To ensure that no adverse effects upon the amenities of the neighbourhood may arise out of the proposed development and in accordance with UDP Policy ENV3.1 'Development and the Environment'.



Notes for RB2006/0361

Background

Planning permission for the raising of land levels by the importation of materials to create grassland/pasture on part of this site was refused in July 1993 (RB93/1320P). A subsequent appeal against this refusal was dismissed, with the Inspector commenting that the proposal would result in an extension of urban land use into the surrounding countryside, would be contrary to Green Belt aims and objectives and would result in material decrease in highway safety on Doncaster Road.

In 1994 (RB94/847P) a retrospective planning application for the use of part of the current application site as an open storage compound was granted conditionally. This particular application comprised the clearing and grading of an area of approximately 550 sq m, this at that time forming part of a larger unauthorised compound (approximately 900 sq metre).

UDP Allocation and Policies

Allocation : Green Belt and retail (local centre).

Part of the application site also falls within a 'Known Interests Outside Protected sites' designation, part of the existing garden centre also being within this allocation.

Local Policies

Policy ENV1 'Green Belt' states the following:

In the Green Belt, development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area. The construction of new buildings inside the Green Belt is inappropriate unless it is for the following purposes:

- (i) agriculture and forestry (unless permitted development rights have been withdrawn),*
- (ii) essential facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it,*
- (iii) limited extension, alteration or replacement of existing dwellings, and*
- (iv) limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG2 (Green Belts) and PPG3 (Housing)."*

Policy RET6.2 'Garden Centres' states that garden centres will be permitted on sites adjacent to main road frontages on the edge of built-up areas, provided that each proposal is acceptable in environmental, amenity and highway terms and would not result in an unacceptable intrusion into the open countryside as a result of its built development, cultivation, display or car parking needs.

Policy ENV2.2 'Interest outside statutorily protected sites' states that proposals which would adversely affect, directly or indirectly, any key species, key habitat, or significant geological or archaeological feature, will only be permitted where it has been demonstrated that the overall benefits of the proposed development clearly outweigh the need to safeguard the interest of the site or feature.

Policy WM1.2 'Assessment of Waste Management Proposals' states the following:

"In assessing development proposals for waste disposal sites and waste facilities (including waste transfer stations, incinerators, skip hire, recycling points, and waste separation units) the Council will have regard to the following criteria and considerations:

- (i) demonstrated need for the facility,*
- (ii) suitable location in relation to the main source of waste,*
- (iii) suitable location to the transportation network, taking into account the effect that traffic movements generated by the proposal would have on the locality, and*
- (iv) the need to avoid a proliferation of sites in a locality such as would be likely to have a detrimental impact by virtue of their cumulative effect, together with the potential impact on:*
- (v) residential amenity,*
- (vi) agriculture,*
- (vii) nature conservation and heritage interests,*
- (viii) air quality,*
- (ix) water resources and drainage regimes,*
- (x) public health and safety, and*
- (xi) landscape quality.*

The Council will resist proposals which would have an unacceptable impact on the amenity of local communities, the environment, and existing and proposed land-uses due to pollution, visual intrusion and disturbance."

Policy WM1.3 'Waste Management Site Control' states the following:

"In granting planning permission for waste disposal sites and facilities, the Council will attach conditions to control the site's and facility's duration, means of access, method of working (including measures to minimise environmental and amenity problems) and screening and landscaping, and, where appropriate, to planning considerations, the types of waste to be treated or deposited."

Planning Policy Statement/Guidance

PPG2 'Green Belts'.

PPS10 'Planning for Sustainable Waste Management'.

Site Description

The site, as amended comprises an area of rough pasture land to the rear of Fosters Garden Centre on Doncaster Road. The land is in the ownership of the applicant. Part of the application site is the parcel of land granted planning permission in 1994 for an open storage area.

A watercourse runs along the western site boundary. To the north and west of the site are agricultural fields, to the east and south the remaining parts of the garden centre, including garage and car parking area, and residential development.

Access to the garden centre is via Doncaster Road, at a mid-point on the site frontage.

Proposals

The raising of ground levels to form an external plant, tree and shrub display area, the erection of three horticultural poly tunnels (two of which would extend into the Green Belt) and an extension to the existing single storey prefabricated sales building.

Members should note that the plans have been amended at my request to exclude earlier proposals for work to the two ponds west of the garden centre, the erection of greenhouses and sheds, a small ancillary sales building, use of an additional parcel of land as a demonstration area for garden machinery and works to an area of marsh/bog.

The applicant's agent has submitted supporting information, including a proposal statement, flood assessment and a tipping report.

The tipping report highlights a 9 month period for tipping, with 5,200 cubic metres of tipped material. Material to be tipped would be approved builders waste, i.e. brick/block rubble etc and excavated materials. Access to the tipping area would be made via the access road to the side of the garage and by the central car park access (both off Doncaster Road). The applicant has indicated that raising land levels is required so as to develop a useable area, access a particular issue highlighted.

A copy of the supporting documents will be available in the Members Room prior to the meeting.

Publicity

The application was advertised in the local press on site and neighbour notification has been undertaken.

Three letters of objection were initially received, commenting on the inappropriate use of the land, the loss of wildlife and the loss of amenity. However, one of the letters of objection has subsequently been withdrawn.

A copy of each of the letters will be available in the Member's Room prior to the meeting.

Consultation

Transportation Unit – No objections in a highway context subject to all of the vehicles (tipping) entering/exiting the site utilising the central access point to the Garden Centre. Notes that this would also address the access reason for refusal in the earlier appeal on the enlarged site.

Rotherham and District Ornithological Society – Object to the proposals on both Green Belt grounds and the loss of breeding birds from the site.

Appraisal

The site is within the Green Belt and Policy ENV1 of the U.D.P notes that development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area.

However PPS10 'Planning for waste management' , whilst wishing to protect Green Belts, does recognize the particular locational needs of some types of waste management facilities when defining boundaries for Green Belt and that these locational needs, together with the wider environmental and economic benefits of sustainable waste management are material considerations that should be given weight in determining whether proposals should be given planning permission.

As the garden centre is already a well established retail facility within Thrybergh village, I have no objections from a planning standpoint to the elements of the scheme which fall within the retail allocation, these being the extension to the single storey prefabricated sales building, one of the three poly tunnels and part of another.

In terms of the remaining elements of the proposals I consider that the relevant issues that should be taken into account in the determination of this planning application are:

- (i) (Taking account the advice in UDP Policy ENV1, Planning Policy Guidance Note 2 (PPG2) and PPS10, whether the proposed waste disposal and extension of the use into the Green Belt comprises appropriate development, and if not, if there are any other very special circumstances that would justify an approval of the application.*

- (ii) *If the use in principle is deemed appropriate, whether the proposed tipping operations would have any detrimental impact on the area in terms of the neighbouring land uses, the cumulative effects on the local community, the capacity of the transport infrastructure and the wider environmental benefits.*
- (iii) *Taking into account the advice in PPS9 'Biodiversity and Geological Conservation' whether the need and benefits of the development in this particular location outweigh the potential damage to a natural history designation (Natural History Site 245 Thrybergh Bridge) and it's biodiversity and ecological interests.*

(i) Appropriate development in the Green Belt

The land has a history of use as a cattle pasture but has only been used marginally in recent years and has been subject to some peripheral tipping at the rear of the Garden Centre. The heritage designation recognises the natural significance of the site and is supported by policies ENV2.2 'Interests outside statutorily protected sites' and Government Guidance in PPS10.

On the first issue, waste disposal is not, in itself, a use that falls within any of the categories normally permitted under ENV1 "Green Belt", although it could be argued that it may be acceptable if it facilitates one of the stated uses.

In this particular case, however, the intended future use as an extension of the garden centre would not fall within any of the stated uses. As such the proposed operation would not be an appropriate form of development in the Green Belt.

In considering whether there are any special circumstances which would justify an exception to the policy it is important to note that the primary objective of the Green Belt is to check unrestricted sprawl of built up areas. This is also one of the five main purposes of Green Belts set out in PPG2. In checking such sprawl, the second objective, of safeguarding the surrounding countryside from further encroachment, is also relevant.

Whilst the proposal is generally an extension of an urban use into the countryside, I consider there to be some very special circumstances that may justify the support of the application.

Firstly with the deletion of the storage area granted under RB1994/0847, and it's subsequent regrading and planting with trees and shrubs for sale, together with an appropriate screen fence and substantial landscaping, I am in favour of the scheme on the basis that the visual impact will be lessened. The proposal is generally open in nature, with minimal built development, such that its impact on the openness of the Green Belt is considered to be minimal.

Furthermore, and with specific regard to the fly tipping that has occurred on the site in previous years which has resulted in the degrading of this parcel of

land, I am of the opinion that enclosure of this land within the garden centre would stop such unauthorised activity continuing.

The erection of poly tunnels is considered appropriate development in the Green Belt if associated with agriculture or horticulture uses. Whilst this does not apply in this instance, I consider the poly tunnels are acceptable and will allow an expansion of an existing established local business.

With this in mind, and having regard to the Policy advice in RET6.2 'Garden Centres', the proposal will not in my view result in an unacceptable intrusion into the open countryside as a result of it's built development.

Conditions in respect of boundary treatment, external materials for the poly tunnels and landscaping are recommended.

In conclusion, on this issue, and bearing in mind that the application site is not visible from any public vantage points, I am on balance in favour of the proposal.

(ii) The impact of the tipping operations on the environment, residential amenity and transport

With regard to Policy WM1.2 'Assessment of Waste Management proposals' I am satisfied that the applicant has adequately demonstrated the need for the facility as an extension to an established garden centre, that the proposed site is a suitable location in terms of the highway network and avoiding a proliferation of sites in this locality.

In terms of the tipping operations themselves, and after taking into account the comments of the Transportation Unit and that the tipping area and volumes to be tipped (5,200 cubic metres and three lorries per day) will be approximately one third of that dismissed at the earlier planning appeal, I have no objections from a planning standpoint to the actual tipping operations subject to the conditions normally applied to applications of this nature.

Conditions to be imposed include a restriction on tipping operation hours, dust control, clean inert material being used only, hours of working for HGV'S using the site and a timescale for the completion of works.

Of particular importance to the general public, is that the proposal will not result in any decrease in highway safety on Doncaster Road.

However, in terms of highway issues a condition is recommended to control the access position from Doncaster Road, a central access point to Doncaster Road being advised.

(iii) Ecological and biodiversity issues

Turning to the ecological and biodiversity issues, it can be argued that the application site and parcel of land beyond (ponds and grassland areas), has

an important visual function as part of an area of unmanaged land situated between a built up area to the west and open, undulating, arable land to the north and south. With this in mind, and bearing in mind the significant reduction in the area of the application site, I am satisfied that this ecological area will largely remain unaffected. Members should note that the revised application site does not fully fall within the natural history designation, but does include all of the area granted earlier as a storage area for the garden centre.

The deletion of the two ponds and marsh areas from the application site are welcomed, these areas having greater ecological importance.

I have therefore concluded, that in terms of Policy ENV2.2 'Interest outside statutorily protected sites', it has been satisfactorily demonstrated that the overall benefits of the proposed development clearly outweigh the need to safeguard the interest of this portion of the heritage interest. It is accepted that the proposal will result in the loss of part of the heritage site, though I am of the opinion that the visual quality and ecological value of the main habitats, wildlife and wet areas would not be directly affected by these proposals.

In conclusion, I consider that whilst the proposal represents inappropriate development within the Green Belt in terms of the categories highlighted in Policy ENV1 and PPG2, there are in this case very special circumstances to justify on balance the support of the scheme.

It is also further considered that this proposal generally complies with Policy RET6.2 'Garden Centres' in that the proposal is acceptable in environmental, amenity and highway terms and would not result in an unacceptable intrusion in to the open countryside.

In the above circumstances I recommend planning permission be granted subject to the safeguard of the above conditions.

SITE VISIT NO. 2 (Approximate time on site – 9.45 a.m.)

RB2006/0341

Two storey front extension including first floor balcony area, single storey rear extension with balcony over, single storey side extension, new bay window to side and detached garage/workshop with store over at Faircroft, Sledgate Drive, Wickersley for Dr. Z. A. Khan

RECOMMENDED: GRANTED CONDITIONALLY

That the Planning Regulatory Board has taken into account and agrees with the reasons for grant as set out below in this report and resolves to grant planning permission subject to the following conditions:

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

The Local Planning Authority has decided to grant planning permission:

1. Having regard to the policies and proposals in the Rotherham Unitary Development Plan and Supplementary planning guidance set out below, and all relevant material planning considerations:

UDP Policies

ENV3.1 'Development and the Environment'

The Supplementary Planning Guidance

Housing Guidance 1

2. For the following reasons:

In terms of the front extension regard was given to Housing Guidance Note 1 and the reference that normally projections of 2 metres will be allowed when there are no habitable windows within 2 metres. With this in mind, and having regard to the front projection of the adjacent property (Spring Grove) forward of the applicant's property, it was considered that the proposed front extension of 2.8 metres would be acceptable.

Turning to issues of over looking to adjacent properties from the balcony feature on the front elevation, an issue raised by a local resident, the normal spacing standard of 20 metres between habitable windows of two properties has been met on this development proposal. With regard to the side and rear

extensions, the design and form of the extensions is considered to meet the advocated guidance in the U.D.P.

In terms of neighbour amenity, the proposals will have no first floor side elevation windows and will not cause overlooking or loss of privacy. The proposed side walls to the rear balcony are an important revision to the scheme and will clearly reduce any potential for overlooking, a concern expressed by the adjacent resident.

Finally, and with specific regard to the representations of the objectors in respect of the detached garage and workshop, there are no objections to the scheme in terms of its location in a prominent position in the Lane or that it will not be used for such purposes. In terms of visual amenity, the proposal is considered not to harm the visual amenities of the immediate area or have any significant detrimental impact on the amenities of adjacent residents in Moorlands or Sledgate Drive.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission.

Conditions Imposed:

01

[PC51] The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

02

The detached garage/workshop with store over shall only be used as ancillary accommodation to the existing dwelling and shall not be used, either solely or by incorporation of other accommodation, as a separate additional dwelling.

03

[PC82] The proposed building shall only be used for purposes incidental to the enjoyment of the dwellinghouse as such and shall not be used for any trade or business purposes.

Reasons for Conditions:

01

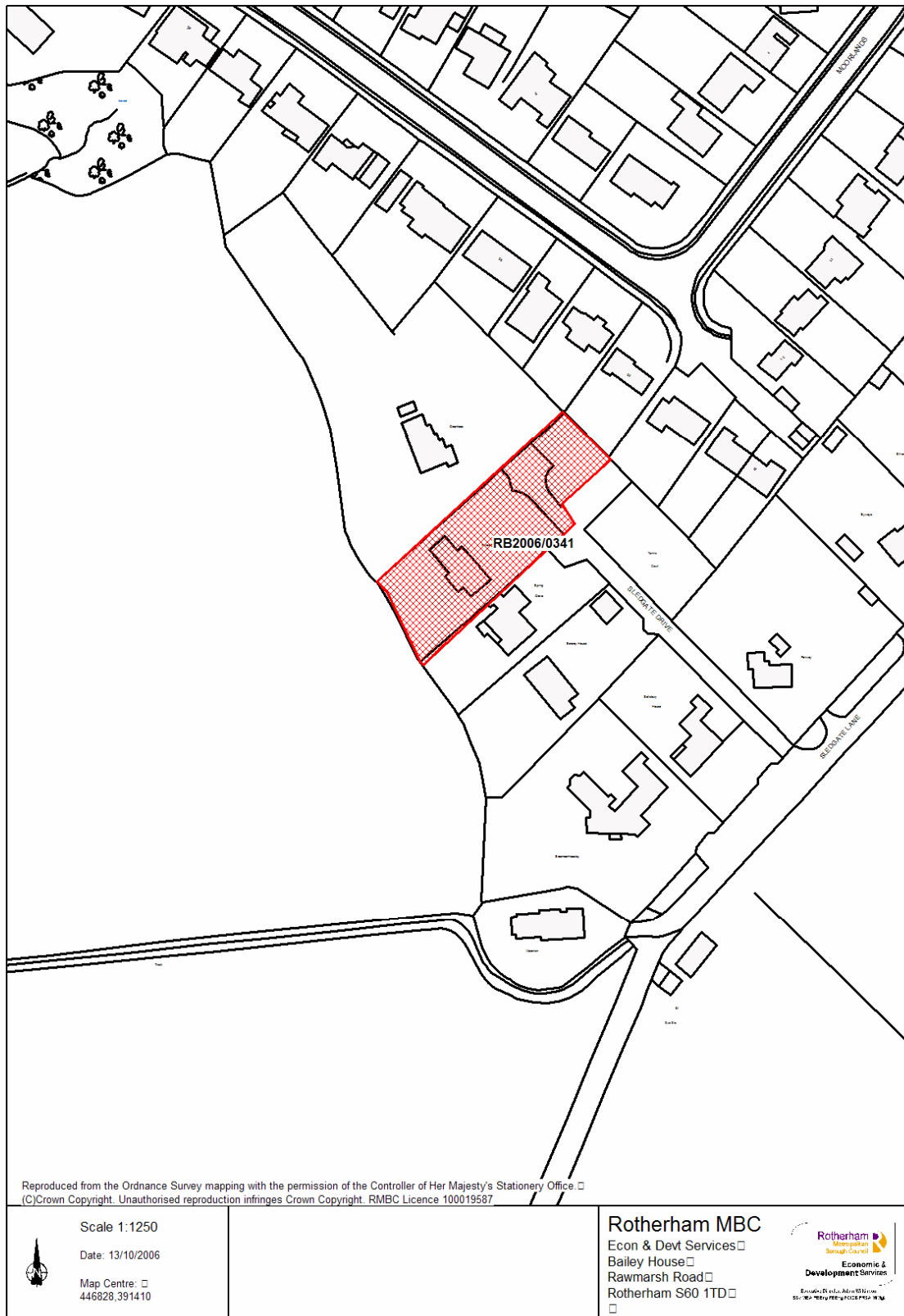
[PR51] In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

02

[PR83] The Local Planning Authority does not consider the premises suitable for subdivision into separate dwelling units by reason of lack of space, amenity and car parking requirements.

03

[PR82] To ensure that no adverse effect upon the amenities of the neighbourhood may arise out of the proposed development and in accordance with UDP Policy ENV3.1 'Development and the Environment'.



Notes for RB2006/341

Background

No recent planning history relating to the site.

UDP Allocation and Policies

Allocation: Residential

Local Policies:

ENV 3.1 Development and the Environment states “development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, screening”.

Relevant Supplementary Planning Guidance:

Housing Guidance 1: Householder Development: Adding a Two Storey Side Extension states amongst other things that the Council will not normally allow two storey side extensions which stand forward of the front elevation of the house”.

Housing Guidance 1: Householder Development: Adding a front extension states that, “To minimise the effect on neighbours' houses, and on the general street scene, the Council will normally apply the following rules:-

(a) any extension (or part of an extension) which is less than 2m (6ft 7in) from a habitable room window of another house should project by no more than 1m (3ft 3in), and should be single-storey only;

(b) any extension (or part of an extension) which is 2m (6ft 7in), or more from a habitable room window of another house should project by no more than 2m (6ft 7in), and may be two-storey if the existing house is two-storey;

Where the front garden of a house is unusually short, the Council may restrict a front extension to a smaller size than indicated above.

Where houses are set well way from side boundaries, and have spacious gardens, and /or have no other houses adjoining, proposals for larger front extensions will be considered in their merits.

Housing Guidance 1: Householder Development: Adding a single-storey rear extension notes that:

“Using a flat roof as a balcony may also cause annoyance to neighbours due to loss of privacy. Solid panels at the end(s) of the balcony will help to

overcome the problem, though it is possible that this will bring an otherwise exempt extension under planning control”.

Site Description

The application site is located towards the end of Sledgate Drive and comprises a two storey detached property set in extensive gardens. Also forming part of the application is a small parcel of land, in the applicant's control, across Sledgate Drive. This parcel of land has a boundary with private rear gardens on Moorlands. The site is relatively flat with no significant changes in land levels. The surrounding area is characterised by a mixture of detached, semi-detached properties and detached bungalows. Natural screening forms boundaries to two sides of the dwelling.

Proposals

The proposal is for a two storey front extension, including first floor balcony area over, single storey rear extension with balcony over, new bay window to side and a detached garage/workshop with store over.

Amended plans submitted at my request, have removed the proposed electric gates to the private drive, added side wall flanks to the rear balcony feature, removed the dormer windows to the proposed garage and in addition the applicant has introduced en-suite extensions to the left hand side of the property.

An additional later revision indicates the new garage position 1.5 metres from the north-eastern boundary, moving the garage to a point nearer Sledgate Drive.

Materials to be used are to match the existing.

A letter of support has been received from the applicant in response to the objections received. In this representation the applicant specifically requests that the application be considered on its own merits and not on issues of legal covenants.

Publicity

Letters sent to neighbouring residential occupiers on each of the submitted schemes. Letters of objections have been received from 10 nearby properties in respect of the original proposals. Ten further letters were received from the same residents to the amended scheme.

These objections raised can be summarised as follows:

- That the garage proposal is “quite clearly a back door tandem development” and is basically a bungalow proposal and not a garage.*
- Reference to restrictive covenants on the land on which the garage is to be built.*

- *Overlooking to private garden areas and habitable windows and loss of sunlight to adjacent properties.*
- *Access concerns in respect of the private status of Sledgate Drive.*
- *Out of keeping with the surrounding area.*
- *The erection of electric gates will restrict access to other properties.*

A copy of each of the representations will be available in the Members' Room prior to the meeting.

Three objectors and the applicant have exercised their right to speak at the Board meeting.

Consultations

Transportation Unit: No objection.

Appraisal

The main issues to be considered in the determination of this application are the impact on street scene, the design and scale of the proposal in relation to both the host property and that of adjacent properties and the affect on neighbouring residential amenity.

In terms of the street scene, I am of the opinion that the proposal will not have any detrimental impact on the street scene or the character of the area. Members should note that the properties in this part of Sledgate Drive have little uniformity of design and layout, all being very individual in terms of their form and architectural appearance. The property has extensive gardens to both the front and rear, the large front garden of note when considering the impact of the front two storey extension on the host property and street scene itself.

In terms of the front extension I have had regard to Housing Guidance Note 1 and the reference that normally projections of 2 metres will be allowed when there are no habitable windows within 2 metres. With this in mind, and having regard to the front projection of the adjacent property (Spring Grove) forward of the applicant's property, I consider that the proposed front extension of 2.8 metres would be acceptable.

The position of this two storey front extension in from the side elevation is particularly important in terms of its effect and reduced impact on the adjacent residential property.

In terms of any over looking to adjacent properties from the balcony feature on the front elevation, an issue raised by a local resident, I am satisfied that the normal spacing standard of 20 metres between habitable windows of two properties has been met on this proposal. The actual measured distances, in terms of direct overlooking, are 40 metres to another property boundary and some 50 metres to the windows (properties in Moorlands) respectively.

With regard to the side and rear extensions, I am satisfied that the design and form of the extensions meets the advocated guidance in the U.D.P.

In terms of neighbour amenity, the proposals will have no first floor side elevation windows and will not cause overlooking or loss of privacy. The proposed side walls to the rear balcony are an important revision to the scheme and will clearly reduce any potential for overlooking, a concern expressed by the adjacent resident.

Finally, and with specific regard to the representations of the objectors in respect of the detached garage and workshop, I have no objections to the scheme in terms of its position in a prominent position in the Lane or that it will not be used for such purposes. In terms of visual amenity, I am of the view that the proposal will not harm the visual amenities of the immediate area or have any significant detrimental impact on the amenities of adjacent residents in Moorlands or Sledgate Drive.

With conditions, its potential use as a domestic dwelling can be adequately controlled and restricted to ancillary uses to the host property. The deletion of the dormer style windows does reduce the massing of the building and the potential for any overlooking.

On separate issues of rights of access, covenants on the type of building that can be erected on this land and similar legal disputes, I would note that they are civil issues which are not considered in the determination of a planning application.

In conclusion, the proposed extensions and detached garage in terms of their scale, location and design are considered acceptable and will not have a detrimental impact on the character of the area or cause harm to the detriment of the amenities of adjoining neighbours.

On this basis, I recommend planning permission be granted subject to the safeguard of the above conditions.

SITE VISIT NO. 3 (Approximate time on site – 10.20 a.m.)

RB2006/1276

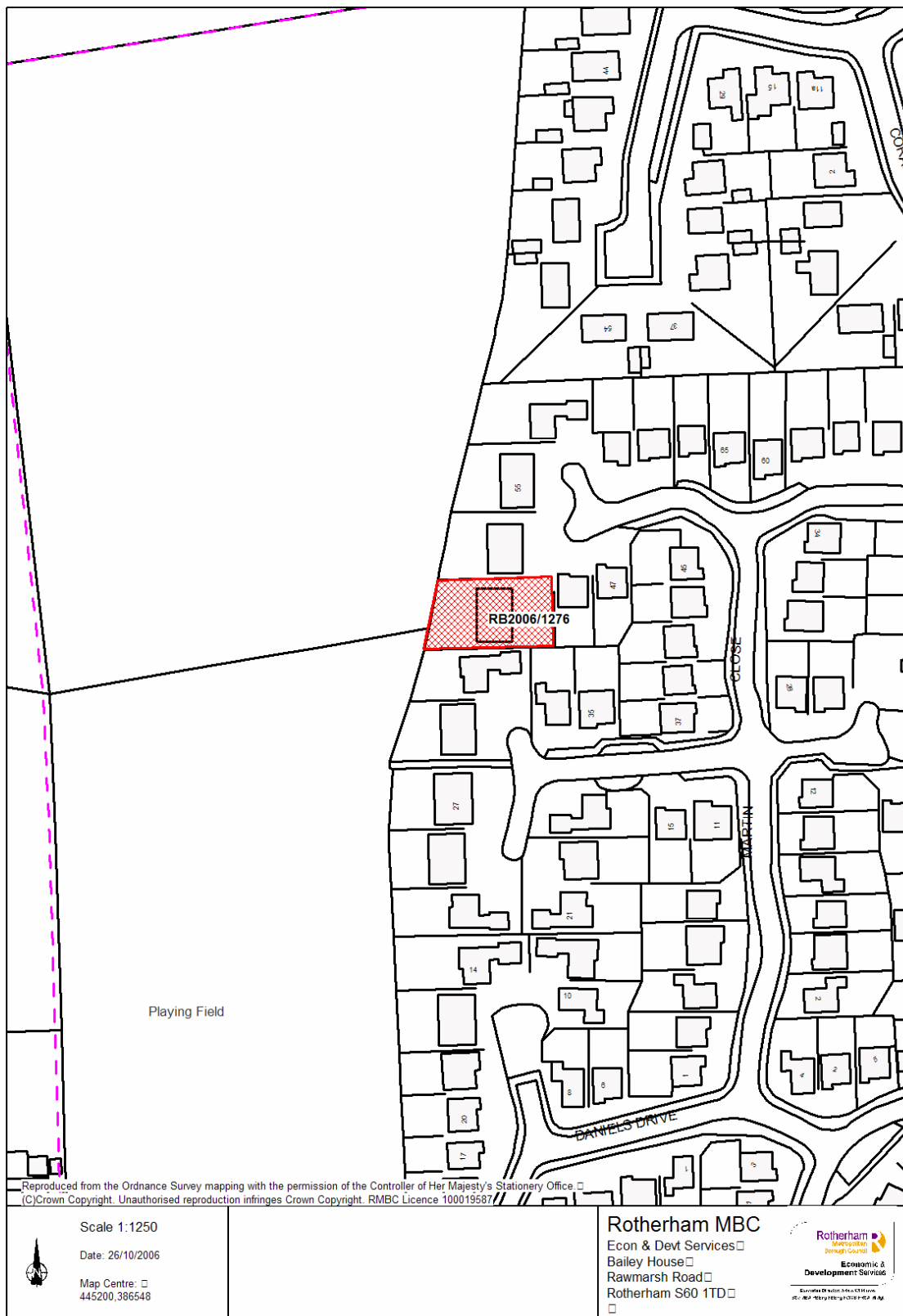
First floor side extension over existing at 51 Martin Close, Aughton for Mr. and Mrs. Parkin.

RECOMMENDED: REFUSED

Reasons for Refusal:

01

The proposed extension will by way of its size and design dominate the existing property and appear incongruous and unbalanced and will add duality to the main elevation of the property resulting in no focal point. The proposal will thereby be in conflict with Policy ENV3.1 Development and the Environment and Supplementary Housing Guidance 1 of the adopted Unitary Development Plan.



Notes for RB2006/1276

Background

I have no record of any relevant planning history for the site. A planning application for an almost identical proposal on the adjacent property at 53 Martin Close was amended at my request and subsequently granted on 13 October 2006 under delegated powers (RB2006/1544).

Development Plan Allocation and Policy

The site is allocated residential on the adopted Unitary Development Plan. Policy ENV3.1 Development and the Environment states that development will be required to make a positive contribution to the Environment by achieving an acceptable standard of design, having regard to amongst other things architectural style, relationship to the locality, scale, density, height and massing.

Supplementary Planning Guidance Householder Guidance Leaflet 8 'Adding a two storey side extension' states that two storey side extensions should be well designed, with a pitched roof in matching materials, should not project forward of the front of the house, and should have a driveway not less than five metres long.

Householder Guidance Leaflet 1 'Extending and Altering your House' states that 'It is important that an extension does not dominate the house by being bigger or higher or set much further forward. Extending a house in that way will make it look unbalanced and incongruous, particularly if the neighbouring houses are similar in design and regularly set out.'

PPS 1 Delivering Sustainable Development states that planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.

Site Description

The site of application is a modern detached house on a cul-de-sac of eight. It lies at the end of a private drive that extends off the cul-de-sac. The property has a large front gable to the main body of the house, with a second smaller gable on the front and a garage on the side with a hipped roof which runs along the front of the property at ground floor level. The cul-de-sac is located on a residential estate built in the early 1990s and the two properties adjacent at 53 and 55 Martin Close are of an identical design.

Proposals

The application is for a first floor extension above the existing garage and comprises two bedrooms and an en-suite bathroom. The extension projects out at the front and would be constructed with a gable end, larger than that on

the existing house. The applicant has been asked to amend the proposals though has submitted a letter in support indicating that the proposal is to provide additional space for the layout they want and that the house is not prominent in the street scene. He has included pictures of houses with a similar extension which also creates duality in the main front elevation (one at Farrington Court (there is no information on the location of the other property).

Publicity

Adjoining occupiers were notified. No representations have been received

Consultations

Transportation Unit:

No objections.

Appraisal

The existing house is well designed with a balanced, well proportioned front elevation and matches the design of the two properties adjacent. The proposal is not in accordance with UDP Policy and Supplementary Planning Guidance insofar as it will dominate the existing property and make it look unbalanced and incongruous. It will also add duality to the main elevation resulting in a confused prominent front to the property, with no focal point, to the detriment of visual amenity. In this instance I do not consider that the impact on the street scene would be significant due to the location of the dwelling at the end of the short private drive, though this does not overcome the unacceptable design as referred to above.

A similar extension to a house in Treeton was refused permission and dismissed on appeal in June 2006 (RB2005/1897).

I have considered the applicant's letter in support but am of the opinion that the reasons are not sufficient to overcome the conflict with the Unitary Development Plan Policy and Supplementary Planning Guidance.

Finally, I note that a similar proposal at the adjacent property was amended following discussion with that applicant so that it complied with UDP Policy and Guidance. To be consistent, it is considered that the same amendments should take place to the current scheme, though the applicant wishes the application to be considered as submitted. I do not consider that the reduction in size suggested to the applicant would significantly reduce the level of accommodation proposed. It is considered that this additional accommodation could be provided by extending the property at the rear.

With regard to the examples sent in by the applicant, both properties have an element of duality in the front elevation, leading to a confused front elevation creating the effect which the Supplementary Guidance seeks to avoid. The property at Farrington Court was granted permission in June 1999, and was

built as shown rather than being extended. It was also built before the issuing of PPS 1 Delivering Sustainable Development which places emphasis on good design of individual buildings. The other property is in Worksop.

I am therefore unable to support the proposal.