

PLANNING BOARD
5th June, 2014

Present:- Councillor Dodson (in the Chair); Councillors Astbury, Atkin, Godfrey, Kaye, Middleton, G. A. Russell, Sims, Smith and Whysall.

Apologies for absence:- Apologies were received from Councillors Pitchley, Roddison and Tweed.

T112. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

T113. MINUTES OF THE MEETING OF THE PLANNING REGULATORY BOARD HELD ON 15TH MAY, 2014

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday 15th May, 2014, be approved as a correct record for signature by the Chairman.

T114. DEFERMENTS/SITE VISITS

There were no deferments or site visits recommended.

T115. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following persons attended the meeting and spoke about the applications below:-

- Demolition of existing dwelling and erection of 5 No. dwellings (including 1 bungalow) at 38 Goose Lane, Wickersley for Ariane Developments Ltd. (RB2014/0294)

Mr. M. Walsh (Applicant)
Mr. T. Richardson (Objector)

- Demolition of existing units and construction of new food store with car parking, landscaping and associated works at land at Muglet Lane/Hamilton Road, Maltby for Aldi Stores Ltd. (RB2014/0318)

Mr. M. Taylor (Applicant)

Outline application for demolition of existing depot and erection of residential development with access unreserved at form Council depot site at Hamilton Road, Maltby for Quora Ltd. (RB2014/0319)

Mr. B. Ellis (Applicant)

(2) That applications RB2013/1488, RB2014/0294 and RB2014/0319 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2014/0318 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to a revision to Condition No. 4 and an additional condition as listed below:-

4. Prior to the use being commenced, a scheme shall be submitted to the Council for approval in writing, indicating strategies to encourage and/or enable local people to access job opportunities arising from the development site. Within 12 months of the use being commenced a statement shall be provided to and approved in writing by the Local Planning Authority demonstrating how occupants have complied with the approved scheme.

Reason - In the interests of economic regeneration of settlements associated with the development site.

14. Prior to the commencement of the development hereby approved, details of the proposed upgrading of Tickhill Road bus stop (No. 37031017) shall be submitted to and agreed in writing with the Local Planning Authority, and the approved details shall thereafter be implemented and maintained in accordance with a timescale to be agreed by the Local Planning Authority and shall be completed in advance of the store first being occupied.

Reason - In order to promote sustainable transport choices.

A late letter of representation, received after the agenda papers had been printed, was read out and referred to at the meeting.

T116. PROPOSED TREE PRESERVATION ORDER NO. 1 (2014) - 1 GROVE BANK, MOORGATE GROVE, ROTHERHAM

Further to Minute No. 108 of the meeting of the Planning Board held on 15th May, 2015, consideration was given to a report of the Director of Planning and Regeneration Service stating that an application for six weeks' notice of intent to fell a tree within the Moorgate Conservation Area was submitted in respect of this site at Grove Bank, Moorgate Grove, Rotherham on 11th December, 2013.

In considering the application, Planning Officers concluded that the tree met the criteria for inclusion within a new Preservation Order and insufficient evidence had been provided to justify the loss of this mature Beech tree (*Fagus sylvatica*). Consequently, on 14th January, 2014 a Tree Preservation Order was made in respect of this Beech tree.

This matter, having been considered, was not confirmed and was referred back to this meeting of the Planning Board to enable Mr. James, to exercise his right to speak about this matter.

Accordingly, Mr. James attended the meeting and spoke about his objections to the serving of the Tree Preservation Order affecting this tree.

Resolved:- (1) That the report be received and its contents noted.

(2) That the Planning Board's decision concerning the confirmation of the serving of Tree Preservation Order No. 1 (2014) with regard to the mature Beech tree at No. 1 Grove Bank, Moorgate Grove, Rotherham, as detailed at Minute No. 108 of the meeting of the Planning Board held on 15th May, 2015, be confirmed.

T117. COURTESY CONSULTATION - ERECTION OF A NON-FOOD RETAIL UNIT (CLASS A1) WITH ANCILLARY CUSTOMER RESTAURANT AND BISTRO AND PROVISION OF ASSOCIATED CAR PARKING, LANDSCAPING WORKS, SERVICING AND ACCESS AND HIGHWAY WORKS (ADDITIONAL INFORMATION REGARDING TRANSPORT AND AIR QUALITY IN RESPECT OF REVISED JUNCTION IMPROVEMENTS AT J34 OF THE M1), SITE OFF BETAFENCE WIRE FACTORY, LOCK HOUSE ROAD, SHEFFIELD (RB2014/0503)

Further to Minute No. 19 of the meeting of the Planning Board held on 18th July, 2013, consideration was given to a report of the Director of Planning and Regeneration regarding the erection of a non-food retail unit (Class A1) with ancillary customer restaurant and bistro and provision of associated car parking, landscaping works, servicing and access and highway works (including additional information regarding transport and air quality in respect of the revised junction improvements at Junction 34 off the M1) at the site off Betafence Wire Factory, Lock House Road, Sheffield

Resolved:- (1) That Sheffield City Council be thanked for giving the Council the opportunity to comment on the planning application.

(2) That Sheffield City Council be advised that this Council had no objections to the proposed development, subject to:-

- A condition being attached to any permission to ensure that the development is occupied by one single operator and is not subdivided into smaller units at any time.
- The submission/approval of a travel plan.

- That a condition/informative be attached to any permission requiring IKEA not to promote the use of Junction 33 of the M1 in their advertising.

T118. APPEAL DECISION - REFUSAL OF PLANNING PERMISSION FOR THE DEMOLITION OF EXTENSION AND OUTBUILDING TO PUBLIC HOUSE AND ERECTION OF SINGLE STOREY EXTENSION AND 3 NO. DWELLINGS AT THE BLACK LION, NEW ROAD, FIRBECK (RB2013/1379)

Further to Minute No. 57(8) of the meeting of the Planning Board held on 21st November, 2013, consideration was given to a report of the Director of Planning and Regeneration with regard to the refusal of planning permission for the demolition of extension and outbuilding to public house and erection of single storey extension and 3 No. dwellings at The Black Lion, New Road, Firbeck.

The Inspector dealing with the appeal concluded that the proposal would have a greater impact on openness than the existing development on the site. As the proposal failed to preserve openness it would also in the case of a partial redevelopment of a previously developed site be inappropriate development. The NPPF established that Green Belt harm should be given substantial weight and the matter of housing land supply significant weight. In this instance the lack of a five year housing supply did not override the harm caused to the Green Belt.

The Inspector also noted the appellant's application for an award of costs relied to a substantial extent on the view that the Council failed to take account of a material consideration in the determination of the appeal. This related to a historic consent on adjoining land at Yew Tree House, which dated from 1988. It was the Appellant's view that, if implemented, the site would be effectively enclosed and plot 3 would be an infill site in its own right. It was alleged that the Council failed to take proper account of this in determining the application.

The Council has advised that they have no evidence to support the appellant's claim that the adjoining permission was extant. Furthermore, the original application did not refer to this matter, although the Inspector understood that the issue was raised verbally prior to the application being considered by Planning Board. No compelling evidence that any such consent was extant was submitted as part of the proposal, nor any substantive indication of the likelihood of its redevelopment if such a development were lawful.

The Inspector went on to note that whatever the merits of the adjoining permission, for the reasons outlined in her decision, these would not, in any case, justify a grant of permission in relation to the current proposal. Therefore the Inspector concluded that she was satisfied that the reasoning the Council applied to the decision before her was founded on sound planning grounds and that unreasonable behaviour resulting in

unnecessary expense had not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs was, therefore, not justified.

Resolved:- That the decision to dismiss the appeal and to dismiss the award for costs be noted.

T119. UPDATES

There were no updates to report.

T120. DATE OF NEXT MEETING - THURSDAY 26TH JUNE 2014

Resolved:- That the next meeting of the Planning Board take place on Thursday, 26th June, 2014 at 9.00 a.m.