

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

Thursday, 9 October 2014

Start Time 9.00 a.m.

At Town Hall, Moorgate Street, Rotherham. S60 2TH

AGENDA

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 18th September, 2014 (herewith) (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (report herewith) (Pages 7 - 75)
8. Report of the Director of Planning and Regeneration Service (herewith) (Pages 76 - 93)
9. Updates
10. Date of next meeting – Thursday, 30th October, 2014

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL
 PLANNING REGULATORY BOARD
 MEMBERS' DECLARATION OF INTEREST**

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

Please tick (✓) which type of interest you have in the appropriate box below:-

1. Disclosable Pecuniary

2. Personal

Please give your reason(s) for you Declaring an Interest:-

(Please continue overleaf if necessary)

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Adviser or Democratic Services Officer prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Democratic Services Officer.)

**PLANNING BOARD
18th September, 2014**

Present:- Councillor Atkin (in the Chair); Councillors Astbury, Godfrey, Kaye, Middleton, Pitchley, Roddison, Tweed, Vines and Whysall.

Apologies for absence:- Apologies were received from Councillors Roche, G. A. Russell and Turner.

T27. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

T28. MINUTES OF THE MEETING OF THE PLANNING REGULATORY BOARD HELD ON 28TH AUGUST, 2014

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 28th August, 2014, be approved as a correct record for signature by the Chairman.

T29. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

T30. 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 listed below:-

Alterations to front elevation and improvement to parking area at Cranworth Hotel, Fitzwilliam Road, Eastwood for Punch Taverns (RB2014/0915)

Miss W. Machin (Objector)

Mr. T. Zindani (Objector)

Mr. M. Karim (Objector)

(2) That applications RB2014/0903, RB2014/0931 and RB2014/1038 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 RB2014/0915 be refused for the following reason:-

The provision of a new wider entrance with a glass door, together with a new large window, are not in character with the use of the building as a public house and will have a detrimental impact on the external appearance and character of the building contrary to policy CS28 of the Core Strategy and the NPPF.

T31. COURTESY CONSULTATION - ERECTION OF RENEWABLE ENERGY PARK - LAND OFF HOUGHTON MAIN COLLIERY ROUNDABOUT PARK, SPRING ROAD, BARNSELY (RB2014/0785)

Consideration was given to a report of the Director of Planning and Regeneration Service concerning a courtesy consultation from Barnsley Metropolitan Borough Council in respect of the outline application for the development of a renewable energy park comprising of a 150,000 tonnes per annum Timber Resource Recovery Centre and a 60,000 tonnes per annum Anaerobic Digestion Facility. The development of the site would create 2 distinct but compatible energy generation facilities with the potential to generate 23 megawatts of electricity and to provide direct heat and/or electricity to appropriate off takers in the local area.

The report stated that the application site was approximately 4.4 hectares and comprised of a vacant reclaimed site to the south of Park Spring Road. The River Dearne lies to the west of the site and a curved flood defence bund to the north and west followed the alignment of a disused railway line. There were existing industrial/commercial premises to the north and further along Park Spring Road.

The site was relatively remote from any residential properties with the closest being a few scattered farms within the Barnsley Borough. The closest settlement within Rotherham was Brampton which was approximately 3km to the south.

The Planning Board concluded that:-

- (i) the impact of the proposed development on Rotherham would be minimal given the location of the site, land levels and the distance from residential properties within Rotherham.

Resolved:- (1) That Barnsley Metropolitan Borough Council be thanked for giving this Council the opportunity to comment on this planning application.

(2) That Barnsley Metropolitan Borough Council be informed that this Council has no objections to the proposed development which was within the Dearne Valley Nature Improvement Area which also covered some of Rotherham and Doncaster Councils.

**T32. DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT
TECHNICAL CONSULTATION ON PLANNING - RESPONSE**

Consideration was given to a report of the Director of Planning and Regeneration Service on a consultation document received from the DCLG covering numerous aspects of the planning system.

The document recommended further deregulation within the planning system some of which intended to make permanent a number of temporary arrangements introduced in May, 2013. The consultation document covered:-

- Speeding up Neighbourhood Planning
- Expansion of Permitted Development Rights
- Improvements to the use of planning conditions
- Improved engagement with statutory consultees
- Raising the screening thresholds for Environmental Impact Assessments
- Widening the range of consents within the development Consent Orders which nationally significant infrastructure works were enabled

The deadline for comments was 26th September, 2014.

Discussion ensued on the proposed response.

Resolved:- That proposed response to the consultation "Technical Consultation on Planning" be approved for submission to the Department for Communities and Local Government in accordance with the deadline of 26th September, 2014.

T33. UPDATES

There were no updates to report.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL
PLANNING REGULATORY BOARD

DEFERMENTS

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
 - (a) Members may require further information which has not previously been obtained.
 - (b) Members may require further discussions between the applicant and officers over a specific issue.
 - (c) Members may require a visit to the site.
 - (d) Members may delegate to the Director of Service the detailed wording of a reason for refusal or a planning condition.
 - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Director of Planning and Transportation Service or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

SITE VISITS

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Director of Planning and Transportation Service.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within two weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chairman and Vice-Chairman will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open, impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.
- At the conclusion of the visit the Chairman should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their "Right to Speak" as appropriate.

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
09 OCTOBER 2014**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

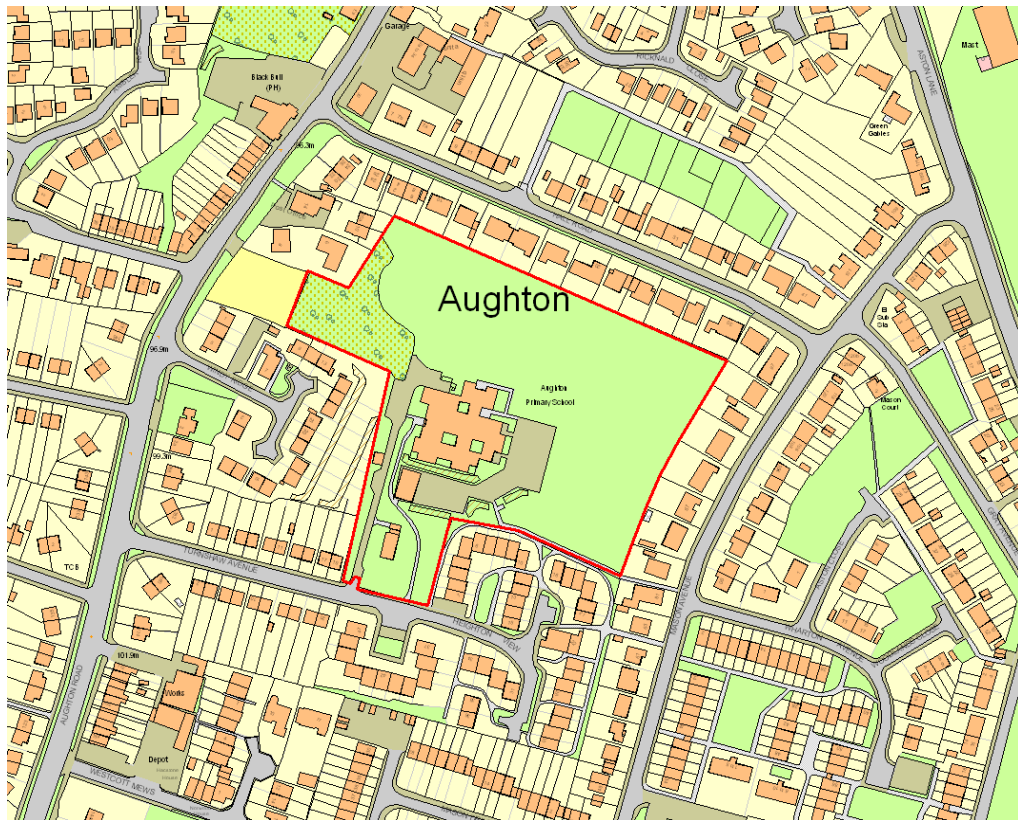
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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 09 OCTOBER 2014

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

Application Number	RB2014/0532
Proposal and Location	Installation of multi-use games area (MUGA) and 4 No. 6m high lighting columns at Aughton Primary School, Turnshaw Avenue, Aughton.
Recommendation	Grant subject to conditions



Site Description & Location

The site of application is Aughton Primary School, accessed off Turnshaw Avenue, in Aughton. The school dates from the 1960s and is set within substantial grounds. The school is surrounded by residential dwellings on both Hall Road & Mason Avenue. The dwellings are a mixture of detached bungalows and houses which back directly onto the school playing fields.

Background

Various applications since 1962 for school buildings and temporary units on site.

Proposal

This application proposes a Multi Use Games Area (MUGA) to be constructed on part of the existing grassed playing field adjacent to the existing hard surfaced playground at a size of 27.45m x 19.3m. The MUGA has been slightly increase in size from that originally submitted at the request of Sport England in order to provide an appropriate sized playing surface.

The siting of the proposed MUGA will be adjacent to an area of sloped ground which is currently not suitable as a grassed play area due to the steepness of the slope, & also between 2 no. existing trees on the site. This is to minimise any impact on the existing playing fields. However, Sport England initially raised objections to the proposals as the siting of the MUGA would; “lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field.” As such, the school has indicated that existing overgrown land would be levelled and seeded to provide appropriate playing field surface to off-set the loss of the existing playing field land and allow existing laid out pitches, whilst not directly affected by the proposed MUGA, to be re-located further from its perimeter.

The new MUGA will offer an enclosed facility where football & basketball can be played all year round given that this additional hard surfaced play facility will not become boggy like the existing grassed playing field area. The new MUGA is proposed to be enclosed by 3m high green powder coated mesh paladin fencing. The applicant also proposes 4 No. 6 metre high lighting columns with 2 No. 150W bulbs in each column to provide floodlighting to the games area.

In terms of the use of the MUGA the school has provided the following information:

- “1. School groups: Some of the local primary schools do not have access to quality sports playing facilities. They would be able to use our MUGA during and immediately after school up to and not later than 6pm. This would be for tournaments and competitions in a variety of sports. We would host these games for the benefit of the community of school children.
2. Holiday sports provision for school children: Currently the Parish Council partially fund holiday sports provision for children aged 5-16. Active Regen, the current provider, use our grounds between 10am and 3pm and would benefit from the inclusion of a MUGA on our grounds.
3. Lettings to local children's teams: The local under 11's and under 9's football teams let our grounds for a fee for Saturday and Sunday morning use from 10am to 1pm. A MUGA would extend the opportunities for other teams of school children of a similar age; basketball, tennis, hockey and netball teams.

All of the above groups currently use the school grounds and the MUGA would increase the range of sports and which season they can be played in. The MUGA would not be in use after 6pm and any groups using the MUGA would be fully supervised by school staff or adults approved for lettings. The school has indicated that required hours of use for the MUGA, to provide appropriate flexibility of use, would be 8am to 6pm Monday to Friday and 9am to 4pm Saturday & Sunday.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for community facilities use in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS27 'Community health and Safety'
CS28 'Sustainable Design'
CS29 'Community and Social Facilities'

Unitary Development Plan 'saved' policy(s):

CR1.5 Community Facilities'
ENV3.4 'Trees, Woodlands and Hedgerows'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application was initially advertised by way of a site notice and letters to adjacent properties. Eight letters of objection have been received, including one from the Parish Council:

The seven objectors state that:

- Flooding risk from extensive hard surface.
- The floodlighting will cause light pollution to neighbouring residents.
- The MUGA will cause out of school hours noise pollution
- The MUGA is not required as there are similar facilities nearby.
- The green mesh fencing is cheap and out of keeping with the surrounding area.
- The school is unable to maintain surrounding trees and as such will not be able to resolve the issues created by the MUGA.

The Parish Council states that whilst having no objections to the principle of the Multi Use Games Area:

- The MUGA and floodlighting should not be used after 6pm
- The MUGA should not be hired out to outside groups.

The amended plans have also been advertised and a further 6 letters of objection have been received, re-iterating previous concerns.

Two residents and the school have requested the right to speak.

Consultations

The Council's Streetpride (Transportation and Highways Unit) raises no objection to the application.

Sport England originally objected to the proposals as the MUGA would be sited on part of the open playing field land and as it would not be of sufficient size to provide an appropriate sized playing surface. Following the provision of a larger MUGA, the objection has been withdrawn. Sport England notes that the larger MUGA would accord with the relevant FA requirements for small sided football/mini-soccer, a key sport that the facility is intended to accommodate. It would provide an opportunity for broader curricular and community sports activities, in addition to football use, at times when the playing field is unusable.

Sport England indicates that to ensure significant benefits the site's sports facilities would need to be formalised through a community use agreement, and recommends a condition to address this.

Turning to the overall loss of usable grass playing field that would result from the proposal, the further site visit reaffirmed the previous conclusion that whilst part of the footprint of the MUGA could be considered to involve land unsuitable for use as part of a playing pitch due to ground levels and the presence of trees, much of the footprint would result in the loss of usable playing field. However, given the position of the MUGA on the eastern edge of the lower playing field there would remain sufficient space to accommodate a repositioned football pitch and so whilst there would be an overall reduction in grass playing field, the scope to continue to accommodate the existing number of pitches would remain, as illustrated on the submitted layout plan. In view of the scale of works that would be involved in constructing the MUGA, it is likely that some parts of the adjoining lower playing field would become damaged during the development phase and therefore in undertaking works to prepare the retained playing field for the repositioning of the existing football pitch consideration would need to be given to any remedial action required to address any damage caused during the construction of the MUGA. A condition is recommended to address this.

In terms of the seeding of additional land in the north western corner of the site, Sport England concludes that due to the restricted dimensions involved it is not judged that there would be any significant value in restoring those peripheral parts of that space that have become overgrown to close cut grass, and as it is already part of the existing broader playing field, any qualitative improvements in this area would in any event not be considered to constitute a quantitative gain.

Overall, based on the above assessment of the amended submission, it is considered that on balance the proposal would accord with Exception E5 of Sport England's playing

fields policy and Paragraph 74 of the National Planning Policy Framework, subject to the relevant conditions.

Neighbourhoods (Environmental Health): Notes that as there are residential properties on the boundary of the playing field there is potential for disamenity from the floodlights, though raise no objections subject to conditions.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The application proposes the creation of a Multi Use Games Area (MUGA) within the grounds of Aughton Primary School and the main considerations in the determination of this application are:

- Principle of development
- Design and visual impact
- Residential amenity
- Highway safety
- Drainage and Flooding Issues

Principle of development.

The application site is allocated for Community facilities (Education) within the Council's adopted UDP therefore any proposal on this site should wherever possible be retained or developed for such purposes.

UDP Policy CR1.5 'Community Facilities' states: "Those areas allocated on the Proposals Map for Community Facilities will, wherever possible, be retained or developed for such purposes during the Plan Period."

Core Strategy Policy CS29 'Community and Social Facilities' states: "The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency. The Council will seek to enable provision through a variety of local authority, private sector and local community partnerships, wherever appropriate, and support the co-location of community and social facilities wherever feasible."

Paragraph 72 of the NPPF notes that Local Planning Authorities should give great weight to the need to create, expand or alter schools. Paragraph 73 adds that access to

high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities.

In this instance the MUGA will not result in the loss of any community facility due to it being sited within the existing school grounds. The application proposes an enclosed MUGA area for pupils of the school to undertake physical activities throughout the day providing enhanced play provision throughout the year when other areas such as playing fields are not available. In addition the applicant proposes some ancillary use from sports clubs and holiday clubs. Such ancillary use is not unusual at a school site and will allow the high quality facility to be used by a wider range of users.

Therefore it is considered that the proposed facility would satisfy the requirements of UDP Policy CR1.5 'Community Facilities' and Policy CS29 'Community and Social Facilities' of the adopted Core Strategy, as well as the aims and objectives of the NPPF.

Design and visual impact

Policy CS28 'Sustainable Development' of the Council's adopted Core Strategy states design should take all opportunities to improve the character and quality of an area and the way it functions.

The NPPF at paragraph 56 notes that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development and should contribute to making places better for people. Further to this paragraph 64 states permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposed MUGA will be located within the grounds of the school and enclosed with weld-mesh fencing. It is considered that it is of an acceptable size, scale and design that would not create an over dominant feature when viewed together with the existing buildings that form part of the overall school campus. A neighbour has raised concerns over the weld mesh fencing, however such fencing is common on such MUGAs and provides a strong boundary to prevent stray balls.

With the above in mind it is considered that the proposed development makes a positive contribution to the environment without being visually harmful in the streetscene and surrounding area as recommended in CS28 'Sustainable Development' and the advice within the NPPF referred to above.

Amenity issues (floodlights and noise):

Core strategy Policy CS27 – 'Community health and Safety' states that: "New development should be appropriate and suitable for its location. Proposals will be required to consider the following factors in locating and designing new development:

- a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability
- b. Public safety and health risks directly arising from in-situ operations, past mining activity, and/ or from potential indirect or cumulative impacts on surrounding areas, sensitive land uses, and the maintenance of healthy functioning ecosystems.

c. The impact of existing sources of pollution and the potential for remedial measures to address problems of contamination, land stability or air quality.

d. Potential adverse effects of additional development near to hazardous installations and upon Air Quality Management Areas.”

The NPPF on this matter notes at Paragraph 109 that: “The planning system should contribute to and enhance the natural and local environment by: ...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of...noise pollution...”

The NPPF further notes at Paragraph 123 that: “Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.”

Significant concerns have been raised by local residents that the proposed development will lead to unacceptable light pollution from the floodlighting and to increased noise levels, thereby having a detrimental impact on residential amenity. On the matter of the impact of the proposed floodlighting, the proposed floodlights will allow the games area to be used on winter evenings beyond normal daylight hours. As such, as expressed by the representations received, this will result in visible lighting to residents particularly those to the north on Hall Road. However, the school only intends that the use would be required up until 6pm and a condition requiring them to be switched off 30 minutes after this time period is accepted by the school. As such, and bearing in mind that the rear boundary of the nearest residential properties to the proposed MUGA are approximately 35m away, it is not considered that the floodlights would cause significant disamenity to local residents.

In terms of noise impact, the school has noted that any groups using the MUGA would be fully supervised by school staff or adults approved for lettings and once again, bearing in mind the proposed hours of use and distance from nearest residential properties, it is not considered that the proposed MUGA would cause significant disamenity to local residents. An additional Sport England planning condition recommending a management plan has been attached in order to minimise any disamenity.

In light of the above, and given that the proposed games area will only be used during the day time, it is considered that it would not result in any unacceptable noise and general disturbance to occupiers of neighbouring properties during unsocial hours.

Highway safety

Turning to highway safety, the siting of the proposed games area involves no alterations to the existing parking arrangements at the school. On this basis, and given that it will predominantly only be used during school hours, the Transportation Unit consider that the development will have no adverse impact on highway safety.

Drainage and Flooding Issues

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding.

A number of objectors have raised concerns that the new hardstanding area of the MUGA may create surface water runoff towards their dwellings on Hall Road. In this instance the current land is a grassed area and as such the new hardstanding if not adequately drained may cause excessive surface water run off. As such a condition is recommended requiring drainage details to be submitted detailing how the site will be drained sustainably.

Conclusion

In conclusion having taken all of the above into account it is considered that the proposed development is acceptable and complies with the relevant policies referred to above and will not result in an over dominant feature within the school grounds, the streetscene and surrounding area. In addition it is considered to have no significant impact on neighbouring residential amenity or highway safety and would provide important sports facilities. In view of the above it is recommended that the application be granted conditionally.

Conditions

01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Original Fencing & Lighting Column elevations) (received 23-04-2014) (Amended Site Plan 712-005-082-3 Rev B & Amended MUGA Layout 712-005-082-4 Rev A)(received 12-08-2014)

Reason

To define the permission and for the avoidance of doubt.

03

The MUGA and floodlights hereby permitted shall only be used between the hours of 08:00 – 18:30 Monday to Friday and 09:00 – 16:00 Saturday & Sunday.

Reason

In the interests of residential amenity in accordance with Core Strategy Policy CS27 - Community health and Safety.

04

Before the development is commenced on site, details of the floodlights, including their luminance and angle of alignment, shall be submitted to and approved by the Local Planning Authority, and the floodlights shall be installed in accordance with approved details and maintained as such thereafter for the lifetime of the development.

Reason,

In the interests of residential amenity in accordance with Core Strategy Policy CS27 - Community health and Safety.

05

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

06

Before the Multi Use Games Area is brought into use the existing playing pitches shall be re-located as indicated on the submitted plans.

Reason

To maintain appropriate playing pitch provision on the overall site.

07

Before the MUGA hereby permitted is first brought into use, the applicant shall submit to and have approved in writing by the Local Planning Authority in consultation with Sport England, a Community Use Agreement for the use of the MUGA and other sports facilities at the site that shall include details of:

- a) access to the facilities and car park by non-school users;
- b) pricing policy;
- c) management responsibilities; and
- d) a mechanism for review of the Community Use Agreement.

The facilities shall thereafter be operated in accordance with the approved Community Use Agreement.

Reason

To secure well managed and safe community access to sports facilities, to ensure benefit to the development of sport, and to accord with CS27 - 'Community health and Safety'.

08

Within three months of the new MUGA being brought into use, any areas of the retained playing field that are damaged as a result of the implementation of the development shall be restored to a standard at least equivalent to their condition before the development was commenced.

Reason

To ensure the retained playing field is available for sports use, and to accord with CS29 'Community and Social Facilities'.

INFORMATIVES

01

The proposed lighting should meet the guidance provided by the Institute of Lighting Engineers in their document 'Guidance Notes for the Reduction of Obtrusive Light' (available from website www.ile.org.uk)

02

The lighting units should be regularly maintained to ensure that the lighting units are correctly aimed and kept up to a good standard of repair.

03

Guidance on preparing Community Use Agreements is available from Sport England at www.sportengland.org. (Example and template agreements can be provided upon request.)

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2014/0936
Proposal and Location	Erection of 63 dwellinghouses at land at former Brampton Centre, Brampton Road, Wath Upon Dearne, S63 6AW
Recommendation	Grant subject to signing of S106 legal agreement and to relevant conditions to secure contributions of £12,000 towards off site affordable housing and £9230.76 towards education provision.



Site Description & Location

The application site covers an area of 2 hectares and lies to the east of Brampton Road and to the rear (north) of the existing Brampton Ellis Junior and Infant School.

The site was previously occupied by the Brampton Centre workshops and a leisure centre which were more recently partially converted and used as a medical centre. The site has been divided into two phases by the developer and whilst the whole site has been cleared development has also recently commenced for residential development on the southern-most section of the site (Phase I - approved under reference RB2014/0268).

This application relates to Phase II which comprises of the largest section of the site and the most northern section.

The site as a whole contains a number of mature trees both within the site and particularly along the southern and north-western boundaries.

Access to the site is currently derived via a road off the main Brampton Road which also serves a number of adjacent residential properties as well as the site and the adjacent school.

The site slopes considerably but gently from Brampton Road to the north east. Residential dwellings lie to the west fronting Brampton Road and to the east beyond an adjacent area of open space. The existing Brampton Ellis Junior and Infant school lies adjacent to the site to the south. Part of this building is Listed Grade II. The wider area consists of a variety of house types including detached and semi-detached dwellings and bungalows, the majority of which are traditionally constructed of brickwork and stone.

The site is bounded on all sides except one by areas of open space which are all allocated as Urban Greenspace within the Unitary Development Plan.

Background

The most recent and relevant permission(s) to which this variation of condition application relates are:

RB2013/0098 - Erection of 65 dwellinghouses with associated open space, means of access and landscaping – Granted Conditionally subject to a Section 106 Agreement

RB2013/1126 - Erection of 65 No. dwellinghouses with associated open space, means of access & landscaping with variation to Condition 02 (approved plans) imposed by RB2013/0098 – Granted Conditionally

RB2014/0268 - Erection of 14 No. dwellinghouses (substitution of house types for plots 1-14 previously approved under planning application RB2013/0098) – Granted Conditionally

Environmental Impact Assessment

The proposed development falls within the description contained in paragraphs (10 (b) Urban Development Projects) of the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares (10 (b)).

An Environmental Impact Assessment Screening Opinion was carried out as a part of the previous application and there have been no subsequent changes to the site or the proposal which would indicate a different decision in Environmental Impact terms. As such, and taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

Proposal

Following the granting of planning permission earlier this year for the first phase of development of the Brampton Centre site, this application seeks to amend the previously approved Phase 2 part of the scheme.

A previously approved application in 2013 (RB2013/0098) related to the entire site which was formerly known as the Brampton Centre, this application granted permission for a total of 65 dwellings. Subsequently, Phase 1 was separated by the developer and

a second permission was granted in 2014 (RB2014/0268) for a total of 14 dwellings. This application essentially resulted in an amendment to the house types but resulted in the development of 14 houses on an area where the previous approval allowed for the development of 16 dwellings (a loss of 2 houses).

This application now proposes the erection of 63 dwellings in the area of Phase 2 which previously contained 49 dwellings. This results in an increase of 14 dwellings on this part of the site but overall an increase of 12 dwellings over and above those approved in 2013.

The layout of the roads on site remains largely unchanged albeit with slight amendments to the courts on the northern boundary. In terms of house types, the previously approved layout indicated large detached dwellings and semi-detached dwellings, whereas the layout now proposed has replaced a number of the larger detached dwellings with town houses in rows of three and four. The mix of dwellings previously approved consisted of 37 detached dwellings and 28 semi-detached whereas the mix now proposed comprises of 42 detached dwellings and a mix of 21 semi-detached and terraced properties.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The site is allocated for Industrial and Business use with a small element of Community Use within the adopted Rotherham Unitary Development Plan and the following Policies are considered to be relevant.

UDP Policies:

HG5 'The Residential Environment'
ENV2.8 'Setting and Curtilage of Listed Buildings'

Core Strategy Policies:

CS14 'Accessible Places and Managing Demand for Travel'
CS28 'Sustainable Design'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Publicity

Neighbouring properties have been notified of the proposal. In addition press and site notices were posted. No representations have been received.

Consultations

Streetpride (Transportation Unit) – no objections subject to conditions;
Streetpride (Tree Service Manager) – no objections subject to conditions;
Streetpride (Landscape Team) – no objections subject to conditions;
Streetpride (Ecologist) – no objections;
Neighbourhoods and Adult Services (Affordable Housing Officer)– no objections;
Children and Young People Service (Education Officer) – no objections;
Neighbourhood and Adult Services (Contaminated Land Officer) – no objections;
SYMAS – no objections;
Environment Agency – no objections;
SYPTTE – no objections;

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of this application are:

Principle
Design and Visual Amenity
Impact on Listed Building
Residential Amenity
Highways Issues
Other Material Considerations

Principle

The majority of the application site is allocated in the UDP as for Business Use and a small portion (which was formerly the leisure centre) is allocated as Community Facility. However, there is an extant planning permission for the residential development of this site and it is considered that the principle of residential development has been established.

Design and Visual Amenity

Policy HG5 'The Residential Environment' states that: "The Council will encourage the use of best practice in housing layout and design in order to provide developments

which enhance the quality of the residential environment and provide a more accessible residential environment for everyone.”

Core Strategy Policy 28 ‘Sustainable Design’ states that: ‘Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping...’

In addition paragraph 56 of the NPPF refer to design in new developments and seek to ensure that development will add to the overall quality of the area and ensure that developments are visually attractive. Paragraph 60 does state however, that: “Planning policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation....”

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

As mentioned above the application site is located off Brampton Road to the north of the existing Brampton Ellis Junior and Infant School. It is visible from Brampton Road but does not form a part of the existing street scene. However, the architectural style and age of the properties in the vicinity does vary significantly and the overarching character of the area is residential.

The amended plots are modern style properties which are consistent with the development which is approved on this larger development site. Furthermore, whilst the previously approved scheme on this part of the site did not include any town house style properties, the replanned Phase I to the south not only contains a number of terraced properties but also the same housetypes in terms of the detached and semi-detached properties. It is therefore considered that this application will therefore bring consistency across the whole site in terms of the housetypes but will retain the modern development style of the previously approved scheme having no significant impact on the visual amenity of the locality and comply with the above mentioned policies.

Impact on Listed Building

Part of the existing school adjacent to the application site is Grade II Listed and therefore the impact of the proposed development upon the setting and curtilage of this building should be considered.

Policy ENV2.8 ‘Setting and Curtilages of Listed Buildings’ states that: “The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context.”

Prior to its demolition there was a considerable structure on this site which has had a variety of uses. That building was in relatively close proximity to the school, since its demolition the site has a derelict appearance and is becoming overgrown and has a poor appearance which does not contribute to the setting of the Listed Building. The Listed Building will undoubtedly be seen in the context of the new residential

development as are the existing properties which sit alongside it on Brampton Road. However, it is considered that there is a sufficient distance, together the existing strong boundary treatment in this part of the site and level differences to ensure that the development would not have a detrimental impact on the character and setting of the Listed Building.

Furthermore, whilst there is a relatively small increase in the number of dwellings proposed and the scale is consistent with the development already approved on the site. It is considered that the proposal represents a high quality development which utilises an appropriate form and design in relation to the character of the area together with the proposed materials and therefore would not be detrimental when viewed together with the existing Listed Building.

The above policy is also consistent with the NPPF which aims to protect and enhance existing Listed Buildings.

Residential Amenity

The proposed development lies within an established residential area and the closest residential properties are on Brampton Road. Whilst this application seeks to amend house types on only one part of the site, there is currently no development commenced on which there would be an impact.

In relation to residential amenity, the South Yorkshire residential design guide sets out separation distances which should be achieved to prevent a material impact of overshadowing/overdominance and loss of privacy. These distances are 21 metres between habitable room windows and 12 metres from a habitable room window to a blank gable. In this instance the proposed development is in excess of those distance to existing neighbouring properties and it is therefore considered that there would not be a materially detrimental impact on the residential amenity of neighbouring properties arising from the proposal.

Highway Issues

Core Strategy Policy 14 states that: 'The Council will work with partners and stakeholders to focus transport investment on making places more accessible and on changing travel behaviour. Accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by:

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near public transport interchanges or near to relevant frequent public transport links;
- b. Enabling walking and cycling to be used for shorter trips and for links to public transport interchanges;
- c. Reducing car parking provision in town centre and other accessible sites if public transport and other sustainable modes can accommodate travel but not to an extent where the town centre is unattractive when compared to out of town shopping centres;

- d. Set thresholds where existing and future employers and institutions will need to adopt Travel Plans or Area Travel Plans as part of a programme of sustainable transport promotion.
- e. The use of maximum parking standards for non-residential developments aimed at reducing the number of car trips to and from them.
- f. Adopting car parking policies for vehicles and bicycles in accordance to national guidelines that support and complement public transport and the introduction of sustainable travel modes.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.
- h. The safeguarding of suitable land for the provision of transport infrastructure.
- i. Prohibiting development where this is prejudicial to projects outlined in the Local Transport Plan or for any other transport proposals. Land to be safeguarded will be contained in specific transport proposals, the Sites and Policies document or other Local Development Plan Documents as appropriate.
- j. Implementing the Public Rights of Way Improvement Plan and maximising the use of the Public Rights Of Way network and other routes such as canal towpaths and disused railway lines for local transport connections on foot and by bicycle.
- k. Not allowing new development in Air Quality Management Areas unless traffic and air quality impacts are appropriately mitigated.
- l. Promoting Park and Ride where other sustainable travel choices cannot deliver similar benefits.
- m. Maintaining and improving School Travel Plans to manage demand for travel to and from schools and colleges.

Paragraph 32 of the NPPF requires that all development that generate significant amounts of movement should be supported by a Transport Statement or a Transport Assessment. It goes on to require that the opportunities for sustainable transport modes have been taken up, that safe and secure access for everyone can be achieved and that cost effective improvements to the highway network should be undertaken to limit the significant impacts of development.

Paragraph 35 of the NPPF relates more specifically to detailed highway design.

Overall, this site is considered to lie within a sustainable location and the South Yorkshire Passenger Transport Executive have confirmed that the site is readily accessible by public transport. The site also lies in close proximity to shops and services. SYPTE requested that two existing bus stops on Brampton Road required an upgrade to bus shelters as this would improve the experience of utilising public transport in order to take up its services. The contribution towards this improvement has now been paid under the terms of the previous Section 106 Agreement.

There are no amendments proposed as a part of this application in relation to the alignment of the entrance or the cul-de-sac. The level of car parking is considered to be acceptable and therefore the development is considered to comply with the above mentioned policies.

Impact on Trees

Policy ENV3.4 Trees, Woodlands and Hedgerows states that: "The Council will seek to promote and enhance tree, woodland and hedgerow coverage throughout the Borough."

There are a number of mature trees both around the boundaries and within the site itself and comments from the Council's Arboriculturalist confirms that the majority of mature trees are worthy of a Tree Preservation Order. The amended layout retains the distances to the existing trees which were established as a part of the previous permission and in some areas these distances are actually extended.

Notwithstanding that, it is recommended that the previously imposed condition be included to remove the permitted development rights of plots with large trees within the garden areas. This condition aims to prevent extensions to the dwellings which could put pressure on those trees which have been retained to be felled at a later date.

Other material considerations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development."

All of the tests must be complied with and the planning application must be reasonable in all other respects.

The contributions required under the Section 106 Agreement attached to the previous permissions have now been paid and this application therefore requires a new agreement to fulfil the requirements raised by the additional dwellings now proposed on this site.

In this instance the developer submitted a Viability Appraisal as a part of the previous application and this was independently assessed by Knight Frank on behalf of the Council. The Viability Appraisal concluded that taking account of all costs and developer profits the amount available to be forwarded as Planning Obligation contributions were £50,000 (£769.23 per dwelling) towards education provision and £65,000 (£1000 per dwelling) towards Affordable Housing off site, within Brampton and £20,000 towards off site open space improvements. It is not considered that the financial climate has changed significantly since this appraisal was carried out and furthermore, the Planning Inspectorate in advice, do not condone reappraising sites for financial viability within 12 months of the date of the original appraisal.

Since additional dwellings are now proposed as a part of this application it is deemed that the amount of contribution per dwelling should be sought for the additional dwellings as the developer has already paid the contribution for the previous development however, the developer has stated that the open space contribution was based on an identified need and the previous amount of £20,000 covered the requirement in this instance. The contributions are therefore sought in respect of

Affordable Housing and Education and have been based on the amount of contribution agreed previously per dwelling multiplied by the additional number of dwellings proposed.

Conclusion

In conclusion, the proposed amended house types are considered to be of an acceptable scale, layout and design that is appropriate for the site and surrounding area. Furthermore, it is not considered that the proposed development would be materially detrimental to the amenities of existing neighbouring properties given that it achieves the Council's minimum standard separation distances. In terms of impact on trees the previously identified separation distances remain to the mature trees on site and it is not proposed to remove any further trees on site.

The proposed development and its associated traffic and highway movements can be accommodated on the existing highway without a detrimental impact on highway safety. Furthermore, the internal layout and parking spaces within the site are considered to be acceptable and meet the Manual for Street requirements together with those set out in the South Yorkshire Residential Design Guide.

Recommendation

A. That the Council enter into an amended agreement to include the reference numbers of both this application RB2014/0268 and the former RB2013/0098 with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:

- A contribution of £9230.76 towards the provision of additional school places within the catchment area;
- A contribution of £12,000 towards the provision of affordable housing within Brampton;

B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following reasons for grant and conditions:

Conditions

01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority.

Drawing numbers

121-Win-OPV-A
631-ALN-V-4BLOCK
911-BIC-3V
1222-CHED-OPV
999-CLAY-C-ASV
999-CLAY-OPV
106-HANPST-V
109-HAT-ASV
110-HAT-OPV
1190-KEN-ASV
1190-KEN-OPV
114-ROS-ASV
115-ROS-OPV
116-RUFS-V
117-RUF-ASV
118-RUF-OPV
RF-WD10
121-WIN-ASV-A
BR-2014-01G

Received 8 July 2014, 18 September 2014, 24 September and 26 September
Reason

To define the permission and for the avoidance of doubt.

03

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions or alterations otherwise Permitted under Part One Classes A, C, D and E shall be carried out to Plots 57-67.

Reason

In the interests of the amenities of the occupiers of adjoining properties.

04

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be Edenhall Edmunton Stock and Runswick Red Multi Holkham Red bricks and Redland mini Stonewold Slate Grey Roof Tiles. The development shall thereafter be carried out in accordance with these details.

Reason

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'.

Reason

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'.

05

Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 6.0 (six) metres either side of the centre line of the live water mains, which cross the site.

Reason

In order to allow sufficient access for maintenance and repair work at all times.

06

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage.

07

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason

To ensure that the development can be properly drained.

08

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

Reason

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

09

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

Reason

To ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

10

Following completion of any remedial works a Validation Report shall be forwarded to the Local Authority for review and comment. The Validation report shall include details of the remediation works (gas membranes and soil cover systems installed) and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the Local Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, demolition and construction Recommendations. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development 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'.

12

All tree works shall be carried out in accordance with B.S.3998: 2010. The schedule of all tree works shall be approved by the Local Planning Authority before any work commences and no tree work shall commence until the applicant or his contractor has given at least seven days' notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area 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'.

13

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

- a/ a permeable surface and associated water retention/collection drainage, or;
- b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of

the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

14

Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

Reason

To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

15

The finished floor levels of the properties shall be set at a minimum of 600mm above the flood level (i.e. FFL of 50.1m AOD).

Reason

To prevent flooding of the properties.

16

The landscaping scheme (plan ref. R/1376/1E) shall be carried out in accordance with a timetable to be agreed in writing by the Local Planning Authority.

Reason

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'.

17

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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'.

18

No tree or hedgerow shall be cut down, uprooted or destroyed nor shall any tree or hedgerow be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the immediate area and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area 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'.

19

The development hereby approved shall be carried out in accordance with the Sustainable Transport Plan which details measures to be provided to promote the use of Sustainable Transport. Those measures shall be implemented in accordance with the timescales outlined in the Sustainable Transport Plan and updates shall be issued to the Local Planning Authority on the uptake of the initiatives every 6 months from the first occupation to the sale of the last plot.

Reason

In order to promote sustainable transport choices.

20

The road constructional and drainage shall take place in accordance with the submitted drawings listed below and the approved details shall be implemented before the development is completed:

Drawing No.

6042_036

6042_023B

6042_009A

6042_022C

6042_004K

6042_005_02D(1)

6042_005_02D

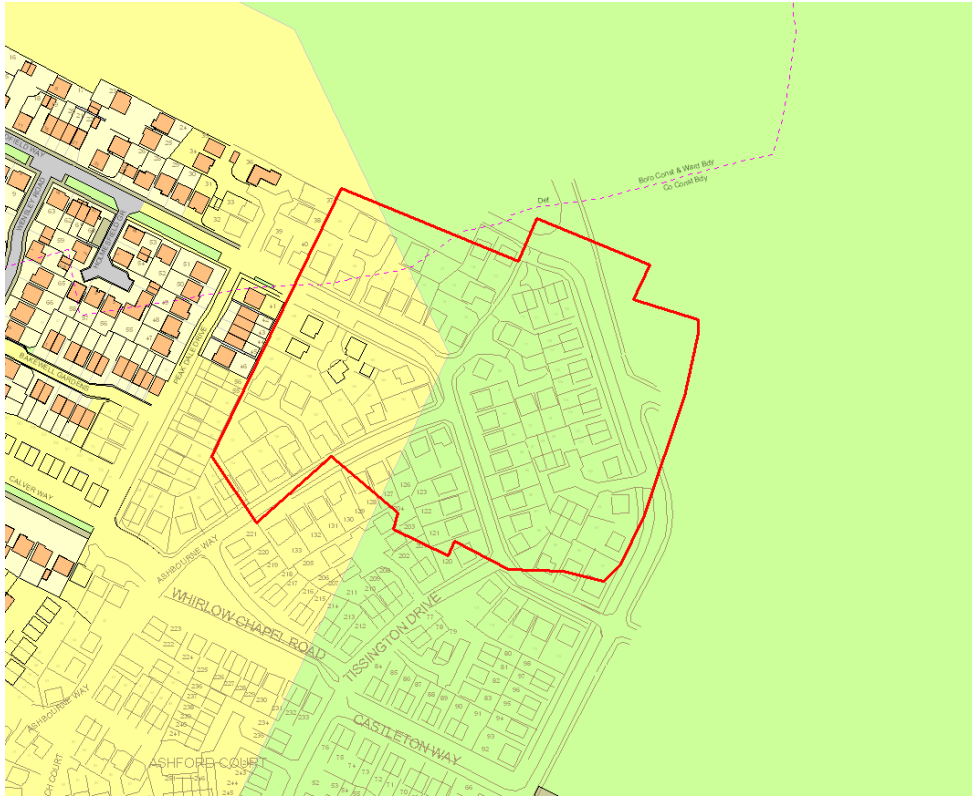
Reason

No details having been submitted they are reserved for approval.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2014/0953
Proposal and Location	Application to vary condition 02 (approved plans) imposed by RB2013/0884 Land at Waverley High Field Spring Catcliffe
Recommendation	Grant subject to conditions



Site Description & Location

The application site forms part of the wider Waverley site which is located within the corridor between Rotherham and Sheffield and is primarily accessed off the Sheffield Parkway. The site is surrounded by the settlements of Catcliffe to the northeast, Treeton to the east, Orgreave and Woodhouse Mill to the south and Handsworth to the west.

Specifically the site is located to the south east of the existing residential properties that are currently under construction on the site, and the site will extend south eastwards to meet Highfield Lane which is currently under construction. The application site is approximately 3.14 hectares in total and is relatively flat unused land directly adjoining the land currently being built on by Harron Homes.

Background

The site has an extensive history of coal mining and associated industrial activity dating back over 200 years. In conjunction with coal mining taking place, a coke works and bio product plant was built in 1919 and operated until its closure in 1990. Since then a number of planning applications have been submitted for the extraction of coal by opencast methods and proposals for the site's restoration. Those relevant to the current application are listed below:

RB2008/1372 - Outline application with all matters reserved for a new community comprising residential (3,890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) for Harworth Estates (Waverley Prince) Ltd – GRANTED CONDITIONALLY 16/03/2011

RB2011/1428 - Continuation of outline application with all matters reserved except for means of access for a new community comprising residential (3,890) units, development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities) together with 2 no 2 form entry primary schools all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) with variation to condition 26 of RB2011/1296 to increase the trigger point for the implementation of improvements to the details of the works to be undertaken – GRANTED CONDITIONALLY 26/04/2013

RB2011/1521, RB2011/1538 and RB2011/1536 Reserved Matters approval was granted for three separate reserved matters applications for Taylor Wimpry, Harron Homes and Barratts - GRANTED CONDITIONALLY 17/01/2012

RB2013/0663 - Details of the construction of a road, Highfield Lane (reserved by outline RB2012/1428) – GRANTED CONDITIONALLY 22/07/2013

RB2013/0862 – Reserved Matters approval was granted for 98 dwellings for Taylor Wimpey – GRANTED CONDITIONALLY 20/09/2013

RB2013/0884 – Reserved Matters was granted for 82 dwellings for Harron Homes GRANTED CONDITIONALLY 20/09/2013

EIA Screening Opinion

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares. However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

Proposal

The application is seeking a variation to Condition 2 (approved plans) attached to RB2013/0884 (reserved matters for the erection of 82 dwellings). The applicant is seeking a variation to the approved plans due to amendments to house types and numbers. The proposal relates specifically to Plots 77-86 (with the exception of plot 80), and originally included 9 units on the approved plan, however the number of units is to be reduced to provide only 8 in this area.

The application has been amended since it was originally submitted, to change two of the proposed 3 storey properties back to 2 storey properties at the request of the LPA.

The changes to the approved scheme results in the reduction in overall house numbers by 1 dwelling. The dwellings are roughly in the same locations, whilst 3 new house types have been introduced into this site. All the originally approved dwellings within this application site were 2 storey whilst the amended proposal introduces 1 no 3 storey properties, a Kenilworth on plot 77 This house types has 2 full storeys with dormer windows in the roof on the front elevations and roof lights in the rear. There are three storey properties approved within the wider Harron Homes development on Waverley.

The original scheme proposed 3 storey dwellings on Plots 78 and 79, however the application has been amended to provide 2 storey dwellings on these plots. Due to the proposed change in the layout the landscape scheme and street scene plans have also been amended.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is unallocated in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS14 'Accessible Places and Managing Demand for Travel'

CS21 'Landscape'

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

Policy HG5 'The Residential Environment'

Other Material Considerations

South Yorkshire Residential Design Guide

Supplementary Planning Guidance - Housing Guidance 3 "Residential infill plots"

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision."

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Publicity

The application was advertised in the press and a site notice was erected on site. The occupiers of nearby properties have been notified by letter. One letter or representation has been received from an existing occupier adjacent to the site. They have asked to be updated on the development, if the plans are approved there will be a lot more 3 storey houses than were previously planned which would have an impact on their property.

Consultations

Streetpride (Transport and Highways): No objections subject to previous conditions being attached.

Neighbourhoods (Noise) – The proposed changes to the layout raise no objections.

Streetpride (Landscape Design) – The amended landscape scheme is considered acceptable.

Education (School Services) – No comment

Neighbourhood (Urban Design) – No comment

Streetpride (Drainage) – No comment

Yorkshire Water – No comment

Architectural Liaison Officer – No comment

South Yorkshire Passenger Transport Executive – No comment

South Yorkshire Fire and Rescue – No comment

South Yorkshire Mining Advisory Service – No comment

The Environment Agency: No objections

Streetpride (Ecologist) – No objection

Robin Hood Airport – No comment

South Yorkshire Archaeological Service – No comment

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The applicant is seeking a variation to the approved plans on the approved reserved matters application for 82 dwellings on this part of the overall Waverley residential site, to allow an amendment to the layout, introduce new house types and reduce the number of plots by one dwelling. The applicant considers that the amended proposal would provide a better form of development and increase spacing distances slightly to allow for the provision of small retaining walls that are required.

The principle of the development has been established under the revised outline permission granted in April 2013 (RB2011/1428). The main considerations of this application are therefore considered to be:

- The layout and design of the development
- The impact upon residential amenity
- Landscape
- Highway Issues
- Legal Agreement

The Layout and Design of the Development

Policy HG5 'The Residential Environment' of the adopted UDP encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in Chapter 7 of the NPPF which states that "The Government attaches great importance to the design of the built environment. Good Design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

This is further underpinned by the emerging Core Strategy Policy CS28 'Sustainable Design' which states that "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.

Design should take all opportunities to improve the character and quality of an area and the way it functions."

The total number of residential properties proposed is now 81, the original permission granted permission for 82, and this application seeks to alter the house type mix and layout of an area which originally contained 9 detached dwellings and is now proposed to contain 8 detached dwellings. The proposed amended house type/plot arrangements still comply with the Council's spacing standards and plot sizes and are in accordance with the South Yorkshire Residential Design Guide. The house types proposed are also considered to be in keeping with the surrounding approved development in terms of

scale, design and appearance. The design and character of the dwellings is therefore considered acceptable. An amended streetscene has also been submitted to show the new proposed dwellings.

It is therefore considered that the amended layout and house types, including the loss of one dwelling, are appropriate for the location, and that the scale of the development would still reflect the scale of the surrounding developments on this phase of Waverley. It is therefore considered that the proposed amendments comply with the policies in the NPPF and emerging Core Strategy Policy CS28 'Sustainable Design'.

The impact on residential amenity

The location of the amended layout/house types is within an existing approved development, although some nearby properties have been built on site, and are already occupied. The proposed amended positioning and substitution of house types could have some impact on amenity of existing and future residents of the development site and the alterations have therefore been assessed against the requirements of the South Yorkshire Residential Design Guide and the SPG Housing Guidance 3 "Residential infill plots" to ensure that amenity of future residents is maintained.

The SPG indicates that there should be a minimum of 20 metres between principal elevations, a minimum of 12 metres between a principal elevation and an elevation with no habitable room windows and there should be no habitable room windows within 10 metres of a boundary with another property. In this instance these separation distances are achieved apart from one plot which marginally fails the 12 metre distance from the rear elevation to the side elevation of another dwelling, however the dwelling to the rear is offset and is not fully to the rear of the dwelling.

There has been a representation from the occupiers of an adjacent property, who consider that the substitution of some of the 2 storey properties with 3 storey properties would impact on their property, and that at the time of purchasing those properties were shown to be two storey. The representee lives in a 3 storey dwelling on Plot 75 which is perpendicular to Plot 77 which, within this application is shown have a previously approved 2 storey property replaced with a 3 storey property. Whilst it is acknowledged that the proposed property would have dormer windows at a third level, which would have the potential to increase views from the property, there is a distance of 15m across the highway to the boundary with the rear garden of Plot 77. The SPG states that there should be no habitable room window within 10 metres of a boundary with another property, and so the 15 metre distance is considered to comply with the Councils policy.

This application originally sought permission on plots 78 & 79 to have 3 storey properties instead of originally approved 2 storey properties. However it was considered that the height of the 3 storey properties would have an adverse impact on the residential amenity of future occupiers of Plots 82 and 105, and so the applicant has agreed to amend the scheme to provide 2 storey properties on Plots 78 & 79 in the same locations as originally approved.

Having regard to the above it is considered that the amended proposal would have no significant adverse impact on residential amenity of existing or future residents and the proposed scheme is therefore considered acceptable.

Landscape

The variation to the houstypes has resulted in the amendment of the original landscape plan, and the amended landscape scheme is considered acceptable, and is considered to comply with Core Strategy Policy CS21 'Landscape' which states that new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the boroughs landscape.

Transportation Issues

The proposal alters the layout slightly, as some of the previous house types had integral garages and the proposed houses have detached garages, and one plot previously had a detached garage and now has an integral garage. However the Transportation Unit have not raised any objections to the amended layout subject to conditions previously attached to RB2013/0884 being added.

It is considered that the proposal is in accordance with emerging Core Policy CS14 'Accessible Places and Managing Demand for Travel' which promotes the location of new development in locations that are highly accessible which are well served by a variety of modes of travel; and through supporting high density development near to public transport interchanges.

Legal Agreement

RB2013/0884 was subject to a S106 legal agreement to provide 10% affordable housing. The affordable housing provision was secured through the S106 for the outline planning permission, however the applicant wished to sign a further S106 agreement with the reserved matters application to clarify their position. The applicant proposes a deed of variation to tie the legal agreement to this new amended planning application.

Conclusion

Having regard to all of the above it is considered that the amendments to the original scheme still ensure that the proposal complies with the relevant national and local planning policy and guidance. Therefore for the reasons detailed in this report the application is recommended for approval. The S106 legal agreement does not need to be signed prior to the determination of the application as it is not required to render the proposed development acceptable.

Conditions

GENERAL

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority.

Site Layout Plan Drawing No. 297-101 Rev- C received 25/09/2014

Landscape Proposal: Drawing No. P13 4655 100 Rev D and P13 4655 101 Rev D received on 10/09/2014

Location Plan: Drawing No. 3579/13 Rev A

Materials Layout: Drawing No. 3579/12 Rev C
Garage Details: Drawing No. 3579/PD/18 Rev A
Streetscene and Site Sections Drawing No. 297-203 Rev B received 10/09/2014
Drainage and Levels Plan: Drawing No. 5576 01-01 Rev D
Flood Route Layout Drawing No. 5576 01-02 Rev A

House Types

Sherbourne V1 elevations and floorplans Drawing No. 3579/PD/02
Tiverton elevations and floorplans Drawing No. 3579/PD/03 Rev A
Rochester VO elevations and floorplans Drawing No. 3579/PD/04
Rochester V2 elevations and floorplans Drawing No. 3579/PD/05 Rev A
Canterbury elevations and floorplans Drawings No. 3579/PD/07 Rev A
Salcombe V0 elevations and floorplans Drawing No. 3579/PD/08
Salcombe V1 elevations and floorplans Drawings No. 3579/PD/09
Kenilworth elevations and floorplans Drawing No. 3579/PD/10 Rev A
Portchester floorplans Drawing No. 3579/PD/11
Portchester elevations Drawing No. 3579/PD/12
Dunstanburgh elevations and floorplans Drawing No. 3579/PD/15 Rev A
Edlingham elevations Drawing No. 3579/PD/16
Edlingham floorplans Drawing No. 3579/PD/17
Hadleigh elevations and floorplans Drawing No. 3579/PD/20
Kinnersley elevations and floorplans Drawing No. 3579/PD/19 Rev B
Bamburgh V0 elevations and floorplans Drawing No. 3579/PD/01
Kenilworth elevations and floorplans (Plot 77) Drawing No. 3532/32 Rev – received 08/07/2014
Salcombe elevations and ground floor plan (Plot 82) Drawing No. 3436/PD Rev- received 08/07/2014
Salcombe first floor plan (Plot 82) Drawing Number 36.06.02B showing obscure glazing to the en-suite bathroom to Bedroom 1 received 11/09/2014
Settle elevations and ground floor plan Drawing No. 200.01 Rev B received 08/07/2014
Settle first floor plan Drawing No. 56.00.02 Rev – showing obscure glazing to the bathroom and the en-suite to bedroom 1 received 11/09/2014
Warkworth elevations and ground floor plan Drawing No. 200.03 Rev – received 08/07/2014
Warkworth first floor plan Drawing No. 61.00.02 Rev – showing obscure glazing to bathroom and en suite to bedroom 2 received 11/09/2014
Grassington elevations and floorplans Drawing No. P.64.00 Rev 1 received 10/09/2014
Pembroke rear elevation Drawing No. 41.00.04 Rev A received 22/09/2014
Pembroke side elevation Drawing No. 41.00.05 Rev A received 22/09/2014
Pembroke side elevation Drawing No. 41.00.06 Rev A received 22/09/2014
Pembroke front elevation Drawing No. 41.00.03 Rev A received 22/09/2014
Pembroke Ground Floor Plan Drawing No. 41.00.01 Rev B received 22/09/2014
Pembroke First Floor Plan Drawing No. 41.00.02 Rev B received 22/09/2014

Reason

To define the permission and for the avoidance of doubt.

02

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details approved on 21/02/2014 which are as follows –

- Hardwicke Minster Beckstone Mixture

- Wienerberger Gainsborough Multi
- Woodstock Blend Reserve
- Dark Grey roof tiles

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design.

TRANSPORTATION

03

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

- a/ a permeable surface and associated water retention/collection drainage, or;
- b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

04

Before the development is brought into use the car parking area shown on the site layout plan Dwg No. 297-101 Rev- C received 25/09/2014 shall be provided, marked out and thereafter maintained for car parking.

Reason

To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

05

All garages hereby permitted shall be kept available for the parking of motor vehicles at all times.

Reason

In order to ensure that adequate parking provision is available and to minimise on street parking, in the interests of visual amenity and highway safety.

06

The Travel Plan approved under discharge of condition application RB2014/1497 on 21/02/2014, shall be implemented in accordance with the approved timescales.

Reason

In order to promote sustainable transport choices.

07

The road sections, constructional and drainage details approved under discharge of condition application RB2014/1497 on 21/02/2014 shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

DRAINAGE

08

The development hereby approved shall be carried out in accordance with the Flood Risk Assessment Addendum dated 2nd May 2013 by White Young Green (Ref:A042756-14 Revision A).

Reason

In the interest of satisfactory and sustainable drainage.

09

The development shall not be carried out except in complete accordance with the details shown on the submitted plan, 5576-01-01 (revision D) dated 20/06/2013 that has been prepared by Lees Roxburgh Consulting Engineers and the FRA and addendum prepared by White Young Green – Report A042756-14 Rev A dated 02/05/2013, unless otherwise agreed in writing with the Local Planning Authority

Reason

In the interest of satisfactory and sustainable drainage

10

Prior to the commencement of any connection to or works affecting a land drainage system including all necessary maintenance areas, the details approved under discharge of condition application RB2014/1497 on 21/02/2014 shall be carried out in accordance with the approved details.

Reason

To protect the water environment by ensuring that the connections and or works are carried out to an appropriate standard.

GROUNDWATER / CONTAMINATION AND GROUND CONDITIONS

11

The development shall be carried out in accordance with the approved details (Gas membrane Detail plan reference 297-50 Rev A dated 16/10/2013) under discharge of condition application RB2014/1497 on 21/02/2014, that detail the following -

- a) a cast in situ floor slab with a lapped and taped minimum 1200g membrane (reinforced); or
- b) a beam and block or pre cast floor slab with a lapped and taped minimum 2000g membrane; and
- c) under floor venting in combination with either of (a) or (b) above
- d) All joints and penetrations should be sealed

Reason

To ensure that risks from land contamination to the future users of the land and neighboring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

12

Installation of the gas protection measures approved as a result of Condition 11 is to be verified by an independent third party and a validation report is to be forwarded to this Local Authority for review and comment.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Core Strategy Policy CS28 Sustainable Design.

13

All subsoils and topsoils imported to site for landscaping works and garden areas shall be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. If materials are imported to the site then the results shall thereafter be presented to the Local Planning Authority in a Validation Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14

If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out in the vicinity of the impact until the development has submitted and obtained written approval from the Local Planning Authority for a strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that risks from land contamination to the future users of the land and neighboring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbors and other offsite receptors. In accordance with Core Strategy Policy CS28 Sustainable Design.

ENVIRONMENTAL

15

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0730 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays.

Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. 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 Local 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.

Reason

In the interests of the amenity of the locality and in accordance with Core Strategy Policy CS28 Sustainable Design.

16

Throughout the construction phases of development all machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities.

Reason

In the interests of the amenity of the locality and in accordance with Core Strategy Policy CS28 Sustainable Design

17

The details contained within Biodiversity Mitigation Statement (AES Ltd), dated November 2013 shall be implemented in accordance with the approved details.

Reason

In the interest of biodiversity at the site in accordance with Policies in the NPPF.

LANDSCAPE

18

Landscaping of the site as shown on the approved plan (drawing no. P13:4655:100 Rev D and P13/4655/010 Revision D) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season.

Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

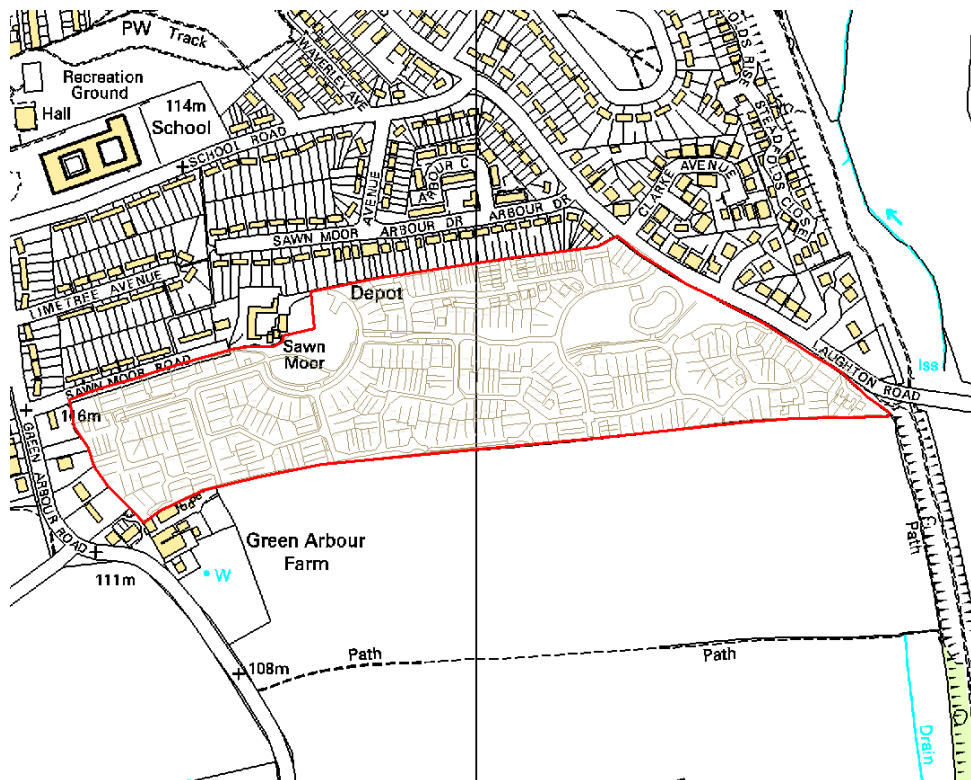
To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 Borough Landscape, ENV3.4 Trees, Woodlands and Hedgerows and Core Strategy Policy CS28 Sustainable Design.

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme

acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2014/1097
Proposal and Location	Application to vary condition 1 (approved plans) imposed by RB2013/0484 (Erection of 369 No. dwellinghouses & associated garages including formation of new access points, public open space and landscaping works) at land at Laughton Road/Sawn Moor Avenue, Thurcroft, Rotherham S66 9BT
Recommendation	Grant subject to variation of S106 legal agreement and conditions



Site Description & Location

The overall site runs between Sawn Moor Avenue and Laughton Road at Thurcroft and is approximately 13 hectares in area. The site of application specifically relates to a piece of land fronting Friends Close. The land in question is to the front of four approved and recently constructed dwellings known as 24 Moorhouse Drive & 2, 4 & 6 Friends Close on the new housing development off Laughton Road, Thurcroft. The land is currently open and is grassed.

Background

The relevant planning history is as follows:

RB2011/1244: Erection of 369 No. dwellinghouses & associated garages including formation of new access points, public open space and landscaping works - GRANTED CONDITIONALLY 24/10/12 (subject to a S106 Agreement). The Agreement required the following:

- 25% affordable housing.
- £37,300 for the provision and maintenance of an Art Trail
- £10,000 towards provision of a Welcome Pack to welcome occupiers of the new dwellings to the Thurcroft Community Library.
- Provision of a Travel Master Ticket for each property.
- Requirement to manage and maintain open space on the site.

RB2012/1662: Non-material amendment to application RB2011/1244 to include alterations to condition 04 (Energy consumption)

- GRANTED 29/01/13

RB2012/1795: Erection of 15 No. dwellinghouses (replan plots 341, 353-362 & 364-367) (new plot numbers 70, 73-76 & 78-87) – GRANTED CONDITIONALLY 09/04/13

RB2013/0484: Erection of 369 No. dwellinghouses & associated garages including formation of new access points, public open space and landscaping works with variation of Condition 13 (highway works) imposed by RB2011/1244 - GRANTED CONDITIONALLY (subject to a variation of original S106 Agreement) 12/07/13

RB2013/1216: Erection of 122 dwellings - GRANTED CONDITIONALLY 05/12/13

RB2014/0431: Erection of 6 No. dwellings (substitution of house types on plots 53-57 previously approved under planning application RB2013/0484) GRANTED CONDITIONALLY 19/05/14.

Development on the overall site has commenced and has so far been split between two principle developers, Barratt Homes and Persimmons.

Environmental Impact Assessment

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares.

However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

Proposal

The proposal is to vary condition 1 (approved plans) imposed by the amended planning permission for the overall site (RB2013/0484). The application relates specifically to an area of land that was to be designated as an area of public open space on the approved plans and was to be managed and maintained by the developer as part of the S106 agreement. However, the parcel of land in question is located immediately to the front of 4 dwellings (24 Moorhouse Drive & Nos. 2, 4 & 6 Friends Close) and appears more as

garden land than communal public open space and has been sold to the occupiers of the relevant properties.

The developer, Barratt Homes, now wishes to incorporate this land into the front gardens of these four dwellings, rather than it be used as public open space. They have stated that the site will remain open and that they do not intend to erect fencing to the front garden areas, only to undertake landscaping of the land.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for residential purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS21 'Landscape'
CS22 Green Space
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

Policy HG4.3 'Windfall Sites'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application was advertised in the press and by site notice and letters to neighbouring residents. No representations have been received by the Council.

Consultations

Streetpride (Transportation & Highways): Raise no objections in a highways context as the application is not highways related.

Streetpride (Landscape Design): No objections are raised to the incorporation of this land into front gardens for these dwellings, subject to the submission and approval of a suitable landscaping plan for the site. They went on to comment that in order for the land to conform to the original design concept of the landscaping on the site it should remain open and should not be fenced off with high fences.

Streetpride (Leisure and Green Spaces): Commented that this strip of land was never going to be of any significance from a recreational perspective for the public. However, they have reiterated the comments from the Council's Landscape Design department that the site should be suitably landscaped to maintain an open character.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of this application are as follows:

- Principle of development
- Visual amenity

Principle

Planning permission has been granted for the overall development and is under construction with a significant number of the dwellings now occupied. As such, the principle of this development and the issues associated with it are considered to be acceptable.

With regards to the principle of this proposal to change the land from public amenity space to private gardens it is considered that Policy CS22 Green Space is relevant. Policy CS22 Green Space states that: "The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected.

Rotherham's green spaces will be protected, managed, enhanced and created by (amongst other things):

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development

- c. Putting in place provision for long term management of green space provided by development

Creating or extending green links where feasible as part of green space provision in new developments.”

With regards to this site the Council’s Green Spaces department were consulted on the proposals. They considered that this land does not provide meaningful recreational space for the development or for the public to use.

It is considered that the loss of this land as public open space would not be detrimental to public amenity as it is not large enough or located in a suitable location to provide any meaningful opportunities for recreational activities. Furthermore, owing to the location of this land directly in front of these four dwellings, if the land were to be used for recreational purposes by the public this could cause noise and disturbance to the residents. It is considered that overall the land is unsuitable for public open space and that it would be preferable for the site to be attractively landscaped and included as private front gardens for the adjacent dwellings.

Therefore for the aforementioned reasons it is considered that the principle of this proposal is acceptable.

The only other issue to be considered is the appearance of the proposed landscaped area as it is considered that the proposal would not have any impact on residential amenity or highway safety.

Visual Amenity

With regards to the issue of visual amenity, Core Strategy Policy CS28 – Sustainable Design states that: “Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Design should take all opportunities to improve the character and quality of an area and the way it functions.”

Policy CS21 ‘Landscape’ states that: “New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. This will be achieved through the principles set out below (amongst other things):

- a. All new development proposals will be required to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- b. Landscape works shall be appropriate to the scale of the development.
- c. Developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.”

The NPPF notes at paragraph 56 that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to

making places better for people.” Paragraph 64 adds that: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

It is considered that in landscape design terms the proposal to include this land within the garden area of the adjacent dwellings would not harm the overall character and appearance of the site, provided that it was satisfactorily landscaped. The Council’s Landscape Design department raised no objections to the proposals, subject to the submission and approval of a suitable landscaping plan for the site. They went on to comment that in order for the land to conform to the original design concept of the landscaping on the site it should remain open and should not be fenced off with high fences.

Further to discussions with the applicant they have stated that they do not intend to erect fencing to the front garden areas of these dwellings. They have stated that they have placed a restrictive covenant on the properties requiring the permission of the developer to erect fencing to the front garden areas of new dwellings on the site. However, covenants can be removed and it is considered reasonable to remove permitted development rights for the erection of fencing to the front garden areas to these properties so that any future proposals for fencing in this location can be controlled by the Council.

With regards to the suitable landscaping of the site it is noted that a landscaping scheme for the overall site has been received and is being considered by the Council.

Conclusion

The proposal is acceptable in principle and would not harm the character and appearance of the site or the streetscene of Friends Close and Moorhouse Drive. However, it is recommended that a condition be attached to any planning permission granted which removes permitted development rights for these properties to erect fences and other means of enclosure to the front garden areas of these properties, in the interests of visual amenity.

As such, it is recommended that planning permission be granted for the variation of condition application subject to the recommended conditions.

Recommendation

(A) That the Borough Council enter into a supplemental agreement with the developer under Section 106 of the Town and Country Planning Act 1990 to tie this permission with the original S106 agreement.

(B) That consequent upon the satisfactory signing of such an agreement the Borough Council resolves to grant planning permission for residential development subject to the following recommended conditions and informatives.

Conditions

General:

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority.

(Drawing numbers 6148/02, TS02, 6148/01, P10:4314:02 Rev 0, P10:4314:06 Rev 0, P10:4314:07, P10:4314:08 Rev 0, P10:4314:09 Rev 0, P10:4314:06 Rev 0, P10:4314:11 Rev 0, P10:4314:12 Rev 0, P10:4314:13 Rev 0, P10:4314:14 Rev 0, P10:4314:15 Rev 0, P10:4314:16 Rev 0, P10:4314:17 Rev 0, P10:4314:18 Rev 0, P10:4314:19 Rev 0, P10:4314:20 Rev 0, P10:4314:21 Rev 0, P10:4314:22 Rev 0, P10:4314:23 Rev 0, P10:4314:24 Rev 0, P10:4314:25 Rev 0, P10:4314:26 Rev 0, P10:4314:27 Rev 0, P10:4314:28 Rev 0, P10:4314:29 Rev 0, P10:4314:30 Rev 0, P10:4314:31 Rev 0, P10:4314:32 Rev 0, P10:4314:33 Rev 0, P10:4314:34 Rev 0, P10:4314:35 Rev 0, P10:4314:36 Rev 0, P10:4314:37 Rev 0, P10:4314:40 Rev 0, P10:4314:41 Rev 0, P10:4314:44 Rev 0, P10:4314:45 Rev 0)(received 22 August 2011), Drawing numbers P10:4314:52 Rev 0, P10:4314:53 Rev 0, P10:4314:54 Rev 0, P10:4314:50 Rev 0, P10:4314:51 Rev 0)(received 17 October 2011), (Drawing numbers E10/5279/12, E10/5279/13, E10/5279/04, E10/5279/05, E10/5279/10, E10/5279/07, E10/5279/08, E10/5279/09)(received 7 November 2011), (Drawing numbers P10:4314:03 Rev B, P10:4314:55 Rev 0, P10:4314:56 Rev 0, P10:4314:57 Rev 0, P10:4314:58 Rev 0, P10:4314:59 Rev 0, P10:4314:60 Rev 0, P10:4314:61 Rev 0, P10:4314:62 Rev 0, P10:4314:63 Rev 0, P10:4314:64 Rev 0, P10:4314:65 Rev 0, P10:4314:66 Rev 0, P10:4314:67 Rev 0, P10:4314:68 Rev 0, P10:4314:69 Rev 0, P10:4314:70 Rev 0, P10:4314:74 Rev 0, P10:4314:75 Rev 0, P10:4314:76 Rev 0) (received 1 June 2012), (Drawing numbers P10:4314:61 Rev A, P10:4314:72 Rev A, P10:4314:73 Rev A) (received 18 June 2012) and (Drawing numbers P10:4314:01 Rev J, P10:4314:77, P10:4314:78) (received 03 July 2012).

(Landscaping Proposals Sheet 7 Of 8 REV A, Estate Layout Sheet 1, TH-EL / 01 REV C, Location Plan L(0-) 0, Site Plan, L(0-) 02, Existing Plan, L(0-) 03, Proposed Plan L(0-)04 (received 24/07/2014)

Reason

To define the permission and for the avoidance of doubt.

02

Within one month of the date of this permission hereby granted samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority and shall be approved in writing. The development shall be carried out in accordance with the approved details.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

03

Within one month of the date of this permission hereby granted, a scheme that reduces energy consumption by 10% through energy efficiency measures shall be submitted to the Local Planning Authority and shall be approved in writing. The approved measures shall be installed before the occupation of each dwelling.

Reason

To deliver reductions in energy consumption to combat climate change in line with the NPPF.

04

Notwithstanding the submitted details, no development shall be brought into use until details of all front boundary treatment has been submitted to the Local Planning Authority and shall be approved in writing. The approved details shall be implemented before the development is brought into use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, walls or means of enclosure shall be erected in the front garden area of No. 24 Moorhouse Drive & Nos. 2, 4 & 6 Friends Close.

Reason

In the interests of visual amenity in accordance with Policy CS28 of the Core Strategy and guidance contained within the National Planning Policy Framework.

05

Part A

Within one month of the date of this permission hereby granted, the applicant, or their agent or successor in title, shall submit a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

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

Reason:

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

Drainage

06

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

07

Within one month of the date of this permission hereby granted, details of the proposed means of disposal of foul drainage, including details of any offsite work, shall be submitted to the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

08

Notwithstanding the submitted details, within one month of the date of this permission hereby granted details of the foul water pumping station shall be submitted to the Local Planning Authority and shall be approved in writing. The approved details shall be implemented before the development is brought into use.

Reason:

In the interest of the visual amenity of the area and the amenity of future occupiers of the proposed residential properties.

09

Within one month of the date of this permission hereby granted a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to the Local Planning Authority and shall be approved in writing. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

Reason

To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

10

No further development shall take place on site until details of the temporary method for disposal of surface water from the development have been submitted to and approved by the Local Planning Authority (including details of how connection will be made to the 450mm diameter culverted watercourse) and subsequently carried out. This temporary solution shall serve a maximum of 120 dwellings on the site. The maximum permissible discharge into the existing 450mm diameter culverted watercourse must not exceed 32 litres/second (including both the existing land drainage discharge and the proposed maximum 120 number dwellings).

Reason:

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution.'

Highways

11

Within one month of the date of this permission hereby granted, a Travel Plan shall have been submitted to the Local Planning Authority and shall be approved in writing. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

12

Within one month of the date of this permission hereby granted details of motorcycle restriction barriers to be constructed on the entrances to Public Footpath no. 14 (to the south of the site) shall be submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented before the development is brought into use.

Reason

To protect the users of the Public Right of Way in the interests of pedestrian safety.

13

Within one month of the date of this permission hereby granted, full engineering details of the site access arrangements, the proposed speed reducing scheme in Laughton Road, the shared footway / cycleway on the Laughton Road site frontage, street lighting improvements and the creation of a gateway scheme in Laughton Road shall be submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented within one month of the completion of the new surface water sewer in Laughton Road or prior to the occupation of the 120th dwelling on the site, whichever is the sooner.

Reason

In the interests of highway safety.

14

No development shall take place until full engineering details of the improvements (shared surface, road widening, footway provision and turning facility) in Sawn Moor Road have been submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented prior to the occupation of the 120th dwelling on site.

Reason

In the interests of highway safety.

15

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;
b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

16

Within one month of the date of this permission hereby granted, road sections, constructional and drainage details shall be submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

17

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), all dwellings with integral garages shall retain these garages for car parking for the lifetime of the development hereby approved.

Reason

To avoid excessive parking in the highway and to ensure the free and safe movement of traffic.

Landscaping

18

Within one month of the date of this permission hereby granted, a detailed landscape scheme shall be submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

-The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.

-The extent of any changes to existing ground levels, where these are proposed.

-Any constraints in the form of existing or proposed site services, or visibility requirements.

-Areas of structural and ornamental planting that are to be carried out.

-The positions, design, materials and type of any boundary treatment to be erected.

-A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.

-A written specification for ground preparation and soft landscape works.

-The programme for implementation.

-Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason

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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

19

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

20

All planting, seeding and/or turfing forming part of the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of that part or phase of development to which it relates, whichever is the sooner. All hard landscaping included in the approved details of landscaping shall be carried out before the completion or first occupation of the part or phase of development to which it relates, whichever is the sooner.

Reason

In the interests of the visual amenity of the area.

21

All planting, seeding and/or turfing forming part of the approved details of landscaping to public open space fronting or having a boundary with Laughton Road shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of phase one of development as described in the approved Phasing Plan Drawing ref P10 4314 06, whichever is the sooner. All planting, seeding and/or turfing forming part of the approved details of landscaping to public open space adjacent to Sawn Moor Farm shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of phase three of development as described in the approved Phasing Plan Drawing ref P10 4314 06, whichever is the sooner.

Reason

In the interests of the visual amenity of the area.

22

No tree or hedgerow shall be cut down, uprooted or destroyed nor shall any tree or hedgerow be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the immediate area and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies, ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

23

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

24

Before the commencement of development, a hedgerow protection strategy should be submitted to and approved in writing by the Local Planning Authority. The strategy should include the following elements:-

- Construction period protection methods
- Pedestrian access creation timings and details
- Gapping up / planting details
- Methods for long-term separation from residential gardens, i.e. is fencing required between gardens and the hedgerow
- Timing of works to prevent harm and disturbance to nesting birds
- Long-term future management (to maintain in good ecological and visual state)

The strategy shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority before the development is brought into use.

Reason:

To ensure the hedgerow is protected in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

25

Before the commencement of development, to avoid harm or disturbance to nesting birds for all construction works taking place in the main breeding bird season (i.e. March to July inclusive) a pre-commencement check for any ground nesting birds should be undertaken. This check should be undertaken by a suitably trained and experienced ecologist. Should any nesting birds be identified, suitable measures should be carried out to protect the birds in accordance with expert advice.

Reason

To ensure no adverse effect upon the ecology and protected species on the site may arise out of the proposed development and in accordance with UDP Policy ENV2.3 'Maintaining the Character and Quality of the Environment'.

Informatives

01

INF 11A Control of working practices during construction phase (Close to residential)

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should 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 Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) 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 Local 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.

(iv) Effective steps should 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.

02

Flooding (Outside Flood Plain)

Whilst the site does not lie within the flood plain as shown on the Environment Agency's 1 in 100 year Indicative Flood Plain Maps it is noted that the site is within an area that

has historically flooded in the past. It is important that all proposed dwellings must be designed and constructed, to protect and safeguard against all possible risks from flooding. Further guidance on how properties may be protected against possible flooding problems can be found on the Environment Agency's web site. In all events the proposed dwellings must not divert or create or cause additional flood water problems to any adjacent or neighbouring land.

03

INF 32A FIRE APPLIANCES

The applicant is advised that access for fire appliances should be in accordance with Building Regulations Approved Document B volume 2 part B5 section 16.

04

Water supplies should be in accordance with Approved Document B, Volume 2, part B5 section 15.

05

INF 33 Section 106 Agreements

The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent owner of the site.

06

A minimum of two weeks notice must be given to any future changes or proposals regarding land drainage systems. Your attention is also drawn to the requirements of the Land Drainage Act where the Council has the right to assess each application within the permitted time limits. The existing temporary works consent terminates on the 1st January 2014. You will be required to make a full application for all future discharges or works affecting the watercourse whether they shall be temporary or permanent under the Land Drainage Act. A CCTV survey be carried out after the termination of the temporary discharge into the culverted watercourse to confirm the condition of the culvert has not deteriorated because of the pumping works.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

Application Number	RB 2014/1112
Proposal and Location	Application to vary condition 01 (approved plans) imposed by application RB2014/0392 (Demolition of existing building and erection of 2 No. two storey dwellinghouses with rooms in roofspace & dormer windows to front, 12 No. two storey dwellinghouses and associated garages) at land at Main Street, North Anston, Sheffield S25 4BE for Mandale Homes Ltd
Recommendation	Grant subject to conditions



Site Description & Location

The site is situated off Main Street and has a road frontage to both Main Street and Penny Piece Lane in the village of North Anston and is within the North Anston Conservation Area. The site previously comprised of a factory building and a detached cottage which was used as offices by Ernest Bennett Sheffield Ltd. However, these buildings were demolished a few years ago and the site has been cleared. The site has an area of approximately 0.3 hectares. The land to the north of the site is a tree plantation and is designated as Green Belt.

The current application relates specifically to Plots 4 and 5 to the north west of the site. These plots are within the site and are not visible from either Main Street or Penny Piece Lane.

Background

There is some history to the site when it was used for commercial purposes though the most relevant permissions are those granted in relation to the redevelopment of the site for residential purposes:

RB2008/1896: Demolition of existing building and erection of 2 No. two storey dwellinghouses with rooms in roofspace & dormer windows to front, 12 No. two storey dwellinghouses and associated garages.
- GRANTED CONDITIONALLY 19/03/09

RB2008/1897: Conservation Area Consent for demolition of industrial buildings -
GRANTED CONDITIONALLY 19/03/09

RB2012/0066: Continuation of demolition of existing building and erection of 2 No. two storey dwellinghouses with rooms in the roofspace & dormer windows to front, 12 No. two storey dwellinghouses and associated garages with variation to Condition 10 (boundary treatment) imposed by RB2008/1896 - GRANTED CONDITIONALLY 26/03/12

RB2012/0077: Erection of detached dwellinghouse and detached garage with vehicular access off Main Street
- GRANTED CONDITIONALLY 26/03/12

RB2012/0211: Demolition of existing building and erection of 2 No. two storey dwellinghouses with rooms in roofspace & dormer windows to front, 12 No. two storey dwellinghouses and associated garages (renewal of permission RB2008/1896) -
CANCELLED 07/08/12

RB2014/0392: Application to vary condition 8 (submission of window details) and to remove condition 13 (re-use of stone from 68 Main Street) imposed by RB2008/1896 (Demolition of existing building and erection of 2 No. two storey dwellinghouses with rooms in roofspace & dormer windows to front, 12 No. two storey dwellinghouses and associated garages) – GRANTED CONDITIONALLY 16/05/14

Development has now commenced on the site.

Proposal

The proposal is to vary Condition 1 (approved plans) of the most recent permission relating to the site (RB2014/0392) to alter the car port style open fronted garages on Plots 4 & 5 to a double garage which would serve both dwellings.

The proposed double garage is identical to those previously approved on Plots 12 & 13. The dimensions of the garages would be 6.5 metres in width and 6 metres in depth. The height to the eaves would be 2.4 metres with the height to the ridge of the roof of 4.7 metres.

The double garage would be constructed of natural stone with clay pantile roofs to match the other garages and dwellings approved on the site.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The majority of the site is allocated for residential purposes though a section close to the northern boundary is within the Green Belt. The site is also located within the North Anston Conservation Area on the UDP and the following Policies are considered to be relevant in respect of the current application:

Core Strategy policy(s):

CS28 'Sustainable Design'
CS23 Valuing the Historic Environment

Unitary Development Plan 'saved' policy(s):

Policy ENV1 'Green Belt'
Policy ENV2.11 'Development in Conservation Areas'
Policy HG4.3 'Windfall Sites'

Other Material Considerations

Supplementary Planning Guidance (SPG) Environment Guidance 3: 'Development in Conservation Areas,'

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application was advertised by way of press and site notice and letters to neighbouring residents. No representations have been received by the Council.

Consultations

Streetpride (Transportation & Highways): Raise no objections in a highways context.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

Planning permission has been granted for the overall development and this permission is under construction and therefore has been implemented and remains extant. As such, the principle of this development and the issues associated with it (including the fact that a part of the site is within the Green Belt) are considered to be acceptable. The main issue to be considered in respect of this variation of condition application is if the proposal to replace the proposed car ports with a double garage is acceptable in design terms and its impact on the North Anston Conservation Area. The Council's Transportation Unit raised no objections to the proposal in a highway safety perspective and therefore this issue is considered to be acceptable.

Design

In assessing the design of the proposed double garage in relation to the wider development and the surrounding area, Core Strategy Policy CS28 – Sustainable Design states that: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Design should take all opportunities to improve the character and quality of an area and the way it functions."

The NPPF notes at paragraph 56 that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

With regards to the site's allocation within the North Anston Conservation Area Core Strategy Policy CS23 'Valuing the Historic Environment' states the following (amongst other things): "Rotherham's historic environment will be conserved, enhanced and managed.....Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough's heritage assets, specifically those elements which contribute to the distinct identity of the borough."

UDP Policy ENV2.11 'Development in Conservation Areas,' states (amongst other things): "In respect of designated Conservation Areas, the Council:

- (i) will not permit development (including changes-of-use, alterations and advertisement display), demolition and work to trees which would adversely affect their architectural or historic character or visual amenity, except that very limited exceptions to this policy may be accepted when compelling justification exists,
- (iv) will have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character."

In addition, the NPPF further notes at paragraph 132 that: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.”

The Council’s adopted Supplementary Planning Guidance (SPG) Environment Guidance 3: ‘Development in Conservation Areas,’ further states that: “Any new development within a Conservation Area will need to respect the physical characteristics of the area. Designs that respect the traditional architectural forms within the locality will be strongly favoured, whereas those that disregard or pay insufficient regard to traditional design will be considered inappropriate. Proposals will be assessed against the relationship of any development to the surrounding areas and will need to pay special regard to massing, scale and form. Site layout and siting will be carefully considered along with design, materials, architectural detailing, colour and appropriate landscaping.”

The proposals are to replace open fronted car port style garages at Plots 4 & 5 with a double garage to serve each of these Plots. The design and appearance of the proposed double garage would match another double garage approved on the site at Plots 12 & 13 and would be constructed of natural stone with a natural clay pantile roof.

It is noted that the garage would be constructed of high quality materials and it is considered that the design and appearance of the proposed double garage are acceptable. Furthermore, it is noted that the garage would be located within the site and would not figure prominently within the North Anston Conservation Area. However, notwithstanding the lack of visual prominence of the garage it is considered that its design, materials, siting and appearance are acceptable and would preserve the overall character and appearance of the North Anston Conservation Area.

As such, it is considered that the replacement of the approved car ports with a double garage is acceptable in design and conservation terms and would not harm the character and appearance of the development or the North Anston Conservation Area.

Conclusion

It is considered that the replacement of the approved car ports with a double garage is acceptable in design and conservation terms and would not harm the character and appearance of the development or the North Anston Conservation Area.

It is therefore recommended that permission is granted for the variation of Condition 01 to allow for this proposed change to the overall scheme of planning permission RB2014/0392.

Conditions

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) Planning Layout revised from previously submitted layout drawing. Drawing No. 1411/C001A, (Received 25/07/2014)

(Drawing No. 1411/G100A) (Received 25/07/2014)
(Drawing No. DC/PL3/01/221208/G) (Received 23/12/2008)
(Drawing No. DC/PL3/01/221208/P2) (Received 11/12/2008)
(Drawing No. DC/PL3/01/221208/P3) (Received 11/12/2008)
(Drawing No. DC/PL3/01/221208/P8) (Received 11/12/2008)
(Drawing No. DC/PL3/01/221208/P10/11 & 12) (Received 11/12/2008)
(Drawing No. DC/PL3/01/221208/P13 & 14) (Received 11/12/2008)
(Drawing No. DC/PL3/01/221208/P13 & 14 FE) (Received 11/12/2008)
(Drawing No. DC/PL3/01/221208/P13 & 14 S & RE) (Received 11/12/2008)
(Drawing No. DC-PL3-SS-27-11-08) (Received 11/12/2008)
(Drawing No. DC/PL3/01/221208/P6) (Received 11/12/2008)
(Drawing No. DC/PL3/01/221208/P4 & 5E) (Received 11/12/2008)
(Drawing No. DC/PL3/01/12108/P7) (Received 11/12/2008)
(Drawing No. DC/PL3/01/221208/P1) (Received 11/12/2008)
(Drawing No. DC/PL3/01/221208/P9) (Received 11/12/2008)

Reason

To define the permission and for the avoidance of doubt.

02

Samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the North Anston Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.

03

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

- a/ a permeable surface and associated water retention/collection drainage, or;
- b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

04

Before the development is brought into use the car parking area shown on the submitted plan shall be provided, marked out and thereafter maintained for car parking.

Reason

To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

05

Road sections, constructional and drainage details of the adoptable highway, to include the roads, footways and shared surfaces shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

No details have been submitted they are reserved for approval.

06

A scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

07

Prior to the commencement of the new build development, the developer shall submit a site investigation report for the approval of the Local Planning Authority. The investigation shall address the nature, degree and distribution of contamination on site and its implications on the health and safety of site workers and nearby persons, building structures and services, final end users of the site, landscaping schemes and environmental pollution, including ground water, and make recommendations so as to ensure the safe development and use of the site. The sampling and analytical strategy shall be approved by the Local Planning Authority prior to the start of the survey and all recommendations and remedial works contained within the approved report shall be implemented by the developer, prior to occupation of the site.

Reason

In the interests of the safe redevelopment and afteruse of this site and in accordance with UDP Policy ENV4.4 'Contaminated Land'.

08

Details of the design and specifications of all windows, including stone jambs, glazing bars, means of opening, and all external doors shall be submitted to and approved by the Local Planning Authority before the new build development is commenced. The doors and windows shall be set in reveals of a minimum depth of 150mm. The development shall thereafter be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the North Anston Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.

09

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the impact of Development' and ENV3.7 'Control of Pollution'.

10

A detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason

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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

11

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

Informative

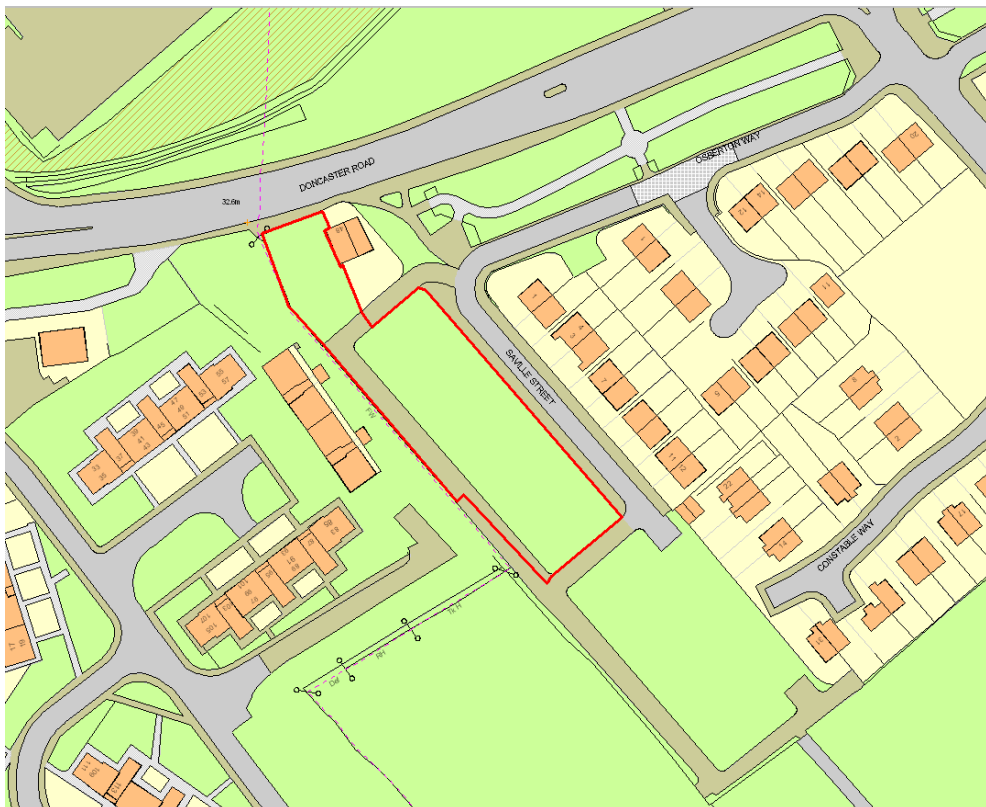
The applicant's attention is drawn to the Council's desire that the walls to the road frontage of the site should be constructed of natural stone as this was previously required as part of the original planning permission where it was intended to re-use the

stone from the demolished cottage. This will be considered when discharging condition 10 which relates to landscaping details, which includes the requirement for details of all boundary treatment.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2014/1168
Proposal and Location	Application to vary condition 02 (approved plans) imposed by RB2013/0682 (Erection of health centre and associated pharmacy and car parking), land at Saville Street, Dalton. S65 3HD
Recommendation	Grant subject to conditions



Site Description & Location

The site comprises a vacant piece of land that lies on the western elevation of Saville Street, and to the south of Doncaster Road in Dalton. The site has been vacant since 2003 following the demolition of the terraced properties that used to occupy the site.

The site had permission for a new medical centre approved in 2013, but this has not been implemented.

To the east of the site on the opposite side of Saville Street are recently constructed two storey dwellings whilst to the west and accessed from Lady Oak Road are three storey flats overlooking the site.

The site has an area of approximately 0.27 hectares in a broadly rectangular shape. Vehicular access into the site would come from the east, direct from Saville Street.

Background

The site has the following relevant planning history which can be summarised as follows:

RB1997/0027 – Application to determine whether prior approval is required of the method of demolition and restoration of the site re: demolition of 288 properties – not required

RB2000/0639 – Prior notification re: demolition of 34 terraced dwellings – not required

RB2010/0781 – Outline application for residential development (on a larger site including Dalton allotments) for up to 200 dwellings – subject to the signing of a S106 legal agreement

RB2013/0682 – Erection of health centre and associated pharmacy and car parking – granted

This is a S73 application for a resubmission of approval RB2013/0682. The changes were considered too significant to be considered a Non Material Amendment.

Proposal

This proposal is for a similar proposal as previously approved in July 2013.

The applicant is the NHS (Brook Valley Health) and is for the erection of a medical centre and connected pharmacy to replace the existing medical centre on Magna Lane in Dalton. The existing centre is considered to be deficient, has insufficient parking with poor pedestrian access and is difficult to expand. The already approved proposal in RB2013/0682 involved the creation of a 2 storey medical centre accommodating a range of primary medical services, including GPs, associated administrative spaces and expansion space for related services.

In the previously approved proposals the passenger lift served the ground and first floor accommodation. This application for an amendment to the approved scheme proposes that the lift is extended to serve the second floor roof space, in order to allow for future flexibility and to facilitate easy use of the roof space for storage.

The previously approved scheme makes a feature of the lift on the front of the building with a contrasting brick; the amended scheme proposed carries this feature up approximately to the ridge line of the pitched roof as indicated on the elevations submitted, providing the height needed for the lift to operate. A further slight amendment has been submitted which reduces the length of the lift shaft.

A land transfer took place early in August 2014 and ownership of the site has now passed from RMBC to the developer, Brook valley Health Ltd.

The building is the same height as previously approved (7m to the eaves and 11.4m to the apex). There are 44 proposed parking spaces.

Opening times proposed are as follows (no change):

Monday – Friday 0700-2100

Saturday 0800-1800

Sunday 1000-1600

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for residential purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

UDP Policies:

HG5 'The Residential Environment'

Core Strategy Policies:

CS28 'Sustainable Design'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

Neighbouring residential properties were notified in writing of the application on 03 September 2014. A site notice was erected on 11 September 2014 and the application was advertised in the Rotherham Advertiser on 12 September 2014.

No representations have been received.

Consultations

Streetpride (Transportation and Highways) – no objections

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The application has been previously approved and all of the issues, such as principle, design, residential amenity and highway elements have previously been considered. The main considerations in the determination of this application are as follows:

- The impact of the changes on the street scene
- The impact of the changes on the amenity of the surroundings

The impact of the changes on the street scene

The proposals are considered to have an overall small impact on the surrounding street scene in comparison to the approved application RB2013/0682. The roof shapes remains broadly similar to the approved application and the lift shaft does not project above the apex of the roof. It is considered to have an overall similar design and appearance on the street scene in conformity with CS28 'Sustainable Design'.

The impact of the changes on the amenity of nearby residential properties

The proposed changes do not involve any changes to the maximum height of the approved building with the main alteration involving a small increase in the lift shaft on the south-eastern section of the building. The size and number of windows also stays the same. The changes are not considered to have any increase in overlooking or overshadowing to residential properties on Saville Street in comparison to the earlier approval.

Other issues

There are no changes to the proposed highway layout and the Transportation Unit have raised no objections.

Hours of operation remain the same as previously approved. All previous conditions imposed are recommended.

Conclusion

The revised proposals are considered to have little additional impact on the surrounding residential properties. The revised design is similar to the approved application RB2013/0682. There are no proposed highway alterations and the proposal is recommended for approval.

Conditions

01

The development hereby permitted shall be commenced before 22/07/2016.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority. (Drawing numbers site plan 2337 D 90 007 Rev Q, elevations 2337 D 20 001 Rev K and 2337 D 20 002 Rev E, floor plans 2337 D 22 002 G and 2337 D 22 003 H)(received 17 May 2013 and 17 September 2014)

Reason

To define the permission and for the avoidance of doubt.

03

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design'.

04

The premises shall be used as a medical centre and ancillary pharmacy only and not for any other purpose in Class D1 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended 2005) or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification..

Reason

In order to safeguard the amenity of nearby residential properties and the surrounding area.

05

The development shall only be operation between the following hours
Monday – Friday 0700-2100
Saturday 0800-1800
Sunday 1000-1600

Reason

In order to safeguard the amenity of nearby residential properties

06

The development shall not be commenced until details of the proposed carriageway widening in Saville Street, indicated on plan reference 2337-D-90-007 Revision N, have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interests of highway safety.

07

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

08

Before the development is brought into use the car parking area shown on the submitted plan shall be provided, marked out and thereafter maintained for car parking.

Reason

To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

09

Before the development is commenced road sections, turning head/site access, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

10

Prior to the development being commenced, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented. The plan shall include details of measures to deal with mud in the highway, staff parking, parking/turning for delivery vehicles etc.

Reason

In the interests of road safety.

11

The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the approved Travel Plan following submission of progress performance reports as time tabled in the monitoring programme.

Reason

In order to promote sustainable transport choices.

12

The development shall not be carried out except in complete accordance with the details shown on the submitted drainage plan, "drawing D213040/100 (revision P2) dated 13/05/2013 that has been prepared by Hannah Reed", unless otherwise agreed in writing with the Local Planning Authority

Reason

In the interest of satisfactory and sustainable drainage

13

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14

Gas Protection measures shall be installed into the new build. The measures shall comprise of the following:

- a) Installation of a low permeability gas protection membrane with all joints and penetrations sealed
- b) Passive venting to under floor sub space and wall cavities

Written confirmation comprising of membrane specification and photographic evidence of the gas protection membrane installed shall be provided to the Local Authority and the scheme shall take place in accordance with the final approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15

Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.

- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason

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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

16

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and Core Strategy Policy CS28 'Sustainable Design'.

17

Prior to the commencement of development a biodiversity mitigation strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all details listed in section 4 of the ECUS (Feb2012) Ecological Assessment Report and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In order to ensure that there is biodiversity gain from the scheme.

18

Prior to commencement of development a Japanese knotweed eradication strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority and shall be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In order to ensure that there is no spreading of Japanese knotweed to adjacent sites.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 9th October 2014

Report of the Director of Planning and Regeneration Service

<u>ITEM NO.</u>	<u>SUBJECT</u>
1	Ref: RB2013/1399
Page No. 77	Outline application for the demolition of existing (modern) farm buildings & creation of residential development at land at Highfield Farm Melton High Street Wath-upon-Dearne
2	Ref: RB2014/0426
Page No. 91	Application to modify a Section 106 Agreement imposed by Planning Permission RB2006/0943 to reduce the amount of contribution in accordance with the floorspace developed and to relinquish to remaining permission which has not been implemented

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
19 OCTOBER 2014

Item 1		Ref: RB2013/1399
Proposal and Location	Outline application for the demolition of existing (modern) farm buildings & creation of residential development at land at Highfield Farm Melton High Street Wath-upon-Dearne.	
Recommendation	That Members agree to amend the previously recommended Condition No. 2 to allow for an extension to the time to submit reserved matters from 3 years to 5 years subject to the signing of the Section 106 Agreement.	



Background

Members may recall that this application was presented at Planning Board on 24 April 2014. Members were minded to grant the application subject to the signing of a Section 106 Agreement. The full report to Planning Board is available in the Agenda/Minutes of 24 April 2014 and is reproduced at appendix 1 below for information.

The Section 106 Agreement has not yet been signed and as such, the decision notice has not yet been issued.

Site Description & Location

This application site comprises of a part of the existing farm complex and associated paddock known as Highfield Farm. The site lies on the northern side of Melton High Street between No. 200 and 214. The site slopes up from the road to the north and an existing access road provides a vehicular access in to the existing paddocks and to the modern farm buildings.

The existing farm complex comprises a farm house and a number of traditional farm buildings (which are Grade II Listed); these buildings are excluded from the application site and are proposed to be retained in their current form. To the east of these buildings is an area of open land and paddocks which includes some modern portal framed style agricultural buildings.

The application site extends a considerable distance to the north and bounds existing residential properties and a garage site on Christ Church Road to the north and Stokewell road and West Melton Primary School to the east. No. 200 Melton High Street bounds the application site to the east and comprises of a large brick built detached property set back by a considerable distance from Melton High Street and at a slightly elevated position in relation to the highway.

The existing area is predominantly residential and the properties on Melton High Street are a mixture of designs and styles. There are a number of traditional brick and stone built properties together with some more modern developments. The Christ Church lies to the west of the application site.

Proposal

Due to current market conditions and as a direct result of marketing of the site the applicant has requested that the time limit to submit reserved matters be extended from the usual 3 years to 5 years.

A supporting statement has been submitted which states that:

“I have marketed this site to all the relevant national, regional and local house building firms and have had no ‘bites’. With the backlog of the recessionary period, the market is currently spoiled for choice with sites and therefore driven to choose prime sites which have better credentials. The site at Highfield is secondary at best. Whilst it has a respectable frontage onto High Street, it is adjacent on two sides to less appealing locations and this is putting the land buyers off. It is not going to shift in the current climate and so we shall have to bide our time. For this reason, I seek an extension of the time limit to initiate development from three to five years.”

Appraisal

As set out above it is proposed to allow a 5 year period for the submission of reserved matters applications on this site due to the lack of interest in developing the site at this moment in time. The amendments to this condition are considered to be minor and whilst the period of time to submit reserved matters would be extended from 3 years to 5 years there would remain essentially a 5 year period (or two years from the date of the last reserved matters) to implement the permission.

Conclusion

In conclusion it is considered that in this instance given the information submitted by the applicant, the proposed amendment to the condition to allow 5 years for the submission of reserved matters is an acceptable minor revision.

Condition 2 would therefore be

- a. Application for approval of reserved matters must be made within five years of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
 - I. The expiration of five years from the date of this permission; OR
 - II. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

Appendix 1

Site Description & Location

This application site comprises of a part of the existing farm complex and associated paddock known as Highfield Farm. The site lies on the northern side of Melton High Street between No. 200 and 214. The site slopes up from the road to the north and an existing access road provides a vehicular access in to the existing paddocks and to the modern farm buildings.

The existing farm complex comprises a farm house and a number of traditional farm buildings (which are Grade II Listed); these buildings are excluded from the application site and are proposed to be retained in their current form. To the east of these buildings is an area of open land and paddocks which includes some modern portal framed style agricultural buildings.

The application site extends a considerable distance to the north and bounds existing residential properties and a garage site on Christ Church Road to the north and Stokewell road and West Melton Primary School to the east. No.

200 Melton High Street bounds the application site to the east and comprises of a large brick built detached property set back by a considerable distance from Melton High Street and at a slightly elevated position in relation to the highway.

The existing area is predominantly residential and the properties on Melton High Street are a mixture of designs and styles. There are a number of traditional brick and stone built properties together with some more modern developments. The Christ Church lies to the west of the application site.

Background

RB2010/0965 - Subdivision of farmhouse to form 2 No. dwellings, conversion of barns to form 6 No. dwellings and erection of 22 No. two storey dwellings & associated garages – Withdrawn

RB2010/0970 - Outline application for the erection of 51 No. dwellings including details of access – Undetermined

RB2010/1427 - Erection of 19 No. two storey dwellinghouses (amendment to RB2010/0965) – Undetermined

RB2011/0809 - Conversion and alterations to farmhouse to form 2 No. dwellinghouses, conversion and alterations to existing barns to form 6 No. dwellinghouses, erection of 3 No. two storey dwellinghouses & associated garages and demolition of agricultural buildings – Withdrawn

RB2011/0810 - Listed Building Consent for the conversion and alterations to farmhouse to form 2 No. dwellinghouses, conversion and alterations to existing barns to form 6 No. dwellinghouses, erection of 3 No. two storey dwellinghouses and associated garages and demolition of agricultural buildings – Withdrawn

RB2012/1640 - Outline application for the demolition of existing redundant farm buildings & creation of residential development including details of access - Withdrawn

Environmental Impact Assessment

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares. However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

Proposal

This is an outline planning application with all matters reserved for future consideration.

The submitted layout plan indicates a development of 66 dwellings although it should be noted that this is purely indicative and no number of dwellings has been specified in the application description.

The proposed access to the site is indicated close to the western boundary of the site adjacent to the boundary with No. 200 Melton High Street. The existing access to the site (to the east) is proposed to be retained to provide an access to a paddock on the site frontage.

Development Plan Allocation and Policy

The application site is allocated for residential use in the Unitary Development Plan. The following policies are relevant in the determination of the application:

Policy HG4.3 'Windfall Sites'
Policy HG5: 'The Residential Environment'
Policy ENV2.8 'Setting and Curtilages of Listed Buildings'
Policy ENV3.1: 'Development and the Environment'
Policy ENV3.4 'Trees, Woodlands and Hedgerows'
T6 'Location and Layout of Development'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of a site notice, press notice and individual letters to neighbouring properties. Four letters of representation have been received, the grounds of concern are summarised below:

- There are concerns regarding sewerage implications which would be entailed in construction of over 60 new dwellings, there has been previous flooding issues on sewers in the vicinity;
- There is only one access to the site onto Melton High Street, this is an already over-used road which would require an intersection at a point where the road is not very wide;
- There is no need for extra houses in this area, there are already over 500 houses being advertised for sale in the S63 area and in the West Melton and Brampton area many of these have been advertised for many months;
- It is inaccurate to say that the stone barns are no longer suitable for agricultural use and the modern barns are not dilapidated;
- It should be noted that the hay barn on site was recently rebuilt after an arson attack and is therefore in excellent condition;
- We do not see how a new housing estate could offer better ecological benefit as it will inevitably result in destruction of the local fauna and flora, increased noise levels, pollution from cars etc.
- The Tree Survey from 2009 is out of date;
- The proposed access will require the destruction of a well established hedge and a stone wall with considerable excavation which will result in damage to existing trees on the site;
- There is contamination on site which would mean that the land is unsafe for residential/gardening use;
- The Building for Life Statement is out of date as is the NPT Transport Statement;
- The proposed development would add to serious congestion problems on Melton High Street particularly at peak times;
- The road surface of Melton High Street is poorly maintained and more traffic will only cause further/accelerate its deterioration;
- The development will result in noise, light and fume pollution to nearby residential properties.

Consultations

Yorkshire Water has no objections subject to conditions;

SYPTE consider that the site is in a sustainable location and has no objection to the proposed development subject to measures to promote sustainable transport;

Neighbourhoods and Adult Services (Affordable Housing Officer) has no objections to the proposed 15% Affordable Housing on site following a rigorous and comprehensive viability exercise;

Streetpride (Landscape Team) has no objections subject to conditions;

Streetpride (Transportation Unit) has no objections subject to conditions;

Childrens and Young Peoples Services (Education Officer) has requested a contribution towards providing new school places within Brampton.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

Principle

The proposal seeks outline planning permission for the residential development of this site which is allocated for residential use in the Unitary Development Plan.

UDP Policy HG4.3 'Windfall Sites' states that: "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their (i) location within the existing built up area and compatibility with adjoining uses, and (ii) compatibility with other relevant policies and guidance."

The NPPF sets out the importance of the need for new housing in sustainable locations and there is a general requirement for Rotherham to provide housing sites within the Borough. Whilst the land is predominantly 'greenfield' and the NPPF states that Council's should encourage the use of brownfield land, it does not preclude the development of greenfield sites which are in a sustainable location. The brownfield/greenfield status of a site is a material consideration, but is one among many and the need to meet the overall housing requirement in an important consideration in all cases. At this time both greenfield and brownfield land will be required to meet future housing needs.

In this regard it is considered that the residential development of this site is acceptable in principle.

Layout and impact on Listed Building

Policy HG5 'The Residential Environment' states that: "The Council will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone."

ENV3.1 'Development and the Environment' requires new development to make a positive contribution to the environment through achieving an appropriate standard of design.

In addition paragraph 56 of the NPPF refer to design in new developments and seek to ensure that development will add to the overall quality of the area and ensure that developments are visually attractive. Paragraph 60 does state however, that: "Planning policies should not attempt to impose architectural styles or particular tastes and they should not stifle innovation...."

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

In addition there are Listed farm buildings which lies directly to the south east (within the Highfield Farm complex). Policy ENV2.8 'Setting and Curtilages of Listed Buildings' states that: "The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context."

The layout plan which has been submitted in support of this application is purely indicative and is not being considered as a part of this application as no specific number of dwellings has been applied for in the description of the application.

A condition is recommended that the layout subject of the reserved matters application should allow a separation from the Listed buildings to preserve their setting, it should also be noted that a condition is recommended that the Council's separation distances (set out in the South Yorkshire Design Guide should be adhered to.

Transportation Issues

UDP Policy T6 refers to the Location and Layout of Development and requires that new developments have regard to the desire to reduce travel demand.

Paragraph 32 of the NPPF requires that all development that generate significant amounts of movement should be supported by a Transport Statement or a Transport Assessment. It goes on to require that the opportunities for sustainable transport modes have been taken up, that safe and secure access for everyone can be achieved and that cost effective improvements to the highway network should be undertaken to limit the significant impacts of development.

Paragraph 35 of the NPPF relates more specifically to detailed highway design.

Overall, this site is considered to lie within a sustainable location and the South Yorkshire Passenger Transport Executive have confirmed that the site is readily accessible by public transport. The site also lies in close proximity to shops and services. SYPTE have however requested that a condition be imposed to require measure to promote sustainable transport such as the provision of a Travel Master Pass to each dwelling.

Planning Obligations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development."

All of the tests must be complied with and the planning application must be reasonable in all other respects. In this instance the developer has submitted a Viability Appraisal which has also been independently assessed by Knight Frank on behalf of the Council. The Viability Appraisal concludes that taking account of all costs and developer profits the amount available to be forwarded as Planning Obligation contributions is £135,000. The following paragraphs set out the proposed and required obligations:

- A contribution towards provision of education of a total of £2,342 per open market dwelling

Contributions will usually only be sought where it has been demonstrated that there will be a demand for additional school places as a result of the development. The level of existing or potential surplus permanent school places in the local area will be taken into account. This is an outline application with no number of dwellings specified, however, the site occupies slightly over 2ha and there is known to be insufficient capacity within existing school buildings in Wath, Brampton and West Melton for future school years (primary school). The proposal is considered to be likely to represent a significant increase in family housing in Brampton which will increase the demand for school places within the catchment area. The Education Department has requested a sum of £2,342 per dwelling to contribute towards the provision of an increased number of primary school places.

- Provision of a contribution of 15% of the total number of dwellings on site to be provided as Affordable Housing Units;

Paragraph 50 of the NPPF states that:

“...where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

The Council's Interim Planning Statement (IPS) sets out the Council's requirement for Affordable Housing Provision. A Strategic Housing Market Assessment has been undertaken to establish the level of need for affordable housing in the Borough in accordance with national policy and the work carried out locally to assess need concluded that the following policy will be applied:

“For planning applications for 15 or more houses or for sites of 0.5 hectares or more, no less than 25% of all dwellings shall be provided on site, as affordable units, 14% of which to be available as social rented housing and 11% as affordable intermediate tenures.”

A request for 25% Affordable Housing is therefore considered to be justified and evidenced through the NPPF and IPS on Affordable Housing, however, a viability appraisal has been submitted with the application specifically relating to Affordable Housing and this has been tested independently.

In this instance, the policy requirement of 25% Affordable Housing on this site would equate to 16no. units. However, the results of a viability appraisal which has been carried out indicates that the site could only be viably developed at a contribution level equivalent to delivery of 15% affordable housing. Whilst this is below the 25% required by the Council, it has been independently assessed and accepted and the contribution has been reduced in accordance with the IPS which states that where viability is proven the requirement for Affordable Housing should be reduced accordingly.

Conclusion

In conclusion, it is considered that whilst the application site is considered to be a predominantly greenfield site, the NPPF does not preclude development of these sites, particularly where they would contribute to a 5 year supply of housing for the Borough.

The number of dwellings is not specified in the application and as such this is a purely outline planning application with only the principle of the development being established at this stage. Furthermore, the applicant has demonstrated that the site is within a sustainable location and that an acceptable access can be provided into the site to serve a residential development. It is therefore recommended that this application is approved subject to the signing of a legal agreement.

Recommendation

A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:

- A contribution of £2,342 per open market dwelling towards the provision of additional school places within the catchment area;
- The provision of 15% affordable housing on site; and
- A management plan to provide details of the maintenance in perpetuity of any on site open space.

B Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following reasons for grant and conditions:

Conditions

01

Before the commencement of the development, details of the layout, scale, appearance, access and landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

02

- c. Application for approval of reserved matters must be made within three years of the date of this permission.
- d. The development hereby approved must be begun not later than whichever is the later of the following dates:
 - I. The expiration of five years from the date of this permission; OR
 - II. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

03

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan.

Reason

To define the permission and for the avoidance of doubt.

04

The reserved matters application pursuant to this permission shall take account of the existence of Listed Buildings at Highfield Farm and the proposed layout shall provide a separation distance of a minimum of 10 metres to these buildings to enable their setting to be retained.

Reason

In the interest of the setting and character of adjacent Listed Buildings in accordance with the NPPF.

05

Prior to the commencement of development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

06

The location and design of the proposed site access shall be designed in accordance with guidance from South Yorkshire Residential Design guide.

Reason

In the interest of achieving a safe and adequate access into the site in accordance with the NPPF.

07

Provision shall be made for a prospectively adoptable road link to the adjacent land to the west of the site.

Reason

In the interest of ensuring that the adjacent land is not precluded from development in the future.

08

The site layout shall be designed in accordance with guidance from South Yorkshire Residential Design guide and Manual for Streets and car parking facilities shall be provided in accordance with the Council's Car Parking Standards

Reason

To ensure an appropriate and acceptable layout including provision of adequate car parking and inter-house spacing standards within the development.

09

Before the development is commenced road sections, constructional and

drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

10

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

- The programme and method of site investigation and recording.
- The requirement to seek preservation *in situ* of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

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

Reason

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

11

The detailed plans to be submitted in accordance with the requirements of this permission shall include a tree survey in accordance with BS 5837:2012 Trees in Relation to Design, demolition and construction Recommendations.

Reason

In order that the Local Planning Authority may consider the desirability of retaining trees 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'.

12

No tree or hedge shall be cut down, uprooted or destroyed nor shall any tree or hedge be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any tree or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted in the immediate area and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area 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'.

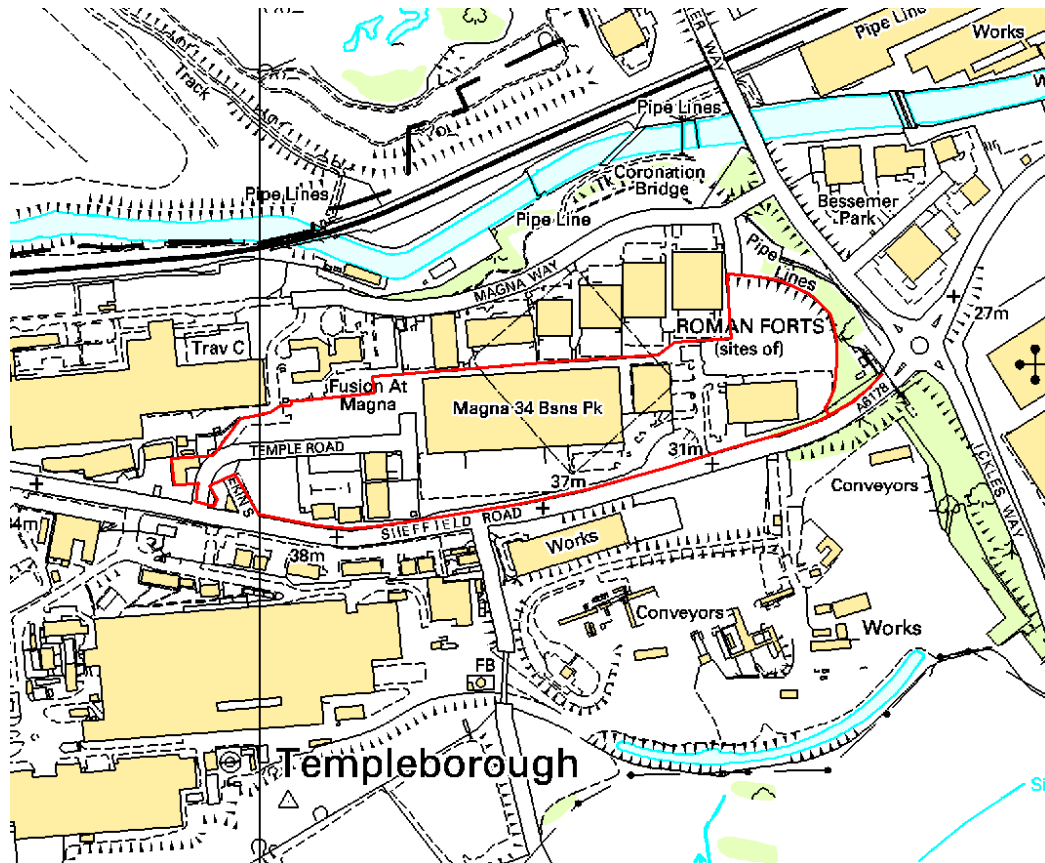
POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

Item 2

Ref: RB2014/0426

Application to modify a Section 106 Agreement imposed by Planning Permission RB2006/0943 to reduce the amount of contribution in accordance with the floorspace developed and to relinquish to remaining permission which has not been implemented.



Recommendation:

That the Section 106 Agreement is amended to allow for a reduction in the contribution relative to the constructed road and proposed floorspace and also to add a clause to relinquish the remainder of the permission which has not/will not be implemented.

Background

RB2006/0943 - Erection of 10 buildings to form 20 units for use within class B1 (Business), 8 buildings to form 16 units for use within classes B2 (General Industrial) and B8 (Storage & Distribution) with associated car parking, landscaping with new vehicular access and alteration to existing vehicular access's off Sheffield Road Granted Conditionally subject to a Section 106 Agreement.

Site Description & Location

This application relates to the site of Magna 34 Business Park, off Sheffield Road at Templeborough.

Planning permission was granted in 2007 for 18 buildings comprising of 36 units for use within Use Classes B1, B2 and B8 of the Use Classes Order, however, only part of the permission has been developed on site.

Proposal

The above planning permission was subject of a Legal Agreement which required the payment of contributions of £15,000 towards the cost of adjusting the signal timings on M1 J34 north and south and M1 Junction 33; and a contribution of £16,226 towards improvements of the A1 bus service. The payments were due upon the first occupation of the buildings but the full contributions have not been paid.

This application seeks to recalculate the contributions based on the floorspace which has been developed out on the site and that which it is intended to build out. It is not the intention of the applicant to develop out the full quantum of development for which planning permission was received due to changes in the economic climate and lack of demand for some of the types of floorspace for which planning permission was granted. On this basis a proposal to relinquish the remainder of the permission is also included within the amended Section 106 Agreement.

Appraisal

As set out above, the full permission has not been developed out, and in fact the total floorspace which has been developed together with an additional number of units for which it is intended to retain planning permission for equates to 63% of the total floorspace previously granted permission (a plan is attached at Appendix One to show those units which have been constructed and for which planning permission is proposed to be retained). The remainder of the units (i.e. 37% of the development) is not intended to be constructed and it is therefore proposed to relinquish the permission relating to those units as a part of the amended Section 106 Agreement.

The original contributions were calculated on the amount of floorspace proposed at the time of the original application. The reduction in the amount of floorspace to now be developed on the site accordingly results in a reduction in the amount of contribution required.

The total original amount was £31,226 and 63% of this figure is £19,672.

As the payment was due upon the first occupation of the buildings the S106 required the contribution to be index linked from the date that the agreement was originally signed to the date of first occupation. Supporting documents have been received to demonstrate that the first occupation of the building was on 1st November 2008 and the indexation results in the amount of contribution being increased from £19,672 to £21,029.77 (appropriate RPI Index from Quarter 1 of 2007 to Quarter 4 of 2008 equates to 6.9%).

In terms of the individual elements of the contribution this is broken down as follows:

- £10,102.05 towards the cost of adjusting signal timings on the M1 J34 north and south and M1 J33;
- £10,927.72 towards improvements to the A1 bus service.

Conclusion

It is considered that as the full quantum of development approved under application RB2006/0943 will not now be developed out, the full contribution which was secured by Legal Agreement in 2007 should be reduced to reflect the floorspace which has been/will be developed on this site. To ensure that no further development will take place on this site following the reduction in the amount of contribution, it is proposed to relinquish planning permission for the areas of the site shown on the plan contained within Appendix One which equates to 37% of the total approved floorspace.