

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

Thursday, 20 November 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. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
4. Minutes of the previous meeting held on 30th October, 2014 (herewith) (Pages 2 - 5)
5. Deferments/Site Visits (information attached) (Pages 6 - 7)
6. Development Proposals (report herewith) (Pages 8 - 35)
7. Report of the Director of Planning and Regeneration Service (herewith) (Pages 36 - 44)
8. Updates
9. Date of next meeting - Thursday, 11th December, 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
Thursday, 30th October, 2014

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

Apologies for absence were received from Councillors Pitchley, Rushforth and Turner.

T41. DECLARATIONS OF INTEREST

Councillor Middleton declared a personal interest in application RB2014/1083 (Demolition of existing school buildings and erection of 2 / 3 storey school building with associated parking, hardstanding and landscape works at Oakwood High School (Technology College), Moorgate Road, Rotherham for Kier Construction), on the grounds of his very recent appointment as a member of the Governing Body of the School. Councillor Middleton did not participate in the discussion on this application and did not vote.

T42. MINUTES OF THE PREVIOUS MEETING HELD ON 9TH OCTOBER 2014

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday 9th October, 2014, be approved as a correct record for signature by the Chairman.

T43. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

T44. 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:-

Demolition of building and erection of a 3-storey building comprising of 6 No. apartments at The Pavilion, Worksop Road, Swallownest for Beaver Homes (RB2014/0459)

Mr. M. Green (Applicant)

Application to vary condition 02 (minor changes to footprint and elevations and the installation of a conveyor belt between buildings 1

and 11) imposed by RB2013/1331 (Installation of a biomass energy development incorporating a 350,000 tpa wood pellet manufacturing process and an associated biomass combined heat and power (CHP) plant) at Firth Rixon Ickles Works, Sheffield Road, Templeborough for Brite Partnership (North East) Ltd. (RB2014/1045)

Mr. Williams (on behalf of the Applicant)

Demolition of existing school buildings and erection of 2 / 3 storey school building with associated parking, hardstanding and landscape works at Oakwood High School (Technology College), Moorgate Road, Rotherham for Kier Construction (RB2014/1083)

Mrs. J. Bellamy (Objector)

Mr. M. Bellamy (Objector)

Mr. P. Owen (on behalf of the Applicant)

(2) That applications RB2014/0459, RB2014/0890, RB2014/0923, RB2014/1145, RB2014/1146, RB2014/1152 and RB2014/1217 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 RB2014/1083 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to the following additional conditions:-

23

Before the building is brought into use details shall be submitted to the Local Planning Authority stating how pedestrian access / egress via the stepped access to the former Oakwood swimming pool site shall be restricted.

Reason : In the interest of pedestrian and highway safety.

24

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.

Reason : In the interest of residential amenity.

25

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).

Reason : In the interest of residential amenity.

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During the construction phase all HGVs shall approach / leave the site via A618 Moorgate Road / A631 West Bawtry Road as specified in the Construction Traffic Management Plan Rev C, dated 9 October 2014.

Reason : In the interests of highway safety and to ensure the vehicles approach / leave the site via suitable roads to minimise traffic issues.

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During the construction phase no HGVs shall access the site between the hours of 08:15 and 09:15 and 15:15 and 16:00 Mondays to Fridays during School Term time as specified in the Construction Traffic Management Plan Rev C, dated 9 October 2014.

Reason : In the interests of highway safety and the safety of children / parents coming to and from the site during peak hours.

(4) (a) That, with regard to application RB2014/1045, the Council shall enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the same obligations as were previously secured through planning permission RB2013/1331;

(b) consequent upon the satisfactory signing of such an agreement, referred to at (4)(a) above, the Council resolves to grant permission for the proposed development subject to the conditions set out in the submitted report.

(Councillor Middleton declared a personal interest in application RB2014/1083 (Demolition of existing school buildings and erection of 2 / 3 storey school building with associated parking, hardstanding and landscape works at Oakwood High School (Technology College), Moorgate Road, Rotherham for Kier Construction), on the grounds of his very recent appointment as a member of the Governing Body of the School. Councillor Middleton did not participate in the discussion on this application and did not vote)

T45. UPDATES

(1) Training for Members of the Planning Board (including substitute Members) – discussion took place on a proposal to undertake a planning training event on “justified planning decisions and appeals”. The Planning Advisory Service is a private sector training provider, specialising in planning issues. It was suggested that the Chairs of Parish and Town

Councils also be invited to attend. Members agreed to attend this training event to be held on Thursday 27th November 2014.

(2) Further to Minute No. T52(6) of the meeting of the Planning Board held on 31st October, 2013, a report will be submitted to the next meeting of the Planning Board concerning the outcome of the appeal hearing in respect of the Council's refusal to grant planning permission for application RB2013//0696 (Erection of 9 No. detached dwellings with associated garages at land off Grange Farm Drive, Aston for W. Redmile and Sons Ltd.).

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
20TH NOVEMBER, 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 20TH NOVEMBER, 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	RB2014/1149
Proposal and Location	Demolition of existing outbuilding and erection of front, side and rear extensions including increase in roof height and dormer windows to form first floor office space at Bartholomew and Sons, 6 Broom Valley Road, Broom
Recommendation	Grant subject to conditions



Site Description & Location

The application site comprises of a long established funeral directors located to the north of Broom Valley Road, accessed off Wellgate. The existing buildings is sited adjacent a pair of semi-detached dwellings, with a number of terraced properties located to the rear of the site along Gerard Road.

The existing building is of an 'L-shaped' configuration and is single storey, with an attached garage to the side which is due to be demolished. The building is set back within the site and includes a hard surfaced car park to the front and side of the building.

Background

The application site benefits from a number of historic permissions, the most recent of which are detailed below;

RB2003/1183 – Erection of canopy to side – GRANTED

RB1991/1662 - Display of an illuminated name sign – GRANTED CONDITIONALLY

RB1991/1241 - Single storey extension to form additional chapel & office accommodation – GRANTED CONDITIONALLY

Proposal

The applicant is seeking permission for extensions and alterations to the existing funeral home.

The extensions would result in a raised roof height consisting of a pitched roof form which would include a front gable feature and two dormer windows to the front elevation. This would result in an eaves height to the building of approximately 3 metres and total height to the ridge of approximately 7 metres. An existing detached outbuilding to the rear is due to be demolished and a single storey flat roofed extension is proposed to the rear. The extension would project a maximum of 8.7 metres and would be staggered due to the position of the boundary line which tapers in toward the east. Whilst the height of the extension would marginally vary given changes in levels to the rear of the site, at its most western point it would measure approximately 3 metres in total height.

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):

CS28 'Sustainable Design'

UDP Policy(s):

HG1 'Existing Housing Areas'

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 along with individual neighbour notification letters to adjacent properties. Seven letters of representation have been received. The comments can be summarised as follows;

- Windows to the roof slope should be fitted with obscure glazing
- Too many windows to the rear roof slope that would overlook neighbours on Gerard Road
- Loss of privacy
- Increase in roof height would be detrimental to the amenities of occupiers of Gerard Road
- Dormer windows proposed to the front are out of character with the surrounding area
- Dormer windows to front would overlook properties adjacent
- Increase in vehicular movements would aggravate existing parking issues

Consultations

Streetpride (Highways and Transportation) have raised no objections subject to conditions.

Neighbourhoods (Environmental Health) have no objections but recommend conditions be included to control noise and disturbances during construction.

The Coal Authority has no objection subject to the imposition of a planning condition for site investigation works.

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 consists of extensions and alterations including an increase in roof height and dormer windows to form first floor office space at Batholomew and Son, 6-8 Broom Valley Road, Broom. In order to determine whether this proposal is acceptable or not the development has been assessed against the requirements of the relevant

Core Strategy and UDP policies in addition to the aims and objectives of the NPPF. In addition, the following are considered to be the main issues:

- Impact on the character and appearance of the host property
- Impact on the character and appearance of the street scene
- Impact on the amenity of neighbouring residents
- Impact on highways safety
- Coal mining area

Design Issues & Impact on the Street Scene

With regard to the design of the proposal, Core Strategy Policy CS28 'Sustainable Design' advises 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."

Furthermore 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 design of the proposal, the building sits to the north of Broom Valley Road adjacent a pair of semi-detached dwellings, one of which comprises an existing front gable feature. The alterations and extensions to the building include the raising of the existing roof and the inclusion of a front gable elevation together with two dormer windows. It is considered that the proposal does achieve a good standard of design that would blend appropriately with the surrounding locality, particularly given the existing gable feature to the adjacent semi-detached dwelling. Comments received from neighbours have made reference to the two dormer windows proposed to the front of the building and have raised concerns that such feature would be out of character with the area. In this instance, whilst no dwellings within the immediate locality comprises front facing dormer windows, it is not considered inappropriate for such design feature to be introduced to the building given its existing configuration and it sitting independently of other residential units.

A single storey extension is proposed to the rear of the building to replace an existing detached structure to be demolished. Due to its position, the extension would not be readily seen from public vantage points and has been designed to include a flat roof form which would appropriately blend with existing infrastructure to the rear.

The proposal is therefore considered to achieve a good standard of design that would be without detriment to the character and appearance of the building or the surrounding area and is therefore considered to satisfy Core Strategy Policy CS28 'Sustainable Design' together with paragraph 56 of the NPPF.

Impact on Neighbouring Amenity

With regard to neighbour amenity, the NPPF, at paragraph 17 states that: “within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking.” Amongst these 12 principles, it further goes on to state that: “...planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

In addition, UDP Policy HG1 also seeks to protect the amenity of existing residents by ensuring that new development within housing areas has no adverse effect on the character of the area or on residential amenity.

A number of concerns have been raised from neighbouring properties with regards to the inclusion of new windows to the rear roof slope. Following these concerns, amended plans were subsequently submitted amending these rear facing windows, including a reduction in the size of several windows together with ensuring each window would be positioned 1.8 metres above the floor level. This being the case and given the windows are positioned in the roof slope, it would therefore result in no potential for overlooking or loss of privacy to properties located to the rear on Gerard Road. Concerns have also been raised regarding loss of privacy from the two dormer windows to be positioned to the front elevation. It is however noted in this instance the windows would be in excess of 21 metres from the windows to which they face and also across a public highway. As such, they would not result in any loss of privacy.

The plans also show an amendment to the proposed single storey rear extension which was previously to be sited close to the boundary. It was felt there was potential for impacting the amenities to properties to the rear on Gerard Road however it was noted that as the extension would be of a flat roof form which would reduce any overshadowing or overdominance. The amendment results in the extension being moved away from the boundary to alleviate any potential impact and it is considered in this instance the extension to be satisfactory and taking into account the changes, would not be detrimental to the amenities of properties on Gerard Road. In addition, given the existing detached outbuilding located to the rear of no. 10 Broom Valley Road together with the overall size & scale of the extension and its flat roof form, it is not considered detrimental to the amenities of no. 10 Broom Valley Road.

Highways Issues

With regards to the impact of the proposal on highway safety, the works proposed are to enhance the existing facilities on site which are presently deemed unsuitable for the working environment required.

General concerns have been raised regarding potential for increase in activities and intensity of the use. The proposed extensions have been designed to provide additional internal space which according to details from the agent are presently sub-standard in that the space available does not suit the current level of activities. The proposal would not result in any increase in staff or significant upturn in the general level of activities and seeks to improve present working conditions.

The works would retain parking to the front and in addition it is noted the area benefits from availability of on street parking should this be required. The proposal has been assessed by Highways Officers and considered satisfactory on the above basis,

particularly given the building is located in a sustainable location just outside of the town centre. A standard condition has been requested and included to ensure any hard surfacing proposed would appropriately drain within the site.

Coal Mining Area

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which could affect the development.

NPPF Paragraph 120 states 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the development and/or landowner.' It further states in Paragraph 121 'planning decisions should ensure the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining...and adequate site investigation information, prepared by a competent person, is presented.'

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used the information to inform the submitted Coal Mining Risk Assessment Report.

It is considered that, in consultation with the Coal Authority, the coal mining legacy poses a risk to the proposed development however the submitted Coal Mining Risk Assessment has identified the relevant information and meets the requirement of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. It is therefore considered that an intrusive site investigation works should be carried out prior to the commencement of development and a planning condition is recommended.

Conclusion

Having regards to all of the above it is considered the proposed extensions and alterations to the existing building would result in a good standard of design that would be without detriment to the character and appearance of the building or the surrounding area. The proposal has been amended to take into account concerns regarding overlooking and in addition to a reduction to the proposed extension to alleviate any potential for impact on neighbouring properties. The proposal is therefore considered to meet the provisions of Core Strategy Policy CS28 'Sustainable Design' together with paragraph 56 of the NPPF. The application is therefore supported and is recommended for approval.

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

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design'.

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 in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG1

04

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) Proposed Elevations and Layouts (Drawing numbers JBA.3120.102 Revision C)(received 17 October 2014)
Site Plan (received 23 October 2014)

Reason

To define the permission and for the avoidance of doubt.

05

Prior to the commencement of development, a written scheme of intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority. No works on site shall take place before the undertaking of that scheme of intrusive site investigations, the submission of a report of findings arising from the intrusive site investigations; and a written scheme of remedial works has been submitted to and approved by the local planning authority if necessary.

Any remedial works identified from the site investigation shall be implemented in accordance with the approved scheme of remedial works.

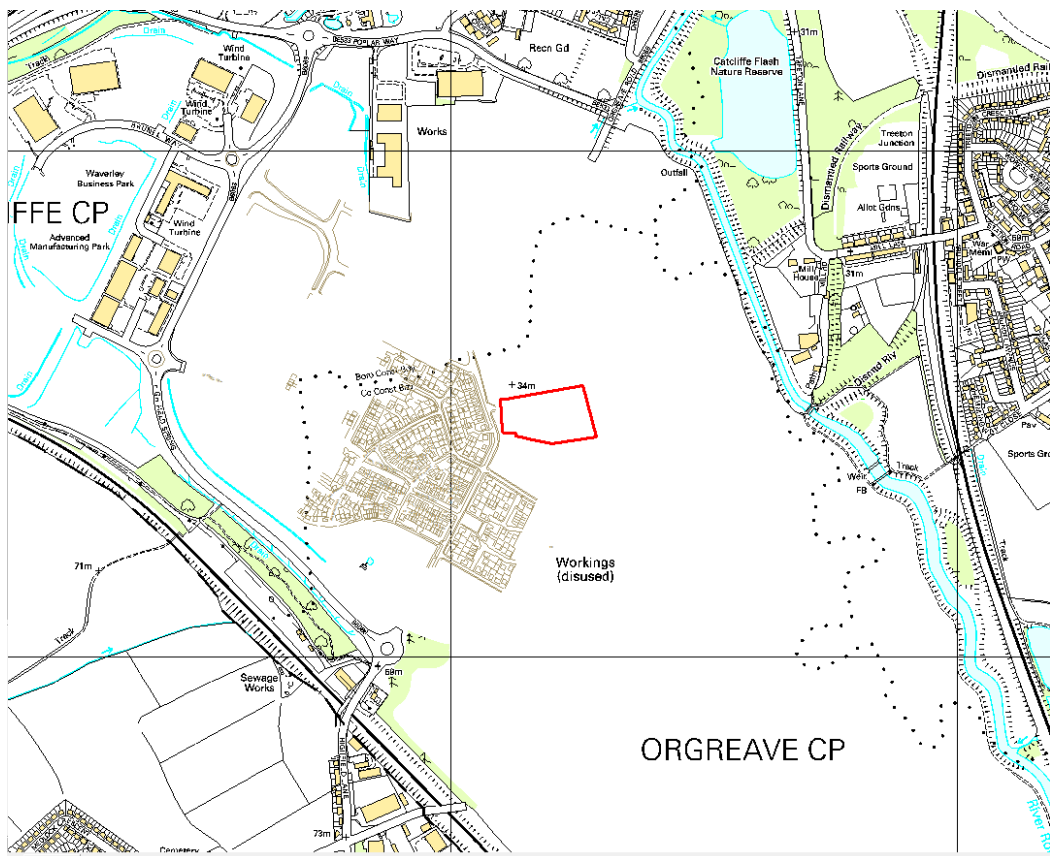
Reason

In order to ensure save and stable land for development in accordance with NPPF paragraph 121.

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	RB2014/1300
Proposal and Location	Details of the erection of 81 No. dwellings (reserved by Outline planning permission RB2014/0775) at Phase 1F, Waverley New Community, off Highfield Spring, Waverley
Recommendation	Grant subject to conditions



Site Description & Location

The site forms part of the wider Waverley New Community and comprises an irregular shaped plot extending to approximately 2.64 hectares in area. It is located to the east of existing residential development plots which form Phases 1a, 1b, 1c and 1d which are currently under construction. Highfield Lane is located immediately to the west of the site and forms part of the application boundary.

A number of residential villages surround the wider site including Orgreave, Catcliffe, Treeeton and Handsworth and the Advanced Manufacturing Park (AMP) lies to the north-

west of the site, beyond Highfield Spring. Other nearby development along Highfield Spring includes a public house and Sheffield University's training centre.

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 reclamation and remediation of the site.

Following completion of the remediation works, an outline application was approved for the new Waverley community (RB2012/1428 being the latest one) and a number of reserved matters applications have been submitted:

- RB2011/1538: Details of the erection of 66 No. dwellings (reserved by outline RB2008/1372) – GRANTED CONDITIONALLY on 17/01/2012
- RB2011/1536: Details of the erection of 96 No. dwellings (reserved by outline RB2008/1372) – GRANTED CONDITIONALLY on 17/01/2012
- RB2011/1521: Details of the erection of 89 No. dwellings (reserved by outline RB2008/1372) – GRANTED CONDITIONALLY on 17/01/2012
- RB2013/0663: Details of the construction of a road, Highfield Lane (reserved by outline RB2012/1428) – GRANTED CONDITIONALLY on 22/07/2013
- RB2013/0862: Provision of drainage infrastructure works – GRANTED CONDITIONALLY on 20/09/2013
- RB2013/1145: Provision of drainage infrastructure works – GRANTED CONDITIONALLY on 27/11/2013
- RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements to the B6066 High Field Spring/Brunel Way – GRANTED CONDITIONALLY on 29/09/2014

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 application is for the approval of reserved matters for part of the scheme approved under outline permission RB2014/0775, for Phase 1F of the wider Waverley development, forming part of the 'Waverley Central' character area. All matters were reserved at the outline stage and this application seeks approval for details relating to access, appearance, landscaping, layout and scale.

The application seeks permission for 81 residential units consisting of a mixture of 2, 3 and 4 bedroom properties which are 2, 2.5 and 3 storeys in height. In accordance with the outline permission, 10% affordable housing is provided which equates to 8 no. units, comprising of 2 and 3 bedroom houses. Vehicular access will be provided from Highfield Lane which links to Highfield Spring. A number of secondary and tertiary roads will feed off Highfield Lane into the development itself.

The layout can be summarised as follows:

- 5 no. 2 bed dwellings (6.1%), 20 no. 3 bedroom dwellings (24.7%) and 56 no. 4 bedroom dwellings (69.2%).
- Density of 33 dwellings per hectare.
- The inclusion of a strong street-side edge comprising a continuous frontage and enclosure along the perimeter of the character area.
- The creation of a key street that links the main components of the new community comprising of high quality public realm with a distinct semi-detached/detached built form.
- Materials include red and buff brick with white render along Waverley Walk.
- Car parking will be provided on plot via integral and detached garages with the exception of plots 149 – 156 and 162 – 166 which have rear parking courts.

In support of the application, the following documents have been submitted:

Design and Access Statement provides information relating to the design evolution and rationale behind the development and how it complies with the 'Waverley Central' Design Code taking account of the relevant national and local planning guidance and policy.

Code for Sustainable Homes Pre-Assessment confirms that the proposed development scores 69.18 points in the assessment equating to a Level 4 certification as required by the Outline permission.

Ecological Checklist confirms that disturbance/displacement of ground nesting birds, reptiles and brown hare are the main biodiversity implications however an ecological clerk of works will be appointed to undertake checking surveys prior to commencement and during peak breeding/dispersal periods.

Flood Risk Assessment Addendum has been prepared in relation to the original FRA dated Oct 2009 and its May 2014 update. It concludes by stating '*The risks of flooding to the site and as arising from the proposed development have not changed from those identified within the original FRA. Based on the proposed surface water drainage*

provision for Phase 1f it is considered that the proposed layout and drainage provision does not affect the flood risk to the development.'

Noise Statement have assessed the proposals to determine if they are compliant with BS 4142 and demonstrates that future residents will be afforded acceptable levels of amenity in both internal and external private spaces and no noise control measures will be required.

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):

CS21 'Landscape'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'
T8 'Access'

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.

The application has also been assessed against the requirements of the:

South Yorkshire Residential Design Guide. This document has been approved for use as a best practice guide pending future consideration of its adoption (all or in part) as a Supplementary Planning Document once the core strategy has been completed, by Del Powers on 21 February 2011, Planning Board on 24 February 2011 and the LDF Steering Group on 18 March 2011.

Rotherham's Interim Planning Statement on Affordable Housing.

The Council's Parking Standards (approved in June 2011).

Publicity

The application was advertised in the press and site notices were erected on site. No representations have been received.

Consultations

Streetpride (Transportation and Highways): originally raised concerns regarding the potential for on street parking along Highfield Lane due to perceived inconvenient car parking spaces to the rear of plots 149-157. However following amendments to the layout to include a new access point and the landowner, Harworth Estates confirming that they would fund a Traffic Regulation Order in this location, it is not considered that a refusal of planning permission on highway grounds could be justified in this instance.

Neighbourhoods (Housing): acknowledges that the 8 units proposed as affordable units are consistent with the 10% requirement under the outline consent and consider the size, location and tenure of the units to be acceptable in this instance.

Neighbourhoods (Land Contamination): acknowledges that remediation and validation works have been undertaken to a satisfactory standard and the site is considered to be fit for use in terms of both geotechnical stability and contamination risks. However, due to some slightly elevated concentrations of carbon dioxide gas, it is understood that this site has been characterised as Gas Characteristic Situation 2 and as a result all new builds will require gas protection measures. These measures can be secured by the imposition of conditions.

Neighbourhoods (Noise): concur with the conclusions of the noise report and raise no objections to the proposed development.

Streetpride (Landscape Design): raise no objections to the proposed development following the submission of the amended landscape plan, subject to the imposition of conditions.

Streetpride (Ecologist): There are no ecological issues with this phase of development. The ecological assessment form captures the current site status, constraints and recommendations for biodiversity mitigation and gain and subject to the imposition of a condition requiring the submission of a biodiversity mitigation statement and implementation of approved measures, no objections are raised.

Neighbourhoods (Urban Design Officer): originally raised minor concerns relating to the detail of the layout and elevations, however following the submission of amended plans these concerns have been satisfied.

Streetpride (Drainage): raises no objection to the proposal.

South Yorkshire Passenger Transport Executive: acknowledge that the proposed development forms part of the wider Waverley New Community development which requires various measures to increase public transport use including a financial contribution for the provision of annual SYPTE Developer TravelMaster Passes to new site residents and on that basis raises no objections to the proposals.

The Environment Agency: raise no objections to the application on flood risk grounds, providing that Rotherham Drainage Section of RMBC are consulted on, and are satisfied with the details submitted for this reserved matters application.

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 site has planning permission for residential development as part of a wider mixed use outline planning permission that was originally approved in March 2011 under outline application RB20018/1372 and has been renewed in April 2013 under application RB2012/1428 and again in September 2014 under RB2014/0775. The principle of residential development has therefore been established and is considered to be acceptable.

The main issues in the determination of the current application therefore are the following –

- Design and layout
- Compliance with the Design Code
- Code for Sustainable homes
- Highway Safety and Transportation Issues
- Flood Risk and drainage
- Landscaping and Green infrastructure provision
- Affordable Housing
- Planning Obligations

Design and Layout

Policy HG5 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 National Planning Policy in the NPPF.

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: “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 for making places better for people.” In addition paragraph 57 states: “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

In addition, CS policy 21 'Landscapes' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. Furthermore, CS policy 28 'Sustainable Design' indicates 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 have 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. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

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.

The application site forms Phase 1F of the wider Waverley development and is located to the east of the previously consented sites which are now partially complete. The layout comprises primarily of detached dwellings however also proposes 4 blocks of terrace properties, each containing 3 dwellings, 1 block of 4 terraced properties and a number of semi-detached dwellings. The dwellings are proposed to be 2, 2.5 and 3 storeys in height.

The layout of this phase of development follows the general principles set out in the masterplan in that it incorporates the first section of the 'Streetside Edge' adjacent to Highfield Lane and 'Waverley Walk' which is an important street linking the local centre with the 'Waterside'. The Streetside Edge incorporates 3 blocks of terraces properties which have been sited close to Highfield Lane, following a regular building line with minimal gaps to provide a continuous street enclosure. A gateway building with a feature gable has also been incorporated into the streetscene creating a focal point at an end of a vista along Highfield Lane. A low wall at 0.6m in height will be provided as a common theme along all front garden edges, again to provide uniformity and emphasise the continuity of the frontage.

Having regard to Waverley Walk, this area is considered to be a key street that links the main components of the new community, passing through the centre of the Waverley Central character area connecting the school to the north with Central Park to the south and eventually the Waterside. The proposed dwellings along this street follow a regular building line and are set back from the footpath to allow for larger front gardens that will be enclosed by a horizontal metal railing. The dwellings themselves have a uniform appearance and comprise typically of white rendered detached and semi-detached units, with the exception of a row of 3 terraced properties on the intersection with the southern access road. Strong avenue planting is also proposed with public art located to the southernmost point, details of which will be required via a condition.

The remainder of the development i.e. 'The Internal Streets' are less formal than the Streetside Edge and Waverley Walk and comprise of a mix of building types at 2 and 2.5 storey's in height. A variety of materials, detailing and soft landscaped front gardens without any formal means of enclosure are proposed. Side boundary treatment, where it abuts a highway or public space will consist of a 1.8m high screen wall as opposed to a 1.8m high feather edge fence on regular rear and side boundaries and a 1.2m high screen fence with 600mm trellis above and brick piers on the boundary to the rear of plots 149 – 167 where the dwellings abut rear parking areas.

In general, the majority of properties have private parking available to the front or side of the dwellings with the exception of plots 149 – 157 which have parking spaces to the rear, accessed via an internal estate road and plots 162 – 168 which has a rear parking court accessed through the feature building, off Highfield Lane. The orientation of the dwellings, along with the proposed landscaping is considered to reduce the potential for car dominated street scenes and as a result of this, the layout of the buildings take precedence over the layouts of the highways and are therefore in accordance with design advice contained within the South Yorkshire Residential Design Guide.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and the applicants have demonstrated a concerted effort to achieve a well-designed scheme that creates a differing character than that previously approved on earlier sites as required by the outline consent.

Compliance with the Design Code

The Design Code for Phase 1F was submitted as a response to the requirement of Condition 3 of the outline approval (RB2014/0775). This document provides a set of parameters which any detailed design proposal within this phase must adhere to. It sets out essential elements that must be delivered to implement the masterplan and is intended to be a mechanism to coordinate the implementation of different elements within the development and provide a framework for the entire site.

This reserved matters application relates to Phase 1F of the Design Code which falls within the Waverley Central Character Area, this area is to have a density of 30-60dph and a more urban character than Highfield Spring and Highfield Lane with a mixture of dwelling types including detached, semi-detached, terraced and apartments.

The applicants have prepared a Design and Access Statement which amongst other things sets out how the development accords with the rules and parameters set out in the Design Code. The density of Phase1F equates to 33dph and the proposed layout incorporates a section of the required Streetside Edge and Waverley Walk which is shown in the overriding masterplan for the wider Waverley New Community and articulated in detail within the Waverley Central Design Code. These areas each have a distinctive character incorporating strong continuous frontages along the Streetside Edge and white rendered detached and semi-detached buildings with green avenue planting along Waverley Walk. The layout also responds to the requirements in the code with respect to building lines, scale, architectural style, materials, boundary treatment and street widths.

Additionally, the layout identifies different street types including the use of strong landscaping features, rear parking courts and use of public art as identified in the Design Code. The street scenes and separation distances between residential dwellings accord with the parameters of the approved Design Code and the inclusion of Waverley Walk through the site and use of strong frontages along the Streetside Edge ensure that the proposed development is in full compliance with the rules and parameters of the approved Design Code for this Phase of development.

Code for Sustainable Homes

The Sustainability Statement submitted in support of the application acknowledges that there is a commitment to achieve a Code for Sustainable Homes Level 4 rating for Phase 1F of the Waverley new Community. This requires all dwelling types to be measured against nine categories of sustainable development, which compliment advice set out in the NPPF.

The nine categories are set out below:

- Energy and Carbon Dioxide Emissions
- Water Consumption
- Environmental Impact of Materials
- Surface Water Run-off
- Waste Management
- Pollution
- Health and Wellbeing
- Management
- Ecology

The Code sets mandatory targets at each certification level. To achieve Code Level 4 the constructed property must:-

- Achieve a 25% reduction in CO2 emissions comparable with Part L1A;
- An internal water consumption of no more than 105 litres per person per day;
- An assessment score of 68 points.

The Statement goes on to assess the proposed development against the categories listed above and confirms that detached properties achieve 70 points with mid and end terraced properties achieving 69 points, confirming that A Code Level 4 certification is achievable.

Highway Safety and Transportation Issues

The scheme has been designed to accord with the Council's minimum parking requirements and the internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide. However concerns have been raised by the Council's Transportation Unit regarding the potential for on street car parking in Highfield Lane, fronting plots 149 to 157, as a result of the car parking facilities for these plots being located to the rear and as such considered to be inconvenient. These concerns were also raised by South Yorkshire Police.

In this respect, Highfield Lane is intended to be a bus route and spine road running through the core of the New Community. The highway fronting these plots has been designed and constructed to cater for the anticipated nature and volume of traffic and includes two road junctions, a right turn lane and pedestrian crossing facilities. Indiscriminate car parking/manoeuvring in this part of Highfield Lane would be detrimental to highway safety and could prejudice the free and safe movement of buses.

With this in mind, it was recommended that a parking lay-by be provided fronting these plots, either within the red line boundary of the application site or by redesigning Highfield Lane (which is now constructed in this area), so that any car parking could be accommodated on this stretch of the highway without being detrimental to highway safety. However, it is considered that the formation of a large lay-by to the front of these plots, which have been designed with a vertical emphasis to create a dominant edge around the character area and enhance a sense of enclosure to the street, would detract from the aspirations set out in the approved Design Code and give Highfield Lane an over engineered appearance to the detriment of the appearance of this important streetscene.

Having regard to the above and to alleviate some of the concerns raised by the Council's Transportation Unit, the applicants have amended the layout of the development to include a new access to the north of plot 149 which will link to the next phase of development and will include the provision of a prospectively adoptable highway linking with the proposed highway at the rear of plots 149-157, thereby providing a more convenient access to the rear car parking facilities once this part of the site is developed.

Furthermore, the Council, as Highway Authority, can seek to implement waiting restrictions to address issues resulting from on street parking. In this connection, the landowner, Harworth Estates have contacted the Council's Transportation Service to instigate Traffic Regulation Order procedures at no expense to the Council.

To conclude, the layout of this part of the estate is not ideal in a highway/transportation context, however it is considered that a refusal of planning permission on highway grounds could not be justified in this instance given the amendment to the layout and implementation of a TRO.

Turning to the information contained within the submitted Transportation Statement, which supplements the previously approved Transport Assessment. This demonstrates that all existing and proposed junctions will operate safely whilst there is sufficient capacity within the network to accommodate any traffic generated by the proposals and these findings are accepted. It is therefore considered that the proposals would not result in harm to highway safety, subject to conditions.

A Travel Plan was submitted and subsequently approved as part of the outline planning application. This includes a range of measures to be incorporated into the overall design to encourage the use of sustainable modes of transport. It seeks to:

- Employment of a Travel Plan Coordinator
- Provision of Real Time Information Systems in apartment blocks and strategic locations across the site.
- Provision of Car Club facilities (min 2 cars) within the site and free membership for all occupants for the first year of their occupation.
- Prior to the completion of 600 dwellings provision of a scheme enabling residents to book use of free bicycles. A minimum of 20 bicycles will be provided in the first instance.
- Travel Packs shall be issued to residents on the purchase of homes at the site.

- Subsidised Bus Fares - On first occupation each household to receive free an annual SYPTTE Developers Travel Mastercard

It is considered that these proposals are acceptable, and should be subject to monitoring and review, in order to ensure their effectiveness and identify any further action/measures.

Overall, it is considered that this proposed reserved matters application has had regard to the principles approved as part of the outline permission and the amendments made to the layout and implementation of a Traffic Regulation Order on Highfield Lane has alleviated earlier highway safety concerns. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with UDP Policy T8 and policies with the NPPF.

Flood Risk and Drainage

An Outline Surface Water Strategy Report was submitted as part of the outline application for the entire Waverley site and a Flood Risk addendum has been submitted in support of the Reserved Matters application.

The addendum has been prepared to address a condition of the outline permission which requires the development to be carried out in accordance with the approved Outline Surface Water Strategy. The addendum confirms this and that the risks of flooding to the site have not changed from those identified within the original FRA. All new properties within Phase 1F will be set a minimum of 150mm above adjacent finished ground levels as stated within the approved FRA and required by a condition of the outline approval.

The application was submitted without the inclusion of drainage details. For this reason a condition should be attached to any approval to ensure that drainage details are submitted and approved by the Local Authority and Yorkshire Water. The Environment Agency have been consulted on the proposal and have no objections.

Having had regard to the above, it is considered that the reserved matters proposal satisfactorily conforms with the detail set out in the original Outline Surface Water Strategy and its later addendums as well as advice contained within the NPPF.

Landscaping and Green Infrastructure

The landscape proposal for the development has been designed in accordance with the content of the Design Code which identifies Waverley Walk as a key street with strong symmetrical avenue planting. Rear car parking areas and courtyards have also been designed with an element of tree and hedge planting to assist in softening these areas, alongside the use of higher quality boundary treatments and tree planting is also proposed with certain front garden areas to add greenness to the development as a whole.

There is a requirement under the outline permission (Condition 16 of RB2014/0775) to provide advance and structure planting along access roads and associated key entrances and junctions. Relating this requirement to this particular application, it is considered that Waverley Walk falls within that requirement, however concern has been raised by the applicant that if tree planting is carried out prior to the construction of

dwellings along this street, the trees are likely to be damaged during the construction phases. In this regard it is considered that the planting of larger semi-mature trees at 20-25cm or 25 – 30cm following completion of the construction works in lieu of advanced planting will provide the desired effect at the earliest opportunity.

The Council's landscape architect has assessed the proposals in line with the requirements of the Design Code and is happy that the proposal is in accordance with the document. It is therefore considered that the proposal is acceptable in terms of landscaping.

It is acknowledged that there is no formal public open space or play areas within this phase; however this is consistent with the approved masterplan for this stage of development. It is however proposed to provide a form of public art which may be consist of contemporary signage with the use of street furniture at the southern most tip of this section of Waverley Walk. Specific details will be submitted at a later date as required by a condition.

Turning to the issue of management and maintenance, there is a requirement under the outline S106 agreement to establish a management company to maintain all areas of open space within Waverley New Community. This has been established by Harworth Estates as the main landowner and will fund a maintenance regime for the landscaping features spaces within Phase 1F.

Having regard to the above, it is considered that sufficient landscaping and green infrastructure has been proposed within Phase 1f of the development to contribute to the appearance of the proposed development and its appearance within the Waverley development as a whole.

Affordable Housing

The application includes the provision of 10% affordable housing, which is consistent with the outline consent and equates to 8 units consisting of 4no. 3 bedroomed semi-detached dwellings and 4no. 2 bedroomed terraced dwellings. Six of the units will be offered as social rented and two units for shared ownership. The size, siting and tenure of the housing is acceptable and is considered to be in accordance with the Councils Affordable Housing IPS.

Planning Obligations

Paragraph 204 of the NPPF notes that: "Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development and
- fairly and reasonably related in scale and kind to the development.

In this instance the planning obligations and their associated trigger points for their delivery were set as part of the approved outline permission (ref: RB2008/1372). These included the affordable housing provision, financial contributions towards education provision, delivery of green infrastructure and play areas, public transport and sustainable methods of travel.

The trigger points for many of the obligations are not met by the delivery of Phase 1F of this development and in accordance with clause 7.11 of the original agreement, the legal agreement attached is to proportion as appropriate the obligations, covenants and rights equitably between the Land and the area disposed of and requires the provision of 10% affordable housing provision and the provision of a Travel Card for each household. These obligations are in full compliance with the original S106 which were considered acceptable when the application was presented to Members of the Planning Board in January 2010.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and are therefore considered to be acceptable and in full compliance with the requirements of the original S106 Agreement.

Conclusion

The principle of residential development on this site has been established under outline permission RB2008/1372, and renewed under RB2014/0775 and is considered to be acceptable.

The overall layout of the site offers an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The design of the proposed scheme as a whole is considered to have regard to the approved Design Code whilst taking account of later phases of development.

A variety of house types and sizes have been provided with an appropriate level of affordable housing provision. The applicant's have also specifically designed certain areas to create a varied street scene and utilised the use of effective boundary planting where appropriate. The dwellings will also achieve Code for Sustainable Homes Level 4 which requires all dwellings to achieve a greater than 25% improvement in the Dwelling Emission Rate.

Concerns have been raised by the Council's Transportation Unit regarding the potential for on street car parking in Highfield Lane, fronting plots 149 to 157 as a result of the car parking facilities for these plots being inconvenient. However a new access to the north of plot 149 which will link to the next phase of development will provide a more convenient access to the rear car parking facilities and the implementation of a Traffic Regulation Order on Highfield Lane alleviates these concerns and as such accord with the guidance outlined in the South Yorkshire Residential Design Guide. The provision of Travel Master Passes and the implementation of a Travel Plan will ensure varied means of non car mode travel is available to future residents.

The application site is not located within a Flood Zone. A comprehensive Flood Risk Assessment and Surface Water Drainage Strategy were submitted and approved as part of the outline approval and an addendum was submitted in support of these current applications. A number of conditions regarding the submission of further details of foul and surface water drainage are to be attached to any permission.

In terms of the landscaping within the site, the applicant's have submitted a landscaping proposal to accompany the application. There are no objections to the proposed planting schemes.

The applicant's have indicated that they intend to provide 10% affordable housing units (8 in total) across this phase of the development and have indicated where these will be located. This is in line with the approved percentage for the first phase of the wider development. The affordable housing will be 2 and 3 bedroom properties and the siting of these units is considered to be acceptable to the future Registered Landlord's as they will provide good quality affordable housing of varying styles and sizes.

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 defining the legal responsibilities of the developer in respect of the following:
- 10% Affordable Housing within each application site
 - Provision of Travel Card for each household
- B To approve the reserved matters for the proposed development subject to the following reasons for approval and conditions:

GENERAL

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.

Proposed Site Layout Plan, Dwg No 3627/10 Rev N
Landscape Masterplan, Dwg No. R/1629/1B
Materials Layout, Dwg No. 121-200
Proposed Streetscenes, Dwg No. 121-01 Rev B
Overland Flood Routes, Dwg No. 4174-C-D9-02 Rev 0
Engineering Layout, Dwg No. 4174-C-D1-03 Rev A

House Types

The Hanley Elevations, Dwg No. 3627/PD/06 Rev A
The Hanley Floor Plans, Dwg No. 3627/PD/05
The Barnburgh V0 Semi Detached, Dwg No. P.72.00.V0
The Birkwith, Dwg No. P.51.00 Rev A
The Embassy, Dwg No. 3627/PD07
The Grassington, Dwg No. P.64.00
The Hadleigh Terrace of 4, Dwg No. P.74.00
The Hebden, Dwg No. P.81.00
The Kinnersley, Dwg No. P.42.00
The Nidderdale, Dwg No. P.54.00 Rev A

The Windsor, Dwg No. P.55.00 Rev B
The Feature Building Elevations Sheet 1, Dwg No. 3627/PD01 Rev B
The Feature Building Elevations Sheet 2, Dwg No. 3627/PD/02 Rev A
The Feature Building Floor Plans Sheet 1, Dwg No. 3627/PD/03

Double Garage Pitch, Dwg No. P.80.00.04
Shared Double Garage Pitch, Dwg No. P.80.00.07
Single Garage Gable, Dwg No. P.80.00.01
Single Garage Pitch, Dwg No. P.80.00.02

Reason

To define the permission and for the avoidance of doubt.

03

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include the construction of a sample panel on site to include the correct colour mortar and window frames. 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 and in accordance with Policy CS28 'Sustainable Design'.

TRANSPORTATION

04

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.

05

Before the development is brought into use the car parking areas shown on the site layout plan Dwg No 3627/10 Rev N 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.

06

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.

07

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.

DRAINAGE

08

The development hereby approved shall be carried out in accordance with the Flood Risk Assessment Addendum dated 16/09/2014 by White Young Green.

Reason

In the interest of satisfactory and sustainable drainage.

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

Prior to the commencement of any connection to or works affecting a land drainage system including all necessary maintenance areas, details of these works must be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter 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

Prior to the commencement of development details of gas protection measures comprising:

- 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

Shall be submitted to and approved in writing by the local Planning Authority. The development shall be carried out in accordance with the approved details.

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, shall 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 UDP Policy ENV3.7 'Control of Pollution'.

13

If subsoil and topsoil imported to site for landscaping works and garden areas, then these soils shall be tested at a rate and frequency to be agreed with the Local 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 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. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

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 UDP Policy ENV3.7 'Control of Pollution'.

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 UDP Policy ENV3.7 'Control of Pollution'.

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 UDP Policy ENV3.7 'Control of Pollution'.

17

Prior to the commencement of development a biodiversity mitigation statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The statement should include details of all measures given in the Waverley Ecological Checklist – Pre Work Assessment for Housing Development Phase 1d (14.08.2013) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

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

LANDSCAPE AND PUBLIC ART

18

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 Core Strategy Policy CS21 'Landscape' and 'UDP Policies' 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 Core Strategy Policy CS21 'Landscape' and 'UDP Policies' ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

20

Prior to the practical completion of Plot 213 a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposals for the Waverley Walk Intervention Point as shown on the Landscape Materplan, dwg no. R/1629/1B. The scheme shall thereafter be implemented in accordance with the approved details and within a timescale agreed, in writing, by the Local Planning Authority.

Reason

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

Informatives

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 20 November 2014

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

1 Ref: RB2013/0696

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Appeal against refusal of Erection of 9 No. detached dwellings
with associated garages at Land off Grange Farm Drive, Aston,
by Redmile Homes

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
20TH NOVEMBER 2014

ITEM 1

Ref: RB2013/0696

Appeal Decision: - Appeal Allowed

Appeal against refusal of Erection of 9 No. detached dwellings with associated garages at Land off Grange Farm Drive, Aston, by Redmile Homes



Recommendation

That the decisions to allow the appeal though dismiss the claim for costs are noted.

1. PLANNING APPEAL

Background

A planning application was submitted (ref: RB2013/0696) for the erection of 9 No. detached dwellings with associated garages at Land off Grange Farm Drive, Aston, by Redmile Homes.

The application was refused by Planning Board against Officer's recommendation on 19 November 2013 for the following reason:

The Council considers that the loss of the open space area would result in a deficiency of high quality open space provision on the overall site which would not be replaced by equivalent or better provision in terms of quantity and quality in the area. As such, the proposal does not comply with Policy ENV5.2 Incidental Urban Greenspace of the Rotherham Unitary Development Plan and the National Planning Policy Framework.

An appeal was lodged with the Planning Inspectorate on 30 May 2014 and was considered by way of a Hearing on 5th September.

Main Issues

The Inspector considered that the main issue to be the effect of the proposal on the provision of high quality open space.

Decision

The Inspector noted that the site forms part of the overall open space for the surrounding estate, which can be categorised into four areas; the site itself, a linear area bordering the public footpath on the northern boundary of the whole estate, an area to the east surrounding a watercourse, and an area on the south west edge of the estate, currently used as a compound. Whilst there was a requirement within the 2001 planning permission for the overall estate for planting the areas of public open space, there is no provision or formal arrangement for the maintenance of these areas. Some, such as the areas bordering the public footpath and the stream, are maintained informally by the Council at present, whereas the appeal site does not have any maintenance at all.

It was agreed by both parties at the Hearing that at the time of the planning permission in 2001 it was standard practice for the Council to adopt areas of public open space in residential developments. This policy changed around 2005 towards an approach of requiring planning obligations to provide for maintenance of such areas. It was reasonable therefore for the appellant to assume in 2001 that the areas of public open space within the site would be subsequently adopted and maintained by the Council, and not to contain allowances for such maintenance within their development appraisal. It is also reasonable for the Council's policy in relation to such matters to have changed in the time taken for the estate to be built out. The maintenance of the open space on site is therefore at an impasse. In effect, this leaves the

public open space within the overall estate, including the appeal site, with no financial provision for future maintenance.

The Inspector considered that the development of 9 houses would generate profit for the appellant and then provide, via condition, for the laying out and future maintenance of these remaining public open spaces across the wider development. The proposal would therefore solve the impasse that currently exists. At the Hearing it was suggested that the appellant could plant up the appeal site as required by Condition 7 of the 2001 permission and local residents could then subsequently maintain the land. Whilst the Inspector was in no doubt that this offer was made in good faith, without any formal agreement this may not happen in practice; residents may change their minds, or move away and there is no guarantee that maintenance would continue. He also noted in this respect that the Parish Council considers, quite reasonably, that they do not have the funds to maintain the land. This solution would also leave the problem of maintaining other areas of open space on the wider development.

It seemed to the Inspector therefore that the proposed scheme is the only option available at the present time which would reasonably and effectively pay for the maintenance of the public open space on the estate. Without the scheme, the appeal site would likely continue to be unmaintained. Whilst he noted some views that the site at present is used for play by local children and that the land looks after itself to a certain degree, over time the scrub would become more established and the site would become more heavily overgrown, further reducing its effectiveness as an amenity space. Other areas of public space on the estate may well suffer the same fate.

The 2001 permission contained a condition to ensure a provision of 60m² of public open space was provided for each dwelling. Whilst the estate is over provided on this ratio at present, the proposed development, by adding a further 7 properties and reducing the area of open space on the site reduces this amount down to 54m² based on the appellant's figures, below the required figure. However, since the 2001 permission was granted, the Council's green space standards have altered. The Rotherham Green Spaces Strategy, September 2010, contains catchment distances for different grades of Green Space. This is based on the distance that people will walk to reach areas of local and neighbourhood green space. The catchment for a neighbourhood space is 15 minutes walk, or 840m, and for a local space is 5 minutes or 240m.

The Inspector noted that the Council's Greenspaces Manager considers that the proposed development would meet the Green Spaces Strategy, as the whole of the estate is within 840m of the Fairview recreation ground to the north, some parts of the estate are within 240m, and the rest will be within 240m of the unfinished green space that would be retained once the development is complete. The proposed open space at the south west corner of the estate is, according to the appellant's figures, 2,805m² and would thus fit the required size of a local green space of more than 0.2ha. Evidence presented to the Planning Committee also confirms that the space is of

sufficient size to provide safe and clean areas for walking, informal recreation and play, and sitting out areas. Concern has been raised that this land is close to the A57, a busy road to the south of the site and so potentially not suitable for children to play on. However, he noted that the area does not border the A57 directly; there is a belt of established trees and an access road bordering the southern side of the open space. This area of land, once complete would meet the definition of a local green space and would make the estate compliant with the green spaces strategy.

The Inspector also did not consider that the space directly to the north of the appeal site would merely be a landscaped strip along an alleyway. The public footpath to the north of the site is part of a network of paths across the estate which provides relatively easy access to Fairview recreation ground and to local schools. The proposed hard surfaced footpath as part of the scheme will also assist, providing easier access to this network of paths, particularly for parents with pushchairs and for those less able to use the rough paths that currently cross the site.

The Inspector accepted that local residents raise concerns over the lack of local space for children to play on, and fear that the proposal, if allowed, would further remove areas that are available, leading to play occurring on streets. However, at present the site is not fit for informal recreation and play. The improvements that the proposal will provide for at other public space areas within the estate would provide better quality play areas for local children, and the proposal would also provide better access to other local open spaces such as the Fairview recreation ground.

He noted that Policy ENV5.2 of the Rotherham Unitary Development Plan (June 1999) states that development that results in the loss of small areas of urban green space will only be permitted under certain circumstances, including that development will only be permitted if alternative provision of equivalent community benefits and accessibility is provided, or it would enhance the local urban green space provision. Whilst the proposal would reduce the overall green space available on the estate, the mechanism by which the proposal would allow the maintenance of the remaining green sites on the estate would provide greater community benefits and accessibility and would enhance local green space provision.

Furthermore Paragraph 74 of the National Planning Policy Framework concerns proposals to build on existing open space. This states that, amongst other things, open space should not be built on unless equivalent or better provision of open space in terms of quantity and quality is provided in a suitable location. For the reasons given above the Inspector considered that the proposal would result in a far better provision of open space in terms of quality in a suitable location, and this would outweigh the reduction in overall quantity.

Conclusion

For the reasons detailed above, the Inspector allowed the appeal and concluded that the proposal would have a positive effect on the provision of high quality open space. Whilst the overall quantity of open space on the site would be reduced, the quality of the open space across the estate would be improved significantly. The proposal would comply with Policy ENV5.2 of the Unitary Development Plan and with the Green Space Strategy.

The following conditions were attached to the approval:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BM-SLD-01, BM-SL-01, BM-LL-03, Matlock house type M-FP-01 Floor Plans and separate Elevations, W House type floor plans and elevations W-PL-01, Ashbourne type floor plans and separate elevations A-FP-01.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any offsite work, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either:
 - A permeable surface and associated water retention/collection drainage; or
 - 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 working order.

- 6) No development shall take place until road sections, constructional and drainage details have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and implemented before the development is completed.
- 7) No development shall take place until a scheme detailing how the use of sustainable/public transport by the residents of the proposed development will be encouraged has been submitted to and approved in writing by the local planning authority. The scheme shall include a timescale for implementation and the scheme shall be carried out in accordance with the approved details.

8) No development shall take place until a revised landscape scheme has been submitted. This scheme shall include:

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

The scheme shall be carried out in accordance with the approved details.

9) 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.

10) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within the wider development, including those areas as shown on the coloured plan BM-LP-01 Rev B as Areas 'A', 'B' and 'C' submitted at the Hearing on 5 September 2014, other than small, privately owned domestic gardens shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out in accordance with the approved details.

11) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

2. COSTS

The appellant submitted a claim for costs against the Council the day before the Hearing.

The Inspector concluded on these matters that on procedural matters it is clear from the evidence that the draft Statement of Common Ground (SoCG) was submitted to the Council well in advance of the hearing date, and that the final SoCG was only released a few days prior to the hearing. The Council consider that the statement was being refined collaboratively and that their own experience is that SOCGs are only normally agreed close to the date of the hearing. However, Rule 6A of The Town and Country Planning (Hearings Procedure) (England) Rules 2000 (as amended), states that the local planning authority and the appellant shall together prepare an agreed SoCG, and ensure that it is submitted within 5 weeks of the start date. The SoCG was

therefore late and from the evidence provided and the Inspector concluded that this was due to the Council's internal delays. He considered this to be unreasonable behaviour.

However, he noted that whilst there are differences between the draft SoCG and the final, signed SoCG, these are in line with what could be expected given the reason for refusal and the Council's appeal statement. He also noted that the applicant did not claim that the late agreement of the SoCG has led to additional costs on their part. He considered therefore that the Council's unreasonable behaviour on this matter had not led to unnecessary or wasted expense in the appeal process.

On the issue of the Green Spaces Strategy and providing information that is manifestly inaccurate or untrue, the Inspector noted that it is clear that the Council as a whole took a different view to their own Greenspaces Manager. However, whilst he agreed that the proposal complies with the Green Spaces Strategy, and specifically its catchment based rationale, the strategy is a detailed one and the Council were entitled to come to a different view based on other elements of the strategy, and based on the information they had heard on the value of the green space of the appeal site at present. The Inspector did not consider that the Council had acted unreasonably in this instance.

Paragraph 49 of the Framework refers to the five year housing land supply and states that relevant policies for the supply of housing cannot be considered up to date if such a supply cannot be demonstrated. However, whilst it could be argued to have an effect on housing, he did not consider that Policy ENV5.2 of the Rotherham Unitary Development Plan is necessarily a relevant policy for the supply of housing. The policy aims to protect areas of incidental urban green space from development for the benefit of the community in which they sit, not restrict housing or define housing areas specifically. The Council considered the benefit of the proposals, and analysed the relevant aspects of the development plan in their appeal statement. Whilst the Inspector came to a different view to the Council on these matters, he did not consider that the Council had behaved unreasonably in this respect.

The Inspector noted that it is clear both from the evidence and the Hearing itself that some members of the local community have strong feelings about the proposed development, and their perceptions over the status of the appeal site throughout the development of the surrounding estate. It is also clear that these local community members consider that the appeal site has value to them in amenity terms at the present time, a reasonable planning consideration. This reflects directly in the reason for refusal, which concerns the loss of the appeal site and the fact that this would not be being replaced directly by a further site. This evidence is added to and supported by the Council in their appeal statement. There has not been a failure to produce evidence to substantiate the reason for refusal, and nor have vague or generalised assertions been made about the proposal's impact. The Inspector

therefore did not consider that the Council have behaved unreasonably in this respect.

In conclusion, whilst the Inspector found an example of procedural unreasonable behaviour, he did not consider that this unreasonable behaviour has demonstrably resulted in unnecessary or wasted expense, as described in the National Planning Practice Guidance. He did not find evidence of substantive unreasonable behaviour and the claim for costs was dismissed