

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

Thursday, 29 January 2015

Start Time 9.00 a.m.

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

AGENDA

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 8th January, 2015 (herewith) (Pages 2 - 5)
6. Deferments/Site Visits (information attached) (Pages 6 - 7)
7. Development Proposals (report herewith) (Pages 8 - 90)
8. Updates
9. Date of Next Meeting - Thursday, 19th February, 2015.

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
8th January, 2015

Present:- Councillor Atkin (in the Chair); Councillors Astbury, Godfrey, N. Hamilton, Kaye, Middleton, Pitchley, Roche, Rushforth, Turner, Vines, Wallis and Whysall.

Apologies for absence were received from Councillors Roddison and Tweed.

T57. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

T58. MINUTES OF THE PREVIOUS MEETING HELD ON 11TH DECEMBER, 2014

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday 11th December, 2014, be approved as a correct record for signature by the Chairman.

T59. DEFERMENTS/SITE VISITS

There were no deferments nor site visits recommended.

T60. 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 application listed below:-

Installation of new shop front, erection of flue to rear and change of use to hot food takeaway (Use Class A5) at PC Part X Computers, 79 Bawtry Road, Bramley for Mr. Demir (RB2014/1403)

Mr. J. Dunn (objector)
Mr. M. Aydinoglu (objector)

(2) That application RB2014/1366 be refused for the reasons set out in the submitted report.

(3) That the Planning Board declares that it is not in favour of application RB2014/1403 for the following reasons, with the Chairman and the Vice-Chairman being authorised to agree the final wording of the reasons:-

: Highway safety - traffic generation, as the premises are situated adjacent the busy A631 Bawtry Road and crossroads junction with Cross Street (customers and delivery vehicles causing parking difficulties);

: Noise and general disturbance to local residents;

: Further comments from Environmental Health were requested, concerning the control of odours from cooking.

T61. APPEAL DECISION - CONVERSION OF EXISTING BARN TO RESIDENTIAL DWELLING AT 4 DOVECOTE LANE, RAVENFIELD (RB2014/0151)

Further to Minute No. T88(4) of the meeting of the Planning Board held on 13th March, 2014, consideration was given to a report of the Director of Planning and Regeneration Service concerning the appeal against the refusal of the application for planning permission, under section 73 of the Town and Country Planning Act 1990, for the development of land without compliance with Condition 01 reserved by RB1992/1280 for the conversion of the existing barn to a residential dwelling at 4 Dovecote Lane Ravenfield (RB2014/0151).

The Inspector dealing with this appeal considered that the specific matters raised related to the access to the development site and therefore the main issue to be determined in this appeal was the effect of the proposals on highway safety and convenience.

Dovecote Lane is a cul-de-sac serving six dwellings directly as well as other residential properties and the grazing land to the west. Various parking areas and garages also gain access from the Lane. Visibility is good at the junction with the main road but the Lane itself is substandard in a number of respects. Its width is variable and is undeniably narrow in some parts, especially closer to the public highway, forward visibility is poor in places and the Lane lacks adequate turning space for larger vehicles, especially bearing in mind the length of the cul-de-sac. The Lane has not been adopted by the Council as highway authority.

The Inspector considered that the revisions would significantly increase the area of residential accommodation as well as removing the integral garage shown on the "existing plans", even though changes to the external appearance of the building would be rather limited. Furthermore, he notes that the proposed alterations to the external appearance of the building would facilitate a substantial increase in habitable accommodation, which would have the effect of increasing the likely traffic generation from the site, while there would also be increased pressure for parking on the site.

The proposed variations to the approved project are considered by the Inspector to add to pressures on Dovecote Lane, both in respect of the traffic usage of the lane and the demand for car parking. The Lane is

already unsatisfactory in highway terms and the change would exacerbate the existing situation. While this additional harm would be limited, it would nevertheless be real and there are no other planning considerations sufficient to justify the harm, however modest.

The original condition sought to restrict further development, imposing a control on the external appearance of the building as well as preventing extensions or additional buildings (unless specifically approved by the local planning authority). Taking all of the above into account, the Inspector considered that the original condition is both reasonable and necessary and that it ought not to be removed. Nor did he consider that it would be appropriate to vary the condition in order to allow the current scheme to be carried out, in the light of the objections that have been identified.

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

(2) That the decision to dismiss this appeal be noted.

(3) That appropriate enforcement action be considered, in consultation with the Chairman and the Vice Chairman of the Planning Board.

T62. COURTESY CONSULTATION - RESIDENTIAL DEVELOPMENT AND EXPANSION OF PRIMARY SCHOOL AT LAND NORTH EAST OF ST. LUKE'S SCHOOL, SHIREOAKS COMMON, SHIREOAKS (RB2014/1316)

Consideration was given to a report of the Director of Planning and Regeneration Service concerning the courtesy consultation from the Bassetlaw District Council in respect of the application for outline permission for, amongst other things, residential development of up to 175 dwellings, the erection of buildings to be used for B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution), provision of land for the expansion of the St. Luke's Primary School (0.3 hectares), associated highways works, public open space and landscaping at land to the North East of the primary school, Shireoaks Common, Shireoaks, Nottinghamshire.

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

(2) That the Bassetlaw District Council be thanked for giving this Council the opportunity to comment on this application for planning permission.

(3) That the Bassetlaw District Council be informed that this Council raises objections to the proposal due to impact upon the A57/Ryton Road junction at South Anston if appropriate works are not carried out to address the projected increase in traffic generated by the development.

T63. UPDATES

Further to Minute No. T55(5) of the meeting of the Planning Board held on 11th December, 2014, Members were informed that a notice had been served on the developer requiring the submission of a detailed scheme in respect of the restoration of the Maltby Colliery site off Tickhill Road, Maltby (application RB2014/0581 refers). It was noted that the developer has submitted an appeal in respect of the enforcement notice served as a consequence of the Council's refusal of this application for planning permission. Members asked that the Maltby Town Council be notified of these issues and of the continuation of the importation of materials to this site, pending the outcome of the appeal.

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
29 JANUARY 2015**

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 29 JANUARY 2015

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	RB2014/1296
Proposal and Location	Increase in roof height to form two storey dwelling house including single storey extension and flue to side (amendment to RB2014/0809) at 20 Manor Way, Todwick S26 1HR
Recommendation	Grant subject to conditions



Site Description & Location

The site of application is a large detached bungalow set on an unconventionally shaped plot. The bungalow is set back from the road, Manor Way, behind a pair of semi-detached houses Nos. 22 & 24 Manor Way. The property is located roughly adjacent to the other immediately neighbouring property No. 18 Manor Way. It has a relatively large front garden whilst to the rear is Todwick Manor House which includes the Scheduled Ancient Monument of Todwick Manor moated site.

The design of the property is individual and the streetscene of Manor Way is mixed with bungalows and houses of varying sizes and designs.

Background

RB1979/4032: Outline for 1 dwelling - GRANTED CONDITIONALLY 24/01/80

RB1980/3316: Split level bungalow - REFUSED 22/01/81

Reason for refusal

01

The Local Planning Authority considers that the erection of the dwelling proposed would be inappropriate in this location, and detrimental to the amenities of the locality and to the occupiers of the adjacent dwellings by virtue of its size, siting and design.

RB1981/0268: Bungalow - REFUSED 11/03/81. The reason for refusal was as for RB1980/3316.

RB1981/0617: Bungalow & single garage - GRANTED CONDITIONALLY 23/04/81

RB2014/0809: Increase in roof height to form two storey dwelling house including single storey rear extension and chimney to side

- WITHDRAWN 06/08/14

Proposal

The proposal is to raise the roof height of the bungalow to form a two storey dwelling house. The first floor extension would be set back from the front of the property and would measure 11.2 metres in width and 9.2 metres in depth. The height to the eaves of the first floor extension would be 5.2 metres with an overall ridge height of 6.8 metres.

The first floor extension would be set at an angle away from the boundary with neighbouring property No. 22 Manor Way with a minimum distance of 3.4 metres and a maximum distance of 4.8 metres to the boundary. The first floor extension would be set against the boundary with No. 18 Manor Way.

The roof would be hipped with a tiled finish. The walls would be brick to match the existing bungalow.

The proposal also includes a single storey front and side extension that would wrap around the side and front of the dwelling adjacent to the boundary with No. 22 Manor Way. The extension would have a maximum depth of 12 metres and a maximum width of 6.2 metres with an eaves height of 2.6 metres and a ridge height of 3.7 metres.

The proposal includes a single storey rear extension which would be positioned adjacent to the boundary with No. 18 Manor Way. The extension would have a dual pitched roof and would present a blank elevation to the neighbouring property. The extension would project 7.5 metres with a width of 4 metres. The height to the eaves would be 2.6 metres with the height to the ridge of the roof of 4 metres.

The plans have been amended during the course of the application process by setting the first floor element of the extension away from the boundary with No. 22 Manor Way by a minimum distance of 3.4 metres.

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, (and also adjacent to a Scheduled Ancient Monument of Todwick Manor House). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS23 '*Valuing the Historic Environment*'
CS28 '*Sustainable Design*'

Unitary Development Plan 'saved' policy(s):

ENV2.1 '*Statutorily Protected Sites*'

Other Material Considerations

Interim Planning Guidance - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 3rd March and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

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

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by letter to neighbouring residents and in the press and site notice as affecting the setting of a Scheduled Ancient Monument of Todwick Manor House moated site. The amended plans have also been advertised by letter to neighbours and objectors. In total 18 objections have been received, including one from Todwick Parish Council and all immediately neighbouring properties. Further correspondence has been received which confirms that all the objectors retain their objections following the submission of the revised plans. One neutral representation has been received.

The comments raised from objectors shall be summarised below:

- The scale and mass of the extension in proximity to the boundary with neighbouring properties would appear overbearing and would overshadow neighbouring properties' gardens namely Nos 22 & 24 Manor Way.

- The amended plans do not overcome the concerns of immediately neighbouring residents in terms of overshadowing and overbearing impact.
- The scale and design of the extension is completely out of character with its surroundings and would harm the surrounding area.
- The design of the extensions would be an eyesore and look like a factory not a residential property.
- The extensions would harm the setting of the adjacent Scheduled Ancient Monument of Todwick Manor House moated site.
- The extension would cause additional traffic and parking at the property which could be hazardous as cars could be parked on a bend in the road in front of the property.
- The parking and access arrangements should be altered to allow for cars to enter and leave in a forward gear.
- The extension would overlook neighbouring properties.
- The proposals have the hallmark of a property developer with no consideration for local people. The extension would cause local people considerable distress.
- The extensions could devalue neighbouring properties.
- The extension could lead to flooding as there are flooding problems in the local area.
- The dwelling would spoil the view from neighbouring properties.
- There would be disruption caused during the construction of the extension to local residents.

The neutral representation stated that the appearance of the dwelling has been improved since the previous withdrawn application. The representation goes on to suggest making alterations to the parking and turning arrangements at the property to avoid highway safety problems.

The Council has received 9 Right to Speak requests from objectors.

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 seeks full planning permission to extend a residential property within a residentially allocated area. The principle of extending a dwellinghouse is generally supported in the Council's policies and the Interim Planning Guidance.

However all such development needs to accord with the relevant design criteria and should be in keeping with the character and appearance of the host dwelling and the locality and should not have a detrimental impact on residential amenity.

Therefore matters to be considered as amounting to material considerations in the determination of this application include:

- The visual impact on the host dwelling and the locality.
- Impact on the setting of the adjacent Scheduled Ancient Monument.
- The impact on adjacent occupiers.
- Highway implications
- Flooding

Visual impact on host dwelling and the locality:

In assessing the proposed design of the extension in relation to the existing property and the surrounding area, Policy CS28 – Sustainable Design states that; “Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.”

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.”

The National Planning Policy Guidance (March 2014), notes that “Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”

The NPPG further goes on to advise that: “Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”

The Interim Planning Guidance - ‘Householder Design Guide,’ advises that extensions should be constructed in matching materials to match the host property. Bricks and stonework should be coursed and pointed to match the existing details. Tiles should match the existing tiles in terms of material, texture, size and colour.” It adds that:

“It is not the Council’s usual practice to support bungalows being altered to two-storey houses, as in most cases this would have a serious effect on neighbours’ amenity and on the appearance of residential areas. The Council will consider such proposals for “upward extensions” very carefully, having regard to the following guidelines:

Planning permission may be granted for an upward extension on a detached bungalow in certain circumstances (amongst other things):

- (i) where the dwellings in an area are of varied types, with little uniformity of design and layout, and there is already a mix of single storey and two-storey dwellings, and

Furthermore, the most appropriate design solution will depend on the design of the property and neighbouring properties. It may be appropriate to create a “dormer bungalow”, by building a more steeply-pitched roof with dormer windows in it.”

It is noted that Manor Way is characterised by a mix of bungalows and two storey houses with the immediately neighbouring properties being a detached bungalow to the south, a further bungalow beyond that, and then a row of detached two storey houses. To the north of the application property is a pair of semi detached chalet style properties to the north. Three doors away to the south the It is considered that in principle the raising of the roof height and the formation of a two storey dwelling is acceptable in principle in this location.

With regards to the design of the extensions it is noted that they would radically alter the character and appearance of the property and it would appear as a completely different dwelling within the streetscene of Manor Way. The extensions, owing to their sheer size, cannot be considered to be subservient to the original bungalow. It is noted that the extensions have been considerably revised since the first application was submitted reducing the height and mass of the extensions and pulling the first floor extension away from the boundary with No. 22 Manor Way.

It is considered that the extensions are acceptable in design terms owing to the fact that the dwelling is set back from the road with the first floor extensions set further back still on the property (approximately 25m from the road). It is considered that the property does not appear visually prominently within the streetscene of Manor Way and neither would the proposed extensions.

As such, it is considered that the design and appearance of the extensions would not harm the character and appearance of the property or the surrounding area and would comply with Policy ENV28 ‘Sustainable Design,’ the guidance in the Interim Planning Guidance on ‘Householder Design Guide,’ as well as the advice contained within the NPPF and the recently issued National Planning Policy Guidance (NPPG).

Impact on the setting of the adjacent Scheduled Ancient Monument.

With regards to the impact on the setting of the adjacent Scheduled Ancient Monument of Todwick Manor House moated site UDP Policy ENV2.1 ‘Statutorily Protected Sites’ states “Development or changes of use which would adversely affect the interest, fabric or setting of a statutorily protected site will not be permitted.”

In addition, Core Strategy Policy CS23 ‘Valuing the Historic Environment’ states that: “Rotherham’s historic environment will be conserved, enhanced and managed, in accordance with the principles set out below:

Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough’s heritage assets, specifically those elements which contribute to the distinct identity of the borough.”

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

With regards to the setting of the above Scheduled Ancient Monument it is considered that the extension would not harm views to or from the site, owing to its relationship to surrounding properties and relative relationship to the site. Furthermore, it is considered that the extensions would not harm the setting of the Scheduled Ancient Monument over and above the presence and proximity of the host property, and indeed the remainder of the housing development of Manor Way.

Taking account of the above, it is therefore considered that the proposal would accord with the provisions of UDP Policy ENV2.1 'Statutorily Protected Sites', and Core Strategy Policy CS23 'Valuing the Historic Environment,' as well as the advice contained within the NPPF.

Residential amenity issues:

The NPPF 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 states 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 building.

In respect of converting bungalows to houses the Interim Planning Guidance - 'Householder Design Guide,' notes that planning permission may be granted for an upward extension on a detached bungalow in certain circumstances, including:

"where new habitable room windows at first-floor level would be more than 21 metres from habitable room windows of existing dwellings to the front, side or rear and more than 10m away from a neighbour's boundary. Where an upward extension is considered acceptable in principle, it is essential that it be designed to minimise the effect on neighbours' properties by overshadowing and overlooking."

The Interim Planning Guidance 'Householder Design Guide' further gives guidance upon overshadowing matters and notes: "Extensions should not overshadow neighbouring properties to an unreasonable degree. The Council will take account of the orientation and position of neighbours' windows in relation to the extension. Where an extension would be likely to significantly reduce the amount of sunlight and/or daylight casting a shadow over private amenity space or entering the window of a habitable room (such as a kitchen, living room or bedroom) planning permission may not be granted."

The guidance further advises on outlook issues that: "An extension close to either a habitable room window of a neighbouring property, or to its private garden, should not have an overbearing effect on that property or an unreasonable effect on its outlook." With regard to the proposed increase in height the guidance states that: "Increased overlooking of neighbours' properties can be a problem, especially with a bungalow where dormer windows in the loft can overlook previously private areas. The Council will be critical of all proposals which have a significant effect on neighbours' privacy."

The Interim Planning Guidance provides guidance in respect of two storey rear extensions and on how these can impact on neighbours, though its principles can be applied generally. It notes that: "Two storey rear extensions should be designed so as not to come within a 45° angle of any neighbouring habitable room window (measured from the centre of the window)."

It is noted that letters of objection have been received from all neighbouring residents who share a common boundary with the property. It is also noted that both the immediately neighbouring properties have objected in terms of the extensions appearing overbearing against the boundary and overshadowing them.

With regards to overbearing impact it is noted that the first floor extension would be located at an approximate minimum distance of 12 metres from the nearest first floor habitable room window on the neighbouring property No. 22 Manor Way (the ground and first floor windows of this property closest to the boundary serve bathrooms/toilets). It is accepted that, notwithstanding the set back of the first floor element of the extension, it would lead to some overshadowing of the rear garden area of this property. Whilst this is the case it is noted that around half of the private garden area of this property would be unaffected by the proposals. It is also noted that it would lead to some overshadowing, though to a significantly lesser degree to the rear garden area of No. 24 Manor Way. It is considered that on balance the proposals are acceptable in amenity terms in terms of overshadowing and would not harm the amenity of the private garden area of No. 22 Manor Way to such a degree that it would warrant a reason for refusal.

With regards to overlooking it is noted that the proposed first floor windows on the front elevation of the property would all serve non habitable rooms. However, owing to their position behind the rear elevation of No. 22 Manor Way it is considered reasonable to require them to be obscure glazed and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, so as to protect the residential amenity of the occupants of this property.

The neighbouring property at No. 18 Manor Way is separated from the application site by a driveway and the property itself is angled away from the applicant's property. Furthermore, it is noted that the proposed extensions would be sited to the north of No. 18, thereby reducing the impact on direct sunlight to that property. Finally it is also noted that owing to the orientation of the two properties the first floor and single storey rear extensions would not breach a 45 degree line if measured from the rear elevation of No. 18. In view of the above it is not considered that the extensions would lead to a loss of natural light or lead to overshadowing to such a degree that it would harm the residential amenity of the occupants of this property.

It is noted that the residents of the Manor House to the rear of the property have objected in terms of overlooking from the windows to the rear of the property. However, it is noted that the windows would not directly overlook this property and would be located in excess of 10 metres from their private garden area. As such, it is considered that the proposals would not harm their residential amenity in terms of overlooking.

Taking all of the above into consideration the proposals are not considered to have a significant impact on the residential amenity of adjacent occupiers by way of overbearing impact or loss of privacy and would therefore accord with the advice contained in the NPPF and the Interim Planning Guidance.

Highway issues:

It is noted that local residents have raised concerns about the extension in terms of highway safety, mainly in terms of additional parking at the property. However, with regard to highway issues, Streetpride (Transportation & Highways) Unit does not consider that the proposal would have any detrimental impact in terms of highway safety as the proposed development allows for adequate vehicle parking provision at the property.

Other issues raised by objectors

It is noted that local residents have objected to the application on the grounds of potential flooding from the construction of the proposed extension. They have noted that the area is prone to localised flooding. Whilst this is acknowledged it is noted that the site is not within a flood zone area and is not susceptible to overland flooding and the surface water discharge at the property is a matter for Building Regulations approval which is considered to adequately cover this issue.

It is noted that local residents have objected to the proposal in terms of loss of view, and possible devaluation of neighbouring properties. Whilst this is noted these are not material planning considerations and cannot be taken into account with regards to the determination of this application.

It is noted that neighbouring residents have raised concerns about potential noise and disruption during the construction stage of the development. Whilst this is accepted it is noted that this would be only for a temporary period and is not a reason for refusal of the application.

Conclusion

In conclusion, it is considered that the proposed extension by virtue of its size, scale, design, height, siting and location would have no adverse impact on the character and appearance of either the host dwelling or the existing streetscene and would not be detrimental to the residential amenity of adjacent occupiers by being overbearing or over dominant or result in any loss of privacy by way of overlooking.

Accordingly it is recommended that planning permission be granted subject to the suggested conditions as set out below.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Location Plan)(Received 25/09/2014)
(Amended Elevations & Layouts)(received 17/12/2014)

(Proposed Site Plan)(received 17/12/2014)

Reason

To define the permission and for the avoidance of doubt.

03

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.

04

The window(s) on the first floor front elevation facing west shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

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	RB2014/1475
Proposal and Location	Formation of means of access at 501 West Bawtry Road, Moorgate, S60 4EU
Recommendation	Grant subject to conditions



Site Description & Location

West Bawtry Road is a classified road (A631) and is a busy dual carriageway.

The application site is located within a residential area in Moorgate and it is the last residential property on this side of West Bawtry Road towards M1 Junction 33.

No.501 West Bawtry Road is a two storey property semi-detached to No.499. The property is set back from the highway and it is at a lower land level than the highway. The site currently has no parking facilities and the boundaries of the site comprises of a low stone wall and a gate to front with hedges and wooden fences to the side.

Background

RB2010/1552 – Formation of vehicular access – Granted conditionally

Proposal

The application seeks permission to create a vehicular access off West Bawtry Road and create in curtilage parking to the front of the property.

The vehicular hardstanding would be 4m wide and 6m long. The maximum gradient of hardstanding is to be 5%, equating to 1 in 20.

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 use in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy

CS28 Sustainable Design

Other Material Considerations

Interim Planning Guidance (IPG) - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 3rd March and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

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 notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances 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 policy(s) referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The occupants of neighbouring properties have been notified in writing.

Two representations (including Whiston Parish Council) have been received and are summarised as follows:

- this is one of the worst accident sites in South Yorkshire and cars would be reversing out of a front garden onto an extremely busy dual carriageway which would be a danger to other road users and the resident of the property
- although the applicant indicates no hedges are to be altered, the occupant of the property is planning to remove 10 metres of the farmer's hedge
- all drive gates open out across the pavement on Guilthwaite Crescent
- the owner does not live in this property and the tenant does not have a car

Consultations

Streetpride (Transportation and Highways): Have no objections subject to conditions.

Appraisal

In assessing this application, regard has been made to the requirements of the relevant sections of the NPPF, Core Strategy CS28 'Sustainable Design' and the relevant guidance contained IPG 'Householder Design Guide'.

The application site is within a residential area as identified in the UDP.

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."

In addition to the above the NPPF at paragraph 17 details 12 core planning principles, one of which states planning should always seek to secure a high quality design. Core Strategy policy CS28 'Sustainable Design' states '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' which seeks to ensure that all development make a positive contribution to the environment by achieving an appropriate standard of design.

The Council's IPG states: "In most cases, making an access to property for a vehicle means lowering the kerb outside the property. It also usually involves various works within the property, such as removing a front wall, fence or hedge and laying a drive or hardstanding. Where planning permission is needed, the Council will want to make sure that the access is as safe as possible. The location of the access, and the visibility it provides for drivers using it, will be considered. On particularly busy roads, the Council may decide that an access would not be safe unless a turning space is provided on the property, so that cars do not have to reverse into the road. If this is not possible, or if there are other traffic hazards that cannot be overcome, permission may be refused. New

hardstanding should be porous or drained in a sustainable manner avoiding water flowing into the public highway or main drains.”

It should be noted that this application is exactly the same as that submitted and approved in 2010 (2010/1552). Since this time there has been a 2.2% increase in westbound traffic in this particular location.

A631 West Bawtry Road is part of the Principal Road Network and traffic counts undertaken in 2010 indicate that some 15,000 vehicles per day (24 hour, westbound) travel past the site. Considerations of traffic speeds and volume in A631 West Bawtry Road in the vicinity of the site have been taken into account in assessing the road safety implications of allowing direct vehicular access. It is however considered, that even with the small increase in vehicular numbers since 2010 an access designed and constructed to an appropriate standard in terms of width, gradient and visibility would be acceptable.

The construction of direct individual access to dwellings from such roads is not generally supported, usually as a consequence of there being an alternative subsidiary road from which access can be derived. However, in this instance it is acknowledged that these semi-detached properties of which the application site forms part, no longer have the ability to derive vehicular access from the rear (unlike all other dwellings fronting this part of West Bawtry Road). Furthermore, West Bawtry Road is a clearway which prohibits vehicles from parking or stopping to load/unload to the front of the property. The proposed parking bay has been designed with a wider than usual access (4m) to enable expeditious access/egress and the nearby signal controlled crossroads result in gaps in traffic flow past the site. The accident record for this part of West Bawtry Road indicates only one personal injury accident in the eastbound carriageway in the past 3 years (with other accidents having been recorded at the crossroads some 90m to the north east.) Whilst allowing the application could encourage a similar proposal at the adjacent dwelling which would be difficult to resist, the other nearby properties have vehicular access from the rear and therefore it is unlikely that similar proposals for those properties would be supported.

It should be borne in mind, however, that it is inevitable that the proposal would result in vehicular reversing movements in the heavily trafficked classified road at a point where the speed limit changes from 40 mph to 50 mph.

Taking all of the above into account, it is considered that the proposed vehicular access is of an appropriate design and standard that will afford driver/pedestrian intervisibility, which would not result in a material adverse impact on highway safety and would be compliant with the requirements of the NPPF, Core Strategy policy CS28 “Sustainable Development” and IPG “Householder Design Guide”

It is noted that a representation has been received which raises concerns regarding the removal of a hedge, however there are no records of any preservation orders being placed on trees or hedgerows in this vicinity and planning permission would not be required for its removal.

In terms of the application property being a rented property and currently up for sale, this is not a planning material consideration and cannot be taken into account in the determination of a planning application.

Conclusion

Having regard to the above it is concluded that the proposal complies with the relevant paragraphs of the NPPF Core Strategy policy and the guidance detailed within the adopted IPG. It is identical to the application granted planning permission in 2010 and although there has been a small increase in vehicular movement since this time this does not amount to a significant change to the locality or any changes to planning policy that would lead us to a different conclusion on this application. As such and for the reasons detailed in this report the application is recommended for approval subject to the following conditions.

Conditions

01

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

Reason

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

02

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

03

The vehicular access drive shall not exceed a gradient of 5% (1 in 20).

Reason

In the interests of road safety.

04

No gates shall be hung without the prior consent of the Local Planning Authority.

Reason

In the interests of road safety.

Informative

01

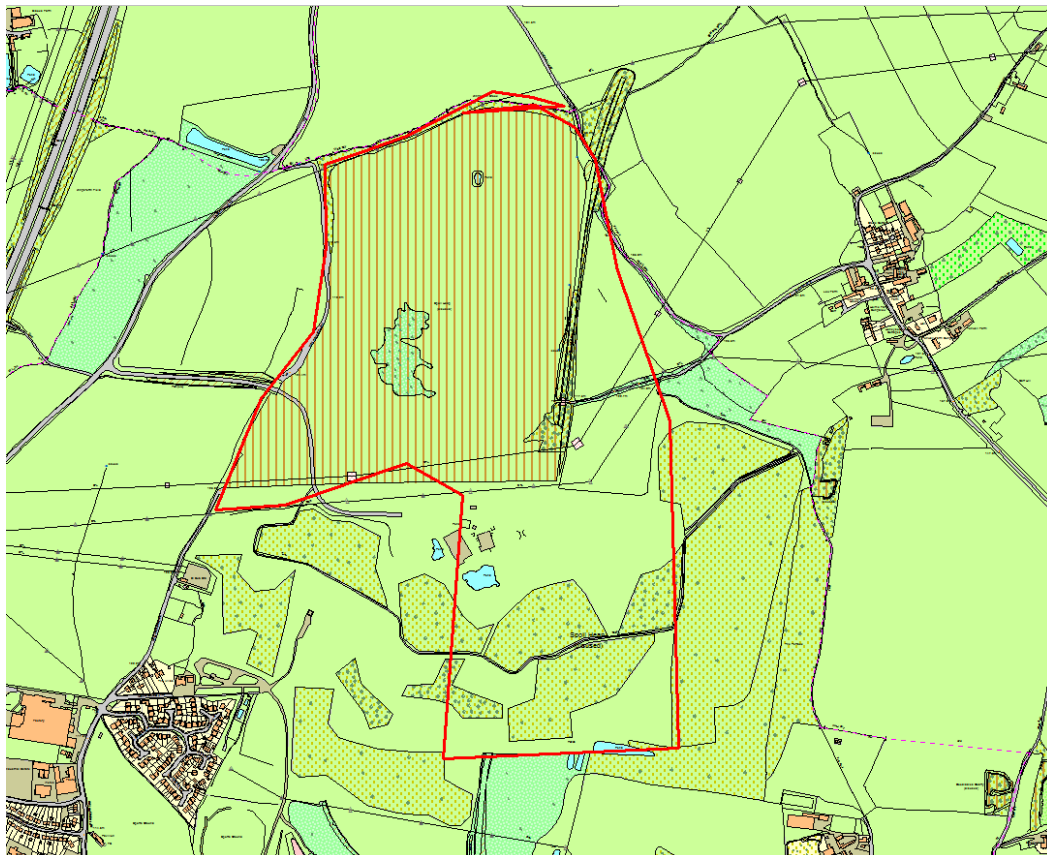
The Council's Streetpride Service recommend that you seek advice from a contractor who is qualified to undertake work in the public highway regarding the likely cost of

these works including the necessary traffic management measures. A list of approved contractors can be obtained from Maria Underwood (01709-822930) and advice regarding necessary traffic management measures can be obtained from Steve Linacre (01709-254478)

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1505
Proposal and Location	Application to vary Conditions 04 (approved plans) and 63 (restoration) imposed by RB1995/0924 at Thurcroft Colliery, New Orchard Lane, Thurcroft, S66 9AW
Recommendation	Grant subject to conditions



Site Description & Location

The site of application is the former Thurcroft Colliery located to the north of the village of Thurcroft. The site is bounded to the west by the M18 motorway and to the north and east by open fields. The site is designated as Green Belt.

The site is relatively isolated and there are no residential or commercial properties located close to this site.

Background

There is considerable planning history on the site relating to the former use of the site as a Colliery.

Planning permission RB1995/0924 was granted in June 1998 for landfill activities, which was ultimately intended for restoring the former colliery to an acceptable final landform.

This application relates to conditions 04 (approved plans) and 63 which relates to the restoration of the site.

Condition 63 is as follows:

Except as may be otherwise agreed in writing by the Local Planning Authority the restored surfaces shall be free from ponds and standing water, except for those wetland areas shown on approved plan Drawing No.2008.2E and such drainage works as may be necessary. Any restored areas which are affected by the surface ponding shall be infilled with suitable material and regraded to the approved contours or with the written agreement of the Local Planning Authority rectified by additional works such as to render effective the overall drainage provision relevant to the approved scheme.

The original approved drawing 20082.E (appendix A) was later slightly amended in 2004 with the agreement of the Local Planning Authority via written letter. This amendment was considered to be an improved design of the wetland habitat area at the site, in turn providing an improved long term scheme with greater ecological benefits.

Proposal

The proposal is to amend the restoration scheme of the site to include two additional ecological ponds into the final restoration scheme. The ponds would cover 300 – 400 square metres each. The ponds would be lined and would have gently sloping margins reaching a maximum depth of 2 – 3 metres. The justification for the ponds is that they will enable additional on-site ecological habitats to be created, resulting in sustainable long term relocation opportunities for wildlife.

The applicants have submitted a Planning Statement which states that: “By law, licences must be obtained from Natural England to be able to relocate various species of wildlife. In order to apply for such licences and ensure acceptable on-site relocation of wildlife, an approved restoration scheme showing the proposed ponds must be submitted to Natural England. If approved, relocation must then only be undertaken by a suitably qualified ecologist.” It adds that the ponds would be allowed to fill naturally with rain water and the applicants go on to state that “over time it would become an attractive additional ecological habitat, with the purpose of supporting wildlife.”

The applicants have stated that these ponds would be located at the north eastern boundary of the site and will provide enhanced long term relocation opportunities for wildlife. The applicants have also stated that the ponds would not form part of the surface water scheme for the site.

The reason for the requirement of this application is that Condition 63 specifically excludes the creation of additional ponds on the site, other than those previously approved as part of the original permission under the Masterplan for the site.

There will be no other significant or material change to the overall site restoration scheme for the site.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS4 Green Belt
CS20 Biodiversity and Geodiversity
CS21 Landscape

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

Publicity

The application was advertised by press notice and site notice. One representation has been received from Thurcroft Parish Council supporting the proposals.

Consultations

Streetpride (Transportation & Highways): State that the application would not have any highways implications.

Streetpride (Ecologist): Raise no objections to the application.

Natural England: Raised no objections to the proposed scheme.

Environment Agency: Raise no objection to the proposed scheme.

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 principle of this development has been previously approved under planning permission RB1995/0924, which included a restoration scheme for the site. This application is to make a slight variation to this approved scheme to include the provision of 2 no. ponds.

The main considerations are as follows:

- Principle of the development in the Green Belt
- Visual amenity
- Ecological impact

It is considered that owing to the distance of the ponds from neighbouring properties there will not be any issues with regards to neighbouring amenity.

Principle of development

Policy CS4 Green Belt of the Core Strategy states that "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy."

With regards to the site's Green Belt allocation Paragraph 90 of the National Planning Policy Framework states that "Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are: (amongst other things)

- engineering operations;"

It is considered that the ponds would be an engineering operation though the appearance of the ponds would be natural and the ponds would form part of the landscaping of this former colliery site. It is considered that the ponds would not have any impact on openness of the Green Belt and would appear as a natural landscape feature. As such, it is considered that the ponds would not represent inappropriate development.

Visual amenity

Policy CS21 'Landscape' of the Core Strategy states: "New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes."

It is considered that the appearance of the ponds would be naturalistic and would appear attractively within the landscape . It is also considered that the ponds would not appear prominently within the surrounding area and would appear attractively as part of the landscaping scheme of the wider site.

Ecological impact

Policy CS20 'Biodiversity and Geodiversity' of the Core Strategy states that: "The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species."

Paragraph 109 of the NPPF states that: "The planning system should contribute to and enhance the natural and local environment by: (amongst other things)

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

With regards to ecological impact Natural England and the Environment Agency and the Council's Ecologist all raise no objections to the scheme.

It is considered that the ponds would provide an ecological benefit to the surrounding area and would provide opportunities for enhanced biodiversity in accordance with Policy CS20 above and the NPPF.

Conclusion

It is considered that the proposed variation of conditions 04 and 63 to provide two ponds would not represent inappropriate development in the Green Belt and would provide an attractive landscape feature and improve biodiversity in the locality. As such, it is considered that the proposal is in accordance with the aforementioned policies and guidance contained within the NPPF and it is recommended that planning permission be granted for this variation of condition application.

Conditions

General

01

No later than 16 years period from the date of the commencement of development at the site, coal recovery, landfilling and reclamation works shall have ceased and the site shall have been restored, treated and brought to a condition for forestry, amenity open space (including incidental wetland areas) and agriculture in accordance with the

conditions set out below and as shown on the approved restoration plan Drawing No. 2008.2E, or as shall be otherwise agreed.

Reason

To limit the extent of the permission and ensure the development is carried out in a reasonable manner in the interests of local amenity and the intended afteruse of the land in accordance with Policy MIN 5 of the adopted Unitary Development Plan

02

Except as may be otherwise agreed in writing with the Local Planning Authority, the development shall only be carried out in accordance with the detailed and progressive scheme of coal recovery, waste disposal and land reclamation works, illustrated on the approved plans as follows:

Drawing No. SC-THU-005 - Restoration Masterplan Received 03 November 2014.

Drawing No. 2034.2C - Indicative layout of the site support area dated January 1997.

Drawing No. 2034.15B - Proposed Limit of Excavation to Main Tip dated January 1997.

Drawing No. THU A 055 - Site Boundary Plan dated 24 January 1997.

Drawing No. 4428/011B - A631 Bawtry Road/Cumwell Lane Proposed improvement dated December 1996.

Drawing No. 4428/003 Rev A - Proposed Site Access dated September 1996.

Drawing No. 4A - Proposed Formation Levels and Phasing Layout dated January 1997.

Drawing No. 4B - (Phase 1 Operational) dated January 1997.

Drawing No. 4C - Phasing Plan dated January 1997.

Drawing No. TYP/001A - Typical 600 tph coal washing plant with effluent treatment.

Drawing No. 2065.1 - Coal Recovery dated February 1997.

Drawing No. GM00525B - Area to be capped and vented.

Reason

To enable the progressive working of the site and the envisaged afteruses to become established in accordance with MIN 5 of the adopted UDP

03

A copy of the approved scheme of working/restoration/aftercare and a copy of this planning permission shall be displayed at the site offices at all times for the reference of operators and contractors working on the site.

Reason

For the avoidance of doubt, and to give effect to the requirements of Policy MIN 5 of the adopted Unitary Development Plan.

04

In the event of premature cessation of operations on the site for whatever reason, then within 12 months of such cessation a revised scheme of restoration and aftercare shall be submitted by the developer to the Local Planning Authority. Restoration of the site shall thereafter proceed in accordance with the revised scheme as approved and shall be completed within 2 years of the date of the approval of the revised scheme or such other period as may be agreed in writing by the Local Planning Authority.

Reason

To ensure that in the event of premature cessation of activities the land may still be satisfactorily restored to beneficial use, in accordance with Policy MIN 5 of the adopted Unitary Development Plan.

05

The perimeter of the landfill site shall be made secure for the duration of the development in accordance with details which shall have been agreed in advance with the Local Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Highways and Highway Related Issues

06

With the exception of traffic associated with preliminary investigation or site establishment works the means of vehicular access into the egress from the site shall be solely as indicated on Drawing No. 4428/003 Rev A with the proviso that the length of the right turning lane provided for traffic to access the site from the south should be amended as appropriate to a design speed of 100 kph.

Reason

In the interests of highway safety.

07

Prior to any coal recovery or waste disposal activities taking place on the site in furtherance of this permission the access point and access roadway shown on the approved drawing shall have been laid out, surfaced, sealed and drained for a minimum distance of 300 m into the site from the nearest edge of the carriageway on Kingsforth Lane - all in a manner to be agreed by the Local Planning Authority. Inward opening site security gates shall be provided and set back a minimum of 150 m from the edge of the carriageway of Kingsforth Lane.

Reason

In the interests of highway safety.

08

Steps, including the installation and utilisation of wheel cleaning facilities, shall be taken to prevent the deposition on the public highway of mud, stone, coal or waste material caused by any operation on the site. Any accidental deposition of dust, slurry, mud or other material from the site on the public highway shall be removed as soon as practicable by the operator.

Reason

In the interests of highway safety.

09

Prior to the installation of such a wheel cleaning facility full details of its specification including measures to deal with drainage from the wheel cleaning area and its siting shall be first agreed with the Local Planning Authority.

Reason

In the interests of highway safety.

10

The access point and surfaced roadway so formed shall be retained in a serviceable condition, and free of mud and other deposits, for the duration of the development.

Reason

In the interests of highway safety.

11

All traffic related to coal recovery and commercial waste activity shall be directed to leave the site by turning right into Kingsforth Lane by means of prominent signage which shall have been erected at the site access point when formed in accordance with condition (9) above. Such signs shall be maintained in a clean and legible condition for the duration of the development and any signs which are damaged or destroyed shall be immediately replaced by the developer as necessary and for the duration of works at the site.

Reason

In the interests of highway safety.

12

No coal recovery or landfill authorised by this permission shall take place until the junction of the C9 Cumwell Lane and the A631 Bawtry Road has been improved in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason

In the interests of highway safety.

13

Unless agreed in writing by the Local Planning Authority, the maximum rate of input to the landfill shall not exceed 350,000 tonnes per annum or 30,000 tonnes per month, whichever is the lesser.

Reason

In the interests of highway safety.

Drainage and Pollution

14

No development approved by this permission shall be commenced until a scheme for the disposal of foul drainage from the facilities area has been approved and implemented, as shall be agreed with the Local Planning Authority, in consultation with the Environment Agency.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

15

Prior to the commencement of any development, a scheme for the provision and implementation of land drainage proposals including settlement facilities shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

16

Prior to the commencement of any development, a scheme for the design and construction of the proposed surface water outfall structure shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

17

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All fillings points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Landfill Site Capping

18

The landfill site shall be capped on completion with suitable material which provides a level of protection equivalent to or greater than 1 metre of clay, having an emplaced permeability of 1×10^{-9} m/sec or less. This must be carried out on a progressive basis where the restoration is phased. If a natural cohesive material, such as clay is used, then the layer must be at least 1 metre thick. The contouring and gradients of the deposited waste and capping material shall encourage surface water run-off.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses and that the land is restored to an effective afteruse, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan

19

The cap shall be covered on completion with a soil layer at least 1 metre thick, in accordance with details to be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses and that the land is restored to an effective afteruse, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan

20

No development of landfill Cell 3 or later Cells of the landfill should take place until a scheme of work for the investigation of the land under Cells 4 and 5 of the landfill for the presence of faults has been submitted to and approved by the Local Planning Authority, in consultation with the Environment Agency. No development of Cells 4 and 5 or later Cells shall take place until:

(a) the scheme of work referred to above has been undertaken and a scheme of remedial measures for the mitigation of the potential impact of any fault identified have been submitted and approved by the Local Planning Authority in consultation with the Environment Agency; and

(b) the scheme of remedial measures referred to in (a) above has been carried out and approved as shall be agreed with the Local Planning Authority, in consultation with the Environment Agency.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Protection of Environment/Amenity

21

No waste skips, containers nor vehicles other than operational plant shall be stored on the site other than within an identified and clearly defined location(s) which shall have been agreed in advance with the Local Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

22

Non-inert waste imported to the site and inert waste other than that referred to below shall not be stockpiled and shall be incorporated in the landfill as soon as is reasonably practicable unless otherwise agreed in writing by the Local Planning Authority. Imported inert wastes intended for use in the construction of haul roads, or for cover, or as restoration materials and not immediately required for incorporation into site operations, shall only be stockpiled in suitable locations relevant to working areas and with full regard to visual amenity considerations from without the site. Any such stockpiles shall be evenly shaped and graded except as shall be otherwise agreed by the Local Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

23

For the duration of the development hereby permitted, appropriate steps shall be taken to protect all existing trees and/or hedgerows on the site which are outside the approved development areas from damage or destruction and no trees and/or hedgerows shall be lopped, topped or felled without the prior written approval of the Local Planning Authority. Any trees and/or hedgerows removed without such approval or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees/plants of such size and species as may be agreed with the Local Planning Authority.

Reason

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

24

Notwithstanding the provisions of Part 4 or 19, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no fixed plant or buildings shall be erected or stored on the site without the prior written permission of the Local Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

25

There shall be no processing or recovery for export/sale of any material tipped on the site in furtherance of this planning permission without the grant of further planning permission by the Local Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

26

Vehicle parking and storage of plant/machinery together with the administrative facilities thus provided shall be solely for the benefit of the operation of the landfill site and coal recovery operation and shall not be used as a general depot serving other sites in the region.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

27

Prior to the and importation of any waste into the site in furtherance of this permission, details of the site compound vehicle parking areas, weighbridge, coal recovery plant, water recycling arrangements, flood-lighting, site offices and leachate treatment works as applicable shall be submitted for approval by the Local Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Noise

28

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 all reasonable steps shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities and this shall accommodate the advice given in BS5228 Noise Control on Construction and Open Site (parts 1 and 3) 1984. All silencers on plant and equipment shall be adequately maintained and silencers of a type suitable for use in residential areas shall be used.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

29

No noise attributable to the operations measured at the nearest point to the development at 3.5 metres from the nearest façade of the dwellinghouse at No. 9 The Villas, Orchard Lane, shall exceed 38dB(A)eq(1hr) between the hours of 1900 and 0700.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

30

No noise attributable to the operations measured at the nearest point to the development at 3.5 metres from the nearest façade of the dwellinghouse at Newhall Grange, Newhall Lane, shall exceed 53dB(A)eq(1hr) between the hours of 0700 and 1900 or 37dB(A)eq(1hr) between the hours of 1900 and 0700.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

31

No noise attributable to the operations measured at the nearest point to the development at 3.5 metres from the nearest façade of the dwellinghouse at Low Farm, Carr, shall exceed 50dB(A)eq(1hr) between the hours of 0700 and 1900 or 38dB(A)eq(1hr) between the hours of 1900 and 0700.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

32

No noise attributable to the operations measured at the nearest point to the development at 3.5 metres from the nearest façade of the dwellinghouse at Thurcroft Hall, shall exceed 48dB(A)eq(1hr) between the hours of 0700 and 1900 or 36dB(A)eq(1hr) between the hours of 1900 and 0700.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

33

No noise attributable to the operations measured at the nearest point to the development at 3.5 metres from the nearest façade of residential premises Nos. 19 to 35 Steadfolds Lane, shall exceed 48dBLAeq(1hr) between the hours of 0700 and 1900 or 38dBLAeq(1hr) between the hours of 1900 and 0700.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

34

All screening mound construction and removal shall be carried out with sequential working to ensure the maximum screening of operations from the adjacent residential premises.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

35

The operator shall provide and install all necessary monitoring equipment to carry out noise measurements, in accordance with arrangements and at locations submitted to and agreed by the Local Planning Authority. The Local Planning Authority shall have freedom of access to all monitoring records and results from the site, on request. All results shall be collated and submitted in an agreed form to the Local Planning Authority no later than 6 weeks from the date of the monitoring.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

36

All vehicle reversing warning systems and/or alarms shall be operated in accordance with the specification agreed with the Local Planning Authority prior to the commencement of all site operations. At all times all reasonable steps shall be employed to prevent and counteract the effects to nearby residents of audible warning alarms. No audible alarm shall exceed the ambient noise level in the working location by more than 5dB(A).

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Hours of Working

37

Except in case of emergency, no operations shall take place on the site other than between the following hours:

(iii) Landfill – 0700 to 1900 hours Monday to Saturday and 0700 to 1700 hours on Sundays. All waste importation on Sundays to be limited to waste taken from authorised Civic Amenity Sites only.

(iv) General site restoration – 0700 to 1900 hours Monday to Saturday with no working permitted 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 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 local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Dust

38

At all times during the carrying out of operations all reasonable steps shall be employed to minimise dust. Such measures shall include water browsers, sprayers – either mobile or fixed, or similar equipment, exhausts pointing above the horizontal and provision of wind fences as appropriate. At such times when, due to site conditions, the prevention of dust nuisance by these means is impracticable, then movements of spoil and/or tipping of material shall be temporarily curtailed until such time as the site/weather conditions improve so as to permit a resumption of these operations.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

39

Prior to commencement of works, the operator shall provide, install and operate all necessary monitoring equipment to carry out monitoring for deposited dust. The arrangements and locations of the monitoring shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. This shall include deposit dust gauges of the 'frisby' type with dry foam insert (dry foam frisby) at locations approved by the Local Planning Authority, at a minimum of 4 locations, as near to the boundaries of the surrounding residential properties as is reasonably practical. The scheme shall also include establishment of a wind speed/direction guide, equipped with recording instrumentation which shall be retained on site for the duration of the development, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

40

Prior to the commencement of works, the operator shall provide a scheme to install and operate all necessary monitoring equipment to carry out airborne dust measurements for the PM10 fraction dust (dust of an aerodynamic diameter of less than or equal to 10 m-9) to be submitted to and approved by the Local Planning Authority. The equipment to carry out this monitoring shall include pumped samplers equipped with US EPA

approved PM10 sampling heads and be sited at a minimum of three locations at positions as near to the boundary of surrounding residential premises as is practicable.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

41

All record of dust monitoring shall be kept in a register and shall be collated and submitted in an agreed form of the Local Planning Authority, no later than 6 weeks from the date of the dust sample analysis.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Odour

42

At all times during landfilling operations on the site, all reasonable steps shall be employed to minimise odour in accordance with a scheme which shall include monitoring and which shall be submitted to and approved by the Local Planning Authority prior to such operations commencing.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Litter

43

Steps shall be taken by the developer at all times during landfill operations to prevent paper, plastic and other windborne materials from leaving the site. Such measures shall include the provision of mobile screens and/or temporary 'catch' fences around successive tipping cells to arrest windblown material, and the provision of daily litter picking along the length of and adjoining and site access road, as may be appropriate.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

44

All such windblown material as is arrested by such arrangements shall be collected up at the end of each working day and buried within the site. In the event that any windblown material is inadvertently deposited beyond the site boundary onto adjoining land, then so far as is reasonable practicable, such material shall be removed by the operator at the earliest opportunity.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Rodents, Insects and Birds

45

Prior to the commencement of landfill operations, a scheme to monitor and control rodents, insects and birds shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented throughout the working life of the site.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Residual voids and site stability

46

All reasonable steps shall be taken to ensure that waste disposal operations within the area covered by this permission shall at all times be carried out so as not to endanger the surrounding land by virtue of any instability or slippage.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Restoration and aftercare.

47

Trees and shrubs shall be planted in a phased programme of work, across the whole of the site in accordance with a scheme(s) which shall have been approved by the Local Planning Authority. Such a scheme(s) shall provide for the re-spreading on appropriate areas of the site of all of the soil resources stockpiled on the site and shall define such matters as species, planting, distances, ground preparation, programme of planting and protection. Any trees dying or destroyed within 10 years shall be replaced and those areas of the site on which trees are planted shall be managed in accordance with the rules and practices of good forestry.

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 Policy MIN 5 of the adopted Unitary Development Plan.

48

On commencement of landfill operations a scheme shall be submitted for the programming and progressive planting and treatment of the restored landfill area of the site. Following approval by the Local Planning Authority, the scheme shall be implemented progressively by the developer during the first available planting seasons as successive areas of the site referred to achieve final restored surface treatments – except as may be otherwise 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 Policy MIN 5 of the adopted Unitary Development Plan.

49

Except as shall be otherwise agreed in writing by the Local Planning Authority, those areas of the site not covered by the planting provisions at condition (47) above shall, following final grading and treating, be seeded with an appropriate grass seed mixture

as shall be agreed in advance with the Local Planning Authority. If on any part of the site to be so treated, satisfactory grass growth is not achieved as a result of the initial seeding, such areas shall be cultivated and re-seeded after correction of any nutrient deficiencies and/or toxicity and during the next sowing season. Such works shall be repeated until a grass sward is established as shall be agreed with the Local Planning Authority.

Reason

To enable the envisaged afteruses to become established, in accordance with Policy MIN 5 of the adopted Unitary Development Plan.

50

Prior to commencement of landfilling operations, a scheme shall be submitted to the Local Planning Authority for approval showing those areas to be hydroseeded during the course of the landfill operations. Hydro-seeding shall take place in accordance with such a scheme and in the event that a satisfactory sward is not achieved as a result of the initial treatment, such areas shall be retreated with hydro-seeding as soon as practicable until such a sward is established.

Reason

To enable the envisaged afteruses to become established, in accordance with Policy MIN 5 of the adopted Unitary Development Plan.

Removal of redundant features

51

With the exception of the site access road to Kingsforth Lane, landfill gas and leachate management equipment no plant, machinery, buildings, installations, hardstanding areas, haul roads or other temporary works introduced in furtherance of the development hereby permitted, shall remain on any of the land covered by this permission after completion of restoration works, other than with the written agreement of the Local Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

52

The operator shall agree a programme with the Local Planning Authority for the removal of the site access road to Kingsforth Lane and reinstatement of the land so affected. The road shall thereafter be wholly removed and the land shall be reinstated in accordance with such arrangements except as may be otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 5 of the adopted Unitary Development Plan.

Aftercare

53

Following the achievement of final graded surfaces the site shall be landscaped and treated in accordance with the details and specifications indicated on the approved plan. Detailed information and design for each phase of the approved landscaping scheme

shall be submitted to the Local Planning Authority (including ground preparation and drainage, plant species/sizes, planting distances, programme of planting and maintenance to establishment, grass seed/wildflower mixes, boundary details and public access) for approval prior to works being carried out on site.

Reason

To enable the envisaged afteruses to become established, in accordance with Policy MIN 5 of the adopted Unitary Development Plan.

Amenity Open Space

54

Within 12 months of the commencement of the development on the site the developer shall submit a scheme to be agreed with the Local Planning Authority for the provision and retention of amenity open space on the site. Within such period(s) as may be agreed with the Local Planning Authority and in any event within 6 months of the completion of landfill operations and restoration works the developer shall implement the approved scheme and shall thereafter retain such parts of the site as are agreed to be used for amenity and/or open space use for such use or uses.

Reason

To enable the envisaged afteruses to become established, in accordance with Policy MIN 5 of the adopted Unitary Development Plan.

Informative

01

Please note that this variation of condition approval does not discharge any of the above conditions. As such, any remaining outstanding conditions still require discharging under the Council's discharge of condition procedure.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1522
Proposal and Location	Application to vary condition No. 2 (approved plans) imposed by RB2013/0696 Erection of 9 No. detached dwellings with associated garages at Land off Grange Farm Drive, Aston, S26 2GY
Recommendation	Grant subject to conditions.



Site Description & Location

The site of application is an irregular shaped piece of unkempt and over grown land within a new housing development currently nearing completion. The site comprises approximately 0.30 hectares, and is bounded to the north west by a public footpath with older residential development beyond. To the north east and south west are newly built houses, whilst to the south west is the highway Grange Farm Drive, with further recent housing beyond.

Background

Planning permission for the erection of 199 houses was granted permission in 2001 subject to conditions and a Section 106 Agreement to secure a commuted sum for the provision of affordable housing in the locality (RB1999/0264). Three of the conditions attached to the permission were for:

- . The provision of 60 sq m of public open space per dwelling.
- . Landscaping of the Public Open Space.
- . Replacement of any trees or plants which die within the first 5 years.

Obligations for dedication of the POS to the Council did not form part of the Section 106 Agreement.

When the original application was granted, the current application site was made up of two pieces of land. One was shown as accommodating two large detached houses on the approved plan (approximately 0.1 hectares). The other piece (approximately 0.20 hectares) was earmarked as public open space to be landscaped.

RB2013/0696 - Erection of 9 No. detached dwellings with associated garages – REFUSED – ALLOWED at Appeal

Proposal

The applicant seeks permission to vary Condition 2 of application RB2013/0696, relating to the approved plans. The proposals involve changes to plot 202, resulting in a first floor addition above the approved single storey garage. The extension will provide an additional fourth bedroom and measure 7.25m high, 3.4m wide and 6.8m deep.

The applicant originally intended to alter plot 203 as well, however the Council raised concerns relating to the resulting blank gable wall against the highway and the application was subsequently amended to remove the alterations to this plot from the proposed plans.

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 use 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'

Unitary Development Plan

HG5 'The Residential Environment'

Other Material Considerations

The Council's Parking Standards

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

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

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

Publicity

The application was advertised on site and adjoining occupiers notified. Two letters of representation have been received stating that:

- Concerns regarding house opposite being able to look directly into our window owing to proximity, positioning and height.
- Concerns regarding blockage of light into house owing to the aforementioned proximity, positioning and height.
- Concerns regarding loss of 'green land' as stated when property was purchased.
- The resulting dwelling would have inadequate off street parking, with only one parking space and a garage space. The size of the garage is inadequate to accommodate a family car. As a result residents will park on street.

Consultations

Streetpride (Transportation and Highways): Notes that the issue relates to plot 202 which is intended to change from a 3 bed to a 4 bed dwelling. The Council's car parking standards recommend a minimum of 2 No. parking spaces for 3 or 4 bed dwellings. The submitted plan indicates a garage measuring some 6m x 3m internally with a drive measuring some 6.5m x 3m. Whilst the proposed garage is smaller than the desirable size referred to in the Council's Parking Standards (6.5m x 3m), the standards do allow for some flexibility e.g. where convenient on street parking is available. Grange Farm Drive fronting this plot has a carriageway width of 5.5m with footways which is capable of accommodating some casual parking. This view accords with the advice contained in the Department for Transport guide “Manual for Streets”. That document advises that consideration as to whether a garage counts fully as a parking space should be decided on a scheme by scheme basis and will depend on such factors as the availability of on street parking and the size of garage, quoting a minimum size of 6m x 3m as being recommended by many authorities. The Transportation Unit concludes that in view of the above, a refusal of planning permission on highway grounds could not be justified and this proposal is therefore acceptable.

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 land is allocated for residential purposes and planning permission has previously been granted for residential development on the site. In addition, the current proposal would not impact on the S106 legal agreement that was signed in respect of the original permission granted in 2001. The principle of the development is therefore acceptable. Only one of the proposed dwellings is being altered from that recently approved at appeal and the main considerations are:

- The scale and design of the dwelling.
- The residential amenities of existing and future residents.
- Highway safety matters.

The scale and design of the dwelling:

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

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.”

The National Planning Policy Guidance (NPPG) (March 2014), notes that “Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”

The change relates to a first floor addition above the existing approved garage. The addition is designed in a subservient manner with an eaves dormer. Being set back from the front elevation the new addition will not create a terracing effect and appear in keeping with the suburban style of the estate.

It is therefore considered that the proposal as submitted would, by way of its scale and design, be appropriate for the area, and would have no adverse effect on visual amenity, thereby being in accordance with Core Strategy Policy CS28 – ‘Sustainable Design’ and guidance in paragraphs 56 and 64 of the NPPF.

The residential amenities of existing and future residents:

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

The NPPF states at paragraph 17 that within the overarching roles that the planning system ought to play is a set of core land-use planning principles that should underpin both plan-making and decision-taking. Amongst these 12 principles, it states 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 building.

A resident opposite has raised concerns relating to overlooking and a loss of light. The dwelling is over 21m away from neighbouring residents and is separated by a public highway. As such the new addition set back from the front elevation of the property will not create any excessive overlooking or result in any loss of light to the dwellings opposite.

The resulting dwelling still meets the Council's spacing standards and is in accordance with the parameters normally applied to new residential development, in the South Yorkshire Residential Design Guide. The proposals are acceptable in this respect.

In view of the above, it is therefore considered that there will be no material adverse impact on the residential amenities of the existing and future residents.

Highway safety matters:

The proposed amended dwelling will result in a 4 bedroom dwelling with one off street parking space and an integral garage space. Whilst the proposed garage is smaller than the desirable size referred to in the Council's Parking Standards (6.5m x 3m) , the standards do allow for some flexibility e.g. where convenient on street parking is available. Grange Farm Drive fronting this plot has a carriageway width of 5.5m with footways which is capable of accommodating some casual parking. This view accords with the advice contained in the Department for Transport guide "Manual for Streets". That document advises that consideration as to whether a garage counts fully as a parking space should be decided on a scheme by scheme basis and will depend on such factors as the availability of on street parking and the size of garage, quoting a minimum size of 6m x 3m as being recommended by many authorities. As such it is considered that the level of parking is appropriate and that the garage could accommodate a standard family car.

In addition a condition has been attached to the approval requiring the garage to be permanently maintained for parking to reduce the potential for on street parking.

Conclusion

The amendments to the approved scheme would not result in any significant adverse change to the development in terms of the design, scale and massing of the property and will have no adverse effect on the residential amenities of the area or the character and appearance of the overall development. It is therefore recommended that permission be granted.

Conditions

01

The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

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

02

The development hereby permitted shall be carried out in accordance with the following approved plans: BM-SLD-01, BM-SL-01 REV C, 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. Wessington House type to plot 202 We-PL-01

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 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.

Reason

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

04

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.

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'.

05

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.

Reason

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

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

06

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.

Reason

No details having been submitted they are reserved for approval.

07

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.

Reason

In order to promote sustainable transport choices.

08

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 Appeal Decision APP/P4415/A/14/2218085 www.planningportal.gov.uk/planninginspectorate 7
- 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.

Reason

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

09

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

Reason

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

10

A landscape management plan, including long term design objectives, 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', 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.

Reason

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

11

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.

Reason

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

12

The garage to plot 202 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 highway safety.

Informative

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

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

the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

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

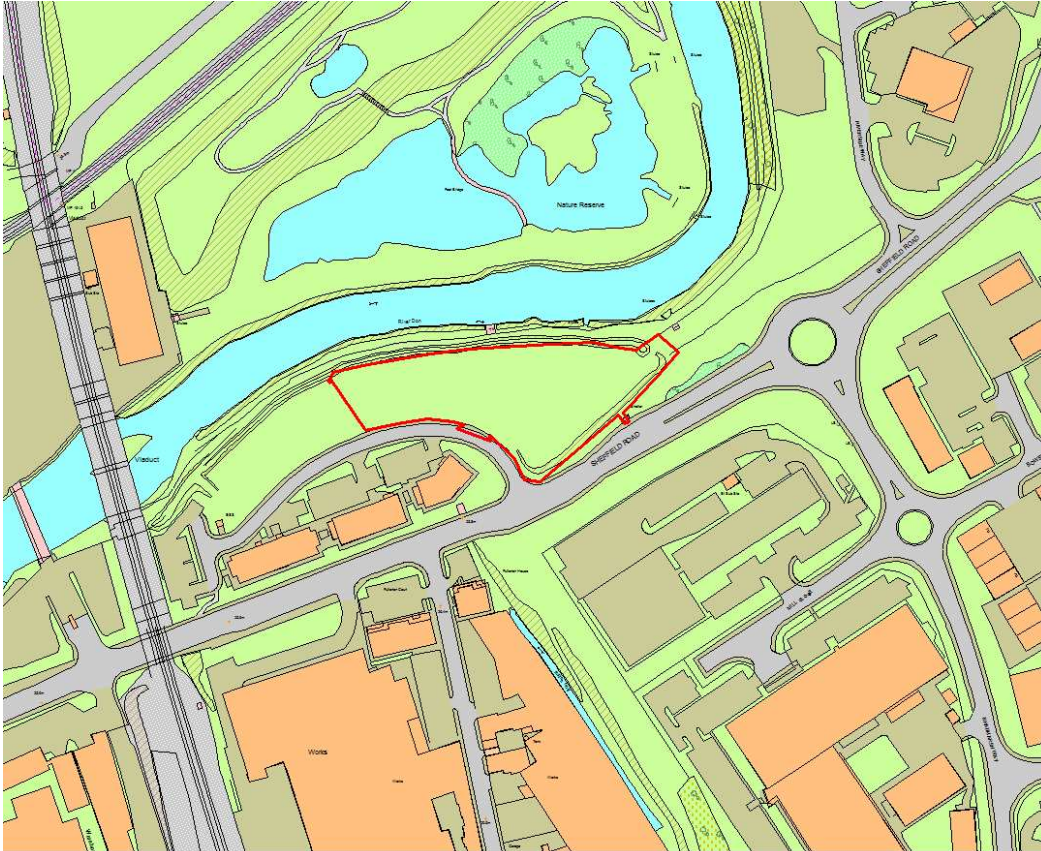
(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

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

Positive and Proactive Statement

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

Application Number	RB2014/1590
Proposal and Location	Diversion of goit and erection of single storey and two storey restaurant and public house (Use Class A3/A4) with ancillary residential accommodation at first floor and associated external play area together with means of access, car parking, landscaping and ancillary works at Phoenix Riverside, Templeborough, S60 1FL
Recommendation	Grant Conditionally



Site Description & Location

The application site is located to the north of Sheffield Road on land forming part of a development site known as Phoenix Riverside. The north of the site adjoins the River Don, the west adjoins the brick arched railway viaduct, with the east of the site adjoining undeveloped land in alternative ownership. Between part of the site and Sheffield Road, stand 3, two story office blocks that have been developed within recent years on the frontage of Sheffield Road. The application site is higher than approximately 1 metre higher than the footway on Sheffield Road, as the site has been raised for flood alleviation reasons. The site has previously been built up to form a development platform and is currently overgrown.

The Trans Pennine Trail runs along the top of the bank, following the route of the river. The land beyond the river to the north forms a wetland/wildlife area – Centenary Riverside. The area surrounding the site is generally commercial in nature with industrial and business uses to the south, and a car dealership to the east. Ickles Goit passes beneath the site at the eastern end, it is a local watercourse that discharges in

to the River Don. It passes beneath the site in a large duct, forming a dog-leg within the site.

Background

RB2005/0002 Erection of 8 two storey office units, withdrawn 2006

RB2006/0072 Outline application for the erection of 6 no two storey office units with flood storage compensation pond on eastern part of site, granted conditionally 18/04/06

RB2006/1624 Erection of 3 no two storey office buildings, granted conditionally 23/11/2006

RB2007/0903 Amendments to RB2006/0072 regarding staircase, granted conditionally 04/07/07

RB2011/1165 Erection of a three storey building to form an 80 bed hotel and a two storey building to form public house/restaurant with associated landscaping and car parking ,withdrawn 2011.

It should be noted that RB2006/0072, which was for the Outline application for the erection of 6 no. two storey office units, has been partially implemented, and so the permission for offices remains extant on the application site. The site has been raised to form flood defences as part of the conditions on the previous permission.

RB2012/0005 – Erection of a three storey building to form 80 bed hotel (Use Class C1) and two storey building to form a public house/restaurant (Use Class A3/A4) with associated access, car parking and landscaping – Refused

EIA Screening Opinion

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares. However, taking account of the criteria set out in Schedule 3, it is considered 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.

Accordingly the Authority has adopted the opinion that the development referred to above is not EIA development as defined in the 2011 Regulations.

Proposal

This application proposes the erection of a new family public house/restaurant. The building is proposed to be located on the north east part of the site and car parking is to be provided to the south and west. Vehicular access to the site is proposed to be from Phoenix Riverside via a new access. The submitted layout indicates the provision of 80no. car parking spaces including 5no. disabled spaces. Parking for 8no. cycles is

proposed to the front of the building with additional staff car parking proposed within the rear service yard area.

It is also proposed to divert a goit which currently crosses the site.

The proposed building has a floor area of 843 sqm split over two storeys which is proposed to be split as follows:

Ground Floor

Restaurant/bar	385 sqm
Kitchen	71 sqm
Cellar/wines and spirit store	46 sqm
Toilets	38 sqm

First Floor

Managers Flat	125 sqm
Assistant Managers Flat	40 sqm
Office	6 sqm
Staff area and storage	34 sqm
Plant room	14 sqm

The proposed building is part single storey and part two storey and has a traditional design typical of a chain group pub/restaurant of this type. The maximum height of the two storey element of the building is 9metres to ridge and 5.3 metres to the eaves and the single storey element will have a maximum height of 6.2 metres to the ridge and 2.6 metres to the eaves. The building comprises varying roof design including projecting two storey and single storey gables and small lean to hipped roof design at single storey. The main entrance is located on the front elevation facing Sheffield Road.

The materials to be used in the construction of the building are proposed to be predominantly brick with render panels and a tiles roof.

It is proposed to provide a children's play area and external seating area to the northeast of the building and the external areas are laid out with grass, paving and timber decking together with areas of planting.

The proposed service yard is proposed to the rear/north of the building and the submitted plans indicate that this will be screened by a 2 metre high fence.

The proposed opening hours are:

Monday – Thursday 09.00 to 23.00

Friday and Saturday – 09.00 to Midnight

Sunday - 09.00 to 23.00

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 industrial and business purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS9 'Transforming Rotherham's Economy'
CS12 'Managing Change in Rotherham's Retail and Service Centres'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS25 'Dealing with Flood Risk'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

EC3.1 'Land Identified for Industrial and Business Uses'
EC3.3 Other Development within Business and Industrial 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.

Parking Standards 2011.
Rotherham Retail and Leisure Study, March 2011
Rotherham Employment Land Review 2010

Publicity

The application was advertised in the press as a major development, and site notices were erected adjacent to the site. The occupiers of nearby properties were consulted by letter. One letter has been received from Sheffield and Rotherham Wildlife Trust which raises the following points:

- The proposal is not in accordance with the Draft Local Plan which zones this site for new employment;
- The site is wholly within the River Don Network for Nature Area;
- The submitted landscape plan should be revised to include further native species;
- There is a requirement to provide a more effective visual and auditory screen with the adjacent Centenary Riverside and avoid compromising the integrity and value of the later to Wildlife;

- There should be more planting both within the site and along the adjacent river bank.

The agent has requested a right to speak at the Planning Board.

Consultations

Streetpride (Transportation Unit) – no objections

Streetpride (Landscape Team) – no objections

Neighbourhood and Adult Services (Environmental Health) – no objections

Neighbourhood and Adult Services (Contaminated Land) – no objections

Streetpride (Ecologist) – no objection

Environment Agency – no objection

Yorkshire Water – no objection

South Yorkshire Police (Anti Terrorism Officer) – no objections

Appraisal

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

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

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

Paragraph 14 of the NPPF states that:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision taking this means

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate that development should be restricted.”

The main considerations in the determination of this application are:

The principle of the development

Transportation Issues

Design and Visual Amenity

Ecology, Landscape and the Environment

Flooding

The principle of development

Employment Land Considerations

The application site is allocated for Industrial and Business Use within the Rotherham Unitary Development Plan. UDP policy EC3.1 Land Identified for Industrial and Business Use states that such land will remain predominantly for industrial and Business Use. As this application seeks permission for a pub/restaurant it is noted that the proposal is in conflict with this policy.

However Policy EC3.3 states that other developments will be acceptable on such sites subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses, where such development can be shown to be ancillary to the primary use of the area, or would provide significant employment and it can be shown that:

- (i) there are no suitable alternative locations available for the proposed development,
- (ii) no land-use conflicts are likely to arise from the proposed development, and
- (iii) the proposal significantly increases the range and quality of employment opportunities in the area.

Core Strategy policy CS9 'Transforming Rotherham's Economy aims to support economic growth in sustainable locations. Whilst Core Strategy Policy CS10 seeks to improve skills and employment opportunities within the borough by promoting access to training, education and local employment opportunities.

Paragraph 22 of the NPPF states that "policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose". It continues "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land...should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

When assessing the proposal against this policy it is considered that there would be no adverse effect on the character of the area which is commercial in nature; no adverse effect on residential properties as there are none within the vicinity; it is considered that there is adequate parking and manoeuvring areas and that the proposal would be compatible with surrounding land uses.

It is considered that the proposal could be considered ancillary to the use of the area, and it is proposed that 60 jobs would be created. The proposal therefore complies with parts (ii) and (iii) of the policy. Furthermore, a sequential test has been submitted which is considered in more detail in following sections but this document demonstrates that there are no alternative sites available for the proposed development, and as such the proposal also complies with part (i) of the aforementioned policy. These sequentially preferable sites are considered in detail in the report below in accordance with the NPPF sequential test.

The site is identified as a development site (E27) within the Employment Land Review and is also allocated for a new employment allocation within the draft Sites and Policies DPD. However evidence has been submitted with the planning application to show that whilst the application is not for B1, B2 or B8 development, it would create 60 jobs (20 full time and 40 part time). The agent has submitted a letter from a commercial agent which confirms that there is an oversupply of office space in Rotherham and very poor demand. They refer to a number of office buildings/developments within close proximity to the application site which have remained vacant since their construction a number of years ago. This includes Building 2 at Phoenix Riverside directly to the south of the application site.

In addition, supporting documents submitted with the application detail that the company (Hungry Horse) offers training, development and career progression within the hospitality sector. In this respect it is considered that the loss of the employment site for the use proposed is considered acceptable. It is therefore considered that the proposal will comply with Core Strategy Policy CS10.

Sequential Test and Impact Assessment

This application seeks permission for a mix of food and drink uses comprising of public house/restaurants (Use Class A3/A4). The restaurant element of the proposed development is considered to be a main town centre use and therefore Paragraphs 24-27 of the NPPF and Core Strategy Policy CS12 are applicable.

Core Strategy Policy CS12 states that:

“The Sequential Approach

Proposals for town centre uses on the edge of or outside of designated centres will only be permitted where it can be demonstrated that:

- a. sites within and then on the edge of town, district or local centres have been assessed and it can be demonstrated that they are not available, suitable or viable for the proposed development, and then
- b. In the case of bulky goods floorspace, the availability, suitability and viability of vacant premises in retail parks to accommodate the proposed development has been assessed.

Impact Assessment

Proposals for retail, leisure or office uses of 500 sq m gross or above, on the edge of or outside of designated centres, must be accompanied by an assessment of

- c. the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal; and
- d. the impact of the proposal on the vitality and viability of centres, including local consumer choice and trade.

Applicants should agree with the Local Planning Authority the scope of the evidence and analysis to be submitted to ensure that this is proportionate to the scale and nature of the proposal.”

Paragraph 24 of the NPPF states that: “Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should

require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

Given the scale of the proposed development, its location and in accordance with the retail centre hierarchy contained within Policy CS12 of the Core Strategy the catchment has been limited to Rotherham Town Centre and its edge of centre sites.

The following sites have been identified in a sequential assessment submitted by the applicant:

Weirside – Town Centre Site

This is a town centre site which measures 0.3ha located off Corporation Street adjacent to the bridge link to the former Tesco store on Forge Island. It is currently a pay and display car park and is within Flood Zone 3a on the Environment Agency Flood Map. This site at 0.3 ha in size is too small to accommodate the proposed development. It is an irregular shape which would make an acceptable and workable layout unfeasible. The site is also not located on a main road frontage. Green King do not operate this model of premises from a town centre site.

Rotherham United Football Club Car Park Site– Edge of Centre Site

The site comprises of an existing car parking area which appears to be well used. The site is within Flood Zone 3a and Government guidance discourages the development of such sites in advance of sites at a lower risk of flooding.

The site is not located on a main road with high levels of visibility, which is a key locational criterion for Hungry Horse premises. The proximity of the stadium and the town centre result in a concern that as a result it would evolve into a primary drinking establishment. This conflicts directly with the Hungry Horse brand concept of family friendly dining.

The Liquid Nightclub Site, Main Street – Edge of Centre Site

This is an edge of centre site measuring 0.79ha and consists of a former nightclub building together with a large car park. Since the submission of the application, the agent has submitted additional information that the site is now under offer and heads of terms have been agreed for the site. In addition a site appraisal has been submitted which the agent states demonstrates that the site is unviable for the proposed development.

Drummond Street Car Park

This is an edge of centre site measuring approximately 0.5ha and is a Council owned car park which slopes steeply from southeast to northwest. Residential properties surround the site and Rotherham town centre is located to the southwest of the site. The site appears to be well used and there is no evidence that it is available for sale or redevelopment. In addition, the site's topography is a severe constraint to its redevelopment both in physical and cost terms. The site is not located on a main road and as such does not benefit from good visibility and high volumes of passing traffic

which is a key locational criterion for Greene King. It is not considered that the site would be suitable or viable for the proposed development.

Old Market Hall

The Old Market Hall consists of a ground floor retail unit on the site of the old market on an island in between Market Place, Market Street and Domine Lane. The building is three storeys and has residential properties on upper floors. The site does have a marketing board within it which suggests the ground floor is available. However, discussions with the agent have revealed that they are no longer marketing the property. On this basis it can only be concluded that the unit is no longer available. The unit is too small to accommodate the proposed development and could not accommodate all the elements of the premises including residential accommodation for a manager and assistant managers. There is no land externally for the provision of outdoor seating and facilities for children's play both of which are a key element of the development proposals. The unit is not on a main road with high levels of passing traffic so location ally is not suitable for Greene King. Furthermore the unit does not benefit from its own parking provision, as the premises are targeted at families with children, on-site parking provision is an essential site requirement.

Local Authority Assessment

With regard to the developer/operator business model, one High Court Judgement and one appeal decision have been noted which refer to the need to consider whether sites are suitable for development. These appeal decisions are:

Tesco vs Dundee

In this case the issue of suitability of a site for a proposed development was considered. It was concluded that suitable means 'suitable for the proposed development'.

Mansfield Leisure Park

This appeal decision centres on whether there were any sequentially preferable sites available for three restaurant units and a hotel. The Inspector in this case stated that the application proposals need to be considered as a whole and not disaggregated. It is necessary to consider whether the alternative site is suitable for the proposed development, not whether the proposed development can be made to fit the alternative site. For Mansfield, the evidence indicates that to meet the particular market and locational requirements that exist in the real world, the operators of the restaurants alone or the development as a whole would be reliant on the critical mass of being adjacent to each other and in proximity to a multiplex cinema or similar significant draw as part of a mixed use development. The vacant units in the town centre would not provide either of these operator requirements whilst the appeal site does. The Inspector concludes that the proposal meets the sequential test as the sites identified by the Council are not suitable for the proposed development.

In the case of this application, the agent has stated that there are a number of requirements of a business model of Greene King which are essential operator requirements. These are:

- Freehold Sites;

- Highly visible sites in main road locations – various examples of sites in such locations have been submitted to in support of this;
- Prominent and easy access from main road;
- Situated in close proximity to existing residential development, employment areas, leisure sites, new housing developments and/or district centres to help drive trade.

The application site meets all of the above criteria but all of those sites which have been identified as being sequentially preferable have been discounted for reasons of either being unavailable, unsuitable or unviable. Given the appeal decision above, significant weight has been afforded to the business model that the applicant has set out and used to discount a number of the sites particularly the site adjacent to Rotherham United Football Club.

As the proposed development is over 500 square metres, it is required to provide an assessment of the impact of the proposed development as set out in Core Strategy Policy CS12.

Paragraph 26 of the NPPF states that: “Whilst assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default is 2,500 sq. m.)”

Impact has been considered on existing, committed and planned investment. Firstly in terms of impact on existing investment, it is noted that Rotherham town centre and the surrounding area suffer from a lack of suitable leisure facilities and a notable lack of facilities for dining, including family dining in the town centre and Borough as a whole. There are however a number of public houses which serve food within the town centre, including two Weatherspoons and a Lloyds No.1. However, the supporting information submitted by the applicant states that these are not comparable to the Hungry Horse as they are primarily drinking establishments where the proposed unit is a family dining premises.

In terms of other out of town comparable premises, there are two family dining pub at Moorgate and Bawtry Road, however, it is notable that these premises would serve a different catchment area with the proposed premises serving a residential catchment area predominantly covering Brinsworth.

The Council’s Retail and Leisure Study recommends that the Council seek to increase the provision of cafes/restaurants and pubs/bars in Rotherham in order to claw back expenditure which is currently leaking outside of the borough.

The applicant’s impact assessment identifies that there may be a minor impact on the Brentwood on Moorgate Road, this should be weighed against the positive impact of the application proposal in terms of enhancing facilities for family dining within the borough which should reduce leakage of expenditure and reduce the need to travel.

In terms of the impact on planned investment, there is a permission which was granted for a public house/restaurant and 3no. A3/A5 restaurant/hot food takeaway units at Fitzwilliam Road. This is also an out of centre location and the two sites have been identified to serve different catchment areas. Furthermore, as there is a significant lack

of provision in this sector as identified in the Retail and Leisure Study, it is considered that there is adequate expenditure to support both of the proposed development and as such there will be no negative impact on the proposal.

Overall, taking into account all of the above information it has been demonstrated that there are no sequentially preferable sites for the proposed development. Furthermore, an impact assessment has been submitted in support of the application which demonstrates that there will be no significant impact on the vitality and viability of the town centre or any planned or committed investment within the Borough.

Design and Visual Amenity

Paragraphs 56 and 57 of the NPPF state 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... 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, Policy CS28 of the Core Strategy aims to ensure to ensure that design always takes the opportunity to improve the character and quality of an area and the way it functions.

The application site is located in a wider commercial area, and is located directly adjacent to a new development of B1 offices which are of a simple two storey design constructed from brick and render. These offices are built from a modern design, and the proposed design of the development is in character with these existing buildings which would sit closely with the proposed development and be viewed as a whole development.

The proposed building is situated close to Sheffield Road and is of a design which is a typical of a pub group family restaurant building. The building comprises of two storey and single storey elements and whilst the roof design is predominantly gabled there are small elements of hipped roofs at single storeys. The materials to be used in the construction of the building consist of brickwork and render which are both materials evident in the adjacent buildings. The main elevation and main entrance are orientated to face Sheffield Road which will provide a focal point for the building.

It is considered that the proposal would improve the visual appearance of this currently vacant and overgrown site, and improve wider views of the locality. The proposed modern design is considered to be acceptable, in keeping and complementary with the existing buildings adjacent to the site, and the palette of proposed materials, to include brickwork and render are acceptable. It is therefore considered that the proposal is acceptable in terms of design and visual amenity and that the proposal complies with Core Strategy Policy CS28 and guidance within the NPPF.

Transportation Issues

Paragraph 32 of the NPPF states that:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy Policy CS14 states that: “The Council will work with partners and stakeholders to focus transport investment on making places more accessible and on changing travel behaviour. Accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by:

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- b. Enabling walking and cycling to be used for shorter trips and for links to public transport interchanges.
- c. Reducing car parking provision in town centre and other accessible sites if public transport and other sustainable modes can accommodate travel but not to an extent where the town centre is unattractive when compared to out of town shopping centres.
- d. Set thresholds where existing and future employers and institutions will need to adopt Travel Plans or Area Travel Plans as part of a programme of sustainable transport promotion.
- e. The use of maximum parking standards for non-residential developments aimed at reducing the number of car trips to and from them.
- f. Adopting car parking policies for vehicles and bicycles in accordance to national guidelines that support and complement public transport and the introduction of sustainable travel modes.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.
- h. The safeguarding of suitable land for the provision of transport infrastructure.
- i. Prohibiting development where this is prejudicial to projects outlined in the Local Transport Plan or for any other transport proposals. Land to be safeguarded will be contained in specific transport proposals, the Sites and Policies document or other Local Development Plan Documents as appropriate.
- j. Implementing the Public Rights of Way Improvement Plan and maximising the use of the Public Rights Of Way network and other routes such as canal towpaths and disused railway lines for local transport connections on foot and by bicycle.
- k. Not allowing new development in Air Quality Management Areas unless traffic and air quality impacts are appropriately mitigated.
- l. Promoting Park and Ride where other sustainable travel choices cannot deliver similar benefits.
- m. Maintaining and improving School Travel Plans to manage demand for travel to and from schools and colleges.

In addition, the detailed layout of development should have regard to accessibility by private car, public transport, service vehicles, pedestrians and cyclists and people with disabilities.”

The Transport Statement submitted with the application details that a total of 58 trips (34 in and 24 out) are anticipated in the weekday pm peak and some 45 trips (25 in and 20 out) during the Saturday peak. When linked and pass by trips are taken into account, these figures are reduced to 28 and 36 respectively. A review of accident records concludes that there are no existing highway safety concerns relating to the surrounding highway network.

In terms of sustainability, the site is also in close proximity to public transport routes with bus stops being close by on Sheffield Road in either direction. The previous planning permission for the office development required improvements to the bus stop in Sheffield Road, a contribution to a pedestrian crossing in Sheffield Road and a contribution to the A1 bus service. These have already been received, and accordingly, the site is acceptable when considering public transport accessibility.

The proposed level of car parking (80 car parking spaces and 5 accessible spaces) accords with the Council's Maximum parking standards. There are cycle lanes on Sheffield Road and cycle parking is also proposed to be provided.

It is therefore considered that the proposal would not generate any adverse transportation impacts and the level of proposed car parking accords with the Council's adopted standards. The site is considered to be accessible by public transport and for pedestrians and cyclists. In this respect the proposal is in compliance with Core Strategy Policy CS14 and the NPPF.

Ecology, Landscape and the Environment

Core Strategy Policy CS20 'Biodiversity and Geodiversity' states that: "The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species."

Paragraph 118 of the NPPF states that: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity..."

The site is a former industrial site that has been reclaimed and formed into a development platform, it therefore does not have any ecological interest itself. However the site is adjacent to the river and beyond this is the nature Reserve. The application information includes an outline assessment of the current ecological value of the site which identifies that the site has low potential for protected species. The information notes, however that bat species are likely to be using the river corridor and it is expected that the development proposal will take measures to prevent excessive light spill onto the river corridor to prevent a negative impact on this species. It is recommended that a biodiversity enhancement strategy is provided to demonstrate how the biodiversity of the site will be improved on the site.

A landscaping scheme has been submitted in support of the application although it is recommended that there are some amendments to this scheme and as such a condition is recommended requesting a revised landscape scheme to be submitted.

The site is currently considered to be of low ecological value, but the sites location close to the river and the nature reserve provide scope to ecologically enhance the site through mitigation measures and the implementation of a substantial landscaping scheme. It is therefore considered that the proposal is in accordance with Policies CS20 of the Core Strategy and the NPPF.

Flooding

Paragraph 103 of the NPPF states that: “When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the Sequential Test, and if required the Exception Test...”

Core Strategy Policy CS25 ‘Dealing with Flood Risk’ states that “Proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall.”

The application was supported by a Flood Risk Assessment and there are no objections from the Environment Agency. The submitted documents outline that the application site benefits from the defences provided by the Rotherham Renaissance Flood Alleviation Scheme and is protected from the 1 in 100 year flood. It is considered that the preparation of the Flood Risk Assessment indicates that the development is acceptable in terms of flooding, and therefore the proposal complies with guidance in the NPPF. The application site contains a goit which is to be diverted as part of the planning application. The layout shows that the proposed car parking area would be provided over the goit and its associated easement which is considered to be acceptable from a drainage aspect.

Conclusion

In conclusion, the principle of the proposed development is considered to be acceptable in terms of both the loss of employment land and also as it has been demonstrated that there are no sequentially preferable sites for the proposed development and that there will be no significant impact on the town centre or planned investments in the catchment area.

In terms of the design, the design, scale and materials of the proposed building are considered to be appropriate and the development of the site will be beneficial on this prominent site which will secure an improvement in terms of the street scene.

The site is considered to be in a sustainable location, the level of proposed car parking is appropriate and there is adequate capacity on the highway network for the proposed traffic to be generated, it is therefore not considered that there would be any significant impact in terms of highway safety.

The site has been protected in terms of flood risk and a flood risk assessment submitted in support of the application states that there is no risk to the proposed development in

accordance with the NPPF. Furthermore, there would be no impact on ecology resulting from a development of this site, indeed its development will allow for biodiversity gain through delivery of on site improvements and an acceptable landscape scheme.

Overall the application is recommended for approval subject to the conditions listed below.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing numbers BGK55_10 PL1, 1574/06, 1574/07, 1574/08, 1574/09, 1574/10, 1574/11 1574/12, 1574, 13 and 1574/14)(dated Sept 2014 and received 2 December 2014)

Reason

To define the permission and for the avoidance of doubt.

03

The boundary treatment shown on plan references 1574/05 Rev. B and 1573/13 shall be completed before the pub/restaurant is brought into use.

Reason

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

03

Landscaping of the site as shown on the approved plan (drawing no.1574/05 revB) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

04

Prior to the commencement of development above slab level a biodiversity enhancement strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

To ensure biodiversity gain is achieved on site in accordance with Core Strategy Policy CS20 and the NPPF.

05

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 A

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.

06

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

Reason

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

07

The redundant vehicular access crossings fronting the site shall be closed and the footway/kerbline reinstated before the development is brought into use.

Reason

In the interest of highway safety.

08

Prior to the development being brought into use, details of a pedestrian/cycle link between the site and the Trans Pennine Trail to the north shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented.

Reason

In the interest of providing a link and improving the sustainability of the site in accordance with Core Strategy Policy CS14 and the NPPF.

09

The development shall be carried out in complete accordance with the details shown on the submitted drainage plan, "drawing number BGK55_10 (revision T2) dated 20/11/2014 that has been prepared by Crawford and Co.", unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of satisfactory and sustainable drainage.

10

Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water mains, which cross the site.

Reason

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

11

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by RBS (dated November '14), plans by Crawford and Co. and JDA, email correspondence from Walsingham Planning (dated 5th January '15) and the following mitigation measures detailed within the FRA:

1. Provision of a scheme for surface water drainage, developed in accordance with the principles set down in section 10 of the FRA (and as shown on drawing BGK55-10 PL1 by Crawford and Co. dated 06/11/14), to be submitted to and approved by the local planning authority prior to the commencement of development.
2. Finished floor levels within the building shall be set no lower than 27.98 m above Ordnance Datum (AOD), as stated within section 9 of the FRA (the FRA states this level is 600mm above the 1 in 200 year modelled water level for the River Don).
3. A permanent easement strip of land adjacent to the landward side of the toe of the flood embankment, to be kept clear of all new buildings and structures including decking, gates, walls, fences and trees) except those as shown on drawing 'Proposed Site Plan' by JDA 28/10/14 and as detailed in section 9 of the FRA and email correspondence from Walsingham Planning 05/01/15. Any changes to the site plan should to be agreed in writing with the Local Planning Authority in consultation with the Environment Agency.
4. Diversion of Ickles Goit culvert so that it passes beneath the proposed car park, as stated in section 9 of the FRA and as shown on drawing BGK55-11 PL1 by Crawford and Co. (dated 20/11/14).

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the impact and risk of flooding on the proposed development and future occupants, to maintain access to the flood defence embankment for maintenance or improvements and to maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

12

Prior to the commencement of development a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remedial works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

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.

13

In all areas of proposed soft landscaping a clean capping layer of a minimum of 300mm of subsoil/topsoil shall be used to promote plant growth. If subsoil's / topsoil's are required to be imported to site for remedial works, then these soils will need to 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 site then the results of testing thereafter shall be presented to the Local Authority in the format of a Validation Report.

Reason

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

14

Gas protection measures shall be provided in accordance with the recommendations specified within Table 22, under section 23.0 – Conclusions & Recommendations, page 23 of the Combined Phase I and II Report for land located within the curtilage of Phoenix Riverside Business Park, Rotherham – Prepared by CC GeoTechnical Limited, dated November 2014, Reference CCG-C-14/7810, Final Version. The gas protection measures will be validated by an independent third party and the results of which will be provided in a Validation Report to the Local Planning Authority before the development is brought into use.

Reason

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

15

Foundations and ground floor slabs shall be installed in accordance with section 22.0 – Foundations and floor slabs recommendations, page 22 of the Combined Phase I and II Report for land located within the curtilage of Phoenix Riverside Business Park, Rotherham – Prepared by CC GeoTechnical Limited, dated November 2014, Reference CCG-C-14/7810, Final Version.

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.

16

Following completion of any required remedial/ground preparation works (including gas protection membranes) a Validation Report will be submitted to and approved by the Local Authority. The Validation Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

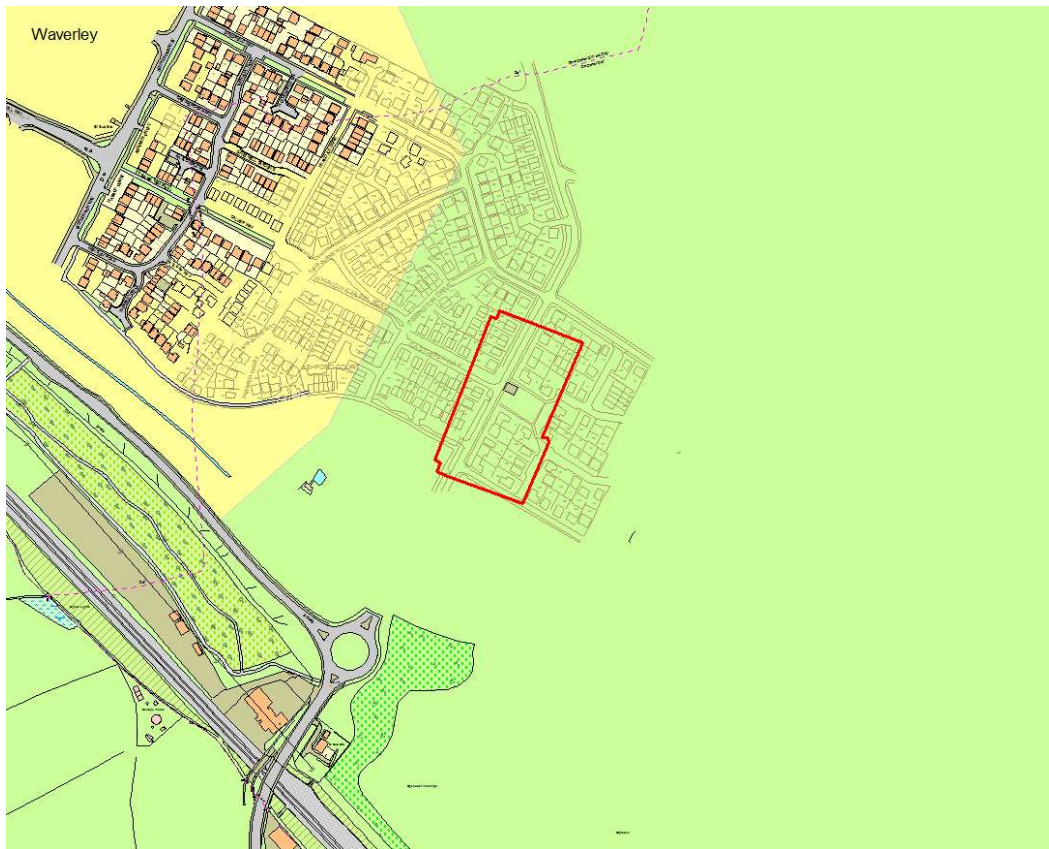
Reason

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1591
Proposal and Location	Substitution of house types to include changes from a single terrace of 5 dwellings to a terrace of 3 dwellings and 1 pair of semi detached dwellings and removal of condition 4 (details of the bin store) imposed by RB2013/1145 at Waverley New Community, Orgreave Road, Waverley, S60 8FB
Recommendation	Grant subject to conditions



Site Description & Location

The application site relates to a small part of the larger residential development that is currently under construction on the Waverley site. The application site is within an existing residential estate, and this section is being developed by the applicants Barratt

David Wilson Homes. Some of the surrounding properties are complete, whilst others are under construction, or awaiting construction.

Background

RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011

RB2011/1296: Application under S73 for the continuation of outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011

RB2012/1428: Continuation of outline application with all matters reserved except for the means of access for a new community comprising residential (3890) units commercial – GRANTED CONDITIONALLY 26/04/2013

RB2013/1145: Details of the erection of 54 dwellings (reserved by Outline RB2012/1428) – GRANTED CONDITIONALLY 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 29/09/2014

Proposal

The application is made under Section 73 of the Town and Country Planning Act and seeks to amend the approved plans to enable a substitution of house types affecting plots 28 to 32. The approved plans show a row of 5 properties in a single terrace,

whereas the amended plan seeks to change this to a terrace of 3 and 1 pair of semi-detached properties.

The application also seeks to remove Condition 4 of planning approval RB2013/1145 which requires details of the communal bin store adjacent to Plot 28 to be submitted and approved prior to the commencement of development. The substitution of house types enables access to the rear of all plots; therefore the communal bin store is no longer required.

Amendments are also sought to the previously approved landscape scheme to include the removal of trees located at the back of Highfield Square fronting plots 23, 24, 40 and 41. This is necessary due to the location of a sewer easement which sterilises this area.

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 as white land in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS2 'Delivering Development on Major Sites'
CS21 'Landscape'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'

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.

South Yorkshire Residential Design Guide (SYRDG)

The South Yorkshire Residential Design Guide has been adopted by Barnsley, Doncaster and Rotherham Councils. The guidance relates to issues of unit size, minimum room dimensions and amenity space.

Publicity

The application was advertised on site, 2 site notices were erected. No representations have been received.

Consultations

Urban Design acknowledges that the proposal will leave plot 30 with a smaller garden area and plot 28 with an impractical shaped rear garden, however this was also an issue with the approved layout and as such no objections are raised.

Streetpride (Landscape) raise no objections to the amended landscape plan subject to the imposition of a condition requiring the development to be carried out in accordance with this plan.

Affordable Housing Officer acknowledges that the request for the amendments has come from the Housing Association and as such no objections are raised.

Streetpride (Transportation) raise no objections to the proposal.

Streetpride (Ecology) have no comments to make on the application.

Environment Agency raise no objections.

Yorkshire Water have no comments to make on the application.

SYMAS has no objections to the proposal.

Appraisal

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

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

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

The main considerations in the determination of this application are:

Principle

The principle of residential development of the site has been established by previous permissions for residential development. The application proposes the substitution of house types and does not therefore seek to amend the fundamental outputs of the

approved development. The proposals are therefore considered to be acceptable in principle.

Design and Visual Amenity

Policy CS28 of the Core Strategy aims to ensure that: Design should take all opportunities to improve the character and quality of an area and the way it functions.”

This is further emphasised in Paragraph 56 of the NPPF which states that “The Government attached 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”.

The plots to which this application relates are the affordable housing units and consisted of a terrace of 5 properties with a communal bin store adjacent to plot 28. Following consultation with Great Places Housing Group, who are the affordable housing provider on this site, concerns were raised relating to the maintenance of the bin store as instances have occurred in the past where residents have avoided ownership and responsibilities towards these spaces, resulting in neglected areas. It was therefore considered that the best solution would be to provide separate bin spaces to individual plots, where residents are responsible for their own disposal.

As a consequence of the above, the proposal comprises the substitution of house types to reduce the terrace of 5 dwellings to 3 and erect a pair of semi detached dwellings along the same building line. The design and external appearance of the individual dwellings do not differ significantly from those previously approved and still comprise of two storey properties accommodating 3 bedrooms in each which would be in keeping with the wider development.

In terms of the revised siting of the dwellings, access to the rear of each has resulted in the communal bin store, originally shown adjacent to plot 28 no longer being required. This area, albeit slightly smaller due to the re-siting of the dwellings, will now form part of Plot 28’s curtilage.

Having regard to the above it is considered that the proposed dwellings would not have a detrimental effect on the visual amenities of the area and would successfully assimilate with the surrounding approved development. Consequently the proposal makes a positive contribution to the environment by achieving an appropriate standard of design in accordance with UDP Policy HG5, Core Strategy Policy CS28 and paragraph 56 of the NPPF.

Residential Amenity

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

The NPPF states at paragraph 17 that within the overarching roles that the planning system ought to play is a set of core land-use planning principles that should underpin both plan-making and decision-taking. Amongst these 12 principles, it states 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 building.

The proposal to amend the house types on Plots 28 to 32 results in a small alteration to the siting of the dwellings. This re-arrangement has become necessary in order to gain pedestrian access to the rear of all plots. The resulting factor is a reduction in the garden areas of plots 28 and 30, which at approximately 40sq.m falls below the 60sq.m guideline set out in the SYRDG. This reduction in area is regrettable, however it is considered that the provision of a pedestrian access to the rear of all properties will improve the living conditions of future residents and on that basis outweigh the need for larger garden areas. Additionally, the approved layout (RB2013/1145) provides garden areas of approximately 48sq.m, therefore a further reduction of 8sq.m is not considered to be significant and will not have an adverse impact on the scheme as a whole.

In view of the above, it is considered that the substitution of house types will not result in a material adverse impact on the residential amenities of future residents.

Landscape

The application also seeks to make amendments to the previously approved landscape plan. The amendments relate to the removal of 3 trees along the back edge of Highfield Square fronting Plots 28, 29, 40 and 41. This has become necessary due to the location of a sewer easement which sterilises this area. The Council's landscape architect has assessed the proposals in line with the requirements of the Design Code and whilst there is clearly a reduction in tree numbers in this area, the overall level of landscaping proposed across the site as a whole is considered to be acceptable and in full accordance with the approved Design Code for this phase of development.

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

Highways Issues

No amendments to the originally approved highway layout arrangements are proposed and all dwellings comply with the Council's minimum residential car parking standards. It is not considered that there would be a material impact on highway safety subject to conditions.

Conclusion

The principle of the residential development of this site was established under outline application RB2012/1428, and details previously approved under RB2013/1145.

By virtue of their size, scale, form, design, massing, siting and materials the amended house types would not have a detrimental effect on the visual amenities of the local area and would successfully assimilate with the surrounding approved developments. Consequently the proposed development makes a positive impact on the environment by achieving an appropriate standard of design in accordance with Core Strategy Policy CS28, UDP Policy HG5 and Paragraph 56 of the NPPF.

The amended house types, whilst not achieving the recommended area for private amenity spaces are considered acceptable and will not result in a material adverse impact on the residential amenities of future residents.

Furthermore, the proposed development indicates acceptable levels of car parking and is sited within a sustainable location. It is not considered that there would be any impact on highway safety.

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.

Site Location Plan Ref P13:4741:02 Rev 0 dated August 2013

Technical Layout Ref. WD-TD/01 Rev B

Streetscene Plan received 05/11/2013

Proposed Boundary Treatments Ref P13:4741:04 Rev 0 dated August 2013

Landscape Masterplan to Phase D Ref: R/1303/7c

Planting Details to Shrub Bed Mrs, S1 to S24 & Spec Information Ref: R/1303/8c

Planting Details to Shrub Bed Mrs, S25 to S47 Ref: R/1303/9b

House Types

Plans and Elevations Alnwick Contemporary (AS) Ref P13:4741:39 Rev 0 dated November 2013

Plans and Elevations Alnwick Contemporary (OP) Ref P13:4741:40 Rev 0 dated November 2013

Plans and Elevations Woodbridge Ref P13:4741:41 Rev 0 dated November 2013

Plans and Elevations Lincoln (AS) Ref P13:4741:37 Rev A dated July 2013

Plans and Elevations Lincoln (OP) Ref P13:4741:38 Rev 0 dated July 2013

Plans and Elevations Alnwick (OP) Render Ref P13:4741:36 Rev 0 dated July 2013

Plans and Elevations Alnwick (AS) Render Ref P13:4741:35 Rev 0 dated July 2013

Plans and Elevations Cambridge (OP) Render Ref P13:4741:34 Rev 0 dated July 2013

Plans and Elevations Cambridge (AS) Render Ref P13:4741:33 Rev 0 dated July 2013

Plans and Elevations Chesham (OP) Render Ref P13:4741:32 Rev 0 dated July 2013

Plans and Elevations Chesham (AS) Render Ref P13:4741:31 Rev 0 dated July 2013

Plans and Elevation Falmouth (OP) Ref P13:4741:30 Rev 0 dated July 2013

Plans and Elevations Falmouth (AS) Ref P13:4741:29 Rev 0 dated July 2013

Plans and Elevations Lincoln (OP) Ref P13:4741:28 Rev 0 dated July 2013

Plans and Elevations Lincoln (AS) Ref P13:4741:27 Rev 0 dated July 2013

Plans and Elevations Lincoln (AS) Plot 39 Ref P13:4741:37 Rev B dated July 2013

Plans and Elevations Alston (OP) Ref P13:4741:26 Rev 0 dated July 2013
Plans and Elevations Alston (AS) Ref P13:4741:25 Rev 0 dated July 2013
Plans and Elevations Kennington (OP) Ref P13:4741:24 Rev 0 dated July 2013
Plans and Elevations Kennington (AS) Ref P13:4741:23 Rev 0 dated July 2013
Plans and Elevations Finchley (OP) Ref P13:4741:22 Rev 0 dated July 2013
Plans and Elevations Plots 30-32 Ref: 2010/FIN/C-A/02
Plans and Elevations Cambridge (OP) Ref P13:4741:18 Rev 0 dated 2013
Plans and Elevations Cambridge (AS) Ref P13:4741:17 Rev 0 dated July 2013
Plans and Elevations Chesham (OP) Ref P13:4741:16 Rev 0 dated July 2013
Plans and Elevations Chesham (AS) Ref P13:4741:15 Rev 0 dated July 2013
Garage Details Ref P13:4741:05 Rev 0 dated August 2013

Engineering Drawings

Road & Sewer Longsections Sheet 1 of 3, Dwg No. 40-02-01 Rev P6
Road & Sewer Longsections Sheet 2 of 3, Dwg No. 40-02-02 Rev P6
Road & Sewer Longsections Sheet 3 of 3, Dwg No. 40-02-03 Rev P6

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details approved under Ref: RB2014/0043. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

The window into the northern elevation of Plot 39 serving Bedroom 1 facing towards Plot 38 shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

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

TRANSPORTATION

05

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.

06

Before the development is brought into use the car parking area shown on the site layout plan Dwg No. P13:4741:01 Rev E 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.

07

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.

08

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

Reason

In order to promote sustainable transport choices.

09

Prior to the occupation of any of the following plots - 43, 44, 45, 46 or 47, the temporary turning head indicated on Drg No. P13:4741:01 Rev D shall be provided and maintained at all times until the provision of an approved future extension to the highway has been implemented.

Reason

In the interests of Highway Safety.

10

No garage door shall be fitted to the carports on plots 1, 2, 4, 5, 6, 7, 8, 9, 10 and 11.

Reason

In the interests of Highway Safety

DRAINAGE

11

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

Reason

In the interest of satisfactory and sustainable drainage

12

The disposal of foul and surface water drainage shall be carried out in accordance with information contained on drawing 40-01 (revision P11) dated 02.04.2014 and E/602 (revision A) dated 23.10.2014 that have been prepared by RSK Land & Development Engineering Ltd

Reason

To ensure that the development can be properly drained in accordance with UDP policy ENV3.7 'Control of Pollution'.

GROUNDWATER / CONTAMINATION AND GROUND CONDITIONS

13

Gas membrane measures shall be implemented in accordance with information contained within document GDB10 'Gas Membrane Specification'.

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'.

14

Installation of the gas protection measures approved as a result of condition 13, is to be verified by an independent third party and a validation report is to be forwarded to this Local Authority for review and comment.

Reason

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

15

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'.

16

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

17

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'.

18

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'.

19

The development hereby approved shall be carried out in full accordance with information contained within document 'Pre-commencement Ecology Site Check and Schedule for Bird and Bat Box Erection ' dated January 2014.

Reason

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

LANDSCAPE

20

Landscaping of the site as shown on the approved plans (FDA Landscapes Masterplan drawing no. R/1303/7C, Planting details drawing no's R/1303/8c & R/1303/9B) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

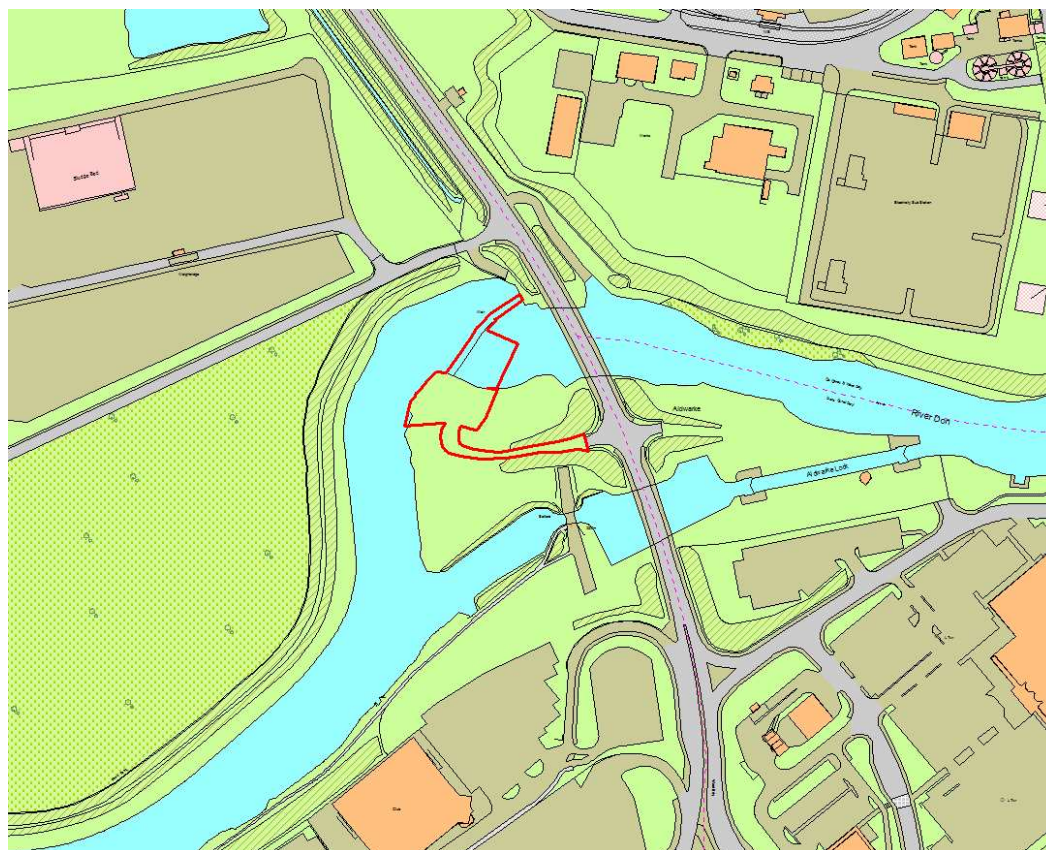
Reason

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1690
Proposal and Location	Application to vary Conditions 02, 07, 08, 09, 11, 13 & 14 imposed by RB2012/1500 on land at Aldwarke Weir, Aldwarke Lane, S65 3SR
Recommendation	Grant subject to conditions



Site Description & Location

The site comprises part of the “lock island” which is a vacant and overgrown area of land at a meander of the River Don to the north, west and south. Aldwarke Lane is to the east of the site which provides an access to the site which is 0.17 hectares in size. The site lies to the north west of the Mushroom Roundabout and to the south west of the Aldwarke Steelworks.

A listed bridge crossing part of Aldwarke Lock lies to the south and there is a public footpath on the opposite bank. Aldwarke Weir is included in the site boundary and lies to the north of the lock island. The site is within an established Flood Zone.

Background

An application for a single turbine Hydro electric plant was approved in October 2009 (RB2009/0661).

An application to vary condition 13 of this permission (substitution of a single turbine with a twin turbine) was subsequently approved in May 2011 (RB2011/0428). As with all variation of condition applications, the time limit for implementation of this permission was the same as the original application which in this instance was 15 Oct 2012.

Subsequently an application to extend the time limit to implement this permission was approved in November 2012 and now remains extant until November 2015. No works have yet commenced.

Proposal

This is an application submitted under Section 73 of the Town and Country Planning act 1990 that seeks to vary the existing permission to go from a twin turbine back to a single turbine. (The original 2009 application was to have a single turbine, which was then changed to a twin turbine under application RB2011/0428). In addition, the applicant has submitted some additional details to seek to discharge some of the conditions attached to the previous permission.

The alterations can be summarised as follows:

- Condition 02 - Replacement of the twin turbine screw system approximately 8m wide by a single screw system approximately 5m wide.
- Condition 07 - Approval for green polyester coated palisade fencing and discharge of condition.
- Condition 08 - flood proof powerhouse in reinforced concrete with a shuttered concrete finish and a dark grey polyester coated profile.
- Condition 09 - amendment to and final details of the fish pass and eel pass.
- Condition 11 - amendment to and final details of the raising of the weir.
- Condition 13 - Environmental Management Plan submitted.
- Condition 14 - detailed drawings of the trash screen for the protection of otters and discharge this condition.

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 Urban Greenspace purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):
CS23 'Valuing the Historic Environment'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):
ENV2.8 'Settings and Curtilages of Listed Buildings'
ENV3.2 'Minimising the Impact of Development'
ENV3.7 'Control of Pollution'
ENV5.1 'Allocated Urban Greenspace'
UTL3.4 'Renewable Energy'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of

the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

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

Publicity

A site notice was erected on 07 January 2015. No representations have been received.

Consultations

Streetpride (Transportation and Highways) – no objections

Streetpride (Landscape) – no objections, but the proposed scheme does not discharge landscape condition

Streetpride (Ecology) – no objections

Environment Agency (EA) – no objections subject to imposition of previous amended conditions

Appraisal

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

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

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

There are no residential properties within 100m of the site and the main considerations in the determination of this application are:

- Principle
- Design and Visual Amenity
- Impact on flood risk and ecology
- Highways Issues
- Other Considerations

The principle of development

The principle of development has previously been approved in 2009 and 2011 and then renewed in 2012 (RB2012/1500).

Paragraphs 93-97 of the NPPF indicate that Local Planning Authorities should help increase the use and supply of renewable and low carbon energy, including “...have a positive strategy to promote energy from renewable and low carbon sources, along with

supporting infrastructure, where this would help secure the development of such sources.” The general principles of the NPPF, along with wider government strategy, remains supportive of the sustainable development and this application is considered to contribute towards the borough’s renewable energy generation.

The site does not lie within the Green Belt and the principle of the hydro-electric scheme has previously been established and is considered acceptable.

Impact on visual amenity

Overall, no significant changes to the visual appearance are proposed. The revised turbine is in the same location as the previously approved plans and is of a slightly smaller scale than that previously approved under RB2012/1500. The majority of the structures, including the turbine are under the ground (or water) surface with only the turbine housing and control room visible. The additional material details are considered to be of an acceptable quality that will minimise the impact on the surroundings and can partially discharge previously imposed condition 08 (final material details).

Accordingly this application is not considered to have any impact on either the visual amenities of the area or on the listed bridge and the changes are considered to be minor. The proposal is considered to comply with saved UDP Policies ENV2.8 ‘Settings and Curtilages of Listed Buildings’, ENV3.2 ‘Minimising the Impact of Development.’

Impact on flood Risk

No significant changes are proposed to the previous proposals and the impact on the river flow through the turbines is the similar to that previously approved. No objections have been raised from the EA. However, a number of the conditions have been recommended to be re-imposed or amended as the submitted details are not satisfactory for discharge at this stage.

Impact of the proposed amendments on wildlife, river ecology and the general surrounding environment.

No additional impact is generated by the re-submission of this application from that which has previously been approved. The impact on the wildlife river ecology has previously been assessed by the EA and the Council’s Ecologist and in both cases is considered to be acceptable. No objections have been raised to the re-submitted plans. The additional details related to the specific conditions previously imposed by RB2012/1500 are discussed in more detail below:

Other issues - Conditions

In terms of the discharging of the conditions, the Council’s Landscaping Team have indicated that the submitted landscaping details do not address the criteria imposed by condition 04 (landscaping) and this recondition will be re-imposed as originally approved.

In relation to condition 09 (Fish and Eel Passes) the submitted details are considered acceptable by the Council’s Ecologist. However these details have not been approved by the EA and this condition cannot be discharged at the present time. A further condition for final details is recommended.

Condition 11 (weir alterations) was imposed in order to demonstrate protecting and encouraging the use of the river by otters. Drawing 207/V01, illustrates a 1m gap to be retained in the raised weir crest and is appropriate for the intended purpose. The

Council's Ecologist has confirmed that this details are accepted. However, final details will be required by the EA before the condition can be discharged.

Condition 13 (Construction Environmental Management Plan (CEMP) (Mann Power Consulting, December 2014) has been reviewed. The management prescription for this species is not acceptable (e.g. disposal of topsoil only) and will require to be updated prior to being discharged.

Condition 14 (design of the trash screens) has been assessed by the EA and cannot be discharged at this stage. The original condition is recommended.

Conditions 09, 11, 13 and 14 are recommended to be re-imposed in a similar way to the earlier submission and these conditions will be re-worded to reflect the requirement for submission of final details.

Conclusion

The principle of development has previously been approved in 2009 and 2011 and then renewed in 2012 (RB2012/1500). The site does not lie within the Green Belt and the principle of this revised hydro-electric scheme is considered acceptable. The proposal is considered to have a sufficient quality of design and is considered to have an acceptable impact in highway safety terms. The EA have confirmed that there are no objections from a flood risk perspective and the Ecologist has confirmed that the proposal would have an acceptable impact on the fish and river populations. The application is recommended for approval, subject to previously imposed or amended conditions.

Conditions

01

The amendment hereby permitted shall be commenced before the expiration of three years from the date of the RB2012/1500 permission (27 November 2015).

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.

(Drawings system layout V09 sheets 1-21, 205-V02 Fish Pass detailed design drawings, Aldwarke Weir -206-V01 Eel Pass detailed design drawings, Aldwarke Weir - 207-V01 Weir Raising and Smolt Notch) received 18 December 2014.

Reason

To define the permission and for the avoidance of doubt.

03

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

a/ a permeable surface and associated water retention/collection drainage, or;
b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.
The area shall thereafter be maintained in a working condition.

Reason

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

04

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

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

Reason

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

05

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

Reason

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

06

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

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

07

The fencing shall be a green colour (system layout V09, photomontages) as indicated in the application submission and shall be erected on the perimeter of the site before the development is brought into use.

Reason

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

08

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing (system layout V09, photomontages, Cladco Profiles 34/1000). The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

09

Prior to the commencement of development, final details of all fish passes (including notch) and weir raising profile (and all associated aspects) must be agreed and approved at a later date by the Environment Agency prior to any works taking place. The works shall be implemented in accordance with the agreed details.

Reason

In the interests of protecting and encouraging wildlife and to ensure an adequate level of biodiversity in accordance with UDP Policy ENV3.2 'Minimising the Impact of Development' and the NPPF.

10

The turbine/screw part of the plant hereby approved must incorporate features to minimise harmful effects on fish, specifically:

- compressible bumpers fitted to the leading edge of the screw. These must be fitted correctly and sweep within 5mm of the trough.
- The leading edge of the screw must be at least 10mm within the perimeter of the trough (before bumpers are fitted).
- The screw must not include a bevel on the leading edge.

Reason

In the interests of protecting and encouraging wildlife and to ensure an adequate level of biodiversity in accordance with UDP Policy ENV3.2 'Minimising the Impact of Development' and the NPPF.

11

Prior to the commencement of the development, further details of the alterations to the weir shall be submitted to and approved by the Local Planning Authority and the alterations shall be implemented in accordance with the approved details before the development is brought into use.

Reason

In the interests of protecting and encouraging the use of the river by otters in accordance with UDP Policy ENV3.2 'Minimising the Impact of Development' and the NPPF.

12

Details of bat boxes to be installed on the trees shown to be retained shall be submitted to and approved by the Local Planning Authority before the commencement of development and the approved details shall be implemented before the development is brought into use.

Reason

In the interests of protecting and encouraging wildlife and to ensure an adequate level of biodiversity in accordance with UDP Policy ENV3.2 'Minimising the Impact of Development' and the NPPF.

13

An updated Environmental Management Plan outlining the timing of works and mitigation measures shall be submitted to and approved by the Local Planning Authority before the commencement of works. The approved measures shall be implemented in perpetuity.

Reason

In the interests of protecting and encouraging wildlife and to ensure an adequate level of biodiversity in accordance with UDP Policy ENV3.2 'Minimising the Impact of Development' and the NPPF.

14

No development shall take place until the final design of the trash screens, to prevent access by otters, has been submitted to and approved in writing by the Local Planning Authority. The approved trash screens shall be provided before the turbine is operational.

Reason

In the interests of protecting and encouraging wildlife and to ensure an adequate level of biodiversity in accordance with UDP Policy ENV3.2 'Minimising the Impact of Development' and the NPPF.

Informative(s)

- a) The applicant is reminded that whilst the Council's Ecologist has accepted a number of elements within the submission as being acceptable, a number of these conditions cannot be discharged at the present time as final details are required by the Environment Agency. In particular these include the following areas:
- Regarding the Environmental Management Plan (Condition 13). The management prescription for this species is not acceptable (e.g. disposal of topsoil only). The management of Japanese knotweed should be amended in accordance with the Japanese knotweed Code of Practice: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296930/LIT_2695_df1209.pdf
 - The fish pass application submission required by the EA for a revised scheme has not yet been applied for or given.
 - Regarding the trash screen, these turbines (this specific type) are usually utilised as one downstream route for fish and as such cases the EA usually expect a minimum screen size of 250mm. In such a case (i.e. where the screen blocks fish) a by-wash beside the turbine would usually be required. To avoid this situation then we will need to make sure the revised pass has a suitable depth and approach to in theory act as a bywash (although they are not ideal for this purpose).

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.