

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

Thursday, 12 March 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 19th February, 2015 (herewith) (Pages 2 - 6)
6. Deferments/Site Visits (information attached) (Pages 7 - 8)
7. Development Proposals (report herewith) (Pages 9 - 81)
8. Report of the Director of Planning and Regeneration Service (herewith) (Pages 82 - 86)
9. Draft Development Management Policies (report herewith) (Pages 87 - 94)
10. Updates
11. Date of next meeting - Thursday 2nd April, 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
19th February, 2015

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

Apologies for absence were received from Councillor N. Hamilton.

T69. DECLARATIONS OF INTEREST

(1) Councillor Godfrey declared her personal interest in application RB2014/1567 (Erection of 12 No. dwellings with associated private gardens and parking at land at Aston Close, Aughton for Strategic Team Maintenance Company Ltd.), because as Cabinet Member for Safe and Attractive Neighbourhoods she had supported the sale of this Council-owned land to the Housing Association and thus has an interest in the eventual development of this application site. During the Planning Board's consideration of this matter, Councillor Godfrey left the room, did not participate in the discussion on this application and did not vote.

(2) Councillor Middleton declared his personal interest in application RB2014/1629 (Application to vary Conditions 03, 11, 13, 15, 20 and 22 imposed by RB2014/1083 at Oakwood High School, Moorgate Road, Rotherham for Kier Construction), on the grounds of his very recent appointment as a member of the Governing Body of the School. Councillor Middleton did not participate in the discussion on this application and did not vote.

(3) Councillor Pitchley declared her personal interest in application RB2014/1567 (Erection of 12 No. dwellings with associated private gardens and parking at land at Aston Close, Aughton for Strategic Team Maintenance Company Ltd.), as a member of the Aston-cum-Aughton Parish Council; Councillor Pitchley stated that she had declared her interest when this application had been considered at the Parish Council meeting and had taken no part in the Parish Council's consideration of this application.

T70. MINUTES OF THE PREVIOUS MEETING HELD ON 29TH JANUARY, 2015

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday 29th January, 2015, be approved as a correct record for signature by the Chairman.

T71. DEFERMENTS/SITE VISITS

There were no deferrals nor site visits recommended.

T72. VISITS OF INSPECTION - INCREASE IN ROOF HEIGHT TO FORM TWO STOREY DWELLING HOUSE INCLUDING SINGLE STOREY REAR EXTENSION AND FLUE TO SIDE (AMENDMENT TO RB2014/0809) AT 20 MANOR WAY, TODWICK FOR MR. S. WILKINSON (RB2014/1296)

Further to Minute No. T67(5) of the meeting of the Planning Board held on 29th January, 2015, before the formal meeting of the Planning Board, Members of the Board made a visit of inspection to the above site (Ward representative Councillor Beck was also in attendance).

Consideration was given to the report of the Director of Planning and Regeneration Service concerning the application for planning permission to develop the Increase in roof height to form two storey dwelling house including single storey rear extension and flue to side (amendment to RB2014/0809) at 20 Manor Way, Todwick for Mr. S. Wilkinson (RB2014/1296).

In accordance with the right to speak procedure, the following people attended the meeting and spoke about this application:-

Mr. S. Elliott (on behalf of the applicant)
 Mrs. M. Brassington (owner of the subject property)
 Mr. and Mrs. Padgett (objectors - statement read out by Planning Officer)
 Mr. I. Newbold (objector)
 Mrs. C. Booth (objector - statement read out by Planning Officer)
 Mr. D. Clarke (objector)
 Mrs. S. Marsh (objector - statement read out by Planning Officer)
 Mrs. S. Jeffrey (objector)
 Mr. D. Wainwright (objector)
 Mrs. E. Taime (objector)

Resolved:- That the Planning Board declares that it is not in favour of application RB2014/1296 for the following reason, with the Chairman and the Vice-Chairman being authorised to agree the final wording of the reason:-

The Council considers that the proposed development would have an overbearing impact on the occupiers of neighbouring properties and reduce natural light to the rear garden areas, particularly of 22 Manor Way, Todwick. As such, the proposed development would be contrary to the advice contained in the National Planning Policy Framework.

T73. 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 people attended the meeting and spoke about the applications listed below:-

Erection of 21 No. dwellinghouses with associated works at land at The Crescent, Thurcroft for Michael Dyson Associates (RB2014/1511)

Mr. Dyson (on behalf of the applicant Company)
Councillor J. Swift (Borough Ward Councillor, speaking on behalf of objectors)
Mrs. J. Garrow (objector)
Mr. C. Stephenson (objector)
Mrs. J. Dashwood (objector)
Mr. W. Dashwood (objector)
Mrs. T. Barrass (objector)
Miss I. Grattan (objector)
Mrs. A. Thompson (objector)

Erection of 8 dwellinghouses with associated works at land at Millicent Square, Maltby (RB2014/1513)

Mr. Dyson (on behalf of the applicant Company - statement read out by Planning Officer)
Mr. T. Layden (objector)
Maltby Town Councillor J. Kirk (objector, on behalf of the Town Council)

Erection of 12 No. dwellings with associated private gardens and parking at land at Aston Close, Aughton for Strategic Team Maintenance Company Ltd. (RB2014/1567)

Mr. D. Lilleywhite (objector - statement read out by Planning Officer)
Mrs. C. Wilford (objector)
Mrs. L. Clark (on behalf of the Great Places Housing Group, supporting the application)

(2) That applications RB2014/1591, RB2014/1629 and RB2014/1666 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2014/1511 be refused for the reason set out in the submitted report.

(4) That the Planning Board declares that it is not in favour of application RB2014/1513 and the reason for refusal, as contained in the report now submitted, shall be duly amended to read as follows:-

The site is allocated as Urban Greenspace on the adopted Unitary Development Plan (UDP) and the loss of the Urban Greenspace, which is not clearly surplus to requirements and is in an area where existing private garden areas are limited in size, would be detrimental to the local community and the applicant has failed to demonstrate a scheme

whereby equivalent or improved provision of Urban Greenspace would be provided within the locality. As such, the proposals are contrary to Core Strategy Policy CS22 'Green Spaces' and to 'saved' UDP Policy ENV5.1 'Allocated Urban Greenspace', as well as the guidance contained within the National Planning Policy Framework.

(5)(a) That, with regard to application RB2014/1567, the Council shall enter into a Legal Agreement with the applicant to secure the contribution of £4,200 towards improvements to existing Urban Greenspace in the vicinity; and

(b) That, subject to the signing of the Legal Agreement, planning permission be granted subject to the conditions set out in the submitted report.

(6)(a) That, with regard to application RB2015/0064, the Council shall enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the same obligations as was previously secured through Planning Permission RB2014/1045; and

(b) That, consequent upon the satisfactory signing of such an agreement the Council shall grant permission for the proposed development subject to the conditions set out in the submitted report.

((i) Councillor Godfrey declared her personal interest in application RB2014/1567 (Erection of 12 No. dwellings with associated private gardens and parking at land at Aston Close, Aughton for Strategic Team Maintenance Company Ltd.), because as Cabinet Member for Safe and Attractive Neighbourhoods she had supported the sale of this Council-owned land to the Housing Association and thus has an interest in the eventual development of this application site. During the Planning Board's consideration of this matter, Councillor Godfrey left the room, did not participate in the discussion on this application and did not vote.

((ii) Councillor Middleton declared his personal interest in application RB2014/1629 (Application to vary Conditions 03, 11, 13, 15, 20 and 22 imposed by RB2014/1083 at Oakwood High School, Moorgate Road, Rotherham for Kier Construction), on the grounds of his very recent appointment as a member of the Governing Body of the School. Councillor Middleton did not participate in the discussion on this application and did not vote.

(iii) Councillor Pitchley declared her personal interest in application RB2014/1567 (Erection of 12 No. dwellings with associated private gardens and parking at land at Aston Close, Aughton for Strategic Team Maintenance Company Ltd.), as a member of the Aston-cum-Aughton Parish Council; Councillor Pitchley stated that she had declared her interest when this application had been considered at the Parish Council meeting and had taken no part in the Parish Council's consideration of this application)

T74. UPDATES

There were no items to report.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL
PLANNING REGULATORY BOARD

DEFERMENTS

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

SITE VISITS

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

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
12 MARCH 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.

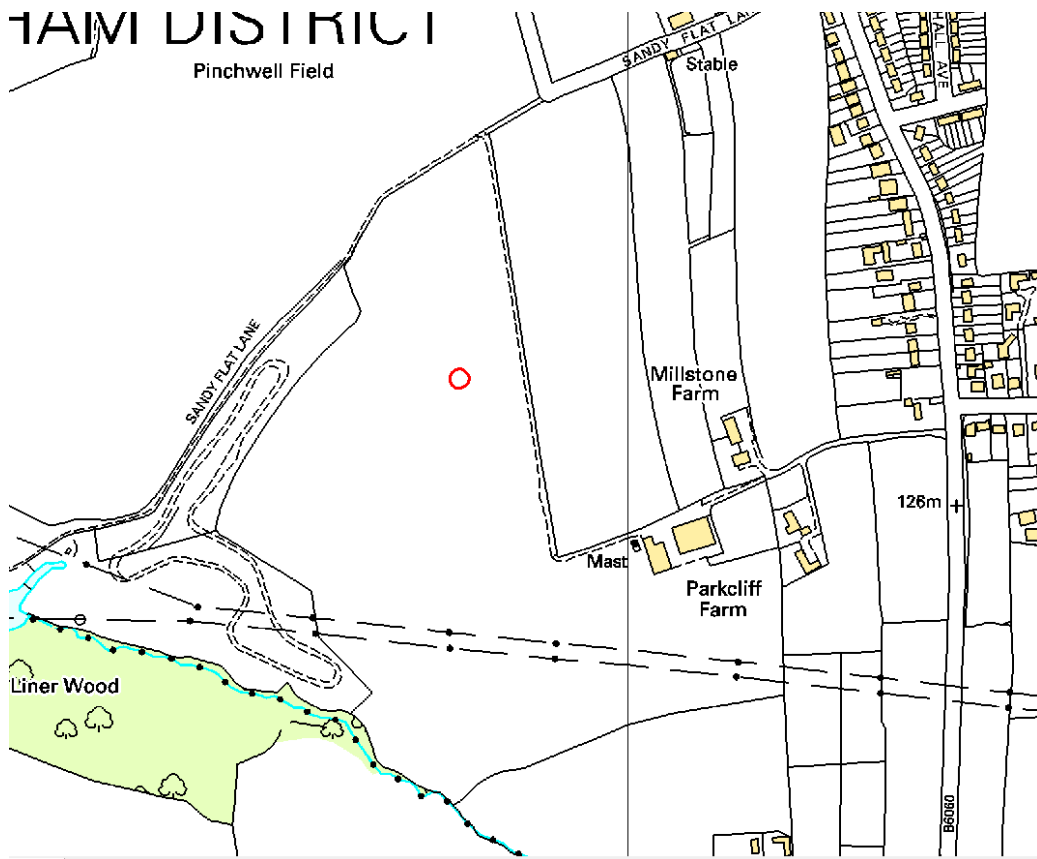
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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 12 MARCH 2015

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	RB2014/0727
Proposal and Location	Installation of 2 No. turbines (24.8m hub height and 34.5m tip height) land at Parkcliff Farm, Morthen Road, Wickersley, S66 1EA
Recommendation	Grant Conditionally



Site Description & Location

The application site forms an area of undulating agricultural land situated on the fringe of the urban area to the south of Wickersley, and is set within fields to the west of Morthen Road and north of Morthen Lane.

The site is accessed by an existing farm access taken off Morthen Road which comprises a metalled roadway shared between the existing Parkcliff Farm unit which contains 2 No. bungalows (Nos 1 & 2) and associated agricultural storage buildings and Millstone Farm (a dwelling and agricultural grain store). The access track beyond the existing Parkcliff Farm agricultural building turns into an unmade track having field boundary to the east side of the track formed from natural hedgerow. The farm track eventually joins Sandy Flat Lane to the north which is a definitive public right of way (Wickersley No.10), which eventually evolves into Pinchmill Lane which is the access track to Pinchmill Farm. Ultimately this access joins with Little Common Lane further to the west.

There is a 15 metre high telecommunications pole and associated equipment cabinets adjacent and to the west of the existing agricultural buildings at Parkcliff Farm surrounding fields are interspersed with electricity power lines comprising of both single and twin pole leg design with larger pylons set further to the south

Those residential properties located nearest to the application site include:

Millstone Farm – approximately 272 metres to the south east;
No. 166 Morthen Road, Wickersley – approximately 438 metres to the east;
'The Cloisters', Sandy Flat Lane – approximately 395 metres to the north east;
No. 7 Pinchfield Holt - approximately 470 metres to the north;
Pinchmill Farm (within the applicants ownership) - approximately 614 metres to the west; and
Cedar Cottage, Morthen Lane - approximately 537 metres to the south.

Background

RB1995/1076 - Application to determine whether prior approval is required for the siting and appearance re the erection of a cellnet antenna.
Prior approval not required 11-10-1995.

RB1976/0261 - Details of farm building.
Granted 26-05-1976.

As the hub height of the turbines exceed 15m, a screening opinion has been provided in respect of the requirement for an Environment Assessment. The proposed development falls within the description contained at paragraph 3(i) (Installations for the harnessing of wind power for energy production) of Schedule 2 to the 2011 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However the Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2011 Regulations, is of the opinion 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.

Proposal

The applicants (D & P. Parks) from Parkcliff Farm seek full planning permission for the installation of 2 No. 'Endurance E3120 model,' 50kW wind turbines sited approximately 51.5 metres distance apart and mounted on single poles at a hub height of 24.8 metres (to the centre point). The three blade rotor diameter is indicated to be 19.2 metres with the total height to the tip of the blade from ground level being 34.5 metres.

Further associated infrastructure comprises of concrete foundations (approximately 6 metres by 6 metres square by 1 metre in depth) along with a concrete base measuring some 3 metres by 3 metres square by 0.65 metres depth, and the establishment of an underground cable in order to make connection to the national grid.

The submitted documentation specifies that the turbine blades are constructed from fibreglass composite whilst the hub and tower would be constructed from steel. The turbine would be grey in colour using industry standard neutral matte finish paints designed to absorb light and blend into a dull grey cloudy background.

The Design and Access Statement (DAS) submitted in support of the application is broken down into a number of corresponding statements including the following:

- Green Belt Justification Statement.
- Landscape and Visual Impact Assessment.
- Loss of Agricultural Land.
- Neighbour Impact.
- Electromagnetic Interference.
- Proximity to Airports and Flight Paths.
- Heritage Assessment.
- Ecological Appraisal.
- Community Consultation.

In addition, a Noise Report and Assessment have been carried out.

The DAS within its introductory chapter identifies that there is a presumption in favour of renewable technologies and balanced against other main considerations to the point wherein significant weight should be attributed to this issue in line with government policy.

The statement notes the applicants have now retired from farming, with the majority (160 acres) of the farm land, rented to a local farmer. The DAS indicates that approximately 50 acres is farmed by the applicant's son and notes that the proposed turbines would introduce a different use but would remain linked to agricultural use of the land as it would harvest the natural resources of the land in the way much agricultural activities do.

The DAS does however acknowledge the farm has diversification elements with a 30 horse livery business at Parkcliff Farm, and fishing ponds located at Pinchmill Farm although no records of planning permission exists for these elements). These are in addition to the current production of hay and straw (forage business), still being undertaken from the existing agricultural fields.

The DAS further notes that the proposed wind turbines would offer a further diversification to the farm and would satisfy the energy demands by providing a source of renewable energy that would also allow the farm business to operate in a more environmentally and financially sustainable manner. The proposed turbines would be connected directly to the grid but would off-set the energy use by the business which the combined holdings amount to £6,964 per year.

The DAS further notes that from an operational viewpoint, the siting of the turbines requires maximum exposure to unobstructed wind flow conditions in order to achieve efficient operation. The exact location of the turbines has been chosen from both an operational/technical and visual impact perspective.

It additionally states that the UK has committed to EU renewable energy targets through Directive 2009/28/EC, regarding both energy produced from renewable sources and through reduction of CO2 emissions from the 1990 baseline. The proposed wind turbine development is expected to contribute a modest but nonetheless valuable contribution to renewable energy targets.

Green Belt Chapter:

This outlines that the application site is located within the Green Belt and as such is deemed to be inappropriate development, wherein inappropriate development harmful to the green belt should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations such as the wider environmental benefits associated with increased production of energy from renewable sources.

The report goes on to note that the increase production of energy from renewable sources demonstrate very special circumstances on why any harm to the green belt would be outweighed by the benefits. The turbines would have the capacity to generate a total of 110kW of renewable energy which is a significant proportion of renewable energy, and would offset the energy that is used at Parkcliff Farm. This significant contribution to renewable energy targets constitutes very special circumstances.

Landscape and Visual Impact Assessment Chapter:

In overall landscape issues, the DAS states that the proposed turbines at 34.5m in height would be visible, so to some extent would change the appreciation of the site within its surrounding rural context. Following requests from officers, additional photomontages have been submitted which assess more localised impacts of the turbines on the landscape/visual amenity.

It notes that the site lies on the edge of an Area of High Landscape Value and in the Map of Local Landscape Areas has been given a moderate-low sensitivity to development. It states therefore, that the introduction of the two proposed turbines must be assessed in light of the underlying characteristics that this character area has as well as the moderate-low sensitivity of this part of the Landscape Character Area.

The assessment notes that the proposed scale and location of the turbines in relation to Parkcliff Farm remains subservient to the pylons in the landscape, and they have sought to compliment the landscape character ensuring the pattern of human activity is related to existing human activity, rather than intruding into more open isolated parts of the landscape area. These proposed turbines are proposed to be agricultural scale turbines and at this scale and presence would result in a minimal impact on the key characteristics of the landscape.

Turning to the visual impact the DAS identifies the main visual influence of the turbines as being within the land found between the A631, M18 and the M1. Beyond this the

visual influence of the turbines begins to dissipate in all directions. Photomontages have been submitted with the application to show the turbines in situ from 19 viewpoints.

Due to the modest height of the turbines, in relation to larger commercial turbines, it is considered that the main views would be contained to more local scale. In this regard the document concludes that whilst there is some harm within the slight and moderate assessment categories this does not necessarily equate to unacceptable harm, and this must be balanced against policy expectations and guidance encouraging renewable energy.

There is a cumulative landscape impact as the proposed turbines could be viewed along with the existing larger turbines at the Penny Hill Wind Farm. It is considered that in this case the proposed turbines would result in a low magnitude of effect, both as an individual scheme and in terms of cumulative effects resulting in a slight adverse significant effect. The extent of this harm is contained to the local area around Wickersley. It is concluded that the proposed turbines would not significantly alter the character of the local landscape, and the general character of the landscape would be retained, albeit with the introduction of two visible wind turbines.

Loss of Agricultural Land:

This states that the area of the application site is limited due to the diameter of the turbines and subsequently, they would have a no more than negligible impact on the use of the paddock which would for the main part continue whilst the turbines are in operation.

Neighbour Impact Chapter:

In regards to shadow flicker the DAS notes that this is defined as obstructions to light incurred when the blades of the wind turbine cause light pollution when sited in close proximity to buildings, typically to the west or east of the turbine. It concludes that there is therefore no issue of residents being affected by shadow flicker at the site due to the location of the turbines and the distance to neighbouring properties.

On visual impact / amenity grounds the report concludes that in terms of visual impact from neighbouring properties, the turbines are unlikely to be overly dominant or prominent at this given the height of the turbines, their overall distance and orientation of the neighbouring properties.

Electromagnetic Interference:

This outlines that the wind turbine's switch gear has been fully tested to ensure compliance with the UK standards, thus ensuring that the main source of electromagnetic interference from other wind turbines is avoided. It states that the digital TV network in the UK is not affected by electromagnetic interference which was previously associated with analogue TV services and transmission stations. The scattering and disruption of signal is a rare occurrence in any event, associated with very large utility scale wind turbines and there have been no recorded instances of electromagnetic interference occurring from wind turbines less than 45m high. It concludes that subsequently, these wind turbines are unlikely to cause any electromagnetic interference in the area.

Proximity to Airports and Flight Paths:

The nearest commercial airport is Doncaster Sheffield (Robin Hood) Airport which is located to the north east approximately 20km away and given the distance to any main or small air field and having regard to the size of the wind turbines on this site, it concludes that the proposals would have no impact on flight paths or the operations of airports in the wider region.

Ecological Issues:

This states that the installation of the proposed wind turbines would not result in any direct habitat loss. Collision risk and disturbance displacement are therefore considered the two predominant effects likely to occur. Taking into account the habitats on site, given the relatively low height of the turbines in comparison with large scale wind turbines, it is considered that the risk of bird collision would be minimal. Comparably disturbance is likely to be contained to the micro scale around the turbines rather than from the wider area.

Natural England has produced a Technical Information Note TIN051 in light of the Eurobats Agreement, entitled 'Bats and Onshore Wind Turbines'. This report summarises the potential impacts of wind energy developments on bats and TIN051 recommends that wind turbines are unlikely to affect bat populations where a 50m buffer is maintained from foraging habitat. In this location the most likely foraging area are the hedgerows bordering the fields. The two wind turbines are positioned outside of the buffer zone required by Natural England and it is thus clear that the proposals would not result in any significant impact on possible bat populations.

Heritage Assessment:

Notes the nearest Heritage Assets are some 1km distance away from the proposed development and concludes the setting of this Asset is not unduly affected by the proposal. The report further identifies that no archaeological sites would be affected as part of the development proposals.

Community Consultation:

The report highlights that the correct procedures and community consultation have been undertaken in order that the application can be made valid and that the views expressed during the consultation exercise have been addressed as part of the application submission.

Noise Assessment Report:

The application was originally accompanied with a generic noise assessment based upon the model of turbine proposed, though following request from officers a more site specific assessment judged against the requirements of ETSU-R-97, "The Assessment and Rating of Noise from Wind Farms," has been submitted.

The ETSU-R-97 is guidance used to assess wind turbines and indicates that background noise levels be limited to the range 35dB(A) to 40dB(A) during the daytime

and 43dB(A) during the night time. It further notes noise levels at the nearest noise sensitive receptor should be limited to 5dB(A) above background noise levels.

The submitted noise assessment notes that an identical wind turbine has been assessed at differing wind speeds, and the tonal output from the Endurance E-3120 turbine has been determined to be not tonal, except at a wind speed of 6m/s where tones were identified. In respect of the cumulative effect of the turbines upon the amenities of the nearest residential property Millstone Farm, (located approximately 270m to the south east of the nearest turbine) the assessment concludes that noise emissions are unlikely to present a concern.

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'
CS21 'Landscape'
CS28 'Sustainable Design'
CS27 'Community Health and Safety'
CS30 'Renewable Energy Generation'

Unitary Development Plan 'saved' policy(s):

ENV1.2 'Development in Areas of High Landscape Value'
ENV2.2 'Interests outside Statutorily Protected sites'
ENV2.3 'Maintaining the Character and Quality of the Environment'
ENV3.7 'Control of pollution'
UTL3 'Environmental Impact of Service Installations'

Other Material Considerations

Climate Change Act 2008.

ETSU – R – 97: The Assessment & Rating of Noise from Wind Farms.

The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013.

RMBC Landscape Character Assessment (LCA) published in 2010.

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.

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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

Publicity

The application has been advertised by way of press notice and site notices posted in the immediate and wider vicinity of the site as the proposal represents a departure from the Unitary Development Plan. In addition, neighbour notification letters have been sent to occupiers of those properties considered to have an immediate outlook to the proposed development.

A total of 8 representations objecting to the originally submitted application details have been received from occupiers of properties on Morthen Road; Pinchfield Holt; Pinchwell View and Sandy Flat Lane raising in summary the following matters:

- The proposal will detract from the character of the area and the area of high landscape value.
- The proposal would be contrary to Green Belt policy.
- There is no ‘very special need’ for this wind farm on green belt land.
- South Yorkshire appears to be a current target for wind turbines/farms with Ulley, Marr and Hazlehead already successfully targeted. As such, South Yorkshire has probably achieved green targets and must protect the landscape.
- The proposals would increase noise pollution.
- The proposals would affect resident’s amenities through shadow flicker.
- The proposal would endanger birds and other wildlife.
- Wind turbines are over subsidised.
- The proposal would be inefficient.
- The proposal would spoil walks for local people and other countryside activities.
- Other avenues of renewable energy should be explored.
- The benefits of such a proposal would only be felt by the landowner.
- The proposal would set a dangerous precedent.
- The proposal would result in an unacceptable increase in vehicular traffic.
- The submitted documentation is insufficient and inaccurate.
- The proposal may be dangerous.
- The proposal may interfere with television, radio and phone signals.
- The proposal would detract from local property prices.

In addition to the above objections Wickersly Parish Council objected to the originally submitted proposals for the following reasons:

- As well as being Green Belt, the land is designated as 'High Landscape Value.'
- Approval would set a precedent which may lead to multiple applications from nearby landowners.
- The development does not fall within the current Unitary Development Plan.
- The planning application documentation 'Photomontage' appears to be somewhat biased/partisan. There are no photo points in the heart of Wickersley.

Following the re-advertisement of additional photomontages and the noise impact assessment report a further six letters of representation have been received from those residents originally objecting. In summary most of the above comments have been re-iterated with additional comments noting:

- Very little has changed other than the attempt to dismiss the comments and objections placed on record after the previous application.
- The consultants are paid to get planning permission so their view of the visual impact has to be regarded with some scepticism.
- The whole basis of their argument is that the government has set targets for renewable energy and will use this as leverage to get a satisfactory outcome to their application.
- There is little if any regard for the local environment.

Wickersley Parish Council has made further comment to the amended / additional information supplied stating:

- Unacceptable Adverse Effect on Amenity, Character and Appearance of the Landscape/Surrounding Area.
- The proposed location is firmly within an attractive area designated as 'High Landscape Value' (AHLV) and would have an unacceptable adverse impact on the openness, appearance and enjoyment of this area.
- AHLV is accessed readily via public footpath along Sandy Flat Lane and down to Pinch Mill Pond along with another public right of way, that runs towards York Lane at Morthen (approximately 120m from the proposed turbines).
- The boundary of Pinch Mill Pond (designated as a site of 'Known Interests Outside Protected Sites,') is only approximately 200m from the proposed turbines.
- This whole area is highly valued by the local community.
- The photomontages supplied are taken several kilometres from the site and seem to seek to minimise the impact on the local landscape.
- Photomontages fail to show the prominent impact of the turbines on the local Area of High Landscape Value.
- In addition, very many householders in Wickersley would have the views from their homes (across the Area of High Landscape Value to the skyline of the Peak District) impacted by the turbines.
- The proposal does not comply with Rotherham Core Strategy Policies CS21 'Landscape,' CS19 'Green Infrastructure,' CS22 'Green Spaces,' and CS30 'Low Carbon and Renewable Energy Generation.'
- Approval of wind turbines would set a precedent leading to multiple applications from nearby landowners in Wickersley. This would be highly undesirable in advance of the production of the Sites and Policies Document which will provide more detailed policies to guide renewable energy development.

- A sequential assessment should be taken which firstly rules out sites such as Parkcliff Farm within areas with policy constraints such as an Area of High Landscape Value.

Kevin Barron MP has written on behalf of a Morthen Road resident requesting that previously written views are taken account in the determination process.

The applicant and two objectors who live on Morthen Road have registered a 'Right to Speak' in regards to this application.

Consultations

Streetpride (Transportation & Highways Unit): Comment that the construction of the proposed turbines would result in a slight increase in traffic movements, however this has been clarified in terms of number and frequency of vehicles i.e. deliveries for concrete and turbine structures, and the construction traffic likely to be generated is unlikely to have a material adverse impact on the highway network. Further comment is made to the fact that once erected, the frequency of vehicles etc. for maintenance purposes is again considered unlikely to have a material adverse impact on safety issues to the highway network.

Streetpride (Rights of Way): Notes the presence of footpaths Wickersley 10 & 11 in the locality of the proposed development. However no objections are raised.

Streetpride (Ecology Development Officer): Comments that the proposed turbines are located in excess of the 54 metres required from hedgerows to meet the Natural England guidance in respect of bat protection matters. Additionally the nearest woodland is located some 200 metres distance from the proposed turbine location(s) again meeting the Natural England guidance.

Streetpride (Landscape Design): Comment that having assessed the submitted information i.e. predicted landscape and visual effects along with cumulative visual effects, it is not considered that the development will result in significant harm to the landscape and the (localised) visual effects arising from this development are not considered significant.

Neighbourhoods (Environmental Health): Raises no objections to the proposals on noise and residential amenity issues subject to the recommended conditions.

South Yorkshire Archaeology Service (SYAS): Comment that photographic evidence of adjacent fields have recorded the presence of cropmarks relating to an Iron Age/Romano-British enclosure and a feature within the wider area, comprising earthworks relating to post-medieval ridge and furrow. It is therefore reasonable to assume that the features will extend into adjacent fields, including the area proposed for these turbines.

SYAS consider there is, therefore, potential for important remains to exist on this site and their survival is likely to be good due to a lack of previous disturbance. Groundworks associated with the development could damage or destroy finds and features of potential archaeological importance. As such, a scheme of archaeological work is required to ensure any remains present on this site are recorded, and as

mitigation it is recommended that an archaeological investigation be carried out, which can be controlled via the imposition of the recommended conditions.

Civil Aviation Authority (CAA): Comment that it has no responsibilities for safeguarding sites other than its own property, and Councils are reminded of their obligations to consult in accordance with ODPM / DfT Circular 1/2003, and in particular to consult with NATS and the Ministry of Defence as well as any aerodromes listed in Annex 3 of the above document, taking note of appropriate guidance and policy documentation. Should the Council be minded to grant consent to an application despite an objection from one of the bodies listed in the circular, then the requisite notifications should be made.

Ministry of Defence (Defence Infrastructure Organisation Safeguarding): Raises no objections subject to the recommended condition in respect of the acquiring details over the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of every turbine.

National Air Traffic Service (NATS): Raises no objections.

Robin Hood Airport: Raises 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) TCPA 2004.

The following considers all material planning considerations relating specifically to wind turbines having regard to both National (including those set out under the recently issued paragraph 14 of the NPPG) and Local Planning policies and any other issues raised through objections received paying particular regard to:

- The principle of the development within the Green Belt (including openness);
- Landscape and visual impacts, including cumulative impacts;
- Residential amenity impact i.e. noise; visual prominence; effects of shadow flicker and reflected light;
- Risk to ecology;
- Impact on Heritage assets / archaeology;
- Highway safety issues;
- Very special circumstances;
- Other matters raised by residents

Principle of Development:

The proposed turbine is located in the Green Belt and Core Strategy Policy CS4 'Green Belt' states: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy."

Paragraph 79 to the NPPF notes "the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and such development should not be approved, except in very special circumstances. Such very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 91 of the NPPF states that "When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with the generation of energy from renewable sources."

In respect of the impact on the openness of the Green Belt it is considered that by introducing these structures into the Green Belt there would clearly be an impact upon openness and therefore the proposals clearly represent inappropriate development and, as such, very special circumstances need to be demonstrated to overcome the harm caused and these are discussed further below.

Landscape and visual amenity, including cumulative impacts:

Summary of landscape effects:

The impact of the proposed wind turbines on landscape character is a key consideration for a development of this size given its location in this predominantly rural setting on the edge of Wickersley.

The sensitivity of a landscape to accommodate change varies according to the existing landscape, the nature of the proposed development and the type of change being proposed. In general terms, areas of high landscape quality are more sensitive to change than areas of lesser quality and value. The assessment of sensitivity is considered against the value, quality and capacity of the landscape. It should also be noted that, in the case of wind turbine development, it is not a clear cut matter to determine whether or not a change in views should necessarily be regarded as an adverse or positive effect, because of the wider varying responses of individuals to this form of development. The perception of the viewer influences whether a significant visual effect would constitute acceptable change to the landscape.

Taking the above into account, the area to which the proposed turbines are to be sited has no formal national or regional designation, this does not mean that developments that would unacceptably affect its character or have an undue visual impact should be permitted.

The nearest national designation to the proposed site is the Peak Park which is located at its closest point some 18 kilometres distance to the west. By virtue of the long range

views achieved both from within and towards the Peak Park coupled with the height of the turbines proposed, it is not considered that they would unduly affect the setting of the National Park in this respect.

In assessing the predicted effects on the landscape, the applicant needs to identify the components of the landscape likely to be affected by the development, (these are referred to as Landscape receptors). These components include the key characteristics of the landscape, individual elements or features, specific aesthetic or perceptual aspects and the overall character, and the landscape effects should consider, as appropriate, direct, indirect, secondary, cumulative, short, medium and long term, permanent or temporary, positive and negative effects.

Landscape effects are typically described as follows:

- A change in, and/or partial or complete loss of elements of features or aesthetic or perceptual aspects that contribute to the overall character and distinctiveness of the landscape.
- The addition of new elements or features that will influence the character and distinctiveness of the landscape.
- The combined effects of these above losses or additions on the overall character.

All of the above elements are set out in the submitted Landscape Visual Impact Assessment (LVIA) which includes photomontages to illustrate the likely impact these turbines would have on the surrounding landscape and visual amenity.

The applicant has also included a Zone of Theoretical Visibility (ZTV) which indicates, in theory, where the turbines may be seen. This covers an area which extends to a maximum of approximately 10 kilometres from the site. However, visibility will obviously vary due to atmospheric conditions.

In regards to local landscape designation, as identified by both residents and the Wickersley Parish Council alike, the site does fall within the 'Area of High Landscape Value,' as defined in the UDP. 'Saved' UDP Policy ENV1.2 'Development in Areas of High Landscape Value,' notes that: "In Areas of High Landscape Value, development other than for agriculture will only be allowed where it will not result in a significant, and permanent adverse impact on the landscape." It further goes on to note that: "Strict control will be exercised over any development that does take place to ensure that the visual character of these areas is not affected."

Core Strategy Policy CS21 'Landscape,' further notes that: "New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. This will be achieved through the principles set out below:

- a. All new development proposals will be required to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- b. Within Areas of High Landscape Value, development will only be permitted where it will not detract from the landscape or visual character of the area and where appropriate standards of design and landscape architecture are achieved.

- c. Significant landscape features, important views including landmarks and skylines will be safeguarded and enhanced. Proposals that reduce the negative visual impact of landscape detractors will be encouraged.”

The NPPF notes at paragraph 109 that: “The planning system should contribute to and enhance the natural and local environment by (amongst others):

- protecting and enhancing valued landscapes...”

In addition to the above, a description of local landscape areas and the assessment of the sensitivity of these landscapes to change, and their capacity to absorb change, are provided by the RMBC Landscape Character Assessment (LCA) published in 2010. The LCA considered this character area as being of ‘moderate strength of character but in poor condition,’ and of ‘Moderate to Low sensitivity to change.’

The same study sets out the key characteristics of this character area, namely, undulating landform, woodland blocks (Wickersley & Listerdale) and panoramic wide angled views towards the south west horizon of Sheffield.

The applicant describes in the submitted Landscape and Visual Impact Assessment (LVIA) that the turbines will result in minimal direct loss of agricultural land where the turbines are proposed to be located. They go on to assess that the turbines would not remove any of the key characteristics of the character area, the undulating landform would not be altered or lost, there would not be any loss of woodland, hedgerows or other significant vegetation.

The effect of the turbines are further described by the applicant as the introduction of two additional vertical elements within a landscape which already contains a number of vertical emphasis elements i.e. electricity pylons, the existing telecommunications mast, with all the key landscape features of the character area remaining, punctuated by the presence of the two turbines.

In assessing the submitted details, the turbines would be prominent when viewed at close range from certain locations i.e Sandy Flat Lane, Pinchfield and Morthen Road areas along with Morthen Lane, and would have some detracting effect on the enjoyment and appreciation of panoramic views towards Sheffield from some locations. But given the scale of the turbines and the temporary nature of the effects it is considered that the associated visual impacts when viewed from these locations would diminish with distance and is therefore limited and not considered notable.

Taking account of the above, it is considered that the introduction of the turbines, along with the assessment carried out which categories this development to be of a magnitude of change of ‘low,’ and the Moderate to Low sensitivity of the site and its character area, it is considered that the proposed turbines would have a predicted ‘Slight Adverse Effect’ on the Landscape. Overall, having considered the predicted landscape effects in detail, it is not considered that the proposed development would have a significant harm to the landscape.

Summary of visual effects:

As part of the LVIA a series of high quality visuals have been submitted from numerous vantage points and locations surrounding the site, with additional vantage points requested by officers during the course of the application.

As the visuals show, it is inevitable with the development of tall and moving structures that some significant visual effects are likely to occur. However, it is considered that the visual effects of the proposed development will be of a localised nature and that they will only occur where a clear line of sight to the turbines can be achieved, and at a relatively close range. Beyond the immediate locality of the proposed development, it has been found that the proposed turbines, whilst remaining visible in some views, would not be a defining feature but would appear as a relatively small element within the wider composition.

The site, notwithstanding its rural setting is however set on the fringe of Wickersley within undulating fields and has a backdrop of residential properties on slightly higher ground to the site when viewed to the north and east with the existing farm buildings to the east and south along with the existing vertical elements within the landscape in the form of pylons and telegraph poles, which provide elements of a mitigation when viewed from distant locations.

With this in mind, although there is nothing present on the vertical scale as the turbines proposed, when assessing the impact on openness it is considered that the minor footprint of the turbines would be less imposing on the landscape and on openness in comparison to other built form in the locality.

The visuals provided show that the most notable adverse visual effects from the proposed turbines are likely to be experienced within 1 kilometre of the development. This includes Viewpoint 2 - Morthen Hall (895m from site), Viewpoint 17 – Quarryfield/ Sandy Flat Lane (438m) & Viewpoint 18 – Pinchwell Farm & Sandy Flat Lane (436m). In assessing the harm, the Council's Landscape Architect notes that a number of these vantage points to the west and south are at a lower level which means views of the turbines are against the backdrop of the undulating fields rather than above the horizon if the turbine were sited upon a ridge, with those to the north being on higher ground meaning views being level or looking down upon the turbines. Additionally, the visual effects of the turbines are limited to within the immediate locality and the visual effect diminishes with distance from the development, with the visual effects at the viewpoints between 1 - 2.5 kilometres being described as slight adverse or nil effect.

In assessing the overall visual impact this is considered to be 'Moderate Adverse,' with the worse case views likely from some residential properties along Morthen Road, along with some in the Quarryfield and Churchfield areas of Wickersley. However it is not considered given the semi urban fringe of the landscape in this locality that the proposal would result in a development of significant harm to visual amenity.

Summary of Cumulative landscape/visual effects:

Cumulative impact is another consideration. Government guidance in the recently issued NPPG is that cumulative landscape impacts and cumulative visual impacts are best considered separately.

Cumulative landscape impact is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the

landscape and, taking account of the fact the proposed development is only proposed for a limited timeframe i.e. 25 years, the degree of its permanence within the landscape is not considered to be significant or such a defining characteristic of the landscape.

In assessing the overall cumulative visual effect, such a situation may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. In this case there are no other similar proposals either constructed, planned or with extant permissions in the immediate locality of this site.

Taking account of the fact that the application site is set some considerable distance from the public highway, the only public vantage points are from footpaths (Wickersly Nos. 10 & 11) and is likely to be experienced by users of Sandy Flat Lane and a limited number of properties represented by Viewpoint 17, where views of the development will be visible in combination and with the backdrop of Penny Hill Wind farm. As a whole it is considered unlikely the scheme as proposed would lead to an undesirable grouping of turbines that cumulatively would be detrimental to the character of the visual landscape to warrant a refusal on this ground alone, particularly as the effects of such having been assessed are described as a 'moderate adverse' visual effect which will be experienced by a limited number of receptors and within close proximity to the development site (less than 1 kilometre distance).

Having carefully considered the predicted visual effects (including the cumulative visual effects), the Council's Landscape Architect notes that whilst the development will result in some moderate adverse visual effects, these occur in close proximity to the development and are no more than locally important.

In conclusion it is not considered that the landscape and visual effects arising from this development are significant and as such comply with 'Saved' UDP Policy ENV1.2 'Development in Areas of High Landscape Value,' Core Strategy Policy CS21 'Landscape,' and the advice contained within the NPPF and the NPPG.

Impact on the setting of heritage assets and archaeology:

'Saved' UDP Policy ENV2.8 'Settings and Curtilages of Listed Buildings,' notes that: "The Council will resist development proposals which detrimentally affect the setting of a Listed Building or are harmful to its curtilage structures in order to preserve its setting and historical context."

Within the preamble to the above policy, there is no classification as to what defines the setting of a Listed Building, however the Council has a duty under Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act, 1990, to pay special regard to the desirability of preserving the setting of a Listed Building when considering the impact of planning applications.

The NPPF at paragraph 17 notes 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. These 12 principles are that planning should (amongst others):

- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.”

Paragraph 128 to the NPPF further notes: “In determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

Paragraph 132 further states: “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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification,” and: ...“Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Taking the above into account, the setting of a heritage asset relates to the surroundings within which the heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of the setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate the significance or may be neutral. The setting of an asset does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance from a heritage asset. The relationship between neighbouring heritage assets may also extend what might previously have been understood to comprise setting as outlined in *The Setting of Heritage Assets (2011) – English Heritage Guidance*. The guidance is clear when it states that the setting of historic assets will include, but generally be more extensive than, its curtilage.

As part of the submitted Design & Access Statement (DAS), the applicant has undertaken a review of the heritage features in the locality which identifies the majority of these assets are grade II Listed Buildings which tend to have a smaller setting limited to their curtilage and immediate public realm and concludes that: “There are none of these grade II Listed Buildings which would have indirect effects of a substantial level.”

In assessing this issue, the closest asset within 1 kilometre of the proposed turbines is Morthen Hall (grade II Listed Building) which is located approximately 895 metres to the south of the proposed turbines and is already set within an undulating landscape that contains several built features (power lines, residential dwellings and other agricultural buildings). The submitted LVIA indicates that distant direct views of the turbine from the Hall or from within its grounds would be possible, however taking account of the relatively slimline design of the wind turbines in an isolated position clearly detached from the curtilage of this Listed Building and its setting, the historic interest of this building would not be unduly affected by this proposal.

On the matter of archaeology, ‘Saved’ UDP Policy ENV2.3 ‘Maintaining the Character and Quality of the Environment,’ notes that: “In considering any development or other proposals which would unavoidably damage an existing environmental interest, prior to

determining a planning application, the Council will require the application to be supported by adequate survey, evaluation, recording and, where appropriate, details of renovation or repair of historic fabric and rescue or relocation of features or species of particular merit. Damage to the existing environmental interest should be reduced to a minimum and, where possible, the interest which is retained should be enhanced. In addition there must be adequate compensation for any significant losses through landscaping, habitat creation or other environmental enhancement.”

As part of the submitted Design & Access Statement (DAS), the applicant has undertaken a review of archaeological features within 500 metres of the site which reveals two areas:

1. A probable Iron Age/ Roman rectilinear enclosure is visible as a cropmark on air photographs; and
2. A post medieval mill pond is visible as an earthwork on air photographs.

The DAS concludes that: “both lie outside of the application site reducing the risk. Nevertheless, if any findings are discovered during ground work appropriate steps as required will be taken to ensure that no damage occurs.”

The South Yorkshire Archaeology Service (SYAS) concur with the above findings, commenting that photographic evidence of adjacent field records the presence of cropmarks relating to an Iron Age/Romano-British enclosure and a feature within the wider area, comprising earthworks relating to post-medieval ridge and furrow.

SYAS consider it is reasonable to assume that features will extend into adjacent fields, including the area proposed for these turbines and there is, therefore, potential for important remains to exist on this site and their survival is likely to be good due to a lack of previous disturbance. Groundworks associated with the development could damage or destroy finds and features of potential archaeological importance. As such, a scheme of archaeological work is required to ensure any remains present on this site are recorded, and as mitigation it is recommended that an archaeological investigation be carried out and this can be controlled via the imposition of the recommended conditions.

Taking account of the above it is considered that in both heritage asset and archaeological terms, the proposal accords with ‘Saved’ UDP Policy ENV2.8 ‘Settings and Curtilages of Listed Buildings,’ and ENV2.3 ‘Maintaining the Character and Quality of the Environment,’ along with the advice contained within the NPPF and the NPPG.

Impact upon residential amenity:

Effect of noise:

‘Saved’ UDP Policy ENV3.7 ‘Control of Pollution,’ states: “The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

Planning permission will not be granted for new development which:

- i. is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards,

- Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place, or
- ii. would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects arising from existing industries, utility installations, major communication routes or other major sources.”

Core Strategy Policy CS27 ‘Community Health and Safety,’ notes that: “Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.

Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality.

New development should be appropriate and suitable for its location. Proposals will be required to consider the following factors in locating and designing new development:

- a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability.”

The NPPF at Paragraph 123 states: “Planning policies and decisions should aim to:

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

Renewable technologies may generate small increases in noise levels (whether from machinery such as aerodynamic noise from wind turbines, or from associated sources - for example, traffic). Local Planning Authority’s should therefore ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels.

The application was originally accompanied with a generic noise assessment relating to the type of Endurance turbine supplied by the manufacturer and the Council’s Environmental Health Service initially raised concerns over its content as there was no indication of the likely impact from the turbines upon the nearest sensitive receptors and no information existed in regards to the cumulative effect of the proposed turbines.

A supplementary noise assessment has therefore been forwarded for consideration based upon the 1997 report by ETSU (ETSU–R-97 ‘The assessment and rating of noise from wind farms,) compiled for the Department of Trade and Industry, which is used to assess and rate noise from wind energy development and gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours.

It should be noted that it is not the intention of the above guidance to seek to ensure that turbines are inaudible at noise sensitive properties. Its purpose is to ensure turbine noise is restricted to an acceptable limit.

ETSU–R-97 further recommends that: “noise levels at the nearest noise sensitive receptor should be limited to 5dB(A) above background noise levels, and that for locations with very low noise levels, ETSU–R-97 additionally recommends that noise levels be limited to the range 35dB(A) to 40dB(A) during the daytime and 43dB(A) during the night time.”

Furthermore, ETSU–R-97 comments that: “...where there are very large separation distances between the turbines and the nearest noise sensitive property, ETSU–R-97 considers that an absolute noise limit for the wind turbine of 35dB LA90, 10min offers sufficient protection to amenity such that no measurement of actual background noise is required. ETSU–R-97 considers that for the purposes of calculation the LA90, 10min can be considered to be 1.5 to 2.5dB below the LAeq at the same position.”

ETSU–R-97 further remarks that: “Where a property is under the ownership of persons considered to have a ‘financial interest’ in the development of the wind turbine the lower fixed limits at the property due to the operation of the turbine can be increased to 45dB daytime and night time, with consideration given to higher limits above background noise level where the occupier has a financial involvement.”

Taking account of the above, the revised noise assessment identifies three properties as the nearest sensitive receptors; two of which are located at Parkcliff Farm some 325 – 365 metres distance from the two turbines, and the third at Millstone Farm being located some 270 - 275 metres distance. It is noted that the applicant has a ‘financial interest’ in the two properties at Parkcliff Farm, which are occupied by relatives of the applicant (who resides at Pinchmill Farm)..

Taking the above into account the summary into the calculated noise levels and comparison with the ETSU–R-97 guidance is set out below:

Receptor	Combined Noise Level (LAeq)	Combined Noise Level (L90)
Parkcliff Farm - 1	40.1	38.1
Parkcliff Farm - 2	39.7	37.7
Millstone Farm	41.9	39.9

The report summary concludes that:

For the Financially Interested properties (i.e. Parkcliff Farm):

- The calculated turbine noise levels are below the daytime and night time noise criteria recommended by ETSU.
- It is considered that the predicted noise levels from the proposed turbines will satisfy all of the noise limits specified by ETSU at these properties.

For the Noise Sensitive Receptor property (i.e. Millstone Farm):

- The calculated turbine noise levels are within the daytime and below the night time noise criteria recommended by ETSU.
- It is considered that the predicted noise levels from the proposed turbines will satisfy all of the noise limits specified by ETSU at this property.

Overall, having assessed this revised ETSU–R-97 report the noise levels at the three nearest properties are within the recommendations set out within ETSU-R-97 guidelines. The Council’s Environmental Health Service have raised no objections with its findings subject to the imposition of recommended conditions.

Taking account of the above, it is considered that the proposals accord with Core Strategy Policy CS27 ‘Community Health and Safety,’ UDP Policy ENV3.7 ‘Control of Pollution,’ along with the advice contained within the NPPF and the NPPG.

Visual amenity:

In assessing this matter, recent appeal decisions particularly in relation to wind turbine developments note that: “The outlook from a private property is a private interest, not a public one,” and...“The public at large may attach very different value judgements to the visual and other qualities of wind turbines than those who face living close to them.” Equally it is further noted that in general amenity terms people pass through a diverse variety of environments when going about their daily lives, whether by car or when using the local rights of way network.

In terms of the effect of the proposed development upon the surrounding properties it is acknowledged that, although a degree of visual impact is inevitable due to the number, size and proximity of the proposed development, the determining factor in this regard is whether the proposed turbines represent an “unpleasantly overwhelming and unavoidable presence in main views from a house or garden,” and as to whether there is: “...every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live,” as described in the ‘Enifer Downs Farm,’ appeal (APP/X2220/A/08/2071880) – and often quoted as the ‘Lavender’ decision.

In site specific terms the properties to the north on Pinchfield Holt are set at a higher level to the application site and along with those dwellings on Sandy Flat Lane to the north east have a slightly elevated position compared to the level of the field upon which it is proposed to locate the proposed turbines and are positioned at some 395 metres and 470 metres away respectively.

Turning to the properties on Morthen Road to the east, again these properties are set again on slightly higher ground in comparison to the application site and taking account the juxtaposition of dwellings upon the plot and the relationship with the turbines would be in the region of 438 metres distance to the east.

The closest residential property to the east is Millstone Farm being located some 270 metres from the base of the nearest turbine on slightly higher ground and having the most direct view. Further residential properties to the south along Morthen Lane can be found at a distance of some 537 metres and are set at lower levels across undulating fields and also have the existing agricultural buildings separating views of the turbines from these properties.

With this regard it is noted that views of the proposed turbine from the nearest residential properties would be possible and more limited views of the turbines would be gained at longer distance from properties within the wider surrounding area. However due to the turbines’ position and separation from surrounding residential properties, it is

considered that they would not appear as an overly dominant feature when viewed from these locations.

Shadow flicker and reflected light:

Shadow flicker resulting from wind turbines is difficult to predict and depends on a number of factors such as distance from the turbine, time of the year, turbine height, rotor diameter etc. However, it is generally recognised that this phenomenon occurs for very limited periods, typically for a few minutes at certain times of the day during short periods of the year.

Current National Planning Practice Guidance indicates that only properties within 130 degrees either side of north, relative to a turbine can be affected at these latitudes in the UK. Previous guidance advised that flicker effects have been proven to occur only within 10 rotor diameters of a turbine. In this case this represents a distance of approximately 192 metres.

The nearest residential properties to the north on Pinchfield Holt and Sandy Flat Lane to the north east are those most likely to be located within the 130 degree zone described above, however as they are respectively located at some 395 metres and 470 metres distance and therefore beyond the advised distance, it is considered that given the significant separation that the proposed turbine would not have a detrimental impact on residential properties in terms of shadow flicker.

Turbines can also cause flashes from reflected light and whilst it is not possible to eliminate this phenomenon altogether it can be ameliorated by the use of a matt finish on the turbine blades. This type of finish can be controlled via the imposition of the recommended condition and therefore would help to mitigate such effects.

In light of the above it is concluded that the proposed turbine would not cause detrimental shadow flicker or cause light reflections to surrounding residential properties.

Risk to ecology:

'Saved' UDP Policy ENV2 'Conserving the Environment,' states that "In considering any development, the Council will ensure that the effects on the wildlife, historic and geological resources of the Borough are fully taken into account. In consultation with the relevant national agencies and local interest groups, the Council will ensure the protection of these resources while supporting appropriate development which safeguards, enhances, protects or otherwise improves the conservation of heritage interests. The Council will only permit development where it can be shown that:

- (i) development will not adversely affect any key environmental resources,
- (ii) development will not harm the character or quality of the wider environment, and
- (iii) where development will cause environmental losses, these are reduced to a minimum and outweighed by other enhancements in compensation for the loss."

'Saved' UDP Policy ENV2.2 'Interest outside Statutorily Protected Sites,' further notes that: "Proposals which would adversely affect, directly or indirectly, any key species, key habitat, or significant geological or archaeological feature, will only be permitted where it has been demonstrated that the overall benefits of the proposed development clearly outweigh the need to safeguard the interest of the site or feature.

In addition paragraph 118 to the NPPF notes that: “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”

In evaluating the application it is important to consider their location in terms of potential impact on wildlife, particularly protected species.

The Council’s Ecologist has considered the submitted information and noted the potential for impact on bat species and the 50 metre (minimum) buffer distance to existing hedgerow as contained within the originally submitted Design and Access Statement. The Ecologist considers, in line with Natural England calculations for suitable buffering of hedgerows and other habitats used by bat species, that this distance (between hedgerow and turbine) be increased to 54 metres so as to minimise the likelihood of collision or disturbance. The applicant has confirmed that a 54 metre buffer can be achieved with the siting of the turbines as originally submitted and therefore the Council’s Ecologist does not raise issue with regards to this matter.

In considering the application further, the Council’s Ecologist comments that: “wind turbines also have the potential to adversely affect bird species, noting, however, that increasing evidence considers that small scale turbines have limited adverse impact.” As the proposed development site is not designated for wildlife interest connected to bird species presence and no significant bird species records are held for the site and the surrounding area contains alternative bird nesting and foraging habitats it is concluded on this matter that the proposed development will not have a significant adverse impact on bird species.

The impact of the proposed development has further been assessed in light of the comment raised from the objectors with regards to the proximity of the turbines to Pinchmill Ponds and Liner Wood to which upon further assessment the Council’s Ecologist comments that these sites are insufficient in data to assess if it meets local wildlife site status. Whilst it may be likely to be of ecological interest these areas would not necessarily be affected by the proposed turbines - particularly as the woodland is more than 200 metres from the turbine location. With this in mind it is considered to meet the Natural England guidance and therefore the Council’s Ecologist does not raise issue with regards to this matter.

It is therefore considered that this proposal would not adversely affect local ecology and therefore accords with ‘Saved’ UDP Policies ENV2 ‘Conserving the Environment,’ and ENV2.2 ‘Interest outside Statutorily Protected Sites,’ as well as the advice within the NPPF.

Impact on public rights of way / highway safety issues:

Public rights of way:

The turbines as applied for would be located approximately 476 metres away from Morthen Road to the east, and approximately 139 metres from footpath no. 11 Wickersley to the west and approximately 208 metres from footpath no. 10 Wickersley to the north.

Whilst not defining a safe separation distance from public rights of way or the non-strategic road network using a guide, the document 'The Strategic Road and the Delivery of Sustainable Development' indicates that the Highways Agency seeks a set back distance from the strategic highway network of the overall turbine height plus 10% for turbines up to 50kW which in this case would equate to 37.9 metres. Given the distances set out above, the proposed turbine is located well beyond these distances. Streetpride (Rights of Way) have noted the presence of the above footpaths in the locality of the proposed development, however no objections are raised.

Highway safety:

The Council's Streetpride (Transportation & Highways) Unit having assessed the position and scale of the development proposed concludes that the turbines as proposed would not cause significant distraction to drivers on the adjoining roads.

In respect to the impact of the proposed turbines on the functioning of the highway network would not be significant as access to the site during construction and future maintenance will be taken through the existing farm access off Morthen Road (which is currently used by farm equipment accessing the site).

The applicant has provided expected duration for construction and installation and having sought clarity on this matter in terms of number and frequency of vehicles i.e. deliveries for concrete and turbine structures, and the construction traffic likely to be generated, the Council's Streetpride (Transportation & Highways) Unit consider that this would have minimal impact on the local highway network and would not significantly compromise other road users.

As such no objections to the proposals on highway safety grounds are raised.

Aviation safeguarding and local and national infrastructure:

Aviation safety and local and national infrastructure are important considerations for wind turbine developments. A number of consultees have assessed the potential impact of the development on aviation and local and national infrastructure. No objections are raised by any of these consultees,

In terms of Defence Operations the guidance acknowledges that turbines can affect Ministry of Defence Operations and provides minimum consultation requirements. Given the height of this proposed turbine the MoD have been directly consulted. They have advised that the principal safeguarding concerns with respect to the development of wind turbines relate to their potential to create a physical obstruction to air traffic movements, and their potential to cause interference to air traffic control and air defence radar installations. Having considered the details of this submission they would have no objections but have requested that they are advised of construction dates and any changes to the scheme particularly in relation to the height. It is considered that this request can be controlled by condition, subject to which the proposal would not significantly impact on MoD operations.

Consequently, the application is not considered to present a danger to aircraft flying in the vicinity of the site or air traffic control systems, no control systems for local and national infrastructure.

Very special circumstances:

As noted above, the proposed turbines are considered to represent inappropriate development in the Green Belt, and they also have an impact on the openness of the Green Belt in this location.

Paragraph 91 to the NPPF notes that: “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

Paragraph 93 to the NPPF further advises: “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

Paragraph 98 states that: “When determining planning applications, Local Planning Authorities should (amongst others):

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small – scale projects provide a valuable contribution to cutting greenhouse gas emissions.”

Currently there is a UK commitment to source 15% of its energy from renewable sources by 2020 alongside targets introduced by the Climate Change Act 2008 to reduce carbon emissions by 80% below 1990 levels by 2050.

In this instance it is unclear from the submitted proposals as to how much of the electricity produced would facilitate the current farm particularly as it would seem there are a number of activities upon the farm which whilst could be considered to be a form of diversification i.e. livery and recreational fishing.

However notwithstanding this matter, if fed directly back into the grid the turbines as proposed would be expected to cumulatively generate a maximum of 225,482kW hours of electricity per year, which would be equivalent to the demand of approximately 62 households, saving approximately 97 tonnes per annum of carbon dioxide.

The information above is considered to represent the applicant’s very special circumstances and it is considered that the benefits achieved from the generation of renewable energy in this location (and for the farming diversification business), clearly outweighs its impact (harm) to the Green Belt by reason of inappropriateness and its impact on openness in this location, as well as the limited impact on the landscape and visual amenity.

Other matters raised by residents:

Precedence:

Any further turbines would require a separate planning application to be submitted and considered and therefore go through the normal planning process based on the specifics of the sites in question. Each case must be considered on its own merits.

Ice throw:

In terms of ice throw there is a significant distance between the proposed turbine and the nearest residential properties of around 270m. It is noted that the nearest public footpath is located approximately 139m from the turbine. Previous guidance in the companion guide to PPS22 indicated that ice build-up on blades was unlikely to present problems on the majority of sites in England as particular weather conditions are required. The NPPG does not reiterate this guidance or provide other guidance about the issue of ice build-up. Nonetheless the applicant has confirmed that the turbine is of high specification and is designed for use in remote and isolated locations.

The height of the turbine would provide limited trajectory in the rare event of ice build up on the blades and would not be sufficient to allow for ice to reach the nearest public right of way or building. It is considered that it cannot reasonably be concluded that the issue of ice throw would present a public safety risk.

Electromagnetic transmissions:

The guidance contained in the NPPG states that wind turbines can potentially affect electromagnetic transmissions (e.g. radio, television and phone signals). Specialist organisations responsible for the operation of electromagnetic links typically require 100m clearance either side of a line of sight link from the swept area of turbine blades. OFCOM acts as a central point of contact for identifying specific consultees relevant to a site. Although OFCOM have not been consulted they have offered guidance to the applicant at pre application consultation stage but raise no specific objection to the proposed development. There is no evidence to suggest that electromagnetic transmissions would be effected and it is therefore considered that the refusal of the application cannot be justified on these grounds.

Connectivity:

‘Saved,’ UDP Policy UTL3 ‘Environmental Impact of Service Installations,’ states: “The Council will seek to ensure that the utility companies and agencies avoid or, where this is not possible, minimise the adverse landscape and environmental impacts of transmission lines, installations and other similar apparatus.”

In this respect the application indicates that the scheme will involve the establishment of an underground cable in order to make connection to the national grid to which in this respect it is considered that this would meet the requirements of the above policy.

Decommissioning:

The applicant states that subject to there being no further planning application to extend the duration of any permission, decommissioning will take place within 25 years

followed by site restoration. This issue can be covered by an appropriate planning condition.

Wind turbines are over subsidised:

This is a matter which is not material to the determination of the planning application. Current subsidies for wind power are provided by Central Government.

Inadequate consultation carried out:

Under the Town and Country (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013, and as the height of the turbine hub exceeded 15m, the applicant was required to carry out publicity before submitting the application, and such publicity took place. In addition the Council has undertaken its own publicity which follows the statutory requirements for advertising the application in line with Government Guidance.

Conclusion

In conclusion the site is designated Green Belt in the Unitary Development Plan and the proposal constitutes inappropriate development consistent with guidance in the NPPF. As a consequence planning permission should not be granted unless very special circumstances can be demonstrated that clearly outweigh the harm caused by reason of inappropriateness and any other harm.

The applicant asserts that very special circumstances exist in this case which constitute the wider environmental benefits of providing renewable energy generation technology and thus reducing CO₂ emissions, and potentially assisting with the diversification of an existing agricultural business.

In this instance, it is considered that these benefits would be sufficient to offset the resultant harm caused. It is not considered that the development would have a significant impact on the local landscape or visual amenity, or on residential amenity (noise; visual prominence; effects of shadow flicker and reflected light), ecology, heritage assets and archaeology and highway safety.

As such it is recommended that planning permission be granted subject to the 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 comprising of 2 No. 50kW turbines with hub heights of 24.8m (to the centre point of the hub) and a maximum height to the tip of the

blade of 34.5m shall be installed at co-ordinates X: 447828, Y: 390384 (turbine 1) and X: 447834, Y: 390484 (turbine 2) and shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

Drawing numbers:

Streetwise location plan - received 23-5-2014.

1:2500 Site plan – received 23-5-2014.

1:250 Turbine elevation plan – received 23-5-2014.

Slab foundation details (EWP50_24mF-001 Rev F) –received 25-02-2015.

Reason

To define the permission and for the avoidance of doubt, and to protect the openness and visual character of the Green Belt, the amenity of the locality (including area of High Landscape Value) and to ensure that the recommended biodiversity buffer area is retained in accordance with Core Strategy Policies CS4 'Green Belt,' CS21 'Landscape,' UDP Policies ENV1.2 'Development in Areas of High Landscape Value,' ENV2 'Conserving the Environment,' and ENV2.2 'Interest outside Statutorily Protected Sites,' as well as the advice within the NPPF and the NPPG.

03

The planning permission hereby granted shall be for a period not exceeding 25 years from the date that electricity is first exported from the turbines hereby permitted to the national grid. The date when electricity is first exported from the turbines shall be notified in writing to the Local Planning Authority within 28 days of that event.

Reason:

To protect the openness and visual character of the Green Belt and the amenity of the locality (including Area of High Landscape Value) in accordance with Core Strategy Policies CS4 'Green Belt,' CS21 'Landscape,' and CS28 'Sustainable Design,' UDP Policy ENV1.2 'Development in Areas of High Landscape Value,' as well as the advice within the NPPF and the NPPG.

04

If either turbine hereby permitted ceases to be operational for a continuous period of at least 6 months (unless such cessation is due to the wind turbines being under repair or replacement), or at the end of the 25 year period, it/they shall be removed and the land restored to agricultural use in accordance with a scheme of decommissioning works (including details for the removal of the turbines and associated equipment, the restoration of the land to agricultural use and the phasing of the works) to be submitted to and approved by the Local Planning Authority within 6 months of the cessation of operation of the turbine.

Reason:

To protect the openness and visual character of the Green Belt and the amenity of the locality (including Area of High Landscape Value) in accordance with Core Strategy Policies CS4 'Green Belt,' CS21 'Landscape,' and CS28 'Sustainable Design,' UDP Policy ENV1.2 'Development in Areas of High Landscape Value,' as well as the advice within the NPPF and the NPPG.

05

The turbines shall not be installed until the Local Planning Authority has received written confirmation that the Ministry of Defence has been notified of the development and has received the following information:

- (i) the latitude and longitude of every turbine;
- (ii) the date of commencement of construction;
- (iii) the date of completion of construction;
- (iv) the height above ground of the tallest structure;
- (v) the maximum height of construction equipment.

Reason:

In the interests of aviation safety in accordance with the advice within the NPPG.

06

No development hereby permitted shall be carried out until details of the colour and finish of the turbines and blades 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:

In the interests of the visual amenity in accordance with Core Strategy Policy CS28 'Sustainable Design,' as well as the advice within the NPPF and the NPPG.

07

All cabling between the turbines, any associated equipment and the grid connection shall be placed underground. Details of the depth of excavation and subsequent reinstatement of the excavated land shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To protect the openness and visual character of the Green Belt and the amenity of the locality (including area of High Landscape Value) in accordance with Core Strategy Policies CS4 'Green Belt,' CS21 'Landscape,' and CS28 'Sustainable Design,' UDP Policies ENV1.2 'Development in Areas of High Landscape Value,' UTL3 'Environmental Impact of Service Installations,' as well as the advice within the NPPF and the NPPG.

08

On receipt of any complaint relating to shadow or flicker, a scheme to alleviate the incidence of 'shadow flicker' at any affected premises shall be submitted to and approved by the Local Planning Authority. That scheme shall include details of the siting of photocells and the measures to control, re-orientate or shut down particular turbines for this purpose. Unless otherwise agreed in writing, any turbine producing 'shadow flicker effects' at any dwelling shall be shut down and the blades remain stationary until the conditions causing those 'shadow flicker effects' have passed. The scheme shall be implemented as approved.

Reason:

In the interest of residential amenity in accordance with Core Strategy Policy CS27 'Community Health and Safety,' UDP Policy ENV3.7 'Control of Pollution,' along with the advice contained within the NPPF and the NPPG.

09

Noise emissions from the site (as measured LA90, 10mins) in free-field conditions, at any dwelling in existence prior to the development, shall not exceed the greater of 35 dB(A) or 5 dB(A) above the background noise level (LA90,10mins) during the day and evening (07:00-23:00 hours) and shall not exceed the greater of 38 dB(A) or 5 dB(A) above the background noise level (LA90,10mins) during the night (23:00-07:00 hours) at all wind speeds up to 12m/s. The noise emission values of the turbine shall include any tonal penalty if such is identified in accordance with the methodology set out in the ETSU-R-97 report.

Reason:

In the interests of the amenities of the occupiers of nearby premises in accordance with Core Strategy Policy CS27 'Community Health and Safety,' ENV3.7 'Control of Pollution,' along with the advice contained within the NPPF and the NPPG.

10

Following any complaint received by the Local Planning Authority in respect of noise levels generated by the turbines, at the Local Planning Authority's request the turbine operator shall, at its expense, employ suitable persons whose expertise and experience shall be approved by the Local Planning Authority, to assess the level of noise emissions from the turbines at the complainant's property, following the procedures described in the attached Guidance Notes.

Reason:

In the interests of the amenities of the occupiers of nearby premises in accordance with Core Strategy Policy CS27 'Community Health and Safety,' ENV3.7 'Control of Pollution,' along with the advice contained within the NPPF and the NPPG.

11

Wind speed, wind direction and power generation data for the wind turbines shall be continuously logged. In the event of a complaint, relevant data shall be provided to the Local Planning Authority on request and in accordance with the attached Guidance Note 1(d), within 28 days of such request.

Reason:

In the interests of the amenities of the occupiers of nearby premises in accordance with Core Strategy Policy CS27 'Community Health and Safety,' ENV3.7 'Control of Pollution,' along with the advice contained within the NPPF and the NPPG.

POSITIVE AND PROACTIVE STATEMENT

The applicant did not engage in pre application discussions with the Local Planning Authority to consider the development before the submission of the planning application, and the resultant application submission proposals were not considered in accordance with the principles of the National Planning Policy Framework. The Local Planning Authority did however work with the applicant during the determination of the application to consider what further information (landscape and visual amenity, including cumulative impact, noise impact and demonstrating very special circumstances) was necessary to demonstrate that the scheme was acceptable. The applicant agreed to

provide the further information so that it could be assessed against the principles of the National Planning Policy Framework.

Application Number	RB2014/1651
Proposal and Location	Erection of 4 No. bungalows at land at Catherine Avenue, Swallownest, S26 4NA
Recommendation	Grant subject to conditions



RB1974/1919 - Outline application for residential development- GRANTED
CONDITIONALLY

A two storey block of flats on site (built as part of the 1974 permission) was demolished due to a low demand at the time for Council flats.

Proposal

The proposal is to construct two pairs of semi detached bungalows. Plots 1 & 2 are to be one bedroom properties, measuring 7.6m deep, 7.25m wide and 4.85m high. Plots 3 & 4 are to be two bedroom properties, measuring 8.9m deep, 8m wide and 5.3m high. All dwellings will have a single parking space only, and would be constructed with a mixture of red and buff brickwork and grey concrete tile roof. The scheme also involves the loss of two semi mature trees, which are to be compensated for by four trees to be planted in the front garden areas of the proposed dwellings.

The plans have been amended during the course of the application as the applicant has agreed to reduce the roof pitches to plots 1 & 2 to minimise any impact upon the occupiers of 44-54 Hepworth Drive.

The Applicant's Design & Access Statement states that:

- The housing development is a wholly affordable housing scheme, Arches Housing Association have worked closely with Strategic Housing at RMBC to provide the tenure and mix of housing that is in demand in the local area. The homes will be offered at Affordable Rent levels, which is 80% of the market rent value. The properties will be let to people on the Council's waiting list via the nominations process. Every new tenant will be required to sign up to a strict tenancy agreement.
- The designs will reduce Carbon Dioxide emissions by 25% over the 2006 baseline and reduce water consumption to 110 litres per person per day. As such it is our proposals that a Fabric First approach will be used with no renewables.
- The scheme has been designed to follow the existing street pattern and grain of the existing site environment / levels, one pair face North South, the other pair face East West. The scheme has been designed to project an active frontage to the road, differing boundary treatments have been agreed at Pre-Application stage, these being hooped topped metal railings, timber panels set in brickwork walls and piers and close boarded timber fencing with gravel boards. The metal fenced frontage and defensibility of the private garden spaces combine to engender a feeling of community and safety.
- The properties are single storey in height with domestic scale massing, reasonably steep roof slopes accentuate the height and reflect the slopes on nearby housing. There are two pairs of semi detached bungalows.
- The proposed elevations are plain, clean and simple in design, facing brickwork with a detail soldier courses below cill level, red brick below band course and buff brick above. The window head are covered by the roof eaves details which, on plots 3 to 4 projected forwards to form a sheltered entrance canopy. Plots 1 and 2 have a projecting gable roof over the front entrance to provide shelter from the

elements Additional windows have been introduced to gable elevations which overlook the road and footpaths. Windows are to be double glazed Upvc Secured by Design, doors to be Fibre Reinforced Secured by Design, fascias gutters and fall pipes to be Upvc and the roof tiles are to be concrete interlocking type to all roof slopes, exact details of facing materials are to be subject to 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 Residential purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS22 'Green Space'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV5.2 'Incidental Urban Greenspace'
HG4.3 'Windfall Sites'
HG5 'The Residential Environment'

Other Material Considerations

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots.'

The Council's minimum Parking Standards (adopted June 2011).

The Council's Interim Planning Statement on Affordable Housing (2008).

The South Yorkshire Residential Design Guide (SYRDG).

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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 notice and through neighbouring notification letters. 7 Letters of objection have been received including one from Aston Parish Council and one from the local TARA.

The 5 letters of objection from the local residents raise the following concerns:

- Hepworth Drive lacks adequate parking and the proposal would add further on street parking pressure.
- Many existing blue badge holders currently lack adequate parking.
- The proposal will affect light to the residents of No.44-55 Hepworth Drive.
- The estate lacks adequate green space and the green area acts as play area for local children.
- The proposed development will impact upon the privacy of the neighbours at 44-54 Hepworth Drive.

Aston Parish Council states that:

- It would result in an overdevelopment of the site/area.
- The levels proposed for the new dwellings would result in them being overbearing on the existing dwellings (44-54 Hepworth Drive).
- The development would result in a reduction in amenity for neighbouring residents.
- The development would create difficulties with parking for occupiers of existing properties due to the lack of parking areas/bays.

The Local TARA states that:

- The estate lacks adequate parking and the development will make the situation worse for the residents of 44-54 Hepworth Drive some whom are blue badge holders.
- The proposal will affect light to the residents of No.44-55 Hepworth Drive.
- The development will leave a triangular strip of no man's land to the front of 54 Hepworth Drive.

Three residents and the Local TARA have requested the right to speak at Planning Board.

Consultations

Streetpride (Transportation & Highways): Note from the submitted details that the scheme if implemented will result in the closure of an adopted footpath. Accordingly, subsequent to any planning permission being granted the applicant will need to apply for 'A Stopping Up Order' under S247 of the Town and Country Planning Act 1990. With

regard to the proposed layout it is noted that the proposed car parking facilities comply with the Council's standards. This being the case, no objections are raised to the granting of planning permission in a highways context.

Neighbourhoods (Land Contamination): It is considered there is a low risk of significant ground contamination due to the lack of any former industrial/commercial historical uses at the site. However, consideration was given to the potential for near surface soils to be affected by contamination (heavy metals, asbestos, polycyclic aromatic hydrocarbons (PAHs)) from the sites past use as allotments and through the presence of made ground from demolished buildings at the site. However, within the report it has been recommended that 300mm of topsoil is imported into garden areas to increase the thickness of the existing site soils for a growing medium. This will act as a barrier to potential exposure of low level contamination.

Due to the presence of made ground encountered at the site gas monitoring was undertaken on one occasion in one location on site. Further gas monitoring was reported to be ongoing at the time of writing the report. The result of the single round of gas monitoring revealed no methane or carbon dioxide concentrations. In the absence of any further gas monitoring data being provided it is recommended that gas protection measures be installed in each residential property.

The Coal Authority: Has confirmed that the application site is situated within the likely zone of influence of workings in 6 seams of coal, identified at a depth of 140m to 550m. The seams were last worked in 1959 and it is suggested that any ground movements should have ceased by now. The Coal Authority has also confirmed there are no productive coal seams at shallow depths and therefore the risks from stability issues have been considered as negligible.

Rotherham Councils records show the presence of one landfill site located within 296m of the application site. The landfill was granted planning permission for the deposit of excavation/inert waste. Given the distance between the landfill site and the application site; and the nature of the wastes deposited it is highly unlikely that the landfill will impact on the application site.

Two existing heating pipes have been located at the application site which is reported to be in connection with a former community heating scheme running below the site. Further investigation of the heating pipes and there layout will be required to ensure the land has not been affected by contamination.

Streetpride (Leisure & Green Spaces Manager): Notes that this site was not assessed in the Green Space Audit and that it is not an established green space having been occupied by a building until quite recently. Also notes that the development comprises just four affordable units for elderly residents and that there is adequate access to alternative open space at Florence Avenue (less than 100 metres away). Taking all this into account, the Green Spaces Manager has no objections to the development on open space grounds, and is not recommending that a contribution is made towards improving existing Urban Greenspace in the vicinity

Appraisal

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

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

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

The site is allocated for Residential purposes on the adopted UDP and the following issues are considered to be relevant:

- The principle of development and the loss of incidental Urban Greenspace
- Design and layout
- Highway safety and transportation issues
- Landscaping

The principle of development and the loss of incidental Urban Greenspace

Paragraph 14 to the NPPF notes 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 development should be restricted.

Paragraph 47 of the National Planning Policy Framework notes that: “To boost significantly the supply of housing, local planning authorities should (amongst other things): identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”

Paragraph 49 of the NPPF adds that: “...housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Currently it is estimated that the Council can meet the 5 year (plus 20%) housing supply target, plus one third of the overall backlog not built out over the UDP Plan period (total 5,640), as the 5 year supply from the Strategic Housing Land Availability Assessment (SHLAA) is 5,510 and there is a potential supply from the Bassingthorpe housing site of 360 houses over the next 5 years (total 5,870).

In this instance the site is allocated for Residential purposes though acts as an area of Incidental Urban Greenspace.

Core Strategy Policy CS22 'Green Space' states that: "The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected. Rotherham's green spaces will be protected, managed, enhanced and created by:

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:
 - i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
 - ii. Creating or extending green links where feasible as part of green space provision in new developments."

In addition, 'saved' UDP Policy ENV5.2 'Incidental Urban Greenspace' states development that results in the loss of small areas of urban green space will only be permitted under circumstances that are outlined under ENV Policy 5.1 which in turn states that: "Development that results in the loss of Urban Greenspace as identified on the Proposals Map will only be permitted if:

- (i) alternative provision of equivalent community benefit and accessibility is made, or
- (ii) it would enhance the local Urban Greenspace provision, and
- (iii) it would conform with the requirements of Policy CR2.2, and
- (iv) it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest."

These Policies conform with paragraph 74 of the NPPF which states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

The Council’s Green Space Service has indicated that the site is not an established green space having been occupied by a building until quite recently. Until 10 years ago the site contained a two storey block of flats built in the 1970s as part of the overall estate. The building was demolished due to low demand at the time for flats and the paths and steps associated with the flats are still visible, with the foundations grassed over. Whilst the site is now technically a ‘Greenfield’ site the NPPF does not prevent development on Greenfield sites and the Council does not have a moratorium on development on such sites.

In terms of Green Space provision in the area there is adequate access to alternative open space at Florence Avenue (less than 100 metres away). Any loss of amenity value would also be outweighed by the community benefits of the proposed development, being the provision of additional housing, which is 100% affordable housing.

With the above circumstances in mind it is considered that the loss of the Incidental Urban Greenspace is acceptable in this instance..

Design and layout

Policy HG5 of the adopted UDP encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF which states that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

Furthermore, Policy CS28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and have well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.”

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively for making places better for people.” In addition paragraph 57 states: “It is important to plan positively for the achievement of high quality and inclusive design for all development,

including individual buildings, public and private spaces and wider area development schemes.”

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

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each bungalow. All the dwellings will have rear gardens in excess of 60sqm, with the gardens exceeding 10m in length.

As noted above, the applicant has agreed to amend the scheme by reducing the roof pitches to plots 1 & 2 to minimise any impact upon the occupiers of 44-54 Hepworth Drive. Due to the change in levels the bungalows will appear elevated, although the existing land levels are to be lowered slightly by 900mm to further reduce the impact. Plot 1 will be set some 11m off the front elevation of the nearby properties at Hepworth Drive. The lowered roof pitch achieves a 25 degree visibility angle from the neighbouring front rooms. It should also be noted that there was previously a two storey block of flats on the site which would no doubt have had a similar, if not greater, impact on the existing properties.

All the dwellings meet the Council’s minimum 21m habitable room window to habitable room window requirements and no harm to neighbouring amenity will occur from overlooking.

The existing pedestrian link between Catherine Avenue & Worksop Road has also been retained as part of the scheme with a landscaped buffer strip to provide a desirable, well overlooked footpath. The applicant has also included a side window in one of the bungalows, to create overlooking of the highway and small railings to provide definition between the public and private realm.

With regards to the style of the properties, they are of a simple modern design with red/buff brickwork and concrete tiles which is considered to be acceptable for this location and will fit in with the existing dwellings in the vicinity. The dwellings meet the internal and garden space limits set out in the South Yorkshire Residential Design Guide and are designed for disabled residents.

As such the proposed design of the scheme accords with both local planning policies and the guidance contained within the NPPF.

Highway safety and transportation issues

CS14 Accessible Places and Managing Demand for Travel 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”.

The scheme has been designed to accord with the Council’s minimum parking requirements with one parking space for three of the bungalows and two parking spaces to plot 1 due to an extended driveway. The bungalows are modest 1 & 2 bedroom properties for over 55s are not envisaged to generate excessive parking demand. Furthermore they are located in a sustainable location within walking distance of local amenities as well as public transport links.

A number of objectors have raised concerns about parking on Hepworth Drive, which is made worse by the lack of off street parking to a number of properties. This is an existing situation and will not be worsened by the proposal which does not remove any parking provision. Moreover the four bungalow replace four former flats demolished approximately 10 years ago, which appeared to have had no off street parking, as opposed to the 5 parking spaces no proposed.

Overall, it is considered that this proposed application will not have a detrimental impact upon highway safety and the proposal complies with CS14 Accessible Places and Managing Demand for Travel and policies with the NPPF.

Landscaping

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

Policy ENV3.2 ‘Maintaining the Character and Quality of the Environment,’ states: “In considering any development or other proposals which would unavoidably damage an existing environmental interest, prior to determining a planning application, the Council will require the application to be supported by adequate survey, evaluation, recording, and where appropriate, details of renovation or repair of historic fabric and rescue or relocation of features or species of environmental interest should be reduced to a minimum and, where possible, the interest which is retained should be enhanced. In addition there must be adequate compensation for any significant losses through landscaping, habitat creation or other environmental enhancement.”

Paragraph 118 of the NPPF states (amongst other things): “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- Opportunities to incorporate biodiversity in and around developments should be encouraged.

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”

The site contains two semi mature trees which provide visual amenity and relief to the site. Unfortunately these trees need to be removed to provide for plot 4. As such the applicant has agreed to provide 4 trees to the front gardens of the properties, to provide relief to the streetscene and to compensate for the loss of the existing semi mature trees. As such the loss of the two trees is considered acceptable and will be compensated by additional future planting.

Conclusion

The site is allocated for Residential purposes and until relatively recently was occupied by a two storey block of four flats and residential use of the land is considered acceptable in principle. In addition, the proposed development would provide valuable affordable housing, designed to a high standard, which reflects the character and appearance of adjoining properties and would contribute to housing provision in the Borough.

The scheme would not lead to an adverse effect on the residential amenities of adjoining occupiers by way of overlooking or overshadowing. Furthermore the scheme would not be detrimental in highway safety terms.

It is therefore recommended that permission be granted subject to conditions.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Amended Drawing numbers, 14-532-C2/C26/C32/C33 Rev A (Received 10/02/2015) (Original Site Plan 14-532-C20 Rev B) (Received 17/12/2014)

Reason

To define the permission and for the avoidance of doubt.

03

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples

have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

Prior to commencement of development, a revised landscape scheme shall be submitted that addresses the comments set out on the attached letter. This shall include:

- 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', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

06

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'.

07

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.

08

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

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.

09

Prior to development if subsoils / topsoils are required to be imported to site for garden/soft landscaping areas, 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. The results of testing will need to be presented in a Verification 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.

10

In the absence of any further ground gas monitoring being undertaken, gas protection measures shall be installed at each property in accordance with sections 13.4.1 and 13.4.4 of the report entitled 'Catherine Avenue, Swallownest, Rotherham – For Arches Housing Limited, prepared by Michael D Joyce Associated LLP, dated December 2014, reference 3483'. The gas protection measures installed will need to be specified and approved in writing by the Local Planning Authority.

Reason

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

11

Further investigation of the existing heating pipes running beneath the site will need to be undertaken to ensure the land is not affected by contamination. All existing pipes shall be removed from site and any pipe corridors shall be infilled with clean suitable material.

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.

12.

Foundations for each of the developments will be undertaken in accordance with the findings of section 13.2 – Foundation Criteria, subsections 13.2.1 to 13.2.2 of the report entitled ‘Catherine Avenue, Swallownest, Rotherham – For Arches Housing Limited, prepared by Michael D Joyce Associated LLP, dated December 2014, reference 3483.’

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.

Informatives

INF 25 Protected species

Wildlife Legislation

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

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	RB2014/1665
Proposal and Location	Erection of 2 No. bungalows with carport link at land adjacent 72 Wadsworth Road, Bramley S66 1UD for RMBC Contract and Service Development
Recommendation	<p>A. That an agreement under Section 106 of the Town and Country Planning Act 1990 be entered into for the purposes of securing the following:</p> <p>Contribute a commuted sum of £1,300 per unit (total of £2,600), towards the enhancement of the existing recreation ground at Flash Lane.</p> <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>



Site Description & Location

The site to which this application relates is set to the south side of Wadsworth Road at Bramley and comprises of a small incidental open level area of greenspace of approx. 0.18 hectares containing self-set trees to its south west corner.

The site is bounded to its east, west and south boundaries with existing two storey residential developments with the land to the north comprising of a former garage court which is currently being utilised as a sales centre for the adjacent residential development on the Council's former depot site. Located adjacent to the eastern boundary of the site is a pedestrian link which links Wadsworth Road with Holmes Road.

Background

The site has not been the subject of any planning applications; however as part of the adjacent development for the new residential development granted under LPA reference RB2014/0372, an agreement was reached wherein the north and west extremities of the current application site would be utilised in order to provide an extended pedestrian footway to tie in with the exiting footpath on Wadsworth Road.

Proposal

The application seeks full planning permission for the construction of 2 No. bungalows each being identical in overall size being some 11.4 metres in length by 10.6 metres in depth (approx. 120sq metres footprint) with eaves height of 2.4 metres and ridge height of 5.5 metres. Each unit would comprise of three bedrooms and bathroom along with an open kitchen / dining / living accommodation. Open car ports linking the two dwellings are further indicated with a lower ridge height of 4.4 metres. The materials of construction are indicated as a mix of brickwork and stacked artificial stone and rendered walls, and concrete tiled roof with white UPVC doors and windows.

The dwellings as submitted are designed for a specific end user (identified through the Council's Housing list) to meet a specific demand in the Bramley area for families with a disabled family member.

During the course of the application the scheme has been amended to take account of minor design issues relating to positions of side facing windows and clarification over position, height and materials of boundary treatments. There are two small timber storage sheds located within the rear gardens, however no elevation or floorplan details of these have been submitted as part of the application submission.

The application has been accompanied with a number of detailed supporting reports which include:

Flood Risk Assessment:

This report concludes that the site lies within Zone 1 of the Environment Agencies Indicative flood plain and it is not believed that the site has flooded or caused flooding to other property; that the overall re-development of the site will increase the impermeable areas of the site compared to its current status; and taking account of the fact that the site is a relatively small infill site, Severn Trent Water will require surface water to be restricted to the lowest practical level of run-off rates.

Land Contamination Assessment:

Indicates that the site was formally agricultural land prior to Wadsworth Road housing being constructed during the 1920's, and that since that time the site has remained undeveloped. The report concludes that testing of ground conditions has not revealed any contamination and therefore no special precautions are considered necessary and that existing topsoil can be reused in garden areas.

Arboricultural and Impact Assessment:

The report reveals three items of vegetation within the vicinity of the site, with on-site tree cover provided by 2 No. Hawthorn trees with Elder shrubs and trees, situated in adjacent land beyond the site boundary, yet close enough to be potential influenced by any new development.

The report identifies that the 2 No. trees on site are (subject to minor pruning works) capable of being retained so as to make them more suitable for a residential setting and that during construction works, these should be protected by fencing in accordance with BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction.'

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

- CS1 'Delivering Rotherham's Spatial Strategy'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS21 'Landscapes,'
- CS22 'Green Space'
- CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

- ENV5.2 'Incidental Urban Greenspace'
- HG4.3 'Windfall Sites'
- HG5 'The Residential Environment'
- ENV3.2 'Minimising the Impact of Development'
- ENV3.4 'Trees, Woodlands and Hedgerows'
- ENV4.4 'Contaminated Land'

Other Material Considerations

The Council's minimum Parking Standards (adopted June 2011).

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots.'

The South Yorkshire Residential Design Guide (SYRDG).

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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 policy(s) 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 on site and by way of individual neighbour notification letters. A total of 8 representations have been received from occupiers of properties on Wadsworth Road, raising the following issues:

- Dismayed over gradual disappearance (over some 58 years) of open fields and open spaces.
- Loss of open greenspace land for development when alternative land opposite will be available once sales office removed and unsightly garages demolished.
- Why not turn this area into a children’s playground?
- Wadsworth Road not designed to cope with additional traffic now experienced and this will further only add to disintegration of road or lead to a fatal incident.
- Lack of consideration to existing residents with more housing being imposed on them.
- A law was passed in the 1950’s preventing this land being developed (that is why house numbers stop at No. 72).
- New family housing built on water board land and Council depot with no greenspace –where will these children play?

In addition to the above comments a petition containing 18 objections from Wadsworth Road residents has further been received to which some signatories have already made individual representation.

Bramley Parish Council has objected to the proposal on the following grounds:

- 1) Concerns relate to the loss of amenity greenspace and given that in approving the adjacent Strata development on Borough Council land, the Borough Council accepted Strata's assertion that "... due to the close proximity of and abundance

of existing open space ..." there was no need to provide such open space within their development.

Also, there is no such open space provision on the other adjacent development, (Barratts), and now it appears that the Borough Council wishes to give itself planning permission to develop the sole remaining plot of open space in the neighbourhood.

- 2) In seeking to develop this enduring pocket of open space, little acknowledgement has been given to the Borough Council's much quoted policies of "no adverse effect on the character of the area" and "a good standard of amenity for all existing and future occupants of land and buildings". It is submitted therefore that there will be an adverse effect on the area and the existing amenity will be significantly reduced.
- 3) And given that in excess of 70 houses have been developed at the 'cul de sac' end of Wadsworth Road in the last few years, the removal of this open space and the consequential rise in traffic along the 'cul de sac' represents a wholly unacceptable burden on the residents of the locality.

A 'Right to Speak' request has been received from the applicant as well as from a resident on Wadsworth Road and from a prospective occupier of one of the proposed bungalows.

Consultations

Streetpride (Transportation & Highways) Unit: Raises no objections to the proposals on highway safety grounds, subject to the recommended conditions in respect of surfacing of vehicular areas; and full engineering details (sections, constructional and drainage) of the proposed prospectively adoptable footway linking Wadsworth Road and Holmes Road.

Streetpride (Green Spaces Manager): Comments that the site was not included in the Green Space Audit owing to its small size, but that as a basic area it does provide a simple but useful open space function for local people (it includes a surfaced footpath and dog waste bin). However, its location being open to roads on two sides limits its attractiveness for play etc and the alternative play provision in the locality (off Flash Lane) at approximately 310 metres distance is within easy walking distance as defined under the Green Space Audit (the maximum distance being 400 metres). As such, he concludes that the loss of this open space would probably have a limited impact on the quality of lives of people living in the area, and would therefore be acceptable in principle subject to an appropriate S106 contribution being made towards the enhancement of the existing recreation ground at Flash Lane.

Neighbourhoods (Land Contamination): Notes there is a low risk of significant ground contamination due to the lack of any former industrial historical uses associated on the site. Therefore subject to the recommended conditions no objections are raised to the proposal.

Strategic Housing & Investment Services (Affordable Housing): Comments that these are two specially adapted bungalows, which are both affordable housing units in perpetuity and will be owned and managed by R.M.B.C Housing Services.

Streetpride (Tree Service Manager): Raises no objections to this application subject to the recommended planning conditions.

Streetpride (Drainage): The Council's Drainage Engineer notes: The submitted Flood Risk Assessment is general satisfactory but requires further detailed consideration be given over to up-to-date drainage layouts; clarification as to proposed surface water sewer discharge rates; on site attenuation and demonstrating as to how the new properties will be protected against any potential flooding problems without causing or transferring the flooding problems to adjacent properties and/or land. All of these matters can be secured by the recommended conditions and informative.

Severn Trent Water: Raise 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 therefore:

- The principle of development and the loss of incidental Urban Greenspace.
- Design and layout.
- Residential Amenity.
- Highway safety and transportation issues.
- Drainage and flooding issues.
- Contaminated land issues.

The principle of development and the loss of incidental Urban Greenspace:

Paragraph 14 to the NPPF notes 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 development should be restricted.

Paragraph 47 of the National Planning Policy Framework notes that: “To boost significantly the supply of housing, local planning authorities should (amongst other things): identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”

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- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:

- i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
- ii. Creating or extending green links where feasible as part of green space provision in new developments.”

In addition, ‘saved’ UDP Policy ENV5.2 ‘Incidental Urban Greenspace’ states development that results in the loss of small areas of urban green space will only be permitted under circumstances that are outlined under ‘saved’ UDP Policy ENV5.1 ‘Allocated Urban Greenspace,’ which in turn states that: “Development that results in the loss of Urban Greenspace as identified on the Proposals Map will only be permitted if:

- i. alternative provision of equivalent community benefit and accessibility is made, or
- ii. it would enhance the local Urban Greenspace provision, and
- iii. it would conform with the requirements of Policy CR2.2, and
- iv. it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest.”

These Policies conform with paragraph 74 of the NPPF which states that: “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

The Council’s Green Space Service has not assessed the site in its Green Space Audit owing to its limited size, however notwithstanding the comments received from residents as to the value it provides in the locality the Green Space Manager concludes that it is a basic green space with no special qualities and by reason of its location being open to roads on two sides limits its attractiveness for play. Additionally the site is adequately served by alternative green spaces / play provision at the existing recreation area off Flash Lane.

In terms of the replacement of the area by equivalent or better provision in terms of quantity and quality in a suitable location, the Green Space Service considers that this could be achieved by way of a contribution to the upgrading of the existing Greenspace in the Bramley Area (e.g.at Flash Lane). The commuted sum of £1,300 per unit (total of £2,600), will be addressed by way of the associated S106 Legal Agreement.

Comments received over the lack of open space provision on recent development i.e. those carried out by Barratt Homes and Strata at the former Water and Council Depot sites in the locality are noted, however under the Council’s Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 4: ‘Requirements for green space in new housing areas,’ neither of these developments met the requirements to seek such

provision (the minimum number of dwellings being 50) nor was it considered appropriate at the time of application to request via a financial contribution to the upgrading of the existing Greenspace in the Bramley Area as these sites were not allocated for Urban Greenspace purposes.

Further representations received relate to the possibility of using land to the north of Wadsworth Road on the garage site where the temporary sales office is currently sited. However, the applicant has advised that the site would not be large enough to accommodate the current proposal and is in private ownership.

It is not considered that the loss of this open area would outweigh the community benefits of the proposed development, being the improvement to existing provision in the area and the provision of specialist housing for an identified need (which is 100% affordable housing) in a sustainable location close to public transport and amenities, which will also help towards the Council's requirement to provide new housing in the Borough.

As such the proposal accords with 'saved' UDP Policies ENV5.1 'Allocated Urban Greenspace,' and ENV5.2 'Incidental Urban Greenspace,' Core Strategy Policy CS22 'Green Space,' and the guidance contained within the NPPF.

Design and layout:

'Saved' UDP Policy HG5 'The Residential Environment,' encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF which states that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"..

In addition, Core Strategy Policy CS21 'Landscapes,' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. Furthermore, Policy CS28 'Sustainable Design,' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and have well designed buildings within a clear framework of routes and spaces.

Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

UDP 'saved' Policy ENV3.2 'Minimising the Impact of Development,' notes that: "In considering the scale, appearance, nature and location of development and infrastructure proposals, the Council will seek to minimise adverse impact on the environment, including water resources, and to conserve and improve its quality. It will permit development which results in a significant loss of trees, woodlands, hedgerows or field boundary walls only when there is compelling justification for doing so."

In addition 'saved' UDP Policy ENV3.4 'Trees, Woodlands and Hedgerows,' notes that: "The Council will seek to promote and enhance tree, woodland and hedgerow coverage throughout the Borough."

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively for making places better for people.” In addition paragraph 57 states: “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

Furthermore, 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 South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located. Furthermore it is underpinned by the principles as set out under Building for Life 12 and further sets out guidance in relation to layout considerations in respect of unit size, minimum room dimensions and outdoor amenity sizes. In respect of the latter, the SYRDG notes that: “Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses/bungalows should be at least 50 square metres; for three or more bedroom houses/bungalows, 60 square metres. Smaller gardens may be acceptable in corner zones of blocks if privacy and daylighting can be maintained.”

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The dwellings as proposed exceed the internal spacing standards as set out under the SYRDG with both properties having rear gardens in excess of 60 square metres, with the gardens exceeding 10 metres in length.

In landscaping terms, the applicant has sought to retain the two Hawthorn trees on site both of which have been assessed as of good quality and value with a significant life expectancy. The Tree Service Manager has commented that along with the small group of Elder shrubs and trees positioned off the site and in order to prevent their loss and to minimise both visual and ecological harm, their retention particularly during construction phase can be achieved via the imposition of the appropriate conditions. The presence of a sewer easement and the retention of the trees has influenced the layout as proposed and the retention of the two trees will add interest to the development and does not compromise the overall layout.

The existing unadopted pedestrian link between Wadsworth Road and Holmes Road is also been retained as part of the scheme with a landscaped buffer strip to the east and boundary treatments to the front of the plots being 0.9 metre high open railings and rear gardens enclosed by 1.8 metre high close boarded fencing subject to the recommended

conditions with regards to detailed design of these boundary treatments being submitted this will ensure the retention of a suitable link.

With regards to the style of the properties, they are of a simple modern design with brickwork and stacked artificial stone and rendered walls, concrete tiles and U-PVC windows. The reduced roof form over the proposed car port element helps assist with breaking up roof lines and although no other single storey buildings are present within the immediate vicinity of the site, it is not considered that their overall appearance would be unacceptable and will fit in with the existing dwellings in the vicinity.

As such the proposed layout and design of the scheme accords with 'Saved' UDP Policies HG5 'The Residential Environment,' ENV3.2 'Minimising the Impact of Development,' ENV3.4 'Trees, Woodlands and Hedgerows,' and Core Strategy Policies CS21 'Landscapes,' CS28 'Sustainable Design' along with the advice within the South Yorkshire Residential Design Guide, the NPPG and the NPPF.

Residential Amenity:

Paragraph 17 of the NPPF outlines several core planning principles, one of which states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Guidance (SPG) 'Housing Guidance 3: Residential infill plots' states there should be 20 metres minimum between principal elevations, 12 metres minimum between an elevation with habitable room windows and an elevation with no habitable room windows; and no window should be inserted within an elevation that is in 10 metres of a boundary with another property, unless appropriate screening is provided.

The SYRDG further advocates that for the purposes of privacy and avoiding an 'overbearing' relationship between buildings, that: "...the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth." The SYRDG further notes that for the purposes of daylighting back-to-back distances should, as appropriate to specific circumstances, be limited by the '25 degree rule,' (i.e. all built development facing a back window should be below the 25 degree line).

The proposed dwellings are sited to comply with the Council's minimum 21m habitable room window to habitable room window inter house spacing standards referred to in the SPG and the SYRDG (including those to the new development at the adjacent Strata site), and by virtue of their relationship with existing residential properties which are set side on to the development to the east and south it is considered that no harm to neighbouring amenity will occur from overlooking, or by way of being overbearing bearing in mind that the properties as proposed are single storey units.

As such in residential amenity terms the scheme accords with the advice contained within Supplementary Planning Guidance 'Housing Guidance 3: Residential infill plots,' and the South Yorkshire Residential Design Guide

Highway safety and transportation issues:

Core Strategy policy CS14 'Accessible Places and Managing Demand for Travel,' 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".

The Council's minimum Parking Standards (adopted June 2011), recommends for residential developments that 1 or 2 bedroom properties should be provided with 1 parking space per dwelling and 3 or 4 bedroom properties provided with 2 No. parking spaces per dwelling.

The NPPF further notes at paragraph 35 that: "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to (amongst others):

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- consider the needs of people with disabilities by all modes of transport."

Taking account of the above, the scheme has been designed to accord with the Council's minimum parking requirements i.e. 2 spaces per unit and is further considered to have good sustainability credentials within walking distance of local amenities as well as public transport links. Furthermore the use of part of the site to incorporate the extended footway along Wadsworth Road to service the new residential development is welcomed, as is the upgrading of the existing pedestrian footpath link to the east to potentially adoptable standards which can be adequately controlled by the imposition of the recommended condition.

Overall, it is considered that this proposed application will not have a detrimental impact upon highway safety and the proposal complies with Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' the Council's adopted car parking standards along with guidance within the NPPF.

Drainage/ flooding issues:

UDP 'saved' Policy ENV3.2 'Minimising the Impact of Development,' notes that: "In considering the scale, appearance, nature and location of development and infrastructure proposals, the Council will seek to minimise adverse impact on the environment, including water resources..."

The NPPF further advises at paragraph 103 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, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”

The Council’s Drainage Engineer considers the submitted Flood Risk Assessment (FRA) to be satisfactory, however further drainage layout information should be submitted to clarify issues with regards to connections to the existing surface water sewer in Wadsworth Road (including maximum permissible discharge rates of 5 litres/second/Ha being achieved); appropriate on-site attenuation provision; and demonstrating that the new properties are to be protected against any potential flooding problems without causing or transferring flooding problems to adjacent properties and/or land. All of this can be secured by the imposition of appropriate conditions and informative.

As such, it is considered that this proposed application will not have a detrimental impact upon drainage / flooding matters and the scheme complies with ‘saved’ UDP Policy ENV3.2 ‘Minimising the Impact of Development,’ along with the guidance contained within the NPPF.

Contaminated Land issues:

‘Saved’ UDP Policy ENV4.4 ‘Contaminated Land,’ notes that: “Where land that may be contaminated as a result of previous uses, is proposed for development the Council will need to be satisfied that the applicant has:

- (i) undertaken investigations to establish the nature and extent of the contamination and its potential effects on the proposed development and/or the occupants thereof, and
- (ii) provided details of the measures proposed for the removal and/or treatment of the contamination which will not cause or increase pollution in the environment, particularly to watercourses and ground-water resources. Where permission is granted, such measures will be imposed as planning conditions to be implemented prior to commencement of development or within a timescale agreed with the Council.”

The NPPF further notes at paragraph 120 that: “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

The NPPF further advises at paragraph 121 that; “Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as ...pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- adequate site investigation information, prepared by a competent person, is presented.”

The comments received from the Council’s Contaminated Land (Development Officer) is that there is a low risk of significant ground contamination due to the lack of former industrial historical uses associated with the site. The overall risk to human health is considered as low. Conditions are recommended to any planning permission granted in this respect, which would require that prior to occupation of the dwellings that any imported sub/top soils imported are tested for potential ground contamination.

As such, it is considered that these matters can be controlled via the imposition of the recommended conditions and compliance with ‘saved’ UDP Policy ENV4.4 ‘Contaminated Land,’ along with the guidance contained within the NPPF.

Conclusion

The use of the land is considered acceptable in principle subject to an appropriate financial contribution towards improving off site Urban Greenspace. The proposed development would provide valuable affordable housing, designed to a high standard, and would contribute to existing shortfall in housing provision of this type in the immediate locality.

The scheme would not lead to an adverse effect on the residential amenities of adjoining occupiers by way of overlooking or overshadowing, nor would it be detrimental in highway safety terms.

There are no perceived drainage / flooding matters associated with the proposed development. Additionally it is not considered that the scheme, subject to further ratification, would present risk to existing / future occupiers or workforce in respect of contaminated land matters.

It is therefore recommended that permission be granted subject to the signing of the related S106 Legal Agreement and 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)

Drawing number 2011.13.001 - received 01/12/2014

Drawing numbers 2011.13.012D & 2011.13.015D – received 02/02/2015

Reason

To define the permission and for the avoidance of doubt.

03

Development shall not commence until a scheme detailing drainage layout, foul, surface water and land drainage, (including off site works, and existing drainage to be maintained/diverted/abandoned, potential flood routes and percolation tests, where appropriate) has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until the approved details have been implemented and the approved drainage scheme shall thereafter be retained throughout the lifetime of the development.

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,' as well as the advice contained within the NPPF.

04

Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second per hectare has been submitted to and approved by the Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved, unless it can be demonstrated by means of a flood route assessment, that discharge from site and the proposed development of the site does not cause an increased risk in flooding elsewhere. No dwelling shall be occupied until the approved details have been implemented and the approved drainage scheme shall thereafter be retained throughout the lifetime of the development.

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,' as well as the advice contained within the NPPF.

05

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

Reason

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

06

Details of the proposed storage sheds and boundary treatments as indicated on drawing no. 2011.13.012D shall be submitted to and approved in writing and the approved details shall be implemented prior to the occupation of the dwellings.

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'.

07

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and 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'.

08

Details (engineering, construction, drainage and sections,) to enable the upgrading of the currently unadopted footpath link between Wadsworth Road and Holmes Road shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the dwellings.

Reason

In the interest of highway safety.

09

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

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS21 'Landscapes,' and UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows,' as well as the advice contained within the NPPF.

10

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 that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS21 'Landscapes,' and UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows,' as well as the advice contained within the NPPF.

11

All tree works shall be carried out in accordance with B.S.3998: 2010 Tree work - Recommendations and shall not exceed the recommended schedule of tree work contained within the Arboricultural Report and Impact Assessment by AWA Tree Consultants dated, July 2014 Appendix 4 Tree Data, unless otherwise agreed in writing with the Local Planning Authority. In addition no tree work shall commence until the applicant or his contractor has given at least seven days' notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 3 years of the decision notice.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS21 'Landscapes,' and UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows,' as well as the advice contained within the NPPF.

12

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

Reason

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

13

If subsoils / topsoils are required to be imported to site for garden/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in a Verification 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,' as well as the advice contained within the NPPF.

Informative(s)

01

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

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

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

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

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

(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and

leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

02

INF 25 Protected species

Wildlife Legislation

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

03

The applicant's attention is drawn to the fact that in discharging the requirements of condition 03, the existing foul sewer is located near or under the proposed dwelling which is not acceptable and may require diverting. As this foul sewer is the responsibility of Severn Trent Water Limited, all permissions to connect, divert, or build over must be obtained before works commence on site.

04

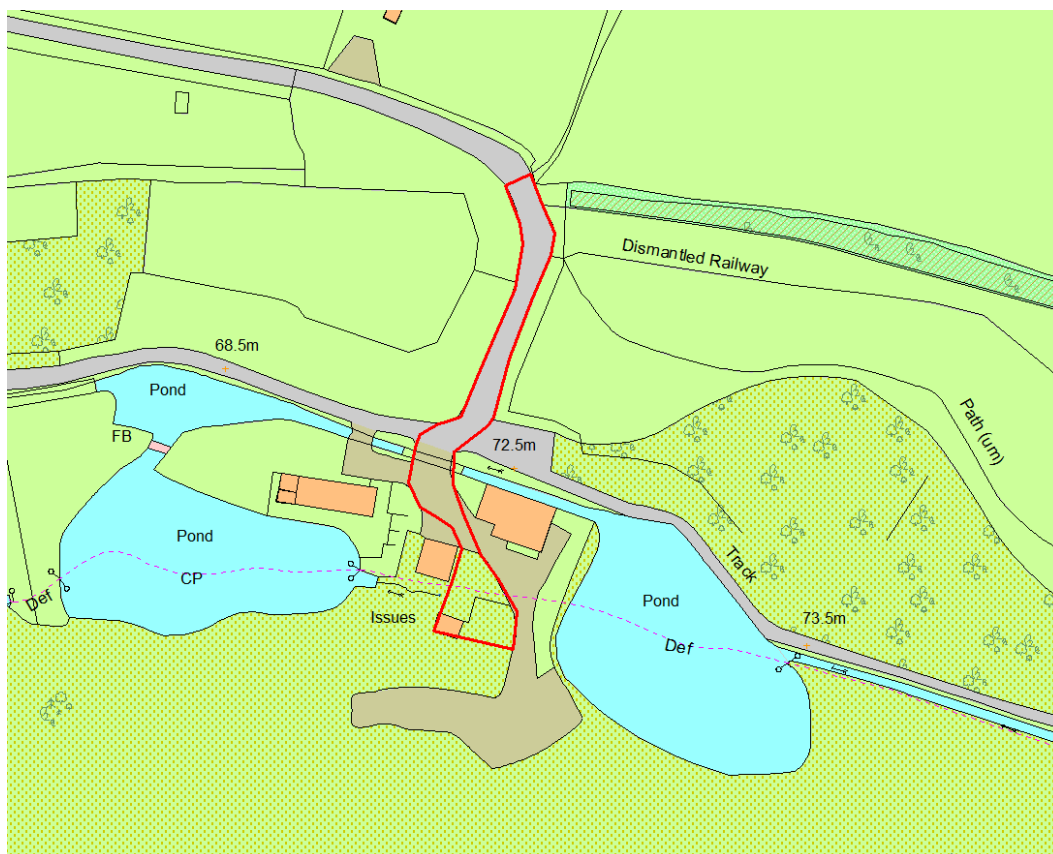
INF 33 Section 106 Agreements

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

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	RB2015/0071
Proposal and Location	Erection of 2 No. chalets at Norwood Lock, Mansfield Road, Wales
Recommendation	Refuse



Site Description & Location

The site to which this application relates forms part of the grounds of a Mill Conversion undertaken some 20 years ago and is set by the side of the Chesterfield Canal.

The part of the site to which the current application relates is south east of the conversion within land which once formed Nor Wood and was protected by Tree Preservation Order 1994 No. 15. It is south-east of the double garage building that was approved under the 1992 planning permission, but which has since been converted to ancillary residential accommodation.

The area is currently occupied by two unauthorised stone built garages and forms part of the site of Tree Preservation Order 1994-0015.

Background

There have been many applications relating to the site as a whole since permission was granted for the conversion of the former sawmill on the site to a dwelling in 1993 (RB1992/0784). These include retrospective applications for the erection of a double and single garage, and a subsequent application for the effective retention of these buildings to be used for agricultural purposes, all of which have been refused.

Enforcement Notices requiring the demolition of the single and double garages have been served, and subsequent appeal against the Notices have been dismissed. The compliance period for the demolition of the garages expired in August 2014 and compliance is being actively pursued.

In addition, retrospective applications have been submitted in respect of a large building erected to the rear of the site, to be used for agricultural purposes, and one was refused, whilst the second one was appealed against non-determination, as well as against a related Enforcement Notice that required the demolition of the building. These appeals were also dismissed, and the compliance period (November 2014) has also elapsed, and once again compliance is being pursued.

Permission has been granted for a garage closer to the converted sawmill property, and an alternative barn approved under agricultural permitted development rights on land to the north of the application site.

Proposal

The applicant seeks permission for two pre fabricated timber holiday chalets. The chalets are to be built on the site of two unauthorised domestic garages which as noted above are required (through Enforcement Notices) to be demolished.

The chalets are to be 6m wide, 10.4m deep and 5.4m high. Each chalet will have a living room, kitchen, bathroom, two bedrooms, as well as a balcony to the front and rear. The chalet is to be constructed in timber with a felt roof.

The applicant's Design & Access Statement states that:

- The chalets are situated in the Norwood Lock complex which enjoys stocked fishing lakes, riding and is on the Chesterfield canal and the Cuckoo Way towpath walk.
- The adjacent Rother Valley Country Park does not have its own accommodation. This proposal addresses this by adjacent purposes holiday accommodation for adults and families. The accommodation is linked to the Country Park by the canal side walk.
- These chalets will add to the tourism potential of the Park, the local area and Rotherham in general.
- They are constructed of naturally stained timber and will be a "light touch" addition to the environment of Norwood Lock and appropriate for holiday use.

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 Green Belt 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'

CS14 – ‘Accessible Places and Managing Demand for Travel’
CS11 – ‘Tourism and the Visitor Economy’
CS28 - ‘Sustainable Design’

UDP ‘saved’ Policy:
EC6.4 ‘Tourism and Visitor Developments and the Environment.’

Other Material Considerations

National Planning Practice Guidance

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, in the press as a departure from the UDP and by way of neighbour notification letter. Letters of objection have been received from two Parish Councils. Harthill with Woodall Parish Council state that:

The proposed development to be an inappropriate use of the green belt. There are also concerns that a successful application may set a precedent for a larger scale development of this nature in the future. The Parish Council also has an ongoing concern over the impact on the Chesterfield Canal due to this, and other, proposed developments at this site.

Wales Parish Council state:

The application site is off a heavily trafficked main road and the increased volume of traffic generated by the development would make an already dangerous access even more dangerous.

Consultations

Streetpride (Transportation & Highways): No objections

Appraisal

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

(a) the provisions of the development plan, so far as material to the application,

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

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

The main considerations in the determination of this application are:

- Principle of the development in the Green Belt
- Impact upon the openness of the Green Belt
- Design
- Residential Amenity
- Highways Issues
- Very special circumstances

Principle of the development in the Green Belt

The application site is allocated Green Belt within the Council's adopted UDP. Core Strategy Policy CS4 – Green Belt states: "Land within the Green Belt will be protected from inappropriate development as set out in national planning policy."

NPPF paragraph 89 states that: "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development".

With the above guidance in mind the proposal does not accord with any of the exceptions to set out above and represents inappropriate development. As such, very special circumstances need to be demonstrated to justify the harm caused by inappropriateness, and any other harm, and these are discussed further below.

Impact upon the openness of the Green Belt

In terms of the impact on the openness of the Green Belt, the NPPF at paragraph 79 states that: "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

The development proposed is inappropriate development in the Green Belt and Paragraph 80 of the NPPF sets out the five purposes that the Green Belt serves:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

With regard to the above purposes whilst the proposal would not create a situation where neighbouring towns could be said to be merging into one another, the proposal would have an urbanising impact, and it would encroach into the countryside. The site is in a prominent elevated position set adjacent to a protected woodland and would be easily visible from the public footpath running alongside the canal. Whilst the structures are to be constructed in timber at two storeys they are very significant and would stand higher than the adjacent low rise Fish Building conversion.

It should be noted that the Inspector dealing with the Enforcement Notice appeals relating to the two unauthorised garages on the site (that should be removed and would be replaced with the current proposed chalets) noted at paragraph 30 of his decision:

“The previous Inspector assessed the impact of the buildings at paragraphs 16-18 of his decision, as well as addressing some of the arguments then advanced in their favour. He did not have the evidence now before me in relation to the pond but I agree entirely with his assessment, adopt it and see no need to repeat it. I would add to it that the garages are a substantial extension of the built form across the land and are especially obtrusive, particularly the larger of the two, when seen from a number of viewpoints on the nearby public footpaths. My comments in relation to their inappropriateness, as compared to the previous ornamental structures, are equally relevant here. Their additional height, width, bulk and mass give them a substantially greater and more harmful visual impact on what is or was an essentially rural and largely open setting.”

The proposed chalets are in the same location as the existing unauthorised garages and are of a larger scale, being approximately 5.4m high as opposed to the existing garages which are approximately 4.5m high and it is once again considered that they would have a detrimental impact on the openness of the Green Belt in this location. For these reasons the harm by inappropriateness is compounded by these considerations and following paragraph 88 of the NPPF substantial weight should be given to the harm to the Green Belt.

Design

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.’

Core Strategy policy CS28 'Sustainable Design' states 'Design should take all opportunities to improve the character and quality of an area and the way it functions.'

In terms of the design the timber log cabins would have an acceptable architectural appearance, with the stained timber finish and front balcony feature adding visual interest. Such a design is appropriate in a rural setting and whilst it does not reflect the stone built nature of adjoining structures, it is appropriate for tourist cabins.

The proposal therefore would be in accordance with relevant design policies contained within the Core Strategy and the NPPF.

Residential Amenity

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.

The primary impact of the development will be upon the neighbour at the recently converted Fish House which is immediately north adjacent to the Chesterfield Canal. The new chalets will have balconies overlooking the rear private garden of the Fish House. Whilst a degree of overlooking will occur, at 10m between the balcony and the garden, the level of overlooking is considered acceptable.

With the above in mind no harm to detrimental impact on neighbouring amenity is considered to occur.

Highways Issues

CS14 Accessible Places and Managing Demand for Travel 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".

The location is not in a particularly sustainable with the nearest bus stop and amenities a 1km walk away in Killamarsh. However the very nature of tourist chalets is that they

tend to be isolated and linked to activities in the open Countryside. As such it is not considered reasonable to expect such facilities to be located close to public transport or amenities. Moreover the highway access and level of on site parking is considered adequate for the limited traffic movements such a proposal would generate.

Overall, it is considered that this proposed application will not have a detrimental impact upon highway safety and the proposal complies with CS14 Accessible Places and Managing Demand for Travel and policies with the NPPF.

Very special circumstances

Core Strategy Policy CS11 – ‘Tourism and the Visitor Economy’ states that:

“The Council recognises the contribution that tourism can make to sustainable economic development and job creation. The Council will support development proposals for hotels, conference centres, leisure-related tourism facilities, transport facilities, camping and caravanning sites and visitor accommodation in appropriate locations. Proposals focused on the borough's canals and rivers will be supported where they can be delivered safely and in line with relevant flood risk policy.

Tourism and visitor developments will be supported which;

- a. improve the quality and offer of Rotherham’s visitor economy
- b. improve the image and perception of Rotherham and promote the borough as a visitor destination
- c. attract investment to the local area and increase job creation
- d. increase the skills base in tourism associated areas
- e. enhance and conserve the borough’s urban and rural heritage, and
- f. utilize existing or replacement buildings wherever possible, particularly outside of existing settlements
- g. are consistent with town centre regeneration objectives
- h. enhance the character and role of Rotherham’s country parks, including the provision of appropriate additional recreation, leisure and tourist facilities.

The Council will support proposals for a comprehensive, regional scale leisure and tourist attraction north of Rother Valley Country Park compatible with its location within the Green Belt.

In considering the appropriateness of the location of proposed tourism and visitor developments regard will be had to the proximity to existing and connectivity with other visitor attractions, destinations and amenities, particularly by public transport, walking and cycling”.

UDP Policy EC6.4 Tourism and Visitor Developments and the Environment states:

“All proposals for ‘tourism and visitor’ developments will be assessed against the capacity of the area to cope with the pressures generated and will be required to demonstrate that:

- (i) they satisfactorily respect the form, character and setting of any settlement involved and make provision for adequate landscaping,
- (ii) they do not conflict with policies to conserve the landscape, the natural environment and the Borough’s heritage,

- (iii) they have regard to agricultural and other rural land-use interests and the need to conserve the best and most versatile farmland,
- (iv) they make adequate arrangements for the storage of plant, goods and materials,
- (v) they conform with policies for transport with particular regard to the suitability of the highway network to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation,
- (vi) they make adequate arrangements for site access, local traffic circulation, parking and servicing,
- (vii) they have regard to the opportunities available for the provision of public transport, and
- (viii) conflict with adjoining land-uses with particular regard to pollution, nuisance, health, safety and visual intrusion has been minimised.”

Paragraph 28 the NPPF states that: “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;

The applicant as part of his submission has indicated the tourism benefits of the scheme, with the chalet accommodation complimenting the existing Rother Valley Country Park and its various outdoor activities. The Council’s Core Strategy Policy CS11 referred to above clearly supports tourism within Rotherham.

The proposed development would bring some localised tourism and economic benefits. However, the benefits are limited and minimal supporting information has been submitted to justify the development of two large chalet structures in this location, which would impact upon the openness of the Green Belt in a sensitive location adjacent to protected woodland. Whilst Policy CS11 – ‘Tourism and the Visitor Economy’ recognises that the Council will support development proposals for visitor accommodation, it specifies that these should be in appropriate locations, and it is not considered that this location, which impacts on the openness of the Green Belt, is such an appropriate location. Such accommodation should ideally be sited at Rother Valley Country Park itself and it is understood that there are proposals for tourism accommodation within the park. Indeed, CS11 notes that the Council will support proposals for a comprehensive, regional scale leisure and tourist attraction north of Rother Valley Country Park compatible with its location within the Green Belt, and such development could provide the accommodation requirements associated with the site and the adjacent Country Park in a comprehensive manner.

A such, no very special circumstances have been identified to overcome the identified harm and for the above reasons the application is therefore recommended for refusal.

The Council's position in relation to the need to take into consideration all harms in the consideration of very special circumstances has been support by the High Court decision: Redhill Aerodrome Limited v The Secretary of State for Communities and Local Government and Ors (Case Number: C1/2014/2874.) The high court ruled that other possible "harms", not just green belt issues, had to be taken into consideration in cases where it had to be decided whether "very special circumstances" existed to justify what would otherwise be inappropriate development.

Conclusion

The Council considers that the proposal represents inappropriate development within the Green Belt that would have a detrimental impact on the openness of the Green Belt. The very special circumstances put forward in terms of tourism provision, do not outweigh the harm caused.

Reasons

01

The site of application is within the Green Belt and the proposed chalets represent inappropriate development that would have a detrimental impact on the openness of the Green Belt. No very special circumstances have been demonstrated to clearly outweigh the harm caused by the inappropriate development, and any other harm, and the proposal is therefore in conflict with Core Strategy Policy CS4 'Green Belt' and CS11 'Tourism and Visitor Economy' and chapter 9 'Protecting Green Belt land,' as set out in the National Planning Policy Framework (NPPF).

POSITIVE AND PROACTIVE STATEMENT

The applicant did not enter into any pre application discussions with the Local Planning Authority. It is not possible to support a scheme of this nature nor would any amendments make it acceptable. It was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 12TH MARCH 2015

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

1 **Ref: RB2014/0915**

Page No. **Appeal Decision: - Appeal Allowed**
83

Appeal against a refusal to grant planning permission under section 78 of the Town and Country Planning Act 1990 for the proposed alteration of front elevation which includes installation of new entrance doors, enlargement of windows and improvements to car park at Cranworth Hotel, Fitzwilliam Road, Rotherham, South Yorkshire, S65 1QB

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
12th MARCH 2015

Ref: RB2014/0915

Appeal Decision: - Appeal Allowed

Appeal against a refusal to grant planning permission under section 78 of the Town and Country Planning Act 1990 for the proposed alteration of front elevation which includes installation of new entrance doors, enlargement of windows and improvements to car park at Cranworth Hotel, Fitzwilliam Road, Rotherham, South Yorkshire, S65 1QB



Recommendation

That the decision to allow the appeal be noted.

Background

A planning application was submitted (ref: RB2014/0915) for the alteration of the front elevation and improvement to the parking area at Cranworth Hotel, Fitzwilliam Road, Eastwood.

The plans as originally submitted included the removal of the bay windows, the installation of two large glazing panels and an automatic sliding door in the centre of the building with a glazing panel on the side of the door.

Concerns were raised at officer level that the proposed alterations were not sympathetic to the architectural appearance of the building and after discussing these concerns with the applicant, amended plans were submitted and the application was recommended for approval. A number of local objections from the local community were received to the application, although these were primarily aimed at the issue of the pub being converted into a shop. Whilst it was explained in detail to the local residents that this was permitted development, the level of public objection to the application remained high and after a detailed discussion of the application at Planning Board, Members were of the opinion that the design was unacceptable and the application was subsequently refused by 18 September 2014 for the following reason:

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

An appeal was lodged with the Planning Inspectorate on 10 November 2014 and was considered by way of Written Representations.

Main Issues

In assessing the appeal, the Inspector noted that the building was currently in use as a public house, but recognised that there were fears by the landlady and many local residents that the property will be changed to a small express style supermarket if the appeal was allowed. However, he stated that the change of use of the building was not a matter for consideration in the application and the change of use of a public house to a shop can take place without the need for planning permission.

As such, the Inspector considered that the main issue to be determined in the appeal was the effect of the proposed changes to the front elevation of the building on its character and appearance.

Decision

The Inspector acknowledged that the appeal building is a mock Tudor style public house located on the corner of Fitzwilliam Road and Cranworth Road. It appears prominent in the streetscene despite being set back from the road and is surrounded on 2 sides by hardstanding that is used mainly for the parking of cars. This part of Fitzwilliam Road is characterised by a mix of housing and commercial premises such as shops and other local facilities. There is currently one functioning timber door in the front elevation of the property and it is proposed to remove this and replace it with a glazed panel.

The traditional door surround would be retained. The Inspector noted that to the right of it, a small window would be replaced with a larger aluminium framed window. It would be similar in scale to the 2 existing ground floor bay windows in this elevation which would be retained. However, it would not be a bay window; it would be flush with the front of the building.

The Inspector also noted the front elevation also contains another door surround, but the lower section has been bricked up and the upper section contains a window. This opening would be brought back into use as a door. The door surround would be removed to allow for the fitting of a pair of aluminium framed glazed doors with a solid panel above. This part of the proposal would provide public access to the building that is compliant with the Disability and Disabled Act.

The Inspector opined that while these works individually and cumulatively would alter the appearance of the front elevation of the pub, the retention of the door openings in the same place and the fitting of a larger window, similar in size to the other existing window, would ensure the building remains visually balanced. Furthermore, the glazed panel and new doors would contain a large amount of glazing and so they would appear lightweight and not compete with the existing design features of the building.

Overall, the Inspector considered that the proposed changes to the front elevation would preserve the character and appearance of the host building. As such, the proposal would accord with policy CS28 of adopted Rotherham Local Plan Core Strategy which promotes sustainable design.

Regarding the car park improvements, the Inspector considered that these would result in the marking out of bays within the existing car park, including disabled spaces. Cycle parking would also be provided. These improvements would be likely to result in the existing car park being utilized more efficiently and encourage the use of bicycles. This was considered to be a benefit of the scheme.

Conclusion

In recognition that the proposals would not harm the character of the pub and that the changes to the car park would make it more useable, the Inspector allowed the appeal.

In addition to the standard time condition, the Inspector attached a condition to ensure that the development is carried out in accordance with the approved plans and as the submitted site plan shows some landscaping in the car park, securing details of this was important to ensure that appropriate species are planted through the imposition of a landscaping condition.

The Inspector did not impose the Council's suggested condition in relation to the car park drainage as this is an existing car park already in use and so such a condition would be unreasonable. The approved site plan clearly shows how the car park will be marked out and so a condition securing this is unnecessary also.

Therefore, for the reasons detailed above, the Inspector allowed the appeal with the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S1904/PL/03-01 A, S1904/PL/02-02 B, S1904/PL/03-02 B, S1904/PL/02-05 D and S1904/PL/02-06 A.
- 3) No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

**Planning Board
12 March 2015**

Draft Development Management Policies

Rotherham's Local Plan

1. Our development plan currently consist of:
 - The Adopted Barnsley, Doncaster and Rotherham Joint Waste Plan
 - The Adopted Core Strategy
 - Saved UDP policies compliant with the National Planning Policy Framework and not superseded by the Waste Plan or Core Strategy.
2. The Joint Waste Plan sets out policies specific to waste management. For all other matters the Core Strategy sets out over-arching strategic policies and in some areas provides detailed policy guidance. With the exception of the Bassingthorpe Farm Strategic Allocation it does not establish how individual site allocations may be implemented. This, along with more detailed "development management" policies are delegated to the Sites and Policies document.

Draft Sites and Polices document

3. The Sites and Policies document not only identifies new sites for development, it also identifies what other land within the borough can be used for and sets out the expectations regarding wildlife, geology, landscape and heritage amongst others. It will provide for the protection and expansion of our green infrastructure and it will ensure that development incorporates best practice for design and for sustainable drainage.
4. These further detailed policies therefore cover a range of topics and are in draft form. We are currently revising them following feedback from the public consultation in 2014.
5. They will eventually be subject to independent examination, so we must ensure that they are robust, effective and justified.
6. The Sites and Policies document will form part of the Local Plan once it has been through examination and is adopted, and will replace the remaining Saved UDP policies referred to above.
7. Further detailed guidance may be prepared separately as Supplementary Planning Documents or Good Practice Guidance to assist the delivery of the strategic spatial objectives of the Local Plan.

Draft Policies

8. The draft policies often link to adopted Core Strategy policies, and the two documents should be read together¹.
9. The draft policies are provided at Chapter 8 of the Final Draft Sites and Policies document which can be viewed here:

¹ The Core Strategy can be viewed here:

http://rotherham.limehouse.co.uk/portal/planning/cs/adopted_cs/adopted_cs?pointId=2939787

<http://rotherham.limehouse.co.uk/portal/planning/sp/finaldraftsandp?pointId=1376562440493#section-1376562440493>

10. However a number of the policies which are likely to be frequently used when determining planning applications are highlighted below at Appendix A for discussion during the meeting.
11. **We would welcome any comments on the draft policies by Thursday 19th March, ideally by email to planning.policy@rotherham.gov.uk**
12. We will then revise the draft policies for inclusion in the Publication Sites and Policies document. This is the version of the document which we intend to submit for examination, and will be subject to further public consultation (subject to Member approval) later this year.
13. If you require any further information on the draft policies then please do not hesitate to contact me.

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Appendix A: Selected Policies for Discussion

Note: **red text** below indicates text which it is currently proposed to insert and ~~struck through~~ text indicates text to be deleted. The policies are a 'work in progress' and may be subject to further amendment in light of representations received.

Policy SP 8

Previously Developed Sites within the Green Belt

In instances where existing activities are located within the Green Belt, proposals for limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), may be considered acceptable, provided that they would not have a greater impact on the openness of the Green Belt and the purposes of including land within it, than the existing development. All proposals will require careful assessment and agreement prior to their submission, as to the impact and appropriateness of such changes and to the long term sustainability of the proposals including the location of the previously developed site.

Consideration will be given to the size, volume, massing, scale, position, siting, screening, enclosures, lighting and design of new buildings or structures to ensure that any harm or potential harm to the openness of the Green Belt is minimised.

Policy SP 11

Development in Housing Areas

Residential areas identified on the Policies Map, ~~whether existing or undeveloped housing allocations,~~ shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

Non residential uses will be considered in light of the need to maintain the housing land supply and normally only permitted where they:

- a. Are ancillary to the residential nature and function of the area; and
- b. Are no larger than is required to meet the needs of local residents; and
- c. Will not have an unacceptable impact on the residential amenity of the area; and
- d. Satisfy the requirements all other relevant planning policies; and
- e. Demonstrate how they will be of benefit to the health and well-being of the local population.

Policy SP 16

Other Uses Within Business, and Industrial and Business Areas

Within areas allocated for business, or industrial and business use on the Policies Map, uses other than those identified in Policies SP14 and SP15 will be considered on their merit having regard to other relevant planning policies and:

- a. their contribution to the range and quality of employment opportunities in the borough;
- b. compatibility with adjacent existing and proposed land uses and any impact on amenity;
- c. that adequate provision of employment land would remain within the borough and the locality of the site based upon an assessment of existing land supply (including amount, type, quality and use of land) and current and future demand; and
- d. that there is compelling evidence which clearly demonstrates that the site is no longer viable for employment use on the basis that:
 - i. The site or premises have been marketed to the Council's satisfaction for at least 12 months and included both traditional and web-based marketing, and regular advertisement in local, regional and/or national publications as appropriate; and
 - ii. opportunities to re-let premises have been fully explored; and
 - iii. The premises/site have been marketed at a price which is commensurate with market values (based on evidence from recent and similar transactions and deals) and
 - iv. it has been demonstrated that the terms and conditions set out in the lease are reasonable and attractive to potential businesses, and that no reasonable offer has been refused.

Policy SP 25

Hot Food Takeaways

Hot food takeaways will be permitted within town, district and local centres (but outside of Main Shopping Areas) where they:

- a. Would not result in more than 10% of the ground floor units within a defined **town or district** centre being hot food takeaways; **or** and
- b. Would not result in more than 25% of the ground floor units within a defined local centre being hot food takeaways; and**
- b. Would not result in more than two A5 units being located adjacent to each other; and
- ~~e. There are no less than two non-A5 units between hot food takeaways; and~~
- ~~d.~~ **c.** they will not negatively impact upon the amenity of surrounding businesses or residents.

Hot food takeaways will not be permitted where they are within 800 metres of a primary school, secondary school or college **or would result in more than two A5 units being located adjacent to each other**, except where they are within a defined town, district or local centre and satisfy the requirements above.

Proposals for hot-food takeaways will be considered in light of their impact on amenity and any mitigating measures. This will include taking account of highway safety and parking, hours of operation, control of odours and cooking smells, litter and waste disposal, and crime and anti-social behaviour.

Policy SP 27

Sustainable transport for development

Development proposals will be supported where it can be demonstrated that:

- a. As a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;
- b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;
- c. the highway network is, **or can be made**, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;
- d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access;

The Council expects that other measures to increase and encourage sustainable travel and movement habits through travel plan incentives, such as: bus service enhancements, bus priority schemes, improved or additional bus services, better information and subsidised ticketing, multi modal multi operator, cross boundary travel, are provided. Improvements to existing and new infrastructure, ensuring that any public transport stops are easily accessible by active means, and that opportunities to further enhance walking, cycling and appropriate measures to promote inclusive access, will be sought as appropriate.

Policy SP 34

Conserving the natural environment

Development should conserve, and enhance existing and create new features of biodiversity and geodiversity value.

Where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternate site, development proposals will be expected to minimise impact through careful consideration of the design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures.

Where, despite mitigation, there will be residual adverse impact on biodiversity or geodiversity value or on wider ecological networks, development should provide an adequate level of compensation. The aim of mitigation and compensation should be to respond to impact or loss with something of greater value; the minimum requirement will be to maintain 'no net loss'.

Planning permission will not be granted for development that is likely to, directly or indirectly, result in the loss or deterioration of sites, habitat or features that are considered to be irreplaceable due to their age, status, connectivity, rarity or continued presence.

Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes see Inset Map for details.

Development that contributes to the preservation, restoration and creation of priority habitats or geological features, ecological networks, ecosystem services and the protection and recovery of priority species populations, will be supported.

The Council will protect individual and groups of trees by the declaration of Tree Preservation Orders where it is important in the interest of visual amenity or there is reason to believe that trees are under specific threat.

Policy SP 39

Protecting Green Space

Development proposals that result in the loss of Green Space, **as identified on the Policies Map**, including sports pitches and children's play areas, will only be allowed **in exceptional circumstances**, where:

- a. An assessment shows its loss would not detrimentally affect the existing and potential Green Space needs of the local community. **The assessment will consider the availability of sports pitches, children's play areas and allotment provision, to determine existing deficits and areas for improvement;** or
- b. **An appropriate replacement Green Space** of at least equivalent community benefit, accessibility and value is provided in the area which it serves; or
- c. The development is for facilities of appropriate scale and type needed to support or improve the proper function of the remaining **Green Space in the locality.**

These criteria will not apply to Green Space that performs an amenity or buffer function. These sites will be protected from future development as it is considered that their loss cannot be compensated for given the purpose and function of the allocation.

Development proposals within the immediate vicinity of green space must not impact negatively on the amenity, ecological value and functionality of the Green Space. All adverse impacts must be negated through the design of the scheme.

Development that results in the loss of any small incidental areas of Green Space, not specifically identified on the Policies Map, but which make a significant contribution to the character of residential areas and/or green infrastructure, will not normally be permitted.

Policy SP 48

Understanding and managing flood risk and drainage

The Council will expect proposals to:

- a. demonstrate an understanding of the flood route of surface water flows throughout the proposed development in an extreme event and where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;
- b. control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) in appropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and
- c. consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties.

~~The Lead Local Flood Authority will introduce a Sustainable Urban Drainage Approval Body to approve drainage systems in new developments.~~

A minimum of 8 metre maintenance strip commencing from the top of the bank should be maintained between proposed development and watercourses designated as 'main rivers', and similarly a minimum of 5 metre maintenance strip for watercourses designated as 'ordinary'. There should be no encroachment into this maintenance strip during any stage of development. Where watercourses have flood defences an 8 metre easement from the top of the bank or from the landward toe of any flood defence should be left clear

Foul water should be disposed to public sewer wherever possible. Non-mains foul drainage disposal options will only be considered where it is robustly demonstrated that it is impracticable, unsustainable or too costly to do so, compared against the lifetime costs/impacts of the non-mains alternative. Any proposals involving non-mains drainage must be accompanied by a suitable foul drainage assessment.

Policy SP 63

Access to Community Facilities

Residential development should have good access to a range of shops and services. On larger scale residential developments of 10 or more dwellings the majority of homes should be within reasonable walking distance via safe pedestrian access of a local convenience shop and a reasonable range of other services or community facilities. This may require the provision of local services or facilities by developers where these requirements would not otherwise be met or where new development would place an unacceptable burden upon existing facilities, unless it can be demonstrated that such provision would not be viable or would threaten the viability of the overall scheme.

Policy SP 55

Design Principles

All forms of development are required to be of high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings. In considering development proposals regard will be had to the following, **proportionate to the scale, nature, location and sensitivity of development**:

- a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development;
- b. that an assessment of local building materials, their colour and architectural detailing has been undertaken and submitted with the application;
- c. the use of appropriate materials and landscaping and utilisation of natural features, such as topography, watercourses, trees, boundary treatments, planting and biodiversity to create visually attractive high quality development;
- d. proposals reinforce and complement local distinctiveness and create a positive sense of place; public art should be incorporated into proposals where appropriate;
- e. the legibility and permeability of development to promote ease of movement, the creation of safe, secure and accessible environments and provide clear distinction between public and private spaces - lighting of the public realm and the built development will be particularly important;
- f. the provision of satisfactory arrangements for the storage and collection of refuse, recyclable materials and garden waste to enable easy and convenient recycling and composting;
- g. the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing;
- h. new public and commercial developments are encouraged to include baby changing, breast feeding and accessible 'Changing Places' toilet facilities in addition to standard accessible toilets.

Design and Access Statements, and where appropriate detailed masterplanning, will be expected to encompass these broad aims and principles **and have regard to the Building for Life toolkit, or the most up to date guidance**. Applicants are strongly encouraged to demonstrate an appropriate level of community engagement in their preparation; to comprehensively consider health and equalities impacts and safety and security issues and, clearly demonstrate through their submission, how these issues and any impacts arising, have influenced the final design solution.