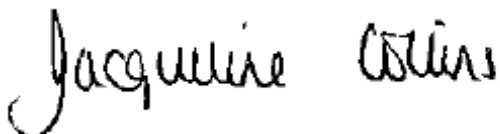


**You are hereby summoned to a meeting of the Planning Board
to be held on:-**

**Date:- Thursday, 23 April 2015 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH**
Time:- 10.15 a.m.

PLANNING BOARD 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 2nd April, 2015 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Visits of Inspection - Erection of a building for use as soft play area (use class D2) and ancillary café and toilets at Aston Springs Farm, Aston for Mr Swain (RB2015/0237) (Pages 7 - 20)
8. Development Proposals (Pages 21 - 29)
9. Updates
10. Date of next meeting - Thursday 14th May, 2015



**Jacqueline Collins,
Director of Legal and Democratic Services.**

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

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

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

1. Disclosable Pecuniary

2. Personal

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

(Please continue overleaf if necessary)

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

Signed:-

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

PLANNING BOARD
Thursday, 2nd April, 2015

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

Apologies for absence were received from Councillors N. Hamilton and Tweed.

T82. DECLARATIONS OF INTEREST

Councillor Atkin declared his personal interest in application RB2014/1654 (Erection of 25 No. dwellinghouses with formation of new means of access at land at Brameld Road, Swinton for Arches Housing Association Ltd.), because as a Ward Councillor he has previously, in public, declared his support for the proposed development. During the Planning Board's consideration of this matter, Councillor Atkin vacated the Chair, left the room, did not participate in the discussion on this application and did not vote. (In the absence of the Vice-Chair, Councillor Godfrey was appointed Chair of the meeting, only for consideration of this application, in Councillor Atkin's absence).

T83. MINUTES OF THE PREVIOUS MEETING HELD ON 12TH MARCH, 2015

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday 12th March, 2015, be approved as a correct record for signature by the Chairman.

T84. DEFERMENTS/SITE VISITS

The Planning Board agreed to undertake a site inspection, prior to the next meeting, in respect of the application for planning permission for the erection of a building for use as soft play area (Use Class D2) and ancillary café and toilets at Aston Springs Farm, Mansfield Road, Aston (RB2015/0237), as requested by Ward Councillor Pitchley, in order to familiarise Members with the overall layout of the site and the likely impact of the proposed development upon the surrounding environment, because this application is for development within the Green Belt.

T85. 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 application listed below:-

Erection of 19 No. dwellinghouses with associated garages at land off Hall Croft and Lindum Drive, Wickersley for Redrow Homes Ltd. (RB2014/1585)

Mr. J. Lomas (agent on behalf of the applicant Company)

Mr. D. Guest (objector)

Mr. D. Bowser (objector)

(2) That applications RB2014/1227, RB2014/1654 and RB2015/0185 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3)(a) That, with regard to application RB2014/1499, the Council shall enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing:-

- a commuted sum of £204,769 towards affordable housing provision;

- the provision of Travel Master cards for the first occupier of each dwelling; and

- a schedule for the future maintenance of the building and of the accommodation within it;

(b) That, subject to the signing of the Section 106 Legal Agreement, planning permission be granted subject to the conditions set out in the submitted report.

(4)(a) That, with regard to application RB2014/1585, the Council shall enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the contribution of the sum of £128,000 towards the provision of affordable housing within the Wickersley and Hellaby areas;

(b) That, subject to the signing of the Section 106 Legal Agreement, planning permission be granted subject to the conditions set out in the submitted report and including an amendment to Condition 2, in that Drawing No. 4839-16-02-05B, received on 16 March 2015 is replaced by Drawing No. 4839-16-02-05C, received by the Planning Authority on 26 March 2015.

(Councillor Atkin declared his personal interest in application RB2014/1654 (Erection of 25 No. dwellinghouses with formation of new means of access at land at Brameld Road, Swinton for Arches Housing Association Ltd.), because as a Ward Councillor he has previously, in public, declared his support for the proposed development. During the Planning Board's consideration of this matter, Councillor Atkin vacated the Chair, left the room, did not participate in the discussion on this application and did not vote. (In the absence of the Vice-Chair, Councillor

Godfrey was appointed Chair of the meeting, only for consideration of this application, in Councillor Atkin's absence))

T86. PROPOSED TREE PRESERVATION ORDER NO. 6 (2014) - FORMER SCHOOL HOUSE, CHURCH STREET, GREASBROUGH

Consideration was given to a report of the Director of Planning and Regeneration Service concerning the proposal to make a Tree Preservation Order in respect of ten trees situated within the development the subject of planning permission RB2014/1176 (Conversion of building to form 2 No. dwellinghouses at former School House, Church House, Greasbrough).

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

(2) That the Planning Board confirms the serving of Tree Preservation Order No. 6 (2014) with regard to ten Lime Trees, as detailed within the submitted report and which are situated within the curtilage of the former School House, Church Street, Greasbrough, under Sections 198 and 201 of the Town and Country Planning Act 1990.

T87. UPDATES

(1) The Planning Board was informed that training on planning matters will be provided for existing and any new Members of the Board, after the Borough Council elections on 7th May, 2015.

(2) Webcasting and recording of meetings of the Planning Board – there was general discussion about the impact of the webcasting of meetings on Members' debate and decision-making during the Board's meetings. It was noted that the Government-appointed Commissioners to the Council are considering the contents of a proposed additional protocol relating to the overall conduct of Elected Members.

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.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY BOARD

VISIT OF INSPECTION – THURSDAY, 23RD APRIL, 2015

1. **RB2015/0237 – Erection of a building for use as soft play area (use class D2) and ancillary café and toilets at Aston Springs Farm, Aston for Mr. Swain.**

Requested By:- Ward Councillor Pitchley

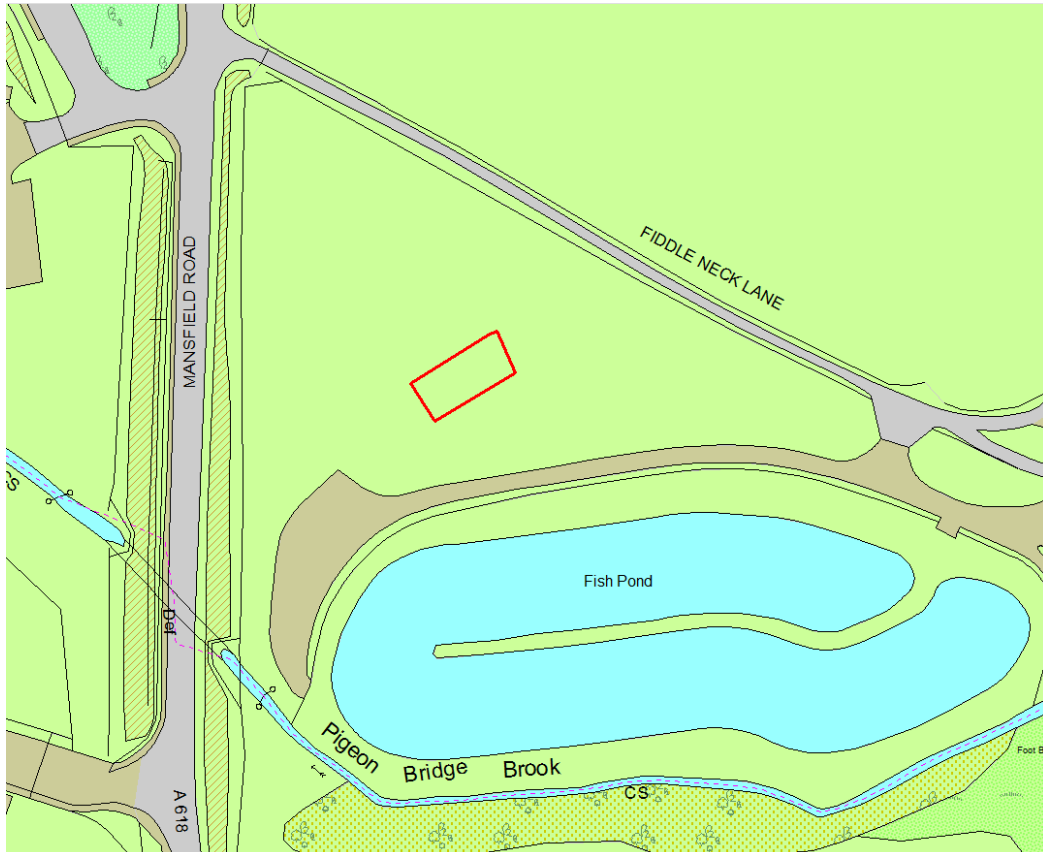
Reason:- To allow Members to familiarise themselves with the site layout and to consider the impact of this proposed development on the surrounding area, because the site is within the Green Belt.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2015/0237	Aston	9.25 a.m.	9.45 a.m.

Return to the Town Hall for approximately 10.10 a.m.

SITE VISIT NO. 1 (Approximate time on site - 9.25 a.m.)

Application Number	RB2015/0237
Proposal and Location	Erection of a building for use as soft play area (use clas D2) and ancillary café and toilets at Aston Springs Farm, Aston, S26 5PQ
Recommendation	Refuse

**Site Description & Location**

The site of application forms part of an attractive area of countryside to the north of the largest of the existing fishing ponds recently formed and to the south of the access track that serves the ponds from Mansfield Road. Beyond those lakes the land falls away to Pigeon Bridge Brook, which crosses the landscape east to west. Beyond the Brook is an area of open land, also in the applicant's ownership, and then a railway line with embankment. The applicant also owns a field to the east of the ponds (approximately 2.1 hectares). Further on along the access track are more fishing ponds, under separate ownership.

The main farm building is a modern stone built building containing offices, chicken pens, pig sty, egg processing plant, shop, cafe and storage. The farm is run as a visitor attraction and includes hobby fishing as an income stream.

In recent months work has commenced on two agricultural buildings approved under a prior approval application RB2014/0415. The stone dwarf walls have since been completed and the site is awaiting the metal superstructure and cladding.

Background

The most recent and relevant applications relating to this site are:

RB2010/0680 - Erection of a single storey building with rooms in roofspace for keeping of livestock, 2 No. waste tanks, associated parking and formation of access off Mansfield Road – REFUSED. Appeal dismissed. The Inspector considered that the proposal did not represent inappropriate development in the Green Belt but that it would have an impact on openness and that, more significantly, insufficient information had been submitted in respect of drainage relating to the building.

RB2011/0293 - Erection of farm building to form free range farm with associated parking, new access and cesspool - GRANTED CONDITIONALLY. The building approved was significantly smaller than the one refused permission, in 2010 and dismissed on appeal. It has a footprint of 406 sqm, compared to the permitted development limit for agricultural buildings on holdings of 5 hectares or more of 475 sqm, and only required planning permission because it is within 300m of residential properties across the A57 to the north.

RB2012/1555 - Use of part of building as café - GRANTED CONDITIONALLY

Conditions

02

The café use shall be ancillary to the agricultural and retail activities carried out on the site.

Reason

The site is not suitable for a general café use in this Green Belt location.

03

The café use hereby permitted shall only be open to customers between the hours of 10.00 to 16:00.

Reason

To link the use to that of the farming activities as the site is not suitable for a general café use in this Green Belt location.

RB2014/0415 - Prior notification re: erection of agricultural barn - GRANTED CONDITIONALLY. This building was formed by two separate elements, connected by a single storey link.

Proposal

The applicant seeks permission to erect a large barn type building to form a new café and indoor children's play area. The building will measure 5.8m high by 28m wide and 9.6m deep. The building is to be constructed with a stone dwarf wall, with timber cladding above and a sheet metal roof. Internally it would provide the play area (145 sqm) and café (97 sqm) as well as ancillary toilet provision.

The design and location is similar to one element of the overall agricultural building previously approved under prior approval RB2014/0415, which was approved for only agricultural purposes. The erection of this building has commenced though not been completed. The other element of the building previously approved would be retained for accommodating animals, though no link between the two buildings is now proposed. The play facility building would be constructed with horizontal timber cladding as opposed to the vertical hit and miss timber cladding previously proposed and would contain more door/window openings than previously approved for the agricultural building.

Provision for a total of 22 car parking spaces is available on the site which would serve the proposed facility.

No additional staff are proposed (currently 13 full time and 9 part time) and the building would be open between 10am and 4pm seven days a week.

The applicant's supporting statement states that:

- It must be stressed that the proposal together with the agricultural need arising from the operation of the farm has been carefully considered and with a careful management of the farming enterprise the essential needs of the animals could be accommodated in the other agricultural building so the approval of the current proposal will not result in the need for another agricultural building.
- The site is now well established as an open farm that is a popular visitor attraction and also sells products such as pork and eggs that are produced on the farm. It makes a valuable contribution to the local visitor economy, is a source of employment (a total of 13 full time, 9 part time and 5 volunteer jobs) and provides practical training for students from Rotherham College.
- The operation of the facilities has however identified the need for additional under cover accommodation to be provided to serve visitors to the site. The proposed building is intended to provide a soft play area, additional café space and toilets. All of these facilities are to be operated in connection with the farm enterprise and not as separate facilities open in their own right. The soft play area would provide an additional facility for families especially those with very young children

who may not have the stamina to complete the entire farm trail and need to be occupied under cover while waiting for older siblings.

- The existing café is well used: it provides 30 seats and is open for 6 hours a day. Especially at weekends and in the school holidays it is frequently full all day. Additional space would not only ease overcrowding but would also provide an indoor space when school groups are visiting so they can receive instruction about the farm operations and animals prior to going on the farm trail and where they can have refreshments.
- The construction of a building of the size proposed to serve a leisure purpose rather than being directly related to agriculture may be considered as inappropriate development in the Green Belt which requires very special circumstances to justify it. As noted above the use of the building is in connection with the use of the larger site for agriculture. It is well related to the other buildings on the site and does not extend the built development on the site into the surrounding open area. The building will also support the growth of this agriculturally based tourist attraction in accordance with development plan policies and national planning guidance. These factors would provide the very special circumstances to justify the development. It must also be noted that a similar justification has been accepted by the Council in relation to buildings at the Tropical Butterfly Farm at North Anston and at the Wentworth Garden Centre.
- With regard to highway considerations the site is served by an access that was created to serve the open farm. There is a car park which has space for 10 cars (including 2 disabled spaces) but there is also space for cars to park along the internal site roads and in the spaces provided for fishermen. The provision of the proposed new facilities is to be ancillary to the existing use rather than to introduce a new use that would greatly increase the level of traffic visiting the site. In view of this and the adequate existing provision within the site no additional car parking is proposed.

The applicant's sequential test states that:

- This site is well outside of any town centre but the proposal is for ancillary facilities to the existing farm enterprise and is not intended to attract any passing trade purely to the facilities to be provided within the application building (all as set out in the planning statement attached to the submitted application). The proposed facilities are intended to provide more facilities for customers visiting the farm and promote this agriculturally based tourist enterprise. It would clearly be unsustainable and be completely unworkable to expect customers to travel from the farm to a town centre to use the associated facilities. The farm must be on a rural site because of the nature of the business and the most sustainable location for ancillary facilities is on the same site.

- In view of the above and the advice set out in paragraph 25 of the NPPF no study of alternative sites in or around the nearest town centres (Aston and Wales) has been undertaken.

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'

CS11 – 'Tourism and the Visitor Economy'

CS12 – 'Managing Change in Rotherham's Retail and Service Centres'

CS28 - 'Sustainable Design'

UDP 'saved' Policy:

EC6.4 Tourism and Visitor Developments and the Environment.

Other Material Considerations

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

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

The 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 by way of neighbour notification letter and site notice. One letter of objection has been received from Aston Parish Council “on the basis that the intended use is no longer for agricultural purposes therefore it would be unnecessary development within the green belt.”

Consultations

Streetpride (Transportation & Highways Unit): Note from the submitted details that the proposed soft play area and café will be accommodated on part of the site of the agricultural building approved under RB2014/0415, (partly constructed at present). The applicant has indicated that the uses are intended to supplement other facilities at this site which include a farm shop and animal viewing attraction for members of the public, though there is concern that it could become a destination in its own right, as appears to have occurred with the original café approved on the site. Notwithstanding this concern it is not anticipated that a material increase in traffic during peak hours would occur, and it is considered that there is sufficient parking provision for the proposed facility.

In terms of sustainability, there are frequent bus services along A618 Mansfield Road although there is no footway linking the site access with the northerly bus stop. There is also the potential for “linked trips” as people visiting the play facility also visit the farming activities, as suggested by the applicant.

Neighbourhoods (Environmental Health): Would envisage no significant loss of amenity by virtue of noise, air quality or land pollution impact and as such would raise no further comment.

Appraisal

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

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

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

The main considerations in the determination of this application are:

- Principle of the indoor leisure use in the Green Belt and impact upon the openness of the Green Belt
- Sequential test regarding the out of town location
- Design and appearance
- Highways issues
- Residential amenity
- Very special circumstances

Principle of the indoor leisure use in the Green Belt

The application site is allocated Green Belt within the Council's adopted UDP therefore any proposal on this site should wherever possible be retained or developed for such purposes. Core Strategy 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 set out above and represents inappropriate development. The indoor play area and associated café cannot be said to represent appropriate facilities linked to outdoor recreation.

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."

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 proposed very substantial building would have an urbanising effect on the Green Belt and encroach into the countryside. Whilst it is acknowledged that a similar sized building has been approved under prior approval, this was for agricultural purposes and any harm to the openness was weighed against the applicant's essential need for an agricultural building. The applicant had indicated at that time that the barn was essential as the farm needed indoor accommodation for pigs and cattle and that in the previous winter a number of pigs had been lost to cold related illnesses.

For these reasons the harm by inappropriateness is compounded by the urbanising impact that the building would have, and its general impact on the openness of the Green Belt in this location and following paragraph 88 of the NPPF substantial weight should be given to the harm to the Green Belt.

As such it is considered that very special circumstance need to be demonstrated to overcome the harm caused by way of the inappropriate development and the impact on openness, as well as any other harm. These are discussed in more detail below.

Sequential test regarding the out of town location

This application seeks permission for a D2 Indoor Leisure use comprising of a soft play area with associated café which are considered to be main town centre uses, as defined in the NPPF, and therefore Paragraphs 24-27 of the NPPF and Core Strategy Policy CS12 are applicable.

Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' states that:

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

- a. sites within and then on the edge of town, district or local centres have been assessed and it can be demonstrated that they are not available, suitable or viable for the proposed development, and then

b. In the case of bulky goods floorspace, the availability, suitability and viability of vacant premises in retail parks to accommodate the proposed development has been assessed.

Paragraph 24 of the NPPF states that: “Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

The applicant has indicated that the proposed use is ancillary to the on site farm visitor attraction and as such they do not consider that a sequential test is required. However, it is not considered that the indoor play area is intrinsic to the farm attraction and does not specifically relate to visitors viewing the farm, and nor is it a tourist attraction in its own right. With regard to the proposed café a substantial café has already been approved on site, the new café could therefore create a situation where passing trade has to be attracted to generate the demand for the two café uses. Indeed it would appear that the current café, operating more as a restaurant, is generating passing trade as well as trade from visitors, notwithstanding the condition attached to the previous permission for the café which stated that it should be ancillary to the agricultural and retail activities carried out on the site.

In particular the restaurant website states that “The Bistro evenings continue to be very successful and we have now introduced themed evenings. These must be booked in advance.” Evening opening appears to be a breach of the existing planning permission which includes a condition limiting the café to be ancillary to the agricultural and retail activities and importantly also limited the opening hours to 10am to 4pm. This will be raised with the applicant as a separate matter.

Given the evidence above regarding the operation of the existing café / restaurant, there are concerns that the play space/cafe could also become a destination in its own right and the site may attract visitors wanting to use the play area as opposed to the farm itself. In any case this represents a cumulative increase in activity on site. There is no evidence submitted which indicates how this element would operate in conjunction with the other activities on site. Furthermore no sequential assessment of the D2 use has been provided.

Design and appearance

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

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

In this instance the new building is to be constructed in horizontal timber cladding with a sheet metal roof. Four large double door openings are proposed to the front, whilst to the side elevation 3 windows are proposed for the café use. The proposed building will have an agricultural appearance with timber cladding and a metal roof typical on modern agricultural buildings. Notwithstanding the harm to the openness of the Green Belt referred to above, the design of the building is considered acceptable in its context.

Highways Issues

The Council's Transportation Unit note from the submitted details that the proposed soft play area and café will be accommodated on part of the site of the agricultural buildings approved under RB2014/0415, (partly constructed at present). The applicant has indicated that the uses are intended to supplement other facilities at this site which include a farm shop and animal viewing attraction for members of the public, though there is concern that it could become a destination in its own right, as appears to have occurred with the original café approved on the site. Notwithstanding this concern it is not anticipated that a material increase in traffic during peak hours would occur. In terms of sustainability, there are frequent bus services along A618 Mansfield Road although there is no footway linking the site access with the northerly bus stop. There is also the potential for "linked trips" as people visiting the play facility also visit the farming activities, as suggested by the applicant.

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.

In this instance the site is isolated, with the nearest residential dwellings some 300m away on the Redmile residential development site to the north of the A57. As such no harm to neighbouring amenity will occur.

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 canal's 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."

The applicant as part of their submission has indicated the tourism benefits of the scheme and that very special circumstances exist by way of supporting the agriculturally based tourist attractions on site. As referred to above it is not considered that the proposed use is incidental to the existing on site use, or that the use of the building as a play area is intrinsically a tourist related activity in its own right. As such, it is not considered that very special circumstances have been demonstrated in this instance.

The applicant has highlighted examples at Wentworth Garden centre and the Tropical Butterfly House of examples of similar tourist attractions in the Green Belt, where a large number of buildings and different uses have been allowed. Both these sites have outdoor play areas, rather than indoor play areas and in the case of the Tropical Butterfly House this is a major regional tourist attraction attracting some 125,000 visitors a year.

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. In addition the applicant has failed to demonstrate that the proposed uses cannot be accommodated in nearby town centres. It is not considered that the proposed development is directly related to tourism, or sufficiently related to the existing visitor facilities on site, and as such no very special circumstances have been demonstrated to justify the harm caused. In view of the above it is recommended that planning permission be refused.

Reasons for Refusal

01

The site of application is within the Green Belt and the proposed building to accommodate the D2 and A3 uses represents 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 chapter 9 ‘Protecting Green Belt land,’ as set out in the National Planning Policy Framework (NPPF).

02

The proposed development is not considered to be ancillary to the agricultural activities that take place on the site and would be located on an out of centre site as defined by the National Planning Policy Framework. The application fails to satisfactorily demonstrate that there are no suitable, available or viable sites for the combined soft play area and cafe development in sequentially preferable locations. The proposal thus fails to comply with the requirements of the sequential approach set out in Core Strategy Policy CS12 as well as paragraph 24 of the National Planning Policy Framework.

POSITIVE AND PROACTIVE STATEMENT

The applicant did not enter into any pre application discussions with the Local Planning Authority. Discussions during the determination of the application have identified that 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.

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 23 APRIL 2015**

The following application is 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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Application Number	RB2015/0049
Proposal and Location	Two storey side and rear and first floor rear extension at 34 Queensway, Moorgate
Recommendation	Grant subject to conditions



Site Description & Location

The application site comprises of a detached dormer bungalow located at the end of a cul de sac on Queensway in the Moorgate area.

Properties on Queensway and the wider Moorgate area are of various architectural styles and scale. The adjacent property No.32, is to the south of the site and projects forward from the application property by approximately 3.8m. The other neighbouring property, No.36 is to the north of the site and at a slightly higher land level

The application property itself is a large bungalow with a flat roof dormer window on the front elevation and a two storey gable feature projecting forward from the house. There is a small single storey flat roof extension that projects 2.2m from the rear of the property and an integrated garage with hard standing providing 2 parking spaces to the front of the property. There is no boundary treatment to the front of the site whilst the rest of the site is enclosed with timber fencing.

Background

RB1975/1085 – House with integral double garage – Granted

Proposal

The applicant is seeking planning permission for the erection of a two storey side and rear extension and a first floor extension over the existing single storey rear extension.

The proposed two storey extension projects 2.25m from the side elevation and it is set back from the building line by approximately 3.1m. The pitched roof of the extension follows the roofline of the property and extends 2.25m beyond the rear of the house to match the existing single storey extension.

The proposed additional first floor extension is located over the existing single storey extension and an external disabled access ramp access with a 1m high handrail is also proposed to the .

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

CS28 '*Sustainable Design*'

Other Material Considerations

Interim Planning Guidance (IPG) - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 3rd March 2014 and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

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

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

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

Publicity

Neighbouring properties were notified in writing.

7 representations have been received and are summarised as following:

- Additional bedroom would result in more people living in and visiting the property and subsequently increase the parking demand.
- There have been parking issues in the cul de sac as a result of the applicant and there are a large number of cars parked on the kerb particularly at weekends and in the evenings. Vehicles often double park, parking on kerbs and obstructing driveways.
- The applicant previously objected to the resident parking scheme and stated in the objection letter that they are a large family with high parking demand
- The existing garage is not used for parking purposes
- The frequent movement of vehicles results in general disturbance throughout the night
- All the vehicles are parking on Queensway outside the resident parking scheme hours
- The proposed alteration would greatly enlarge the property and have a detrimental effect on the character of the house which currently is well proportioned and consistent with the plot size.
- The height and close proximity of the two storey extension would be overbearing and restrict the daylight to No.36 and its rear garden
- permission was previously refused for having a consulting rooms in the house on the grounds that it would be a breach of the restrictive covenants and would cause additional vehicles on Queensway
- breach of the deeds where the resident of the application property has caused nuisance to the estate

Consultations

Streetpride (Transportation and Highways): No objection subject to a recommended condition

Streetpride (Ecology): No objection subject to a recommended condition

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 development
- Design and Visual Amenity
- Residential Amenity
- Highways Issues
- Other Considerations

Principle of development

The application site is within a residential area and as such the principle of extending the property is acceptable subject to compliance with relevant policies and a number of criteria contained within the Householder Design Guide.

In essence, any extension or alteration should be in keeping with the character and appearance of the host property and should not have a detrimental impact on the amenity of neighbouring occupiers. In assessing the proposal, consideration has been given to the requirements of the relevant sections of the NPPF, Core Strategy CS28 'Sustainable Design' and the relevant guidance contained IPG 'Householder Design Guide'.

Design and visual amenity

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 NPPF at paragraphs 17, 56 and 64 details the great importance to the design of the built environment and good design is a key aspect of sustainable development which should contribute to making places better for people.

Core Strategy policy CS28 'Sustainable Design' states 'Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Design should take all opportunities to improve the character and quality of an area and the way it functions' which seeks to ensure that all development make a positive contribution to the environment by achieving an appropriate standard of design.

The Council's IPG 'Householder Design Guide' also states that 'Two storey side extensions should generally be set back by a minimum of 0.5m at first floor level on the front elevation, with the roof set down and back from the main body of the house. This is in order to create a subservient extension...In addition the roof style of the extension should match that of the host property.

Whilst the roof of the extension is not set down from the roof of the host property, the extension is set back 3.1m from the front of the house and is only 2.25m in width compared to the 13m width of the existing house. As such, it is considered that the proposed extension would result in a subservient addition to the existing property and is not considered to result in the property being disproportionate to the plot size.

Given the existing house already has a 2 storey forward projecting gable feature to the front, it is considered that the extension would not be visually prominent in the street-scene and is proposed to be in materials to match the existing house so would not result in any adverse impact on the character and appearance of the property itself.

When adding a two storey rear extension the Council's IPG 'Householder Design Guide' also states that 'the extension should not be a disproportionate addition to the host property and in general should not exceed 3m if close to a shared boundary or 4m elsewhere. It should also include a similar roof design.'

The proposed rear extension only projects 2.25m to the rear and is not disproportionate to the host property. It also has a roof design similar to the original house and as such, it is considered that the proposal is of an acceptable design which ensures the development will comply with the requirements of the NPPF, NPPG, Core Strategy policy CS28 'Sustainable Development' and the guidance stated in the IPG 'Householder Design Guide'.

Impact on amenity of neighbouring residents

With regard to the impact on neighbouring amenity, the Council's Interim Planning Guidance 'Householder Design Guide' for 'adding a two storey rear extension states 'Two storey rear extensions should be designed so as not to come within a 45° angle of any neighbouring habitable room window (measured from the centre of the window)... For the purposes of privacy and avoiding an 'overbearing' relationship, a minimum distance of 21m between facing habitable room windows should be maintained. A two storey extension should also not come within 12m of a ground floor habitable room window of a neighbouring property.'

Given the siting and projection of the extension, it is considered that the proposal would not have any impact on No 32 by way of overbearing, overshadowing or overlooking as the side extension is on the opposite side.

In addition, the rear elevation of the extension is approximately 12m away from the rear boundary of Nos.24 and 26 Queensway and as such would not result in any overlooking or overdominance to the these properties. There are also high trees to the rear boundary adjacent to No.26 Queensway and the distance between the rear elevations of the proposed extension and No.26 is more than 21m.

The proposed extension is however adjacent to No.36 Queensway. Whilst there is a habitable room window at No.36 Queenway facing towards the application site, the proposed extension is not directly in front of this window and as such will not cause any additional overshadowing than what may already be experienced. No.36 has no window on its gable side elevation and the proposed extension does not project beyond the building line to the rear of this property. It is therefore considered that the proposed extension would not result in a detrimental impact on the residential amenity of the neighbouring property by way of overbearing, overshadowing or overlooking.

As such, it is considered that the proposed extension would not result in a detrimental impact on residential amenity in the locality and is in accordance with paragraph 17 of the NPPF and the requirements of the Council's adopted IPG.

Highway issues

The proposal results in an extra bedroom being provide at the site and would make this a 6 bedroomed house. 6 no. bedrooms, is not covered specifically by the Council's Parking Standards. However, it is considered that 3 no. car parking spaces would be the appropriate level of provision within the site.

The existing block paved area to the front of the property is currently able to accommodate 2 vehicles. It is therefore recommended that this area should be extended to provide an additional car parking space which is covered by a recommended condition.

As such, and subject to a condition requiring this to be undertaken before the extension is brought into use, it is considered that the impact of creating an additional bedroom to the property would not warrant a reason for refusal of planning permission on highway grounds.

Other considerations

The application site is identified as being within a bat zone and a bat report has been submitted with the application. The survey extent and methods are appropriate and the results of the survey work are accepted. No evidence of roosting bat species was found although one element of the building was found to have low potential for bat presence. A method statement and recommendations for mitigation and biodiversity gain are provided, it is considered that the proposed methods for working and the mitigation recommendations are appropriate and a condition is therefore recommended to ensure such works are incorporated with the development.

Response to representations

Whilst the representations have made reference to the proposed development having the potential to result in more vehicles being parked on Queensway, there are clearly occasions where cars parked on Queensway are not related to the applicant and these parking issues should not prejudice the opportunity for extending the application property as proposed. There is a resident parking scheme that allows for up to 2 no. permits per dwelling (9am to 4pm, Mondays to Fridays) for residents / visitor's vehicles to be parked within Queensway, the area is also patrolled by Enforcement Officers and offenders can be ticketed. Furthermore, the cul de sac including the turning area, is capable of accommodating some on-street parking without prejudicing road safety or obstructing other accesses during the time that falls outside the restricted hours.

It is acknowledged that the applicant has a large family with a dependant relative living in the property. Whilst there is a taxi vehicle belonging to the resident of the application property, it is not considered that there is a change of use of the site and it is not uncommon for single taxis to be parked at private residential properties.

Other matters raised in the representations do not form part of the material planning considerations in determining a planning application.

Conclusion

Having regard to the above it is concluded that the proposal would not harm the living conditions of neighbouring properties and has been designed to reflect the character and appearance of the existing property. It is therefore considered to be in compliance with the relevant paragraphs of the NPPF, policies of the UDP and Core Strategy and the guidance detailed within the adopted IPG. For the reasons detailed in this report the application is therefore recommended for approval with 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason

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

03

Before the extension is brought into use, a plan shall be submitted to and approved by the LPA which shows an additional car parking space provided to the front of the site and this shall be constructed before the development is brought into use and thereafter retained.

Reason

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

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

Prior to the commencement of development, a bat protection strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all detailed listed in Section E of the 'Preliminary Roost Assessment Report' (Access Ecology, March 2015) and shall thereafter be implemented in accordance with the approved statement before the development is brought into use.

Reason

In the interests of the ecology of the area and in accordance with UDP3.2 'Minimising the Impact of Development.'

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.