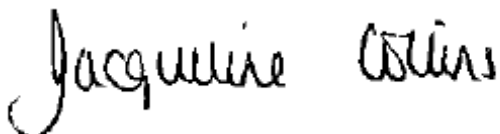


**You are hereby summoned to a meeting of the Planning Board
to be held on:-**

**Date:- Thursday, 4 June 2015 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH**
Time:- 9.00 a.m.

PLANNING BOARD AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
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 14th May, 2015 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (Pages 7 - 81)
8. Report of the Director of Planning and Regeneration Service (Pages 82 - 84)
9. Updates
10. Date of next meeting - Thursday 25th June 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.)

57T

PLANNING BOARD
14th May, 2015

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

Apologies for absence received from Councillors Roddison and Tweed.

E94. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

E95. MINUTES OF THE PREVIOUS MEETING HELD ON 23RD APRIL, 2015

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday 23rd April, 2015, be approved as a correct record for signature by the Chairman.

E96. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

E97. VISIT OF INSPECTION - TWO STOREY SIDE AND REAR AND FIRST FLOOR REAR EXTENSION AT 34 QUEENSWAY, MOORGATE, ROTHERHAM FOR MR. M. YOUNIS (RB2015/0049)

Further to Minute No. T92 of the meeting of the Planning Board held on 23rd April, 2015, before the formal meeting of the Planning Board, Members of the Board made a visit of inspection to the above site.

Consideration was given to the report of the Director of Planning and Regeneration Service concerning the application for planning permission for a two storey side and rear and first floor rear extension at 34 Queensway, Moorgate, Rotherham for Mr. M. Younis (RB2015/0049).

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

Mr. M. Younis (applicant)
Mrs. S. Sarvar (supporter of the applicant)
Mrs. Horsfield (objector)
Mr. G. H. Sowden (objector)
Mr. Waring (objector)

Resolved:- (1) That application RB2015/0049 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(2) That the granting of planning permission for this development, referred to at (1) above, shall include reference to the additional, revised plans submitted on 13th May 2015 and amended in condition 3 to read:-

Before the extension is brought into use, the hard surfaced area to the front of the dwelling, as shown on plan A1 submitted on 13th May 2015, shall be provided and thereafter retained.

E98. 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.

(2) That application RB2015/0320 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

E99. PROPOSED TREE PRESERVATION ORDER NO. 4 (2014) - LAND ADJACENT TO RAYLS RISE/MANOR WAY, TODWICK

Consideration was given to a report of the Director of Planning and Regeneration Service stating that an Order was made on 13th November 2014 (Tree Preservation Order No. 3, 2014) as a result of concerns expressed by local residents that existing mature Oak trees on the land adjacent to Rayls Rise/Manor Way, Todwick, were at risk of removal. The Order was made using the 'Area' designation as a holding measure, until a more detailed site inspection could be made. The report stated that the original Order was revoked and a second Tree Preservation Order was served on 17 November 2014, to include one Weeping Willow and a smaller 'Area' designation to protect seven remaining Oak trees. It was noted that a number of trees had been uprooted before the Order had been served. The boundary of the revised 'Area' still overlapped land belonging to the objector to the original Order, because trees were no longer present on that part of the land.

Members noted that if the Order is confirmed with modification, in accordance with amended site location plan and schedule of trees, the objection to the Order will be overcome. The modification to the Order plotted the positions of the eight remaining trees within the original designated area of land.

In accordance with the right to speak procedure, the following person attended the meeting and spoke about the proposed making of this Order:-

Mr. I. Hewitt (agent for the owner of land upon which some of the subject trees are situated).

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

(2) That the Planning Board confirms the serving of Tree Preservation Order No. 4 (2014) with regard to seven Oak trees and one Weeping Willow, as detailed within the submitted report and which are situated on land adjacent to Rayls Rise/Manor Way, Todwick, under Sections 198 and 201 of the Town and Country Planning Act 1990.

E100. UPDATES

The Planning Board was informed that training on planning matters will be provided for existing and any new Members of the Board, at a meeting to be held at the Town Hall, Rotherham on Tuesday, 16th June, 2015.

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.

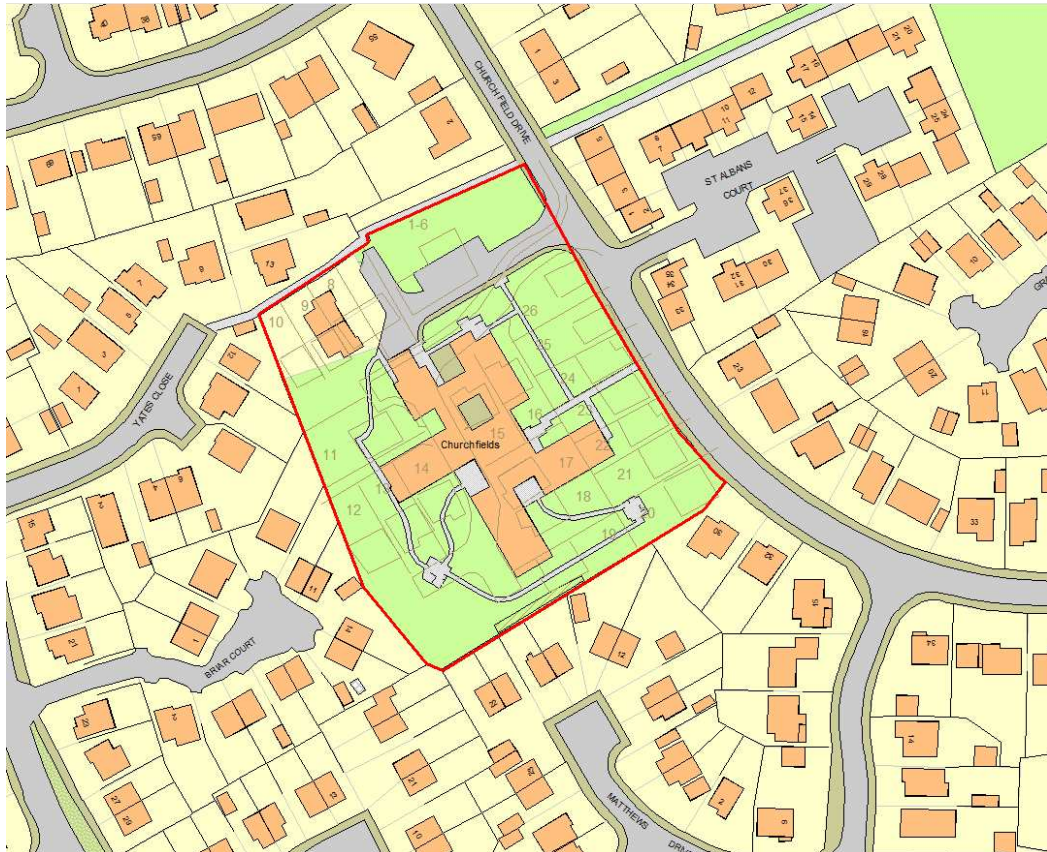
**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THURSDAY 4TH JUNE 2015**

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.

INDEX PAGE

<p>RB2015/0233 Application to vary condition 01 (approved plans) imposed by application RB2013/0908 (Residential development of 26 dwellings – approval of details in respect of layout, scale, appearance and landscaping reserved by outline approval of RB2010/0595) at Churchfields Churchfield Drive Wickersley for Charles Church West Yorkshire</p>	<p>Page 8</p>
<p>RB2015/0278 Erection of a two storey building comprising of Primary School & Nursery accommodation with retention of existing school entrances & car parking facilities at Wath Victoria Junior & Infant School Sandymount Road Wath-upon-Deerne for Kier Construction for The Secretary of State</p>	<p>Page 17</p>
<p>RB2015/0416 Details of the erection of 66 No. dwellinghouses (reserved by outline RB2014/0775) at Waverley New Community Site High Field Spring Catcliffe for Harworth Estates Ltd & Harron Homes</p>	<p>Page 31</p>
<p>RB2015/0434 Application to vary condition 02 (approved plans) imposed by application RB2014/1152 (Application to vary condition 18 (opening hours)) at Land at Sheffield Road Swallownest for Aldi Stores Ltd</p>	<p>Page 55</p>
<p>RB2015/0493 Application to vary condition 02 (amended plans) imposed by RB2014/0727 (Installation of 2 No. turbines (24.8m hub height and 34.5m tip height)) at Parkcliffe Farm Morthen Road Wickersley for Mr R Parkes</p>	<p>Page 68</p>

Application Number	RB2015/0233
Proposal and Location	Application to vary condition 01 (approved plans) imposed by application RB2013/0908 (Residential development of 26 dwellings- approval of details in respect of layout, scale, appearance and landscaping reserved by outline approval of RB2010/0595) at Churchfields, Churchfield Drive Wickersley
Recommendation	Grant subject to conditions



Site Description & Location

This application relates to a previous planning permission in relation to the construction of 26 dwellings on the site of the former Churchfield Nursing / Care Home and associated staff accommodation buildings set to the west side of Churchfield Drive at Wickersley.

The site is surrounded on all sides by existing residential development which comprises of a mix of 1, 1½ and 2 storeys in height. The site levels fall away from Churchfield Drive in a south easterly and southerly direction.

Background

The site has been the subject of a number of applications relating to its former use as a residential nursing / care home, the most relevant applications in relation to this application are:

RB2010/0595 - Outline application for the erection of 26 No. dwellings including details of access. - GRANTED CONDITIONALLY 04/10/10.

RB2013/0908 Residential development of 26 dwellings – approval of details in respect of layout, scale, appearance and landscaping reserved by outline approval of RB2010/0595 - GRANTED CONDITIONALLY ON 24 SEPTEMBER 2013

RB2013/0990 Discharge of Condition 20 imposed by planning application RB2010/0595 – GRANTED 9/4/14

RB2013/1354 Discharge of conditions 1(submitted details), 2 (surfacing), 3 (parking layout), 4 (road constructional details),5 (materials), 6 (boundary treatments), 7 & 8 (drainage) imposed by planning application RB2013/0908 – GRANTED 9/4/14

A Screening opinion has been provided in respect of the requirement for an Environmental Assessment. The proposed development falls within the description contained at paragraph 10b of Schedule 2 to the 2011 Regulations and meets the criteria set out in column 2 of the table in that Schedule (as the site area exceeds 0.5 hectares). 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.

Accordingly the Local Planning Authority has adopted the opinion that the development referred to above for which planning permission is sought is not EIA development as defined in the 2011 Regulations.

Proposal

Members may recall that an application for reserved matters was granted conditional approval on 24 September 2013 for the erection of 26 detached dwellings (approved by outline permission RB2010/0595). Works on site have commenced and all the houses are now built, though not all occupied. The site slopes down to the rear of the site and it became apparent that ground levels had been increased over and above those approved, which in turn had raised the ground level of some of the dwellings on the site. Following complaints from local residents the applicants were requested to submit revised plans for consideration.

Condition 01 attached to that permission sets out the details of the approved plans. The current application seeks to vary this condition by substituting plans in respect of drawing number CF-2013-01A –Planning / landscaping site layout, and drawing number 12/1425/2 –Landscape Detail.

The main differences relate to increased ground levels for the dwellings built on Plot 10 (adjacent to 12 Yates Close), Plot 12 (adjacent to 11 and 14 Briar Court), and Plot 19 (adjacent to 14-22 even Matthews Drive). In addition, the amended plans also amend boundary details, and on the boundary adjacent to plot 10 it is

proposed to increase the height of the 1.8m high boundary fence by the addition of a timber trellis 0.2m in height to allow increased privacy to the existing occupiers at 12 Yates Close. In addition, the boundary treatment adjacent to plot 12 would now consist of a retaining wall with 1.8m high fence alongside the house itself, and a combination of treatment from the front of the new dwelling to the south-western corner of the site (adjacent 11 and 14 Briar Court) consisting of; 1.5m wall and 1.8m fence on top/1m wall with 1.8m fence on top/0.3m wall with 1.8m fence on top.

The boundary treatment with the properties at 14-22 Matthews Drive has also been amended, initially with a proposed gravel board and fencing but now with a dwarf wall (0.3m) and brick piers with a 1.8m fence on top. This would run from the rear of the dwelling on plot 19 to the rear corner of the overall site, with the existing hedging on the boundary being retained from the rear of the property to the front corner of the overall site.

A revised landscaping plan has also been submitted to revise various details of the approved landscaping plan.

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):
CS27 'Community Health and Safety'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):
ENV3.2 'Minimising the Impact of Development.'

Other Material Considerations

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

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

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

Publicity

The application has been advertised by way of letters to adjacent occupiers and by a notice in the press and site notices. Letters of representation have been received from the occupiers of 5 properties on Matthews Drive (14-22 even). The comments can be summarised as follows;

Nos. 14 & 16

- Initially concerned about proposed conifer hedge to rear boundary and differing land levels allowing water to run down to their property. Following receipt of amended plans proposing a low wall with fencing above, these occupiers no longer have any concerns in this respect.

No. 18

- Requested a wall and fence be erected to replace the original proposal for gravel boards.

No. 20

- Still raised concerns regarding the proposed boundary treatment following receipt of the amended plans.

No. 22

- Raises no further concerns in regard to the amended proposal.

Consultations

Streetpride (Transportation & Highways) Unit: Consider that the proposed changes have no highways implications and therefore they raise no objections in a highway context.

Appraisal

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

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

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

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). Those policies adopted since the original proposal was approved are now considered to be relevant and are set out below.

The application seeks to amend a previously approved application for residential development, the principle of the development for the erection of 26 dwellings has already been accepted under planning approval RB2013/0908 and work has commenced on site.

The issues to be considered in relation to this application are therefore;

- Visual amenity and impact on streetscene
- Residential amenity
- Drainage issues

Visual amenity and impact on streetscene:

With regard to the visual appearance of the proposed boundary treatment and its impact on the existing streetscene, Core Strategy Policy CS28 'Sustainable Design,' requires that development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.

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

The National Planning Policy Guidance (March 2014), notes that "Development proposals should reflect the requirement for good design set out in national and local policy."

The proposed alterations to the boundary treatment previously approved so as to include brick walls and timber fencing are considered to achieve an appropriate design in relation to the locality and will not detract from the visual appearance of the proposed dwellings or the existing locality.

Taking account of the above, it is therefore considered that the proposals would accord with the provisions of Policy CS28 Sustainable Design of the Core Strategy, as well as the advice contained within the NPPF and the National Planning Policy Guidance (NPPG).

Residential amenity:

With regard to residential amenity issues 'saved' UDP Policy ENV3.7 'Control of Pollution' states that: "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."

Core Strategy Policy CS27 'Community Health and Safety,' states that development will be supported which protects, promotes or contributes to securing a healthy and safe environment and that it should not result in and hazards which may affect the safety of communities or their environments. Proposals will also be required to consider a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability.

With regard to neighbour amenity, the NPPF 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.

Adjacent residents on Matthews Drive whose properties are located at a lower level than the application site have raised concerns about the increases in land levels on the site and the possible surface water run off from the site, as well as mud and other debris, and the affect that this could have on their properties. In consideration of this the developers have amended the originally approved details of the boundary treatment to allow the construction of boundary walls to the affected areas of an appropriate height with regard to land levels, with brick piers and close boarded fencing above.

Additionally they are also seeking to increase the height of a section of fencing to the western side (adjacent to Plot 10) to increase the level of privacy afforded to existing adjacent occupiers.

Four of the five objectors have withdrawn their objections and it is considered that the amendments that have taken place would address the concerns from local residents.

Drainage issues:

UDP 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.

Core Strategy policy CS25 states that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall.

The NPPF notes 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.²¹

The site is not located within a flood zone as identified on the Environment Agency's mapping system, and is therefore at negligible risk from flooding from external sources and poses minimal risk to adjacent sites.

However, as noted above, due to the difference in land levels between the application site and the properties located to the south western side of the site it is considered that there may be potential problems in the future arising from surface water run-off. Concerns in this respect have been raised by adjacent occupiers and the proposed amendments to the boundary treatment should prevent this becoming a problem.

Conclusion

In conclusion it is considered that the proposed changes to the approved plans, primarily relating to changes in levels for some of the house plots and changes to the boundary treatment and landscaping, would be acceptable and would provide an acceptable layout and design which would not cause harm to the residential amenity of the surrounding area or the residential amenity of adjacent occupiers.

The application is therefore recommended for approval subject to the suggested conditions set out below.

Conditions

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

Drawing numbers:

1815AT/1 – Existing levels.

3E11049 Rev A – 1:1250 Location Plan.

Calvert, Danby, Hatfield, Keating & Lewis house types & Apartment block (Elevations & floor plans).

CFW-2013-03C – Site sections.

CFW-2013-01J – Planning / landscaping site layout.

13/586/6378A – SW Pumping station – Compound details.

12/1425/1D – Landscape masterplan.

12/1425/2A –Landscape Detail.

Reason

To define the permission and for the avoidance of doubt.

02

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

03

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

Reason

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

04

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

Reason

No details having been submitted they are reserved for approval.

05

The boundary treatment shall be carried out in accordance with the details submitted under this application and application RB2013/1354 as appropriate. The approved boundary treatment shall be completed before the dwellings are first occupied.

Reason

In the interests of the visual amenity of the area and to ensure land is adequately retained.

06

The dwelling at plot 12 shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the provision of a flood evacuation plan. Such approved details and mitigation measures shall thereafter be implemented, retained and maintained for the lifetime of the development.

Reason

To ensure that safe access / egress can be obtained in the event of localised flooding.

07

A detailed surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority and the approved scheme shall be implemented prior to first occupation of the development. The scheme shall be based on the submitted Flood Risk Assessment (FRA) and Surface Water Management Strategy Report Rev A dated 25/03/2013 and shall include a maximum discharge rate to surface water network restricted to 5 litres/second and on site attenuation to be provided to store flows prior to discharge to the pumping station as outlined in the FRA.

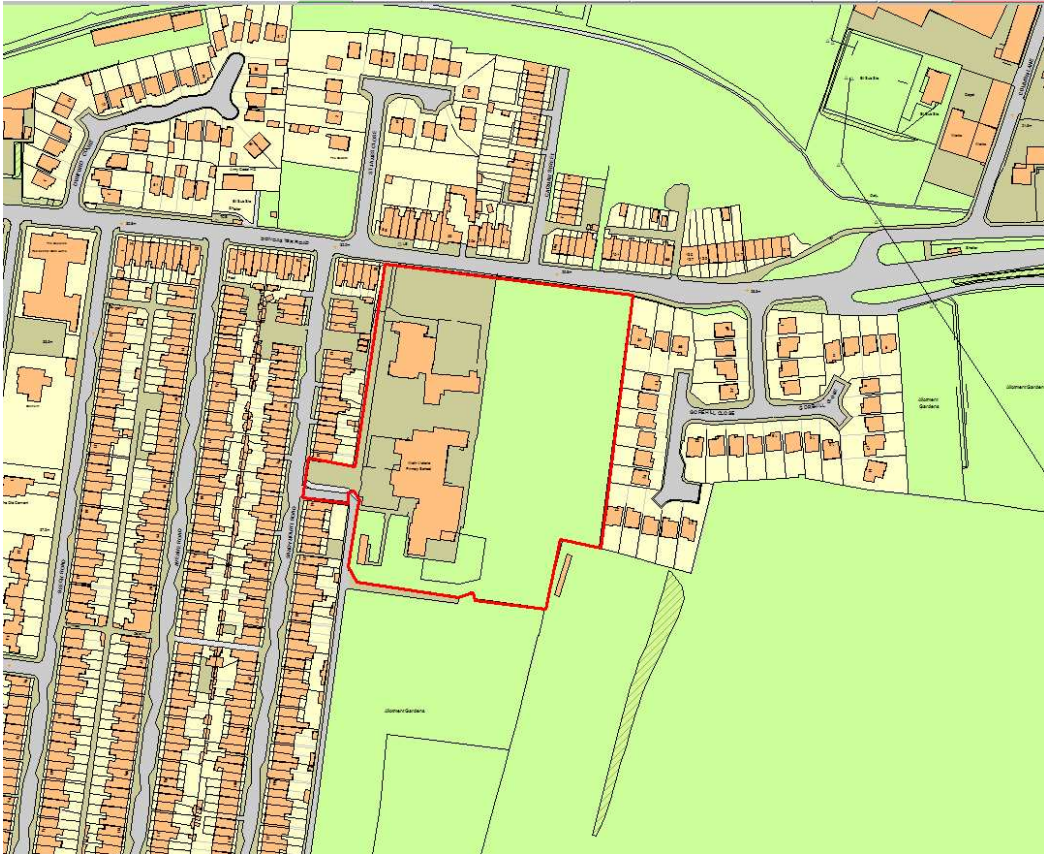
Reason

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'.

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	RB2015/0278
Proposal and Location	Erection of a two storey building comprising of a Primary School and Nursery accommodation with retention of existing school entrances and car parking facilities at Wath Victoria Junior and Infant School, Sandymount Road, Wath Upon Dearne
Recommendation	Grant subject to conditions



Site Description & Location

The application site consists of the site of Wath Victoria Primary School which lies between Doncaster Road and Sandymount Road at Wath upon Dearne. The site currently consists of two large traditional stone and brick buildings which are predominantly single storey but with some accommodation within the roof area and some two storey elements. The kitchen/dining block lies closest to Doncaster Road with the main primary school building lying to the south. There is also a later addition/extension to the primary school building which forms an associated Children's Centre. The extension is attached to the south elevation and is single storey in nature. A footpath runs the length of the school site from Doncaster Road to the west and provides for pedestrian access.

The school building is set back in relation to Doncaster Road with the main entrance being off Sandymount Road and car parking fronting Sandymount Road with further car parking within the confines of the site.

The site is slightly higher (approximately 1metre) than Doncaster Road and a hard surfaced playground and playing fields abuts this main road with boundary treatment of a stone boundary wall topped by palisade fencing.

The site is surrounded by residential properties with the rear gardens of houses on Gorehill Close to the east abutting the site and terraced properties on Sandymount Road to the west having their rear elevations facing the site. There are also terraced properties on the opposite side of Doncaster Road. Allotment gardens abut the site to the south.

Background

The following applications are relevant to the application site:

RB2002/0057 – Single storey classroom extension – Granted Conditionally
RB2003/0712 – Extension to form community nursery – Withdrawn
RB2004/1617 – Extension to form nursery school (Use Class D1) – Granted Conditionally
RB2004/2011 – Relocation of existing portakabin – Granted Conditionally

Proposal

This application seeks permission for the demolition of the majority of the existing school buildings; with the exception of the Children's Centre building which is attached to the south elevation of the existing building.

It is proposed to erect a new school and nursery under the Priority School Building Programme to the east of the existing structures on part of the existing playing field area. The new school has an 'L' shaped form and is both single and two storeys and has a contemporary flat roof design. The two storey element of the building, which is orientated east and west, comprises of the teaching spaces with the single storey element (running north south) comprising of the functional spaces including hall and kitchen/dining. The materials proposed to be used in the construction of the new building include a buff brick to the ground floor with a brick pattern to the hall. The first floor is proposed to be colour render and the design includes decorative ceramic glazed blue brick to highlight the main entrance and nursery entrance.

It is proposed to retain the existing car parking area which provides for 26 car parking spaces and 16 cycle/scooter parking spaces. It is also proposed to create three additional accessible bays within the car park. As a result of the development it is envisaged that an increase in the number of pupils (by 26) could be accommodated but there would be no increase in the number of staff to be employed at the site.

The proposal includes the creation of upgraded play spaces including Sports/soccer pitches/netball court and open play areas. The total existing open space on the site is 9,062 square metres, and following development the proposed open space to be provided on the site would be 9,943 square metres.

The following supporting documents have been submitted with this application:

Design and Access Statement: This details information about the project, the site and planning policy requirements. It concludes that the location of the proposed development has responded to the site characteristics and the needs of the school to provide a modern educational establishment.

Construction management plan: This sets out the details of the proposed vehicular accesses to the site as existing, during construction and after completion. The current vehicular access to the site is from Sandymount Road and this access is utilised for both cars and delivery vehicles; this will remain during the construction of the new school and after completion. During the construction, all vehicles associated with the construction of the school will use a new temporary access which is to be formed directly on to Doncaster Road. The construction management plan provides details of phasing and also details that the operation of the access onto Doncaster Road will utilise a gatesman to ensure that vehicles enter and leave in a forward gear.

Transport Assessment: This provides an initial assessment of the transport issues that currently affect the sites and that could have an impact on the proposed redevelopment of the site. The document concludes that updated travel surveys and Travel Plan will be required and it is recommended that a parking accumulation study be undertaken.

Tree Survey: This details that there are 13 individual trees and 1 group of trees within the site, the majority of these trees are a mixture of planted and self set specimens located around the periphery of the site and a small cluster near the front entrance to the school. Due to the limited size and prominence of the trees, only three, located at the front entrance were assessed as having landscape value. However, with careful planning and protective barriers around the Root Protection Areas, the majority of the trees on the site could be retained.

Flood Risk Assessment: This concludes that the development is located in National Flood Zone 1 land. As the proposal is for an educational establishment, it is classed as 'more vulnerable' in accordance with the National Planning Policy Framework and is therefore deemed appropriate.

Biodiversity Survey and Report: This states that the current ecological value of the site is considered to be low. Therefore, enhancement measures are recommended to improve the suitability for wildlife in long term following 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 community use in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS21 'Landscape'
CS28 'Sustainable Design'
CS29 'Community and Social Facilities'

Saved UDP Policies

T8 'Access'
CR1.5 'Community Facilities'
ENV3.2 'Maintaining the Quality of the Environment'
ENV3.4 'Trees, Woodlands and Hedgerows'
ENV3.7 'Control of Pollution'

Other Material Considerations

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

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

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

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.

Publicity

The application has been advertised by way of press notice, site notice and letters to neighbouring properties. No representations have been received.

Consultations

Streetpride (Transportation Unit) – No objections subject to conditions;
Streetpride (Greenspaces Team) – No objections;

Streetpride (Landscape Team) – No objections subject to conditions;
Streetpride (Ecologist) – No objections;
Neighbourhood and Adult Services (Environmental Health) – no objections
Yorkshire Water – no objections subject to conditions;
Sport England – no objections subject to conditions.

Appraisal

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

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

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

The main considerations in the determination of this application are:

Principle
Design and Visual Amenity
Impact on neighbouring amenity
Highways Issues
Landscape and biodiversity Issues

Principle

The application site is allocated for community use in the Unitary Development Plan.

Core Strategy Policy CS29 states that: "The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency.

The Council will seek to enable provision through a variety of local authority, private sector and local community partnerships, wherever appropriate, and support the co-location of community and social facilities wherever feasible."

In addition, UDP Policy CR1.5 states that: "Those areas allocated on the Proposals Map for Community Facilities will, wherever possible, be retained or developed for such purposes during the Plan Period. In addition, land or buildings currently used or last used for community purposes, but not identified as such on the Proposals Map will be similarly safeguarded wherever possible."

The proposal seeks to provide a new school building to meet the needs of the current population in terms of educational requirements on a site which is currently used for education purposes and will remain to be used as such. The proposed new building will be constructed on existing playing fields, however as a result of the proposal there will be an overall increase in the amount of open space on the site and also a significant improvement in the quality of the sports facilities on the site including provision of marked out playing fields.

Overall, it is considered that the proposal to build a new school on this site meets with the requirements of the above mentioned policies.

Design and Visual Amenity

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

In addition, CS policy 28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and 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 proposal involves the demolition of the existing school buildings on the site which currently form a part of the street scene from Doncaster Road. In terms of the position of the new building, it is proposed to be set back to a similar extent to the existing school building, although it will be set further to the east to enable continuity on site during the construction period.

It is acknowledged that the design is very different from that of the building which currently occupies the site, however it is also noted that the modern educational requirements will be met by providing a purpose built structure which will be more sustainable and user friendly for its purpose. Furthermore, the application site is an established educational site and the proposed building, whilst contemporary is considered to be of a high quality design which includes features to correspond with the surrounding area.

In terms of the character of the surrounding area, there is evidence of modern residential properties to the east of the application site and overall within the

locality there is a mix of traditional style properties with some more modern buildings (including nearby industrial buildings). It is also noted that as the building is set back within the site it will not form a striking part of the street scene along Doncaster Road. The position within the site will allow the building to integrate with the surrounding environment and this separation is considered to be appropriate.

The materials to be used in the construction of the building are already seen within the locality and it is considered that these would be appropriate in allowing the development to integrate with the existing buildings surrounding the site. Furthermore, the scale of the building at two storeys in height is considered to be appropriate given that the majority of the surrounding buildings are also of two storey height. In addition, the new building will not be significantly higher than the existing school.

Having regard to the above, it is considered that the proposed development is of an appropriate scale for the site and sufficient space is retained for outdoor recreation, parking, service yards and landscaping. The scale and height of the proposed school, whilst two-storeys sits within an area where the majority of buildings are two storeys. It is also considered to be far enough away from properties surrounding the site and the main road itself to not appear overbearing or overly dominant in the streetscene.

Overall it is considered that the proposed development is of a high quality and is of an appropriate scale and design which will comply with paragraph 17 and 56 of the NPPF and Core Strategy policies CS21 and CS28.

Impact on neighbouring amenity

The NPPF notes at paragraph 17 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 (amongst others) should:

- always seek... a good standard of amenity for all existing and future occupants of land and buildings."

The site is surrounded by residential properties on three sides, the existing access to the site is from Sandymount Road and this is to remain unchanged as a part of these proposals. Given that there will be only a marginal increase in pupil numbers and no increase in the number of staff at the site it is not considered that there would be any material increase in the disturbance to residents on this road as a result of the proposal. The residential properties on Doncaster Road are opposite the site and whilst during the construction period (a new construction traffic access is proposed onto Doncaster Road) there could be some additional noise, this is for a temporary period. However, the hours of construction are proposed to be limited to between 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 on Saturday. Sunday working would be by agreement. Furthermore, Doncaster Road is already a main thoroughfare and it is not considered that the impact would be materially detrimental.

The proposed school is to be constructed to the east of the existing building which will result in it being sited closer to the existing residential properties on Gorehill Close. The school building will remain in excess of 20 metres from the boundary of the site and 30 m from the rear elevations of the nearest residential property. It is also noted that whilst the building is two storeys in height there are no windows to classrooms (there is a window to a hallway) in the side elevation facing the properties on Gorehill Close.

Overall it is considered that the location of the building would not result in an unacceptable impact in terms of disturbance or loss of privacy to residential properties.

Highways Issues

With regards to construction, the new school is expected to take approximately 12 months. A phasing plan has been detailed as follows:

Phase 1 :New build Infant School – weeks 1 - 38

Phase 2 :Decant into new building – weeks 38 – 39

Phase 2a :Demolition of existing school – weeks 37 – 51

Phase 3 :Landscaping of existing school area – weeks 50 – 55.

Typically the average number of deliveries to site will not exceed 5 per day. However there will be days when there are fewer deliveries and days where there will be no deliveries at all. During the development there are likely to be a few instances where the quantity of vehicles may increase to within the order of 15 in one day over a short period of time such as over a few days. These are expected to be during the ground works and substructure works for clearance and concrete deliveries for the slab pour. Similar levels are also expected for short durations during the second phase of demolition stage. Other significant one off deliveries will occur for light weight steel frame, joinery, and masonry materials. The construction management plan also sets out details of on site management of construction traffic and provides detailed routes for the vehicles to take when leaving the site.

There will obviously be some impact on the highways during the construction phase of the development, in terms of increased vehicles. However, it is considered that from the information provided and the mitigation measures indicated in the supporting documents any impact would be minimal and would be managed appropriately.

In terms of highway issues once the new school has been constructed, it is noted that car parking will be provided on-site at a level which will provide sufficient parking facilities for both staff and visitors. The car parking areas will be the same as those currently used by staff and visitors and as the number of staff is proposed to remain as existing the levels are considered acceptable.

Provision has also been made for pedestrians and cyclists within the development which will be as per existing.

Having regard to the above it is considered that the proposed development through the construction phase and once completed would subject to conditions have no detrimentally adverse impact on the highway network or on highway safety.

Landscape and biodiversity issues

The NPPF at paragraph 58 notes that planning decisions should aim to ensure that developments are visually attractive as a result of appropriate landscaping. This is further emphasized in Paragraph 109 which states that “The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitments to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures ...”

Paragraph 118 of the NPPF seeks for planning proposals to provide opportunities to incorporate biodiversity in and around developments.

CS policy 21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes.

In support of the application a Tree Report has been submitted which provides a survey of existing trees on site. The report identifies details of a relatively small number of trees within the site, three of which are clearly visible at the entrance to the school and are considered to be of some landscape benefit. The contents of the report and its recommendations are noted and generally accepted and it is proposed to retain and protect the existing trees within the site is welcomed.

With regards to the proposed landscaping scheme, the applicants have submitted a landscape planning layout plan which shows the functional outdoor play areas and some details of formal hard and soft landscaped areas. The plan provides a general concept of how the site could be landscaped to provide an attractive environment, however a more detailed landscaping plan would be required and subsequently approved prior to the commencement of work on site which is subject to a recommended condition.

An ecological appraisal has also been submitted in support of the application and identifies that the site has limited ecological value. The conclusions of the report are accepted as is the recommendation that no further surveys are required. However, in accordance with the NPPF it is required that some biodiversity gain is sought as a result of the proposed development and a biodiversity mitigation strategy is also required to ensure that the measures detailed in the submitted report are implemented.

The Council’s Landscape Architect has reviewed the proposals and recommends that additional information is required prior to the commencement of work on site. They are of the opinion that some of the ecology and bat report recommendations, including features to support wildlife and green areas of

native plants to promote biodiversity particularly adjacent to the green belt boundary would be beneficial.

Having regard to the above and subject to the imposition of a condition requiring the submission of a full landscaping scheme including replacement planting prior to the commencement of works on site, it is considered that the general landscape concept is acceptable and in accordance with Paragraph 58 of the NPPF, policy CS21 'Landscapes' of the adopted Core Strategy and 'saved' UDP policies ENV3.2 'Maintaining the Quality of the Environment' and ENV3.4 'Trees, Woodlands and Hedgerows'.

Conclusion

Having regard to the above it is concluded that the proposed scheme is one that would fully comply with the relevant sections of the NPPF, policies of the Core Strategy and UDP. Therefore, notwithstanding the comments raised by the objectors the application is recommended for approval 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)

BDP_05_A(PL)AP100 Received 28 February 2015

BDP_05_A(PL)AP101 Received 28 February 2015

BDP_05_A(PL)AP102 Received 28 February 2015

BDP_05_A(PL)AS100 Received 28 February 2015

BDP_05_A(PL)AE100 Received 12 March 2015

BDP_05_A(PL)AE101 Received 12 March 2015

BDP_WVP_P (9-)105 Received 24 April 2015

BDP_WVP_P (9-)106 Received 24 April 2015

BDP_WVP(9-)_LP-001 Received 24 April 2015

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

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

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

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

Reason

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

05

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an

annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

06

Prior to the commencement of development a biodiversity mitigation strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all details listed in Appendix G of the 'Preliminary Ecological Appraisal' (Mott MacDonald, December 2013) and in Section 4 of the 'Bat Survey Report' (Quants Environmental, September 2014). All measures shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

To ensure minor ecological impact are mitigated for, in accordance with the NPPF and policy CS20 'Biodiversity and Geodiversity' of the adopted Rotherham Core Strategy.

07

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

08

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

Reason

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

09

The measures contained in the submitted Construction Traffic Management Plan shall be implemented during the demolition and construction phases of the development.

Reason

In the interest of highway safety.

10

The proposed temporary vehicular access to Doncaster Road shall be permanently closed and the boundary wall, kerb etc. reinstated upon completion of the development.

Reason

In the interest of highway safety.

11

The existing School Travel Plan shall be updated and the measures fully implemented during the lifetime of the development. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring strategy.

Reason

To ensure that sustainable modes of transport are encouraged in accordance with the NPPF.

12

The development shall be constructed in accordance with the drainage strategy comprising

- a) report 010166-RPT-08 prepared by Cundall, Report 1 dated 24/02/2015:
- b) drawing number WA-C-L-(52)-002 (revision P4) dated 25/02/2015 prepared by Kier submitted to and approved by the Local Planning Authority .

Furthermore, the discharge of surface water to sewer shall be limited to a maximum of 18 litres a second, attenuated via a flow control device to 5 litres a second. Any increase in the volume of surface water shall be subject to the approval of details submitted to the Local Planning Authority.

Reason

In the interest of ensuring that the site is drained in a safe and sustainable manner.

13

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

opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interest of residential amenity.

14

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

Reason

In the interest of residential amenity.

Informatives

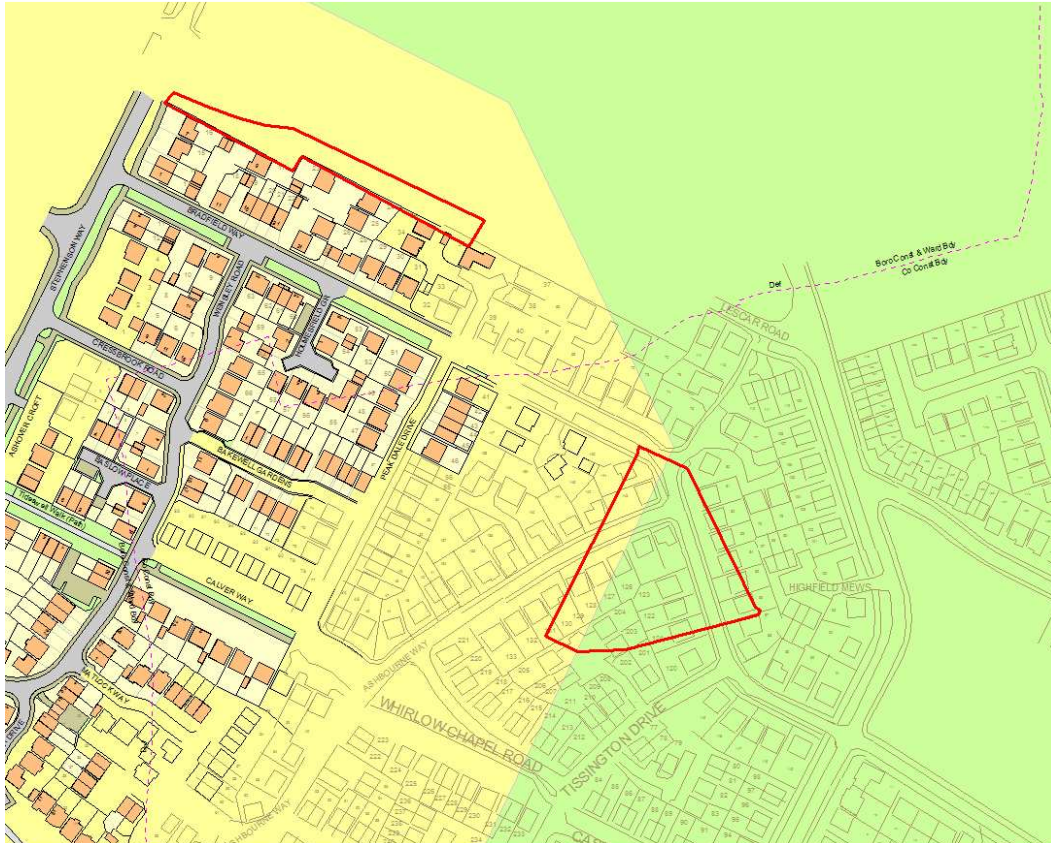
01

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements. No land drainage to be connected / discharged to public sewer.

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	RB2015/0416
Proposal and Location	Details of the erection of 66 No. dwellinghouses (reserved by outline RB2014/0775) at Waverley New Community, Highfield Spring, Waverley for Harron Homes
Recommendation	Grant subject to conditions



Site Description & Location

The site forms part of the wider Waverley New Community and comprises of two separate parcels of land known as Phases 1G and 1H. Phase 1G is located off the recently constructed Highfield Lane, beyond the Barratt's development (Phase 1D), which is currently under construction and consists primarily of 2 storey detached dwellings. The site has an irregular shape and extends to approximately 1.43 ha in size terminating at a point between two road junctions.

Phase 1H is a linear parcel of land located to the north of Phase 1A, off Stephenson Way. It extends to approximately 0.61 ha in size and is bounded to the south by existing dwellings and to the north by vacant land. An access road leading from Stephenson Way to Highfield Spring has recently been constructed which will serve the proposed development.

A number of residential estates surround the wider site including Orgreave, Catcliffe, Treeton and Handsworth and the Advanced Manufacturing Park (AMP) lies to the north-west of the site, beyond Highfield Spring. Other nearby development along Highfield Spring includes a public house and Sheffield University's training centre.

Background

The site has an extensive history of coal mining and associated industrial activity dating back over 200 years. In conjunction with coal mining taking place, a coke works and bio product plant was built in 1919 and operated until its closure in 1990. Since then a number of planning applications have been submitted for the reclamation and remediation of the site.

Following completion of the remediation works, a number of applications were submitted relating to a new community, the relevant ones are listed below:

- RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011
- RB2011/1296: Application under S73 for the continuation of outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011
- RB2012/1428: Application under S73 for the continuation of outline application with all matters reserved except for the means of access for a new community comprising residential (3890) units commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural

and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) with variation to Condition 26 of RB2011/1296 to increase the trigger point for the implementation of improvements to the A630 Parkway/B6533 Poplar Way/Europa Way junction including details of the works to be undertaken. - GRANTED CONDITIONALLY ON 26/04/2013

- RB2013/0584: Non-material amendment to application RB2012/1428 to include amendments to Conditions 03, 04, 26 and 48 - GRANTED CONDITIONALLY on 26/09/2013
- RB2013/1496: Non-material amendment to RB2012/1428 to change wording of Condition 48 to allow Masterplan Parameters to be updated – GRANTED CONDITIONALLY on 27/11/2013
- RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements to the B6066 High Field Spring/Brunel Way – GRANTED CONDITIONALLY on 29/09/2014

Environmental Impact Assessment

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

Proposal

The application is for the approval of reserved matters for part of the scheme approved under outline permission RB2014/0775, for Phase 1G and 1H of the wider Waverley development. The design of Phase 1G is subject to the design code approved for Phase 1D, whilst the form of Phase 1H is subject to a separate design code which was approved as an addendum to the design code for Phase 1A. All matters were reserved at the outline stage and this application

seeks approval for details relating to access, appearance, landscaping, layout and scale.

The application seeks permission for 66 residential units (35 on Phase 1G and 31 on Phase 1H) consisting of a mixture of 2 bed apartments and 3, 4 and 5 bed houses which are 2, 2.5 and 3 storeys in height. In accordance with the outline permission, 10% affordable housing is provided which equates to 6 no. units, comprising of the 2 bed apartments on Phase 1G. Vehicular access will be provided from Stephenson Way and Highfield Lane. A number of secondary and tertiary roads will feed off Highfield Lane into the development itself.

The layout can be summarised as follows:

Phase 1G

- 6 no. 2 bed apartments, 21 no. 4 bedroom dwellings and 8 no. 4/5 bedroom dwellings;
- Mixture of 2, 2.5 and 3 storeys in height;
- The inclusion of symmetrical block frontages and a strong corner feature consisting of a landmark building on the eastern tip;
- Materials include mainly white render with dark coloured window frames. Red brick is to be used as an accent to key plots and feature elevations.

Phase 1H

- 8no. 3 bedroom dwellings and 23 no. 4 bedroom dwellings;
- Mixture of 2.5 and 3 storeys in height;
- Dwellings follow a regular building line and are set back consistently;
- Car parking is provided predominately in integral garages, however some detached garages are provided which are set back far behind the building line;
- All buildings have pitched roofs with ridge lines parallel to the street.
- Materials include predominately white render and buff coloured brick.

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

Design and Access Statement provides information relating to the design evolution and rationale behind the development and how it complies with the 2 Design Codes taking account of the relevant national and local planning guidance and policy.

Code for Sustainable Homes Pre-Assessment confirms that the proposed development scores 69.63 points in the assessment equating to a Level 4 certification as required by the Outline permission.

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

Flood Risk Assessment Addendum has been prepared in relation to the original FRA dated Oct 2009 and its May 2014 update. It concludes by stating 'The extent of the Phase 1G and 1H are as identified, by the Environment Agency's Statutory Flood maps, as being within Flood Zone 1. The risks of flooding to the site and as arising from the proposed development have not changed from those identified within the original FRA. Based on the proposed surface water drainage provision for Phase 1G and 1H it is considered that the proposed layout and drainage provision does not affect the flood risk to the development.'

Noise Statement concludes by stating 'specific details relating to the proposed uses in these areas may change in the future. However, based on an indicative scheme masterplan, the immediate area surrounding the Phase 1g site is likely to principally comprise residential properties and an internal road. With respect to Phase 1h, the wider masterplan denotes that Local Centres are proposed to the north and west. However, given the proximity of the site to Phase 1a and that noise associated with these areas will be assessed during the reserved matters application for the relevant Local Centre phases, no further consideration is required. Therefore, no specific regard to the detailed scheme masterplan for either the Phase 1g or 1h areas are required.'

Statement of Community Assessment confirms that engagement with the local community was undertaken via a leaflet drop (covering approx.. 175 properties). The leaflet incorporated a comments section allowing existing Waverley residents to provide feedback on the proposed scheme. Whilst no responses were received prior to the submission of the planning application, 7 were subsequently received. The main concerns related to the use of the land identified as Phase 1H for additional housing as residents were led to believe this would be used as a green buffer, the height of the dwellings on Phase 1H resulting in overlooking/loss of privacy and the design and external appearance of the dwellings being unsightly.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS21 '*Landscape*'
CS28 '*Sustainable Design*'

Unitary Development Plan 'saved' policy(s):

HG5 '*The Residential Environment*'
T8 '*Access*'

Other Material Considerations

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

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

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

Rotherham’s Interim Planning Statement on Affordable Housing.

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

Publicity

The application was advertised in the press and by individual letters to neighbours. Site notices were also erected on site. A total of 8 representations have been received which are summarised as follows:

- Too many 3 storey properties;
- Proposed garden areas too small;
- When purchasing properties, buyers were informed that the land known as Phase 1H would be a green buffer and no houses would be erected;
- 2.5 and 3 storey dwellings would result in a loss of privacy;
- Loss of natural daylight;
- Loss of views to Catcliffe and Treeton;
- Living rooms are located on the second floor of the properties on Phase 1H which will directly look into bedroom windows in existing properties;

- Density is too high on Phase 1H when compared with existing densities on Waverley;
- Views from existing dwellings adjacent to Phase 1H will be a solid wall of houses, a storey higher than the ones they will directly overlook.

Consultations

Streetpride (Transportation and Highways): raise no objections to the proposed development subject to the imposition of conditions and an informative.

Neighbourhoods (Housing): acknowledges that the 6no. 2 bedroom apartments, located on the Phase 1G site are acceptable as the affordable units and consistent with the 10% requirement under the outline consent.

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

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

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

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

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

Yorkshire Water have confirmed that the drainage proposals are satisfactory as part of the already approved foul and surface water strategy for the wider Waverley new community site.

South Yorkshire Passenger Transport Executive: no comments received.

The Environment Agency raise no objections to the proposed development.

The Coal Authority confirm that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted as part of this planning application.

South Yorkshire Archaeology Service confirm that the site lies wholly within the former open cast site and therefore will have no archaeological implications.

Appraisal

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

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

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

The site has planning permission for residential development as part of a wider mixed use outline planning permission that was originally approved in March 2011 under outline application RB2008/1372 and has been renewed in April 2013 under application RB2012/1428 and again in September 2014 under RB2014/0775. The principle of residential development has therefore been established and is considered to be acceptable.

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

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

Design and Layout

Policy HG5 of the adopted UDP encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in National Planning Policy in the NPPF.

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

In addition, CS policy 21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS policy 28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

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

The application site is split into two separate sites known as phases 1G and 1H which form part of the wider Waverley New Community development. Phase 1G is located off the recently constructed Highfield Lane, beyond the Barratt’s development (Phase 1D), which is partially complete and consists primarily of 2 storey detached dwellings. The layout of the proposed development comprises a mix of 2 and 2.5 storey detached dwellings and a 3 storey apartment block containing 6no. 2 bedroom apartments on the far eastern corner of the site.

The layout of this phase of development follows the general principles set out in the masterplan in that it incorporates a strong building line with symmetrical arrangements of traditional style dwellings which provides a formal arrangement along the ‘outer access road’ whilst also providing a landmark building at the junction where these two roads meet. This building contains 6no. apartments and is three storeys in height. It has been designed to turn the corner, allowing active frontages on both sides with elongated windows adding further interest to this prominent frontage. The use of render on all elevations of this building will also add to its contemporary appearance against the red and buff brick of the more traditional 2 storey detached properties.

Boundary treatments include a mix of ornamental beech and laurel hedges to the front, a 450mm high wall to the front of the apartment block, 1800mm high timber fencing between properties and 1800mm screen walls where boundaries abut a highway, parking court or area of landscaping.

In general, the majority of properties have private parking available to the front or side of the dwellings with the exception of the apartments which have a private courtyard to the rear of the building. The orientation of the dwellings, along with the proposed landscaping is considered to reduce the potential for car dominated street scenes and as a result of this, the layout of the buildings take precedence over the layouts of the highways and therefore in accordance with design advice contained within the South Yorkshire Residential Design Guide

Having regard to Phase 1H, this site is located to the north east of the existing Harron Homes development which has recently been constructed under Phase 1H and consists primarily of 2 storey detached dwellings sited at a 90 degree angle to the application site. The layout of the proposed development consists of a linear street with green avenue tree planting and white rendered and buff brick semi-detached dwellings in a regular alignment. Detached garages are set back far beyond the building line, providing further consistency in the street scene. The exception to this are plots 220 and 221 which are semi-detached 3 storey properties shown to front Stephenson Way, following the building line of the existing development constructed under Phase 1A.

Proposed dwellings are shown to be 2.5 and 3 storeys in height and are of a traditional design; however the introduction of larger window openings in a grey colour and the use of render to some of the properties will assist in giving the street a more contemporary appearance when compared to the adjacent Phase 1a.

Land immediately to the north of Phase 1H is currently vacant and is shown on the approved masterplan as the local centre, however discussions are currently taking place with the landowner, Harworth Estates about relocating it on to the land known as Highfield Commercial. The re-location of the local centre would have an effect on the urban design parameters, particularly with regard to the alignment of Waverley Walk. The principle for Waverley Walk is to create a high quality public realm connecting the local centre with the waterfront. With the move of the local centre, the siting of Waverley Walk would move to the existing road fronting Phase 1H. The implications of this would be to create an urban form and architecture that responds to the principles of Waverley Walk, however as the site boundary for Phase 1H includes only private plots, any requirements for the public realm treatment of Waverley Walk would fall to future reserved matters applications of parcels north of this Phase of development. It is therefore considered that the layout and design of the dwelling proposed would not impact on the future development of the land to the north and could respond well to any future development of this land.

All of the properties comply with the guidance contained within the South Yorkshire Residential Design Guide in terms of internal and external spacing standards. Accordingly, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling.

Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and the applicants have demonstrated a concerted effort to achieve a well-designed scheme that creates a differing character that that previously approved on earlier sites as required by the outline consent and in accordance with Policy CS28 'Sustainable Design'.

Impact on neighbouring amenity

The NPPF notes at paragraph 17 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 (amongst others) should:

- always seek... a good standard of amenity."

The SYRDG further advocates that a common minimum rear garden or amenity space distance of about 10 metres in depth.

The proposed dwellings on Phase 1H comprise of 2.5 and 3 storey dwellings with detached garages. They are sited at a 90 degree angle to the existing 2 storey dwellings on Bradfield Way which share a common boundary. Windows in these side elevations are limited to non habitable room windows. Concerns have been raised from the occupiers of a number of dwellings on Bradfield Way (some not sharing a boundary with the application site) that the proposed development will result in a loss of privacy and natural daylight primarily due to the scale of the proposed dwellings and internal arrangements of the living accommodation.

Dealing firstly with the scale of the proposed dwellings, it is acknowledged that at 3 storeys in height, some of the dwellings, which include the Hebden and Kinnersley house types, are taller than the existing properties constructed by Harron Homes as part of Phase 1A. The original layout indicated some of these house types in direct alignment with the rear garden areas of the properties on Bradfield Way, and whilst it is acknowledged that the siting of the proposed dwellings exceed the guidance for minimum separation distances to rear boundaries and existing side elevations, the applicant agreed to amended the layout to re-site these dwellings to plots where they directly overlook the side elevations of the properties on Bradfield Way and as such reduce the impact of the scale of these dwellings on the rear garden areas attached to existing properties. The exception to this are plots 252 and 253 which show the Hebden house type, a 3 storey dwelling which is in direct alignment with the rear garden area of No. 51 Bradfield Way, however this house type, unlike the Kinnersley, has the main living area at first floor but to the front of the property, thus reducing the potential for overlooking. Additionally the dwelling is located in excess of 12m from the shared boundary and as such it is considered that the level of overlooking and impact of this 3 storey dwelling on the living conditions of the residents of this property is acceptable and in accordance with the guidance contained within the South Yorkshire Residential Design Guide.

Concerns raised by existing residents regarding proposed living accommodation at first floor, directly overlooking properties on Bradfield Way are acknowledged and as previously stated the layout has been amended to re-locate the Kinnersley house type to plots where views into these dwellings are limited. However this house type has been retained at plots 225 and 226 which have views over the rear garden of No. 6 Bradfield Way. Despite this, the separation distances between the rear elevation and shared boundary, at approximately 15m, are greater than those elsewhere in the proposed development and whilst it is acknowledged that some loss of amenity may occur, the level is considered acceptable in this instance.

In addition to the above, it is worth noting that 3 storey dwellings form a common feature in the existing development. A terrace of 4 dwellings fronting Bradfield Way (No's. 15-21 (odd)) in close proximity to the application site have been designed into the layout and provide 10m rear garden areas adjacent to the rear garden area of a detached 2 storey dwelling.

Turning to Phase 1G, the adjacent development plot is currently under construction and few properties are occupied. Nevertheless the level of residential amenity is a material consideration and requires assessment. Having regard to this, the proposed layout incorporates primarily 2 storey detached dwellings which reflects the layout of the earlier phase. Separation distances between dwellings meet the guidance contained within the SYRDG and as such levels of amenity are considered to be acceptable.

Having regard to all of the above and on balance, it is considered that the amended layout and proposed dwellings would conform with the advice guidance set out in the SYRDG and paragraph 17 of the NPPF.

Compliance with the Design Code

The Design Codes for Phases 1G and 1H was submitted as a response to the requirement of Condition 3 of the outline approval (RB2014/0775). These documents provide a set of parameters which any detailed design proposal within these phases must adhere to. They set out essential elements that must be delivered to implement the masterplan and are intended to be a mechanism to coordinate the implementation of different elements within the development and provide a framework for the entire site.

This reserved matters application relates to Phases 1G and 1H which lie within 2 separate Design Codes. Phase 1G is subject to the Design Code submitted and approved for Phase 1D (Highfield Place) whilst the form of Phase 1H is subject to a separate Design Code which has been approved as an addendum to the Design Code for Phase 1A (Highfield Spring North). The density in both of these character areas is 35-55dph and requires a mix of house types including terraced, semi-detached, detached and a small number of apartments 2 to 3 storeys in height.

The applicants have prepared a design and access statement which amongst other things sets out how the development accords with the rules and parameters set out in the Design Code. The density of both phases combined

equates to approximately 35dph and the proposed layout responds to the change in the location of Waverley Walk which may now run along the frontage of Phase 1H. A strong, regular street alignment is also provided within Phase 1H formed by the use of 2.5 and 3 storey semi-detached dwellings with garages set back from the street. They have a uniform appearance and the use of white render and buff brick will ensure the dwellings respond well to this linear street scene and transition between character areas.

Phase 1G is the second and final phase within this approved Design Code area and incorporates the key junction to the far east. The approved Design Code for this plot requires the inclusion of a '3 to 4 storey corner marker with parking behind in a courtyard scenario'. The proposed layout responds to this requirement by proposing a 3 storey block of 6no. apartments with a rear parking area. The external elevations are contemporary in appearance and the use of white render with dark coloured window frames will ensure this building provides the landmark feature as required by the code. Elsewhere the primary road frontages provide a formal, symmetrical street scene which contrast with the less formalised arrangement of the inners streets.

Additionally, the layout identifies different street types including the use of strong landscaping features and a rear parking area as identified in the Design Codes. The street scenes and separation distances between residential dwellings accord with the parameters of the approved Design Codes and the architectural style of development on Phase 1H responds appropriately to the re-aligned Waverley Walk ensuring that the proposed development is in full compliance with the rules and parameters of the approved Design Codes for these Phases of development.

Code for Sustainable Homes

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

The nine categories are set out below:

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

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

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

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

Highway Safety and Transportation Issues

The scheme has been designed to accord with the Council's minimum parking requirements, the internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide and servicing and emergency access accords with national guidance in Manual for Streets.

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

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

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

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

Overall, it is considered that this proposed reserved matters application has had regard to the principles approved as part of the outline permission and the

proposed layout has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide and Manual for Streets. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with UDP Policy T6 and policies with the NPPF.

Flood Risk and drainage

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

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

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

Landscaping and Green infrastructure provision

The landscape proposal for the development has been designed in accordance with the content of the Design Codes for each area and varies according to the particular street type. Limited planting is shown within the Phase 1H development due to the narrow width of the parcel and its potential to form part of the re-aligned Waverley Walk which requires formal planting on the opposite side of the road. Phase 1G however provides tree planting along the outer street and focuses particularly at the key junction where the apartment block is proposed. Beech hedge planting is proposed to properties fronting the outer street on the northern boundaries of the site and Laurel is proposed on those fronting the southern boundary. This ties in with proposals on the adjacent site to the west. Additional shrub planting will be provided into frontages which will assist in softening the development whilst front garden areas will be turfed.

The Council's landscape architect has assessed the proposals in line with the requirements of the Design Code and is happy that the proposal is in accordance with the documents. It is therefore considered that the proposal is acceptable in terms of landscaping. It is acknowledged that there is no formal public open space or play areas within this phase; however this is consistent with the approved masterplan for this stage of development.

Turning to the issue of management and maintenance, there is a requirement under the outline S106 agreement to establish a management company to

maintain all areas of open space within Waverley New Community. This has been established by Harworth Estates as the main landowner and will fund a maintenance regime for the landscaping features spaces within Phases 1G and 1H.

Having regard to the above, it is considered that sufficient landscaping and green infrastructure has been proposed within these phases of the development to contribute to the appearance of the proposed development and its appearance within the Waverley development as a whole and as such the development is considered to accord with the provisions of Policy CS21 'Landscape'.

Affordable Housing

The application includes the provision of 10% affordable housing, which is consistent with the outline consent and equates to 6 units consisting of 6no. 2 bedroom apartments located on Phase 1G. All of the units will in the first instance be offered to a Registered Social Landlord for social rent, however if it is the case that the Registered Social Landlords are unwilling to take the apartments then a commuted sum can be paid instead which would be set at 40% open market value. The size, siting and tenure of the housing is acceptable and is considered to be in accordance with the Councils Affordable Housing IPS.

Planning Obligations

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

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

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

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

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and are therefore considered to

be acceptable and in full compliance with the requirements of the original S106 Agreement.

Other Matters

A number of representations received have stated that the occupiers of properties on Bradfield Way were informed upon purchase that the land shown as Phase 1H would be retained as a green/landscaped area and as such were miss sold the properties. This is unfortunate, and whilst it is acknowledged that the approved masterplan for the wider Waverley new community does not drill down into plot detail, this area has never been identified as a green wedge or part of the wider green infrastructure and its exclusion from the original reserved matters application for the adjoining phase was due to the unknowns surrounding the local centre on the opposite side of Lescar Road and not for retention as a landscaped area.

Conclusion

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

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

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

There are no objections to the proposals from the Council's Transportation Unit. The scheme has been designed to accord with the approved Council's parking requirements and the internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide and Manual for Streets. The provision of Travel Master Passes and the implementation of a Travel Plan will ensure varied means of non car mode travel is available to future residents.

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

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

The applicant's have indicated that they intend to provide 10% affordable housing units (6 in total) across this phase of the development and have indicated that these will be in the form of apartments on Phase 1G. This is in line with the approved percentage for the first phase of the wider development. The affordable housing will be 2 bedroom properties and the siting of these units is considered to be acceptable to the future Registered Landlord's as they will provide good quality affordable housing of varying styles and sizes.

Recommendation

- A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of defining the legal responsibilities of the developer in respect of the following:
- 10% Affordable Housing within each application site
 - Provision of Travel Card for each household
- B To approve the reserved matters for the proposed development subject to the following reasons for approval and conditions:

Conditions

01

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

Reason

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

02

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

- Location Plan Ref: 3653/13
- Proposed site layout Plan: Phase 1H ref: 3654/10 Rev D
- Proposed site Layout Plan: Phase 1G Ref: 3653/10 Rev E
- Materials Plan: Phase1H ref: 3654/13 Rev C
- Materials Plan: Phase 1G Ref: 3653/14 Rev B
- Landscape Masterplan: Phase 1G Ref: R/1712/1B
- Preliminary Plot Constraints Plot 1G Ref: DEV-1G-001 Rev P2

- Preliminary Plot Constraints Plot 1H Ref: DEV-1H-001 Rev P1
- Overland Flood Route Phase 1G Ref: 4314-C-D9-002 Rev A
- Overland Flood Route Phase 1H Ref:4314-C-D9-001 Rev A

House Types

- Grassington Contemporary Ref: 284/PD/01
- Kinnersley Corner Contemporary Ref: 3654/PD/07
- Kinnersley Contemporary Ref: 3654/PD/03
- Kinnersley Contemporary: Brick Ref: 3654/PD/06
- Hanley Contemporary Ref: 3654/PD/01 Rev A
- Hebdon Contemporary Ref: 3654/PD/02
- Kenilworth Ref: 3653/PD/08 Rev A
- Settle Contemporary Ref: 3653/PD/03 Rev A
- Garage Ref: 3654/PD/05
- Garages Ref: 3653/PD/09
- Ingleton Contemporary Ref: 3653/PD/04 Rev A
- Warkworth Contemporary Ref: 3653/PD/05 Rev A
- Porchester Contemporary Floor Plans Ref: 3653/PD/06 Rev A
- Porchester Elevations Ref: 3653/PD/07 Rev A
- The apartment floor plans Ref: 3653/PD/01
- The apartment elevations Ref: 3653/PD/02

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

TRANSPORTATION

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

Before the development is brought into use the car parking areas associated with the apartment block as shown on site layout plan ref 3653/10 rev E shall be provided, marked out and thereafter maintained for car parking.

Reason

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

06

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

Reason

No details having been submitted they are reserved for approval.

DRAINAGE

07

The development hereby approved shall be carried out in accordance with the Flood Risk Assessment Addendum dated 24th March 2015 by White Young Green.

Reason

In the interest of satisfactory and sustainable drainage

08

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

Reason

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

09

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

Authority. The works shall thereafter be carried out in accordance with the approved details.

Reason

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

GROUNDWATER / CONTAMINATION AND GROUND CONDITIONS

10

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

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

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

Reason

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

11

Installation of the gas protection measures approved as a result of condition 10, is to be verified by an independent third party and a validation report is to be forwarded to this Local Authority for review and comment.

Reason

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

12

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

Reason

To ensure that risks from land contamination to the future users of the land and

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

13

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

Reason

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

ENVIRONMENTAL

14

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

Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

15

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

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

16

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

Reason

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

LANDSCAPE

17

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

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

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

Reason

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

18

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an

annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

Informative

01

When the land opposite plots 230 to 260 is brought forward for development t speed reduction measures will be required in the highway in the interests of road safety and to qualify the road adoptions.

02

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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	RB2015/0434
Proposal and Location	Application to vary condition 02 (approved plans) imposed by application RB2014/1152 at Land at Sheffield Road, Swallownest
Recommendation	Grant subject to conditions



Site Description & Location

The site of application covers some 0.9 hectares (2.2 acres) and is located on the corner of Sheffield Road and Swallow Wood Road, Swallownest. The land is leftover from the development of the adjacent housing estates constructed during the early 2000s. The site is currently an open area of scrub land, with a large electricity cable running across the middle of the site which has prevented residential development from taking place upon the site in the past.

In additions the site has significant levels changes which rise from Sheffield Road up to 5 to 6m to the southern boundary and up to 5 to 6m from Swallow Wood Road on the west boundary to the east boundary.

The locality is a predominantly residential area with 1930s rendered dwellings along Sheffield Road and recently constructed post modern art stone and brick built dwellings along Swallow Wood Road.

Background

Members will recall that a full application (RB2013/1522) for the erection of food retail store with associated car parking was approved at Planning Board on the 6 February 2014.

Further to the above application the applicant gained planning permission in November 2014 to extend the hours of opening (RB2014/1152). Condition 02 of that approval stated:

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

Drawing numbers:

0783SDAR-V102A - Elevations

0783SDAR-L01A-Landscaping Plan

0783-100 - Proposed Site Layout

0783-101 - Proposed GA

0783-103 - Proposed Sections

0783-104 - Proposed Roof Plan

(Received 11/11/2013)

Screening Opinion:

The proposals have previously been screened against the Town & Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011, as the development site exceeded 0.5 hectares in overall area. Having appraised the proposals under paragraph 10b (Urban Development Projects) of Schedule 2 to the 2011 Regulations and having further regards to the criterion set out in Schedule 3, it was determined that the proposed development would not be likely to have significant effect upon the environment by virtue of factors such as its nature, size or location, or have a significant urbanising effect in a previously urbanised area.

Although Circular 02/99 has since been superseded by the National Planning Practice Guidance (March 2014), it is not considered that this change in guidance has altered the previous screening opinion given. The current application has been assessed against paragraph 13b (Any change to or extension of development...where that development is already authorised, executed or in the process of being executed), of Schedule 2 to the 2011 Regulations, and it has been concluded that the development as a whole, including the proposed changes to the approved scheme, do not have significant adverse effects on the environment, and the 0.5 hectare threshold in the

corresponding part of column 2 of this table applied to the change or extension are not met or exceeded. As such, no further screening opinion is required and it has been concluded that the development as a whole, including the proposed changes to the approved scheme, do not have significant adverse effects on the environment. As such, it is considered that the proposal together with the amendment is not EIA development.

Proposal

This current application is made under Section 73 of The Town & Country Planning Act 1990 and proposes to seek a variation to condition 02 imposed upon application RB2014/1152. Condition 2 states that the development permitted shall be carried out only in accordance with the details and specifications shown on the originally submitted drawings. A variation of Condition 2 is required for the substitution of approved application drawing 0783-100Rev A. The revised drawing 0783-100Rev B reflects the following minor changes:

- Increase in floorspace (as set out below) - in line with Aldi's business requirements.
- Marginal width reduction of parking bays from 2.7m to 2.5m to allow for the increase in floorspace and reconfiguration of parking layout without compromising the parking provision. The overall number of parking spaces at 100 remains unchanged.
- Landscape alterations to accommodate the above proposals.

The increase in the floor area of the building is set out below:

	Approved (sqm)	Revised (sqm)	Difference (+/-)	Percentage Increase (Uplift)
Net Sales Area	1,000	1,104	+104	10%
Gross External Area	1,590	1,803	+213	13%
Gross Internal Area	1,537	1,743	+206	13%

Table 1: Proposed Floorspace Amendments

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 Policies:

CS23 'Sustainable Design'
CS27 'Community Health and Safety'

UDP (saved) Policies:

ENV3.2 'Minimising the Impact of Development'
ENV3.7 'Control of Pollution'

Other Material Considerations

NPPG 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 has been advertised by way of both press and site notice, along with neighbouring notification letters sent to the immediately surrounding properties. One letter of objection has been received stating that:

- We have local shops providing goods and produce which will be put under pressure from a large retailer like Aldi.
- We already have an Aldi store 1 mile away.
- The local children which pass around the intended site to school each day will be subject to increased traffic of private and heavy goods vehicles going to and from the un-needed store.
- Parking along the Swallow Wood estate will again cause significant safety to local residents and their children as visitors to the store will seek to ease of parking without having to brave the very busy main road.

Consultations

Streetpride (Highways and Transportation) – No objections to the proposed variation of condition in a highways context.

Neighbourhoods (Environmental Health) – Consider that the proposed amendments would raise no significant loss of amenity by virtue of noise, air quality or land pollution impact and as such would raise no further comment.

Streetpride (Ecology) – There are no ecological objections to the above application.

Streetpride (Drainage) - Given that the changes are likely to impact on the drainage systems with particular reference to the potential increase in impermeable areas, it is recommended that planning conditions relating to the proposed drainage should be conditioned again.

Streetpride (Landscapes) - Confirm that the landscaping is acceptable.

Appraisal

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

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

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

The principle of the development, including landscaping, drainage and ecology, have already been established by the granting of the original application RB2014/1152 and do not require re-visiting as part of the current application as there have been no changes to material circumstances considered at that time in these respects.

It is considered that as the overall size of the proposed sales area will only increase by approximately 10% the findings of the original sequential test remain valid and as such the principle of development remains acceptable. Therefore the main considerations in respect of the current application relate to:

- Layout and design issues.
- Impact on the amenity of surrounding uses.
- The overall impact on highway safety.

Layout and design issues:

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

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

The National Planning Policy Guidance (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 requires Local Planning Authorities to take design into consideration and should refuse permission for development of poor design.

The amended scheme involves a larger store extended towards Sheffield Road and a total of 13% bigger, but no higher than the previously approved scheme. This larger building includes similar architectural features and materials. The design is modern in appearance with a glazed entrance and flat roof. As previously agreed, the applicant has included feature windows to Swallow Wood Road to add relief to this elevation and the building is to be constructed in yellow brickwork to reflect the residential nature of the area. Overall the scheme as amended is acceptable in design terms and will have an acceptable appearance in the streetscene.

Taking account of the above it is considered that the proposals accords with Core Strategy Policy CS28 'Sustainable Design,' as well as the advice within the South Yorkshire Residential Design Guide, the NPPF and the NPPG.

Impact on the amenity of surrounding uses.

Core Strategy Policy CS27 'Community Health and Safety,' notes that: "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."

The Core Strategy Policy further goes on to note that: "New development should be appropriate and suitable for its location. Proposals will be required to consider (amongst others) 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."

Paragraph 123 of the NPPF indicates that planning Policies and Decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise in new developments;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established..."

The NPPG notes that: "Local Planning Authorities decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur.
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved."

The nearest residential properties to the site boundaries are those located on Sorby Road raised at a higher level. The large store is positioned in the same location as the previously approved scheme only slightly larger projecting toward Sheffield Road, away from neighbouring residents. No harm to neighbouring amenity is envisaged from the new scheme and any increase in coming and goings from the larger store is not considered to harm the amenity of neighbouring residents. A neighbour has raised an objection to the amended scheme, although the letter only raises the same objections as previously and does not specifically raise concerns about the amended larger scheme.

As such, the proposals comply with Core Strategy Policy CS27 'Community Health and Safety,' the advice contained within the NPPF and the guidance outlined in the NPPG.

Impact on highway safety.

The Council's Transportation Unit consider that the amended scheme is acceptable in highway terms and will have adequate parking for the store size. It is noted that the parking bay widths are to be reduced from 2.7m to 2.5m, the reduced width still meets the minimum size recommended by the Council and are an acceptable size for a supermarket. The Transportation Unit concurs with the applicant that the additional floor area will not result in a material adverse traffic impact, and notes that the number of car parking spaces (unchanged from that approved of 100) accords with the Councils standards (which are maximum for a commercial development.)

As such it is not considered that the amended larger scheme would lead to unacceptable increased / demands upon the surrounding highway infrastructure or upon internal site parking provision to an unacceptable degree.

Conclusion

Having regard to the above, it is not considered that the proposed variation to the condition imposed under application RB2014/1152 specifically relating to the approved plans (condition 02) would have a detrimental impact on the locality or character of the area, or upon residential amenity neither would it be detrimental in highway safety terms.

It is therefore recommended that planning permission be granted conditionally subject to the suggested conditions outlined below.

On this basis, the application is therefore recommended for approval 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 the original permission, which for the avoidance of doubt was 6 February 2014.

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

Drawing numbers:

0783-102 Rev A - Elevations

V0783 L01 Rev B-Landscaping Plan

0783-100 Rev A - Proposed Site Layout
0783-101 Rev A - Proposed GA
0783-103Rev A - Proposed Sections
0783-104 Rev A - Proposed Roof Plan
(Received 02/04/2015)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

The development shall not be commenced until details of the proposed access indicated in draft form on Drg No T220/06 including the proposed right turn lane have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interests of highway safety.

05

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

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

Reason

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

07

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

Reason

In order to promote sustainable transport choices

08

The development shall not be commenced until details of the proposed central pedestrian island and footway as shown in indicative form on Drg No T220/06 have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason

In the interests of highway safety.

09

Details of secure cycle parking facilities for staff, in accordance with the Council's Cycle Parking guidelines, shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use .

Reason

In order to promote sustainable transport choices

10

Landscaping of the site as shown on the approved plan drawing no. V0783 L01 Rev B shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in

September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policies , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

11

Prior to commencement of development, a limited intrusive investigation and subsequent risk assessment must be undertaken by competent persons and shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 – 4). A written report of the findings must be submitted to and approved by the Local Planning Authority.

Reason

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

12

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

Reason

In the interest of satisfactory and sustainable drainage

13

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

14

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

Reason

To ensure that the development can be properly drained

15

Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason

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

16

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason

In the interest of satisfactory drainage.

17

Prior to the commencement of development a biodiversity mitigation strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all details listed in the Brooks Ecological Appraisal October 2013 and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In the interest of biodiversity.

18

The use hereby permitted shall be open to the general public between the hours of 0800 - 2200 Monday to Saturday and 1000 - 1700 Sunday/Bank Holiday Mondays.

Reason

In the interest of neighbouring amenity and in accordance with Policy HG1 Existing Housing Areas.

19

The use hereby permitted shall be open for deliveries between the hours of: Monday to Saturday: 07.00-23.00hrs & Sunday: 08.00-22.00hrs

Reason

In the interest of neighbouring amenity and in accordance with Policy HG1 Existing Housing Areas.

20

Prior to the use being commenced, a scheme shall be submitted to the Council for approval in writing, indicating strategies to encourage and/or enable local people to access job opportunities arising from the development site. Within 12 months of the use being commenced a statement shall be provided to and approved in writing by the Local Planning Authority demonstrating how occupants have complied with the approved scheme.

Reason

In the interests of economic regeneration of settlements associated with the development site.

21

Details of the positions, design, materials and type of boundary treatment to be erected, including gates at the entrance to the site, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

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.'

Informatives

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

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

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

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

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

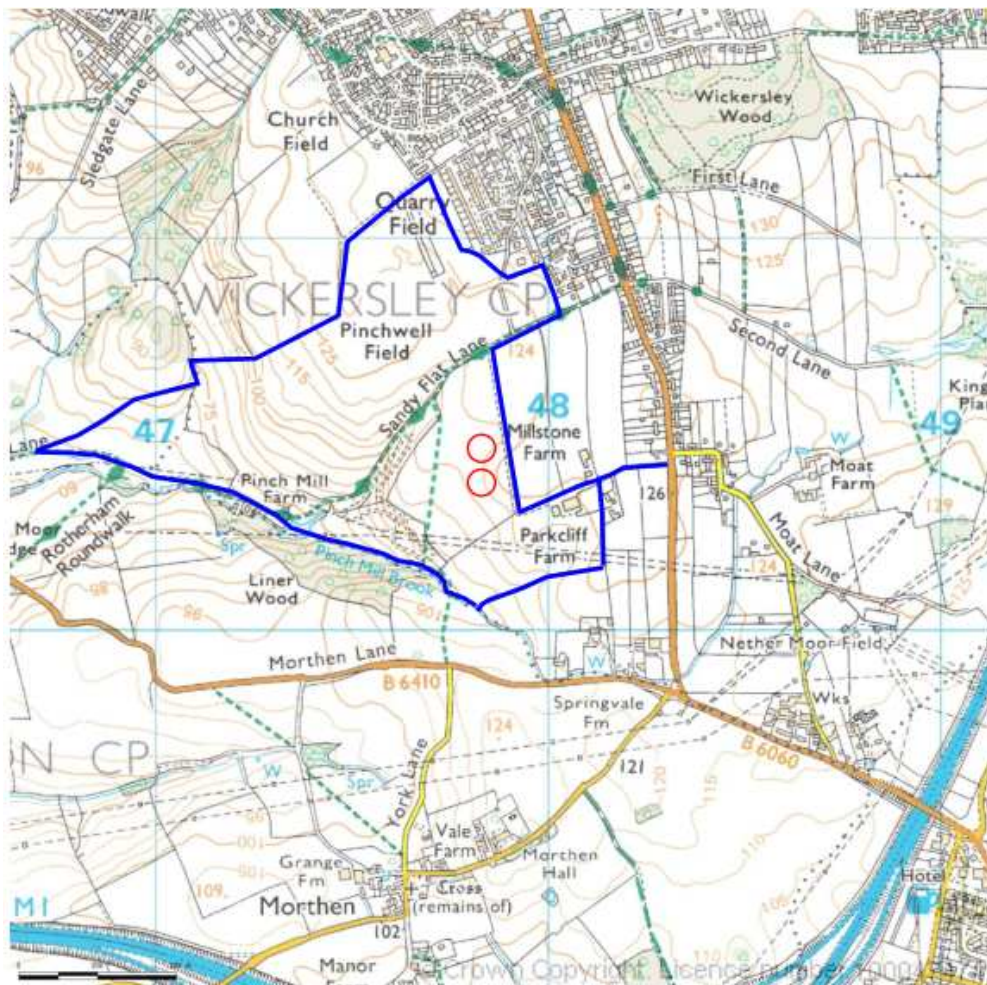
(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by

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

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.

Application Number	RB2015/0493
Proposal and Location	Application to vary condition 02 (amended plans) imposed by RB2014/0727 (installation of 2 No. turbines (24.8m hub height and 34.5m tip height) at Parkcliffe Farm Morthern Road Wickersley, S66 1EA
Recommendation	Grant subject to conditions



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

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

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.

RB2014/0727 -Installation of 2 No. turbines (24.8m hub height and 34.5m tip height) granted conditionally 16th March 2015

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 planning application has been submitted as a section 73 application (variation of condition) to planning permission RB2014/0727 to increase the blade length by 2.1m on each of the 2 proposed turbines. The hub height would remain at 24.8m and the overall height would therefore increase from 34.5m tip height to 36.6m. As such, the original Turbine Elevation Plan would be substituted with an amended Turbine Elevation Plan. It would increase the output of the turbines from 50kw to 85kw.

The supporting statement submitted as part of this application identifies the reason for the proposed variation. It states that -

“due to unforeseen circumstances the original planning application was determined at Planning Committee later than planned and as such we are unable to install and commission the turbines before the Feed in Tariff digression (reduction) in March. It is apparent that the project is struggling to remain viable with the existing high grid connection and civil costs. A slight increase in height of 2.1m would still allow us to use grid connection and partially increase our export account. More importantly, however the new machine is significantly better in performance and will produce over 33% more output than the previous machine.”

By request of the Local Planning Authority the agent has submitted a statement of conformity which in summary states that the amendments to the length of the blades will not significantly alter any of the impacts/effects that were considered in the original application.

An additional Noise Assessment has been submitted, as well as an amended photomontage to show the amendments to the turbines.

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 notice. In addition neighbour notification letters have been sent to occupiers of those properties considered to have an immediate outlook to the proposed development as well as those people who made representations to the original planning application, 43 letters in total.

2 representations have been received, one from an occupier of Pinchfield Holt and one from a resident on Morthen Road, which are summarised below:

- Object to the application because the original application was not unduly delayed as implied by the agent and was dealt with in a timely manner.
- The claim of delay is a tactic
- The re-submission after gaining planning permission is a well known agent's tactic to extend after gaining the initial permission and may have been planned from the outset.
- The increase in height would make the turbines visible from further afield, adding to their impact.
- The financial viability of the scheme should be of no concern to RMBC, residents or visitors.
- The proposal is about money not green principles, why are the original turbines now not good enough?
- If this new application fails the old scheme will miraculously and suddenly become viable.
- The height/proximity to housing now exceeds guidelines.

Wickersley Parish Council have not raised any comments but have requested the Right to Speak at the Planning Board Meeting

Consultations

Streetpride (Transportation & Highways Unit): It is noted that the variation involves an increase in height of the turbines by 2.1m. In highway terms this is of little significance and there are no objections.

Streetpride (Rights of Way): No objections.

Streetpride (Landscape Design): Cumulative visual effects are 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. The effects were again described as a moderate adverse visual effect. Again, it should be noted that this effect will be experienced by a limited number of receptors and within close proximity to the development site (less than 1km). It is considered that the changes to the proposed turbine blade tip height are not likely to be noticeable and that the overall magnitude of effect to be the same as the original consented scheme.

Landscape Design have carefully considered the predicted visual effects resulting from minor changes to the blade tip height (including the cumulative visual effects), and whilst the development will still result in some moderate adverse visual effects, these occur in close proximity to the development and are no more than locally important and not significantly greater than that for the original consented scheme.

Neighbourhoods (Environmental Health): Raise no objections as the condition regarding noise remains in place to safeguard against any noise issues.

Civil Aviation Authority (CAA): Raised no objections.

Ministry of Defence (Defence Infrastructure Organisation Safeguarding): Raises no objections.

National Air Traffic Service: 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 principle of the siting of 2.No wind turbines in this location has already been established by the previous approval RB2014/0727. It was accepted at that time that the proposed turbines represented inappropriate development and they also have an impact on the openness of the Green Belt in this location. However, the energy production was considered to represent the applicant's very special circumstances and it was considered that the benefits achieved from the generation of renewable energy in this location (and for the farming diversification business), clearly outweighed 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.

The consented turbines were estimated to cumulatively generate a maximum of 225,482kW hours of electricity per year, whereas the amended turbines would increase production to an estimated 428,417kW hours, a significant increase. The increase energy output obviously accords with above.

In respect of other issues it is not considered that the increase in blade tip height by 2.1m (to 36.6m overall) would have any additional adverse impact on ecology, highway safety, heritage assets, and aviation interests which were all fully considered under the previous application, and have not generated any objections from relevant consultees in respect of the current proposal. Two issues which will be looked at in more detail are the landscape and visual impacts, including cumulative impacts, and the impact on nearby residents.

Landscape and visual amenity, including cumulative impacts

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 site falls 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.

A full Landscape Visual Impact Assessment was undertaken in relation to the original application RB2014/0727, and it was concluded that the overall visual impact of the original turbines was 'Moderate Adverse' with the worse case view likely from some residential properties along Morthern Road, along with some in Quarryfield and Churchfield areas of Wickersley. However it was not considered, given the semi urban frindge of the landscape in this location, that the proposal would result in a development of significant harm to visual amenity.

The 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. The original application concluded that as the application was for a 25 year limited timeframe its degree of permanence within the landscape was not considered to be a significant or defining characteristic of the landscape. This conclusion remains the same for this amended application.

The cumulative visual impact of the original application was considered, and even when viewed in combination with Penny Hill Wind Farm, unlikely to lead to an undesirable grouping of turbines that would cumulatively be detrimental to the character of the visual landscape.

This current application seeks only to increase the blade length by 2.1m to an overall tip height of 36.6m. The applicant has provided two photomontages, one showing the approved turbines and the other showing the amended turbines. It is considered that the changes to the proposed turbine blade tip height are not likely to be noticeable and it is considered the overall magnitude of effect to be the same as the original consented scheme. Whilst the development will still result in some moderate adverse visual effects, these occur in close proximity to the development and are no more than locally important and no greater than that for the original consented scheme.

Therefore the landscape impact of the proposal is considered to be acceptable in accordance with the requirements of Policy 'Saved' UDP Policy ENV1.2 'Development in Areas of High Landscape Value,' Core Strategy Policy CS21 'Landscape,' and the advice contained with the NPPF and the NPPG.

Impact upon Residential Amenity

Effect of noise:

The original application included a noise assessment that identified three properties as the nearest sensitive receptors, and concluded that the noise levels at these properties were within the recommendations set out within the relevant ETSU-R-97 guidelines.

The submitted documents with this application state that whilst the rotor of the machine is slightly larger due to increased blade length the amended turbine is quieter, and a noise report has been submitted to support this. A condition to cover noise impact was attached to the original planning permission and this will be repeated on any further approval, and in this respect Environmental Health have raised no objections.

Due to the slight decrease in noise it is considered that the amendment is acceptable in noise terms and is 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

Visual Amenity:

The original application concluded that that views of the turbines 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 was considered that they would not appear as an overly dominant feature when viewed from these locations.

It is not considered that the amended blade length would have any significant additional impact on the visual appearance of the turbines from these locations as previously identified.

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 the previous application this represented a distance of approximately 192 metres. The proposed amendments to the blade length increases this distance to 235m. 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 amended turbines 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. As with the original planning permission this type of finish would be controlled via the imposition of a condition and therefore would help to mitigate such effects.

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

Other Matters Raised by Residents

An objection has been received that criticises the reasons why the applicant has resubmitted the application, as well as the method. Section 73 of the Town and Country Planning Act is a much used method when minor material alterations

are required to approved schemes. This is considered a legitimate procedure, and the proposed amendments have been assessed above.

The reason for the amendments proposed is taken into account along with other issues regarding the much improved renewable energy output of the amended turbine, in line with targets in the Climate Change Act 2008 to source 15% of the country's energy from such renewable sources by 2020. Finally, the objector states that the proposed height/proximity to housing now exceeds 'guidelines', though it is unclear which guidelines are being referred to and the above report addresses the proposals in relation to the impact on residential properties, as well as all other relevant impacts, having regard to all material planning considerations including the relevant Policies in the Core Strategy and the guidance in the NPPF.

Conclusion

The principle for the development has been established under RB2014/0272 granted on 16th March 2015. The current proposal seeks permission to vary condition 2 by substituting the turbine elevation plans, to show 2.No tubrines with increase blade length by 2.1m.

The proposal is considered to accord with National and Local Policy in relation to the provision of renewable energy through the development of wind energy and would make a valuable contribution towards meeting the national need for renewable energy as established in Government Policy.

The amendments proposed are relatively minor in nature and although they give rise to material planning considerations these do not raise any concerns which warrant the refusal of this planning permission.

It is therefore recommended that planning permission be granted conditionally.

Conditions

01

The development hereby permitted shall be commenced before the expiration of three years from the date of the original permission (RB2014/0727) being 16 March 2015.

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development comprising of 2 No. 85kW 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 36.6m 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.

1:200 Turbine elevation plan – Figure 001 A dated 10-04-2015, received on 20-05-2015.

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.

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 4 JUNE 2015

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

- 1 Confirmation of revocation of Tree Preservation Order No 14
 2010 – at Church View, 19 High Street, Whiston, Rotherham

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
4th JUNE 2015

Item 1

Confirmation of revocation of Tree Preservation Order No 14 2010 – at Church View, 19 High Street, Whiston, Rotherham



RECOMMENDATION:

That Member's confirm the revocation of Tree Preservation Order No. 14 (2010) at Church View, 19 High Street, Whiston, Rotherham under Section 333(7) of the Town and Country Planning Act 1990.

Background

An order was made on 3 September 2010 (TPO No. 14 2010) following concerns from the Council's Arboriculturist in response to a section 211 notice to prune 3 trees within Whiston Conservation Area.

The Order was confirmed by Members with modification on 3 February 2011. A final confirmed order was then sent to various interested parties dated 10 February 2011.

The Council in November 2014 received an application to carry out tree works to the protected trees (ref: RB2014/1569). The application was refused as the Council's Trees and Woodlands service were not satisfied with the details submitted and the level of pruning proposed was considered excessive. On the decision notice, along with details of the refusal an informative was attached detailed the level of pruning considered appropriate and the applicant was informed that should an amended application be submitted with the level of pruning stated it would be likely to gain support.

After the issuing of the decision notice, the applicant began appeal proceedings against the decision. During this time the applicant pointed out that they considered the original TPO was invalid due to an administrative error, whereby the incorrect year had been shown on the confirmation papers. Instead of 10 February 2011, it read 10 February 2010.

On receiving this information, the Council acknowledged the error. Under section 333(7) of the Town and Country Planning Act 1990, the Council have powers to vary or revoke any such order and this report is therefore seeking Members approval to formally revoke the Order TPO No. 14 2014.

It should be noted that a new TPO (ref: No.1 2015) has been temporarily placed on the site, and a report to confirm this new Order will be presented to Members in due course.

Conclusions

In light of the administrative error on TPO No. 14 2014, it is recommended that under section 333(7) of the Town and Country Planning Act 1990 the aforementioned Order is revoked.