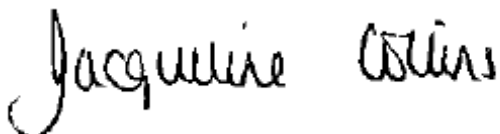


**You are hereby summoned to a meeting of the Planning Board
to be held on:-**

**Date:- Thursday, 25 June 2015 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH**
Time:- 10.20 a.m.

PLANNING BOARD AGENDA

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 4th June, 2015 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Visit of Inspection - Details of the demolition of existing dwelling and erection of 9 No. dwellinghouses and formation of access road (reserved by outline RB2013/1015) at land at The Croft, Worksop Road, South Anston for Firsure Ltd. and Framecourt Ltd. (RB2014/1703) (Pages 7 - 22)
8. Development Proposals (Pages 23 - 85)
9. Updates
10. Date of next meeting - Thursday 16th July, 2015



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

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

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

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

1. Disclosable Pecuniary

2. Personal

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

(Please continue overleaf if necessary)

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

Signed:-

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

PLANNING BOARD
Thursday, 4th June, 2015

Present:- Councillor Atkin (in the Chair); Councillors Astbury, Middleton, Roche, R. A. J. Turner, Tweed, Sims, M. Vines and Whysall, together with Councillor Sansome (as substitute for Councillor Lelliott); also in attendance were Councillors Evans and Khan (as observers).

Apologies for absence were received from Councillors Godfrey, Lelliott, Pickering, Rosling, Smith and Yasseen

E1. DECLARATIONS OF INTEREST

Councillor Atkin declared his personal interest in application RB2015/0278 (Erection of a two-storey building comprising of 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 for Kier Construction for the Secretary of State for Education), because his daughter is currently a pupil at this School and she will still be a pupil there should the new school be built as a consequence of this Authority's granting of planning permission. During the Planning Board's consideration of this matter, Councillor Atkin vacated the Chair, left the room, did not participate in the discussion on this application and did not vote. The Vice-Chair, Councillor Tweed, assumed the Chair for the Board's consideration of this application.

E2. MINUTES OF THE PREVIOUS MEETING HELD ON 14TH MAY, 2015

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday 14th May, 2015, be approved as a correct record for signature by the Chairman.

E3. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

E4. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following persons attended the meeting and spoke about the applications listed below:-

- 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. and Harron Homes (RB2015/0416)

Mrs. C. Kent (agent, on behalf of the applicant Companies)

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 (RB2015/0493)

Parish Councillor P. Thirlwall (objector, on behalf of Wickersley Parish Council)

Mr. K. Goodall (objector)

(2) That applications RB2015/0233, RB2015/0278 and RB2015/0434 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3)(a) That, with regard to application RB2015/0416, the Council shall enter into an Agreement 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; and
- the provision of Travel Master cards for each household;

(b) That, subject to the signing of the Section 106 Legal Agreement, the reserved matters for the proposed development shall be approved and shall be subject to the reasons and conditions set out in the submitted report, including the removal of condition 1 (time limits) and an amendment to condition 16 which shall read as follows:-

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 Phases 1G and 1H (19.03.2015) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

(4) That the Planning Board declares that it is not in favour of application RB2015/0493 for the following reasons, with the Chairman and the Vice-Chairman being authorised to agree the final wording of the reason:-

No very special circumstances exist to justify an increase in the turbines' blade length such that it will be detrimental to the visual amenity of the locality and the openness of the Green Belt, contrary to the National Planning Policy Framework.

(Councillor Atkin declared his personal interest in application RB2015/0278 (Erection of a two-storey building comprising of 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 for Kier Construction for the Secretary of State for Education), because his daughter is currently a pupil at this School and she will still be a pupil there should the new school be built as a consequence of this Authority's granting of planning permission. During the Planning Board's consideration of this matter, Councillor Atkin vacated the Chair, left the room, did not participate in the discussion on this application and did not vote. The Vice-Chair, Councillor Tweed, assumed the Chair for the Board's consideration of that application)

E5. CONFIRMATION OF REVOCATION OF TREE PRESERVATION ORDER NO. 14, 2010 - AT CHURCH VIEW, 19 HIGH STREET, WHISTON

Consideration was given to a report of the Director of Planning and Regeneration Service stating that an Order was made on 3rd September 2010 (Tree Preservation Order No. 14, 2010), as a consequence of concerns about three trees at Church View, 19 High Street, Whiston, within the Whiston Conservation Area. The report noted an appeal had been lodged against the Council's refusal of an application to prune four trees, as well as issues about the validity of the original notice because of an incorrect date included within it. As a consequence, the report stated that in accordance with powers under Section 333(7) of the Town and Country Planning Act 1990, the Council may vary or revoke this Tree Preservation Order and it had been decided to revoke the order such that a new order could be made. Members agreed to revoke the order and noted that a new Tree Preservation Order (No. 1, 2015) has been temporarily placed on the site at Whiston and that a report seeking confirmation of the new Order would be submitted to a future meeting of the Planning Board.

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

(2) That, in the light of the administrative error on Tree Preservation Order No. 14, 2010, as now reported, the Planning Board confirms the revocation of this Tree Preservation Order under Section 333(7) of the Town and Country Planning Act 1990.

E6. UPDATES

The Planning Board was reminded that training on planning matters will be provided for all existing and new Members of the Board, including substitute Members, at a meeting to be held at the Town Hall, Rotherham during the afternoon of 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.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING REGULATORY BOARD****VISIT OF INSPECTION – THURSDAY, 25TH JUNE, 2015**

1. **RB2014/1703 – Details of the demolition of existing dwelling and erection of 9 No. dwellinghouses and formation of access road (reserved by outline RB2013/1015) at land at The Croft, Worksop Road, South Anston for Firsure Ltd and Framecourt Ltd.**

Requested By:- Councillor Tweed, Vice-Chair of the Planning Board

Reason:- To allow Members to consider the issue of access to the site of this proposed development

| <u>No.</u> | <u>Application</u> | <u>Area</u> | <u>Arrival</u> | <u>Departure</u> |
|------------|--------------------|--------------|----------------|------------------|
| 1. | RB2014/1703 | South Anston | 9.25 a.m. | 9.50 a.m. |

Return to the Town Hall for approximately 10.15 a.m.

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

| | |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application Number | RB2014/1703 |
| Proposal and Location | Details of the demolition of existing dwelling and erection of 9 No. dwellinghouses and formation of access road (reserved by outline RB2013/1015) at land at The Croft, Worksop Road, South Anston |
| Recommendation | Grant subject to conditions |

**Site Description & Location**

The application site is an existing bungalow set within a large plot located to the south of Worksop Road, South Anston. The existing bungalow of The Croft is located in the centre of the triangular shaped plot and is bordered to the west and the south by predominantly residential properties, though with some commercial, and to the north by Worksop Road (A57). It is accessed from Worksop Road.

To the east of the access and garden area of The Croft is a small triangular shaped piece of green open space. Anston Footpath No. 4 leads from Sheffield Road along the eastern side of the site to Worksop Road and splits as it reaches the open space area such that a separate footpath (Anston Footpath No. 3) runs down the western side of this area of open space. This open space area is owned by the applicant and falls within the current site boundary, and the total site is approximately 0.28 hectares in area. Beyond this area are more residential properties and gardens.

A small part of the site is within the South Anston Conservation Area which runs adjacent to the southern boundary.

Background

KP1965/1828 - Outline for dwellinghouse – WITHDRAWN

RB1999/0281 - Application for Lawful Development Certificate re: existing vehicular access – GRANTED

RB2013/1015 - Outline application for the demolition of existing dwelling and erection of 9 No. dwellinghouses and formation of access road - GRANTED CONDITIONALLY. Conditions 2 and 3 of the outline permission state:

02

Before the commencement of the development, details of the layout, scale, appearance, access and landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

03

Application for the approval of reserved matters shall be in accordance with the principles as described and illustrated in the accompanying Design and Access Statement and indicative drawing numbers 2013-11.01.01, 2013-11.01.03 Rev A, 2013-11.01.04, 2013-11.01.05, 2013.11.01.06 and 07/183/TR/003 received 02/12/13 and 2013-11.01.02 Rev A received 11/03/14

Proposal

It is proposed to demolish the existing bungalow on the site (this has already been granted consent by the outline planning permission for its demolition and the redevelopment of the site for 9 dwellings granted in 2013), and to replace it with 9 detached and semi-detached, two storey houses, some with garages.

The original outline permission reserved all matters for the detailed application and as such the issues for consideration are access, appearance, landscaping, layout and scale.

Access to the site will be provided by a new cul de sac from Worksop Road. The proposal involves 8 three bedroom properties and one two bedroom dormer bungalow type structure. The dwellings are to be arranged around a cul de sac with a pedestrian link to the existing Chapel walk footpath, which links South Anston to the A57. An existing public footpath No.3 will be diverted through the new cul de sac as it falls within the development site. .

The plans indicate a 1.8m brick wall will front the A57 on plots 1 & 9. Smaller 900mm railings are proposed to the front of the landscaped area and to the front of dwellings in the cul de sac to create a sense of enclosure. 1.8m high timber fencing is proposed to the rear gardens of the remaining properties and to the elevation facing Chapel Walk.

The application has been amended during the course of the application with plots 1 & 9 set back from the A57 to improve the amenity of future residents. In addition new acoustic garages are proposed to plots 1 & 9 to minimise the noise impact from the A57 and additional gable detailing has been proposed to the elevations facing the A57.

In addition the cul de sac turning head has been increase in size to accommodate the typical manoeuvring of a standard refuge truck.

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

Design and Access Statement

This states that:

- The proposed houses are small family sized housing (8 with 3 bedrooms and one with two bedrooms). They are all two storeys in height with no rooms in the roofspace with the exception of plot 3 which is single storey with rooms in the roofspace. This scale is in keeping with the adjoining area which predominantly consists of two storey detached and semi-detached properties as well as a block of flats on the northern side of Worksop Road.
- The proposed development has been designed so that the scale, design (including roof pitches, door and window details) and materials of the houses will be in keeping with those within the adjoining conservation area and the density of the development will also reflect that in the conservation area. The site is also lower than the conservation area so that the development will not dominate views of the conservation area.
- The site is in a sustainable location within the settlement of South Anston. It is within easy walking distance of a number of community facilities within the village and there are regular bus services along Worksop Road and Sheffield Road with bus stops within easy walking distance the site access. The sustainability of this site is shown by the Council's previous decision to grant outline planning permission for housing on the site.

Noise Statement

The applicant has submitted the previous noise statement submitted with the outline permission. The original noise statement recommended that indoor noise levels do not exceed 45 dB and that rear garden noise levels do not exceed 55dB. The applicant has submitted a noise map indicating that the amended plan which includes garages to the A57 roadside, will not exceed 55dB.

Transportation Statement

The Statement has considered how the site can be accessed and demonstrates there are no fundamental access reasons why it is not deliverable. The Statement also demonstrates that the road from which the proposed development will be accessed can readily accommodate the additional generated traffic by the proposed residential development without detriment to road safety or the convenience of other road users.

The Statement has considered the sustainability of the site and demonstrated that the site is well served by public transport and that the proposed residential development conforms to the principles of sustainability.

The Statement concludes that the proposed development is deliverable, can be accessed in a safe and satisfactory manner and that the traffic generated by it can be readily accommodated on the highway network without resulting in demonstrable harm to highway interest. As a consequence, the Statement concludes that the approval of residential development in the site should not therefore be withheld on any highway related basis.

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 'Residential' in the adopted Rotherham UDP and part within/immediately adjacent to the South Anston Conservation Area which lies to the south. Policies which are applicable to these proposals include:

Core Strategy policy(s):

CS21 'Landscape'
CS23 'Valuing the Historic Environment'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

Policy HG4.3 'Windfall Sites'
Policy HG5 'The Residential Environmental'
Policy ENV2.11 'Development in Conservation Areas'
Policy ENV2.12 'Development adjacent to Conservation Areas'
Policy ENV2 'Borough Landscape'
Policy ENV3.7 'Control of Pollution'
T6 'Location and Layout of Development'

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

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

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

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 7 representations have been received including letters from the local Parish Council and Councillor Clive Jepson. All the letters object to the application, for the following reasons:

- There are minor discrepancies on the detailed drawings, for instance Type D1 misses the “pop out” on one of the elevations.
- Question whether a refuse vehicle can actually negotiate the radius.
- Note that plots 1 & 9 have the whole of their gardens adjacent to the A57 with the submission of 1.8m high brickwork wall providing visual privacy. It is difficult to see how anything could be proposed under the circumstances however is this type of appearance acceptable adjacent to the A57?
- The dwellings are pedestrian in design, the layout mundane, but unfortunately this is now the norm and not good design.

- Has any consideration been given to air quality adjacent to the A57.
- Danger of increased vehicular movements onto the busy A57. The A57 is a dangerous road.
- Loss of privacy to No.4 Yeomans Way, from plots 7,8 & 9.
- The proposal will create an undesirable muggers alley situation.
- The dwellings break the building line and are out of keeping with the streetscene.

The Parish Council have objected on the following basis:

- A dedicated right turn from Worksop Road to serve the development is now to be constructed presumably with any additional pedestrian safety work etc as deemed necessary. Will this and any other highway works be funded by the developer as opposed to the local authority?
- There appears to no indication on the plans as to the level of visitor parking to be provided.
- Will the developer be asked to provide a Construction Management Plan to cover the duration of the work given the location of the site and its proximity to the main A57/Worksop Road and the number of vehicles that will be entering and leaving the site during the construction period? There have been two recent housing developments in the village, one at Main Street in North Anston and one at Sheffield Road (Church Farm), South Anston which have caused significant disruption to local residents due to the volume of traffic created as well as problems with contractors offsite parking and the condition of the adjacent roads caused by site traffic.
- If permission is granted will any work be carried out to improve the Chapel Walk footpath down to Worksop Road as well as improving the street lighting provision? If so will the developer be asked to make a financial contribution to any such work?
- There appears to be no planting/screening proposed between the back edge of the footpath and the site boundary walls/fences along Worksop Road. This would help to soften the proposed boundary treatment.
- Can the elevational treatment to the garages/boundary walls/side elevations to house type D1(Worksop Road elevation) be improved by the introduction of some additional brickwork detailing to break up the proposed long stretches of bland brickwork.

4 People have requested the right to speak including the applicant and three objectors one of which is local Ward Councillor Jepson. Councillor Jepson has requested a site visit by Board Members.

Consultations

Streetpride (Transportation and Highways): Can confirm that the revised layout has addressed previous concerns and that the proposed access, prospective adopted highway, manoeuvring facility and on site car parking facilities all accord with industry / RMBC standards.

This being the case, no objections are raised to the granting of planning permission in a highway context subject to appropriate conditions.

Environmental Health (Noise): Consider that the revised acoustic models for the site is acceptable and that the extended garages help to achieve 55dB within the gardens.

Streetpride (Landscape Design): No objections to the proposed landscaping scheme subject to an appropriate condition ensuring its implementation.

Streetpride (Ecologist): The detailed design plans do not have any further ecological impact in comparison with the initial outline plans previously assessed. It is noted that the biodiversity mitigation strategy (Condition (11) imposed on the outline agreement) is still applicable and will ensure adequate protection and enhancement measures are incorporated.

Severn Trent: No objection subject to appropriate condition.

South Yorkshire Archaeology Service: No archaeological concerns.

Public Rights of Way: Public footpath No.3 runs through the site and a footpath diversion has been confirmed.

Streetpride (Trees & Woodlands): None of the existing trees, groups of trees or hedges previously reported on the site are shown on the site plan, therefore all will be removed. As such no existing tree / hedge related planning conditions are required with any consent. No objections are raised subject to suitable replacement planting.

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 outline planning permission for 9 dwellings with all matters reserved. The principle of residential development has therefore been established (including any ecological or flooding constraints) and is considered to be acceptable. As such the issues for consideration as part of the reserved matters application are access, appearance, landscaping, layout and scale. The issues have been considered as follows:

- Design and layout
- Impact upon the South Anston Conservation Area.
- Impact on neighbouring amenity
- Highway safety and transportation issues
- Landscaping
- Noise issues

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.”

Core Strategy 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 SYRDG further advocates 60sqm minimum garden sizes and a minimum 77sqm floor area for all three bedroom dwellings.

All the dwellings will have gardens in excess of 60sqm and meet the internal space standards providing an acceptable standard of amenity. The small cul de sac development with a pedestrian link will provide an acceptable development character with the two storey dwellings fitting in with the local character of the area. The proposed red brickwork reflects other dwellings along the A57 and as referred to below the properties have a number of architectural features which reflect the adjacent Conservation Area.

The applicant has specifically added some architectural gable features to plots 1 & 9 and the associated garages fronting the A57. The dwellings will have an acceptable appearance in the streetscene, with boundary walling which reflects the Conservation Area setting. To the centre of the development will be a small landscaped area providing some greenery in the streetscene.

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 as required by the outline consent and in accordance with Policy CS28 'Sustainable Design'.

Impact upon the South Anston Conservation Area

Policy ENV2.11 'Development in Conservation Areas' states "In respect of designed Conservation Areas, the Council will: (iv) have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character". In addition CS23 'Valuing the Historic Environment' and CS28 'Sustainable Design' indicates that Local Planning Authorities should ensure that new development should make a positive contribution to the character and local distinctiveness of the historic environment.

The development site slightly falls within South Anston Conservation Area, with a small 8m deep strip of land to the south falling within the Conservation Area itself. This area of South Anston Conservation Area is made up of a variety of stone, rendered and brick properties of various ages, with a mixture of slates and pantile roofs. The haphazard arrangement of dwellings and small shops provide the character of the area.

The proposed scheme is a similar density to the adjoining Conservation Area, and following Officer's advice the applicant has introduced traditional features present in the Conservation Area such as: chimneys, brick boundary walling, porches and dormer windows. The applicant has indicated that the dwellings will be constructed in red brickwork with either slate roofs or small plain tile roofs. Such materials are reflective of the area in general as well as the adjacent Conservation Area.

It is considered that the proposals are in keeping with the style and character of the Conservation Area and as such would therefore continue to preserve and enhance the Conservation Area. As such the proposals are considered to be in accordance with Core Strategy CS23 'Valuing the Historic Environment', saved UDP Policy ENV2.11, and the general guidance in the NPPF.

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 applicant has designed the proposed housing scheme to minimise the impact on neighbouring amenity. In the first instance plot 3 has been designed as a dormer bungalow, with rooflights only to the rear elevation. This design will prevent direct overlooking of No. 62 Sheffield Road which has a habitable room window overlooking the site. Other plots backing onto dwellings on Sheffield Road have been set 10m off the boundary to minimise any overlooking preventing any significant loss of amenity.

Turning to the impact upon No.4 Yeomans Way, the neighbour has raised concern regarding overlooking. The dwelling has a substantial side and rear garden backing onto the busy A57 and Chapel Walk. The nearest dwelling is set 25m off the neighbour’s blank gable end and plots 8 & 9 are set 12m off the neighbour’s garden boundary separated by Chapel Walk. These distances are in excess of the minimum standards normally sought.

Having regard to all of the above, 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 and will not harm neighbouring amenity.

Highway safety and transportation issues

Policy T6 ‘Location and Layout’ of the Rotherham Unitary Development Plan states: “In considering the location of new development, the Council will have regard to the increasing desirability of reducing travel demand by ensuring that:

- (i) land uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure,
 - (ii) major trip generating land uses such a major employment, leisure, retail and high density residential developments, are located in close proximity to public transport interchanges and service corridors,
 - (iii) the development of sites which cause unacceptable traffic congestion on motorways, and local approach roads and trunk roads is avoided,
 - (iv) development patterns, where appropriate provide opportunities for living close to places of work, and
 - (v) a range of services and facilities are available in villages and local centres with safe and convenient access for pedestrians, cyclists and people with disabilities.
- In addition, the detailed layout of development should have regard to accessibility by private car, public transport, service vehicles, pedestrians and cyclists and people with disabilities.”

Paragraph 35 of the NPPF states: “Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore developments should be located and designed where practical to...

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones...”

The objectors to this application have raised significant concern that the increase in the number of cars entering/exiting the site will be detrimental to highway safety on the busy Worksop Road (A57).

The submitted Transportation Statement concludes that; “there are no fundamental access reasons why it is not deliverable.” It states; “the road from which the proposed development will be accessed can readily accommodate the additional generated traffic by the proposed development residential without detriment to road safety or the convenience of other road users.”

The applicant has amended the internal cul de sac road to provide adequate turning for a refuse lorry and fire appliance. All dwellings will also have a minimum of two off street parking spaces as well as garage accommodation.

Anston Footpath No. 4 runs down the eastern boundary of the site within the site boundary. The footpath forks on the site with the eastern fork crossing Worksop Road towards the Anston Crossroads and the western fork (Anston Footpath No. 3) crossing Worksop Road towards Bank Street. This proposal involves retaining the eastern fork in situ, with the western fork to be re-routed through the development, along the footway to the site access with Worksop Road. This will require a Stopping Up Order to be submitted separate to this application.

The new footpath link to Chapel Walk is well laid out and overlooked by surrounding dwellings preventing a “muggers alley” situation. In addition plots 7-9 have been set a minimum of 1m off the existing Chapel Walk footpath reducing any sense of enclosure.

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.

Landscaping

The proposed plans include a landscaping scheme, primarily involving a central landscaped area between the A57 and the cul de sac road. The landscaped area is considered acceptable and will provide adequate greenery in the streetscene and maintain the suburban character of the area. In addition landscaping is proposed to the front of a number of dwellings as well as appropriate boundary detailing.

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

Noise implications:

Policy ENV3.7 'Control of Pollution' states "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which...is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place"

Paragraph 123 of the NPPF states: "Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

Planning Practice Guidance Paragraph 008 Noise states that the adverse effects of noise can be mitigated by either:

- Engineering
- Layout
- Use of planning conditions/obligations
- Mitigation.

Conditions 12 and 13 of the outline permission require a scheme to be submitted to demonstrate that the building envelope provides sound attenuation against external noise sources and achieve certain maximum internal and external (garden area) noise levels. A Noise Assessment has been submitted with the application which concludes: "The noise survey carried out shows that the noise impact upon residential properties on the site would be above the requirements of the Local Authority. It goes on to state: "In order to achieve these conditions, it is anticipated that bedrooms will require some form of attenuated ventilation. It is also anticipated that the two westernmost properties on site will need to be ventilated by attenuated pathways or mechanical ventilation in both living rooms and bedrooms." It also states: "The external amenity level of 50 dB LAeq within back gardens during the daytime is considered unachievable at some properties. It is suggested that 55 dB LAeq is more appropriate within the rear gardens and is, compatible with WHO guidelines."

In the detailed submission the applicant has amended the scheme to achieve acceptable noise levels both within the new dwellings and the rear gardens to each property. Primarily the applicant amended plots 1 & 9 setting them off the boundary with an extended acoustic garage to the A57 boundary designed to absorb the road noise providing an acceptable rear garden below 55 dB.

Subject to adherence with the conditions attached to the outline permission the proposals are acceptable and in line with Policy ENV3.7 of the Rotherham Unitary Development Plan and the guidance set out in the NPPF.

Conclusion

The principle of residential development on this site has been established under outline permission RB2013/1015 and is considered to be acceptable.

The overall layout of the site offers an acceptable balance between achieving an efficient use of the land 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 adjacent Conservation Area and the overall streetscene along the A57. A variety of house types and sizes have been provided and consideration has been given to the noise impact from the adjacent A57.

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.

As such the scheme accords with the UDP and Core Strategy policies referred to above and the NPPF.

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) except as shall be otherwise agreed in writing by the Local Planning Authority.

Amended site plan 01 Rev D

Amended Acoustic Garages 06 Rev A

Amended Elevations 03,04,05,07,08,09 Rev A.

Reason

To define the permission and for the avoidance of doubt.

02

Samples of the materials (including windows) to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the construction of a sample panel on site and details of window frames including level of recess within the reveal. 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'.

03

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

04

Prior to development if subsoils / topsoils are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Verification Report.

Reason

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

05

Landscaping of the site as shown on the approved plan (drawing no.714,01, Rev D) 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 LDF Policy CS28 'Sustainable Design', UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

06

Before the development is brought into use, the boundary treatment shown on drawing no.714,01, Rev D shall be installed.

Reason

In the interest of the amenity of future residents and the character of the area.

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.

INFORMATIVES

01

All relevant conditions on the outline permission need to be discharged accordingly.

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THURSDAY 25 JUNE 2015**

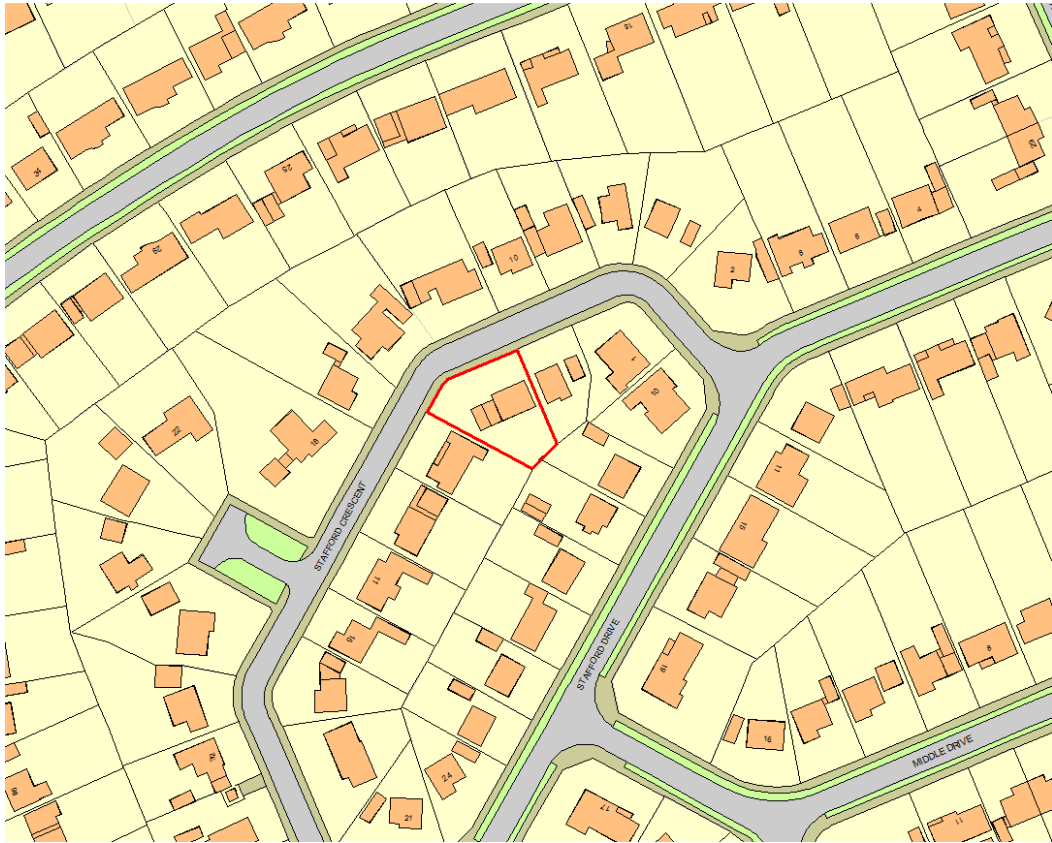
The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

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|------------------------------|----------------------------------------------------------------------------------------------------------------|
| Application Number | RB2015/0436 |
| Proposal and Location | Demolition of existing dwelling and erection of replacement dwelling at 5 Stafford Crescent, Moorgate, S60 3DG |
| Recommendation | Grant with conditions |



Site Description & Location

The application site is located on Stafford Crescent, a residential street forming part of a wider residential estate off Moorgate Road, Moorgate. Other dwellings within the locality are of a varied architectural design and scale.

The original property was a detached dormer bungalow which is positioned on a bend such that the front porch aligned with the principal elevation of the neighbouring property, No.3 Stafford Crescent while No.7 Stafford Crescent is positioned at an angle facing away from the site. Both No.3 and No.7 Stafford Crescent are two storey detached properties.

There was a linked canopy between the property and a detached flat-roofed garage and car port to the side.

Background

RB2014/1285 – Two storey side & single storey front extension and increase in roof height – Granted conditionally

During implementation of the above application, it was realised that it was going to be much more economical to actually demolish the building and rebuild it in accordance with the approved drawings rather than extend the existing house. The result will have the same external appearance but permission needs to be obtained as the previous permission was for an extension not a demolition and rebuild..

Proposal

The proposal is for retrospective consent to demolish the existing dwelling and garage and replace it with a two storey dwelling.

The building line of the property projects forward from the original building and would be in line with the neighbouring property at No.3. The proposed building would have a hipped roof comprising an eaves height of approximately 5.5 metres and a total height of approximately 7.8 metres.

There are no windows proposed on the side elevations of the property.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 – The Residential Environment

Other Material Considerations

SPG Housing Guidance 3: Residential infill plots

Technical Housing Standards – Nationally described space standard

South Yorkshire Residential Design Guide

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 notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.)

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

Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties.

6 letters of representation have been received and are summarised as following:

- There was no intention of erecting the extension as they demolished the property
- The new footings are set forward of the original property which would reduce the amount of natural light to the front of No.3
- The amenity area of the garden at No.7 would be severely overlooked by the top rooms (particularly the new room over the garage) and the dimensions of the footing suggest that the property would be nearer than originally specified
- The conditions imposed under RB2014/1285 should be upheld in particular condition 3 in relation to obscure glazing windows being fitted towards the boundary of No.7
- Two thirds of the proposed property will be built beyond the building line by 1200mm where all existing properties on the road are in keeping with the building line being of benefit of all residents and the outlook of the estate
- Working hours should be restricted to reduce the general disturbance and in the interest of highway safety
- It is impossible to complete the build on site as it leave no space for scaffolding without infringing No.3
- The site is too small to accommodate the proposed property of this size which will significantly affect the street-scene and adjacent residents.
- The rear garden does not meet the specified amenity area
- The positioning of the house means the drive will be insufficient for parking
- No.12 and 14 sited opposite the site have not been consulted
- Concern if the demolition work has followed bat survey recommendations

Consultations

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

Appraisal

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

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

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

The application site is located within a residential area as allocated in the UDP. The proposal is of a residential nature and is therefore considered to be acceptable in principle.

The main issues to be considered in this application are:

- Impact on visual amenity of dwelling and streetscene
- Impact on residential amenity
- Highway safety
- Other matters

Impact on visual amenity of dwelling and streetscene

Despite the fact that the demolition of the property has already been carried out, the proposed replacement dwelling by virtue of its footprint, siting, scale, height and architectural design is identical to the previous approval for an extension to the original property under RB2014/1285.

The NPPG notes that "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations. The NPPG further goes on to advise that: "Local planning authorities are required to take design into consideration and should refuse permission for development of poor design."

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

Core Strategy policy CS28 'Sustainable Design' seeks to ensure that all development make a positive contribution to improve the character and quality of the area by achieving an appropriate standard of design.

Bearing in mind that the site is between existing two storey dwellings, with two storey properties also located directly adjacent; the proposed two storey replacement dwelling would appropriately blend in with the locality. Furthermore, it is considered that the height of the property has taken into account the land level and the height of the adjacent properties (No.3 and 7) and would not be an incongruous feature in the street-scene.

SPG Housing Guidance 3 'Residential Infill Plots' states the maximum ground area covered by the dwelling should be approximately 33% of the site area. Although the footprint of the proposed dwelling is slightly more than the original property due to the forward projection and being two storey in height, the dwelling is of same width as the original property (together with the outbuilding) and the private amenity space to the rear of the property remains the same as original. The footprint of the proposed dwelling is approximately 26.5% of the site area and it is considered that the proposed dwelling is of an acceptable scale and size that is proportionate with the site area.

The proposed design would include a dwelling with a hipped roof and a front facing gable. Such gable features are present within the locality where there is no set precedent in terms of architectural style or design. As before, a plan has been provided to demonstrate the resulting dwelling in context with nos. 3 & 7 Stafford Crescent, no. 7 of which is turned at an angle to the host plot given its position on the bend. Whilst the resulting dwelling would comprise a wider front facing elevation than no. 3 Stafford Crescent, it is considered that the site could accommodate a dwelling of this scale given the variety of designs within the area and the resulting dwelling achieving a good standard of design in terms of its character and appearance..

As such, it is considered that the proposal is of an acceptable design which ensures the development will comply with the requirements of the NPPF, NPPG, Core Strategy policy CS28 'Sustainable Development' and UDP policy HG1 'Existing housing area'.

Impact on residential amenity

The NPPF, at paragraph 17 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 buildings.'

The building line of the proposed dwelling would be aligned with the adjacent property, No.3 with the proposed building being approximately 7.4m away from that property. In addition, considering the siting of No.7 is positioned at an angle facing away from the application site and the property comprises no side facing windows and includes an attached side garage, it is considered that this forward projection of the dwelling would not have any adverse impact on any front facing habitable room windows or the amenity of No.3 and No.7 by way of overbearing and overshadowing.

SPG Housing Guidance 3: Residential infill plots indicates that 'any elevation situated less than 10m from a boundary with another residential curtilage should contain no habitable room windows at first floor level'.

Concerns have been raised from neighbouring occupiers regarding the potential for overlooking as a result of the raised height of the dwelling and inclusion of first floor windows. It is firstly noted that the first floor window toward the eastern boundary with no. 3 Stafford Crescent would serve a habitable room however it would comfortably retain a 10 metre distance to the rear boundary and given its relationship with no. 3 Stafford Crescent would result in no overlooking or loss of privacy. Three central windows are proposed which would serve a bathroom/ensuite and are therefore considered to result in no detriment to privacy between properties. One window would however be positioned to the western side of the dwelling toward the boundary with no. 7 Stafford Crescent which would serve a habitable room and given the layout of the properties would be turned toward the rear boundary of no. 7 Stafford Crescent. As the window would fail to meet a 10 metre distance to the boundary, it is considered the window would have potential for overlooking the private rear amenity space to no. 7 Stafford Crescent.

The window however will serve as a secondary window to the room and as the permission before it is considered necessary to impose a condition to ensure the window in question would be obscurely glazed and non-openable above 1.7m

The proposed property comprises of 4 bedrooms with the gross internal floor area of approximately 200 square metres (excluding the attached garage) which exceeds the requirement of the Nationally Described Space Standard for a 4 bedroom two storey dwelling should have a minimum gross floor areas of 97-124 square metres.

The SYRDG states private garden of three or more bedroom house should be at least 60 square metres. The garden space of the site is considered as sufficient as it would be approximately 160 square metres in size.

Taking all of the above into consideration, it is considered that the proposal is in accordance with paragraph 17 of the NPPF and meets the requirements of SPG Housing Guidance 3 and the spacing requirement and is therefore acceptable.

Highway safety

The proposed dwelling comprises of an attached garage with a parking area to the front of the dwelling that is 6.2m in length. The Highways Department have not raised any objections to this and it is therefore considered that the proposed development has sufficient parking provision within the site for the property of this size.

Other matters

The construction details including the erection of scaffolding are private matter between neighbours and not something that the planning system will control and the hours of construction work would be controlled by the Environmental Health legislation to which an informative is recommended for the applicant's attention.

In accordance with the Development Management Procedure Order the residents of the adjacent properties were notified directly by letter and an additional site notice was also displayed on the opposite side of Stafford Crescent.

The applicant has confirmed that the footing is set out as per original planning approval under RB2014/1285 which is the same as the proposed development and they have also confirmed that the demolition was carried out in accordance with the bat survey recommendations. The roof and all internal stud work was done by hand and there were no bats found during the demolition process.

Conclusion

Having regard to the above it is therefore concluded that the proposal would comply with the relevant paragraphs of the NPPF, policies of the UDP and Core Strategy and the guidance detailed within the SPG and SYRDG.

For the reasons detailed in this report the application is recommended for approval subject to the following conditions.

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)

(Proposed Plan – 14.2043.03B, Proposed Elevations and Section – 14.2043.04B)(received 02 April 2015)

Reason

To define the permission and for the avoidance of doubt.

02

No construction of the building above ground level 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 Designs'.

03

The window on the rear elevation serving the first floor western bedroom (master bedroom) facing the boundary with No.7 Stafford Crescent shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3

obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

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

04

The building shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is brought into use and shall be thereafter maintained.

Reason

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

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 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'.

Informative(s)

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

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

- (i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public

Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

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

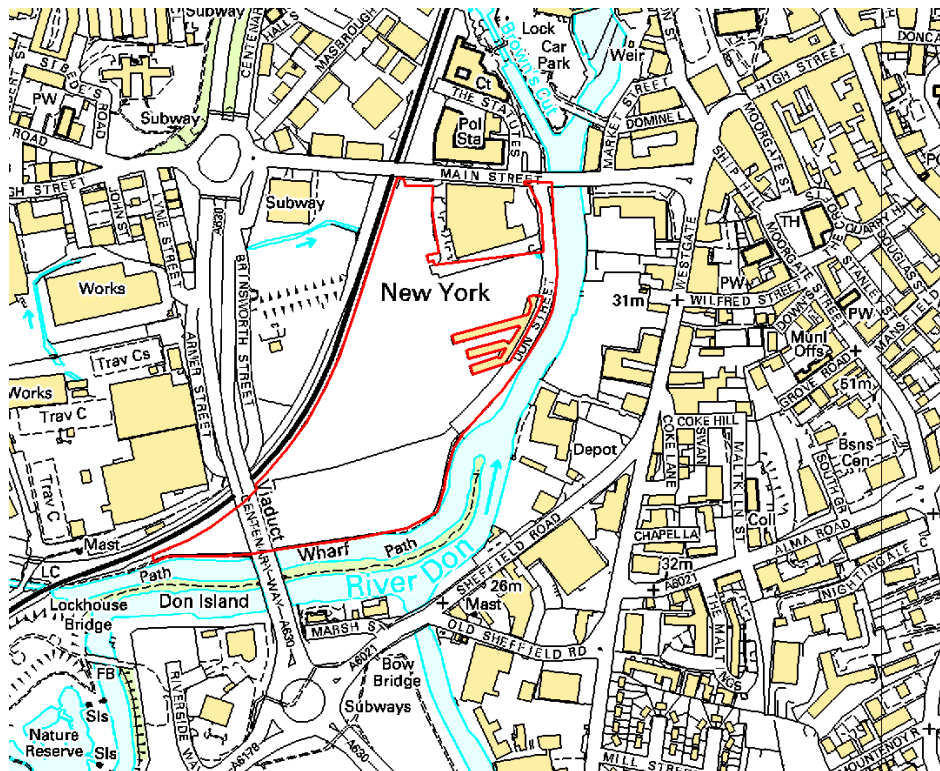
(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations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

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

POSITIVE AND PROACTIVE STATEMENT

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

| | |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application Number | RB2015/0477 |
| Proposal and Location | Variation of conditions 01 (Approved Plans) & 15 (Internal Floorspace) imposed by RB2012/0867 (Continuation of Outline Application for new 12,000 Capacity Community Football Stadium with Associated Car Parking and Public Realm at New York Stadium Don Street, Rotherham, S60 1FJ. |
| Recommendation | Granted Conditionally |



Site Description & Location

The application site is approximately 6.44 hectares in size and is occupied by the recently constructed New York Stadium, the home ground of Rotherham United Football Club.

The eastern boundary of the site adjoins Don Street, with the River Don beyond. The river also runs along the southern boundary of the site. The western boundary of the site adjoins the Rotherham to Sheffield Railway Line, and the Centenary Way fly over crosses the south eastern tip of the site. The majority of the northern boundary adjoins Riverside House. The Grade II Listed Guest and Chrimes Building is situated outside the planning application site, and lies centrally on the eastern boundary.

Background

There are numerous planning applications relating to the former uses of the site, however the applications related to the existing use are listed below –

RB2010/0945 Outline planning permission was granted for the erection of a 12,000 capacity community football stadium and associated car parking and public realm including details of access and scale on 26th January 2011.

RB2011/0834 Details of the erection of a 12,000 capacity community football stadium including details of landscaping, appearance and layout were approved on 25th August 2011.

RB2012/0867 Continuation of Outline Application for new 12,000 capacity Community Football Stadium with associated car parking and public realm including details of access and scale with variation of conditions 8, 49,50 (restricting the use of the car park; the internal floorspace and other D2 uses)(imposed by RB2010/0945) to allow additional users of the car park, and an associated Health and Fitness Suite (D2) was granted on 5th February 2013-09-23

Environmental Impact Assessment

The outline planning permission, RB2010/0945 was screened as EIA development and an ES was submitted with the planning application, as the scheme was deemed to be EIA development. The application and the ES were assessed in accordance with the Town and Country Planning (Environmental Impact Assessment) (England) (Amendment) Regulations.

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany this application. The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2015 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 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.

Accordingly the authority has adopted the opinion that this development is not EIA development as defined in the 2015 Regulations.

Proposal

This application is made under Section 73 of the 1990 Town and Country Planning Act, and seeks to vary planning conditions No1 and No15 on the outline planning permission RB2012/0867, to allow the use of 2 new Concession Units and 12 existing internal kiosks within the stadium concourses for the sale of hot and cold refreshments.

When planning permission was granted for the stadium, conditions were attached to the permission limiting the approved floor area within the building as there was uncertainty about what was actually required. Additional to this were areas shown as Concession Units within which any future use would require planning permission. This application relates to two of these concession units

located on the eastern side of the stadium. These two units would allow the sale of hot and cold refreshments on match days, and would have hatches which open outwards enabling supports to be served before they enter the stadium, as well as those smoking outside at half time etc.

The application also seeks permission for minor alterations to the external appearance of the two units which would involve the replacement of the existing double doors with serving hatches. Security shutters would be provided on the hatches.

Additionally the applicant seeks to regularise the location of 12 small existing internal catering kiosks within the stadium itself. These kiosks are used to provide hot and cold refreshments during the match.

The application therefore seeks variation of conditions imposed on RB2012/0867, which itself approved a continuation of the original outline permission. Condition 15 limits the gross internal floor space to 5,075 sqm. The total additional floorspace with the existing and proposed refreshment areas is 425sqm and as such the applicant seeks to vary condition 15 to include this additional floorspace.

Given the aforementioned minor alterations to the exterior of the 2 east stand concession units it is also necessary for condition 1 of the permission to be varied to include the external alteration within the approved plans condition.

Development Plan Allocation and Policy

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

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

Core Strategy policy:

CS14 Accessible Places and Managing Demand for Travel

CS13 Transforming Rotherham Town Centre

CS28 Sustainable Design

UDP Policy:

EC3.1 – Land Identified for Industrial and Business Use

EC3.3 – Other Development within Industrial and Business Areas

Other Material Considerations

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

presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.)

The 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).”

Publicity

The proposal has been advertised in the press and on site via a site notice. No representations have been received.

Consultations

Streetpride (Transportation Unit) - Have no objections
Environment Agency - Have no objections

Appraisal

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

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

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

The main considerations to be taken into account when determining this application are

- The Principle of the Development
- Design Issues
- Highway Issues

Principle

The application site is allocated for Industrial and Business Use within the adopted Rotherham Unitary Development Plan. Core Strategy Policy CS13 'Transforming Rotherham Town Centre' aims to deliver town centre regeneration, and it states that, on the former Guest and Chrimes site proposals which are well integrated with adjoining uses and which support the vitality and viability of the town centre will be supported. Policy EC3.1 'Land Identified for Industrial and Business Uses' states that development proposals that fall within use classes B1, B2 and B8 of the Town and Country Planning Order 1987 will be acceptable subject to no adverse effect on the character of the area.

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

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

The uses proposed fall within A5 hot food takeaways which are classed as a Main Town Centre Uses within the NPPF, as the stadium is located on an Edge of Centre location the NPPF advocates a sequential approach where town centre uses are proposed in locations outside defined town centres, with a requirement to demonstrate that there are no suitable and available premises or sites within the defined town centre boundary before more peripheral locations can be considered. However the proposed kiosks will only operate on matchdays, and are proposed to be ancillary to the use of the football stadium. Due to the ancillary nature of the operation, it is not considered that a sequential approach is appropriate in this instance.

If planning permission is granted an additional condition is recommended to ensure that the kiosks only sold hot and cold refreshments on matchdays.

The proposal is considered to be in accordance with Core Strategy Policy CS13, UDP Policies EC3.1 and EC3.3 and guidance/policy within the NPPG and the NPPF.

Design Issues

Policy CS28 Sustainable Design states that proposals for development should respect the distinctive features of Rotherham. Design should take all opportunities to improve the character and quality of an area and the way it functions.

The external alterations proposed within this application are considered to be minimal, constituting the replacement of double doors with a serving hatch on two of the units on the eastern side of the stadium. The proposal is therefore considered acceptable and in accordance with CS Policy 28.

Highway Issues

CS14 'Accessible Places and Managing Demand for Travel' promotes the location of new development in locations that are highly accessible which are well served by a variety of modes of travel; and through supporting high density development near to public transport interchanges.

The proposals are considered to be ancillary to the existing uses at the site and would not generate any additional traffic to the site. Therefore no highway issues are envisaged, and the proposal is in compliance with Core Strategy Policy CS14.

Amendments to Original Conditions

As there were 26 planning conditions attached to RB2012/0867 it is also necessary to reassess them to bring them up to date in accordance with the progressed stage of development and the NPPF. Many of the conditions have been fully complied with, and in this regard, should Members be minded to grant permission, they do not need to be included on any new permission.

Conditions which have not have been fully complied with at this stage have been re-worded to take account of the stage of the development.

Conclusion

It is considered that the proposed and existing kiosks, to be used on matchdays only to sell hot and cold refreshments are acceptable within the stadium and comply with Core Strategy Policy CS13,UDP policy EC3.1 and EC3.3 and government guidance contained within the NPPF and the NPPG.

The external alterations are considered to be minimal and in accordance with Core Strategy Policy CS28 Sustainable Design.

The proposal raises no significant transportation issues, and so the proposal accords with Core Strategy Policy CS14. It is therefore recommended that planning permission be granted conditionally subject to the amended conditions.

Conditions

01

The development shall be carried out in accordance with the reserved matters approval in application RB2011/0834, the principles and parameters contained within the submitted Design and Access Statement and the alterations to the 2 no concession units in the East Stand (shown as Units I and J on the Proposed

Ground Floor Plan, drawing number 3152(20)004 as shown on drawing number 10451-02.

Reason

To ensure that the development is carried out in accordance with the approved plans.

02

The Event Management Plan submitted in May 2012, approved by the Local Planning Authority on 18th December 2012 shall be implemented on match days. The development shall be carried out in accordance with the approved Events Management Plan and the timetable for its monitoring/updating.

Reason

In the interests of road safety.

03

Within 1 month of the date of this permission additional information to supplement the submitted Car Parking Management Strategy submitted in May 2012, to show how the car park will be controlled shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved Car Parking Management Strategy unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of road safety.

04

The proposed car parking areas shall be used only as follows:

- 1) On non football match days by employees of Rotherham United Football Club and the Health and Fitness Centre or visitors accessing the Stadium or the Health and Fitness Centre;
- 2) On match days - by employees of Rotherham United Football Club and the Health and Fitness Centre, visitors attending football matches and visiting the Health and Fitness Centre; and
- 3) By the Emergency Services, or maintenance workers at the site.

The car parking areas shall not be utilised by the general public, unless attending a football match or the Health and Fitness Centre, at any time.

Reason

In the interests of maintaining the free and safe flow of traffic in adjacent highways.

05

Prior to the Health and Fitness Club being brought into use, an amended Travel Plan [incorporating the extant use] shall have been submitted to and approved by the Local Planning Authority. The amended plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement reflecting the extant and additional use (to include survey data as agreed under

the plan dated 22/05/2012). 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.

06

The number of car parking spaces within the application site shall not exceed 500.

Reason

In the interests of road safety.

07

Prior to the Health and Fitness Club being brought into use the following shall be submitted to, and approved in writing by, the Local Planning Authority.

1 --

Details to demonstrate how the proposed line of defence for the site shall tie-in with flood protection levels upstream and downstream of the site as recommended for the Templeborough to Rotherham Flood Alleviation Scheme, in accordance with the Design Brief for Flood Risk Management Works dated April 2008, or as maybe subsequently updated and agreed with the Local Planning Authority.

2 --

A permanent strip of land 8 metres wide from the top of the embankment, adjacent to the River Don to be kept clear of all new buildings and structures (including decking, gates, walls, fences and trees) unless otherwise agreed in writing with the Local Planning Authority in consultation with the Environment Agency

3 --

A permanent strip of land 10 metres wide spanning Holmes Tail Goit to be kept clear of all new buildings and structures (including decking, gates, walls, fences and trees), the area referred to is hatched on attached WSP plan Drawing Number 0855/D/03 Rev C dated April 2009, unless otherwise agreed in writing with the Local Planning Authority in consultation with the Environment Agency. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the approved scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason

To ensure that future phases of the Templebrough to Rotherham Flood Alleviation Scheme can be implemented in accordance with the recommendations of the Design Brief for Flood Risk Management Works (dated April 2008) and to maintain access to the watercourse(s) for maintenance or improvements and provide for overland flood flows.

08

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

09

The Health and Fitness Centre shall not be brought into use until details of the proposed means of disposal of foul and surface water drainage, including details of the use of Sustainable Urban Drainage Systems, any balancing works, off-site works, and a 30% reduction in existing surface water flows have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details in accordance with an agreed timetable for implementation.

Reason

To ensure that the development can be properly drained.

10

Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water and land drainage from the development prior to the completion of the approved surface water and land drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason

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

11

The Acoustic Report submitted in July 2012 shall be implemented in accordance with the information and mitigation measures submitted and approved by the Local Planning Authority on 18th July 2012.

Reason

In the interests of local amenity

12

The Floodlighting Plan and Site Lighting Strategy submitted in March 2011, and approved by the Local Planning Authority on 25th August 2011 shall be complied with.

Reason

In the interests of local amenity, biodiversity and the protection of the setting of the Listed Building.

13

Any floodlights to be used at the site shall not be used before 08:00 or after 23:00 on any day of the week unless previously agreed in writing by the Local Planning Authority.

Reason

In the interests of local amenity.

14

The gross internal floorspace of the football stadium, (excluding the pitch and the stands) shall not exceed 5,500 square metres.

Reason

In accordance with the details in the Design and Access statement

15

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the building shall be used for the following uses only

- (a) as a football stadium;
- (b) for the sale of hot and cold refreshments on matchdays with a floor area of no greater than 425sqm
- (c) as a Health and Fitness Centre with a floor area no greater than 575sqm, and shall not be used for other uses in Class D2, in accordance with the details contained within the Transport Assessment submitted with the application, and no other uses are hereby permitted.

Reason

In accordance with the submitted details in the Design and Access Statement

16

All applications for the approval of reserved matters shall have regard to the Rotherham Town Centre Public Realm Strategy and shall include a detailed landscape masterplan. Such scheme shall be prepared to a minimum scale of 1:500 and shall clearly describe in plan, section and by visual representation: Proposals for mitigating the impact of the development upon the riverside and the Trans Pennine Trail and for enhancing these areas.

Existing and proposed finished levels or contours, including steps, embankments and retaining structures required directly by the development or as part of flood alleviation measures

Means of enclosure and boundary treatments

Car parking layouts

Other vehicle and pedestrian access and circulation areas

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting and CCTV)

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, inspection chambers, etc)

Highway visibility requirements

Retained existing site features and proposals for restoration, where relevant

Areas of structural and ornamental tree, shrub and other planting that are to be carried out, including along the riverside and Don Street, to the public realm and circulation areas, and to the site perimeter including the boundary with the Civic Offices.

An indication of planting character, key species and tree planting sizes

Proposals for long-term management of the public realm and landscape areas

Details of a piece of public art to reflect the historical significance of the site. The approved scheme shall thereafter be implemented in accordance with the approved landscape masterplan.

Reason

To ensure that the landscape proposals for all external areas of the site form an integral part of the design for the site as a whole.

17

The approved soft and hard landscape details shall be implemented in accordance with the approved master plan,
- implementation programme.
- 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, in accordance with the approved time table, unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure an appropriate standard of visual amenity in the local area

18

No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

19

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

Reason

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

20

Tree planting within public realm areas shall comprise advanced nursery stock. As a minimum the trees shall be prepared, supplied and transplanted in accordance with B.S. 4043.

Reason

To ensure that there is a well laid out scheme of suitable trees 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'.

21

The landscape works shall be carried out in accordance with approved details in the Master Plan submitted in application RB2011/1773 and thereafter the landscaped areas shall be retained and shall not be used for any other purpose without the prior consent of the Local Planning Authority. They shall be cultivated and maintained for an initial establishment period of 5 years from the date of implementation and any plant failures within that five year period shall be replaced in accordance with condition 20. Before any landscaping works are commenced on site, a schedule of landscape maintenance shall be submitted to and approved in writing by the Local Planning Authority and shall include arrangements for its delivery. The maintenance shall thereafter be carried out in accordance with the agreed maintenance schedule.

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'.

22

The details agreed in writing by the Local Planning Authority on the 18th July 2012 demonstrating that suitable barriers and boundary treatments can be provided to prevent the risk of vehicles from entering the waterway shall be implemented in accordance with a timetable to be submitted to and approved by the LPA.

Reason

To protect users on the canal, the integrity of the canal infrastructure and to prevent a detrimental impact on the appearance of the waterway corridor from the erection of poorly designed barrier and boundary treatments.

23

The details agreed in writing by the Local Planning Authority on the 18th July 2012 demonstrating that suitable measures shall be implemented to prevent damage to the waterway infrastructure from parked and moving vehicles within close proximity to the canal and towpath shall be implemented in accordance with a timetable to be submitted to and approved by the LPA.

Reason

To protect the integrity of the waterway infrastructure.

24

No part of the land other than that occupied by buildings shall be used for the storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

Reason

In the interests of visual amenity and to reduce the problem of litter and in accordance with UDP Policy ENV3.7 'Control of Pollution'. Construction mitigation work

25

The hot and cold refreshment kiosks shall only be open for sale of goods on match days.

Reason

To ensure that the development accords with policies within the NPPF and Core Strategy CS13 'Transforming Rotherham Town Centre'.

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 | RB2015/0504 |
| Proposal and Location | Erection of A1 retail unit (Unit 10) at Alba Plc Cortonwood Drive, Brampton Bierlow, S73 0UF |
| Recommendation | Grant subject to conditions |



Site Description & Location

The application site consists of an area of 667 square metres and forms a part of the larger Alba Plc site for which planning permission has been granted for a new major retail development on Cortonwood Drive. The overall site is currently occupied by a large industrial unit (Use Class B8) used as a UPS distribution centre with a floorspace of 13,400 square metres. The building is a substantial structure and has a utilitarian appearance constructed predominantly of profiled cladding. There are a large number of loading bays on the south west elevation of the building facing the existing adjacent retail park.

The site lies on the southern side of Cortonwood Drive and directly to the north east of the existing retail units (Asda Living, Halfords and SCS).

To the north east of the application site is another large industrial building, whilst the north on the opposite side of Cortonwood Drive is a smaller retail park consisting of three recently built retail units (Smyths, Pets at Home, and a vacant unit (formerly Dreams). Otherwise this section of Cortonwood Drive is predominantly characterised by large industrial and business units.

The main retail park lies to the south and consists of Morrison's Supermarket, a large DIY store (B&Q) and a number of smaller units including Next, Matalan, Sports Direct, Boots and Argos. There is also a McDonalds and Pizza Hut restaurant.

The vehicular access to the site is via the Dearne Valley Parkway which runs to the north of the application site and provides access to the site via two roundabout junctions. The Dearne Valley Parkway lies within the neighbouring Borough of Barnsley. The Trans-Pennine Trail crosses the Cortonwood Bypass close to the main roundabout to the north west of the application site.

The nearest residential properties lie to the south, east and north-east of the application site in Brampton at a higher level, although there is no direct vehicular access from these residential properties there are a number of undefined footpaths running across the adjacent land.

Background

Members may recall the previous applications for this site being presented in 2013 and 2014. The original planning application RB2012/1615 was refused by Members but later granted at Public Inquiry. The previous permission has a total floorspace of 9,177 sq.m. The proposed retail units ranged from 1,115 sq.m. to 2,320 sq.m. The proposal also included a car park to provide 309 car parking spaces.

An amended application was approved in 2014 (reference RB2014/0612) for the demolition of the existing warehouse and erection of A1 retail units with mezzanine floors (13,548 sqm gross external floor area) with associated car parking and landscaping (amendment to RB2012/1615). Subsequently a non-material amendment has been granted under reference RB2014/1262 to allow a very minor amendment to the configuration of the approved units.

Members will also note that an associated planning application is to be presented on this agenda for variation to various planning conditions attached to RB2014/0612 under reference RB2015/0510.

There are numerous other planning applications relating to the reclamation of the application site and surrounding industrial and retail park. The most recent applications related to the development of the site for the existing warehouse was made under the Enterprise Zone Planning Scheme:

Proposal

This application seeks full planning permission for the erection of a retail unit within the north west corner of the site. The specific area was identified on the previously approved site plan as a compound and as a result the proposal does not result in the loss of car parking spaces.

The proposed internal floor area of the retail unit is 339 square metres. The building is single storey having an overall height of approximately 6.5m to the highest point with a gently sloping mono-pitch roof. The design of the building

is modern with large areas of glazing to the front and wrapping around the side elevations. The remainder of the building is clad with profiled composite metal cladding in the same style as the approved units on the wider Alba site.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS14 Accessible Places and Managing Demand for Travel
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

EC1.1 'Safeguarding Existing Industrial and Business Land'
EC3.1 'Land Identified for Industrial and Business Use'
EC3.3 'Other development within Business and Industrial Areas'
T6 'Location and Layout 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 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 press notice, site notice and letters to neighbouring properties. No representations have been received.

Consultations

Streetpride (Transportation Unit) – No objections

Appraisal

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

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

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

The main considerations in the determination of this application are:

- Principle
- Retail Issues
- Highways Issues
- Design and Visual Amenity

Principle

The principle of retail development of the wider Alba site has been established by previous permission which remains extant. The latest planning permission has an approved overall internal floor area of 13,006 square metres (and this was restricted by condition on application reference RB2014/0612).

An application which is also presented on this Board under reference RB2015/0510 seeks to reduce the footprint of that approved development by reducing the floorspace of a number of the 9no. approved units. This results in a reduction of the floorspace from 13,006 sqm to 12,667sqm and it is proposed to again restrict the maximum floorspace on this application should Members be minded to grant planning permission. The difference in floorspace is 339 square metres and this application seeks to utilise this floorspace out as the freestanding unit proposed as Unit 10.

There is therefore no additional floorspace proposed on the overall site over and above that which was approved and currently remains extant under planning reference RB2014/0612.

However, as the proposed Unit 10 is sited within an area identified as a compound under this previous permission, it could be physically possible to build out the larger approved scheme with this proposal. It is therefore recommended that should Members be minded to support this scheme, a Grampian style condition be appended to this application which would only allow this permission to be implemented as a part of the smaller retail development at Units 1-9 should that application also be successful.

Retail Impact

As mentioned above the principle of retail development is already established and the floorspace of the proposal together with the reduction of the other floorspace does not result in any net increase. There are therefore no retail impact implications.

Highway Issues

Paragraph 32 of the NPPF states that:

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

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

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

UDP Policy T6 refers to the location and layout of development and requires regard to be had to:

- “(i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure,
- (ii) major trip generating land-uses, such as major employment, leisure, retail and high density residential developments, are located in close proximity to public transport interchanges and service corridors,
- (iii) the development of sites which cause unacceptable traffic congestion on motorways, and local approach roads and trunk roads is avoided,
- (iv) development patterns, where appropriate, provide opportunities for living close to places of work, and
- (v) a range of services and facilities are available in villages and local centres with safe and convenient access for pedestrians, cyclists and people with disabilities.

In terms of the layout, the red line boundary extends only around the proposed retail unit itself. However, it is proposed to impose a condition restricting the occupation of unit 10 until the car park shown on the layout plan submitted with the associated application has been constructed. The applicant has confirmed that there is no intention to build Unit 10 as a separate development. Given that there is no increase in floorspace at the site as a whole the proposed number of car parking spaces remains as approved and accords with the Council’s car parking standards.

Design and Visual Amenity

Paragraphs 56 and 57 of the NPPF state that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people... It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

Core Strategy Policy CS28 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 application site lies within an area which immediately consists of a number of large industrial buildings to the north and with the exception of the Post Office building to the south of the site, these buildings have a typically utilitarian appearance. To the south is the Cortonwood Retail Park; these units are large structures of modern appearance with large shop fronts at a low level and cladding to the upper structure of the building. The units are characterised by large signage structures which tend to have a consistent appearance.

The proposed unit 10 is very similar in style and scale to the existing smaller unit on the adjacent site which is occupied by SCS. Its general design concept also follows the form of the approved units on the remainder of the Alba site as well as those on the adjacent retail park. It is therefore considered that the scale and design of the proposed development accords with the NPPF and Core Strategy Policy 28.

Conclusion

In conclusion, the proposal is considered to be acceptable in principle, there is no net increase in floorspace, no additional retail impact and an appropriate level of car parking is provided. The application is therefore recommended for approval subject to the conditions listed below.

Conditions

01

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

Reason

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

02

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

(Drawing numbers 14592-PA24 Rev A, 14592-PA25 Rev A, 14592-PA27 Rev A)(received April 2014)

Reason

To define the permission and for the avoidance of doubt.

03

The development hereby permitted shall provide for no more than 339m² gross internal floorspace and shall not include any additional mezzanine level floorspace.

Reason

To define the permission and for the avoidance of doubt.

04

The development hereby approved shall not be occupied until the access and car parking arrangements approved under Planning Permission RB2015/0510 have been completed.

Reason

In the interest of ensuring adequate parking/manoeuvring facilities is available in association with the proposed unit.

05

The development hereby approved shall only be implemented in conjunction with the planning permission granted pursuant to planning application RB2015/0510 or any such scheme that contains the same total floorspace in the same overall proportions between ground and mezzanine levels as that scheme.

Reason

To ensure that the impact of the development remains as previously approved under RB2014/0612 as no further retail assessments have been carried out.

06

Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) the retail unit (Use Class A1) hereby permitted shall not be used primarily for the sale of food.

Reason

The premises are not considered suitable for general use within the Class quoted for A1 (convenience) in accordance with the NPPF.

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 | RB2015/0510 |
| Proposal and Location | Application to vary conditions 4 (approved plans), 7 (provision of parking layout), 14 (floorspace restrictions), 15 and 16 (drainage and remove conditions 02 (materials), 05 (zebra crossing), 08 (cycle parking), 10 (pedestrian ramp), 11 (landscape) and 13 (coal seams) imposed by RB2014/0612 (Demolition of existing warehouse and erection of A1 retail units with mezzanine floors (13548 sqm gross external floor area) with associated car parking and landscaping at Alba Plc. Cortonwood Drive, Brampton Bierlow, S73 0UF. |
| Recommendation | <p>Grant Conditionally subject to a legal agreement under Section 106</p> <p>A. That the Council enter into a deed of variation to the S106 agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following: Provision of a contribution of £154,845 towards highway improvements within Barnsley Local Authority area specifically for improvements to the Cortonwood, Wath Road and Broomhill roundabouts.</p> <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p> |



Site Description & Location

The application site consists of an area of 2.75 ha on Cortonwood Drive, which is currently occupied by a large industrial unit (Use Class B8) used as a UPS distribution centre with a floorspace of 13,400 square metres. The building is a substantial structure and has a utilitarian appearance constructed predominantly of profiled cladding. There are a large number of loading bays on the south west elevation of the building facing the existing adjacent retail park.

The site lies on the southern side of Cortonwood Drive and directly to the north east of the existing retail units (Asda Living, Halfords and SCS).

To the north east of the application site is another large industrial building, whilst the north on the opposite side of Cortonwood Drive is a smaller retail park consisting of three recently built retail units (Smyths, Pets at Home, and a vacant unit). Otherwise this section of Cortonwood Drive is predominantly characterised by large industrial and business units.

The main retail park lies to the south and consists of Morrison's Supermarket, a large DIY store (B&Q) and a number of smaller units including Next, Matalan, Sports Direct, Boots and Argos. There is also a McDonalds and Pizza Hut restaurant.

The vehicular access to the site is via the Dearne Valley Parkway which runs to the north of the application site and provides access to the site via two roundabout junctions. The Dearne Valley Parkway lies within the neighbouring Borough of Barnsley. The Trans-Pennine Trail crosses the Cortonwood Bypass close to the main roundabout to the north west of the application site.

The nearest residential properties lie to the south, east and north-east of the application site in Brampton at a higher level, although there is no direct vehicular access from these residential properties there are a number of undefined footpaths running across the adjacent land.

Background

Members may recall the previous applications for this site being presented in 2013 and 2014. The original planning application RB2012/1615 was refused by Members but later granted at Public Inquiry. The previous permission has a total floorspace of 9,177 sq.m. The proposed retail units ranged from 1,115 sq.m. to 2,320 sq.m. The proposal also included a car park to provide 309 car parking spaces.

An amended application was approved in 2014 (reference RB2014/0612) for the demolition of the existing warehouse and erection of A1 retail units with mezzanine floors (13548 sqm gross external floor area) with associated car parking and landscaping (amendment to RB2012/1615). Subsequently a non-material amendment has been granted under reference RB2014/1262 to allow a very minor amendment to the configuration of the approved units.

Members will also note that an associated planning application is to be presented on this agenda for an additional retail unit (Unit 10) under reference RB2015/0504.

There are numerous other planning applications relating to the reclamation of the application site and surrounding industrial and retail park. The most recent applications related to the development of the site for the existing warehouse was made under the Enterprise Zone Planning Scheme:

Proposal

This application seeks firstly a minor material amendment to the approved layout of the development which was granted under application RB2014/0612.

Condition 4 of RB2014/0612 sets out the approved plans and it is proposed to replace the approved plans with revised plans which has the result of reducing the amount of floorspace to be provided within Units 1 to 9. The approved internal floorspace is 13,006 square metres and it is proposed to reduce this to 12,667 square metres.

In addition, it is proposed to amend the car parking layout by varying Condition 7. It is proposed to amend the layout to make it more user friendly, the number of car parking spaces remains as previously approved.

Condition 14 relates to restrictions to floorspace and currently states that:

“The development hereby permitted shall provide for no more than 13,006m² gross internal floorspace of which no more than 5,574m² gross internal floorspace shall be provided at mezzanine level and distributed at the discretion of the applicant.”

It is proposed to amend the wording of this condition to relate to the reduced floorspace:

“The development hereby permitted shall provide for no more than 12,667square metres gross internal floorspace of which no more than 5,574 square metres gross internal floorspace shall be provided at mezzanine level and distributed at the discretion of the applicant.”

In addition, the previous application has been subject to various applications to discharge planning conditions and it is proposed to update the decision notice attached to this proposed application to remove all of those conditions that have been discharged under previous applications.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS14 Accessible Places and Managing Demand for Travel
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

EC1.1 'Safeguarding Existing Industrial and Business Land'
EC3.1 'Land Identified for Industrial and Business Use'
EC3.3 'Other development within Business and Industrial Areas'
T6 'Location and Layout 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 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 site notice, press notice and letters to neighbouring properties. No representations have been received.

Consultations

Neighbourhoods (Environmental Health) – no objection
Streetpride (Drainage) – no objection
Streetpride (Landscape) – no objection
Streetpride (Transportation and Highways) – no objection
Coal Authority – no objection
SYPTE – no objection
Yorkshire Water – No objection

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
Retail Issues
Highways Issues
Design and Visual Amenity
Other Considerations

Principle

The application site is allocated for Industrial and Business Use in the Unitary Development Plan. However, the principle of retail development on this site has been established by the previous planning permissions which remain extant. This application seeks to reduce the floorspace of that approved development and there are therefore no implications to the principle of the development.

Retail Issues

As mentioned above the principle of retail development is already established and the floorspace of the proposal is reduced as a result of this application. There are therefore no retail impact implications.

Highway Issues

Paragraph 32 of the NPPF states that:

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

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

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

UDP Policy T6 refers to the location and layout of development and requires regard to be had to:

- “(i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure,
- (ii) major trip generating land-uses, such as major employment, leisure, retail and high density residential developments, are located in close proximity to public transport interchanges and service corridors,
- (iii) the development of sites which cause unacceptable traffic congestion on motorways, and local approach roads and trunk roads is avoided,
- (iv) development patterns, where appropriate, provide opportunities for living close to places of work, and
- (v) a range of services and facilities are available in villages and local centres with safe and convenient access for pedestrians, cyclists and people with disabilities.

In terms of the layout of the car park, the proposed number of car parking spaces remains as approved and accords with the Council’s car parking standards. As a part of the appeal scheme a zebra crossing was proposed and details of this have now been approved by an application to discharge the condition. This is again proposed as a part of this scheme and would assist visitors is moving between the two areas of the retail park.

Whilst the site is located within Rotherham Metropolitan Borough the highway network which serves it is entirely within the Barnsley Metropolitan District and Barnsley MBC is the relevant Highway Authority. The site is located off the A6195, a strategic and key route within the borough and the principle of the development is considered to be established. It is proposed to vary the Section 106 Agreement to relate it to this permission and as no additional floorspace is proposed, there is no requirement for the contribution to be reconsidered.

Design and Visual Amenity

Paragraphs 56 and 57 of the NPPF state that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people... It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

Core Strategy Policy CS28 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 application site lies within an area which immediately consists of a number of large industrial buildings to the north and with the exception of the Post Office building to the south of the site, these buildings have a typically utilitarian

appearance. To the south is the Cortonwood Retail Park; these units are large structures of modern appearance with large shop fronts at a low level and cladding to the upper structure of the building. The units are characterised by large signage structures which tend to have a consistent appearance.

The proposed units are very similar in style and scale to those on the adjacent retail park with large shop fronts with cladding on the upper part of the building and large signage displays. Whilst the site is currently occupied by a large industrial building, it is abutted by the modern retail buildings. The proposed development is considered to represent an appropriate scale of building and design which would sit in an acceptable manner with the surrounding built form. It is therefore considered that the scale and design of the proposed development accords with the NPPF and Core Strategy Policy 28.

Other Considerations

It is proposed to remove a number of planning conditions which have been subject to separate discharge of conditions procedures and the approved details have been included within the list of approved documents as opposed to being listed separately.

Conclusion

In conclusion, the proposal is considered to be acceptable in principle, there is no additional retail impact and an appropriate level of car parking is provided. The application is therefore recommended for approval subject to the conditions listed below.

Recommendation

A. That the Council enter into a deed of variation to the S106 agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:

- Provision of a contribution of £154,845 towards highway improvements within Barnsley Local Authority area specifically for improvements to the Cortonwood, Wath Road and Broomhill roundabouts.

B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.

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:

14592-PA 04 Rev J Proposed Site Plan
14592-PA 05 Rev J Proposed Elevations

14592-PA 07 Rev J Proposed Roof Plan
14592-PA 09 Rev H Proposed Site Sections
14592-SK11 Rev C Cycle Parking
14592-SK09 Rev C Proposed Ramp
SF 2337 LL01 Rev G Landscape Proposals
SF 2337 DT01 Rev A Car Park Tree Pits
14592/Mat1 Rev A Schedule of External Building Materials
4435-R10 Rev B Pedestrian Crossing 'Zebra' General Arrangments
S2017-200 Revision P1

Reason

To define the permission and for the avoidance of doubt.

02

Before the first retail unit is open for trading, the parking layout shown on the approved site plan (drawing 14592-PA 04 Rev J Proposed Site Plan) shall be provided, marked out, and thereafter shall not be used for any other purpose than the parking of vehicles.

Reason

In the interest of highway safety.

03

The development hereby permitted shall provide for no more than 12,667m² gross internal floorspace of which no more than 5,574m² gross internal floorspace shall be provided at mezzanine level and distributed at the discretion of the applicant.

Reason

To define the permission and for the avoidance of doubt.

04

The development shall be carried out in accordance with the general principles shown on drawing s2017/200 P1. Surface water run off generated by the development shall be discharged to sewers generally at the locations and at maximum outfall flow rates of 212 litres/second. A separate foul drainage network shall be provided serving each building and connected to sewers generally as indicated on the drawing.

Reason

To ensure that the development can be properly drained.

05

Landscaping of the site as shown on the approved plans (Smeedon Foreman drawing no. SF2337 LL01 Revision F, Tree Pit Detail SF2337 DT01 Revision A) shall be carried out during the first available planting season after commencement of 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 requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective

work or materials discovered shall be rectified before 31st December of that year.

Reason

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

06

Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) none of the retail units (Use Class A1) hereby permitted shall be used primarily for the sale of food.

Reason

The premises are not considered suitable for general use within the Class quoted for A1 (convenience) in accordance with the NPPF.

07

The proposed zebra crossing shown on drawing 4435-R10 Rev B Pedestrian Crossing 'Zebra' General Arrangements shall be implemented prior to the development being brought into use.

Reason

In the interest of pedestrian safety and to enhance pedestrian linkages with the remainder of the retail park in accordance with the NPPF.

08

The development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:
Limiting the surface water run off generated by the development so that it will reduce the run-off from the existing site and reduce the risk of flooding off site. There must be a 30% reduction in peak discharge and the system must be able to contain up to the 1 in 30 year storm and not flood any buildings/adjacent land up to the 1 in 100 year storm plus an allowance for climate change. This measure shall be fully implemented prior to occupation and according to the schemes phasing arrangements (or with any other period, as agreed in writing, by the Local Planning Authority).

Reason

To prevent flooding by ensuring satisfactory storage or/disposal of surface water from the site.

09

Before the first retail unit is open for trading, the parking layout shown on the approved site plan (drawing 14592-PA 04 Rev J) shall be provided, marked out and thereafter shall not be used for any other purpose than the parking of vehicles.

Reason

In the interest of highway safety.

10

The cycle parking shown on drawing 14592–SK11 Rev C shall be installed and ready for use before the first retail unit is open for trading.

Reason

In the interest of promoting sustainable methods of travel.

11

Before each retail unit is open for trading, a Travel Plan shall have been submitted by the occupier and approved in writing by the Local Planning Authority. The local planning authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to each Travel Plan following submission of progress performance reports as timetabled in the monitoring programme.

Reason

In order to promote sustainable transport choices.

12

Before the first retail unit is open for trading, the pedestrian link up to the south-western site boundary shall be implemented in accordance with details shown on 14592–SK09 Rev C.

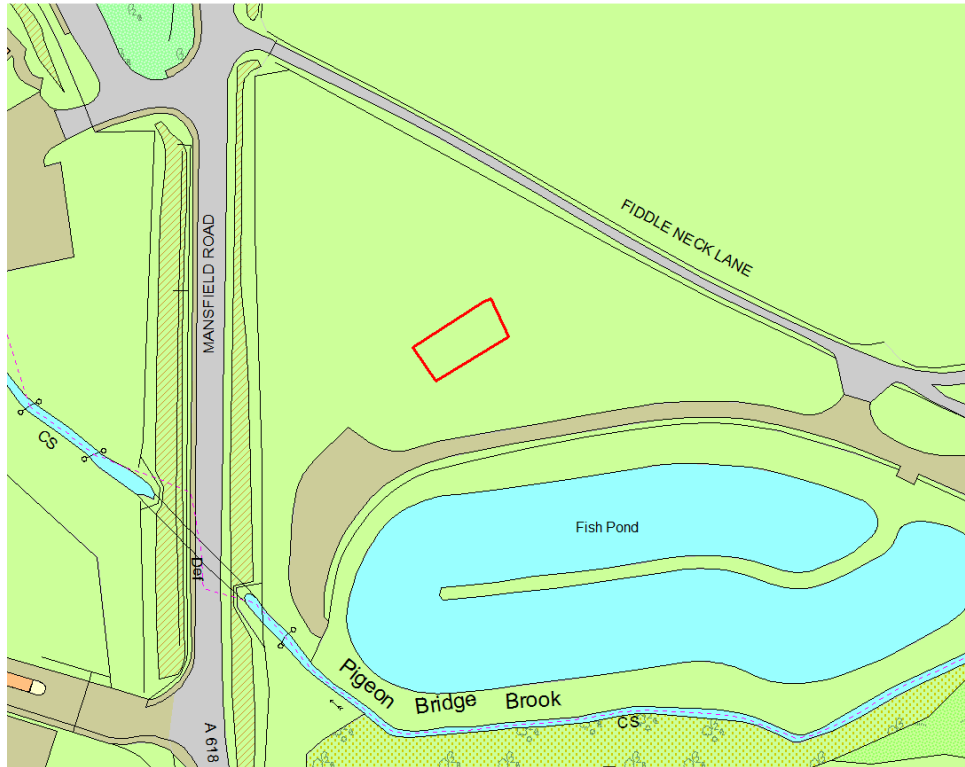
Reason

In the interest of ensuring pedestrian linkages with the adjacent site.

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 | RB2015/0676 |
| Proposal and Location | Erection of a building for use for agriculture, café and toilets at Aston Springs Farm, Aston, S26 5PQ |
| Recommendation | <p>A. That a Unilateral Undertaking be signed confirming that the building will be demolished if not used for agricultural purposes within 10 years of it being brought into use.</p> <p>B. Subject to the signing of the Unilateral Undertaking, that planning permission be Grant Conditionally</p> |



Site Description & Location

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

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

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

Background

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

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

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

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

Conditions

02

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

Reason

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

03

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

Reason

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

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

RB2015/0237 - Erection of a building for use as soft play area (use class D2) and ancillary café and toilets - REFUSED

01

The site of application is within the Green Belt and the proposed building to accommodate the D2 and A3 uses represents inappropriate development that would have a detrimental impact on the openness of the Green Belt. No very special circumstances have been demonstrated to clearly outweigh the harm caused by the inappropriate development, and any other harm, and the

proposal is therefore in conflict with Core Strategy Policy CS4 – ‘Green Belt’ and chapter 9 ‘Protecting Green Belt land,’ as set out in the National Planning Policy Framework (NPPF).

02

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

Proposal

The proposal is an amendment to the previous refused planning permission for the erection of building for use as a soft play area and cafe. The applicant now proposes to use the western section of the building as additional animal housing (108sqm). The larger soft play area originally proposed has now been removed and a smaller play area (26sqm) is included within the café area (99sqm) but this is intended to provide a space for small children to use while older children and adults use the café.

The barn type building will measure 5.8m high by 28m wide and 9.6m deep. The building is to be constructed with a stone dwarf wall, with timber cladding above and a sheet metal roof.

The applicant has indicated that the section of the building to be used for animals will be used mainly in the winter months (November until the end of March). The animals can then be brought in to avoid the land becoming boggy and unhealthy, to ensure that the grazing is retained in a good condition for the following year and provide shelter in harsh weather.

The main use of this building will be for pigs. The applicant indicates that the previously refused scheme where none of this building would have been available for animals would have reduced the number of pigs on the unit in the winter period (as has happened in the last winter period) and would have prevented any breeding of piglets in the winter months. The use of this part of the building for pigs will allow the number of pigs to be maintained over the winter months and will also allow for pig breeding in the winter months which will increase the profitability of the breeding part of the enterprise. The applicant indicates that it is anticipated that 12 breeding sows and their litters will be accommodated in the building with an average litter containing 10 piglets. The building will also allow for additional space to store hay, straw and hard feeds close to the animals for which they are required.

The applicant indicates that the other agricultural building previously approved under permitted development is to be used for winter housing for the remaining animals: 5 deer, 2 Highland cows, 5 sheep (these need to be moved inside for lambing), 2 alpacas and at least 6 goats.

The design and location is similar to one element of the overall agricultural building previously approved under prior approval RB2014/0415, although the building is now bigger than previously approved. The main differences are as follows:

| | |
|-----------|-------------------|
| Proposed | Original Approval |
| 9.6m wide | 9.6m wide |
| 28m long | 20m long |
| 7.1m high | 7.1m high |

The erection of this building has commenced though not been completed. The other element of the building previously approved would be retained for accommodating animals, though no link between the two buildings is now proposed.

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

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

The applicant's supporting statement states that:

- The construction of a building for agriculture is considered as appropriate development in the Green Belt and the additional café facilities are in connection with this use. The building is well related to the other buildings on the site and does not extend the built development on the site into the surrounding open area. The building will support the growth of this agriculturally based tourist attraction in accordance with development plan policies and national planning guidance. These factors would provide the very special circumstances to justify the development.
- The existing café is well used: it provides 30 seats and is open for 6 hours a day. Especially at weekends and in the school holidays it is frequently full all day. Additional space would not only ease overcrowding but would also provide an indoor space when school groups are visiting so they can receive instruction about the farm operations and animals prior to going on the farm trail and where they can have refreshments. The small play area incorporated in the café is purely a small area to entertain small children while older children/adults use the café facilities. It is not an attraction in its own right and its small size will prevent it being used as such.
- With regard to highway considerations the site is served by an access that was created to serve the open farm. There is a car park which has space for 10 cars (including 2 disabled spaces) but there is also space for cars to park along the internal site roads and in the spaces provided for fishermen. The provision of the proposed new facilities is to be ancillary to the existing use rather than to introduce a new use that would greatly increase the level of traffic visiting the site.

- The proposed building due to its siting and materials will have a minimal impact on the open character of the Green Belt in this location. It is required in connection with agriculture and the agriculturally based tourist attraction on the site and it will help to promote tourism in the area in accordance with local and national planning policy. This proposal has sought to overcome the objections to the inclusion of a soft play area in the building that were expressed by both officers and members of the planning board.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS4 – 'Green Belt'

CS11 – 'Tourism and the Visitor Economy'

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

CS28 - 'Sustainable Design'

UDP 'saved' Policy:

EC6.4 Tourism and Visitor Developments and the Environment.

Other Material Considerations

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

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

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

Publicity

The application was advertised by way of neighbour notification letter and site notice. No letters of representation have been received.

Consultations

Streetpride (Transportation & Highways Unit): No objections to the proposal subject to a condition requiring an adoptable footway being installed on Mansfield Road.

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

Appraisal

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

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

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

The main considerations in the determination of this application are:

- Principle of the indoor leisure use in the Green Belt and impact upon the openness of the Green Belt
- Design and appearance
- Highways issues
- Residential amenity
- Very special circumstances

Principle of the development within the Green Belt and impact upon the openness of the Green Belt

a. Agricultural element

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

This policy advice is further re-iterated in the National Planning Policy Framework (NPPF) which states at paragraph 89 that: "A local planning

authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this (amongst others) include:

- Buildings for agriculture and forestry”

The Council’s Emerging Supplementary Planning Guidance on ‘Development in the Green Belt,’ further notes: “Any new agricultural or forestry building or structure must be needed, designed and constructed only for agricultural or forestry purposes. This prevents the building of property which is intended to be converted (for example, into a home). In accordance with Part 6 the General Permitted Development Order, any new building not used for agriculture within 10 years shall be removed.”

The applicant has set out in the accompanying statement that this of the building would be used to house animals, related to the on site farm activities. It is clear that a farm is being run on site and that the housing for animals is required on site. Details of the additional animals to be brought to site have been provided by the applicant, who has agreed to sign a Unilateral Undertaking that would provide for the building to be demolished should it not be used for agricultural purposes within 10 years of it being brought into use. This reflects the requirements under the prior approval system for agricultural buildings, which are required to be demolished if the use ceases within 10 years.

In view of the above, it is considered that the proposed use of the building in association with the keeping of animals, and its size in relation to the land upon which it is proposed to be sited and the wider holding is considered to be appropriate development. It is therefore considered to accord with CS4 Green Belt,’ along with the advice as set out in the Council’s Emerging Supplementary Planning Guidance on ‘Development in the Green Belt,’ and the advice within the NPPF.

b. Café and small ancillary play area use

The application site is allocated Green Belt within the Council’s adopted UDP therefore any proposal on this site should wherever possible be retained or developed for such purposes. Core Strategy CS4 – Green Belt states: “Land within the Green Belt will be protected from inappropriate development as set out in national planning policy.”

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

- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.”

It is noted that the existing café is often at capacity and accepted that additional facilities of this nature are appropriate for the outdoor recreational use of the site as a whole.

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

Paragraph 80 of the NPPF sets out the five purposes that the Green Belt serves:

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

With regard to the above purposes whilst the proposal would not create a situation where neighbouring towns could be said to be merging into one another, the proposed very substantial building would have an urbanising effect on the Green Belt and encroach into the countryside. It is acknowledged that an agricultural building on this part of the overall site has been approved under prior approval, though this was for purely agricultural purposes and was smaller than the building now proposed (20m long as opposed to 28m), and any harm to the openness was weighed against the applicant’s need for an agricultural building. The applicant had indicated at that time that the barn was essential as the farm needed indoor accommodation for pigs and cattle and that in the previous winter a number of pigs had been lost to cold related illnesses.

In this instance the building would in part be used for non-agricultural use (café) and due to its size (which is greater than that previously approved under the prior approval for an agricultural building) it would have an impact on openness and a greater urbanising impact than that previously approved. As such, whilst it is considered that the proposed café facility is appropriate for the outdoor recreational use of the overall site, it represents inappropriate development due to the greater impact it has on the openness of the Green Belt in this location. Following paragraph 88 of the NPPF substantial weight should be given to the harm to the Green Belt.

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

Design and appearance

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

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

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

Highways Issues

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

Residential Amenity

The NPPF states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. Amongst these 12 principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building.

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

Very special circumstances

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

“The Council recognises the contribution that tourism can make to sustainable economic development and job creation. The Council will support development proposals for hotels, conference centres, leisure-related tourism facilities, transport facilities, camping and caravanning sites and visitor accommodation in

appropriate locations. Proposals focused on the borough's canal's and rivers will be supported where they can be delivered safely and in line with relevant flood risk policy.

Tourism and visitor developments will be supported which

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

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

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

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

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

- (i) they satisfactorily respect the form, character and setting of any settlement involved and make provision for adequate landscaping,
- (ii) they do not conflict with policies to conserve the landscape, the natural environment and the Borough's heritage,
- (iii) they have regard to agricultural and other rural land-use interests and the need to conserve the best and most versatile farmland,
- (iv) they make adequate arrangements for the storage of plant, goods and materials,
- (v) they conform with policies for transport with particular regard to the suitability of the highway network to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation,
- (vi) they make adequate arrangements for site access, local traffic circulation, parking and servicing,
- (vii) they have regard to the opportunities available for the provision of public transport, and

(viii) conflict with adjoining land-uses with particular regard to pollution, nuisance, health, safety and visual intrusion has been minimised.”

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

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses.”

The applicant as part of their submission has indicated the tourism benefits of the scheme and that very special circumstances exist by way of supporting the agriculturally based tourist attractions on site. The petting farm has become a successful local tourist attraction, with small café and shop. The policies above clearly support tourist related activities and the applicant also requires the space for school parties visiting the site. It is accepted that additional café facilities are required at the site overall and noted that the issue in this instance is purely the impact on the openness of the Green Belt and it is considered in this instance that the benefits associated with the development would amount to the very special circumstances to overcome the harm caused. It is also noted that the applicant is prepared to enter into a Unilateral Undertaking that would require the building to be demolished if not used for agricultural purposes within a ten year period of it being brought into use.

Conclusion

In the first instance it is considered that the proposed agricultural element represents appropriate development in the Green Belt. With regard to the proposed café and ancillary indoor play area this is considered to represent inappropriate development within the Green Belt, primarily due to the impact that this element has on the openness of the Green Belt in this location, however very special circumstances are considered to exist by way of the tourist benefits and the educational facilities provided. As such, it is considered that the development accords with Policies CS4 Green Belt, Policies EC3.6 ‘Rural Diversification’, EC6 ‘Tourism and Visitor Developments’ and Policy CR2.5 ‘Proposals for New Outdoor Sport and Recreation in the Countryside’ of the Rotherham UDP and guidance contained in the NPPF.

It is considered that the design of the building would not harm the character and appearance of the site or the surrounding area, subject to the recommended condition in accordance with Core Strategy Policy CS28 ‘Sustainable Design and guidance contained in the NPPF.

It is also considered that the building would not lead to any harm to amenity to neighbouring residents or raise any highway safety issues.

As such it is recommended that planning permission be granted, subject to the signing of the Unilateral Undertaking by the applicant that the building would be demolished if not used for agricultural purposes within 10 years of the building being brought into use.

Conditions

01

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

Reason

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

02

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

(Drawing numbers 505 20 revB) (received 28/05/2015)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form. The development shall thereafter be carried out in accordance with these details.

Reason

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

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

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

Reason

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

06

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

Reason

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

07

Details of an adoptable footway, 2m wide, between the site access and the northerly bus stop in Mansfield Road fronting the site shall be submitted to and approved by the Local Planning Authority and the building shall not be brought into use until the approved details have been implemented.

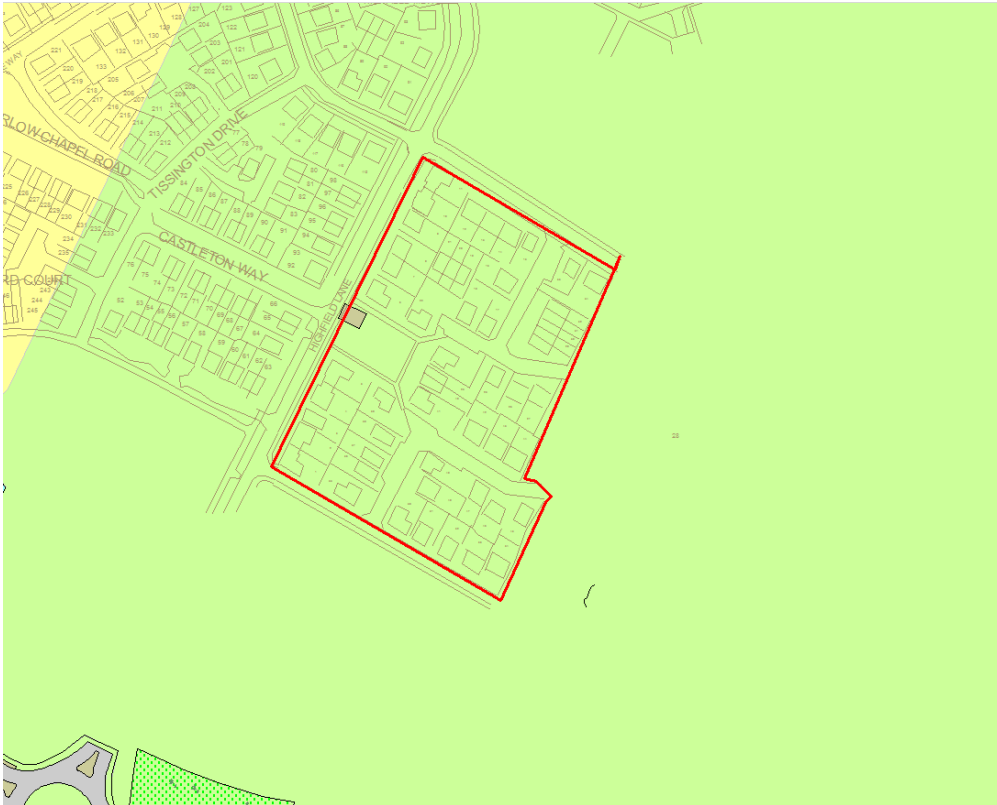
Reason

In the interest of highway safety.

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 | RB2015/0678 |
| Proposal and Location | Application to remove condition 11 (turning head) imposed by RB2013/1145 (Details of the erection of 54 dwellings (reserved by Outline RB2012/1428)) at Phase 1D Waverley New Community, Orgreave Road, Waverley, S60 8FB |
| Recommendation | Grant subject to conditions |



Site Description & Location

The application site forms part of the wider Waverley site which is located within the corridor between Rotherham and Sheffield and is primarily accessed off the Sheffield Parkway. The site is surrounded by the settlements of Catcliffe to the northeast, Treeton to the east, Orgreave and Woodhouse Mill to the south and Handsworth to the west.

Specifically the site is located to the south east of the existing residential properties that are currently under construction on the site, and will be located across the recently approved re-instated Highfield Lane. The application site is approximately 1.67 hectares in total and is relatively flat unused land.

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 reserved matters application is listed below:

- RB2013/1145 - Details of the erection of 54 dwellings (reserved by Outline RB2012/1428) – GRANTED CONDITIONALLY on 27/11/2013

Proposal

The application seeks permission to remove condition 11 attached to RB2013/1145.

Condition 11 stated “Prior to the occupation of any of the following plots - 43, 44, 45, 46 or 47, the temporary turning head indicated on Drg No. P13:4741:01 Rev D shall be provided and maintained at all times until the provision of an approved future extension to the highway has been implemented.”

The applicant’s reason for removing the condition is that it is no longer necessary as the adjacent development plot (Phase 1G) was recently granted planning permission (RB2015/0416) and the two developments will be constructed concurrently thereby providing a through road and negating the need for the turning head.

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):

CS14 ‘Accessible Places and Managing Demand for Travel’

Unitary Development Plan ‘saved’ policy(s):

HG5 ‘The Residential Environment’

Other Material Considerations

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

presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

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

Publicity

The application was advertised in the press and by way of site notices. No representations have been received.

Consultations

Streetpride (Transportation and Highways) raises no objections to the proposed removal of the condition.

Appraisal

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

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

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

The principle of residential development of the site has been established by previous permissions for residential development. In this instance the only issue for consideration is whether the removal of the condition relating to the provision of the turning head adjacent to plots 43-47 is acceptable in highway safety terms.

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

In this regard Condition 11 was imposed to provide a temporary manoeuvring facility until the adjacent site (Phase 1G) was brought forward for development, however as this site will be brought forward earlier than anticipated and will provide a link through, the manoeuvring facility is no longer required.

Streetpride (Transportation and Highways) have been consulted on the application and have confirmed that the link through into the adjacent site alleviates earlier concerns relating to the requirement for a turning facility and as such raise no objections to the removal of the condition on highway safety grounds.

Having regard to the above it is considered that the removal of the condition would not conflict with the provisions of UDP Policy HG5 'Housing Environment' in that the link through into the adjacent site would ensure that an accessible residential environment is created.

Conclusion

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

The progression of development on the adjacent site (Phase 1G) will ensure that a link through will be provided, negating the need for the turning facility, therefore the removal of Condition 11 attached to RB2013/1145 will not be detrimental to highway safety and in accordance with the provisions of UDP Policy HG5 'Housing Environment'.

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) except as shall be otherwise agreed in writing by the Local Planning Authority.

- Site Location Plan Ref P13:4741:02 Rev 0 dated August 2013
- Technical Layout Ref. WD-TD/01 Rev B
- Streetscene Plan received 05/11/2013
- Proposed Boundary Treatments Ref P13:4741:04 Rev 0 dated August 2013
- Landscape Masterplan to Phase D Ref: R/1303/7c
- Planting Details to Shrub Bed Mrs, S1 to S24 & Spec Information Ref:
 - R/1303/8c
 - Planting Details to Shrub Bed Mrs, S25 to S47 Ref: R/1303/9b
- Plans and Elevations Alnwick Contemporary (AS) Ref P13:4741:39 Rev 0 dated November 2013
- Plans and Elevations Alnwick Contemporary (OP) Ref P13:4741:40 Rev 0 dated November 2013
- Plans and Elevations Woodbridge Ref P13:4741:41 Rev 0 dated November 2013
- Plans and Elevations Lincoln (AS) Ref P13:4741:37 Rev A dated July 2013
- Plans and Elevations Lincoln (OP) Ref P13:4741:38 Rev 0 dated July 2013

- Plans and Elevations Alnwick (OP) Render Ref P13:4741:36 Rev 0 dated July 2013
- Plans and Elevations Alnwick (AS) Render Ref P13:4741:35 Rev 0 dated July 2013
- Plans and Elevations Cambridge (OP) Render Ref P13:4741:34 Rev 0 dated July 2013
- Plans and Elevations Cambridge (AS) Render Ref P13:4741:33 Rev 0 date July 2013
- Plans and Elevations Chesham (OP) Render Ref P13:4741:32 Rev 0 dated July 2013
- Plans and Elevations Chesham (AS) Render Ref P13:4741:31 Rev 0 dated July 2013
- Plans and Elevation Falmouth (OP) Ref P13:4741:30 Rev 0 dated July 2013
- Plans and Elevations Falmouth (AS) Ref P13:4741:29 Rev 0 dated July 2013
- Plans and Elevations Lincoln (OP) Ref P13:4741:28 Rev 0 dated July 2013
- Plans and Elevations Lincoln (AS) Ref P13:4741:27 Rev 0 dated July 2013
- Plans and Elevations Lincoln (AS) Plot 39 Ref P13:4741:37 Rev B dated July 2013
- Plans and Elevations Alston (OP) Ref P13:4741:26 Rev 0 dated July 2013
- Plans and Elevations Alston (AS) Ref P13:4741:25 Rev 0 dated July 2013
- Plans and Elevations Kennington (OP) Ref P13:4741:24 Rev 0 dated July 2013
- Plans and Elevations Kennington (AS) Ref P13:4741:23 Rev 0 dated July 2013
- Plans and Elevations Finchley (OP) Ref P13:4741:22 Rev 0 dated July 2013
- Plans and Elevations Plots 30-32 Ref: 2010/FIN/C-A/02
- Plans and Elevations Cambridge (OP) Ref P13:4741:18 Rev 0 dated 2013
- Plans and Elevations Cambridge (AS) Ref P13:4741:17 Rev 0 dated July 2013
- Plans and Elevations Chesham (OP) Ref P13:4741:16 Rev 0 dated July 2013
- Plans and Elevations Chesham (AS) Ref P13:4741:15 Rev 0 dated July 2013
- Garage Details Ref P13:4741:05 Rev 0 dated August 2013
- Engineering Drawings
- Road & Sewer Longsections Sheet 1 of 3, Dwg No. 40-02-01 Rev P6
- Road & Sewer Longsections Sheet 2 of 3, Dwg No. 40-02-02 Rev P6
- Road & Sewer Longsections Sheet 3 of 3, Dwg No. 40-02-03 Rev P6

Reason

To define the permission and for the avoidance of doubt.

02

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

Reason

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

03

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

Reason

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

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 area shown on the site layout plan Drawing No. P13:4741:01 Rev E shall be provided, marked out and thereafter maintained for car parking.

Reason

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

06

All garages hereby permitted shall be kept available for the parking of motor vehicles at all times.

Reason:

In order to ensure that adequate parking provision is available and to minimise on-street parking, in the interests of visual amenity and highway safety.

07

The development hereby approved shall be carried out in accordance with the details approved in the Waverley New Community Travel Plan.

Reason : In order to promote sustainable transport choices.

08

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

Reason

In the interest of satisfactory and sustainable drainage

09

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

Reason

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

10

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

Reason

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

11

Installation of the gas protection measures approved as a result of condition 13, are to be verified by an independent third party and a validation report shall 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 is to be 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 developer 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 neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

14

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

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

Reason

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

17

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

Reason

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

POSITIVE AND PROACTIVE STATEMENT

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.