

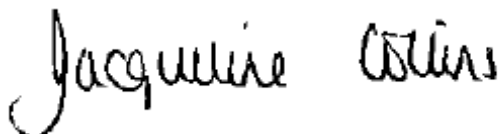
**You are hereby summoned to a meeting of the Planning Board
to be held on:-**

**Date:- Thursday, 6 August 2015 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH**

Time:- 9.00 a.m.

PLANNING BOARD AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 16th July, 2015 (Pages 2 - 4)
6. Deferments/Site Visits (Pages 5 - 6)
7. Visit of Inspection - Erection of 3 detached dwellings at land off Wath Wood Drive, Wath upon Dearne for Mr. J. Ransford (RB2014/1614) (Pages 7 - 17)
8. Development Proposals (Pages 18 - 38)
9. Appeal Decision - 79 Bawtry Road, Bramley (RB2014/1403) (Pages 39 - 46)
10. Updates
11. Date of next meeting - Thursday, 27th August, 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 - 16/07/15

PLANNING BOARD
Thursday, 16th July, 2015

Present:- Councillor Atkin (in the Chair); Councillors Cutts, Godfrey, Pickering, Roche, Smith, Whysall and Yasseen.

Apologies for absence were received from Councillors Lelliott, Middleton, Sims, R. A. J. Turner and Tweed.

13. MRS L. CAIN - PLANNING OFFICER

The Planning Board stood in silence as a mark of respect for Planning Officer, Mrs. Leanne Cain, who had recently died.

14. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

15. MINUTES OF THE PREVIOUS MEETING HELD ON 25TH JUNE, 2015

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday 25th June, 2015, be approved as a correct record for signature by the Chairman.

16. DEFERMENTS/SITE VISITS

The Planning Board agreed to undertake a site inspection, prior to the next meeting, in respect of the application for planning permission for the Erection of 3 detached dwellings at land off Wath Wood Drive, Wath upon Dearne for Mr. J. Ransford (RB2014/1614), as determined by the Board, in order to familiarise Members with the overall layout of the site and the likely impact of the proposed development upon neighbouring properties and the nearby amenity open space.

17. VISIT OF INSPECTION - DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING AT 5 STAFFORD CRESCENT, MOORGATE, ROTHERHAM FOR MR. E. ELGAMIL (RB2015/0436)

Further to Minute No. 11(5) of the meeting of the Planning Board held on 25th June, 2015, Members of the Board made a visit of inspection to the above site.

Consideration was given to the report of the Director of Planning and Regeneration Service concerning the application for planning permission for the Demolition of existing dwelling and erection of replacement dwelling at 5 Stafford Crescent, Moorgate, Rotherham for Mr. E. Elgamil (RB2015/0436).

In accordance with the right to speak procedure, the following people

attended the meeting and spoke about this application:-

Mr. H. Dhorat (agent, on behalf of the applicant)
Mrs. Foster (objector)

Resolved:- That application RB2015/0436 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

18. DEVELOPMENT PROPOSALS

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

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

- Erection of 3 No. two-storey town houses with rooms in the roof space and dormer windows to front and associated car parking at land off Birtley Street, Maltby for Mrs. S. Light (RB2014/1344)

Mrs. D. Staley (objector)
Mr. R. Heald (objector)
Mrs. Rogers (objector)

- Erection of 3 detached dwellings at land off Wath Wood Drive, Wath upon Dearne for Mr. J. Ransford (RB2014/1614)

Mrs. B. Hallatt (objector)
Mrs. Grindle (objector)
Mrs. M. Brown (objector)
Mrs. P. Horsfield (objector)
Mr. McMinn (objector)
Mrs. McMinn (objector)
Mrs. J. Adkins (objector)

- Levelling of land levels and change of use from commercial fishing pond to touring caravan site at The Lodge, Horseshoe Lake, Forge Road, Wales for Mr. D. Hull (RB2015/0537)

Mr. M. Clynych (agent, on behalf of the applicant)

- Application to vary condition 02 (Approved Plans) imposed by RB2014/0318 (Demolition of existing units and construction of new food store with car parking, landscaping and associated works) at land at Muglet Lane/Hamilton Road, Maltby for Aldi Stores Ltd. (RB2015/0551)

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

PLANNING BOARD - 16/07/15

Mr. Regan (governor of neighbouring school, St. Mary's RC Primary)
Mrs. A. Shield (staff member of neighbouring school, St. Mary's RC Primary)

(2) That applications RB2014/1497 and RB2015/0551 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3)(a) That, with regard to application RB2014/1344, the Council shall enter into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the contribution of £2,400 towards improvements to existing Urban Greenspace in the vicinity; and

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

(4) That application RB2015/0678 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and with following amended wording to condition 11:-

11

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

(5) That application RB2015/0537 be refused for the reasons set out in the submitted report.

(6) That the Planning Board shall make a visit of inspection in respect of application RB2014/1614, as determined by the Board, in order to familiarise Members with the overall layout of the site and the likely impact of the proposed development upon neighbouring properties and the nearby amenity open space.

19. UPDATES

(1) Discussion took place on the arrangements for the Planning Board's visits of inspection of completed developments, to be held during late September, 2015. Members suggested a number of sites to be visited.

(2) Appeal Decision - Increase in roof height to form two storey dwelling house including single storey rear extension and flue to side (amendment to RB2014/0809) at 20 Manor Way, Todwick for Mr. S. Wilkinson (RB2014/1296) – a report would be submitted to a future meeting of the Planning Board concerning the decision of the Planning Inspectorate to dismiss the appeal against the refusal of this application for planning permission.

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, 6TH AUGUST, 2015

1. **RB2014/1614** – Erection of 3 No. detached dwellings at Land off Wath Wood Drive, Wath upon Dearne.

Requested by:- Members of the Planning Board

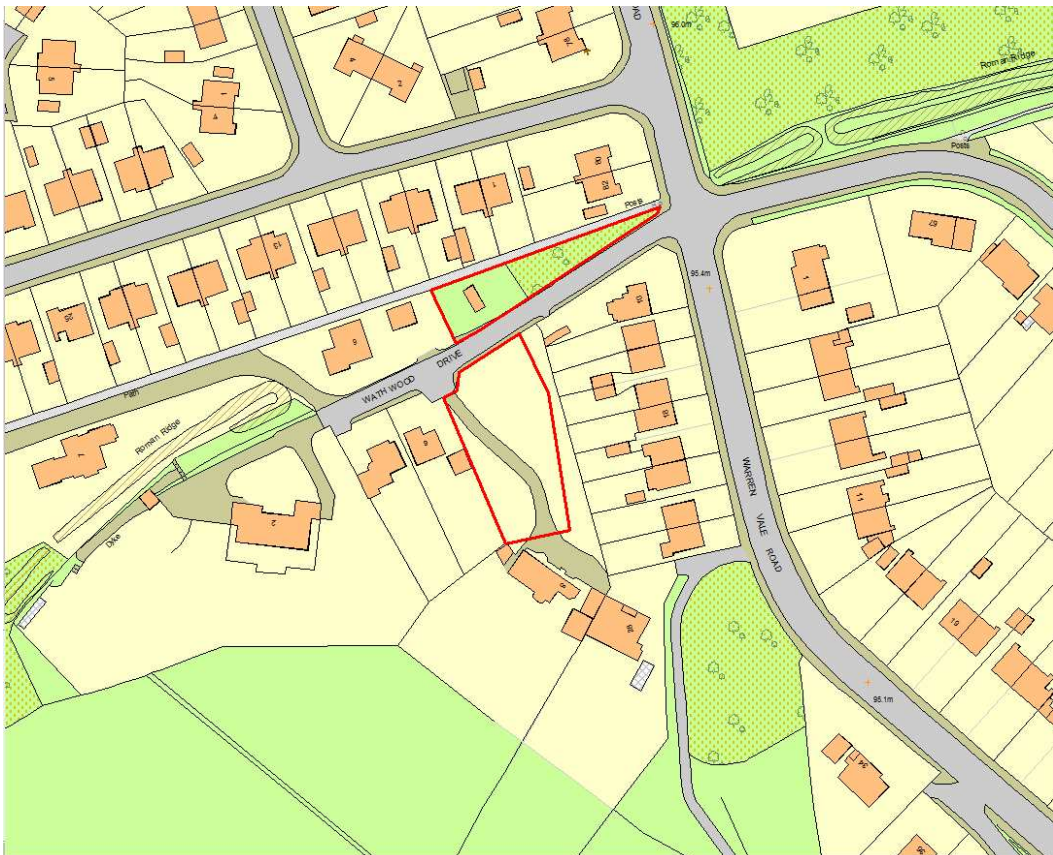
Reason:- To allow Members to familiarise themselves with the overall layout of the site and the likely impact of the proposed development upon neighbouring properties and the nearby amenity open space.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2014/1614	Wath upon Dearne	9.20 a.m.	9.40 a.m.

Return to the Town Hall for approximately 10.00 a.m.

SITE VISIT NO. 1 (Approximate time on site - 9.20 a.m.)

Application Number	RB2014/1614
Proposal and Location	Erection of 3 No. detached dwellings at Land off Wath Wood Drive, Wath upon Dearne.
Recommendation	Refuse



Site Description & Location

The application site consists of two parcels of land on Wath Wood Drive at Wath upon Dearne, one on the southern side and one on the northern side. Wath Wood Drive is accessed from Warren Vale Road and is a relatively narrow road serving a number of substantial properties which are typically set within relatively large garden areas.

The application site consists firstly of an area of land between No. 6 Wath Wood Drive and the rear elevation of properties that face on to Warren Vale Road and secondly an area of land on the opposite side of Wath Wood Drive which is roughly triangular in shape and lies adjacent to No. 9.

The site on the southern side of Wath Wood Drive is well kept and consists predominantly of lawned area and is intersected by the driveway to No. 8 Wath Wood Drive, a substantial detached dwelling which is set within extensive grounds and is in the ownership of the applicant. There is an existing hedgerow which runs along the rear boundary of properties on Warren Vale Road.

The site on the northern side of Wath Wood Drive contains a number of mature trees which are sited along the boundary with Flintway. The site is somewhat overgrown and appears to be unused. It is currently secured by temporary fencing.

Residential properties surround the application sites and consist of predominantly two storey properties primarily of traditional design and constructed from brick.

Background

RB2015/0671 – Erection of 2no. dwellinghouses with detached garages opposite-undetermined

Proposal

This application seeks planning permission for the erection of three detached dwellinghouses. It is proposed to erect two dwellings on the site to the southern side of Wath Wood Drive and one dwelling on the triangular piece of land to the north of Wath Wood Drive. A new vehicular access to No. 8 Wath Wood Drive (also within the ownership of the applicant) is proposed along the eastern boundary of the site (to the rear of properties on Warren Vale).

Plot One

Plot One is sited adjacent to No. 6 Wath Wood Drive and is a substantial detached dwelling, designed with a hipped roof. The dwelling is a modern design and has a feature front projection with floor to ceiling windows, bay window feature and render panels. To the rear there is a single storey orangery. There are also roof lights to both side and rear elevations. The overall height of the dwelling is 8 metre and the dwelling has a footprint of 9.5 metres by 12 metres (excluding the orangery).

Plot Two

Plot two is sited directly adjacent to Plot One and is also two storeys in height, the design is similar to Plot one but has a double height bay window feature and canopy over the entrance door. There is also an orangery to the rear elevation and feature chimney. The dwelling is approximately 7.8 metres in height and has a footprint of 8 metres by 12 metres (excluding the orangery).

Plot Three

Plot Three is sited close to the front boundary of the site with Wath Wood Drive and is a modern designed dwelling with a dutch hipped style roof. The dwelling is single storey but has a high eaves level and dormer windows to both the front and rear.

There is also a single storey projection to the side. The fenestration is irregular within the elevations and there is a proposed chimney to the side elevation.

The proposed dwelling measures 10m x 5.8m with the single storey off shot projecting a further 3.5 metres.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS7 'Housing Mix and Affordability'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV3.2 'Maintaining the Character and Quality of the Environment'
ENV3.4 'Trees, Woodland and Hedgerows'

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.

Adopted Supplementary Planning Guidance (SPG) Housing Guidance 3: Residential Infill Plots

The Council's Minimum Parking Standards (adopted June 2011)

The South Yorkshire Residential Design Guide

Publicity

Neighbouring properties were notified in writing and a site notice has been posted at the site. 14 letters of objection have been received. The issues raised are summarised below:

- The development is out of scale and overbearing in regards to the houses currently on Flintway and Warren Vale Road;
- The development will impact on the wildlife in the area with the loss of greenspace and trees.
- The site of Wath Wood Drive has already been developed, in the main, sympathetically but Plot 3 is a small plot with a large house;
- The development will increase noise and disturbance to existing residents;
- Wath Wood Drive is a narrow road with no vehicular turning, further development will add to an existing issue where turning in driveways is a nuisance to residents;
- The access on and off the main road is already difficult particularly when another vehicle is turning into Wath Wood Drive, the development will add to this hazardous situation;
- The removal of trees which are protected by a Tree Preservation Order is unacceptable;
- Felling of a number of the trees and retaining some of them could weaken the remaining trees which could be damaged in strong winds and cause damage to neighbouring properties;
- The size and scale of the proposed dwellings is out of scale with existing houses on Wath Wood Drive;
- The proposed materials of construction for the dwellings and the boundary treatment is out of character with existing boundaries on Wath Wood Drive;
- The plans are deceiving in terms of distance and presence of trees;
- The proposed development will overlook existing residential properties and result in overshadowing;
- There should be no access to the site directly from Warren Vale Road;
- There is a roman ridge near to the site which has not been taken into account;
- The drains on Wath Wood Drive already struggle in times of heavy rain and the proposed additional houses would add to this existing problem.

Consultations

Streetpride (Tree Service Manager) – objects to the proposed development;
Streetpride (Ecologist) – The proposed development would have an overall adverse impact on the natural environment;

Streetpride (Transportation Unit) – No objection subject to conditions;

Streetpride (Public Rights of Way) – No objection;

Neighbourhood and Adult Services (Land Contamination) – no objection subject to conditions;

South Yorkshire Archaeological Service – no objection subject to conditions;

Yorkshire Water – No objection subject to conditions;

Appraisal

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

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

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

The main considerations in the determination of this application are:

Principle
Layout, design and Visual Amenity
Residential Amenity
Highways Issues
Impact on Trees
Other Considerations

Principle

Paragraph 14 of the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

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

Paragraph 47 of the NPPF requires that local authorities (amongst other things) identify and update annually a supply of specific deliverable sites sufficient to provide five years supply of housing.

Paragraph 49 of the NPPF adds that: "...housing applications should be considered in the context of the presumption in favour of sustainable development."

UDP Policy HG4.3 states that: "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their: (i)

location within the existing built up area and compatibility with adjoining uses, and (iii) compatibility with other relevant policies and guidance.”

The site is allocated for residential use within the Unitary Development Plan and is considered to be a windfall site where development will contribute to the required housing figures for the borough. It is considered that given the sites location within the built up area of Wath, which is in close proximity to existing housing, facilities, services and local transport, the development is within a sustainable location that would accord with the presumption in favour of sustainable development.

Layout, design and Visual Amenity

With regard to layout considerations, UDP Policy HG5 ‘The Residential Environment’ encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF.

This is further underpinned by Core Strategy Policy CS28 ‘Sustainable Design’ which 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 with 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.”

Paragraph 56 of the NPPF notes 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.”

The proposed dwellings on Plots 1 and 2 are relatively modern design properties which are considered to have retained some of the more traditional elements of the properties which are currently evident in Wath Wood Drive. Both of the plots have been designed with a hipped roof form, bay window feature, chimneys and regular fenestration to the front elevation. The footprint of the proposed dwellings on Plots 1 and 2 are sizeable, however, Wath Wood Drive is characterised by detached properties of varying ages and many of the existing dwellings are large properties standing within large garden areas. Plot 2 also has a proposed garage which sits to the front of the dwelling, however, bearing in mind that the proposed garage building is of a relatively small scale and single storey in height it is not considered that it would be materially detrimental to the street scene.

The proposed dwellings do include modern features and overall do not seek to be a pastiche of the existing more traditional dwellings within Wath Wood Drive, however, it is considered that they are of a high quality design and would be appropriate in terms of their siting and design given the varied nature of the existing street scene.

Plot 3 is an individual designed dwelling which has been sited in an attempt to overcome issues relating to the impact on protected trees lying along the boundary with Flintway. The footprint of the dwelling now sits very close to the highway on Wath Wood Drive and the design of the dwelling is unusual in terms of its irregular

fenestration, varying roof form and high eaves level and lack of any traditional architectural features. Whilst there are varying forms of design and architecture evident on Wath Wood Drive it is considered that the proximity of the proposed dwelling on Plot 3 to the highway together with its design would have an unacceptable overdominant impact on the street scene. The dwelling is considered to pay no respect to the form and design of the existing dwellings along Wath Wood Drive and it considered to be of a poor design which would not contribute in a positive manner to the built environment.

Overall, therefore it is considered that Plots 1 and 2 are of an appropriate scale, design and layout in relation to the street scene and taking account of their design it is considered that they would contribute in a positive manner to the street scene and built environment. This part of the proposed development is therefore considered to accord with the principles set out in the NPPF, UDP Policy HG5 and Core Strategy Policy CS28.

However, Plot 3 is considered to represent an inappropriate form of development due to its proximity to the highway boundary and its poor form of design which does not respect the siting, form or design of the dwellings which sit adjacent to the site. Plot 3 is therefore considered to be contrary to the NPPF, UDP Policy HG5 and Core Strategy Policy CS28.

Impact on Residential Amenity

The NPPF notes at paragraph 17 that: “Within the overarching roles that the planning system ought to plan, a set of core land-use planning principles should underpin both plan-making and decision taking. These 12 principles are that planning should (amongst others):

- Always seek... a good standard of amenity.”

As noted above, the inter-house spacing standards contained within the Council’s Adopted Supplementary Planning Guidance (SPG) – Housing Guidance 3: Residential Infill Plots, which indicates that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing a habitable room window should be located within 10 metres of a boundary with another property.

The SYRDG further advocates the use of these separation distances for the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings. It also sets out minimum internal spacing standards.

The proposed layout shows that both internal and external spacing standards which are set out within the South Yorkshire Residential Design Guide are achieved by the development. Plots 1 and 2 are set within substantial plots which ensures that they do not exceed the recommended building footprint to plot size ratio which is set out in the SPG3.

However, it is considered that due to the protected trees which lie on the boundary adjacent to Plot 3, this garden area will realistically not be usable as meaningful

private amenity space due to the overshadowing and potential for branch drop from the existing trees.

In terms of separation to neighbouring properties, the proposed development achieves the minimum spacing standards. The side elevation of Plot 2 has a separation of approximately 24 metres to the rear elevation of the properties on Warren Vale and the proposed rear elevation of Plot 3 sits approximately 23 metres from the rear elevation of existing dwellings on Flintway.

Furthermore, whilst Plots 1 and 2 are large in terms of their footprint, the elevations would not come within 45 degrees of the windows in the rear elevation of the nearest neighbouring property at No. 6. This neighbouring property (No. 6 sits approximately 6 metres from the proposed side elevation of Plot One and has an existing garage building which will also provide additional screening.

Overall, it is not considered that the proposed development would result in a materially adverse impact on the amenity of neighbouring properties. The external and internal spacing standards are achieved for all 3 plots, however, it is considered that the proposed private amenity space for Plot 3 would be unacceptable due to the likely effect of severe overshadowing and disturbance due to the presence of large mature trees along the whole of the boundary with Flintway.

Highways Issues

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel' promotes new development in highly accessible locations such as town centres.

The site is considered to be within a sustainable location where there is good access to a range of transport modes. The proposed level of car parking is also considered to be appropriate as it complies with the Council's minimum parking standards. A new access is proposed to the existing dwelling at No. 8 Wath Wood Drive and this is considered to be appropriately located and acceptable in highway safety terms.

The proposed development is considered to accord with the above mentioned policy and would not have a detrimental impact on highway safety.

Impact on Trees

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

In addition paragraph 118 of the NPPF states that:

"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

... planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland

and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;...”

Whilst the amended plans do not show any existing trees to be removed to accommodate the development and the proposed new dwelling is now sited outside of the recommended Root Protection Area there are concerns regarding the medium to long term impact on the protected trees which lie along the majority of the eastern boundary of Plot 3 due to increased pressure for them to be free of any defects. The likely impact of the presence of a large number of trees within such close proximity of a residential dwelling is considered to be likely to result in a pressure for trees to be severely pruned or removed. In this instance any adverse impact on local amenity that results from the removal of trees may be permanent due to the lack of space to plant similar large growing forest type trees to provide future amenity. Furthermore, the loss or severe pruning of these trees would be materially detrimental to the biodiversity of the locality.

It is therefore considered that the proposed development at Plot 3 would be unacceptable and contrary to the NPPF and UDP Policy ENV3.4.

Conclusion

In conclusion it is considered that the principle of residential development is acceptable within this location and that the design, layout and scale of Plots 1 and 2 are acceptable and meet with relevant policies. However, the design, form and scale of Plot 3 is considered to be unacceptable and would have a detrimental impact on the existing street scene and built environment and would therefore be contrary to the above mentioned policies.

In terms of amenity, it is not considered that the development would have a significant material impact on the amenity of neighbouring properties and Plots 1 and 2 are afforded sufficient private external amenity space. In relation to Plot 3 it is considered that the presence of mature trees along the whole of the eastern boundary of the site would result in overshadowing of the garden and render a significant proportion of it unusable. In this regard there are also significant concerns regarding the proximity of the dwelling to the mature trees and the likely impact on the prospect of the trees in relation to the pressure for them to be felled or severely pruned with no reasonable prospect of replacement planting.

In highway safety terms the proposed development is considered to be in a sustainable location and the level of proposed car parking is appropriate, as is the proposed new access to No.8 Wath Wood Drive.

Reason for Refusal

01

The Council considers that the design, scale and form of Plot 3 and the siting of the building, directly adjacent to the highway would be out of keeping with the character of the street scene of Wath Wood Drive and would be materially detrimental to the

built environment contrary to UDP Policy HG5, Core Strategy Policy CS28 and the NPPF.

02

The Council further considers that due to the proposed siting of Plot 3 in close proximity to a large number of mature trees, which are protected by a Tree Preservation Order, there would be an unacceptable impact by way of overshadowing of private amenity space and the dwelling itself. The medium to long term future prospects of these trees would be endangered due to the pressure to fell or severely prune as a direct result of the proximity of the dwelling with no reasonable potential for replacement planting. The loss of the trees would be materially detrimental to the amenity of the locality and to the biodiversity of the area. The proposed development is therefore considered to be contrary to the South Yorkshire Residential Design Guide, UDP Policy ENV3.4 and 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 not submitted on the basis of these discussions. It was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 06 AUGUST 2015**

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

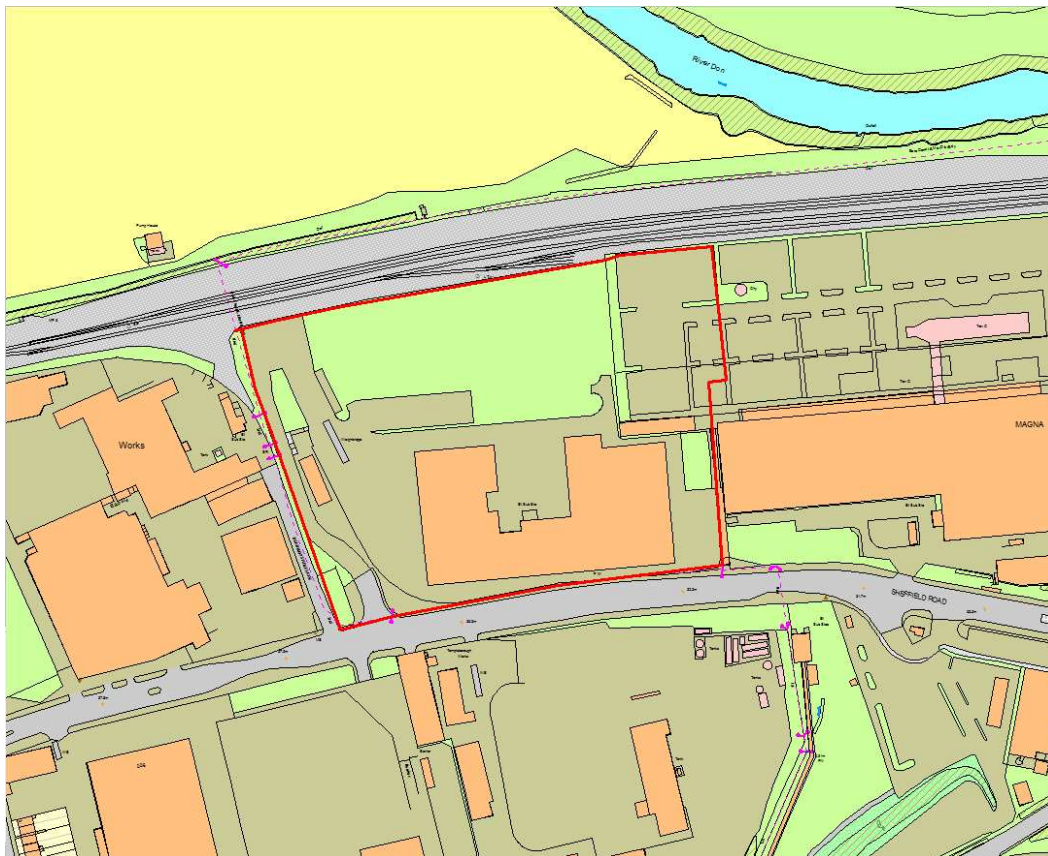
INDEX PAGE

RB2015/0358 Change of use of existing building to storage (use class B8) with external storage, formation of car park and temporary siting of 1 No. two storey portacabin for use as ancillary office accommodation and 1 No. single storey portacabin at land off Sheffield Road Templeborough for Costain	Page 19
RB2015/0739 Erection of a seasonal marquee on the rear garden at George & Dragon PH 85 Main Street Wentworth for Wentworth Inns Ltd	Page 29

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
06 AUGUST 2015

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

Application Number	RB2015/0358
Proposal and Location	Change of use of existing buildings to storage (use class B8) with external storage, formation of car park and temporary siting of 1 no. two-storey portacabin for use as ancillary office accommodation and 1 no. single-storey portacabin at Former Sterecycle site, Sheffield Road, Templeborough for Costain
Recommendation	Grant subject to conditions



Site Description & Location

The site is located to the north of Sheffield Road in Templeborough, approximately 2km south west of Rotherham town centre and 1.5km east of Junction 34 of the M1 near Meadowhall. The site extends to approximately 3 hectares and lies approximately 6 metres below road level.

The site comprises of a larger industrial building which fronts Sheffield Road and measures approximately 123 metres in length. The site at the rear is mainly hardstanding with a weighbridge and portacabin.

The Magna Science centre abuts the site to the east and north, whilst to the south, across Sheffield Road there is a large industrial warehouse. To the west are commercial buildings within Sheffield. The wider area supports many large industrial units with a number of new industrial and business premises that are currently being constructed or have been recently finished.

The site is accessed to the west from Phoenix Road which almost immediately joins the A6178 Sheffield Road to the south.

Background

There has been a number of planning applications submitted relating to this site, the most relevant of which are:

RB2007/0154 – Application for Lawful Development Certificate for proposed use of land and building for waste treatment for the purpose of recycling by the application of steam, temperature and pressure within sealed autoclave vessels and subsequent sorting with not less than 80% being processed into a 'product' together with ancillary storage of processed materials within the site and erection of a single storey extension to house ancillary equipment associated with the process undertaken on site to the north elevation of the existing building – Granted

RB2008/0682 – Erection of 2no. modular buildings to form offices & amenity blocks, weighbridge gatehouse, electricity substation and boundary fence, re-design of access road and installation of exterior lighting – Granted conditionally

RB2008/1720 – Extension to existing waste reception/recycling building, erection of two storey office building and fibre processing building, re-siting of weighbridges & gatehouse and installation of associated ancillary facilities – Granted conditionally

RB2009/1343 – Extension to form waste reception/recycling building, erection of two storey office building and fibre processing building, re-siting of weighbridges & gatehouse and installation of associated ancillary facilities (amendment to RB2008/1720) – Granted conditionally

Proposal

The application is for the temporary change of use of the existing buildings to storage with external storage, formation of car park and temporary siting of 1 no. two-storey portacabin for use as ancillary office accommodation and 1 no. single-storey portacabin for use as a welfare building for staff.

The use of the site and the siting of the portacabins is to be for a 2 year period while the applicant carries out upgrade improvements to the neighbouring stretch of the M1. In 2017 the site will be decommissioned and returned to hardstanding areas, with the portacabins removed. The site use will revert back to its previous use as a waste recycling and treatment plant.

The temporary office building and welfare building will be sited to the northern boundary of the site and will run parallel with Network Rail infrastructure, with the existing row of trees being retained, the car parking will also be sited from the centre of the site to the northern half and external storage around the rear of the existing building.

The office building will be 60 metres long and 12 metres wide, it shall be 6.3 metres high to the flat roof. The welfare building would be 12 metres wide and 21 metres long and shall be of a flat roof form with a maximum height of 3.2 metres. The walls will be externally clad in plywood which has a maintenance free plastisol coated external finish, with a PVC-P waterproof membrane roof, UPVC framed windows and steel faced security doors in a blue colour.

The proposal includes the provision of 350 car parking spaces and look to employ 260 people, the majority of which will already be employed by the company.

A number of supporting documents have been submitted which include:

Design and Access Statement

This document details the site context, design principles, including appearance, design and layout, and community engagement.

Transport Assessment

A Transport Assessment was carried out in March 2015 and examined the existing transport network in the vicinity of the site, considered relevant national and local transport planning policy, outlined the development proposals and considered the resulting impact on the local transport network. It concluded that the proposals can be safely accessed by pedestrians, cyclists and vehicles, and that there are no transport or highway reasons that would justify refusal of the temporary planning application.

Flood Risk Assessment

The FRA was conducted in June 2015 and concludes that the site is located in a designated Flood Zone 2, but given the short 2 year consent period it is concluded that this proposed development is appropriate at this site location. The FRA shows that the risk of flooding to this proposal from external sources is medium risk and should not be discounted and early flood warnings will be issued and evacuation procedures implemented.

The new building surface water drainage must be discharged into the attenuated surface water system already constructed on this site so that there is no increase in flood risk downstream. Drainage from car parking area should be routed through the oil separator already installed on site

Compound Selection

The document explains that the Smart Motorway Scheme from J32 to 35a of the M1 will be managed from a central site compound, which will be a hub for management and coordination of the scheme. It states 18 different sites were considered located just off the M1 between junctions 32 and 35a and explains why this site was selected.

Construction Traffic

The statement indicates that the construction traffic associated with delivering the M1 Smart Motorway Scheme is generated from two requirements, firstly to construct the site compound and secondly to construct the Smart Motorway. The statement details

what the compound construction and smart motorway construction traffic impacts will be, how staff will be transported to and from the application site to the motorway. It concludes by setting out 11 mitigation measures to reduce traffic impact.

Combined contaminated land and flooding

The report states that a number of plausible contaminant linkages have been identified. Soil and groundwater liabilities could arise whether or not redevelopment is considered.

The report further states that the site is at increased risk of flooding and further work in clarifying the risk of flooding is required.

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, (and also falls within the [insert] Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS21 'Landscapes'
CS28 'Sustainable Design'
CS25 'Dealing with Flood Risk'

Unitary Development Plan 'saved' policy(s):

EC1.1 'Safeguarding Existing Industrial and Business Areas'
EC3.1 'Land identified for Industrial and Business Uses'
ENV3.7 'Control of Pollution'
T8 'Access'

Other Material Considerations

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

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

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

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

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

Consultations

Streetpride (Transportation Unit): Have no objections subject to conditions relating to the surfacing of the car park being permeable with suitable drainage and the car park be laid out in accordance with the submitted plans.

Neighbourhoods (Environmental Health): Have no objections.

Streetpride (Drainage): Have no objections and are satisfied with the Flood Risk Assessment.

Neighbourhoods (Land Contamination): Have no objections subject to a condition being imposed that states should unexpected contamination be encountered during the formation of the car park, the local planning authority be notified immediately and any remedial works required should be submitted to and approved in writing the Council.

Streetpride (Trees and Woodlands): No issues

The Environment Agency: Have no objections subject to conditions.

Highways England: No objection.

Sheffield City Council: No comments been received.

Appraisal

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

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

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

The main considerations in the determination of this application are:

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

- Other Considerations

Principle

The site is allocated for industrial and business purposes within the Council's adopted UDP, and policy EC3.1 states development proposals falling within classes B1, B2 and B8 will be acceptable, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking of vehicles and compatible with surrounding land uses.

As the proposed temporary use of the land falls within a B8 use it would therefore be acceptable in principle. Furthermore, it would not impact on residential amenity, there would be adequate parking facilities and would be compatible with neighbouring land uses. It is therefore considered that the principle of using the land to storage would be acceptable and would comply with policy EC3.1.

It is further considered that the two-storey office block and single-storey portacabin would be ancillary to the main use of the site and therefore will not affect the viability of the town or other local centres and the operations on site.

In addition to the above it is of note that the use is only required for a two year period and at the end of that period the use of the site will revert back to the previous use as a waste treatment / recycling centre, and the portacabins hereby proposed will be wholly removed from the site.

Design and Visual amenity

In terms of visual appearance regard will be had to the NPPF which at paragraph 17 of the NPPF one of the core planning principles states planning should always seek to secure high quality design, furthermore paragraph 56 notes: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

In addition to the above policy CS28 'Sustainable Design' of the Council's adopted Core Strategy states: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings...Development proposals should be responsive to their context and be visually attractive as a result of good architecture...Design should take all the opportunities to improve the character and quality of an area and the way it functions."

The proposal in this instance comprises of the addition of a two-storey and single-storey standard portacabin style flat roof buildings towards the north-western corner of the site. The two-storey element will provide office accommodation for the workers employed as part of the proposed use of the site, and the single-storey element will be for storage and wash room facilities. The site comprises of a large industrial style building and there are few views of the building.

The two-storey portacabin style building, despite being two-storey is modest in size and scale and is of a modest height, with a flat roof, which would ensure the buildings would not appear overly dominant and are of an appropriate form for this site, while the single-storey portacabin is also modest. Furthermore, given their siting they would not have a detrimental impact on the visual amenity of the area. It is therefore considered that despite only being required on site for 2 years their impact will be minimal and they represent an acceptable addition to the site.

In light of the above it is considered that the design and scale of the portacabins are acceptable in this location and would not be out of keeping with other existing buildings on the site, or appear harmfully prominent in the surrounding area. The design and scale would therefore comply with the NPPF and policy CS28 'Sustainable Design' of Rotherham's adopted Core Strategy.

It is further considered that the layout of the site with the new parking area and siting of the portacabins is such that it would represent an acceptable form of development that would not be out of keeping with the character or visual amenity of the surrounding area.

Amenity Issues

The NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

In respect of the proposed portacabins built form, it is considered that given their size, scale, form, design and siting, together with the fact that there are no residential properties in close proximity they would have little, if any impact on the amenity of neighbouring residents. Furthermore, the built form of the portacabins will have no impact on the outlook from neighbouring office and industrial buildings, or give rise to the overshadowing of office windows.

In respect of the proposed use it is also considered that it would have no adverse impact on the amenity of neighbouring residents or business in terms of noise or general disturbance.

In light of the above the proposal would comply with the requirements of the NPPF at paragraph 17 and will have no adverse impact on the amenity of neighbouring residents or businesses.

Highway issues

The Council's Transportation Unit have indicated that the site is relatively sustainable and no off site cycle / walking or public transport facilities are required. Whilst there is likely to be a short term increase in traffic, some 15.5% along A6178 Sheffield Road (west) in the peak, there is no mitigation that could be put in place. Furthermore, the duration of any disruption is likely to be confined to the winter months.

Therefore they are satisfied with the level of car parking for staff in respect of the number of staff employed; they are also satisfied with the layout and location of the parking spaces. As such they have raised no issues from a highways perspective to the proposal, subject to the car parking being laid out in accordance with the submitted plans and any new hardstanding being of a permeable material.

Other considerations

With regard to land contamination issues, the Council's Land Contamination Officer has reviewed the document entitled 'Report on Land and Buildings at Sheffield Road, Rotherham' prepared by Argyll Environmental, dated 13th Jan 2015, reference AEL-0085-FSC-445265.

They note that historically, the site was developed as part of the steelworks along Sheffield Road with associated infrastructure, tanks and railway sidings. The site was occupied by the steelworks from 1923 until approximately 2006. The site was then redeveloped between 2006 – 2010 for an industrial end use. As part of the redevelopment works, all soil and groundwater contamination identified was remediated to an acceptable standard in accordance with guidance and legislation at that time.

Temporary office accommodation is to be erected at the site. Given this is a temporary arrangement the Land Contamination Officer does not envisage any issues in relation to contaminated land. It is considered that no major excavation works will be required to site the modular building and therefore the likelihood of opening up a pathway to any residual contamination is unlikely. For this reason the Land Contamination Officer has no issues with respect to ground contamination issues and the proposed change of use and temporary use of the site.

However, a car park is to be constructed at the site and it is recommend that a condition be imposed that should unexpected contamination be encountered during the formation of the car park, the local planning authority be notified immediately and any remedial works required should be submitted to and approved in writing the Council.

The site is also located within a Flood Risk Area, a Flood Risk Assessment has been submitted with the application, it is considered that subject to conditions the scheme will meet the requirements of the National Planning Policy Framework if the requirements of the FRA are carried out. Furthermore, the proposed use of the site may pose a risk of pollution to the local water environment, and therefore additional conditions relating to this should be attached to any approval.

Conclusion

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

Conditions

01

This permission shall be valid for 2 years only and at the end of that period (unless further permission is granted by the Local Planning Authority prior to the end of that period) the use hereby permitted shall cease and the temporary portacabins hereby approved shall be wholly removed from the site and the site shall be restored to its previous use as a waste recycling and treatment centre.

Reason

So as not to prejudice the long term development proposals for the site.

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 cjf/officers rev J, received 28 March 2015, CSL-001 REV 2, received 10 April 2015, cjf/Elev-1-GB, received 14 April 2015 and CJB1 rev C, received 21 April 2015)

Reason

To define the permission and for the avoidance of doubt.

03

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

04

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

Reason

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

05

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

Reason

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

06

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Rutter Johnson (report no. 15023, dated June 15) and the following mitigation measures detailed within the

FRA:

1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
2. Finished floor levels for the proposed office building are set no lower than 32.374 m above Ordnance Datum (AOD) and finished floor levels for the Welfare building are set no lower than the existing surrounding ground levels as shown on the drawing in FRA Appendix A ('M1SM J34 Site Compound Drawing 1 Rev. 3' by Costain, dated 04/06/15).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

07

Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.

Reason

To reduce the risk of pollution to the water environment.

INFORMATIVES:

01

For further information and advice about pollution prevention please refer to the Environment Agency's website to access Pollution Prevention Guidance Notes (<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>) and advice on how to get your site design right (http://www.environment-agency.gov.uk/static/documents/Business/pp_pays_booklet_e_1212832.pdf).

You may also wish to contact our National Customer Contact Centre on tel. 08708 506 506 for site-specific advice on pollution prevention.

02

It is recommended that the applicant should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land

Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3) Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater. GP3 is available on our website at: <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

4) Refer to our website at www.environment-agency.gov.uk for more information.

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	RB2015/0739
Proposal and Location	Erection of a seasonal marquee on the rear garden of George and Dragon PH, Main Street, Wentworth, S62 7TN
Recommendation	Grant subject to conditions



Site Description & Location

The application site is located in the centre of Wentworth Village and Wentworth Conservation Area to the south of the main road that runs through the village. It is surrounded by residential properties on all four sides, while a public footpath runs to the south of the site with direct access into the large Beer Garden to the rear.

The site comprises of a hardstanding car parking area immediately off Main Street, which is also used by people visiting the village shop opposite during the day. The main public house building, which is a Grade II Listed building, is set 32 metres back from the street, with the large beer garden behind.

Within the beer garden there are a number of existing tables and chairs, some children's play equipment and a white marquee (the subject of this application) fixed to an area of hardstanding.

Background

There has been a number of planning applications submitted relating to this property, none of which are relevant to the current proposal.

Proposal

The application is seeking retrospective permission for the retention of the marquee in the beer garden.

The marquee is permanently fixed to the hardstanding area and has been in place between April and September for at least the past 7 years although a long term member of staff believes that a marquee has been erected on the site over the last 14 years.

The marquee is sited along the site's eastern boundary, approximately 4 metres from the boundary with the garage court at the allotments and 11 metres from the rear of no. 53 Main Street where the boundary treatment comprises of mature trees and a high stone wall. The marquee is also approximately 6 metres to the north boundary of the site with the rear garden areas of nos. 75 and 77 Main Street and over 22 metres to the rear elevations of the same properties.

The marquee is 6 metres wide and 12 metres long with an eaves height of 2 metres and a ridge height of 3.7 metres. The structure has aluminium portal frames to support white UPVc outer sheeting.

The applicant has stated that the marquee is generally used as a weather shelter for patrons using the beer garden; it is occasionally used by customers for private events such as christenings, birthdays where it would not be available for general customers. The applicant believes that on past bookings it has been used approximately 21 times per year for private bookings.

The marquee is also available for use all day.

The applicant has stated that the loss of the marquee facility would seriously reduce the commercial viability of the public house. It has been estimated that approximately 8 part time jobs equal to 4 full time jobs would be lost during the summer months.

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 purposes in the UDP, (and also falls within the Wentworth Conservation Area). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 'Green Belt'
CS23 'Valuing the Historic Environment'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV2.8 'Settings and Curtilages of Listed Buildings'
ENV2.11 'Development in Conservation Areas'

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 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 press, and site notice along with individual neighbour notification letters to adjacent properties. 7 no. letters of representation have been received. The issues raised are summarised below:

- Police presence in the evening twice in one month.
- Excessive noise upon leaving the public house.
- Failing to preserve character of conservation area.
- Increased traffic.
- Parking issues.
- Increased anti-social behaviour.
- Limit to what a small community can absorb.
- Concerns of increased noise and anti-social behaviour.
- Residential properties only have single glazing and there is no sound proofing from the marquee when events take place.
- Music at night keeping residents awake and causing a disturbance.
- Events will become more frequent and noise will last longer into the night.
- Adverse impact on health and well-being of local residents.
- The marquee was taken down in November 2014 and re-erected in April 2015, 8 months of the year is not seasonal.
- The marquee taken down in November was in a poor condition, the now larger marquee will deteriorate more quickly than any building and will again become an eyesore. This will affect the character and appearance of this conservation area and the public house.
- The different coloured disco lighting that emanates from it at functions (and can be seen clearly from overlooking buildings) and it looks extremely out of place in the village.
- I have been disturbed by events at the marquee at different times of the day. During one afternoon, a live singer used an amplified sound system which could be heard from way beyond the pub garden. Most disturbing is in the evening when everyday activities have been interrupted by either live DJ music or the 'background' music that is invariably turned up during the course of the evening. There have been times when I have closed every window in my house and still heard music and every word that the DJ has uttered. As people drink, voices get louder and patrons are unaware of the disturbance that they cause to some residents when they are trying to sleep. Indeed sometimes the function has gone on past 11pm. I have had to retreat inside and my children have been woken by marquee noise and although I have contacted the management of the pub for reassurance, I have not been responded to.
- The situation has not been managed.
- I would ask that the planning board put in place some provisos that it is only a seasonal marquee in the true sense (eg May to September) and that the situation is actively managed by staff from the pub.
- I would ask that the management of the pub actively consult with neighbours on Main Street, Church Drive and Back Lane restoring good community relations and letting residents know what they are putting in place to curb unwanted noise. Finally, the marquee should only be used for functions if amplified music (including microphones and DJ'd events) is not allowed. I understand the need for the pub to run a successful business but not to the detriment of its neighbours.
- If approved measures should be put in place that appropriate and quantifiable management controls are instigated and that planning is approved on a temporary basis to allow for a review of the approval requirements.

1 Right to Speak request has been received from an objector of the proposal.

Consultations

Streetpride (Transportation Unit): Have no objections.

Neighbourhoods (Environmental Health): Envisage no significant loss of amenity by virtue of noise, air quality or land pollution from the erection of the Marquee.

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:

- Whether the proposed extension is inappropriate development in the Green Belt
- Design and Visual Amenity
- Impact on Conservation Area and setting of Grade II Listed building
- Residential Amenity
- Highways Issues
- Other Considerations

Whether the proposed extension is inappropriate development in the Green Belt

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

The NPPF notes at paragraph 87: "...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Paragraph 89 further states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, there are several exceptions listed, but none would encompass the erection of a marquee at a public house. Therefore very special circumstances will need to be provided in order to overcome the inappropriateness.

The applicant has indicated that the public house is currently run by Wentworth Inns Ltd who have been operating the public house since 1st September 2014.

Confidential financial information has been submitted by the applicant which demonstrate the viability issues currently being experienced at the public house.

The new owners are looking at ways to ensure the continued operation of the pub but state that as detailed in the national press and seen locally with the number of public houses closing the pub / restaurant business is very difficult.

The owner states that the business only makes profits in December due to the Christmas period and then the June, July and August summer period for which the summer profits are attributable entirely to the rear garden business for which the marquee is essential.

They further point out that the business itself is fragile and any reduction in income which the loss of the marquee would cause would make it necessary for them to scale down and this would certainly result in job losses and threaten the viability of the pub itself.

In light of the above it is considered that very special circumstances do exist in this instance, in that without the marquee and what it allows the owners of the premises to offer its patrons and the type of functions it allows the public house to offer, the public house would not be a financially viable operation. This would in the short term result in job losses, but in the long term it could result in the loss of a rural public house, which has been an issue over the last decade within not just this Borough but nationally which could have a significant effect on the community.

As such, it is considered that on the basis of the information provided very special circumstances do exist that would overcome the inappropriateness of the new building in the Green Belt. Furthermore, it is considered that given its size, scale, form, design and siting, the marquee would not have a significant impact on the openness of the Green Belt and would not affect the reasons for including land within the Green Belt. In addition, the marquee is only erected between April and September which minimises any potential impact.

Design and Visual Amenity

One of the core planning principles in Paragraph 17 of the NPPF states that planning should always seek to secure high quality design, furthermore paragraph 56 notes: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

In addition to the above policy CS28 'Sustainable Design' of the Council's adopted Core Strategy states: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings...Development proposals should be responsive to their context and be visually attractive as a result of good architecture...Design should take all the opportunities to improve the character and quality of an area and the way it functions."

The proposal in this instance comprises of a single marquee erected between April and September within the existing beer garden at the rear of the public house. It is of a modest metal frame structure with white sheeting over.

The marquee is considered to be of modest in size and scale in relation to the site and is of a modest height, which ensures the building does not appear overly dominant. In addition such a structure is not considered to be an unusual seasonal addition to a beer garden. Furthermore, given its siting in relation to the main public house and other neighbouring residential properties together with the existing boundary treatment it is not considered to have a detrimental impact on the visual amenity of the area.

In light of the above it is considered that the design and scale of the marquee is acceptable in this location and would not be out of keeping with the character of the site, or appear harmfully prominent in the surrounding area. The design and scale would therefore comply with the NPPF and policy CS28 'Sustainable Design' of Rotherham's adopted Core Strategy.

Notwithstanding the above it is still considered appropriate to place a condition limiting the amount of time per year the marquee is erected on the site. It is considered that given the evidence available which suggests it has been up for a number of years between April and September to limit its use and siting on the site to this period.

Impact on Conservation Area and setting of Grade II Listed building

The application site is located in a prominent location within Wentworth Conservation Area, while the main public house building is a Grade II Listed Building.

Policy CS23 'Valuing the Historic Environment' of Rotherham's adopted Core Strategy states: "Rotherham's historic environment will be conserved, enhanced and managed..."

The NPPF notes at paragraph 131 that: "In determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Furthermore, paragraph 132 notes: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification..." The aforementioned paragraphs are relevant to and support the requirements of UDP policies ENV2.8 'Settings and Curtilages of Listed Buildings', which states the Council will resist development that detrimentally affects the setting of a listed building and ENV2.11 'Development in Conservation Areas', which states, the Council will not permit development which would adversely affect the architectural and historic character or visual amenity of the Conservation Area and regard will be had to the degree to which proposals are compatible with the Conservation Area's vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character.

With regard to the impact of the marquee on the character and appearance of Wentworth Conservation Area and the Grade II Listed Building, it is considered that

given its size, scale and siting and that it would introduce an appropriate addition to the beer garden, the marquee would not detrimentally effect the setting of the listed building and would not adversely affect the architectural and historic character or visual amenity of the Conservation Area in compliance with the NPPF and UDP policy ENV2.11.

Residential Amenity

The NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Furthermore, 'saved' UDP policy ENV3.7 'Control of Pollution' states, the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. It further states planning permission will not be granted for new development, which amongst other things, is likely to give rise to noise, light pollution, pollution of the atmosphere and other nuisances where such impacts would be beyond acceptable standards.

The Council's Environmental Health department have indicated that they have received two complaints in April and May 2015, concerning noise / amplified music from the marquee. They note that both events, which were subject to individual complaints, were covered by a Temporary Events Notice. However, neither complaint was upheld.

Further to the above Environmental Health have stated that the granting of the permission to erect the marquee will not, in itself, lead to complaints of noise, rather it is the type of event which is held in the marquee which could give rise to nuisance complaints. Consequently nuisance from noise etc. within the Marquee can be regulated through the premises licence and or further Temporary Event Notice applications.

In addition to the above, the public house has no restrictions on the hours of opening in respect of planning control; the only restriction to opening hours is within the Premises Licence, which allows the public house to be open until 01:00 hours, seven days a week. The marquee is on an area of hardstanding where patrons of the public house could congregate at any time regardless of the marquee being located there and potentially cause a noise nuisance / disturbance.

In light of the above it is noted that the majority of the complaints received by Environmental Health and during the application process relate to noise / general disturbance and anti-social behaviour from people attending the public house and leaving late at night. However, these issues could arise whether the marquee is erected or not and it is the responsibility of the licensee to ensure patrons are appropriately behaved both on site and when leaving the premises.

It is noted that marquee has been erected between April and September for the past 7 years at least and maybe as many as 14 years, while the beer garden itself is even more well established at the public house with tables and chairs, where patrons sit and would sit and make noise etc. regardless of whether the marquee was up. However, it is considered appropriate to limit when the marquee is fully erected on site to between April and September each year to discourage the use of this area outside the summer months. Furthermore, as it is outside and does have the potential to generate more noise than would arise from inside the public house, it is considered appropriate to limit the hours the marquee can be used, despite the main public house having no planning

restrictions on its opening hours. It is considered that a condition restricting the use of the marquee to between 09:00 and 23:00 hours, seven days a week is reasonable.

In respect of the marquee structure itself it is considered that the structure is of a modest size and height, is sited a sufficient distance from neighbouring residential properties that together with the orientation of the site, ensure it does not impinge on the outlook from neighbouring properties, appear overly dominant or give rise to any overshadowing or overlooking issues.

In light of the above it is considered that there would be no significant loss of amenity by virtue of noise from the erection of the Marquee and its size, scale, form, design and siting ensures it does not affect the visual amenity of neighbouring residents.

Therefore, notwithstanding the issues raised by objectors in respect of noise, it is considered that for the reasons detailed above there is no significant adverse impact on the amenity of neighbouring residents that would warrant a reason for refusal and as such the scheme would comply with paragraph 17 of the NPPF and 'saved' UDP policy ENV3.7 'Control of Pollution'.

It is also of note that the Council's Licensing department have confirmed that the licence in place on the premises covers both internal and external areas of the site. Therefore the whole site is covered by the licence, and as such at any time within the year the licensee of the premises could have an outside bar and outside entertainment within the limits of the licence. This would be until midnight for the selling of alcohol and until 11pm for the playing of music.

Highway Issues

The Council's Transportation Unit have noted from the submitted details that no car parking facilities will be lost as a result of the proposed scheme. They also note that the site is located within the village centre with good access to public transport and additional car parking facilities. This being the case there are no objections to the scheme from a highway perspective.

Other Considerations

The issues raised by objectors in relation to noise / general disturbance, highway issues and impact on Conservation Area have been assessed under previous sections in this report. With regard to the other issues raised it is noted that the problems regarding police presence and increased anti-social behaviour may not be directly linked to the marquee and may occur even if the marquee was not in situ. Furthermore, these issues are not material considerations that can be given any weight.

With regard to the playing of music, it is noted that the Licence for the public house allows the performance of live music until 01:00 and playing of recorded music until 23:00. Furthermore, there are no restrictions on the public house's opening hours, given the long established use of the site as a public house. However the applicant has stated that in addition, the terms of their licence to use the marquee includes the following clause:

No music, dancing, radios or other forms of noise entertainment shall be permitted. As such, it is considered appropriate to additionally control this restriction through a planning condition.

With regard to the potential increase in events, it would be unreasonable to limit the number of events occurring at the marquee as it would not meet the six tests for including a condition on a planning application.

Conclusion

Having regard to the above and the issues raised by the objectors it is considered that in planning terms the proposal complies with the relevant national planning policies of the NPPF and the local planning policies of the adopted Core Strategy and 'saved' UDP. It is therefore considered to be acceptable and the application is recommended for approval subject to the following conditions.

Conditions / Reasons for Refusal

01

The use of the marquee hereby permitted shall only be used by patrons of the public house and / or private functions between the hours of 09:00 and 23:00 hours Mondays to Sundays.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

02

The marquee hereby permitted shall only be taken down on 30th September at the latest every year and shall not be re-erected on site until 1st April of the following year only and outside of this period the marquee shall be wholly removed from the site.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'

03

No music, dancing, radios or other forms of noise entertainment shall be operated from within the marquee hereby approved outside the following hours:-
09:00 – 23:00

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, requests were made during the application process for additional information to justify the building in the Green Belt, the information submitted was considered suitable and the proposals were in accordance with the principles of the National Planning Policy Framework.

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 6th August 2015

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

1 Ref: RB2014/1403

Page No. Appeal Decision – Dismissed
45 Appeal against refusal of planning permission for change of use
to hot food take-away (Use Class A5) at 79 Bawtry Road
Bramley Rotherham S66 2TN

2 Ref: RB2014/1296

Page No. Appeal Decision – Dismissed
49 Appeal against refusal of planning permission for the increase in
roof height to form two storey dwelling house including single
storey rear extension and flue to side (amendment to
RB2014/0809) at 20 Manor Way, Todwick, Sheffield S26 1HR

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
6TH August 2015

Item 1	
Application Number RB2014/1403	
Proposal and Location	Appeal Decision – Dismissed Appeal against refusal of planning permission for change of use to hot food take-away (Use Class A5) at 79 Bawtry Road Bramley Rotherham S66 2TN
Recommendation	That the decision to dismiss the appeal be noted.



Background

The application was presented to members at Planning Board on 8 January 2015 and was refused against officer recommendation. Members considered that the proposed change of use would be detrimental to highway safety and neighbour amenity. The reasons for refusal are copied out below:

1. The Local Planning Authority consider that the proposed hot food takeaway would generate additional parking demand which could not be satisfactorily accommodated within the existing on street parking bays in the area and which

would result in vehicular/pedestrian conflict as a consequence of indiscriminate parking /reversing manoeuvres in Cross Street by customers/delivery vehicles/employees, in the vicinity of the signal controlled crossroads with A631 Bawtry Road, including the footway fronting these and adjacent retail premises, to the detriment of highway safety contrary to the NPPF.

2. The Local Planning Authority consider that the proposed use of the building as a take-away would be detrimental to the amenities of the occupiers of nearby residential properties due to the noise and general disturbance that would be generated from the site and from customers visiting the premises and waiting in the vicinity of the building particularly at unsocial hours contrary to Policy HG1 'Existing residential areas' of the UDP and the principles of the NPPF.

An appeal against the refusal was submitted and I have now been informed that the appeal was dismissed.

Inspector's Decision

The Inspectors comments on the appeal are as follows:

Highway safety

"The appeal property is a retail unit next to the corner of Bawtry Road and Cross Street. Bawtry Road is a very busy dual carriageway carrying in excess of 20,000 vehicles in both directions in a twelve hour period. Cross Street links Bawtry Road with the centre of Bramley a short distance away and carries over 800 vehicles past the appeal site during the same time.

The property is within an accessible location in a residential area. As a result, some customers of the proposed hot food takeaway would arrive on foot. However, given the convenience of the car, and the need to transport food home quickly so that it can be eaten hot, it is a reasonable assumption that a significant number of customers would visit the proposed takeaway by car.

The appellant relies upon the availability of on street parking for future customers of the proposed takeaway. There was no available on road parking spaces along Cross Street during my site visit which occurred during the day.

The proposed takeaway would open at 3pm and close at 11.30pm. In the evening when the takeaway would be busy the appellant's view is that with the few shops at this end of Cross Street shut, and businesses in the centre of Bramley closed, there would be sufficient on street parking available for customers. However, the evidence of local residents familiar with the area is that in the evenings and weekends a shortage of on road parking continues to exist. No parking survey has been carried out to clarify this matter.

The centre of Bramley, which is only a short distance away, has a number of businesses such as takeaways that are open in the evening. In the Inspectors assessment, given the parking restrictions that apply in the centre, demand for on road parking on Cross Street is likely to continue into the evening when the proposed takeaway would be open. Furthermore, most residents on Cross Street do not have off road parking at the front of their houses. As a result, although private residential

parking is available to the rear, on street parking by reason of its convenience is also likely to be used by residents of the Street. For these reasons, the Inspector considers that a lack of on road parking along Cross Street is likely to continue into the evening.

As a consequence, the Inspector further considers that it is likely that some patrons of the proposed takeaway would decide to park illegally immediately outside the premises, especially as such short term parking would be difficult to enforce against. This would result in a significant risk of cars turning off Bawtry Road colliding with vehicles parked in such a manner. It would also interfere with the free flow of traffic. The lack of on road parking space could also manifest itself with customers choosing to park on the wide pavement by the unit. This would inconvenience and potentially obstruct pedestrians, especially those with pushchairs and wheelchair users. It would also increase the risk of vehicles and pedestrians coming into conflict as vehicles manoeuvre on and off the pavement.”

For all of these reasons, The Inspector therefore concludes that the proposed development would unacceptably harm highway safety. This would be contrary to the National Planning Policy Framework (‘the Framework’) which in relation to new development seeks safe and suitable access.

Living conditions

“The end of Cross Street where the appeal unit is located experiences traffic noise from Bawtry Road. Houses at this end of the street also face a public house and its car park. As a result, some noise and disturbance into the late evening forms part of the character of the immediate area. Furthermore, the houses next to the appeal site on Cross Street are set well back from the highway behind relatively long front gardens. In this context, the noise of customers arriving and leaving the proposed takeaway would not increase the levels of noise and disturbance to the extent that the living conditions of local residents would be materially harmed.

In terms of anti-social behaviour, it is a reasonable assumption that takeaways will be well managed. If however it was to become the focus of such behaviour this could be dealt with by the powers of the police and the local authority. In relation to litter, this could be controlled by a condition requiring the provision of a litter bin.

With regard to cooking odour, the prevailing westerly winds would tend to blow smells away from the nearest houses. Nevertheless, in different conditions unabated cooking odours would have the potential to adversely affect the living conditions of those who live nearby. This could be overcome by the attachment of a condition requiring the installation and maintenance of a suitably designed extraction and filtration system.”

Taking all these matters into account, the Inspector therefore concludes that the proposed development would not materially harm the living conditions of nearby residents. It would therefore comply with the objectives of policies HG1 and ENV3.7 of the Rotherham Unitary Development Plan which seeks to prevent such harm. It would also comply with a core planning principle of the Framework which seeks to secure a good standard of amenity.

Other matters

The proposed development would include a new frontage to the unit and a flue to the rear. The Council considered that the new frontage would be well designed and that as the flue would be located to the rear it would not form a prominent part of the street scene. The Inspector agrees with this assessment and finds that the proposed development would complement the character and appearance of the area.

Conclusion

The Inspector concluded that notwithstanding his favourable findings in relation to the effect of the proposed development on the living conditions of nearby residents, and its effect on the character and appearance of the area, this does not overcome the unacceptable harm that would be caused to highway safety. He therefore concluded, having regard to all other matters raised, that the appeal should be dismissed.

Item 2	
Application Number RB2014/1296	
Proposal and Location	Appeal Decision – Dismissed Appeal against refusal of planning permission for the increase in roof height to form two storey dwelling house including single storey rear extension and flue to side (amendment to RB2014/0809) at 20 Manor Way, Todwick, Sheffield S26 1HR
Recommendation	That the decision to dismiss the appeal be noted.



Background

Following a site visit by the Planning Board on 19th February 2015 the application for a first floor upward extension was refused against officer recommendation. Members considered that the extension would be overbearing to the neighbouring resident at No. 22 Manor Way. The reason for refusal is copied out below:

01

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

An appeal against the refusal was submitted and I have now been informed that the appeal was dismissed.

Inspector's Decision

The Inspector noted that the application comprised of several elements:

- (1) A first-floor extension comprising bedrooms and a bathroom which would be set back from the existing front elevation and be about 6.8m high to the ridge.
- (2) A large single-storey extension comprising a family room, kitchen, utility room, and garage which would wrap around the side and rear of the existing bungalow and project about 1.7m beyond the existing rear elevation. It would be stepped back on the north side to align with No 22's boundary, and abut No 18's boundary on the south side.
- (3) A single-storey play room/dining room extension projecting a further 7.5m outwards into the rear garden, stepped back slightly from No 18's boundary.

With regards to the impact on the living conditions of neighbouring residents, the Inspector noted that Policy CS28 of the Rotherham Local Plan Core Strategy says proposals should respond to their context and be visually attractive. However, this is broadly based strategic policy and more detailed guidance on domestic extensions is given in the adopted Interim Planning Guidance: 'Householder Design Guide' (HDG). This says "it is not the Council's usual practice to support bungalows being altered to two-storey houses, as in most cases this would have a serious effect on neighbours' amenity and on the appearance of residential areas".

The Inspector stated his main concern related to the impact on the living conditions of the neighbouring properties either side of the application site at 18 and 22 Manor Way. The Inspector considered that "as a consequence of the cumulative effect of the various proposed extensions, particularly the upwards extension, and their proximity to the boundary, the extensions would appear visually dominant and obtrusive in relation to No 22." The Inspector further considered that the sense of enclosure, for the residents of No.22 would be increased and would lead to an unacceptable overbearing and oppressive impact when seen from their rear facing windows, and even more so from that property's rear garden. Although the Inspector considered that the setting back of the first floor element would mitigate its effect to some degree, this would be very marginal and insufficient to allay his concerns. Furthermore, the Inspector considered that the position of the proposed extensions on the south side of No. 22 would lead to overshadowing and a significant reduction in daylight to much of the rear garden, which is the private amenity space to that property.

With regards to the impact on No. 18 Manor Way, the Inspector noted that it is separated from No. 20 by a driveway and follows a similar building line (albeit at an angle). The proposed extensions would be located on the north side of that property, ensuring that there would be no direct overshadowing of the garden or loss of sunlight, and would not breach the "45 degree" rule in the Council's Householder Design Guidance. Therefore, there would be some effect on outlook though the Inspector considered that the effect on the living conditions of the occupiers of No. 18 would not be sufficiently harmed to warrant refusal for this reason alone.

The Inspector went on to state that he was satisfied that due to the orientation of facing windows and the position of habitable rooms, no direct loss of privacy would result in respect of either neighbouring property. Nonetheless, on the basis of the overbearing, overshadowing and oppressive effect on No. 22, the Inspector concluded that the proposal would materially harm the living conditions of the occupiers of that property to an unacceptable degree.

Conclusion

The Inspector concluded that with regard to the effect of the proposal on the character and appearance of the streetscene and area, and its effect on the adjacent Scheduled Ancient Monument of Todwick Manor House, owing to the separation distance and intervening vegetation, the proposal would not materially harm the setting of the Scheduled Ancient Monument. He also concluded that the extensions met an acceptable standard of design and owing to the mixed nature of Manor Way, would not harm the character and appearance of the surrounding area.

However, the Inspector agreed with the Council that the harmful effect of the proposal on the living conditions of the occupiers of No. 22 Manor Way represents a significant and overriding objection. As such, the proposal conflicts with National Policy in paragraph 17 of the Framework and advice in the Council's Householder Design Guide.