

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

**Date:- Thursday, 27 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 6th August 2015 (Pages 2 - 5)
6. Deferments/Site Visits (information attached) (Pages 6 - 7)
7. Visits of Inspection (herewith) (Pages 8 - 25)
8. Development Proposals (Pages 26 - 83)
9. Report of the Director of Planning, Regeneration and Culture (Pages 84 - 88)
10. Updates
11. Date of next meeting - Thursday 17th September, 2015

**Catherine Parkinson**  
**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**  
**6th August, 2015**

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

Apologies for absence:- Apologies were received from Councillor Tweed.

**20. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

**21. MINUTES OF THE PREVIOUS MEETING HELD ON 16TH JULY, 2015**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on 16th July, 2015, be approved as a correct record for signature by the Chairman.

**22. DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended.

**23. VISIT OF INSPECTION - ERECTION OF 3 DETACHED DWELLINGS AT LAND OFF WATH WOOD DRIVE, WATH UPON DEARNE FOR MR. J. RANSFORD (RB2014/1614)**

Further to Minute No. 18 of the meeting of the Planning Board held on 16<sup>th</sup> July, 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 erection of 3 detached dwellings at land off Wath Wood Drive, Wath upon Dearne for Mr. J. Ransford (RB2014/1614).

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

Mr. Ransford (applicant)

Mrs. Hallett (objector)

Mrs. Grindle (objector)

Mrs. M. Brown (objector)

Mrs. J. Adkins (objector)

Mrs. Horsfield (objector)

Mrs. McMinn (objector)

Resolved:- That application RB2014/1614 be refused for the reasons set out in the submitted report.

**24. 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 a seasonable marquee on the rear garden at George & Dragon Public House, 85 Main Street, Wentworth for Wentworth Inns Ltd. (RB2015/0739)

Mrs. C. Carruthers (objector)

(2) That application RB2015/0358 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report

(3) That application RB2015/0739 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report subject to an amendment to condition 3 to read:

03

No music, dancing, radios or other forms of noise entertainment shall be operated from within the marquee.

Reason

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

**25. APPEAL DECISION - 79 BAWTRY ROAD, BRAMLEY (RB2014/1403)**

Further to Minute No. 60(3) of the meeting of the Planning Board held on 8th January, 2015, consideration was given to a report of the Director of Planning and Regeneration Service concerning the appeal against the refusal of the application for planning permission, under Section 78 of the Town and Country Planning Act 1990, for the proposed change of use to hot food take-away (Use class A5) at 79 Bawtry Road, Bramley, Rotherham (RB2014/1403).

The Inspector dealing with this appeal noted that the property was within an accessible location in a residential area. As a result some customers of the proposed take-away would arrive on foot, however, given the convenience of the car and the need to transport food home quickly, it was a reasonable assumption that a significant number of customers would visit the premises by car. The evidence of local residents familiar

with the area was that there was a shortage of road parking in the evenings and weekends. Residents on Cross Street did not have off-road parking at the front of their houses.

The Inspector further concluded that, given the likelihood that some patrons would decide to park illegally immediately outside the premises, it would result in a significant risk of cars turning off Bawtry Road colliding with the parked vehicles. Not only would this inconvenience and potentially obstruct pedestrians, it would also increase the risk of vehicles and pedestrians coming into conflict as vehicles manoeuvred on and off the pavement.

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

Although the Inspector had favourable findings in relation to the effect of the proposed development on the living conditions of nearby residents and its effects on the character and appearance of the area, they did not overcome the unacceptable harm that would be caused to highway safety.

He therefore concluded that the appeal should be dismissed.

Resolved:- That the decision to allow the appeal be noted.

**26. APPEAL DECISION - 20 MANOR WAY, TODWICK (RB2014/1296)**

Further to Minute No. 72 of the meeting of the Planning Board held on 19th February, 2015, consideration was given to a report of the Director of Planning and Regeneration Service concerning the appeal against the refusal of the application for planning permission, under Section 78 of the Town and Country Planning Act 1990, for the increase in roof height to form two storey dwellinghouse including single storey rear extension and flue to side (amendment to RB2014/0809) at 20 Manor Way, Todwick, Sheffield (RB2014/1296).

The Inspector had stated that his main concern had related to the impact on the living conditions of the neighbouring properties either side of the application site at Nos. 18 and 22 Manor Way. He considered that, as the 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 had 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 the property's rear garden. Furthermore, the positioning 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 was the private amenity space to that property.

With regard to the impact on No. 18 Manor Way, the Inspector had considered that there would be some effect on the outlook, however, the effect on the living conditions on the occupiers would not be sufficiently harmed to warrant refusal for this reason alone.

On the basis of the overbearing, overshadowing and oppressive effect on No. 22 Manor Way, the Inspector had concluded that the proposal would materially harm the living conditions of the occupiers of that property to an unacceptable degree and as such conflicted with National Policy, Paragraph 17, of the Framework and advice in the Council's Householder Design Guide.

Resolved:- That the appeal decision be noted.

**27. UPDATES**

It was noted that the maps would be available for viewing at the end of the meeting for any Member who had been unable to attend the Local Plan Sites and Policy drop-in session held recently.

**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 Regeneration and Culture 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 Regeneration and Culture.
- 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 three 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**

**VISITS OF INSPECTION – THURSDAY, 27<sup>TH</sup> AUGUST, 2015**

1. **RB2015/0445 - Change of use to hand car wash/valeting (use class Sui Generis), former Wath Swimming Baths, Biscay Way, Wath.**

***Requested by:-*** Councillor Atkin, Chairman of the Planning Board

***Reason:-*** To allow Members to view the traffic impact on the main road, impact on the amenity of residents of an adjacent flat and the overlooking of an adjacent play area.

2. **RB2015/0795 - Application to fell various trees protected by RMBC Tree Preservation Order No. 18 1975, Morphy Richards Ltd, Talbot Road, Swinton**

***Requested by:-*** Councillor Atkin, Chairman of the Planning Board

***Reason:-*** To allow Members to view the screening impact of trees for adjacent residents.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2015/0445	Wath	9.20 a.m.	9.40 a.m.
2.	RB2015/0795	Swinton	9.50 a.m.	10.10 a.m.

***Return to the Town Hall for approximately 10.30 a.m.***

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

<b>Application Number</b>	<b>RB2015/0445</b>
<b>Proposal and Location</b>	Change of use to hand car wash/valeting (use class Sui Generis), former Wath Swimming Baths, Biscay Way, Wath S63 7RT
<b>Recommendation</b>	Grant subject to conditions



### Site Description & Location

The site lies along Biscay Way, close to the main town centre in Wath and comprises of the former Wath Swimming Baths. The swimming baths have been closed since March 2009 and the building structure has recently been demolished. The site is rectangular shape and is approximately 0.2ha in area.

The site has a small car parking area within the eastern curtilage of the site and there are some semi mature trees on the northern elevation of the site between the rear elevation and highway access. The site lies within 200 metres of Wath Town Centre and is sited on the northern side of Biscay Way in close proximity to the

junction with Moor Road. To the west of the site is the Tesco supermarket and to the north of the site is a predominantly residential area. The area to the east of the site comprises of Urban Greenspace and is used as a childrens play area.

## **Background**

The site has the following planning history:

RB2011/0659 – Change of use from swimming baths (use class D2) to car wash (use class sui generis) – refused

RB2011/1183 – Application to determine whether prior approval is required for the method of demolition and restoration of the site re: demolition of swimming baths and attached two storey building – granted

RB2011/1258 – Change of use from swimming baths (use class D2) to car wash (use class Sui Generis) – refused

The application for a change of use to a car wash (RB2011/1258) was refused on the following grounds:

*01*

*The applicant has not provided any supporting justification for a proposed change of use to a car wash facility (Sui Generis Use) which is not listed within the menu of acceptable uses within Mixed Use Area MU4 of the adopted UDP. It is not considered therefore that the applicant has satisfactorily demonstrated why the site cannot be used for one of the MU4 use types and that the principle of a car wash use in this location is considered unacceptable.*

*02*

*The Council considers that the applicant has failed to provide accurate, representational scaled plans of the proposals, foul water drainage details, along with how the traffic will be managed within the building, the provision of sight lines at the proposed egress and details of signs regarding traffic management within the site. The Planning Authority therefore is unable to accurately assess the impact of the proposal on the visual amenity of the locality, the potential traffic impacts on the surrounding locality and any local drainage impacts, including how foul water would be disposed of. The proposal does not therefore meet the requirements of UDP Policy ENV3.1 'Development and the Environment' and HG1 'Existing Housing Areas'.*

## **Proposal**

The application is to convert the site into a Car Wash (Sui Generis use). The hours of use requested are 0800-1800 Mondays to Saturdays and 0900-1600 on Sundays. The applicant has indicated that this is anticipated to employ 1 full time and 4 part time employees.

The applicant has indicated that mains despoil will be required for surface water disposal.

A number of queries were raised with the initial submission including the following:

- How the site has been marketed for other uses
- more detailed plan how site will work
- Removal of palisade fence and replacement with paladin and wall and fencing
- Suggestion of a 3 year temporary condition

Following this the applicant has submitted a Design and Access Statement which can be summarised as follows:

- The applicant bought the site off the Council in approximately 2011.
- Following an earlier refusal for a car wash, the site has been marketed for residential purposes. However, no buyer was found due to the poor state of the buildings and cost of demolition.
- In the long term, the applicant considers that smaller commercial units, or a D2 day nursery would be more appropriate.
- No storage buildings would be erected as part of the car wash.
- The applicant would accept a condition for a temporary use of 5 years.
- A brick structure 1m high x 1m wide x 2m long insulated internally, this serves two functions, it will isolate any noise the motor may generate, so the general public will not hear any machinery, secondly it will add security to the pump and motor.
- The site will hold at least 28 cars plus 2 staff without queueing out onto the road.

The Estates department within RMBC have indicated that the land has been sold to a private developer but has retained access over the rear access in the northern section of the site.

## **Development Plan Allocation and Policy**

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

The application site is allocated for Mixed Use purposes (MU4) in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):  
CR1.5 'Community Facilities'  
HG1 'Existing Housing Areas'

## **Other Material Considerations**

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 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 a site notice (17 April 2015) along with individual neighbour notification letters to adjacent properties (15 April 2015). A total of 80 representations have been received. These can be summarised as follows:

- Lack of need of any further car washes in this area
- Where will the surface water runoff go
- Concern about the close proximity with the childrens play area to the east.

## **Consultations**

Neighbourhoods (Environmental Health) – no objections, subject to conditions  
Streetpride (Transportation and Highways) – no objections, subject to conditions

## **Appraisal**

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

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

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

The main factors in the determination of the application are as follows:

- Principle of change of use of this property including loss of a local community facility

- Impact on neighbouring properties.
- Impact on highway safety.
- Hours of use
- Impact on drainage.

#### Principle of change of use

From a retail perspective, car washing (as well as the associated waiting of customer vehicles) are classified as a sui generis use, outside of the regular A1 sales use class. Consequently, this use is not considered to represent a town centre use and the applicant is therefore not required to submit a sequential test justifying the principle of this change in an edge of centre location.

The land is allocated for mixed use purposes, and there are a number of mixed uses, including a large-scale retail unit (Tesco supermarket) opposite the site on the eastern elevation of Moor Road. Policy EC5 (Mixed Use Areas) indicates that within Mixed Use Area 4 the following uses: A1, A2, A3, B1, C3, D1 and D2 would be acceptable. UDP Policy EC5 has subsequently been superseded by Core Strategy CS31 Mixed Use Areas which indicates that '*a variety of land uses will be acceptable. The particular uses appropriate to each area and any limitations or requirements pertaining to these uses or their location will be set out in the Sites and Policies document.*' However the emerging Sites and Policies document has not currently been through examination and cannot be afforded significant weight.

The proposal involves changing the use to a car wash facility which is classified as a Sui Generis Use does not fall within the mixed use menu. However, the site has been vacant in excess of 5 years and was cleared of all buildings earlier in the year. It is considered that the principle of a car wash use in the edge of centre location is considered acceptable in the short term in conformity with CS31 Mixed Use Areas.

#### Loss of a local community facility

The previous property (Swimming Baths) was vacant for over five years and the building was demolished in early 2015 following a period of deterioration. The applicant indicates that the proposed change of use is for a temporary period and it is considered that a condition of 5 years should be imposed in order to secure the site for a long term future residential or another community or leisure use.

#### Impact on neighbouring properties.

ENV3.7 states "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which; (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water..."

In terms of the visual impact on the surroundings, no further changes to the car parking area are proposed. The applicant's agent has confirmed that the application does not involve the erection of any additional buildings, containers or storage units. In terms of impact on nearby residential properties, this is considered to further reduce the potential conflict to nearby residential properties and minimise the visual impact on the street scene. The retention of existing landscaping and front boundary

treatment, along with the provision of a new boundary wall along Moor Road is considered to further reduce the potential impact.

It is considered that in terms of noise generation, whilst the proposal may increase noise levels to the surroundings from waiting cars, no noise generating equipment is to be erected on the site. Bearing in mind that the site is in a semi-commercial location on a principal highway it is considered that any additional noise generated from waiting vehicles would not represent a material increase in noise to justify a refusal on these grounds. In addition, the proposed hours of use is considered to be typical for this type of use and mainly relates to daytime hours. The Environmental Health unit have raised no objections to the proposal. This is considered to have an acceptable impact on any nearby residential properties and is in conformity with policy HG1 'Existing Housing Areas.'

#### Impact on highway safety.

The Transportation Unit have indicated that there are no objections in highway terms to the additional information provided. The proposal can accommodate in excess of 5 waiting vehicles within the site and it is considered that the potential for queuing traffic back into the highway would be low. The site shall have separate accesses in and out, and subject to condition it is considered that the proposal has an acceptable impact in highway safety terms.

#### Hours of use

The proposed hours of operation requested are 0800-1800 Mondays to Saturdays and 0800-1600 on Sundays. Bearing in mind that the area to the south is predominantly comprises of mixed use types close to Wath town centre, and the Tesco store has a 24 hour use, it is considered that these proposed hours would not have any significant detrimental impact on neighbouring properties. The Environmental Health department have not raised any concerns specifically related to this element of the application.

#### Other issues

The application site does not lie within a recognised flood risk area in the Development Plan. In terms of the future impact on drainage the applicant has indicated that they intend to discharge all surface water run-off from the site via interceptors which also includes on-site site disposal. It is considered that this can also be satisfactorily safeguarded via condition.

In terms of factors such as competition and need for the facility as highlighted by the objectors, these are not specific material planning considerations that could be given any significant weight during the determination process.

#### **Conclusion**

It is considered that due to the mixed residential and commercial character of the surroundings, the principle of a hand car wash could be accepted on this site for a temporary period. Further to the above the uses are not proposed to operate after 18:30 hours, and no additional equipment is to be erected and the uses will not be in operation at unsocial hours that could have an impact on the residential amenity of residents on Moor Road. In light of the above it is concluded that the proposed uses

will not give rise to any amenity issues and will therefore comply with UDP policy ENV3.7. The application is recommended for approval, subject to conditions.

**Conditions**

01

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

Reason

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

02

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

(Drawing numbers Biscay Way Site Plan Rev C)(received 26.05.15)

Reason

To define the permission and for the avoidance of doubt.

03

The existing access shall be clearly signed "In Only" and "No Exit" and the proposed exit signed "Out Only" and "No Entry" before the development is brought into use and the signs shall thereafter be maintained.

Reason

In the interests of highway safety.

04

All surface water run off from the site shall be intercepted and disposed of within the site.

Reason

In the interests of highway safety, flood risk and amenity of the surroundings.

05

There shall be no additional buildings or portakabins erected or external storage of equipment/materials within the site without the prior consent of the Local Planning Authority.

Reason

To define the permission and in the interests of the visual amenity of the surroundings.

06

There shall be no lighting columns erected or illumination of the site.



Reason

To define the permission and in the interests of the visual amenity of the surroundings.

07

The hand car wash use hereby permitted shall only be open to customers or for deliveries between the hours of 0800 – 1830 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'.

08

This permission shall be valid for a period of 5 years from the date of this permission and at the end of that period the use hereby permitted shall cease and the site restored in a manner to be agreed with the Local Planning Authority.

Reason

So as not to prejudice the long term development proposals for the area and in order to safeguard the site for future alternative development.

09

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. This shall also indicate final details of the proposed landscaping along the southern elevation facing Biscay Way. The boundary treatment and landscaping shall be completed before the commencement of the development.

Reason

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

**Informative(s)**

The applicant is requested to conform to any soakaways and interceptors required to drain the development.

**POSITIVE AND PROACTIVE STATEMENT**

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

**SITE VISIT NO. 2 (Approximate time on site - 9.50 a.m.)**

<b>Application Number</b>	<b>RB2015/0795</b>
<b>Proposal and Location</b>	Application to fell various trees protected by RMBC Tree Preservation Order No. 18 1975, Morphy Richards Ltd, Talbot Road, Swinton
<b>Recommendation</b>	Part Grant, part refuse

**Site Description & Location**

The application site relates to a group of protected trees that lie on the eastern side of the railway line along the western elevation of the Morphy Richards site on Talbot Road in Swinton.

The trees are protected by RMBC Tree Preservation Order No. 18 1975.

**Background**

The site has the following relevant planning history:

RB2001/0070 – Application to remove 10 trees and prune other trees within the protected group protected by RMBC Tree Preservation Order No 18, 1975 – granted

RB2002/0839 – Application to prune various trees protected by RMBC Tree Preservation Order (No.18) 1975 – granted

RB2013/0991 – Formation of flood defence embankment and removal of various trees protected by RMBC Tree Preservation Order No. 18, 1975 – granted

## **Proposal**

The proposals are protected as part of RMBC Tree Preservation Order (No.18) 1975. The application is to remove all of the 73 protected as group G3 of the above Order trees along this site.

According to the application details the reasons to fell them are due to safety concerns for the staff at Morphy Richards as well as the adjacent railway infrastructure as a result of their reduced condition and limited future prospects. In addition, their removal now will help to avoid severely impeding the operations of the business on the site that may occur if a crane needs to be used to remove them in the future following the construction of the flood defence bund that has previously been approved under RB2013/0991.

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

Core Strategy policy(s):  
CS23 'Valuing the Historic Environment'

UDP Policy ENV3.3 'Tree Preservation Orders'  
UDP Policy ENV3.4 'Trees, Woodlands & Hedgerows'

## **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 27<sup>th</sup> 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 two site notices which were erected on Coronation Road and Talbot Road. A petition of 34 signatures has been received against the proposal and can be summarised as follows:

- The trees provide a lot of amenity to the area in terms of wildlife and provision of a Green Curtain.
- The trees also protect residents from noise and light pollution from the Morphy Richards site.
- The noise levels from previous pruning events has been very high.
- Questioned why the implementation of the flood defence has taken so long to implement (the last flood event being in 2007).

### **Consultations**

Streetpride (Transportation & Highways) – no objections

Streetpride (Trees Service Manager) – unable to support the removal of all 73 trees concerned at this time. However, there is no objection to a reduced amount of tree removal.

### **Appraisal**

The application was originally to remove all 73 trees protected as part of RMBC Tree Preservation Order (No.18) 1975.

According to the application details, the reasons to According to the application details the reasons to fell them are due to safety concerns for the staff at Morphy Richards as well as the adjacent railway infrastructure as a result of their reduced condition and limited future prospects.

The policies contained within the adopted Unitary Development Plan, ENV3.3 'Tree Preservation Orders' and ENV3.4 'Trees, Woodlands & Hedgerows' state that the Council seeks to promote and enhance tree, woodland and hedgerow cover throughout the Borough, safeguarding their amenity, shelter and wildlife significance and states that mature and ancient woodlands are especially important in this respect.

Furthermore the advice contained within the National Planning Policy Framework (NPPF) at paragraph 109 states that: "The Planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes..."

The Council's Tree Officer has commented as follows:

*"I am unable to support the removal of all 73 trees concerned at this time due to the significant adverse impact this will have on local amenity and any associated benefits. In addition the removal of all the trees does not appear to be justified at this time for the submitted reasons. However, there is no objection to a reduced amount of tree removal as discussed below. In addition, there is no objection to the remaining trees being pollarded as indicated if a fresh application is submitted to carry out this work. If you agree, I trust any consent will be subject to the following comments and the recommended planning conditions listed below.*

### **Background**

*The application is to fell 73 trees protected as group G3 of the above Order. According to the application details the reasons to fell them are due to safety concerns for the staff at Morphy Richards as well as the adjacent railway infrastructure as a result of their reduced condition and limited future prospects. In addition, their removal now will help to avoid severely impeding the operations of the business on the site that may occur if a crane needs to be used to remove them in the future following the construction of the flood defence bund that has planning consent, your Ref RB2013/0991.*

*Collectively the trees provide valuable and important amenity as well as useful screening and associated benefits. From the submitted petition opposing the application it is clear they are particularly valued by local residents who overlook the site. The concerns of the local residents are mainly about the loss of the trees and the subsequent adverse impact this will have on the impact on screening, wildlife, noise / light / odour pollution as well as devaluing their home for these reasons.*

### **Tree Survey details**

*A Tree Survey by the agent has been provided as part of the submitted details. This includes details of 73 existing Poplar trees, categorised as follows in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction.*

<b>Tree category</b>	<b>Description</b>	<b>Number of trees</b>
<i>B</i>	<i><b>Trees of moderate quality</b> with an estimated remaining life expectancy of at least 20 years</i>	<i>45</i>
<i>C</i>	<i><b>Trees of low quality</b> with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm</i>	<i>1</i>
<i>U</i>	<i>Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years</i>	<i>27</i>

*It is noted that the recommendations within the report are to fell and pollard 24 and 46 trees respectively as listed below, with the decision of whether to fell or pollard the remaining 3 trees being subject to the full extent of decay in their main stems.*

<b>Trees indicated for felling</b>	<b>Trees indicated for pollarding</b>	<b>Trees indicated for felling or pollarding</b>
T15, T19, T20,	T18, T21,	G22/17, G27/11, G29/6
G22/4, 6,	G22/1, 2, 3, 5, 7, 12, 14, 15	
G22/8, 9, 10, 11, 13, 16,	G27/1, 2, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15	
G27/3, 9,	G28/ 1, 2, 4, 5, 6, 7, 8, 10, 12,14,16	
G28/3, 9, 11, 13, 15, 17	G29/1, 4, 5, 8, 9, 10, 11, 12 13, 14, 15, 16, 17	
G29/2, 3, 7, 18, 19		

### **Poplar trees**

Characteristically, Poplar trees are generally fast growing short lived species with a life expectancy of approximately 50 to 70 years. The trees concerned are approximately 70 years old. As a result their condition can be expected to decline naturally. Many of the trees concerned have been severely and inexpertly pruned in the past particularly over the Morphy Richards site possibly in an attempt to control their size, avoid conflict with business operations and reduce the risk of personal harm or damage to property. The large wounds created by the pruning do not heal and Poplars do not have strong natural defence barriers to contain areas of decay. As a result regrowth can become weakly attached and vulnerable to sudden collapse, particularly during strong windy conditions. The removal of trees with significant defects and associated decay is often justified for reasons of safety, particularly when they are close to areas of open pedestrian access, buildings and other infrastructure.

### **Reasons to fell**

The reasons to remove all of the trees at the same time are understood. However, a site inspection reveals the flood defence bund has been constructed prior to any decision on this application. Therefore, any special care and methods necessary to avoid damage to the bund and conflict with the business operations of the site will already be required. Also, hopefully, the impact of any future tree work on the business operations of the site can be avoided or minimised by careful planning and organisation. Indeed, the construction of the bund will no doubt have involved similar considerations to avoid any serious conflict.

### **Impact of tree removal**

There is no doubt that the removal of all of the existing trees will result in a significant adverse impact on local amenity as well as any associated wildlife and biodiversity benefits. In addition, the loss of the trees may increase some of the other difficulties of light and noise pollution from the site that local residents are concerned about, particularly where there are no other existing trees on the land between the dwellings and the site to help continue to screen the industrial buildings. However, due to the reduced condition and limited future prospects of many of the existing trees and their proximity to the railway, it is clear something needs to be done to minimise any possible risk of personal harm and / or damage to property.

### **Comments on proposals**

*At present, it appears not all the trees need to be removed at this time for reasons of safety. Indeed, it appears 46 trees may be retained, at least in the short to medium term, if they are pruned in accordance with the recommendations of the submitted tree report. The severe / heavy pruning required to pollard the trees will adversely affect their natural appearance and the level of amenity they provide. In addition it may not prevent their removal in the future due to infection by decay around the large final pruning cuts. However, hopefully regrowth will help to restore a more natural appearance although this may also need to be managed in the future to ensure the trees are maintained in a safe condition. Also, phasing the removal of the trees will help reduce the overall adverse impact on local amenity and allow time for any replacements to become firmly established to help provide future amenity.*

*For the above reasons, I am unable to support the loss of all 73 trees concerned at this time. However, there is no objection to the removal of the 24 trees recommended to be felled in the submitted tree survey as well as the removal of the 3 additional trees identified as G22/17, G27/11, and G29/6, if necessary if further evidence is provided to show this is unavoidable. Replacement planting is also recommended on a 1:1 basis to provide future amenity and suitable species and their size at planting may be as follows.*

*13 x Silver Birch (*Betula pendula*)*

*14 x Upright Norway Maple (*Acer platanoides* Olmstead)*

*Plant as a 'Selected' Standard 10 to 12 centimetres stem circumference measured at 1 metre above ground level, with a minimum height of 3 to 3.5 metres and container grown within a minimum 25 litre container.*

*The new trees should be planted in the first available planting season following the removal of the existing trees, from early November 2015 to late March 2016. Their recommended approximate planting positions are within 1 to 2 metres east of the existing trees to be removed, subject to any other site constraints.*

*Therefore, if you agree with the above comments you will no doubt wish to part grant this application for the removal of the 27 trees in the tree report but refuse the removal of the 46 remaining trees at this time. At the same time you will no doubt wish to inform the applicant and / or the agent as part of any decision notice that there is no objection to the remaining trees being pollarded as indicated in the submitted tree report if a fresh application is submitted accordingly. In addition you will no doubt wish to advise the applicant of his right to appeal to the Secretary of State to any part of the application that is not supported. The planning conditions listed below are recommended with any consent.*

### **Stump grinding**

*In this instance it is recommended a special planning condition is included with any consent that the tree stumps shall be "ground out" to help reduce the potential for the spread of honey fungus that may be detrimental to the future prospects of any new trees. To assist, a suggested condition is listed below. Whilst this will no doubt involve additional expense to the applicant, hopefully it will not consider as unreasonable to help assist the successful establishment of the replacement trees.*

**Tree removal “agreement”**

*In dealing with this matter it is noted that the submitted details indicate that the removal of the trees from the western boundary was “agreed” as part of the planning application for the bund. I am not aware of any formal agreement to this and / or that it formed part of any planning conditions included with consent. However, you will no doubt wish to check your records to clarify this with the applicants / agent if required as part of any decision notice.”*

Taking account of the above, is considered that the proposal would accord with UDP Policies ENV3.3 ‘Tree Preservation Orders’ and ‘ ENV3.4 ‘Trees, Woodlands and Hedgerows,’ and the application can be supported as submitted.

**Conclusion**

The trees concerned are a prominent feature within the surrounding area. The Tree Officer has indicated that he is unable to support the removal of all 73 trees concerned at this time due to the significant adverse impact this will have on local amenity and any associated benefits. In addition the removal of all the trees does not appear to be justified at this time for the submitted reasons. However, there is no objection to a reduced amount of tree removal. Therefore, it is recommended to part grant this application for the removal of the 27 trees in the tree report but refuse the removal of the 46 remaining trees at this time.

**Conditions**

01

All tree works shall be carried out in accordance with B.S.3998: 2010 **and shall not exceed the removal of the 27 Poplar trees recommended for removal within the submitted tree survey report by the agent**, unless otherwise agreed in writing with the Local Planning Authority. In addition no tree work shall commence until the applicant or his contractor has given at least seven days’ notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 ‘Borough Landscape’, ENV3.2 ‘Minimising the Impact of Development’ and ENV3.4 ‘Trees, Woodlands and Hedgerows’.

02

**Replacement planting condition**

13 x Silver Birch (Betula pendula) and 14 x Upright Norway Maple (Acer platanoides Olmstead) shall be planted in the first planting season (early November to late March) following the removal of the 27 existing Poplar trees. Their size at the time of planting shall be ‘Selected’ Standard 10 to 12 centimetres stem circumference measured at 1 metre above ground level, with a minimum height of 3 to 3.5 metres and container grown within a minimum 25 litre container positioned approximately as



indicated on the attached site location diagram or such other size, species, location or period as may be agreed in writing with the LPA.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

03

If, within a period of five years from the date of planting, the new trees (or any other new trees planted as replacements for them) are removed, uprooted or destroyed or die, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the local planning authority give their written consent.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

04

Stump grinding condition

Following the felling of the 27 Poplar trees concerned their stumps will be removed by the use of a suitable stump grinding machine in accordance with BS 3998:2010 Tree Work - Recommendations. The minimum depth for stump grinding should be to extend through the base of the stump leaving the major roots disconnected. The arisings should be removed from the site to help reduce the potential for the spread of honey fungus that may be detrimental to the future prospects of any new trees.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

**Reason for Refusal**

01

The Council considers that the removal of the remaining 46 trees (not included within the 27 listed above) will result in a significant adverse impact on local amenity as well as any associated wildlife and biodiversity benefits and insufficient justification for their loss has been provided. The Council considers that the loss of the trees is likely to increase other difficulties of light and noise pollution from the site which would further exacerbate future disturbance to adjacent local residents. Accordingly this element of the application conflicts with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

**Informative(s)**

**a) Wildlife Legislation**

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

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THURSDAY 27 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**

<b>RB2014/1461</b> <b>Erection of 89 No. dwellinghouses with associated landscaping, parking and formation of new means of access at Land adjacent Morrisons, Poplar Way, Catcliffe</b>	<b>Page 27</b>
<b>RB2015/0174</b> <b>Erection of a church, formation of 144 car parking spaces and means of access, formation of earth bund and boundary fencing, balancing pond, and landscaping at land off Common Road, North Anston, S25 4UJ for Elsworth Acres Ltd</b>	<b>Page 57</b>

<b>Application Number</b>	<b>RB2014/1461</b>
<b>Proposal and Location</b>	Erection of 89 No. dwellinghouses with associated landscaping, parking and formation of new means of access at Land adjacent Morrisons, Poplar Way, Catcliffe
<b>Recommendation</b>	<p>That planning permission be granted subject to:</p> <p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• 15% on site affordable housing provision,</li> <li>• £177,992 towards the provision of primary school places in Catcliffe (£2,342 per dwelling minus affordable units) 50% of the money payable upon 50% occupation with the remaining 50% payable upon 80% occupation</li> <li>• £59,995 towards the upgrade of Catcliffe Parish Recreation Ground 50% of the money payable upon 50% occupation with the remaining 50% payable upon 80% occupation</li> <li>• £46,657 towards Sustainable Travel Measures</li> </ul> <p>B Consequently upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject conditions.</p>



## **Site Description & Location**

The site extends to 2.94 hectares and comprises mainly of rough grassland. It lies to the east of the Morrisons foodstore, located on Poplar Way and west of residential dwellings on Woodlands Close and Blue Mans Way. To the north of the site lies an area of green space, beyond which lies the A630 Sheffield Parkway, whilst to the south lies Poplar Way which is currently being widened to accommodate the Waverley New Community development to the far south and east.

There are significant changes in levels across the site. The south eastern corner is the lowest point of the site, and the north western corner the highest point. The frontage of the site falls down from Poplar Way to Sheffield Lane by approximately 4m and the eastern boundary rises 4.5m front to back.

There are currently no means of vehicular access into the site and no definitive rights of way.

## **Background**

### Environmental Impact Assessment

A screening opinion was carried out in October 2013 to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares. However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

The site has the following planning history:

RB1980/4154 - Outline for 1 supermarket 1 furniture & 1 homecare unit with car parking & landscaping – Refused

RB1998/1372 - Erection of a non-food retail store – Granted 12/10/1999

RB1990/1027 - Outline application for erection of retail food store including associated service area customer car park and petrol filling station – Granted 28/10/1994

RB1994/1528 - Details of the erection of retail food store and associated servicing and car parking (being matters reserved by outline permission R90/1027P) – Granted 16/02/1995

RB1999/1072 - Erection of a retail store with external storage and display areas, restaurant with take away sales, service area and car parking – Appeal against Non Determination – Dismissed 05/07/2000

RB2006/0125 - Application to vary condition 4 (Landscaping of the site) imposed by RB1990/1027 (Outline Application for Retail Food Store) to remove the requirement for the landscape buffer on eastern boundary of site – Refused 13/03/2006

RB2006/1070 - Outline application for residential development – Refused 17/08/2006 for the following reasons:

01

The land is a greenfield site and there is insufficient information to assess the proposal in terms of how it compares sequentially with other brownfield and greenfield sites in the area and as such the proposal will thereby be in conflict with Policies HG 4.3 Windfall Sites, of the Unitary Development Plan, PPS 1 General Principles, PPG 3 Housing, and Policies S3 Urban and Rural Renaissance P1 Strategic Patterns of Development and H2 Sequential Approach to the Allocation of Housing Land of the Regional Spatial Strategy.

02

It is considered that there is insufficient information to fully assess the application with regard to the impact of noise on the development from the nearby A630 Sheffield Parkway, Poplar Way and Morrison’s and consequently the proposal is in conflict with PPG 24 Planning and Noise.

03

It is considered that insufficient information has been submitted with regard to the likely impact of the development on the adjacent highway network and measures to promote sustainable transport modes, and would thereby be in conflict with PPG 13 Transport.

### **Proposal**

The application seeks full planning permission for the erection of 89 No. dwellinghouses comprising a mix of 2, 3 and 4 bedroom properties in the form of 2 and 3 storey detached, semi-detached and terraced properties. The number and percentage of units are set out below:

<b>Type of dwelling</b>	<b>No. of Units</b>	<b>%</b>
2 bedroom	22	24.7%
3 bedroom	53	59.6%
4 bedroom	14	15.7%

The layout of the development has been designed to work with the topography of the site and the applicant has identified 5 character areas in response to this. There is a bank at the western edge and a second bank running north south through the south of the site. The site levels also rise from south to north and the applicants have addressed these levels by designing retaining structures at the western and central banks, creating two plateaus, each accessed by a new junction off Sheffield Land and Poplar Way.

The 5 character areas are described by the applicant as follows:

#### Western Boundary

The edge of the site has a significant change in level from the adjacent car park down to the road level on site. In response to the topography we have designed split level units (types C & F) which allow for a stepped retaining solution. A cribwall will run along the rear boundary of these properties. This area is envisaged to be formal with a regular grid and relationship to the road edge.

The Square

Acting as a focal point for the scheme is a large shared surface which provides a focal point when entering the site. The space will be formal, with street trees breaking up the parking areas. Properties with front gardens will have railings to define their private space. All properties to the north, east and south of the square are two storeys, stepping up to three on the western edge where there is a framed view of the three storey units.

The Crescent

The Crescent has been designed in response to the topography of the site with split level houses following the contours taking up the major change in level at the centre of the site. These plots have quite a formal feel, with parking bays softened by street trees. There is a mixture of two and three storey dwellings, stepping down at the site edges. A link through to any potential site to the north has been provided in line as requested at pre-application consultation.

The Lanes

There are the most informal spaces on the development. They have deeper front gardens and parking accommodated in small courts or as driveways on plot. All properties here are two storey and the layout has been designed to feel more open and generous with landscaping elements and feature walls.

Frontage

The frontage is split in to two sections, the western edge served by a private drive, and the eastern edge where properties have direct access to Sheffield Lane. These are arranged in a traditional manner, with drives or parking spaces set within landscaped deep front gardens. The central portion utilises some split level properties to respond to changes in levels stepping down to two storey at either edge.

The proposal also includes affordable housing provision at 15% as summarised below:

No. of bedrooms	No. of units
2 bedroom	10 (2no. for shared ownership & 8no. for social rent)
3 bedroom	4 (2no. for social rent & 1no. for social rent)

Landscape is integrated into the scheme with the inclusion of street trees throughout the site and the use of pockets of landscaping to form features where views terminate and/or form banks.

Access into the site is proposed to be gained via Sheffield Lane, off Poplar Way. The existing one-way arrangement will be retained whilst a separate access will be created in a northerly direction into the site.

## Supporting documents

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

Planning Statement sets out the planning context to the proposed development and assesses the proposals against planning policy and national guidance. It concludes by stating '*The site specific allocation for additional retail development within the UDP is no longer relevant as this Policy has not been saved by the SoS Direction. The emerging site allocations document seeks to allocate the site for employment, however as it is at an early stage of preparation the weight afforded to this should be minimal. The site is therefore, to all intents and purposes, unallocated.*'

Design and Access Statement assesses the design principles associated with the proposed development based on an appraisal of the character of the local built environment. The statement concludes by stating '*The proposals represent a quality development, which will bring into use an underutilised area of shrubland and greatly improve the visual amenity of the existing area.*'

Air Quality Assessment confirms the potential for air quality impacts have been assessed for two distinct phases; the construction and operation phases. The Assessment concludes by stating that 'the sensitivity of the area to dust soiling impacts was considered to be 'Medium' and for human health impacts, it was considered to be 'Low' during the construction phase, whilst the significance of the PM10 impacts were considered to be 'Negligible' at all modelled receptors during the operational phase.'

Arboricultural Method Statement was submitted to ensure good practice in the protection of trees during the proposed development and sets out recommendations for the protection of trees during the construction phase of the development.

Preliminary Biodiversity Assessment describes the findings of desktop study and field survey work, in addition to considering the potential impacts arising from the proposed development whilst appropriate mitigation measures to enable compliance with relevant wildlife legislation.

Statement of Community Involvement confirms that a [public exhibition was held over 2 days on Friday 5<sup>th</sup> September and Saturday 6<sup>th</sup> September 2014 at the Memorial Hall on Old School Lane, Catcliffe. The event was attended by approximately 70 people who were encouraged to leave detailed comments on the proposal. In total 35 individual letters of comment were received by the applicant. 48.57% considered the proposal to be 'A Good Idea', 20% 'A Bad Idea', whilst 31.4% were 'Undecided'.

Flood Risk and Drainage Assessment assesses the flood risk issues associated with the proposed development. It identifies and assesses sources of potential flooding, the risks both to and from the development and finally assesses the potential surface water run-off from the site and how this may be managed to minimise the risk of flooding to adjacent properties.



Geoenvironmental Appraisal confirms that *‘a potential hotspot of nickel contamination has been identified in the made ground, which will require further investigation (to delineate the extent of contamination) and remediation (options include removal from site capping, or retention under areas of hardstanding). Based on the results of the gas monitoring obtained as part of the ground investigation, the gas regime for the proposed residential development has been assessed as “Amber 1” or Characteristic Situation (CS) 2, based on Situation A presented in CIRIA C665. Radon protection measures are not required for the proposed development of the site.’*

Noise Assessment establishes the baseline noise environment across the site. Noise levels measured on site have been assessed to determine the suitability of the site for residential development and provide preliminary recommendations for glazing and ventilation for the proposed uses. It concludes by stating that *‘internal noise criteria can be achieved through use of appropriate glazing and ventilation configurations. AECOM has provided initial recommendations for glazing and ventilation configurations. It is considered that the majority of the site achieves the external noise criteria for rear gardens. AECOM has provided initial recommendations for acoustic fencing around any proposed gardens which experience noise levels above the criteria. AECOM has assessed changes in road traffic noise along local roads due to traffic from the proposed development. It is considered that operational traffic noise impacts will negligible.’*

Transport Assessment has regard to advice set out in the DfT publication ‘Guidance on Transport Assessment’ (2007) which identifies thresholds above which the preparation of the TA may be appropriate. It concludes by stating *‘Operational analysis of the local highway network and the proposed site accesses has demonstrated that all the junctions under consideration are adequate to serve both existing traffic and the additional trips likely to be generated by the development proposal. It has been demonstrated that the proposed development will generate 49 and 42 two-way vehicle trips during the morning and evening peak hours respectively. This equates to less than 1 additional vehicle movement every minute, which is unlikely to be perceivable to road users, being well within accepted tolerances for daily fluctuation of flows on the surrounding highway network.’*

## **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 retail 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’
- CS3 ‘Location of New Development’
- CS6 ‘Meeting the Housing Requirement’
- CS7 ‘Housing Mix and Affordability’
- CS17 ‘Passenger Rail Connections’
- CS21 ‘Landscape’
- CS25 ‘Dealing with Flood Risk’

CS28 'Sustainable Design'  
CS30 'Low Carbon and Renewable Energy Generation'  
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'  
HG5 'The Residential Environment'  
ENV3.4 'Trees, Woodlands and Hedgerows'  
ENV3.7 'Development and Pollution'

### **Other Material Considerations**

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

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

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

### **Publicity**

The application has been advertised by way of press and site notices along with individual neighbour notification letters to adjacent properties. 1 letter of representation has been received. This is summarised as follows:

- Loss of existing green area;
- Increase in noise, dirt and traffic movements during the construction period; and
- Loss of natural sunlight/daylight due to the orientation of the proposed dwellings.

### **Consultations**

Streetpride (Transportation) originally raised concerns regarding the internal road layout and proposed junction to Sheffield Lane, however following the submission of an amended plan, those concerns have been addressed and as such no objections are raised to the revised proposals.

Streetpride (Landscape) raised concerns relating to the location of some of the planting, however following the submission of an amended plan these concerns have been addressed and no objections are raised subject to the imposition of conditions.

Streetpride (Drainage) raises no objections to the proposed development following the submission of additional information relating to flood routes.

Environmental Health (Noise) raise no objections to the revised Noise Assessment subject to the imposition of conditions.

Environmental Health (Air Quality) accepts the conclusions of the submitted Air Quality Assessment and as such raises no objections to the proposed development.

Environmental Health (Land Contamination) confirms that further intrusive investigations will be required to take into account the site's history, however this work can be secured via the imposition of conditions

Streetpride (Green Spaces) acknowledge that the application site lies within 280m of an existing parish recreation ground and as such raise no objections to the proposed development subject to the provision of a financial contribution towards the improvement of this ground.

Streetpride (Arboriculturist) has no objections in principle to the proposed development, however recommends conditions relating to the protection of trees shown to be retained on the submitted tree survey.

Streetpride (Ecology) confirm that there are no objections in principle to the proposed development subject to the imposition of a condition requiring the submission of a biodiversity enhancement statement and scheme for implementation.

Streetpride (Public Rights of Way) confirm that there is a definitive right of way along the northern boundary of the site, however it lies outside of the application boundary.

Yorkshire Water raise no objections to the proposed development.

SYLTE confirm that following the LUTI Assessment, the site scored green highlighting that the site is within 400 of a bus stop with 6 buses per hour. The development is therefore sustainable in terms of public transport accessibility. Travel Masters are requested to promote sustainable travel behaviour.

Environment Agency raise no objections to the proposed development subject to the imposition of a condition requiring the works to be carried out in accordance with the conclusions of the submitted FRA.

Highways England offers no objection.

## **Appraisal**

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

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

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

The main considerations in the determination of this application are:

- Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Noise Issues
- Flood Risk and Drainage
- Highways Issues
- Ecology/Biodiversity Matters
- Landscaping/Tree Matters
- Planning Obligations

### Principle

The application site is located within an area allocated for Retail purposes within the Council's adopted UDP. Paragraph 14 of the NPPF states '*At the heart of the National Planning Policy Framework (NPPF) there 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 making this means:*

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

This is reflected in Core Strategy Policy CS33 'Presumption in Favour of Sustainable Development'. Having regard to this particular site, the retail allocation is an historic one that represented the site's relationship with the existing Morrisons store adjacent and whilst the proposal is clearly a departure to the UDP, at present there is no requirement for further retail development in this location. Indeed the site was considered as a potential housing site in the Draft Sites and Policies Document but was rejected in favour of employment due to the proximity of the proposed HS2 line directly to the west.

Despite this, the Council cannot at this time clearly demonstrate a five year supply of deliverable housing sites and the application must therefore be considered in light of the 'Presumption in favour of sustainable development' as set out in paragraph 14 of the NPPF.

In this regard, UDP Policy HG4.3 'Windfall Sites,' notes: "The Council will determine proposals for housing development in the light of their:

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

In addition Core Strategy Policy CS1 ‘Delivering Rotherham’s Spatial Strategy,’ notes that: “Most new development will take place within Rotherham’s urban area and at Principal Settlements for Growth. At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community.”

Policy CS3 ‘Location of New Development’ further states that for existing communities to grow in a sustainable way new development should, wherever possible, be located where accessibility between new housing, existing centres, facilities and services can be maximised.

It is noted that an application for residential development was refused in 2006 (ref: RB2006/1070) on the grounds that there was insufficient information to assess the proposal in terms of how it compares sequentially with other brownfield and greenfield sites in the area. With regard to this, planning policy has progressed and the publication of the NPPF and adoption of the Council’s Core Strategy places more of an emphasis on a presumption in favour of sustainable development.

Having regard to this and bearing in mind the site is located on the edge of the built up area of Catcliffe and close proximity to the new Waverley development, which is identified as a Principal Settlement in Policy CS1, it is considered that the development would be within a sustainable location, with good links to existing facilities and public transport provision. In this regard it is considered that the proposed development would accord with the presumption in favour of sustainable development and as such in accordance with the provisions of the NPPF and Policies CS1 and CS3.

Furthermore, policy CS6 ‘Meeting the Housing Requirement,’ states: ‘*housing development will be expected to make efficient use of land while protecting or enhancing the character of the local area*’. It is considered that given the location of the site the scheme will make efficient use of the site by bringing a vacant site into an appropriate use. In addition, given the current overgrown nature of the site, the proposed development will enhance the character of the local area.

Turning to the issue of High Speed 2 (HS2), Policy CS17 states that ‘*The Council will support development of the rail network, including High Speed 2, and will safeguard land for local rail projects including: g. The route of the High Speed 2 rail line.*’

The HS2 Phase 2 proposed route consultation ran from July 2013 to January 2014. Responses received as part of the consultation are being used to inform changes to the proposed route before making recommendations to the Secretary of State for Transport. A decision about how Phase 2 will proceed is expected towards the end of 2015, which has been delayed from the previous estimated announcement date of 2014. There are currently no Safeguarding Directions formally in place for Phase 2 (where the Council would have to notify HS2 Ltd before making any decisions on applications) and as a consequence, there are no formal requirements for planning applications to be referred to HS2 Ltd for consideration.

In the interim period prior to a final route being announced and/or formal safeguarding directions being issued, the weight to be attached to the HS2 Phase 2 section of the route as a material consideration in plan making and planning applications is a matter for the determining authority. In this regard the proposed route runs through the application site diagonally from the south eastern corner to the north western corner of the site which would have an obvious impact on the deliverability of the scheme as proposed. Despite this, and in the absence of any safeguarding directions or ministerial announcements regarding the safeguarding of land to which HS2 affects, it is not considered that a reason for refusal on this basis could be justified. Therefore the weight given to Policy CS17, at this stage, is considered to be minimal until such time when further Government announcements and decisions on the Phase 2 route are made following ministerial review and announcement.

Having regard to all of the above it is considered that the principle of developing this particular site is appropriate and fully supported by UDP Policy HG4.3 'Windfall Sites,' the NPPF and Core Strategy policies 3, 6, 17 and 33.

### Design and Visual Amenity

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

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

The National Planning Policy Guidance (March 2014), notes that "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations, and further goes on to note that: "Local planning authorities are required to take design into consideration and should refuse permission for development of poor design."

As previously outlined in the Proposal section of this report, the development has been designed to reflect the topography of the site which in turn has lent itself to the creation of 5 character areas. In accordance with UDP Policy HG5, which encourages the enhancement of the quality of residential development, each character area has a different feel, which in turn ensures the site is easily legible whilst providing a sense of place within the wider development. The proposal sets to deliver a total of 89 dwellings comprising a mix of house types which include 2, 3

and 4 bedroom properties set over 2 and 3 storeys. This mix of house types is considered to provide a good housing mix which is considered essential for the creation of a cohesive residential development.

The proposed house types have been designed to respond to the site context. They are similar in scale to those found in the immediate area and arranged as detached, semi-detached and terraced units. They are relatively traditional in appearance with elements such as window openings, styles and details being repeated across the range to provide some form of continuity. The proposed materials include buff and red brickwork, stone cills, lintels and details, concrete plain tile roofs, UPVC windows and composite front doors which reflect those found in the immediate locality.

Due to the site's topography, the use of retaining structures is also necessary and the site layout has been designed to accommodate the majority of large retaining structures within rear gardens or taken up by split level properties. Where there is to be a retaining wall to the rear boundary of a dwelling it is proposed to use a timber crib wall which in places will allow it to be 'greened up' and soften the structure and enhance the garden environments. At its highest, the retaining structure extends to approximately 17m in height, along the western boundary and whilst it is acknowledged that they will form a significant feature within the development, the use of this form of retaining structure is not unusual to address level changes in domestic developments and as such is considered to be appropriate in this instance.

Overall, it is considered that the scheme has been sympathetically designed taking account of the characteristics and constraints of the site and the character of the surrounding area. Therefore the scheme is considered to be of an appropriate size, scale, form, design and siting that would ensure it would enhance the quality, character, distinctiveness and amenity value of the borough's landscapes and will be visually attractive in the surrounding area.

In light of the above it is considered that the design of the proposal is one that is acceptable and would satisfy the relevant design policies and guidance of the NPPF, UDP Policy HG5 and CS policy CS28.

### Residential Amenity

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the Council's adopted SPG 'Housing Guidance 3: Residential infill plots' which sets out the Council's adopted inter-house spacing standards. The guidance states there should be a minimum of 20 metres between principle elevations and 12 metres between a principle elevation and an elevation with no habitable room windows. In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

Further to the above 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.

As previously stated in the report, the site is located adjacent to the existing Morrisons store to the west and to the east of existing residential properties on Sheffield Lane, which comprise semi-detached dwellings. With regard to over

dominating building forms, it is noted that the application site is sited at a slightly higher level than the residential properties located on Sheffield Lane. Existing properties most affected by the proposed development are considered to be 95 and 97 Sheffield Lane which share a rear boundary with plots 5 and 6 of the proposed development. The existing properties have large rear gardens, extending to approximately 17 and 21m in length and whilst plots 5 and 6 are sited close to this shared rear boundary, they have been designed with no habitable room windows in the rear elevations and as such would not result in any overlooking or loss of privacy. Furthermore, the relationship between the existing and proposed dwellings meets the 25 degree rule as set out in the South Yorkshire Residential Design Guide that relates to back to back situations and is in place to protect the amenity and avoid an overbearing relationship between buildings.

With the above in mind, it is therefore considered that the proposed development would not have any impact on the existing amenity levels of the occupiers of neighbouring properties. This is because the proposal would not cause any loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. As such the proposal would comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' along with the advice within the SYRDG and that contained in the NPPF.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 62sqm for 2 bed properties, 77sqm for 3 bed properties and 93sqm for 4 bed properties. All of the house types proposed have been designed to adhere to these space standards and each property will have a private rear garden and either allocated parking or a driveway and whilst it is acknowledged that some of the rear garden areas do not meet the suggested guidance which states 'no elevation within 10 metres of a boundary' as set out in the Council's adopted SPG 'Housing Guidance 3: Residential infill plots' due to their relationship with retaining structures, the widths of these gardens achieve at least 50sqm and do not affect amenity levels of existing residents.

Having regard to the above it is considered that the proposed layout is in accordance with the guidance outlined in the SYRDG and Council's SPG 'Housing Guidance 3: Residential Infill Plots'.

### Noise Issues

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

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

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



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

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

A Noise Assessment has been submitted with the application which states '*The site is exposed to existing sources of noise from the surrounding area, primarily road traffic noise from the A630 to the north and Poplar Way to the south, and the existing Morrisons store and car park to the west*'. It goes on to conclude: '*internal noise criteria can be achieved through use of appropriate glazing and ventilation configurations. AECOM has provided initial recommendations for glazing and ventilation configurations. It is considered that the majority of the site achieves the external noise criteria for rear gardens. AECOM has provided initial recommendations for acoustic fencing around any proposed gardens which experience noise levels above the criteria..... operational traffic noise impacts will negligible.*'

Neighbourhoods (Environmental Health) originally raised concerns regarding the methodology used in the original Noise Assessment and as such the applicant was asked to provide clarity on a number of areas. Following the submission of a revised Assessment, these concerns were allayed and no objections are raised to the proposed development subject to the imposition of recommended conditions.

Subject to these conditions it is considered that the proposals are acceptable and in line with Policy ENV3.7 of the Rotherham Unitary Development Plan and the guidance set out in the NPPF.

### Flood Risk and Drainage

Policy CS25 'Dealing with Flood Risk,' notes that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. In addition CS25 notes that proposals should demonstrate that development has been directed to areas at the lowest probability of flooding by demonstrating compliance with the sequential approach i.e. wholly within flood risk zone 1, and further encouraging the removal of culverting. Building over a culvert or culverting of watercourses will only be permitted where it can be demonstrated that it is necessary.

The NPPF notes that: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be

safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”

In assessing this issue, the Council’s Drainage Engineer notes that the site is within flood zone 1 and is therefore at the lowest risk of flooding and following submission of additional plans showing flood routes and surface water management, raises no objections to the proposed development, however notes that the location of the storage pipes with rear garden areas may not be accepted by Yorkshire Water as part of their adoption agreement, however this will be a separate issue between the landowner and Yorkshire Water.

Having regard to the above and subject to the recommended conditions/informative it is considered that the proposals accord with Policy CS25 ‘Dealing with Flood Risk,’ and the advice within the NPPF.

### Highways Issues

In assessing highway related matters, Policy CS14 ‘Accessible Places and Managing Demand for Travel,’ notes that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by (amongst other):

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

The NPPF further notes at paragraph 32 that: “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Paragraph 34 to the NPPF further goes on to note that: “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

The Transportation Assessment (TA) submitted with the application relates to a residential development of 89 No. dwellings which will be served by two culs de sac. The western cul de sac will be accessed direct from Poplar Way by reconfiguring the existing Sheffield Lane/Poplar Way junction. Sheffield Lane will be realigned to tie

into the eastern side of the cul de sac and the short section of one way operation on Sheffield Lane to the west of The Croft will be maintained. The eastern cul de sac will be accessed from the north side of Sheffield Lane some 20 metres north east of the junction with The Croft.

It confirms that weekday morning and evening peak period traffic surveys were conducted at the Sheffield Lane junctions with Poplar Way and Orgreave Road. A total of 49 No. trips (two way) are anticipated during the morning peak hour with some 42 No. trips anticipated during the evening peak hour. An analysis of junctions in the area was carried out using industry standard modelling software. This shows that the traffic impact of the development will be acceptable, however this is reliant on an effective travel plan/mitigation for the site since, as pointed out above, a relatively low trip rate has been used.

Turning to the proposed site access the western cul de sac into the site involves reconfiguring the existing Sheffield Lane/Poplar Way priority junction and moving the existing no entry except buses restriction to the north east of the junction of The Croft with Sheffield Lane . This will require modification of the existing Traffic Regulation Order at the developer's expense along with works to realign part of Sheffield Lane, safeguarded by a Section 278 Agreement.

Having regard to all of the above, it is considered that the findings of the TA meet the appropriate standards and addresses the potential concerns that the development may generate. Operational assessment of a number of junctions has been carried out and the traffic likely to be generated by the proposed development is unlikely to interfere with their function. However, as low estimates of traffic generation have been used, a robust scheme of mitigation is essential. In this respect, the Heads of Terms for a proposed S106 Agreement have been submitted which include a commuted sum of £44,945 (50% paid on occupation of the 45<sup>th</sup> unit and the remaining 50% paid on occupation of the final unit) for sustainable transport measures, which has also been agreed with the South Yorkshire Transport Executive (SYTPE). The development is therefore considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel and paragraphs 32 and 34 of the NPPF.

### Ecology/Biodiversity Matters

In assessing these issues, Policy CS20 'Biodiversity and Geodiversity,' notes that the Council will conserve and enhance Rotherham's natural environment and that resources will be protected with priority being given to (amongst others) conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets.

The NPPF further advises at paragraph 118 that: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

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

The submitted Extended Phase 1 Habitat Survey Report notes that no protected species were recorded during the field survey. The majority of habitats within the

proposed development site are common and, although semi natural, do not have significant ecological value. Of importance is the hedgerow forming the north site boundary. Although the survey identified a number of ponds these are outside the footprint of the development. The report includes recommendations for mitigation and these are supported, particularly the retention of the hedgerow; a pre-commencement check for use by badgers is also welcome.

The report does not include specific recommendations for biodiversity gain, which is a recommendation for all developments in the NPPF. In order to ensure the delivery of adequate mitigation and an appropriate level of biodiversity gain it is recommended that the condition below be imposed if planning approval is forthcoming. The following measures are considered to be appropriate for this site and the proposed development:

Mitigation measures (as outlined in the submitted report) include:

- Retention of hedgerow (with supplementary planting as indicated by the landscape plan)
- Pre-commencement check for badger presence
- Avoid direct lighting of the site boundaries
- Avoid undertaking any vegetation clearance during the breeding bird season (March – August inclusive)
- Site clearance precautionary measures to protect reptiles Biodiversity gain measures:
  - New native species hedgerow planting (as indicated by the landscape plan)
- Any areas of public open space to be designed with semi-natural habitats in mind and to be maintained in line with nature conservation principles CL/039/F01
- Provision of species features, e.g. bird boxes, bat boxes, at a rate of 20%, i.e. 18 features provided

With this in mind it is considered that the proposals accord with the relevant biodiversity policies and guidance of the NPPF and CS Policy CS20 subject to the imposition of a condition requiring the submission of a biodiversity enhancement statement.

### Landscaping / tree matters:

With respect to these matters Policy CS21 'Landscapes,' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.

The proposed development is supported by an Arboricultural Report and Impact Assessment. The report includes details of 10 individual and 15 groups of trees. The contents of the report and its recommendations are noted and generally accepted by the Council's Tree Service Manager. Of the existing trees those positioned towards the northern and eastern site boundaries provide useful amenity and screening that is likely to increase with the development. However, due to their limited importance in the landscape they may not meet all the criteria for inclusion in a new Tree Preservation Order to ensure they are retained and to provide additional protection

throughout any development. Nevertheless, their retention where possible without affecting the principle and scale of the development is desirable.

According to the submitted details, the majority of the existing trees and shrubs will be removed to accommodate the development. Indeed only 7 items of vegetation will be retained or partially retained including a large area along the northern boundary. The removal of the remaining trees and shrubs will result in a partial reduction of amenity and any associated benefits. However new tree, shrub and hedge planting as indicated on the indicative landscape proposals will help to provide a good level of amenity and biodiversity gain in the future.

Turning to the proposed landscaping scheme, it is proposed to retain and enhance a large area of planting along the northern boundary of the site. Street trees have been incorporated into the scheme and pockets of landscaping form features in appropriate locations. There is a large pocket of landscaping to the left of the western site entrance. This area is envisaged to be natural and open, whilst hedges or railings will form the front boundaries at this point.

Taking account all of the above the scheme has been submitted having regard to the retention of some of the landscaping (trees / hedgerows) particularly to the north of the site and with further planting enhancements within the site itself. The Landscape Design Service notes that the submitted landscape scheme, as revised, is acceptable and should provide an attractive setting for the development. Subject to the imposition of the recommended condition in respect of the requirement for further information relating to species, it is considered that the proposals accords with Policy CS21 'Landscapes.'

### Planning Obligations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development."

All of the tests must be complied with and the planning application must be reasonable in all other respects.

This is echoed in Paragraph 204 of the NPPF

In this instance the developer submitted a Viability Appraisal as a part of the application and this was independently assessed by Professor Stephen Walker on behalf of the Council. The Viability Appraisal concluded that taking account of all costs and developer profits the development can sustain the following:

- 15% on site affordable housing provision (31% as shared ownership & 69% for rent),

- £177,992 towards the provision of primary school places in Catcliffe (£2,342 per dwelling minus affordable units) 50% of the money payable upon 50% occupation with the remaining 50% payable upon 80% occupation
- £59,995 towards the upgrade of Catcliffe Parish Recreation Ground (50% to be paid on 50% occupation and the remaining 50% to be paid on 80% occupation)
- 50% of the money payable upon 50% occupation with the remaining 50% payable upon 80% occupation
- £46,657 towards Sustainable Travel Measures

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

### **Conclusion**

Having regard to the above it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that would be in compliance with the requirements detailed within the UDP and Core Strategy, as well as the adopted Supplementary Planning Guidance and the NPPF. As such, subject to the signing of the Section 106 agreement in respect to the matter of provision of affordable housing and financial contributions towards education, public open space and travel plan measures , it is recommended that planning permission be granted subject to conditions.

### **Recommendation**

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

- 15% on site affordable housing provision,
- £177,992 towards the provision of primary school places in Catcliffe (£2,342 per dwelling minus affordable units) 50% of the money payable upon 50% occupation with the remaining 50% payable upon 80% occupation
- £59,995 towards the upgrade of Catcliffe Parish Recreation Ground - 50% of the money payable upon 50% occupation with the remaining 50% payable upon 80% occupation
- £46,657 towards Sustainable Travel Measures

B Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following reasons for grant and conditions:

### **Conditions**

#### **GENERAL**

01

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

## Reason

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

02

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

- Site Location Plan ref: PI-01 Rev A
- Residential Development – with Levels ref: PL-03 Rev G
- House Plans & Elevations Overview ref: PL-04 Rev A
- Residential Layout Impressions ref: PL-05 Rev C
- Site Layout & Retaining Wall Sections Ref: PL-06 Rev C
- Site Layout Extract & Site Section Ref: PL-07 Rev C
- Materials Plan Ref: PL-08 Rev C
- Street Elevation Ref: PL-09 Rev B
- Detail 1 Brick Wall Ref: PL-10
- Detail 2 Pier Brick Wall Ref: PL-11
- Detail 3 Screen Fence Ref: PL-12
- Detail 5 Double Sided Fence Ref: PL-13
- House Type A Ref: PL-20
- House Type B Ref: PL-21 Rev A
- House Type C Ref PL-22 Rev A
- House Type D Ref: PL-23 Rev A
- House Type E Ref: PL-24
- House Type F Ref: PL-25
- House Type G Ref: PL-26
- House Type H Ref: PL-27 Rev A
- House Type J Ref PL-28
- House Type D\*(corner plot variation Ref: PL-29
- House Type E\*(corner plot variation Ref: PL-30
- House Type F\*(corner plot variation Ref: PL-31
- House Type H\*(corner plot variation Ref: PL-32
- House Type K Ref: PL-33
- Landscape Proposal Rev: C
- Topographical Survey

## Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

TRANSPORTATION

04

The development shall not be commenced until details of the proposed alterations to the Sheffield Lane/western access road/Poplar Way junction, indicated in draft form on plan reference PL-03 Revision G, have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the first occupation of any dwelling. The submitted details shall include modification of the existing Traffic Regulation Order, a Stage One Safety Audit and retention of adequate land adjacent plot 26 to enable carriageway widening should the restoration of two way traffic flows along this part of Sheffield Lane be required.

Reason

In the interests of road safety.

05

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

Reason

No details having been submitted they are reserved for approval.

06

The development shall not be commenced until details of the proposed footpath link into the adjacent supermarket car park in the vicinity of plot 81 have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the occupation of the development.

Reason

No details having been submitted they are reserved for approval.

07

The construction of the proposed access road fronting plot 7 shall have regard to the site levels of the potential development site to the north and shall be constructed to the boundary of the site to facilitate linking to a future development road in terms of vertical and horizontal alignment.

Reason In the interests of road safety.

FLOOD RISK/DRAINAGE

08

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

Reason

In the interest of satisfactory and sustainable drainage.



09

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

Reason

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

10

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by BSCP Consulting Engineers (Rev. B, dated October 2014) and letter from Peacock and Smith (dated 21/11/14) and the following mitigation measures detailed within both documents:

- Limiting the surface water run-off generated by the 1 in 1 year critical storm to existing greenfield runoff rates of 5 l/s/ha, ensuring no surface water flooding on site for storm events up to the 1 in 30 year return period and not increasing the risk of year plus 30% climate change event will be contained within the development site with no flooding of buildings on site.

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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. flooding off-site by ensuring storm events up to and including the 1 in 100

### CONTAMINATED LAND

11

Prior to the commencement of development a further Phase II Intrusive Site Investigation and subsequent risk assessment shall submitted to an approved in writing by the Local Planning Authority. The report shall be prepared by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR 2-4).

Reason

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

12

Subject to the findings as required by Condition 9, a Remediation Method Statement shall be submitted to and approved by the Local Authority prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed enduse of the site and surrounding

environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

13

Gas protection membranes consistent with an amber 2 gas characteristic situation shall be installed in each property in accordance with the recommendations specified on page 42 of the approved Revised Geo-Environmental Appraisal of Land at Poplar Way, Catcliffe – Prepared by Sirius Geotechnical & Environmental Limited, dated August 2014, reference C5542.

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

14

Prior to the occupation, all proposed garden/landscaping areas where elevated levels of contamination have been identified, a clean soil capping layer of 600mm of subsoil/topsoil shall be provided to ensure protection to human health from affected soils. The details of the capping materials placed shall be recorded in the format of a Validation Report to ensure suitable soils of sufficient quality and quantity have been placed.

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

15

Prior to the occupation, if subsoil's / topsoil's are required to be imported to site for soil capping works, then these soils shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to site the results of testing thereafter shall be presented to the Local Authority in the format of a Validation Report.

Reason

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

16

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 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

17

Following completion of any remedial/ground preparation works a Validation Report shall be submitted to the Local Authority for review and comment. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any postremedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the Local Authority.

Reason

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

18

Prior to the commencement of development, details of a foundation solution shall be submitted to and approved by the Local Planning Authority when development platform levels for the site have been determined.

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

#### NOISE/DUST

19

Prior to the commencement of development , a scheme detailing how glazing and ventilation systems for the residential dwellings shall be shall be submitted to and approved in writing by the Local Planning Authority to provide sufficient attenuation against external noise to control internal sound levels from noise break in to meet

the requirements of BS8233:2014 'Guidance on sound insulation and noise reduction for buildings', along with the additional requirements as set out in Section 2.8 of the AECOM noise report. In order to protect external amenity areas associated with the development, acoustic barriers will be provided as appropriate to meet the requirements of BS8233: 2014.

Reason

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

20

Prior to the commencement of development a noise management plan for the construction phase of development shall be submitted to and approved in writing by the Local Planning Authority. The monitoring location(s) shall be agreed in writing by the LPA prior to any monitoring commencing.

Reason

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

21

Prior to the commencement of development a dust mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. On receiving any dust complaints the operator shall undertake nuisance dust monitoring. The monitoring locations shall be agreed with the LPA prior to any monitoring being undertaken.

Reason

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

22

Prior to the commencement of development details of the measures to be employed to prevent the egress of mud, water and other detritus onto the highway and details of the measures to be employed to remove any such substance from the highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall be used for the duration of the works.

Reason

In order to ensure the development does not give rise to problems of mud/material deposit on the adjoining public highway in the interests of road safety.

23

All loaded lorries leaving the site shall be securely and effectively sheeted.

Reason

In order to ensure the development does not give rise to problems of mud/material deposit on the adjoining public highway in the interests of road safety

24

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be

minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites'.

### Reason

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

## LANDSCAPE

25

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

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

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

### Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

26

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

### Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the

interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

27

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

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

28

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. This shall be positioned in accordance with the submitted Tree Protection Plan JCA Appendix 5. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

29

Prior to the commencement of any development on site a detailed Arboricultural Method Statement and Arboricultural Impact Assessment shall be submitted to the LPA for consideration and approval in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction – Recommendations. The development shall be implemented in accordance with the approved details.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

30

Prior to the commencement of development a biodiversity enhancement statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in

accordance with the agreed statement before the development is brought into use.

## Reason

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

## Informatives

01

The applicant should be made aware that the site is on land which may be acquired for phase two of High Speed 2 (HS2), however there are presently no safeguarding directions in place for this phase of the proposal.

02

Yorkshire Water has no objection in principle to:

- 1) The proposed separate systems of drainage on site and off site;
- 2) The proposed amount of domestic foul water to be discharged to the public combined water sewer; and
- 3) The proposed point of discharge of foul water to the public sewer submitted on drawing LS1465 D04 (revision P4) dated 12/12/2014 that has been prepared by BSCP.

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

03

In the interest of maintaining the attenuation pipes in perpetuity, a satisfactory maintenance plan and access arrangements should be implemented to ensure that the attenuation tanks can be maintained at all times and in an emergency.

04

The Applicant states that surface water will be discharged to public sewer. If the Water Authority, or their Agents, cannot confirm that there is adequate spare capacity in the existing system, the Applicant should be requested to resubmit amended proposals showing how he proposes to drain the site, prior to any consent being granted.

05

## SuDs

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). SuDS are an approach to managing surface water run-off which seek to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SuDS offer significant advantages over conventional piped drainage systems in reducing flood

risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open spaces.

The variety of SuDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

06

#### Foul Drainage

A mains connection has been proposed for foul drainage disposal. You are strongly advised to satisfy yourself, prior to determination, that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. Please contact the sewerage undertaker, Yorkshire Water, to attain this information. If capacity is not available, an alternative means of foul drainage disposal may need to be explored or improvement works to resolve the capacity issue secured as part of the planning permission. If a non-mains solution is to be considered we should be reconsulted, prior to determination, and given the opportunity to comment further.

07

#### Noise Disturbance

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

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

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

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



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

08

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

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09

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

## POSITIVE AND PROACTIVE STATEMENT

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.

<b>Application Number</b>	<b>RB2015/0174</b>
<b>Proposal and Location</b>	Erection of a church, formation of 144 car parking spaces and means of access, formation of earth bund and boundary fencing, balancing pond, and landscaping at land off Common Road, North Anston, S25 4UJ for Elsworth Acres Ltd
<b>Recommendation</b>	Refuse



### Site Description & Location

The application site is located to the north of Common Road in North Anston. Common Road is a long rural road that goes to North Anston village in the east and Brampton-en-le-Morthen to the west. Between the two settlements there are a number of agricultural fields with very few dwellings. To the north of the site is a dense strip of mature trees; beyond is North Anston Trading Estate. Directly opposite the site is a single dwelling – ‘Brickhouse Cottage’. The rest of the site is surrounded by open fields.

The site itself is a relatively flat triangular piece of land and is approximately 2.0ha in size. The majority of the site (approximately 1.3ha) is formed by part of an uncultivated field, with a smaller part (approximately 0.3 ha) being the woodland strip to its northern boundary. There is an area to the south eastern corner which has up until recently been used for industrial and business purposes as a scrap yard site. This area is approximately 0.4ha and is hardstanding with a palisade fence around its perimeter (the scrap yard activities no longer take place from the site).

## Background

There has been a number of planning applications submitted relating to this site:

KP1960/1084 – Car dismantling premises – Granted conditionally

RB2000/1137 - Change of use from scrap yard to building supplies yard and erection of office/reception and store buildings – Refused (Allowed on appeal)

RB2004/2282 – Erection of building for depolluting end of life vehicles and erection of security fencing – Granted conditionally

A recent application by the same applicant was recently determined on land to the west of the application site which is also within the applicant's ownership:

RB2012/1623 - Erection of 2 No. buildings to form independent school, convention centre and gospel hall including associated car parking, landscaping and surface water retention pond – Refused at Planning Board on 31 January 2013 for the following reason:

01

The proposed development represents inappropriate development in the Green Belt and no very special circumstances have been demonstrated to overcome the harm caused by the inappropriate development, and other harm caused, and consequently the proposal is in conflict with Policy ENV1 'Green Belt' of the Unitary Development Plan and the NPPF.

02

It is considered that by way of its size and location the proposed development would have a materially adverse effect on the openness and visual amenity of the Green Belt and would thereby be in conflict with Policy ENV1 'Green Belts' of the Unitary Development Plan and the NPPF.

The school is no longer part of this current proposal.

There is also an existing Gospel Hall located at Carter Knowle Road in Sheffield. This has the capacity to hold a 500 person congregation. Information provided with the application states that "the existing hall is located in a built up residential area with narrow streets and is difficult to access. The existing hall requires refurbishment and its grounds are too small to safely provide for the number of cars and coaches currently attending larger events".

## Screening Opinion

The proposed development falls within the description contained at paragraph 10(b) of Schedule 2 to the 2011 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However the Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2011 Regulations, is of the opinion that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

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

## Proposal

The application is seeking permission for the erection of a Church Hall with associated car parking, replacement and enhanced landscaping, formation of new boundary hedgerows, boundary fence, balancing pond and means of access.

The proposed Hall would provide the following facilities:

- Main Hall
- Socialising area and family gathering point
- Toilet facilities
- External meeting / communal areas

The single storey building would have the following dimensions:

- Length of building 57.4m
- Width of building 34.4m
- Height of building 8m

The building would be single-storey with a low pitched roof profile, and is to be constructed in a mix of cladding and block work to emulate an agricultural type building in a rural setting. The building would be sited adjacent to the site's eastern boundary in the southern corner of the site with its rear elevation close to the North Anston Trading Estate.

The building is orientated to face south and the plaza in front of the main entrance is to ensure there are no conflicts between pedestrians and vehicles.

An acoustic earth bund and acoustic fence 4 metres overall in height are proposed along the boundary of the site with Common Road. In addition, 3m high security fencing is proposed around the perimeter of the site

The proposal will include 144 car parking spaces. This has been altered from 125 spaces and 5 coach parking spaces as originally submitted as the Plymouth Brethren congregation do not travel in coaches to services.

The applicant states that the balancing pond proposed is to allow for the suitable and sustainable drainage facilities at the site and ensure increased surface water is appropriately addressed. It is proposed to install the pond to the north-west of the site. This will allow surface water to be collected and stored at times of higher rainfall and subsequently released at an agreed rate into the adjoining Cramfit Brook. The balancing pond is also intended to offer some enhanced ecological benefit by providing an enhanced wildlife habitat.

The use of the proposed Church would be between the following hours:

Sunday 5.30am - 7.00pm, Monday - Friday 7.00am - 9.30pm, Saturday 7.00am - 6.00pm.

All subject to the fact that the Transport Assessment says persons may arrive up to 1 hour before the meeting time.

The early opening on a Sunday is for the celebration of the Lord's Supper (Holy Communion) which is central to the function of the faith of the Plymouth Brethren. The celebration of the Holy Communion occurs universally at the same time in each

time zone across the world for the Plymouth Brethren. It is therefore sacrosanct to their gatherings and the time of this church activity is somewhat "fixed".

The applicant confirms that the early morning Holy Communion is very small scale. The meeting commences at 6am with a caretaker arriving at approximately 5.30am to allow the building to be opened up:

- A maximum of 15 cars in total will be entering the site before 7:30am on a Sunday morning
- The cars will park at the extreme south eastern corner of the site furthest away from Brickyard Cottage.
- Car speed will be restricted to 10mph within the car park.
- Main car park lighting will not be switched on before 7:30am on a Sunday

The number of persons allowed in attendance at any one time to be as follows:

- Sunday prior to 8.00am - 50 people.
- With the exception of "special gatherings" and/or public holidays services for more than 500 not to commence before 10.00am on weekdays.
- On only five special gathering days per year up to full capacity (500).

It is envisaged that the site would be open for use not more than 20 hours in any one week, except in weeks when special gatherings up to capacity occur. On those weeks it would operate up to 30 hours. It would remain closed at all other times.

The existing access to the field is to be improved and used as the main access / egress to the car park. Two existing accesses further south-east along Common Road are to be removed, while the most south-eastern access at present is to be retained for emergency access.

The following documents have been submitted in support of the application:

Design and Access Statement:

The statement provides information on the layout and scale of proposal; appearance of the proposal; access issues and sustainability of the site.

Planning Statement:

The statement sets out details about the proposed development site and locality; details of the development proposal; the existing Gospel Hall facility; the planning history of the site; details of relevant planning policy and sets out a case for development of the site.

The statement summarises the following as very special circumstances to allow the inappropriate development of land within the Green Belt:

- The existing Gospel Hall in Sheffield is at capacity and there is no opportunity to extend the premises and car park due to physical and policy constraints in the area;
- The site at Carter Knowle Road represents a more suitable location in which to accommodate residential development.

- Many members of the Brethren congregation are locating closer to the Anston area, primarily as a result of the location of the existing school site at Hellaby. The application proposal is also proposing to develop over 55% of the overall proposed built form within an employment land allocation.
- The applicant is also proposing to locate the remaining new build forms within the Green belt, albeit on the site of a former scrapyards which previously occupied the site and represents a significantly harmful visual and environmental intrusion into the countryside.
- Utilising brownfield land is clearly supported by national planning policy which is again a significant material benefit of the project overall.
- The siting of the proposed built form and characteristic of the application site suggest that purposes of the Green Belt are not compromised to any harmful extent. The only new development on Greenfield land is the car park and balancing pond, which in themselves are not visually intrusive, nor do they adversely impact upon the openness of the land.
- It has been demonstrated that the land is considered to be visually inert with very little visual relief. The applicant's proposal will offer the opportunity to enhance the overall visual appearance of the site through the delivery of an architecturally attractive built form and introducing considerable amounts of new landscaping both within the site and along the site frontage with Common Road where the hedgerows have been destroyed by previous land uses. This is again considered to be a significant visual enhancement of the overall site on one which should be welcomed.
- It is also evident that the site is ecologically barren and the application can again offer the opportunity to enhance this value through the introduction of a range of features, including the balancing pond, additional tree planting, hedgerows to Common Road and green corridors through the site. This again represents a significant lift to the ecological value of the site and weight should be afforded to such an enhancement.
- The applicant is also alert to the presence of contamination on the site and will undertake all appropriate measures to mitigate this factor as part of the development package. Removing and treating known contaminants is significant material benefit for this particular site and one which will further positively contribute to the overall environmental enhancement of the locality.
- In order to assist in demonstrating that very special circumstances exist, the applicant has also commissioned a further assessment of potential alternative sites throughout the identified area of search which encapsulates the applicant's area of need and appropriate accessibility. It is clear following an extensive investigation, that no suitable alternative locations which meet need and comply with client objectives are available. Equally sites which may have appeared appropriate are either constrained by wider policy requirements, economic objectives or are unviable for the nature of use as proposed. Despite there being a perception that a range of sites and land exists, research reveals otherwise and therefore assists in supporting the case for the application site to be supported given the significant benefits the project can deliver.
- It is therefore anticipated that support for the application is justified as a range of environmental enhancements, sustainability advantages, wider planning

policy objectives and lack of significant and demonstrable harm is evident. In the absence of such harm, the application should be approved.

#### Sequential Site Assessment

The site assessment covers a wide area of South Yorkshire and North Derbyshire and considered the existing location of Gospel Halls and how the local congregation attend their nearest local facility.

It states 167 sites were identified, 11 were ranked as amber and 10 ranked as green. The 10 green sites offered the potential to adequately accommodate the Church and car parking. All the sites were discounted on the basis of one or more of the following reasons:

- Sites too small
- Inappropriate land use
- Existing land values too high
- Alternative development plan objectives being promoted
- Land has been sold or sold subject to contract
- LPA will not support a non-employment use

#### Transport Assessment:

The Assessment looks to investigate and report upon the anticipated transport issues associated with the proposed development of a Gospel Hall.

The Assessment states that while the crossroads of Common Road / Todwick Road have historically been subject to a number of accidents, safety improvements implemented by the Council at this junction have significantly reduced the risk of accidents and the proposal will not add traffic to the crossroads during the identified highway peak hours and is therefore unlikely to have a material impact on highway safety.

In addition, the Assessment further states that the proposed development will have a negligible effect on the operation of the highway network.

#### Landscape Visual Impact Assessment:

This report concludes that the topography and well screened nature of the site lends itself favourably toward the siting of the church. Its open character and absence of internal significant landscape features will mean that little will be lost. However, due to the flatness and openness of the local landscape it is appropriate that the proposed building consists of a single-storey.

Views into the site are partially screened along all boundaries by vegetation. The boundary to the north will benefit from significant landscape intervention.

It further states that the appraisal has demonstrated that the development site is well screened from key viewpoints located around the site. Therefore, the proposal is likely to cause minimal impact on the overall character landscape.

#### Preliminary Ecological Appraisal:

The appraisal states that the site is dominated by improved grassland with areas of scrub, scattered trees, hedgerows, a watercourse and hard-standing. It provides a number of recommendations in respect of various species and when the best time is before or during the construction to carry out the recommendations.

### Biodiversity Management Plan:

The report outlines the recommended habitat management procedures of ecological features that are to be retained, along with newly provided features which will be enhanced and created for the site.

### Tree Survey:

The survey assessed 3 individual trees, 5 tree groups and 3 sections of hedgerows with a total of 1 individual tree and 1 tree group attaining a Category 'B' assessment value. Category B trees are those of moderate quality and value: those in such a condition as to make a significant contribution (a minimum of 20 years is suggested).

It notes that the proposed layout does not require the removal of any Category 'B' trees, whilst 2 category 'C' trees, 3 category 'C' groups, and a small section of a hedgerow will require removal in order to directly implement the proposals. Category C trees are those of low quality and value: currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested), or young trees with a stem diameter below 150mm.

It further states that tree removals along with necessary facilitation tree works are considered to provide a design layout that provides for future tree growth and maintenance, whilst also lessening the likelihood of future pruning pressures.

It concludes that the loss of trees is not considered to be significant due to their limited species range and diversity, and that the overall tree loss can be mitigated by adopting a considered landscaping scheme.

### Geo-environmental site assessment:

The assessment carried out recommends that a ground investigation and a programme of gas and groundwater monitoring is carried out, in order to establish the presence and extent of contamination, risk posed by ground gasses and shallow unrecorded coal mining.

### Noise Impact Assessment:

The assessment carried out predicts that sound level received at the first floor windows of the nearest dwelling to the Church (being Brickyard Cottage across Common Road to the south), caused by sound sources associated with the 6am service on Sundays, will be 27dB. The existing background sound level at this time is 33dB. After adding a correction of 6dB for the impulsive nature of the sound from the church car park it is rated equal to the background. It concludes that there will be a "low impact" at the dwelling.

It further states that the predicted indoor sound levels inside the dwelling with windows open for ventilation are predicted well below the thresholds of sleep



disturbance. In addition the sound levels at other proposed service times are also predicted to have a low impact at the dwelling.

The above predictions and conclusions include the sound reducing effect of an earth bund with an acoustic fence along its ridge. The proposed overall height of the bund and fence is 4m above ground level.

### Drainage and Flood Risk:

The report outlines where the nearest drainage system is located in proximity to the site and that the car park would be permeable and that the building would be drained to a surface attenuation pond on site.

In respect of flooding it states the building will be safe from flooding and that the site is not currently prone to flooding from neighbouring developments. Notwithstanding the above it recommends that the road side ditches are regraded and maintained to ensure proper management.

### 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 split in terms of its allocation. The majority of the site (approximately 1.8ha of the overall site area of 2.1ha) is allocated for Green Belt purposes in the UDP and the remainder of the site, being an elongated strip to the east (0.3ha), is allocated for Industrial and Business purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

#### Core Strategy policy(s):

CS4 'Green Belt'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscapes'  
CS28 'Sustainable Design'  
CS33 'Presumption in Favour of Sustainable Development'

#### Unitary Development Plan 'saved' policy(s):

EC3.1 'Land Identified for Industrial and Business Use'  
EC3.3 'Other Development within Industrial and Business Areas'  
ENV3.4 'Trees, Woodlands and Hedgerows'  
ENV3.7 'Control of Pollution'

### Other Material Considerations

Supplementary Planning Guidance – The Council's Car Parking Standards (adopted June 2011).

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most

of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

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

## **Publicity**

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 16 letters of representation have been received.

9 letters were received in objection to the proposal and the issues raised are summarised below:

- The application does not comply with the UDP, as it is in the Green Belt.
- The surrounding roads will not support the additional traffic generated.
- This church is of no use to the local community.
- Common Road is in poor condition and most vehicles given the chance drive down the centre to avoid the potholes and disintegrating areas at the edges of the road surface.
- Issues during construction work as any large vehicles will only be able to access the site via Common Road as there is a 7.5 ton weight limit on the road bridges at Mill Lane and Cramfit Road.
- We have air pollution from the industrial estate and this proposal with additional traffic will add to this.
- The crossroad at Common Road / Monksbridge Road is already a black spot.
- The traffic using Cramfit Road is already far more than any other road in Anston due to the Dumpsite, Trading Estate, Post office collection, visitors to Bluebell Wood Hospice.
- With a little more forethought most of the above could have been accessed via the main road leaving residents on this road with less traffic passing our front door.
- The existing road network serving the site area is extremely narrow, in poor condition and unable to accommodate increased traffic.
- The site boundary edged in red on page 5 of the application document – Item 2.0 Development Site and Locality is misleading as it gives an incorrect impression of the area of the site making it look smaller when in actual fact the site boundary is further to the west along Common Road and further into the Green Belt.
- If granted it will lead to further ones for the remainder of the site which is all in the applicant’s ownership.
- The development is totally isolated from the nearest community and will bring no benefit to it or be part of it.
- The search for alternative sites read much as the previous application.

- According to the application the existing gospel hall in Sheffield holds 500 people and the car park can accommodate 115 vehicles. This is the same number of attendees proposed at the new one and only some ten cars less. Why is there an urgent need to relocate the existing facility on to Rotherham's green belt?
- The proposed development will dramatically alter the existing landscape / ground levels by proposing to build earth mounds around the site to enclose it and also opening up the adjacent industrial estate by the removal of the existing railway embankment.
- The application states that most attendees live locally but then goes on to say that there will be many that travel from a 30 mile radius.
- The development will affect the wildlife in the area.
- The proposed building has no architectural merit and is drab and industrial in appearance.
- The application fails to prove the very special circumstances required in relation to building on the Green Belt.
- There are vacant brownfield sites in the Borough and local area that would serve the needs of the developers.
- The increased traffic and associated noise would impinge on our amenity living opposite the site.
- Anston is not a principal settlement as stated in the application.
- In the House of Commons on 5<sup>th</sup> March 2015, Minister Brandon Lewis said "The Government attach the highest importance to the protection of the green belt... So green belt should be redesignated only in exceptional circumstances and as a last resort. Furthermore, the NPPF notes Green Belt as one of the environmental constraints on development in the framework and local planning process."

7 letters were received in support of the proposal and the comments are summarised below:

- The new tree planting, hedges and pond will benefit the wildlife in the area and will compensate for the encroachment into the green belt.
- The proposal will remove the eyesore of the old builder's yard as you enter the village from Common Road.
- The proposal would be beneficial to redevelop the brownfield site by landscaping and up grading considerably the appearance, as well as preempting previous similar uses such as car dismantler, waste and surplus building supplier having total disregard for neighbours and local appearances.
- A positive influence for Advanced Alloy Services would be an elimination of criminal elements trying to gain access to our property via the current application site.
- Will result in a large improvement to the landscape of the area by planting of trees, hedges and shrubs on the site.
- Having the church community as neighbours, with the increase in people to the local area will help us engage more people in our work, which will in turn help us reach and help more children and families, as well as help us maintain and increase the support and funding needed to keep the hospice open.
- The proposal will be more sympathetic to the surrounding countryside than the previous use of the land and indeed more in-keeping with the countryside environment than the previous use.

- The new facility will be a useful addition to the social fabric of the area.

Those making representation have been informed of the amendments to the scheme (alterations to parking provisions) and 6 further letters have been received objecting to the scheme at the time of writing this report. The comments raised are summarised below:

- The amended plans indicate extra car parking spaces but no provision for coach parking. Therefore the Brethren has not shown where coaches will park.
- Furthermore I posit that this should have been a fresh planning application and not just an amendment to be put before the Planning Committee. I believe there is a case for citing Procedural Impropriety by the Planning Committee if a decision is made on the basis of the amendments.
- The applicants have not put forward any convincing facts nor arguments why they should be allowed to build on greenbelt land nor have they explained how and why the existing road can cope with the extra traffic that will be generated if this application succeeds.
- They have not demonstrated 'Special Circumstances'.
- The Transport Plan included in the application is I believe flawed and does not address the main issues of congestion and amount of vehicular traffic at all times. The Todwick Road / Common Lane crossroads is well known locally as a major traffic hazard and traffic is often backed up on both roads for up to five minutes during daylight hours as drivers wait for other vehicles to turn or exit both roads.
- Common Road is unsuitable for any increase in vehicular traffic particularly coaches and people carriers which the applicant admits will form a percentage of the vehicles travelling to the site.
- Anston is being urbanised by stealth and our open spaces are community assets which must be preserved.
- Traffic volumes already an issue in the area.
- Increased traffic at an accident blackspot at the crossroads on Todwick Road and Common Road.
- The amended plan makes no effort to address the issue of the majority of the site being in green belt land.
- It is not in accordance with the councils adopted Core Strategy nor the proposed Local Development Plan/Sites and Policies Document.
- 3. The number of car parking spaces has now increased from 125 vehicles to 144 with no parking provision on the site for coaches as originally indicated.
- The number of vehicles that use the Magilla recycling centre on weekly basis (excluding Tuesday when is closed) has been counted in April of this year. This indicates that there are 3,172 visits which equates to 6,344 round trips. This number of users will increase year on year as further planned house building takes place in the centres catchment area. The existing road network is not capable of accepting the additional volume of traffic that the development would bring.
- There is an existing footpath from Dinnington through to the A57 at Todwick but there is no pedestrian route proposed along Common Road to link in with that nor for any street lighting which would be required as the building would be in use at night time. This would be crucial in winter months given the amount of vehicles that will be entering and leaving site during the hours of darkness.

- The amended proposals will further alter the existing landscape with the addition of an acoustic fence along the Common Road boundary. The additional changes to the existing ground levels which will create a 'bunker' like appearance to the site and buildings and the existing green corridor along Common Road will be irrevocably harmed.
- The existing road network is not capable of accommodating the site traffic that would be generated should the application be granted and this would have a serious impact on the existing environment
- This is now the third application by the same applicant with regard to this site and they have been given every opportunity to prove their case. The proposed amendments to the scheme have yet again failed to demonstrate the very special circumstances that are required for the proposal to be approved and as such they would cause significant harm to the openness of the Green Belt.
- The Applicant has made no "Special circumstances" case for development in the Green Belt. This is a legal requirement before an application can be passed for approval. The amended car spaces increases the development inside the green belt zone and increases the number of movements on and off the site. The increase in movements increases air pollution around the area. The issue of movements by coach has not been addressed, nor has the issue of the number of "events" been sufficiently explained.
- The amendment to the proposal makes no attempt to improve the access or minimise the inevitable increase in traffic volume on an already busy B road and dangerous crossroad.
- Encroaching onto the green belt to this extent should be avoided wherever possible as there are many brownfield sites available locally which could more suitable.

1 right to speak request has been received.

### **Consultations**

Streetpride (Transportation Unit): Have no objections subject to conditions.

Streetpride (Drainage): - Have stated that the principle of surface water drainage is satisfactory but there are more details required which can form conditions.

Streetpride (Trees and Woodlands): - Have stated that not all of their previous concerns regarding the full impact of this development on local amenity have been overcome.

Streetpride (Landscape): Have no objections on landscape grounds.

Neighbourhoods (Environmental Health): The development will introduce new sound sources so there is potential for noise disamenity especially if the earth bund and the acoustic fence are not provided on site as all the predictions in the noise assessment include the sound attenuation that the barrier will provide. The site will also have floodlights in the car park so there is also potential for light disamenity. In light of the above, they have recommended that if planning permission is granted in relation to this application suggested conditions should be incorporated.

Streetpride (Ecologist): Have stated that the ecological information submitted raises a number of issues. A condition has been recommended to support the detailed delivery of the necessary biodiversity mitigation and the recommended biodiversity gain.

Neighbourhoods (Land contamination): Have indicated that there may be some potential for contamination to exist within the surface soils at the site. It is considered there may be a risk to human health and controlled water receptors from contamination at the site. For this reason site intrusive investigation works should be undertaken to assess for the presence and extent of contamination along with the risks posed by ground gases. Remediation works may be required to bring the site to a suitable condition to be protective of human health for its proposed end use.

South Yorkshire Archaeology Service: There is potential for important remains relating to the prehistoric period to exist on this site and groundworks associated with the development could destroy finds and features of potential archaeological importance. As such, a scheme of archaeological work is required to ensure any remains present on this site are recorded, as mitigation.

Severn Trent: Have no objections.

## **Appraisal**

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

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

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

The main considerations in the determination of this application are:

- The principle of development and the impact on the visual amenity and openness of the Green Belt
- Design of the proposals
- Landscaping of the site
- Impact on residential amenity
- Highways Issues
- Other Considerations

### The principle of development and the impact on the visual amenity and openness of the Green Belt

Although part of the site (approximately 14%) is located within an Industrial and Business use allocation in the UDP the majority (approximately 86%) of the site is in the Green Belt.

It is of note that in respect of developing the land allocated for Industrial and Business use the requirements of UDP Policies EC3.1 'Land Identified for Industrial and Business Use' and EC3.3 'Other Development within Industrial and Business Areas' are relevant.

EC3.1 states: "Within areas allocated on the Proposals Map for industrial and business use, development proposals falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) will be acceptable, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses."

The current proposal is seeking to develop the site for a Gospel Hall whose use falls outside of B1, B2 and B8 use classes. However, policy EC3.3 states: "Within the sites allocated for industrial and business use on the Proposals Map, other development will be accepted, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses, where such development can be shown to be ancillary to the primary use of the area, or would provide significant employment and it can be shown that:

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

In this instance it is considered that the development of the land allocated for Industrial and Business use would be in direct conflict with the requirements detailed above. This is due to the fact that the development of the land allocated for Industrial and Business would not provide adequate arrangements for the parking and manoeuvring of vehicles associated with the development of the Industrial and Business allocated land. Furthermore, the development of the Industrial and Business allocated land would have an adverse effect on the character of the area and would not be compatible with adjacent existing and proposed land uses. Additionally, the proposed development of the Industrial and Business allocated land would not provide significant employment opportunities within the area. As such the proposal is considered to be in conflict with 'saved' UDP Policy EC3.3.

It is further noted that the land to the east of the application site is identified as part of the Local Green Infrastructure Corridor (9 – Anston Brook/Sandbeck) in the Core Strategy. Despite not being located specifically within this Corridor, the former railway line which has naturally regenerated does perform a Green Infrastructure Corridor function and Core Strategy Policy CS19 'Green Infrastructure' states that Green Infrastructure assets can include, amongst other things, disused railway lines. It is, therefore, considered that to develop part of the former railway line for the Gospel Hall will impact on the Green Infrastructure asset, and the adjoining Local Green Infrastructure Corridor. It will also remove a buffer that currently acts as a strong Green Belt boundary / buffer to the adjacent North Anston Trading Estate, thus enabling views of the Trading Estate to be seen from Common Road within the Green Belt. The loss of this strong buffer / boundary to the adjacent Green Belt is

not supported. Such development would be in conflict with Policy CS19 'Green Infrastructure' of Rotherham's Core Strategy.

Notwithstanding the above, and as noted previously, the majority of the site is within the Green Belt. Therefore the remainder of this section will assess the development's appropriateness within the Green Belt, any harm likely to arise from the development, and whether the applicant demonstrates very special circumstances that will enable officers to support a grant of planning permission for this a scheme that lies predominantly within the Green Belt.

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

Paragraph 79 of the NPPF sets out the Government's approach to the Green Belt and states: "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 89 states "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (amongst other things):

limited infilling or the partial or complete redevelopment or previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

It is noted that part of the application is on the site of a former scrap yard and builder's storage yard within the Green Belt. Detailed consideration has been given in the assessment of the application as to whether this land should be classed as previously developed land.

The Glossary in the NPPF states: "Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure This excludes land that ...was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."

Whilst there is a concrete hard standing associated with the former scrap yard uses on part of the application site, this hard standing is not "associated fixed surface infrastructure" i.e. it is not associated to any buildings, and there have been no 'permanent' buildings located on this part of the overall site. As such, there is doubt as to whether it should be classified as previously developed land given its location within the Green Belt and the lack of any buildings within the curtilage of the hard standing.

A detailed search of the previously developed land issue has provided one Appeal Decision: APP/K3415/A/13/2195724: Olde Corner House Hotel, Walsall Road, Muckley Corner, Lichfield, WS14 0BG. This appeal decision relates to a proposal for development within the Green Belt and is of importance to the consideration of the



current application. Paragraph 5 of the decision states: The appeal site forms part of a much larger car parking area which previously served the adjacent hotel/restaurant...in this instance the Inspector considered that the site was indeed previously developed land, presumably as it was associated with the permanent building, being the hotel/restaurant.

Notwithstanding the view that the former scrap yard site is not previously developed land, in order to assess whether or not it is inappropriate development, it is necessary to assess its impact on the openness of the Green Belt and the purpose of including land within it compared to the existing development. In paragraph 6 the Inspector in the Lichfield decision considered paragraph 79 of the NPPF and one of the essential characteristics of the Green Belt is its openness. This is a matter of physical presence rather than its visual qualities. The site does not contain any buildings. Even if it were used for longer term parking in the future, the land would have a more open character than if there was a building on it. The Inspector stated that whilst the purpose of including land within the Green Belt would not be harmed the proposed dwelling would inevitably reduce and harm the openness of the Green Belt to a modest degree by reason of its additional bulk and its siting on land which is free from buildings. In paragraph 9 the Inspector concluded that the proposed development would result in a modest harm to the openness of the Green Belt than the existing development. It follows then that it would be inappropriate development within the Green Belt and would conflict with national guidance. The resultant harm is given substantial weight in determining the appeal.

It is considered that this appeal provides clear guidance in considering the application for a Gospel Hall and associated car parking (144 spaces) predominantly within the Green Belt.

The applicant asserts that the majority of the Gospel Hall will be on previously developed land that is within an Industrial and Business allocation on the adopted Unitary Development Plan. Whilst part of the building is on land allocated for Industry and Business use on the UDP, a significant part of it (approximately 45%) would be in the Green Belt. It would be located on that part of the site that was formerly used for commercial purposes, though is currently vacant and contains no buildings.

A review of the former scrap yard reveals that it was originally granted planning permission (KP1960/1084) in 1960 prior to the current detailed boundary of the Rotherham Green Belt being adopted in 1990. The adoption of the Green Belt followed extensive consultation and Examination by an independently appointed Planning Inspector and in full awareness of this extant planning permission and active use on site, the Council determined that the former scrap yard site should be included within the Green Belt. No buildings were developed within the scrap yard at that time, however following the grant of planning permission (on Appeal), for a builders' yard including sales to the public, on part of the site (RB2000/1137), temporary portacabin type structures are visible from the aerial photographs and Google Earth photographs associated with the use of the land at that time. These structures are no longer on site.

In determining this Appeal, the Inspector at paragraph 10 states "...the other works proposed to the site boundary would significantly improve its appearance, and provide an opportunity to reduce the impact of the appeal site on the visual amenities of the Green Belt." Further in paragraph 13 the Inspector states:

“However the Council accepts that little can be done about the permitted use as a scrap yard. Since this use could be resumed, I do not consider that the appeal would perpetuate inappropriate development on this Green Belt site...but this does not amount to a positive factor in favour of the proposal. It has been explained that it is considered that the builders’ supplies yard has no greater impact on the openness of the Green Belt than the previous use: this though indicates an absence of actual harm rather than benefit.”

A subsequent planning permission RB2004/2282 was granted for a building for depolluting end of life vehicles and for the erection of security fencing around the scrap yard. This permission was not implemented and the building not constructed, however the permission was associated with the long term established use relating to end of life motor vehicles/ scrap yard activity. This search of historical planning permissions and in-depth review of the aerial photographs confirms that there have been limited built structures on this site and that even though one building was granted permission to support the extant scrap yard activity on site, this permission was not implemented and the openness of the Green Belt has been maintained.

It is considered that the building as a whole (which whilst not wholly within the Green Belt would still have an impact on its openness) would have a greater impact on the openness of the Green Belt in this location than the former commercial use (currently vacant). As such, in accordance with paragraph 89 of the NPPF, the proposal represents inappropriate development in the Green Belt.

In respect of the remainder of the site, the current planning application proposes to provide the majority of its car parking (tarmac and block paving), on Green Belt land - currently in agricultural use. Paragraph 90 of the NPPF notes that certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt, and include engineering operations (such as the formation of the car parking / access road areas). It is considered that the provision of such a large parking area (total 144 spaces) would indeed have an adverse impact on openness, particularly when fully parked up. In addition, such development would result in an urban feel to this currently open site, thereby conflicting with two of the purposes of the Green Belt as set out in paragraph 80 of the NPPF, being the checking of the unrestricted sprawl of large built up areas and assisting in safeguarding the countryside from encroachment.

With regards to the bund, fence and security fence it is noted that the bund would constitute engineering operations and the fence and security fence would constitute a building operation. It is considered that the bund together with the fence, given its height at four metres would indeed have an adverse impact on the openness, in particular the fence which would have an urban appearance, thereby conflicting with the same two purposes of the Green Belt as detailed in the previous paragraph. It is further considered that the security fence at almost 3 metres in height along the front boundary of the site would also impact on the openness of the Green Belt.

With regards to the balancing pond this would constitute an engineering operation. However, it is considered it would not have an adverse impact on the openness of the Green Belt and would not conflict with any of the purposes for including land within the Green Belt.

It is therefore considered that this planning application would, by virtue of the scale and massing/ bulk of the proposed building, level of parking provision and the bund and fencing would lead to significant harm to the openness of the Green Belt when considered against the policy framework provided in the National Planning Policy Framework.

It is also of note that the site is not proposed to be released from the Green Belt in the emerging Sites and Policies Document. The Council is proposing to undertake Pre-Submission consultation commencing late July 2015.

As it is concluded that the proposal represents inappropriate development in the Green Belt, the applicant should provide the very special circumstances to justify the harm caused by this inappropriate development, and any other harm including the impact it has on the openness of the Green Belt and the impact on the Green Infrastructure corridor in this location. Paragraph 87 states "As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Paragraph 88 of the NPPF states: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Reference by the consultants is made to NPPF paragraph 28 that supports economic growth in rural areas and the retention and development of local services and facilities including places of worship. The Springvale Gospel Hall is however a sub-regional Church with no direct cultural links to the local communities of Dinnington and North Anston, which are not rural in nature. In their Planning Statement the applicants reference paragraph 37 of the NPPF re: the balance of land uses and minimising journey lengths, the Planning Statement also makes clear that the Brethren have moved out to South Rotherham to be nearer to a school that they have located within the Hellaby Industrial Estate.

The land at Common Road has been purchased by the Brethren and they have submitted previous applications to develop on this land within the Rotherham Green Belt despite the Council's repeated opposition to such proposals, and the refusal of a previous application. In order to demonstrate very special circumstances, the planning application purports to consider the need for this type of development, and to demonstrate that this use could not be accommodated elsewhere.

In terms of the need for this type of development, it appears that the Brethren are anxious to sell their current Gospel Hall site at Carter Knowle Road in Sheffield. They consider the site to be isolated and it is no longer deemed sustainable in terms of the travel distances undertaken by the Brethren, a number of whom have (as already noted above) moved to be nearer to the Brethren school at Hellaby Industrial Estate. The numbers of the congregation who have moved is not noted. The Planning Statement also notes that a number of the Brethren undertake relatively challenging journeys to access the current Gospel Hall through congested urban areas and residential roads. It is considered that these issues do not demonstrate very special circumstances. Whilst the applicant on behalf of the Brethren claims that the development of a Gospel Hall in South Rotherham is of wider strategic value, it is considered that the benefits to the wider Rotherham economy do not

demonstrate the very special circumstances for building on the Green Belt in Rotherham.

It is accepted that the applicants are proposing to deal with any contamination arising from previous activities of the former scrap yard but this too is not considered to be of sufficient substance to grant planning permission for the Gospel Hall and substantial car parking partially within the Green Belt given the significant harm to the openness of the Green Belt.

The applicant has provided details of a number of sites that have been explored, including details of why they were discounted. Asset Management Teams within each Local Authority within the catchment area have been consulted and a sequential assessment of sites has been submitted to support this planning application. The applicants conclude that there are no suitable alternative sites within the specified area of search. Given that the applicants have been seeking permission to develop on this Green Belt land at Common Road for a number of years, the Council are aware of how committed they are to developing this particular site and there are concerns that within the wider catchment area the applicants have been unable to demonstrate a single suitable alternative location or sites within which to locate a new Gospel Hall. The previous proposal for a Gospel Hall on land adjacent the site to the west also included a new school, and the provision of the Gospel Hall on its own would require less land take up, hopefully increasing the potential number of sites to be assessed.

It is not appropriate to question the thoroughness of the evidence submitted but the application site is relatively small and it is concerning that no alternative site is available that is outside of the Green Belt. The applicants present comprehensive reasons for there being no suitable alternative sites but, given the importance of National Green Belt policy, the Council has to weigh all matters carefully before reaching a final decision.

As already noted it is unclear as to the reasons why the site at Carter Knowle Road is no longer suitable as a sub-regional meeting hall. No information is provided on the growth in the congregation. Whilst the applicant claims that the Carter Knowle Road site is needed to meet Sheffield City Council social and economic objectives (the site has been proposed for residential development by the Brethren in the emerging SCC Local Plan) this is not an issue for Rotherham Council.

The applicants also claim that the Council need to review their recently adopted Core Strategy to accommodate a further 3,000 homes, though at this time this is not the case and is highly unlikely to be so. The applicants claim that there are sustainability advantages for developing a new Gospel Hall in the south Rotherham Green Belt that are outweighed by the lack of sustainability credentials of the current location of the Gospel Hall at Carter Knowle Road, Sheffield, are not supported.

The applicants are promoting the development of a significant building in terms of scale and massing/bulk that is within and immediately adjacent to the Rotherham Green Belt with security fencing around the Gospel Hall and significant agricultural land take to provide a tarmacked and block paved parking area.

It is considered that the proposals presented do not restore the land to an open use but exacerbate the impact of inappropriate development within the Green Belt. Paragraph 7.13 of the Planning Statement states: that this application is justified as

a range of environmental enhancements, sustainability advantages, wider planning policy objectives and lack of significant and demonstrable harm is evident. In the absence of such harm, the application should be approved. Having regard to the above it is considered that this is clearly not the case for the following reasons:

- (i) The proposals will cause significant harm to the openness of the Green Belt by virtue of their scale and additional bulk and their siting on land which is free from buildings
- (ii) It follows then that the development of the Gospel Hall and associated car parking is inappropriate development within the Green Belt and would conflict with national guidance.
- (iii) That very special circumstances have not been demonstrated to the satisfaction of the Local Planning Authority to the extent that they clearly outweigh the significant harm to the openness of the Green Belt arising from bulk and scale of the proposals and the conflict with the Framework.

Therefore it is concluded that having regard to the above no very special circumstances have been demonstrated to overcome the harm caused by the inappropriate development, and other harm caused, and by way of its size and location the proposed development would have a materially adverse effect on the openness and visual amenity of the Green Belt and would thereby be in conflict with Policy CS4 'Green Belt' of Rotherham's adopted Core Strategy and the guidance contained within the National Planning Policy Framework.

#### Design of the proposals

The NPPF at paragraph 17 details 12 core planning principles, one of which states planning should always seek to secure a high quality of design. Paragraph 56 further states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

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

The applicant in their supporting documents state that the Gospel Hall is a relatively simple building constructed in a mixture of metal cladding and brickwork, and the design of the building is of an agricultural barn like appearance. The applicant intends to site the building to the south-east corner of the site a generous distance from Common Road, with a good amount of screening and planting to try and minimise the visual appearance of the building and provide biodiversity gain. However, it is considered that its design and size ensures it looks more like a commercial building. Such a design is considered to be detrimental to the character and appearance of this rural location and is considered to be out of keeping with the open nature of the area. If it was accepted that a building of this

nature could be sited in this location, it is considered that it should be more architecturally striking in terms of design and materials, as was proposed on the previous scheme on the land to the west. That application was not refused on design grounds.

As such the design of the building is considered to be in conflict with the guidance contained within the NPPF and policy CS28 of the Council's adopted Core Strategy.

### Landscaping of the site

The applicant has provided a landscape and visual appraisal as well as detailed landscaping scheme. The landscape scheme is based on a developed Landscape Strategy that evolved from Design Cues and Coding generated at the early stages of the design development. In particular, due attention was paid to boundary planting, hard surfaces and earth mounding.

The design of the landscape proposals have developed based on the concept of seamlessly integrating the scheme into the landscape character of the broader area of Central Rotherham Coalfield Farmland. A planting palette is suggested that introduces new native planting of trees to replace the ageing structure of the existing tree cover and makes reference to the historic field patterns. Hawthorn hedges will be introduced on newly formed boundaries and will be used to thicken up intermittent existing hedges. A palette of small to medium sized ornamental trees has been selected to provide colour and relief to the hard edges and surfaces within the development. Low hedges are used sparingly within the development to soften edges of the car park and access road. These will be maintained to a maximum height of 1.0m to enable natural surveillance.

There are a number of small shrub beds throughout the car park and adjacent to certain buildings. These will be planted with low growing ground cover shrubs

The main carriageway into the site will be of bitmac. The main car park will also be in light grey bitmac with permeable block paving bays and footpaths leading to the main building. The footpaths will be surfaced with a variety of block paving and every endeavour will be made to incorporate SUDS where practicable.

There is an opportunity to re-grade the ground immediately adjacent to Common Road and the northern boundary. The sculpted bund will assist in providing noise attenuation as well as climatic and visual screening to the site. The earth mound can incorporate native whip planting and relate to the overall nature of the adjacent disused railway embankment.

The Landscape Design department of the Council have confirmed they have considered the landscape and ecological enhancements, which are offered as mitigation for the loss of the former railway embankment vegetation. The scheme is considered to result in minimal narrowing of the former embankment and a reduction in the loss of some vegetation. In regard to the above and the submitted landscape and visual information, the Council's Landscape Design department are generally supportive of the scheme, and would not object to any formal consent on Landscape grounds as the scheme would comply with the requirements outlined within Core Strategy policy CS21 'Landscapes'.

In addition to the above the Council's Trees and Woodlands Service have stated that the amended detail result in a reduction to the loss of some of the existing vegetation towards the former railway embankment and includes further landscape and ecological enhancements, offered as mitigation and, in principle this is welcomed. However, the retention and enhancement of the existing vegetation remains desirable, if possible in order to retain a strong green belt boundary and green infrastructure corridor between the site and the North Anston Trading Estate to the north. Therefore, not all of their previous concerns regarding the full impact of this development on local amenity have been overcome.

### Impact on residential amenity

In respect of residential amenity, the NPPF at paragraph 17 states development should achieve a good standard of amenity for all existing and future occupants of land and buildings. Further to this '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 that planning permission will not be granted for new development which is likely to give rise to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water.

The area surrounding the site is commercial / industrial and agricultural fields in nature however there is a residential property approximately 35m away from the proposed site known as Brickyard Cottage. The proposals may therefore have an impact on the nearby residential property and a noise impact assessment was requested and submitted to assess the different types of noise sources from the site which could potentially affect the nearby residential dwelling.

The World Health Organisation: 2000 noise criteria for sleep disturbance inside bedrooms has been used to assess the impact the early morning service on a Sunday will have on the occupiers of Brickyard cottage.

The Church will have outdoor chillers / condensers for air conditioning as the building will have no windows. There will be noise from arrival and departure of cars and voices. The site has 144 car park spaces however it is anticipated that on a Sunday there will be no more than 14 private cars arriving for the 06:00 hours service.

Singing will take place inside the church as part of the service but it will not be accompanied by any musical instruments. There will be no voice amplification or outdoor singing taking place on site and the church will not be used for any purpose other than the services and meetings of the Christian Community and it will not be used by any other organisation or hired as a function venue.

Noise data for vehicles arriving and departing from a site were taken from a busy McDonald's outlet in Leeds as a worst case scenario. Attempts were made to get this noise data from a similar church site in Rotherham but the results obtained measured as being 'too low' to measure against the background due to sound from other road traffic on adjacent roads.

The sound generated by the outdoor air conditioning units is quoted by their supplier as being a sound pressure level of 76 dBA at 1m.

There was no audible or measurable sound outdoors at 1 metre from the outer wall of the Rotherham church caused by voices inside the building. The inaudibility of

voices is to be expected when the sound insulation of the building is taken into account. The Rotherham building has double leaf masonry outer walls and a pitched tiles roof with an independent ceiling as is proposed at Common Road, North Anston.

It is predicted that the outdoor sound level at 1 metre from the walls of the building caused by singing inside the building, will not exceed 33dBA at any time.

The applicant is proposing landscape earth mounding along the boundary of the car park with Common road i.e. between the sound sources and the dwelling with a fence to an acoustical standard along its ridge. The overall height of the earth bund and fence is proposed at 4.0 above ground level which will give an overall sound reduction of 10dBA. This barrier reduction has been taken into consideration when calculating the noise levels at the nearest noise sensitive property and so will need to be erected for the assessment to be accurate and valid.

Early morning noise from vehicles has been calculated as 27dB LA<sub>eq</sub>(5min) and the outdoor maximum sound level at the first floor of the dwelling has been predicted at 44-47dBLA<sub>max</sub>.

The overall plant sound at the dwelling has been calculated as 16 dBA and sounds from church interior to the dwelling has been calculated as 9dB LA<sub>eq</sub>(5min). Sounds from within the church will be entirely inaudible at the dwelling against the background sound at any time of day or night.

The BS4142 assessment calculates the rating level as 33 dB i.e. 27dBLA<sub>eq</sub>(5min) plus 6dB correction for the impulses which will be perceptible at the dwelling and the background noise level at 06.00 hours was measured as being 33dB. The BS4142 assessment concludes that the impact of sound from sources at the church during the service at 06.00 hours on Sundays is predicted equal to the background sound level so there will be "low impact" at the dwelling.

The assessment for sleep disturbance predicts the noise levels inside the bedroom of the dwelling with windows open as 15 dB LA<sub>eq</sub> and 32-35 dB LA<sub>max</sub>. The predicted indoors noise levels are well below the thresholds at which sleep is disturbed so the occupiers of the dwelling will not be affected by the proposals.

It is noted that the development will introduce new sound sources so there is potential for noise disamenity especially if the earth bund and the acoustic fence are not provided on site as all the predictions in the noise assessment include the sound attenuation that the barrier will provide.

The site will also have floodlights in the car park so there is also potential for light disamenity.

In light of the above, the Council's Environmental Health department have recommend that if planning permission is granted in relation to this application, conditions should be incorporated in order to ensure;

- the proposed earth bund and fence be provided before the use commences;
- the acoustic fence is constructed to an acceptable standard and maintained for the life of the development; the condensers are installed as stipulated;
- the building is not available for hiring out; no amplified music or singing outdoors;



- the hours of use limited to between 07.00-22.00 hours Monday to Friday, 07.00 -18.00 hours on a Saturday and 05.30- 19.00hrs on a Sunday; and
- the floodlighting system shall only be in operation / switched on when the church is in use and no direct light from the floodlighting system shall be visible from the highway directly and there shall be no visual light intrusion to neighbouring residential property.

In light of the above it is considered that the proposed use would have no adverse effect on the amenity of the neighbouring property in terms of noise disturbance at unsocial hours or light pollution from cars visiting the site.

In respect of the of the impact of the proposed built form of the church on the amenity of the neighbouring residential property, it is considered that it is of a size, scale, form, massing and distance from the residential property, that together with the proposed boundary treatment and landscaping would have little impact on the outlook from the property or give rise to any overlooking / privacy issues.

It is therefore considered that the proposed built form and proposed use of the church would be in compliance with the requirements detailed within the NPPF at paragraph 17 and 'saved' UDP policy ENV3.7.

#### Highway issues

The Council's Transportation Unit have appraised the Transport Assessment submitted in support of the application and they are content that the existing highway network is capable of absorbing the anticipated trips likely to be associated with the development.

They did however query the anticipated number of families attending (138) and the amount of car parking provided (125 spaces). The applicant clarified this mismatch by stating that the figure comes from a questionnaire survey and represents the actual number of families within the catchment of the existing facility. They further state that the design figure of 125 comes from the client and represents the typical maximum level of attendance for the proposed facility. The Transportation Unit also queried the purpose of the coach parking.

The applicant has submitted a revised site layout plan showing the coach parking omitted and the car parking increased to 144 spaces. The Transportation Unit are content with the level of parking on the basis of the revised layout.

The Transportation Unit also stated that the Todwick Road – Common Lane junction does not facilitate large vehicles when turning out of Common Lane towards the A57 or into Common Lane from Dinnington without encroachment into oncoming traffic. Indeed the previous application included measures to improve the junction radius which does not appear to be included in the current application.

The applicant has stated in regard to the above that the junction was considered in some detail in respect of the previous application which included a school as well as the Hall. This application is only for a Hall and it is stated that larger vehicles have not been seen at the existing Hall for over 7 years and thus the applicant considers it to be inappropriate to request any amendments to the junction on this application.

With regard to the submitted supporting information and amended site layout plan the Council's Transportation Unit, subject to conditions are satisfied that the proposal would not have a significantly detrimental impact on the surrounding highway network or the safety of its users.

#### Other considerations

It is noted that in respect of potential land contamination of the site, the site was predominantly agricultural land comprising of 3 fields until approximately 1928. During 1928 a railway embankment and line was constructed within the north eastern perimeter of the site. By 1958 the railway line is no longer showing on the historical maps and it is assumed to have been dismantled. Historical surrounding land uses have included a brick works with excavations to the south and agricultural land uses to the west.

It is considered there may be some potential for contamination to exist within the surface soils at the site associated with the following sources:

- Presence of naturally occurring metals in the soil.
- Presence of organic substances in the soil associated with the sites agricultural use.
- Presence of total petroleum hydrocarbons (TPHs) and polycyclic aromatic hydrocarbons(PAHs) and asbestos associated with the dismantled railway line.
- The site is also located in an area of moderate susceptibility to methane and carbon dioxide gas from underlying coal measure rocks and a former nearby landfill site.
- Reference has been made to the site having past planning permission for a vehicle dismantling yard. It is not known whether such works were undertaken at the site or not. If so a number of contaminants are likely to be present.

It is also considered there may be a risk to human health and controlled water receptors from contamination at the site. For this reason site intrusive investigation works should be undertaken to assess for the presence and extent of contamination along with the risks posed by ground gases. Remediation works may be required to bring the site to a suitable condition to be protective of human health for its proposed end use.

Further to the above SYAS have acknowledged that there is evidence of the prehistoric agricultural landscape is known from cropmark evidence - features visible under particular crop conditions and recorded in aerial photographs.

A recent project reviewed and plotted all archaeological aerial photographic data from that part of South Yorkshire lying within or adjacent to the Magnesian Limestone area. This study has demonstrated that the application area sits within a wider prehistoric and Roman landscape. In the surrounding fields, a significant number of prehistoric cropmark are known, although the details of the contemporary landscape are not well understood. There is, therefore, potential for important remains relating to the prehistoric period to exist on this site and groundworks associated with the development could destroy finds and features of potential archaeological importance. As such, a scheme of archaeological work is required to ensure any remains present on this site are recorded, as mitigation. SYAS

recommends that the necessary archaeological investigation can be secured by attaching a recommended condition.

In respect of ecological issues, the site is known to have a number of habitats of species. The Council's Ecologist has stated that the ecological information submitted raises a number of issues. However, a condition has been recommended to support the detailed delivery of the necessary biodiversity mitigation and the recommended biodiversity gain. Therefore, subject to the condition being satisfied the scheme would comply with the NPPF and Core Strategy policy CS20 'Biodiversity and Geodiversity'. It is also of note that the applicant's during discussions are keen to ensure that the scheme does provide biodiversity enhancements and gains.

In terms of the site drainage, the Council's Drainage Engineer has indicated that the principle for the surface water drainage is satisfactory. There have stated that they also require more details from the applicant, which is listed below:

- All discharges into the adjacent watercourse shall be restricted to a maximum of 5 litres/sec/Ha. Permission to discharge to the watercourse must be obtained from the Drainage Section, Streetpride.
- Details of where the foul drainage will discharge is required.
- Latest Drainage Layout is required.
- Petrol Interceptors required for car park area.
- Some flooding from the watercourse to the north of the development occurs. The applicant should demonstrate how the site will not be affected e.g. will the attenuation pond be adequate, flood route drawings etc.

Some of the above could be informatives while other requirements could form conditions should the application be approved.

## **Conclusion**

In conclusion it is considered that the proposed erection of a Gospel Hall and associated car parking and bund/fencing would constitute inappropriate development within the Green Belt which would have an adverse impact on the openness of the Green Belt in this location. Additionally it is considered that the development of the land allocated for Industrial and Business use would be in conflict with the requirements of the relevant 'saved' UDP policy and will result in the loss of a Green Infrastructure asset in the form of the naturally regenerated former railway line and impact on the adjacent Local Green Infrastructure Corridor (9 – Anston Brook/Sandbeck). In addition, the development would remove a buffer that currently acts as a strong Green Belt boundary / buffer to the adjacent North Anston Trading Estate, thus enabling views of the Trading Estate to be seen from Common Road within the Green Belt. Finally, due to its size and plain design the building looks more like a commercial building that is out of keeping with the character and appearance of the area.

As has been assessed at length above, it is considered that the applicant has not demonstrated that very special circumstances do exist which would outweigh the harm caused to the Green Belt, and the other harm caused as set out above, and as such it is recommended that the application be refused on these grounds.

## **Reasons for Refusal**

01

The proposed development represents inappropriate development in the Green Belt and no very special circumstances have been demonstrated to overcome the harm caused by the inappropriate development, and other harm caused, and consequently the proposal is in conflict with the guidance contained within the National Planning Policy Framework and policy CS4 'Green Belt' of Rotherham's adopted Core Strategy.

02

It is considered that by way of its size and location the proposed development would have a materially adverse effect on the openness and visual amenity of the Green Belt and would thereby be in conflict with the guidance contained within the National Planning Policy Framework and Policy CS4 'Green Belt' of Rotherham's adopted Core Strategy.

03

The development of the land allocated for Industrial and Business use would not provide adequate arrangements for the parking and manoeuvring of vehicles associated it, would have an adverse effect on the character of the area and would not be compatible with adjacent existing and proposed land uses. Additionally, the proposal would not provide significant employment opportunities within the area. As such the development of the land allocated for Industrial and Business use would be in direct conflict with 'saved' UDP Policy EC3.3 'Other Development within Industrial and Business Areas'.

04

The development of the Gospel Hall on part of the former railway line, which has naturally regenerated and constitutes a Green Infrastructure asset, would have an adverse impact on such asset and would also impact on the adjacent Local Green Infrastructure Corridor (9 – Anston Brook/Sandbeck). In addition, the development would remove a buffer that currently acts as a strong Green Belt boundary / buffer to the adjacent North Anston Trading Estate, thus enabling views of the Trading Estate to be seen from Common Road within the Green Belt. Such development would be in conflict with Policy CS19 'Green Infrastructure' of Rotherham's Core Strategy.

05

It is considered that the design and size of the proposed Gospel Hall would be visually harmful to the rural character and appearance of the site and the surrounding area. As such the design of the building is considered to be in conflict with the guidance contained within policy CS28 of the Council's adopted Core Strategy and the NPPF.

### **POSITIVE AND PROACTIVE STATEMENT**

Whilst the applicant entered into pre application discussions with the Local Planning Authority these identified that it is not possible to support a scheme of this nature nor would any amendments make it acceptable, due to the issue of inappropriate development in the Green Belt. The application was submitted on the basis of these discussions and it was not considered to be in accordance with the principles of the National Planning Policy Framework resulting in this refusal.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING, REGENERATION & CULTURE

REPORT TO COMMITTEE  
**27<sup>TH</sup> AUGUST 2015**

Report of the Director of Planning, Regeneration and Culture

ITEM NO.    SUBJECT

1

Proposed Tree Preservation Order No 1 2015 – at Church View,  
19 High Street, Whiston, Rotherham, S60 4HJ

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## Item 1

**Proposed Tree Preservation Order No 1 2015 – at Church View, 19 High Street, Whiston, Rotherham, S60 4HJ**



**RECOMMENDATION:**

**That Members confirm the serving of Tree Preservation Order No. 1 (2015) with regard to various Norway Maple, Sycamore, Whitebeam and London Plane trees subject of this report, situated within the curtilage of Church View, 19 High Street, Whiston, Rotherham, S60 4HJ under Section 198 and 201 of the Town and Country Planning Act 1990.**

Background

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

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

The Council in November 2014 received an application to carry out tree works to the protected trees (ref: RB2014/1569). The application was refused as the Council'

Tree Service Manager was not satisfied with the details submitted and the level of pruning proposed was considered excessive. On the decision notice, along with details of the refusal an informative was attached detailed the level of pruning considered appropriate and the applicant was informed that should an amended application be submitted with the level of pruning stated it would be likely to gain support.

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

On receiving this information, the Council acknowledged the error. Under section 333(7) of the Town and Country Planning Act 1990, the Council have powers to vary or revoke any such order and a report was put to Members to formally revoke the Order TPO No. 14 2010 on 25 June 2015.

It should be noted that Members agreed to the revocation of the 2010 Order at the meeting.

In the interim and to ensure the trees are safeguarded at the same level as intended in 2010 a new TPO (ref. No. 1 2015) was placed on the site on 20 April 2015 and all interested parties notified and objections were subsequently received.

### Objections

The objection to the making of this order was received from Mrs Monique Alexander-Witham (owner of the site) and Mr W L Anderson (Arboriculturist employed by the owner), dated 27 April and 12 May 2015. In addition a further letter was submitted dated 25 July 2015, and received on 30 July 2015, clarifying the recent objections. This letter was received outside of the 28 day time period for representations to be made regarding the Order and, as a result, not all the issue raised have been fully taken into account as part of this response.

The main parts of the objections appear to be as follows:

- Trees are poor specimens
- TPO plan inaccurate / unclear
- Amenity assessment incorrect
- Trees tower over dwelling and need managing
- Exclusion of 2 Norway Maples between T1 and T2

### Councils Tree Service Managers Report

The Trees Service have considered the objections raised and the Tree Service Manager's report in response states that:

Trees are poor specimens

The trees include species of Norway Maple, Sycamore, Whitebeam, London Plane. They vary in age between maturing to mature and in condition between reasonable to good. Due to the close proximity of many of the trees they have developed unbalanced branch frameworks and are likely to be dependent on each other for shelter, particularly during strong windy conditions. However, this is not unusual where trees are closely spaced and form a group and does not mean they are unsafe and prevent them from being protected. It is accepted that individually, they are not fine specimens. Nevertheless, collectively they form a significant and attractive landscape feature and their removal or severe and inexpertly pruned will result in a significant reduction of amenity and be harmful to the leafy character of Whiston Conservation Area. For this reason it is felt they should be protected to help control and monitor any work to them in the future.

TPO plan inaccurate / unclear

Due to an administration error the site location plan included in the Order was the same plan that formed part of original Tree Preservation Order on the land that was recently revoked at the Planning Board meeting on 25 June 2015. The new plan and description of the trees in the first schedule of the Order have been revised to exclude 4 trees whose condition has declined, 3 of which have been removed since the original Order was made in 2010. In addition, the new details resolve an error between the original first schedule and plan that became evident in the appeal to the Secretary of State against the refusal to prune the trees RMBC Planning Ref No RB2014/1569. A copy of the correct plan has been provided to the objector to clarify which trees the new Order is intended to protect on the site. For additional clarity an amended plan indicating the position of a Norway Maple that has been excluded from the Order, due to a serious split in its main stem, and a Sorbus whose condition has declined since the original order was made has been provided.

Amenity assessment incorrect

The objector feels a score for the amenity assessment should be 2 instead of 3 to take into account the poor form of the trees in accordance with the TEMPO protocol. If the score is reduced by 1 point the overall TEMPO score would be 11 indicating the trees do not merit a Tree Preservation Order.

Where there are a moderate number of trees on a site, as in this case, a general evaluation is carried out to help reduce officer time if each tree is evaluated individually. The trees are reported as being in fair to good condition on the amenity assessment. However, it is accepted the majority of the trees are in fair condition with unbalanced branch frameworks due to their close proximity to each other. Therefore, a reduced score of 2 would be in accordance with the TEMPO guidance notes in this instance. However, the trees may merit additional points in part 1d – Other factors of the TEMPO evaluation, as most of the Norway Maples are group members important for their cohesion. An additional point could also have been included in the expediency assessment as there is a foreseeable threat to the future prospects of the trees following submission of the original unclear Section 211 Notification to prune your Ref RB2010/0966, the inexpert pruning that was carried out following consent to RB2011/1444 and the recent unsupported application, RB2014/1569, to significantly reduce the size of T1 to T4. In addition to the above, the TEMPO System is a record that a systematic assessment of the trees amenity



value has been undertaken. It is not prescriptive, except in relation to 'zero' scores, and merely recommends a course of action and does not prevent trees being included in an Order if they do not achieve the required number of points for a Tree Preservation Order to be 'defensible' or indeed, not protecting trees that clearly meet the criteria for other reasons e.g. trees not at risk as they are under good arboricultural or silvicultural management.

### Trees tower over the dwelling and need managing

T1 to T4 and the 10 Norway Maples positioned on top of the steep bank along the northern boundary of the site are a significant skyline feature within Whiston Conservation area. Part of the branch framework of T4 overhangs the dwelling and the conservatory. In principle there are no objections to the trees being carefully pruned to help alleviate some of the current difficulties associated with them including branch encroachment and shading of the dwelling and adjacent properties on Birchall Avenue. However, the full extent of any pruning has yet to be agreed. If the Order is confirmed, hopefully, a suitable level of pruning can be agreed with the owner that will not adversely affect the natural appearance of the trees and their future prospects.

### Exclusion of 2 Norway Maples between T1 and T2

The reasons why these 2 trees are not included in the Order is due to an objection by the resident at 50 Birchall Avenue to their protection within the original Order and a subsequent successful application to fell them submitted by the owner, Ref RB2011/1443. At that time it was reported their removal would not have a significant impact on local amenity.

### Conclusions

Collectively, the trees are a significant landscape feature and provide valuable and important amenity within Whiston Conservation Area and their retention will help to preserve the character of the Conservation Area. In addition, the Order will help to control and monitor any work to them in the future by the inclusion of standard tree work planning conditions as part of any consent. This should help ensure any approved pruning is carried out in accordance with BS 3998 Tree Work – Recommendations and avoid poor examples of tree pruning within the local conservation area. A minor amendment is recommended to the site location plan for clarification regarding the existing trees not included in the Order to help overcome the objection on this matter.

It is considered that the main objections to the Order have been carefully considered and the Order has been made in accordance with Government guidelines. In this instance, it is recommended the Order is confirmed with a minor modification to the site location plan.