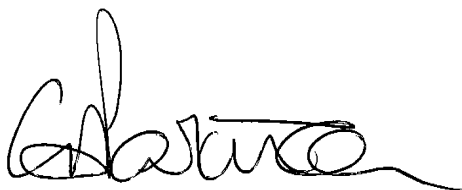


PLANNING REGULATORY BOARD

Date:- Thursday, 18 February 2016 **Venue:- Town Hall, Moorgate Street, Rotherham. S60 2TH**
Time:- 9.00 a.m.

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 (substitution)
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 28th January, 2016 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Visit of Inspection - Outline application for the erection of up to 64 dwellinghouses with details of access at land at Blue Mans Way, Catcliffe for Langtree Group plc (RB2014/1342) (Pages 7 - 40)
8. Development Proposals (report herewith) (Pages 41 - 61)
9. Report of the Director of Planning Regeneration and Culture (report herewith) (Pages 62 - 75)
10. Updates
11. Date of next meeting - Thursday 10 March 2016



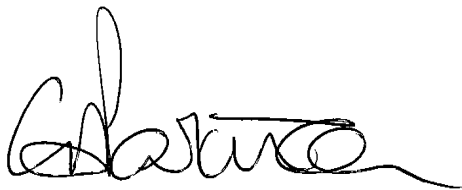
Catherine A. Parkinson,
Interim Director of Legal and Democratic Services.

Membership of the Planning Board 2015/16

Chairman – Councillor Atkin

Vice-Chairman – Councillor Tweed

Councillors Astbury, Cutts, Godfrey, Khan, Lelliott, Middleton,
Pickering, Sansome, Sims, Smith, R.A.J. Turner and Whysall.

A handwritten signature in black ink, appearing to read 'C. Parkinson', with a long horizontal flourish extending to the right.

**Catherine A. Parkinson,
Interim Director of Legal and Democratic Services.**

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING 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
28th January, 2016

Present:- Councillor Atkin (in the Chair); Councillors Astbury, Cutts, Godfrey, Middleton, Pickering, Sims, Smith, Whysall, Khan and Sansome.

Apologies for absence:- Apologies were received from Councillors Roche, Tweed and Yasseen.

75. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

76. MINUTES OF THE PREVIOUS MEETING HELD ON 7TH JANUARY, 2016

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 7th January, 2016, be approved as a correct record for signature by the Chairman.

77. DEFERMENTS/SITE VISITS

There were no site visits nor deferrals recommended.

78. 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 applications listed below:-

- Outline application for the erection of up to 64 dwellinghouses with details of access at land at Blue Mans Way, Catcliffe for Langtree Group Plc (RB2014/1342)

Mr. D. Rolinson (on behalf of the applicant Company)
Mr. N. Howarth (objector)

- Erection of 3 No. dwellinghouses with associated access and landscaping (including relocation of existing garage) at land to rear of Winterhills High Street, Kimberworth for Beres Developments (RB2015/1357)

Mr. C. Dunn (on behalf of the applicant)
Written submission from objector

(2) That application RB2015/0142 be deferred pending a visit of inspection, as agreed by the Planning Board, to enable Members to consider the highway implications of the proposed development, with the Chairman and Vice-Chairman approving arrangements for the visit.

(3)(a) That, with regard to application RB2014/1357, the Council shall enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing contributions of £30,000 towards off-site affordable housing; and

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

(4) That application RB2015/1429 be granted for the reasons set out in the submitted report.

79. COURTESY CONSULTATION FROM SHEFFIELD CITY COUNCIL - ERECTION OF A MOTORWAY SERVICE AREA AT SMITHY WOOD, COWLEY HILL (ADJOINING JUNCTION 35 OF M1 MOTORWAY), CHAPELTOWN, SHEFFIELD (RB2015/1379)

Further to Minute No. 72 of the meeting of the Planning Board held on 7th January, 2016, the Director of Planning, Regeneration and Culture submitted a report concerning the courtesy consultation from Sheffield City Council in respect of the application for planning permission for the erection of a motorway service area including proposed facilities building, hotel, filling station, parking facilities for all vehicles, access and circulation internal roads, structured and natural landscaping with outside picnic space and dog walking area, associated infrastructure and earthworks (Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Schedule 2 proposal) at Smithy Wood, Cowley Hill (adjoining Junction 35 of M1 Motorway), Chapeltown, Sheffield for the Extra Motorway Service Area Group.

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

(2) That Rotherham Metropolitan Borough Council shall raise objections to this application for planning permission, for the reasons set out below and shall inform Sheffield City Council accordingly:-

(a) it is concluded that the impact of the development on Rotherham will be detrimental in terms of the impact on the ecology of Smithy Wood that is within Rotherham and the visual impact of the woodland clearing on views out of the Rotherham Borough; and

(b) whilst the mitigation and compensation being offered by the applicant are welcomed, there does not appear to have been any evaluation of the impact on Smithy Wood that is within the Rotherham Borough area.

80. PROPOSED TREE PRESERVATION ORDER NO. 4 (2015) AT THE BRECKS BEEFEATER AND TRAVEL INN, EAST BAWTRY ROAD, BRECKS

Consideration was given to a report of the Director of Planning, Regeneration and Culture concerning a proposal to protect a number of currently unprotected trees situated along the northern boundary of the Brecks Beefeater Hotel/Travel Inn site at East Bawtry Road, Brecks, Rotherham.

The report stated that, as an interim measure and to ensure the protection of the trees, a new Tree Preservation Order (reference No. 4, 2015) was placed on the site on 19 August 2015 and all interested parties were notified. One objection was subsequently received by the Council and details of that objection were summarised within the submitted report.

Members considered the details of the survey undertaken of the various trees, which included 1 No. Horse Chestnut, 7 No. Hawthorn, 10 No. Field Maple and 1 No. Sycamore.

The limited expected life span of some of the trees was emphasised. However, collectively, the trees are a significant landscape feature and provide valuable and important amenity and their retention will help to preserve the character of the Brecks hotel/pub and the surrounding area.

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

(2) That the Planning Board confirms the serving of Tree Preservation Order No. 4 (2015) with regard to various trees the subject of this submitted report, situated within the curtilage of The Beefeater Inn, East Bawtry Road, Brecks, Rotherham, under Section 198 and 201 of the Town and Country Planning Act 1990, this Order being confirmed with modification, as detailed within the submitted report, to include only trees T2, T4, T5, T6 and T13 and a minor modification to the submitted site location plan.

81. UPDATES

(1) It was reported that Jim Shirt, Enforcement Officer, was retiring from the Authority on 29th January, 2016.

The Board Members extended their thanks to Jim for all his work on behalf of the Board and wished him a happy and healthy retirement.

(2) Members were reminded of the arrangement for a training session about planning and development issues to be held at the Town Hall, Rotherham, on Thursday afternoon, 18th February, 2016.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING 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****VISIT OF INSPECTION – THURSDAY, 18TH FEBRUARY, 2016**

1. **RB2014/1342** – Outline application for the erection of up to 64 dwellinghouses with details of access at land at Blue Mans Way, Catcliffe for Langtree Group plc

Requested by:- Members of the Planning Board

Reason:- To allow Members to consider the highway implications of the proposed development.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2014/1342	Catcliffe	9.20 a.m.	9.40 a.m.

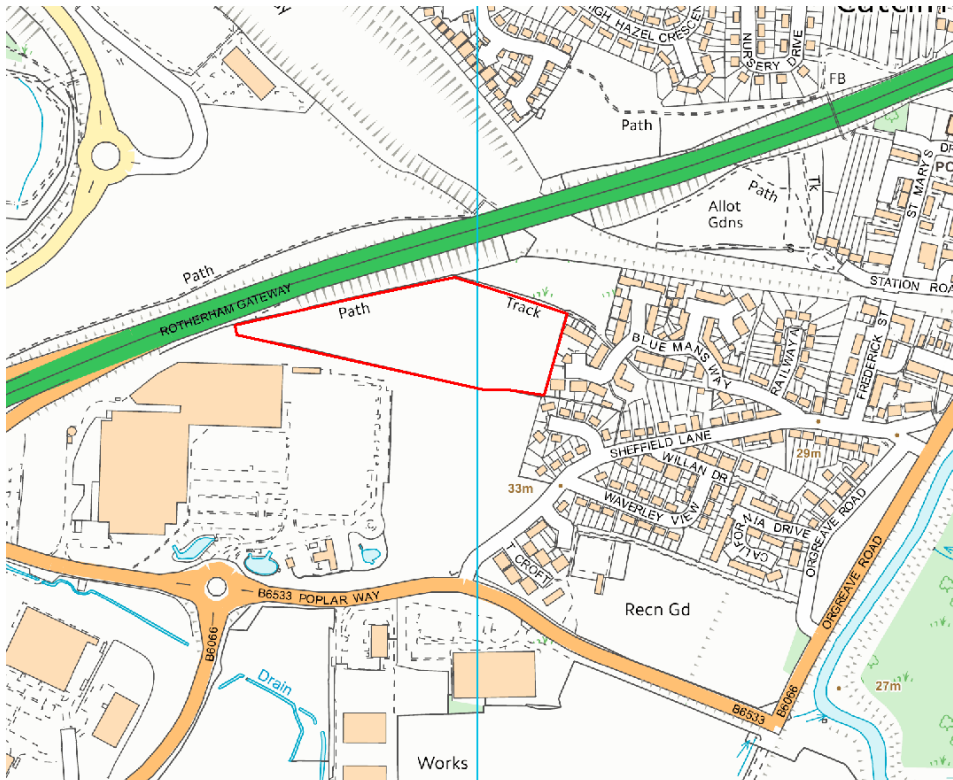
Return to the Town Hall for approximately 10.00 a.m.

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

Application Number	RB2014/1342
Proposal and Location	Outline application for the erection of up to 64 dwellinghouses with details of access at land at Blue Mans Way, Catcliffe.
Recommendation	Refuse

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for major development and due to the number of objections received.

ADD NEW REPORT OR USE THE ONE FROM 28 JANUARY BOARD MEETING



Site Description and Location

The application site comprises a total of approximately 2.66 ha (6.56 acres) of land located off Blue Mans Way Catcliffe. The site is currently an area of informal urban greenspace, which contains semi mature trees.

The site is bounded to the north/north-west by the Sheffield Parkway A630, and to the south is a Morrisons supermarket and a further area of disused land that was subject to a separate application for residential development which was reported to Planning Board in August 2015 (RB2014/1461) where Members indicated that they were disposed to grant planning permission. The related S106 Agreement has yet to be signed so the decision

has not as yet been released. To the east of the site are residential properties located off Blue Mans Way which currently form part of the western edge of Catcliffe whilst to the north east is a further area of open land, also allocated for Urban Greenspace purposes.

There are two public rights of way leading from Blue Mans Way into the site, one of which (Catcliffe Public Footpath No. 2) runs between 28 and 30 Blue Mans Way and along the rear of 38-48 (even) Blue Mans Way before running along the north/north-western boundary of the application site. Catcliffe Public Footpath No. 3 runs along the rear boundary of 59-77 (odd) Blue Mans Way (though is not readily accessible) before running along the southern boundary of the application site. There are several informal paths that cross the site and link through to the Morrisons Supermarket and to the area of land subject to the separate planning application (RB2014/1461).

Background

The site itself has no site history, although as noted above the adjoining site to the south currently has an undetermined application in for residential development, accessed from Sheffield Road to the south, which includes a vehicular link to the current application site: RB2014/1461 - Erection of 89 No. dwellinghouses with associated landscaping, parking and formation of new means of access.

Environmental Impact Assessment

A screening opinion was carried out in July 2013 to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained at paragraphs 10 (b) (Urban Development Projects) of Schedule 2 to the 2011 Regulations and exceeds the thresholds set out in column 2 of the table in that Schedule. The Local Planning Authority has carried out a screening opinion and 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 is not EIA Development as defined in the 2011 Regulations.

Proposal

The application seeks outline planning permission with all matters reserved except for access. Access would be off the end of Blue Mans Way, between Nos. 52 and 77 and would involve the extension of the initial 20m approximately of Blue Mans Way with a 4.8m wide carriageway and footways and the provision of a raised, block paved speed table.

The applicant has submitted an indicative site plan demonstrating that 64 dwellings could be accommodated on site as well as an area of Green Infrastructure, including a tree buffer zone (7,485sqm), areas of public open space (1,448sqm), and a small wildflower meadow (100sqm). The indicative site has been amended from 72 to 64 dwellings to retain a larger area of Green Infrastructure between the proposed dwellings and the Parkway.

The indicative site plan proposes 14 detached, 20 semi detached and 30 terraced properties.

The indicative plan shows a vehicular link from the application site to the link shown on the submitted plans for the residential development scheme on the land to the south (RB2014/1461), which as noted above is still undetermined. It also shows a pedestrian link from the site to the adjacent Morrisons Supermarket, though no formal agreement has been provided from the Supermarket that authorises the works outside the application site that would enable a surfaced link at suitable gradient to be provided.

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

Planning Statement

- The SHLAA identifies that the Council has a five year supply of deliverable sites of 5,284, however this figure is caveated, as the supply includes sites assessed as “not currently suitable for housing” and sites which are considered suitable but which have current policy constraints.
- Footnote 11 of the National Planning Policy Framework sets out the requirements of the deliverable sites which may be included within the five year supply. This states that in order for a site to be considered deliverable it should be Available, Suitable and Achievable.
- On the basis that the Council’s supply figures include sites which are not considered to be deliverable, we consider that the Council do not have a robust 5 year land supply of deliverable sites to meet their identified target. Based on the Council’s calculations, there is a shortfall of (minimum) 638 and based on our calculations, there is a shortfall of (minimum) 803. Whilst, we have not undertaken a full review of the sites, it is considered that the shortfall figures are minimums given that the Council’s housing supply does not robustly provide deliverable sites in accordance with footnote 11 of the Framework.
- The application site is designated within the Rotherham UDP Proposals Map as Urban Greenspace, under UDP Policy ENV5.1 ‘Allocated Urban Greenspace’ and as detailed within Spawforths’ letter dated 29 May 2015, it was agreed by all parties that the proposal could comply with ENV5.1 as this is a permissive policy that allows development in certain circumstances. It is considered that the application proposals meet the requirements of this policy in that the application proposals could enhance the local greenspace provision by:
 - Retaining the existing hedges and individual trees along the boundaries of the application site and supplementing them with additional tree and hedge planting.
 - Creating additional buffer landscaping along the A630 corridor and providing ecological enhancement.
 - Establishing long term management and maintenance of the greenspace.
 - Introducing localised play areas within the site that can be utilised for both proposed and existing residents.

- Creating and formalising pedestrian linkages along with providing enhanced safety through surveillance from Brinsworth and Catcliffe to the adjacent retail, food and employment uses in the vicinity of the site.

Design and Access Statement

- The scheme has been re-designed to take account of the Landscape Appraisal that has been carried out. The scheme has now enlarged the green infrastructure zone to the north of the site with a more defined line between the residential zone and green infrastructure zone. It retains the general format of the previous masterplan layout with the use of a strip of plots along the southern boundary and the use of islands of plots in the centre of the site, however, these are changed from two more elliptical islands that spread quite far north into the tree buffer zone, to three far more compact islands of plots that are tighter to the central line of the site generating a far larger and identifiable green infrastructure zone to the north of the site.
- The ecology and surface water retention zone from the earlier proposals has been omitted following drainage assessments of the site and proposals. The public open space green infrastructure zone is enhanced through introduction of more public footpath routes between the existing green infrastructure north of the site and the land to the south of the site.
- There has also been a reduction of houses and a variation to the previous mix of house types to fit within the new reduced residential zone of the landscape appraisal. In addition, from Highway's feedback the red line boundary at the entrance to Blue Man's Way has been revised to incorporate the works for the access road also.
- 9,033 sq.m of 'Green Infrastructure' runs along the north west and north boundaries of the site. This is comprised of 7,485sqm 'Tree Buffer', 1,448sqm 'Public Open Space', and 100sqm 'Wild Flower Meadow'. The allowance will provide in excess of 100% of the required public open space based on 2.3 persons per house and 24m² of public open space per person with the balance being allocated for dense woodland planting to the Sheffield Parkway boundary as an extension to the woodland buffer. A wild flower meadow is located to the north east corner of the site to enhance biodiversity.
- All properties have a minimum usable main garden space of 50m² in accordance with South Yorkshire Residential Design Guide.

At Detailed Design Stage, careful consideration in respect of the site layout, orientation and design of the buildings, will result in a scheme which successfully meets the following key design considerations:

- The integration of architecture and landscape
- Solar Orientation- buildings which take full seasonal advantage of the sun wherever possible.
- The inclusion of water catchment systems and the use of permeable surfacing

- Recycling and composting of waste materials.
- Retaining and enhancing local footpaths to encourage pedestrian activity.
- Preservation of the natural environment
- Flexible and adaptable building design

It is anticipated that the residential developers will use:

- High levels of thermal insulation
- Low energy lighting systems
- Low embodied energy materials
- Re-cycled and renewable materials
- Locally sourced natural materials

Air Quality Assessment

The air quality assessment concludes that the proposed development will not lead to an unacceptable risk from air pollution, or to any breach in national policy, or to a failure to comply with the Habitats Regulations as required by national policy. There are no material reasons in relation to air quality why the proposed scheme should not proceed, subject to appropriate planning conditions.

Arboricultural Report

A total of 6 individual trees were surveyed during the arboricultural survey. Any bushes primarily hawthorns (*Crataegus monogyna*) were excluded from the survey as these were not considered material considerations to the development, and are recorded as scrub on Drawing SH10963/001 Extended Phase I Habitat Survey Results.

Five of the six trees were classified as category C and therefore of low retention value. Tree T4 was classified as category B and therefore of moderate retention value.

It is recommended that the southern hedgerow should be retained by the development if possible. In addition, the current and ultimate height and spread of any trees to be retained should be considered during the design process and due allowance and space given for a trees' future growth and maintenance requirements. All new planting undertaken will be put into the care of the owner who will ensure that the new trees are maintained appropriately for a minimum of 5 years post completion of the works.

Monitoring of the retained trees within the site is recommended to take place every few years by a qualified arborist post-development. These assessments are recommended to take place in order to identify any individual trees which may not have adapted well to the new site conditions. They should report on the overall health of the trees and advise on any management which may need to be undertaken, including, for example pruning, crown lifting or felling.

Preliminary Biodiversity Assessment

The following designated sites, habitats and species (receptors) have been evaluated as being potential ecological constraints:

- BAP Hedgerows;
- Badger;
- Reptiles (Grass Snake); and
- Birds.

Potential effects, requirements for further survey, and mitigation are discussed below for each of the identified potential constraints.

BAP Hedgerows

Where hedgerow removal cannot be avoided, any losses should be compensated for by the provision of a new hedgerow elsewhere on site of at least equivalent length. In this event, appropriate woody species of local provenance should be selected.

Badger

The site contains suitable habitats for foraging and sett creation (i.e. hedge base and scrub), although no setts were found during the site survey. In terms of loss of potential foraging habitat, a small reduction in grazed grassland is not expected to result in the loss of favourable conservation status if indeed badgers are present within the wider area.

No further surveys are considered necessary, however, in order to ensure compliance with the relevant legislation it is recommended that a check for the presence of mammal burrows with an entrance diameter exceeding 100mm should be undertaken prior to the onset of works. In the event that such mammal burrows are recorded clearance operations should cease until advice has been sought from a suitably qualified ecologist.

Reptiles

No specific mitigation is required for Grass Snake as it is highly mobile, and typically occupies extensive home ranges. The loss of a small area of potential supporting habitat is therefore not considered to significantly reduce the local conservation status of this species.

Birds

Due to the potential presence of nesting bird species within the site, it is recommended that initial development works are undertaken outside of the usual bird breeding season (normally taken to be March – July inclusive). If such timescales cannot be accommodated, it is recommended that a check for the presence of active nests, and nesting birds should be undertaken by a suitably qualified ecologist prior to the commencement of works. Any active nests should be identified and protected subject to the relevant legal provisions until the nesting attempt is complete.

Ecological Compensation and Enhancement Plan

This plan provides a series of habitat creation and management measures required in compensation for the minor loss of hedgerow habitats arising from the development proposals. In addition to the compensation requirements, habitat enhancement measures are also provided to ensure a net increase in overall site biodiversity; in line with the requirements of the National Planning Policy Framework (NPPF).

A series of protective measures are also provided to ensure that the relative legal considerations pertaining to protected species are adequately addressed, during the construction phase.

The specific objectives are therefore as follows:

- Compensation for the loss of approximately 5m of existing hedgerow to accommodate a pedestrian 'link' path via the improvement and management of existing hedgerows on site;
- Enhancement of scrub habitats via management, to encourage development of native woodland;
- Enhancement of grassland habitats on site via management to develop greater plant and invertebrate diversity; and
- Protective measures during construction to ensure compliance with protective species legislation.

Statement of Community Involvement

The consultation drop in exhibition presented an opportunity for members of the local community to view, comment upon and to discuss the draft proposals for the site. The consultation process undertaken is in line with the NPPF and the Rotherham Statement of Community Involvement and highlights issues and concerns raised by the local community and how these have been addressed throughout the process and where these have not been addressed the reason for this.

Flood Risk and Drainage Assessment

The site is entirely situated in Flood Zone 1 with no significant risk of fluvial flooding.

The proposed residential land use fully complies with the planning guidance. Surface water will be managed on site by appropriate SuDS techniques including attenuation in cellular storage and infiltration beneath private driveways and hard standing. The outflow will be discharged at an agreed rate of 5 l/sec to the public surface water sewer in Blue Man's Way, which connects to the River Rother, about 400m to the east. The feasibility of such a system has been established by the surface water drainage design.

There is not considered to be any significant risk of groundwater flooding. Foul water will be discharged to the public foul sewer system. Climate change has been allowed for in the storage calculations. There will be no overland flow associated with events up to 1 in 100 year plus 30% climate change. Any exceedance event flow will be constrained within the limits of the access roads. No warning or evacuation procedures or the incorporation of flood resilient materials will be necessary.

With regard to flood risk, therefore, the site is suitable for the proposed development.

Noise Assessment

Given the small distances between some of the construction activities and the nearest sensitive receptors, some sensitive receptors may experience minor noise and vibration impacts during construction. This would occur only for short periods. To minimise the potential impact of construction works, mitigation measures should be put in place.

These should include the restrictions on working hours, the implementation of temporary screening, and implementation of best working practice.

It is unlikely that piling will be required. However, to minimise the potential for vibration to be generated by piling it is recommended that careful consideration be given to the type of any piling used.

With the implementation of best working practice and restriction on working hours, the noise and vibration impacts of earthworks and construction phases will be generally low, with only brief periods of minor adverse impacts likely in the short term at local level.

Proposed Sensitive Receptors and Noise - Standard 2.0m high close boarded fencing, as included on the masterplan, around garden areas will be sufficient to provide an area of garden for all proposed dwellings, which will achieve 55dB LAeq in accordance with RMBC requirements. However, some properties will have small areas of the garden which may exceed 55dB LAeq. BS8233 states that higher noise levels may be acceptable where developments are located adjacent to major transport infrastructure. Therefore no further mitigation measures are recommended.

The noise assessment indicates that standard thermal double glazing would ensure that guidance internal noise levels are met in living rooms and bedrooms across the site, with the windows closed for properties away from the A630 (Sheffield Parkway). Enhanced glazing will be required to achieve guidance internal noise levels for properties nearest to the A630.

With the windows open the attenuation provided by the facade would allow the internal noise limits to be exceeded in a number of noise sensitive rooms. Acoustic ventilation will therefore need to be installed in all rooms located nearest to, and with a direct line of sight of the A630 Sheffield Parkway, and in the south eastern part of the site.

At this stage, a detailed site layout has not yet been confirmed. Glazing requirements will need to be confirmed once a detailed design layout is available.

Transport Assessment

The transport assessment concludes that:

- This report presents the findings from a complete review of the transport and highway implications for delivery of a proposed residential development located off Blue Mans Way, Catcliffe, near Rotherham. The analysis extended to consider the impact that peak hour levels of development traffic would have upon the local existing highway network in the vicinity of the site.
- The analysis contained within this report demonstrates that the impact that development traffic would have upon the surrounding network is not severe, with marginal impact upon existing and future levels of queuing and delay when compared to traffic scenarios that assume no development in place.
- The development will be supported by a commitment towards delivery of a Framework Travel Plan which will seek to bring forward measures designed to

increase the awareness of and attractiveness to travel to the site by sustainable modes of transport.

- It is therefore concluded that The Transport Assessment has been undertaken in accordance with the approach of the Local Authority Highways Team. This development is therefore acceptable in transportation and highways terms.

In addition, a Stage 1 Safety Audit has also been produced and a revised Travel Plan, following discussions with officers, and these are discussed in more detail below.

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) 1999, (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for Urban Greenspace purposes in the UDP. It also falls within the Rother 'Strategic Green Infrastructure Corridor' as identified in the Core Strategy. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'Green Space' purposes on the Policies Map (Sheet 2), which also identifies the 'HS2 Consultation Line published 2013 (route to be finalised by Government)' which runs close to the west/south of the site and is within the 200 metre buffer for the route of HS2. 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'
CS4 'Green Belt'
CS6 'Meeting the Housing Requirement'
CS7 'Housing Mix and Affordability'
CS17 'Passenger Rail Connections'
CS 19 'Green Infrastructure'
CS20 'Biodiversity and Geodiversity,'
CS21 'Landscape'
CS22 'Green Space'
CS25 'Dealing with Flood Risk'
CS27 'Community Health and Safety'

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'
ENV5.1 'Allocated Urban Greenspace'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015.'

SP1 'Sites Allocated for Development'
SP35 'Green Infrastructure and Landscape'.
SP40 'New and Improvements to Existing Green Space'
SP41 'Protecting Green Space'

Other Material Considerations

Supplementary Planning Guidance, Housing Guidance 4: 'Requirements for greenspace in new housing areas'

Section 106 (S.106) of the Town and Country Planning Act 1990 - Education Contributions Policy'

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

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

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

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public.

Publicity

The application has been advertised by way of press and site notices along with individual neighbour notification letters to adjacent properties. 70 letters of objection have been received, including one from Catcliffe Parish Council, as well as a comment from Sarah Champion (MP). In addition a petition has been submitted against the application signed by 119 objectors. The objectors state that:

- Blue Mans Way is not a suitable access for the development, it is too narrow and contains excessive on street parking.
- An alternative access should be provided.
- The proposal will be detrimental to road safety on Blue Mans Way.
- There are concerns regarding construction traffic, including structural damage to houses.

- There are not sufficient schools, shops, infrastructure, medical and dental services within the area.
- The area is already sufficiently served by development within the area.
- The application at Catcliffe has been adversely affected in the past by development that has not taken sufficient account of the needs of the public to good access to open land. It is imperative that the developer and Council makes every effort now when considering this latest application to ensure that existing access provision is maintained and enhanced where possible.
- Concerns relating to surface water run-off and the impact upon the nearby River Rother, which has a history of flooding.

In addition the amended plans for the reduced scheme of 64 dwellings was re-advertised and the Council received a further 19 objections, all from previous objectors, reiterating some of the above concerns, mainly in relation to the highway access.

Catcliffe Parish Council states that:

- In general not against the principle of the development.
- Concerns regarding the access, traffic generation on Blue Mans way and safety issues as a result.
- Would prefer alternative access via Morrisons site.
- Request section 106 monies for improvements to existing playground and refurbishment of village hall.

The Local MP Sarah Champion does not comment herself but raises the concerns of her constituents:

- My constituents are extremely concerned at the proposal to open up Blue Mans Way, which is a cul de sac. Blue Mans way is a narrow road, with tight corners and is restricted by parked cars.
- The road is not suitable for further residential development and no traffic survey has been undertaken.
- The development should be accessed via an alternative access.

Three rights to speak have been received, one from the applicant and two from objectors.

Consultations

Streetpride (Transportation and Highways): Notes that the originally intended carriageway width of 3m at the entrance to the site was considered to be unsuitable in this location since it may have impaired convenient egress from the existing drive at 75 Blue Mans Way. A further alternative arrangement has been submitted which involves the extension of the initial 20m approximately of Blue Mans Way with a 4.8m wide carriageway and footways. The South Yorkshire Residential Design Guide makes provision for a carriageway of this width where vehicle speeds of the order of 20mph are anticipated.

The existing Blue Mans Way has been constructed to this design speed by means of its horizontal alignment. Extending the road with a raised, block paved table would maintain this design speed concept and the introduction of a Traffic Regulation Order, financed by the development as part of a S106 Agreement (£3k), could formalise a 20 mph speed limit. Accordingly, the further revised access proposal is acceptable.

The Transportation Unit further notes that the revised Travel Plan is acceptable. This proposes a contribution of £36,000 towards measures to encourage non car modes of travel which should be safeguarded by a S106 Agreement.

The Transportation Unit recognises the significant number of objections that have been generated from nearby residents, particularly with regard to the use of Blue Mans Way as the sole means of vehicular access/egress. In this respect, the site has been visited on several occasions, including early morning (7-15am on Monday 27th October 2014), to observe the parking situation. Some parking in Blue Mans Way was observed. However, the carriageway width of 5.5 metres is capable of accommodating some on street parking whilst maintaining the ability for other vehicles to pass.

It is noted that the means of access applied for includes a possible future link to the adjacent development site which is the subject of a concurrent application, RB2014/1461 which, if implemented, would enable a further point of access to/from the site in accordance with current advice contained "Manual for Streets" and the "South Yorkshire Residential Design Guide".

The Transportation Unit concludes that the development is 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.

Streetpride (Landscape): In respect of the proposed landscaping on the site notes that the principle of the revised estate layout appears acceptable although would expect to see detailed proposals for the landscape work (including the open spaces), though landscaping is a reserved matter and can be controlled by way of condition. Further notes that all landscaped areas outside of private ownership would need to be managed through an agreement made by the developer with replacement planting carried out where appropriate for a minimum 5 year period, and this can again be controlled by way of condition.

Streetpride (Drainage): Notes that a proposed underground storage solution is an acceptable option, but the design as proposed is not acceptable. Recommends open drainage retention basins within Greenspace, to minimise maintenance issues, though does not recommend that the current outline application be refused as they are satisfied that a suitable solution can be achieved, subject to condition.

Environmental Health (Noise): Notes that any future occupiers will be affected by the noise from the nearby busy Sheffield Parkway. The site is noisy in nature because of its location and this is demonstrated by the noise levels that were recorded and the fact that the applicant target levels can only be achieved with windows closed and passive ventilation systems installed. The applicants' own report states "noise from road traffic noise on the Sheffield Parkway was found to be dominant across the site."

There also potential for noise disamenity and disruption from the site to existing residential housing on Blue Mans Way during construction.

In the light of the above, it is recommend that if planning permission is granted in relation to this application, relevant conditions should be attached.

Environmental Health (Air Quality): Notes that the site falls outside of an Air Quality Management Zone and the submitted air quality impact document states that the impact from the development is 'not significant'. Recommends a number of mitigation measures on site to reduce air pollution.

Environmental Health (Land Contamination): Raises no objections subject to conditions.

Streetpride (Green Spaces): Notes that the total area of space now proposed within the scheme is 10,056 square metres, rather than the 4,900 square metres in the plan previously submitted and that the proposed number of dwellings has decreased from 72 to 64. Confirms that the current proposal adequately addresses the open space requirements of a development of this scale.

Streetpride (Tree Service Manager): The application is for development of land currently designated as Urban Greenspace in the UDP. It appears the land was previously agricultural land that has either been planted with trees and shrubs, become colonised by self-set trees or possibly a combination of both between 2002 and 2009. The Urban Greenspace provides an important amenity buffer zone and separation from the major transportation infrastructure of the M1 and the Parkway. At present, collectively the existing trees, shrubs and hedgerows also provide useful amenity and associated environmental benefits that are likely to increase if they are retained and allowed to mature. Indeed, there is potential for the area to become a woodland providing valuable and important amenity and associated environmental benefits.

The application is supported by an Arboricultural Report and Preliminary Ecological Appraisal by Wardell Armstrong dated July 2014, as well as an Ecological Compensation and Enhancement Plan dated November 2015. The contents of the Arboricultural Report regarding the 6 individual trees are noted and generally agreed with. However, all the remaining trees and shrubs on the site are reported as 'scrub' and any existing and potential benefits as possible developing woodland do not appear to have been considered.

The development of the land appears to be contrary to Core Strategy Policy CS19 'Green Infrastructure'. Therefore, unless the developer can show the benefits of the development outweigh the loss of the greenspace, the Tree Service Manager is unable to support this application as it stands. Indeed, if the application is refused he would look at evaluating the site for inclusion in a new Tree Preservation Order, at least as a holding measure, to prevent the existing trees being removed. However, if consent is granted he would provide further advice on any recommended standard planning conditions.

Streetpride (Ecology): Notes that the aerial images available indicate that this site was previously a grassland hay crop but more recently has undergone natural generation and now appears to be semi-natural habitat that has the potential to support protected and priority species.

The ecological survey and impact assessment has been submitted and the Council's Ecologist considers the submitted documents acceptable. Whilst the survey timing was sub-optimal, it is not considered that this would affect the results produced. The site contains a mosaic of low quality habitats consistent with lack of management. Important features on the site are the boundary hedgerow and the provision of bird nesting and

feeding habitat. The habitats present are suitable for use by badgers but no evidence of setts or activity was found. The results of the survey work are accepted.

The report recommends measures for mitigation as follows:

- Avoidance of nesting bird season when any vegetation works, including site clearance, takes place
- A pre-commencement check for any badger activity
- Retention of the hedgerow

The mitigation measures proposed are acceptable and will avoid any inappropriate activity.

The report recommends measures for biodiversity gain as follows:

- Gapping up of the existing hedgerow and suitable long-term management
- Provision of bird nest and bat roost boxes

The biodiversity gain measures are acceptable in principle. It may be preferable, for the long-term benefit of the hedgerow, that it is retained separately from the residential boundaries and that a management company is engaged to provide the necessary maintenance. The provision of bat and bird features is welcome.

The received site layout indicates that there will be areas of public open space. The design and management of these areas could also provide biodiversity interest and it is recommended that consideration is given to the use of semi-natural habitats and conservation style management when the detailed landscape plans are produced.

Streetpride (Public Rights of Way): The perimeter of the proposed site, on the north west and south, are all abutting or incorporating definitive public footpaths. They are well used routes and link to the other side of the Sheffield Parkway. Public Rights of Way would want to be involved at the detailed stage to discuss how the paths are incorporated into the site and also accessed from the site.

Affordable Housing Manager: Recommends 25% affordable housing on site in with a mixture of dwellings sizes and tenure types, in accordance with the Council Policy.

Education Service: Based on the 'Section 106 (S.106) of the Town and Country Planning Act 1990 - Education Contributions Policy', requests an education contribution of £2,342 per dwelling towards improvements to Catcliffe Primary School. Based on 64 dwellings the contribution would be £149,888.

Yorkshire Water: The Flood Risk Assessment (prepared by Wardell Armstrong - Report RPT-004B dated September 2014) is satisfactory from Yorkshire Water's viewpoint. In summary, the report confirms:

- i) Foul water from the site will discharge to public foul water sewer in Blue Mans Way.
- ii) Surface water will discharge to public surface water sewer in Blue Mans Way, via storage, with a restricted discharge (not exceeding 5 litres/second).

The above should be incorporated into a drainage design to discharge future drainage conditions.

SYLTE: The site scores red as not located on the core network. However, the site benefits from a moderate service level on Sheffield Lane. Recommends the provision of public transport season tickets to increase attractiveness of public transport. In addition clear, attractive, safe walk routes should be provided between the site and the bus stops on Sheffield Lane.

Environment Agency: The proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) as detailed in the Flood Risk Assessment by Wardell Armstrong (dated 25/09/14) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

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
- 5 year supply of housing
- Provision of open space on site
- Highway issues
- Impact upon the route of HS2
- Noise issues and air quality
- Flood risk and drainage
- Ecology/biodiversity matters
- Landscaping/tree matters
- Impact on existing/proposed residents.
- Planning obligations

Principle of development:

The site is allocated for Urban Greenspace purposes in the adopted UDP and it also falls within the Rother 'Strategic Green Infrastructure Corridor' as identified in the Core Strategy. Paragraph 14 to the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

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

The proposed development of residential properties on the site means that the development does not accord with the development plan. In addition, it is considered that the relevant Policies referred to below are not out of date, for the reasons as set out.

The land to the west along the M1 from Junction 33 and predominantly west along the A630, is a Green Infrastructure asset, and performs a corridor function permeating from the core of the built environment out into the rural areas. The site has never been developed. The Council allocates this site as Green Space (the nomenclature has changed) in its Publication of the pre-submission Sites and Policies Document 2015. Public rights of way run around the boundary of the application site adjacent to the northern and southern boundaries.

It is therefore concluded that any proposed development of this area of Urban Greenspace which constitutes a Green Infrastructure asset within a Strategic Green Infrastructure Corridor should be considered in the light of UDP Policy ENV5.1 ‘Allocated Urban Greenspace’ and Core Strategy Policy CS19 ‘Green Infrastructure’. Whilst Policy ENV5 ‘Urban Greenspace’ is not a saved Policy, the supporting text (paragraph 6.4.106) is still considered relevant and notes that: “Urban Greenspace can play one or any combination of a number of equally important roles,... acting as a buffer separating incompatible land uses...” In this instance the land allocated as Urban Greenspace in this location provides an important amenity buffer zone and provides separation from incompatible land uses; residential and the major transportation infrastructure of the M1 and the Parkway.

Saved UDP Policy ENV5.1 ‘Allocated Urban Greenspace’ states that: “Development that results in the loss of Urban Greenspace as identified on the Proposals Map (subsisting) will only be permitted if:

- (i) alternative provision of equivalent community benefit and accessibility is made, or
- (ii) it would enhance the local Urban Greenspace provision, and
- (iii) it would conform with the requirements of Policy CR2.2, and
- (iv) it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest.”

Core Strategy Policy CS 19 ‘Green Infrastructure’ states that: “Rotherham’s network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas.

A net gain in Green Infrastructure will be realised through the protection and enhancement of existing assets and the creation of new multi functional areas, assets and linkages to

include promoting: recreation and tourism, public access (including walking and cycling), green education, biodiversity (incorporating the promotion of ecological networks and habitat connectivity), public health and well being, water management, the protection and enhancement of the local and national landscape character area and historic assets, the mitigation of climate change, green economic uses and sustainable land management.

Action will be targeted to the safeguarding and enhancement of functions and assets of the Strategic Green Infrastructure Corridors and any future refinement work and the delivery of objectives and actions identified in local and sub-regional Green Infrastructure Strategies. This will include long term management and maintenance of these assets.

Developer contributions will be used to facilitate improvements through quality, robustness, establishment, enhancement, and the ongoing management of Rotherham's Green Infrastructure, investing in enhancement and restoration where opportunities exist and the creation of new resources where necessary.

Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:

- a. Securing provision, either on or off site, of an appropriate size, shape, scale and type and having regard to the nature of the development, its impact on the wider network and contribution to the overall quality of the area.
- b. Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals.
- c. Investment in Green infrastructure will be prioritised to increase functionality of individual assets and safeguard existing functions, such as habitats for wildlife.
- d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.
- e. Supporting ecosystem services, including the use and management of Green Infrastructure areas to reduce the impacts of climate change, using vegetation to cool the environment, provision of new open space to remedy the need for natural and semi natural flood storage and managing surface water to ensure landscape change impacted by climate change has long term benefits.
- f. Promoting design which replicates or incorporates natural processes for river morphology and water storage along the regionally important rivers Don, Rother and Dearne.
- g. Promoting innovative development which manages quantifiable risks such as flooding.
- h. Assisting with the integration of new development into the natural and historic environment.”

The reasoned Explanation at paragraphs 5.6.1 to 5.6.8 includes a reference to Map 9 which shows in broad terms the Borough's Strategic and Local Green Infrastructure Corridors. The application site (LDF parcel 0501) is within the geographical scope of

Strategic Green Infrastructure Corridor “Rother” shown in green on Map 9, of regional importance. The Council is proposing in its emerging Local Plan to maintain the extent of this Urban Greenspace and proposes its allocation as Green Space. In this respect, Policy SP41 ‘Protecting Green Space and SP35 ‘Green Infrastructure and Landscape’ of the Sites and Policies document (September 2015) are relevant.

In their conclusions in the Landscape Appraisal: (p27 bullet points 2 and 3, p29 bullet point 5 and p34 bullet 3), the applicants assert that the site provides limited visual amenity; however it is considered that proposed residential development on allocated Urban Greenspace will not enhance the visual amenity of those residents on Blue Mans Way, nor of the users of the Public Rights of Way routes to the north and south of this site. Indeed, the indicative plan shows that the PROW along the southern boundary of the site would be relocated along one of the proposed public highways through the site. It is self-evident that the presence of built development on unbuilt open land would result in a material loss and it is considered would significantly and demonstrably outweigh the benefits of the proposals.

The site has young, but substantial woodland on it and this will eventually develop into broadleaved woodland, as such the site currently provides a “green” and vegetated outlook to nearby residents and PROW users. Indeed, the Trees and Woodland Manager notes that the Urban Greenspace provides an important amenity buffer zone and separation from the major transportation infrastructure of the M1 and the Parkway. At present, collectively the existing trees, shrubs and hedgerows also provide useful amenity and associated environmental benefits that are likely to increase if they are retained and allowed to mature. Indeed, there is potential for the area to become a woodland providing valuable and important amenity and associated environmental benefits, and the Tree and Woodland Manager considers that the trees could be subject to a TPO.

It is not considered that the proposals will enhance the visual amenity of this area and the loss of the vegetation will negatively impact on the outlook of those adjacent residents on Blue Mans Way and the users of the Public Rights of Way network accessing the wider open countryside from within the urban area.

This linear Green Infrastructure permeates from the core of the built environment out into the rural areas (see CS19). This area is within the South Yorkshire Community Forest and is within the South Yorkshire Forest Landscape Improvement Area. Reference to Community Forests are included within the Glossary to the NPPF as “an area identified through England Community Forest Programme to revitalise countryside and green space in and around major conurbations.”

In preparing Core Strategy Policy CS19, the Council had regard to promoting NPPF paragraph 114 in its Local Plan which sets out that: “Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and...”

It is considered that Policy CS19 is clear in that it not only applies to the defined Strategic Green Infrastructure Corridors but to other areas that can also be defined as Green Infrastructure.

The applicants' final submission includes an amended design and layout in an attempt to meet the concerns the Council has previously identified and to demonstrate clear compensation for the loss of a Green Infrastructure asset and opportunity within a defined Green Infrastructure corridor.

As the applicants are aware the Council is proposing to retain the Green Space allocation of this land and this was clearly demonstrated in its Publication of the pre-submission Sites and Policies Document 2015. The applicants' agents have made representations to these proposals and these will be considered by an independently appointed Planning Inspector. Given the late stage of preparation of this Plan it is considered that the current planning application is therefore premature. Consideration of the development of this site for residential purposes should now be undertaken during the Examination in Public into the Rotherham Sites and Policies Document. It is therefore considered that the loss of this land, that is allocated for Urban Greenspace purposes within the Unitary Development Plan and is within a Strategic Green Infrastructure Corridor, to residential development is unacceptable.

It is considered that the applicant has not robustly demonstrated how their amended proposals compensate for the loss of allocated Urban Greenspace within a defined Strategic Green Infrastructure Corridor (CS19). This area should be viewed as an opportunity area within which further Green Infrastructure enhancements and improvements could be undertaken. The review of the submitted amendments to the outline planning application suggests that the compensatory measures are insufficient and the development proposals do not adequately compensate for the loss of allocated Urban Greenspace within a Strategic Green Infrastructure Corridor (CS19).

The proposals for enhancement of the Urban Greenspace to be retained are not considered adequate in that alternative provision of equivalent community benefit and accessibility has not been made (in accord with ENV5.1); nor do the proposals significantly enhance the local Urban Greenspace provision. Policy CR2.2 'Safeguarding recreation areas' is not relevant as the site is not currently used for sports grounds/playing fields/allotment purposes.

Neither the covering letter, or the Ecological Compensation and Enhancement Plan submitted by the applicants outline or summarise the compensatory measures that are proposed and it is only within the revised Landscape Appraisal that there is some assessment of the impact of the loss of Urban Green Space within a Strategic Green Infrastructure Corridor. There is still significant development proposed on the site and whilst a wildflower meadow is now proposed to be included (within an area of immature woodland that will be grubbed out to accommodate such planting) this is only 100 square metres in size. This seems to be inadequate in size.

The Ecological Compensation and Enhancement Plan states that: "This plan provides a series of habitat creation and management measures required in compensation for the minor loss of hedgerow habitats arising from the development proposals." This appears to be a wrong premise from which to start the appraisal as the whole site is allocated Urban Greenspace and the Local Plan proposes to retain this designation - it is not a development site. The Ecological Compensation and Enhancement Plan should be proposing adequate compensatory measures in accordance with Policy CS19 for development that is proposed for a site that is contrary to its current and proposed future allocation and that is located within a Strategic Green Infrastructure Corridor.

Section 4.4 'Conclusions' of the Ecological Compensation and Enhancement Plan notes that: "There would be good scope to mitigate any proposed development, as existing boundary vegetation is already well-established". It is considered that the amended scheme should be considering compensation for the loss of Strategic Green Infrastructure in line with Policy CS19, not just mitigation.

The site currently provides a "green" and vegetated outlook to nearby residents and although it is not a managed landscape it is naturally created semi mature tree planting. It is not considered that the proposals will enhance the visual amenity of this area as the loss of the trees will negatively impact on the outlook of those adjacent residents on Blue Mans Way and the users of the Public Rights of Way.

In conclusion, it is considered that the proposal fails to pass the tests set out in paragraph 114 of the NPPF. It is also considered to be contrary to Core Strategy Policy CS19 'Green Infrastructure' and to UDP Policy ENV5.1 Allocated Urban Greenspace.

5 year supply of housing:

Paragraph 47 of the National Planning Policy Framework notes that:

"To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable (11) sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable (12) sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

(11) To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be

delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

(12) To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”

Paragraph 49 of the NPPF adds that: “...housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

The Council cannot currently demonstrate a five year housing land supply + 20%, as evidenced in the SHLAA published 2015. However over a number of years the Council has, through the preparation of draft Sites and Policies Documents 2011, 2013, 2014, and 2015 and their accompanying Sustainability Appraisals for consultation purposes, considered the allocation of sites for residential, employment, retail, mixed use, Green Space and other supporting community services and facilities. The Council has undertaken several site visits throughout the Borough and has considered the potential development of over 550 sites. The Council’s Consultation Statement (published September 2015) provides details of all consultation undertaken to date and the outcomes of that consultation.

The Council published its pre-submission Sites and Policies Document on 28 September 2015 for a six week consultation period until 9 November 2015. The Council considers that its Plan is sound and is proposing to submit the Plan to Central Government for Examination in Public on Monday 21 March 2016. The Council has demonstrated the exceptional circumstances to undertake a Green Belt Review and is changing the boundaries of its Green Belt to allocate sufficient land to meet its identified housing target. The Council has justified the exceptional circumstances required to undertake a Green Belt Review and paragraph 5.2.72 explanation to Core Strategy Policy CS4 ‘Green Belt’ refers to this.

In preparing its Local Plan the Council has undertaken in-depth study of all potential site allocations; they have been subject to sustainability appraisal and consultation; the Council is also mindful of the location of the sites it is proposing to allocate and the settlement hierarchy established in Core Strategy CS1 ‘Delivering Rotherham’s Spatial Strategy’. There is developer interest in developing Wood Lane, Treeton, and the Council has promoted that site as a preferred allocation for a number of years. The Council has also had regard to the planning permission already granted for Waverley New Community and the impact the development of nearly 4,000 new homes and the Advance Manufacturing Park will have on the community of Catcliffe. It is for these reasons that the Council is proposing to allocate a site some little distance away at Wood Lane, Treeton, but within the same settlement grouping within its emerging Sites and Policies Document.

When adopted the Council will, in its Local Plan, more than meet a six year supply of residential land. Sufficient land has been identified to meet the housing need target of CS1 ‘Delivering Rotherham’s Spatial Strategy’ and CS6 ‘Meeting the Housing

Requirement' for development within the Plan period, to 2028 in the Publication Sites and Policies Document 2015. This will require the release of proposed allocations currently within the Green Belt. The Council will prepare a new housing trajectory and refresh its SHLAA to support the Sites and Policies Document at Examination in Public (EIP).

Between 22nd October and 6th November 2013 and on 15th May 2014, the Secretary of State's Inspector considered the draft Core Strategy and its underlying evidence base. On the 30th June 2014 he published a report finding the Core Strategy sound, subject to certain modifications. Under Main Issue 1, between paragraphs 26 and 54, (in particular at paragraph 36) he considered "Catcliffe/ Orgreave/ Treeton" as a Local Service Centre and to be allocated 1% of the housing growth. He noted that this centre (and the others specified) "provide few if any, suitable opportunities for residential development". At paragraph 37, he concluded that there was a sure foundation for the protection of natural assets, and that the Strategy adopted a sound approach.

At paragraph 39 to 41 he concluded that there were exceptional circumstances (within the meaning of NPPF paragraphs 82 and 83) for a Green Belt boundary review because the Borough has to meet its housing but that there was considerable local opposition to such development.

At paragraph 48 he concluded that Policy CS1 (as amended and modified) provided a clear indication of the amount and percentage of the total requirement of housing development proposed for each settlement. He stated that: "The strategy ensures that development takes place in the most sustainable locations, reducing the need to travel particularly by private transport. It should be supported." However at paragraphs 49 – 50 he recommended deletion of CS3 'Location of New Development' phasing provisions.

The Core Strategy was adopted 10th September 2014. The Core Strategy includes Strategic Objectives 1 to 17, Policies CS1 (overall Strategy), CS4 (Green Belt), and CS19 (Green Infrastructure).

Objective 1 provides for the scale for future growth, Objective 2 provides for Green Belt, and Objective 3 for sustainable locations. Objective 8 provides for Landscape and Objective 9 for Greenspaces, sport and recreation. Objective 9 states that: "By the end of the plan period, the Borough's network of green infrastructure will have been identified, conserved and enhanced. Implementation of the plan's policies will have protected and enhanced the borough's network of accessible sport and recreation facilities and helped improve the health of Rotherham's population."

Policy CS1 provides for an Overall Strategy. The Strategy establishes a settlement hierarchy. Most development will take place within Rotherham's urban area and at Principal Settlements for Growth. Catcliffe, Orgreave, Treeton is a Local Service Centre, identified as contributing 170 dwellings (or 1%) to the Borough's housing provision. But that figure is not a ceiling. In particular CS1 policy states: "Most new development will take place within Rotherham's Urban Area and 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..."

Where development cannot be accommodated in a sustainable way to meet the needs of the settlement as determined by the settlement hierarchy, then consideration will be given

to identifying sites in other appropriate settlements within the same tier or within or on the edge of higher order settlements before searching for sites in settlements of a lower order in the hierarchy...”

CS1 explanation paragraphs 5.2.16 to 5.2.32 explain the settlement hierarchy. Catcliffe, Treeton, Orgreave falls within Category 4; it is of a lower order of functionality and is suitable for limited growth. This Policy requires the application of a cascade approach to new development.

Table 8 of Policy SP1 in the Publication Sites and Policies Document 2015, considers the targets, permissions and development site residential numbers: as already noted the Core Strategy target for this settlement grouping is 170; Planning permissions have been granted so far for 102 units, the balance required is 68. Permission, subject to the signing of a S106 planning obligation, is expected for parcel 0505 /H53 for 89 dwellings (the site directly to the south of the current application site) and a further site parcel 0489 / H57 with an anticipated capacity of 75 dwellings has also been identified (the Wood Lane, Treeton site, which is within the Green Belt.) In total a further 164 units are anticipated on known development sites (total 268, as opposed to the 170 target figure).

Those sites with planning permission 102 (units) qualify within NPPF Paragraph 47 (footnote 11) as contributing to the required ‘deliverable’ supply. On the signing of the S106 planning agreement for parcel 0505 (89 units), this would result in 191 units being some 10% above the 170 indicated in CS1 for the settlement. This would indicate exceedance of “limited growth” and suggests that the development of parcel 0501 (the application site) as not being developed in a sustainable way in accordance with Policy CS1.

The explanation includes that the Council is reviewing its Green Belt and Policy CS4 provides for the Green Belt and identified changes. Thus the identification of parcel 0489 / H57 is in accord with this Policy.

In view of the above it is accepted that the Council cannot clearly demonstrate a 5 year supply of housing, though it is not considered that this would outweigh the significant impact that the proposed housing would have on this area of allocated Urban Greenspace that performs a valuable Green Infrastructure benefit in this location.

Provision of open space on site

Core Strategy Policy CS22 ‘Green Space’ states that: “The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected. Rotherham’s green spaces will be protected, managed, enhanced and created by:

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required

- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:
 - i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
 - ii. Creating or extending green links where feasible as part of green space provision in new developments.”

The UDP Supplementary Housing Guidance 4: ‘Requirements for greenspace in new housing areas’ requires 20sqm of Greenspace per dwelling (where proposal relates to provision of between 50-100 dwellings). In this instance that would amount to a maximum of 1,280sqm (64 dwellings).

In this instance, the existing recreational benefits of the site are limited as it is overgrown with small trees and only contains informal paths through the site. It could not be used for active sport or recreational use. The indicative plans submitted with the current application propose 1,448sqm of usable public open space, plus the retention and improvement of public footpaths through the large tree planted area. This will create an improved environment for walkers and formalise existing poorly defined footpaths.

Policy CS22 refers to detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required. The supporting text notes that informal open space can include (amongst other things) “accessible countryside in urban fringe and rural areas – including woodlands.” Policy SP40 of the Sites and Policies document (September 2015) requires 55sqm per dwelling (24sqm per person) though has not been through formal examination and can only be given limited weight. Notwithstanding this, for 64 dwellings it would suggest a requirement of around 3,500 sqm of open space, and in this instance if the wooded areas to be retained/proposed on site are taken into account there is over 9,000sqm provision (including the 1,448sqm of actual open space proposed).

The application is in outline form and the detailed provision of open space would be considered at the reserved matters stage, and the indicative proposals are considered to represent an improvement in terms of the active open space provision in accordance with Core Strategy Policy CS22 ‘Green Space’ and Housing Guidance 4 of the UDP.

It is noted that Catcliffe Parish Council has requested a contribution towards the existing play facility off Sheffield Lane, though it is not considered that such a contribution would be

justified in this instance due to the over-provision of Greenspace on the site. No additional children's play facility is required on the site itself as it is within 400m of the existing facility off Sheffield Lane.

Highways Issues

Whilst the application is in outline form, the means of access (for the first 50m) is to be considered in detail at this stage. Access would be taken off the end of Blue Mans Way and whilst an indicative link to the potential housing site to the south is shown on the indicative plan, which could be conditioned as part of any approval, the development of that adjacent site is not guaranteed. As such, it has to be assumed that all traffic will enter the site via Blue Mans Way.

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."

A Stage 1 Safety Audit has been prepared with regard to the intended means of access to the site (extension of Blue Mans Way). In this respect the "means of access" being applied for is the initial 50m approximately of road measured from the end of Blue Mans Way. This includes approximately 13m of road between the end of the adopted highway in Blue Mans Way and the boundary fence with the open land to the north (the main part of the application site). The remainder of the site layout has been submitted for illustrative purposes only. The proposed carriageway width from the end of the adopted highway in Blue Mans Way has been increased from 3m to 4.8m, which compares to the existing

width in Blue Mans Way itself of 5.5m. The 4.8m width would continue into the main part of the application site (total length 20m) before widening out to 5.5m again. The South Yorkshire Residential Design Guide makes provision for a carriageway of this reduced width where vehicle speeds of the order of 20mph are anticipated. In addition, a raised block paved speed table is proposed where the road is reduced in width.

The existing Blue Mans Way has been constructed to this design speed by means of its horizontal alignment. Extending the road with a raised, block paved table would maintain this design speed concept and the introduction of a Traffic Regulation Order, financed by the development as part of a S106 Agreement (£3k), could formalise a 20 mph speed limit. Accordingly, the further revised access proposal is considered to be acceptable.

Discussions have taken place between the applicants agents and the Council's Travel Plan officer and a revised Travel Plan has now been submitted which is acceptable. The contribution of £36k towards measures to encourage non car modes of travel should be safeguarded by a S106 Agreement.

The application has generated a significant number of objections from nearby residents, particularly with regard to the use of Blue Mans Way as the sole means of vehicular access/egress. In this respect, the site has been visited on several occasions, including early morning (7-15am on Monday 27th October 2014), to observe the parking situation. Some parking in Blue Mans Way was observed. However, the carriageway width of 5.5 metres is capable of accommodating some on street parking whilst maintaining the ability for other vehicles to pass. In any event, Blue Mans Way is a public highway, the main function of which is to allow the passage of vehicular and pedestrian traffic. Obstruction of the highway is an offence under the Highway and Road Traffic Acts. There are separate pedestrian facilities. In these circumstances, it is considered that Blue Mans Way is capable of satisfactorily and safely accommodating the additional vehicular and pedestrian traffic likely to be generated by the proposal. Indeed, a previous planning permission for the Blue Mans Way estate, RB2002/875, indicated the possibility of Blue Mans Way being extended in the future.

Furthermore, the means of access applied for includes a stub road up to the southern boundary of the site adjacent No. 77 Blue Mans way. This is to allow for the possible future link to the adjacent development site which is the subject of a concurrent application, RB2014/1461. If implemented, this would enable a further point of access to/from the site in accordance with current advice contained "Manual for Streets" and the "South Yorkshire Residential Design Guide". These documents advocate the creation of a network of streets that provide permeability and connectivity to main destinations and a choice of routes. Such routes encourage walking and cycling and can lead to a more even spread of motor traffic throughout the area. These documents also accept the idea of narrowing the carriageway over a short length as a traffic calming feature.

Notwithstanding the fact that a link through to the adjacent site may not be achieved and that the development may solely be accessed from Blue Mans Way, it is considered that the development is 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.

Impact Upon the route of HS2

Turning to the issue of High Speed 2 (HS2), when the Secretary of State's Inspector considered the draft Core Strategy and its underlying evidence base his report at paragraph 166) addressed HS2. He concluded that the importance of the principle of the project justifies the main modification. The modification was to CS17 'Passenger Rail Connections' by which the Secretary of State added "g) the route of High Speed Two rail line" and new explanatory text paragraph 5.5.32.

In 2014 the Government published an amended route of HS2. A plan shows a further amended route of HS2 (and its 200m buffer), again as covering (not all, but) about a third of parcel 0501 (the application site). The 200m buffer is likely to include account for a cutting and also a functional buffer.

The Rotherham Local Plan 'Publication Sites and Policies' (September 2015) Policies Map (Sheet 2) identifies the 'HS2 Consultation Line published 2013 (route to be finalised by Government)' which runs close to the west/south of the site. Core Strategy 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 was expected towards the end of 2015 which had already been delayed from the previous estimated announcement date of 2014. No announcement has as yet been made and there are currently no Safeguarding Directions formally in place for Phase 2 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 close to, but outside of, the application site though the 400m exclusion zone would still mean that the proposed line of HS2 would have an 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, in this instance 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 proposal is acceptable in terms of HS2 and Core Strategy Policy CS17.

Noise Issues and Air Quality

Core Strategy Policy CS 27 'Community Health and Safety' states that:

"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.

Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments.

Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality.

New development should be appropriate and suitable for its location. Proposals will be required to consider the following factors in locating and designing new development:

- a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability
- b. Public safety and health risks directly arising from in-situ operations, past mining activity, and/ or from potential indirect or cumulative impacts on surrounding areas, sensitive land uses, and the maintenance of healthy functioning ecosystems.
- c. The impact of existing sources of pollution and the potential for remedial measures to address problems of contamination, land stability or air quality.
- d. Potential adverse effects of additional development near to hazardous installations and upon Air Quality Management Areas”.

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 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.

Neighbourhoods (Environmental Health) have stated that any future occupiers will be affected by the noise from the nearby busy Sheffield Parkway. The site is noisy in nature because of its location and this is demonstrated by the noise levels that were recorded and the fact that the applicant target levels can only be achieved with windows closed and passive ventilation systems installed. The applicants` own report states “noise from road traffic noise on the Sheffield Parkway was found to be dominant across the site.” (Para 3.1.10.)

There also potential for noise disamenity and disruption from the site during construction to existing residential housing on Blue Mans Way.

As such these noise issues need to be further considered as part of any reserved matters application. Many of the noise issues in terms of internal noise and garden noise can only be fully considered as part of a reserved matters application. The indicative layout with the dwellings set back from the Parkway does however demonstrate that a residential layout is achievable on site which could mitigate noise concerns.

With regard to air quality the site falls outside of an Air Quality Management Zone and the submitted air quality impact document states that the impact from the development is 'not significant'. However a number of mitigation measures on site are proposed to reduce air pollution, caused by the development.

Subject to appropriate conditions it is considered that the proposals are acceptable and in line with Policy ENV3.7 of the Rotherham Unitary Development Plan, Policy CS27 'Community Health and Safety' 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."

The initial drainage scheme involved open storage basins set within the retained Urban Greenspace. However the amended scheme now involves underground storage beneath the highway. The Council's drainage engineer considers that an underground storage solution is possible, though not the one currently suggested by the applicants. As this is an outline application this matter can be addressed at the reserved matters stage.

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.

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 ecological appraisal results are supported and the mitigation and enhancement measures are acceptable in principle. Further detail is required to ensure opportunities are maximised and that appropriate long-term management can be implemented, which can be controlled by condition.

With this in mind it is considered that the proposals accord with the relevant biodiversity policies and guidance of the NPPF and 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. In respect of the proposed landscaping on the site the proposals are considered acceptable.

However, in terms of the impact of the proposals on the existing landscape, at present there are concerns and reservations regarding the proposals. This is due to the adverse impact on local amenity resulting from the loss of the designated Urban Greenspace and the existing trees and shrubs that help provide useful amenity and associated environmental benefits, including potential ecological opportunities. In addition, there is future potential for the existing trees and shrubs as a developing woodland, increasing any potential benefits as it matures. For these reasons it is difficult to support the application unless the benefits of development clearly outweigh the loss of the Urban Greenspace.

In view of the above it is considered that the proposals do not accord with Policy CS19 'Green Infrastructure' in this respect.

Impact on existing/proposed residents

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.

The applicant has submitted an indicative layout showing that 64 dwellings could be comfortably provided on site, without harming the amenity of neighbouring residents on Blue Mans Way or the new proposed dwellings on the adjacent site to the south. As such a proposed reserved matters application could 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 77sqm for 3 bed properties and 93sqm for 4 bed properties. No house type plans have been submitted, however the plots are large enough to accommodate appropriate sized dwelling with rear gardens at or beyond 60sqm minimum recommend by the Council. As such the site has a potential to accommodate adequate housing subject to a reserved matters application.

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

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.

With the above circumstances in mind the following S106 Obligations are recommended should Planning Permission be approved.

- 25% provision of on site affordable housing.

- The creation of a green space management company to ensure the long term future maintenance of on site green space.
- Education contribution of £2,342 per dwelling.
- The contribution of £36,000 towards measures to encourage non car modes of travel.

The Parish Council has also requested a contribution towards improvements to the Village Hall. However the funding of improvements to the Village Hall is not considered to accord with the Government Guidance referred to above in terms of not being necessary to make the development acceptable in planning terms.

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

The site is allocated for Urban Greenspace purposes in the adopted UDP and it also falls within the Rother 'Strategic Green Infrastructure Corridor' as identified in the Core Strategy. The applicant has not demonstrated how the proposed development of the site will adequately compensate for the loss of a significant part of the Green Infrastructure asset, and has not demonstrated what alternative provision of equivalent community benefit and accessibility in respect of the Urban Greenspace to be lost would be made, or how the development would satisfactorily enhance the local Urban Greenspace provision. Furthermore the proposal would result in the loss of the majority of a developing woodland, which offers both visual amenity benefits and associated environmental benefits as it matures. As such, the proposals are contrary to UDP and Core Strategy Policies and to the NPPF.

It is accepted that the Council cannot clearly demonstrate a five year supply of housing but it is not considered that this would outweigh the significant impact that the proposed development would have on the local Green Infrastructure and allocated Urban Greenspace. For the above reasons it is recommended that planning permission be refused.

Notwithstanding the above, it is accepted that sufficient open space can be provided on site to meet the needs of the proposed residents.

In highway terms the development would potentially all be accessed from Blue Mans Way, though it is considered that this road can adequately accommodate the additional traffic movements generated by the proposed development.

The proposed development is considered acceptable in terms of other impacts as set out in the Appraisal section above.

Reason

The site is allocated for Urban Greenspace purposes in the adopted UDP and falls within the Rother 'Strategic Green Infrastructure Corridor' as identified in the Core Strategy. The applicant has not demonstrated how the proposed development of the site will adequately

compensate for the loss of a significant part of the Green Infrastructure asset, and has not demonstrated what alternative provision of equivalent community benefit and accessibility in respect of the Urban Greenspace to be lost would be made, or how the development would enhance the local Urban Greenspace provision.

It is accepted that the Council cannot clearly demonstrate a 5 year supply of housing, and the proposed development would contribute towards the supply. However, the proposed development would result in the exceedance of “limited growth” as set out in the Settlement Hierarchy, and it would not be sustainable, contrary to Policy CS1 ‘Delivering Rotherham’s Spatial Strategy.’ In addition, it is not considered that the benefits of the provision of additional housing outweigh the significant impact that the proposed housing would have on this area of allocated Urban Greenspace that performs a valuable Green Infrastructure function.

As such, the proposals are contrary to UDP Policy ENV5.1 ‘Allocated Urban Greenspace’ and Core Strategy Policies CS1 ‘Delivering Rotherham’s Spatial Strategy’ and CS19 ‘Green Infrastructure’ and to the NPPF.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant entered into pre application discussions with the Local Planning Authority, following the submission of the application and the subsequent amended documents the scheme could not be supported by the Local Planning Authority.

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
18 FEBRUARY 2016**

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

INDEX PAGE

RB2015/1422 Extension to existing day care nursery and temporary siting and use of portable classroom at Railway Children Day Care, Nursery Wood Lane, Treeton for Mr. R. Zaddiq.	Page 42
RB2015/1425 Conversion of barn to dwelling (Use Class C3) at The Barn, Dalton Lane, Dalton for Mr. Thacker.	Page 51

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 18 FEBRUARY 2016

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

Application Number	RB2015/1422
Proposal and Location	Extension to existing day care nursery and temporary siting and use of portable classroom at Railway Children Day Care Nursery, Wood Lane, Treeton, S60 5QU
Recommendation	Grant subject to conditions

This application is being presented to Planning Board due to the number of objections received.



Site Description & Location

The site of application is the Railway Children Day Care Nursery, located on Wood Lane Treeton, at the point where Front Street turns into Wood Lane. The property was originally constructed as a Methodist Church and was subsequently converted to a Children’s Day Nursery within the last 5-10 years.

The property is a 1960s building with a mixture of flat and pitched roofs, constructed in artificial stone and timber panelling. The property is largely screened by Silver Birch

trees to the front that are protected by way of TPO No. 3, 2009. To the side (west) is a large open grassed area with landscaping and a small memorial to a mining disaster. This grassed area of the site originally contained a Victorian Chapel, which had to be demolished due to mining subsidence. There are also the rear of residential properties on Westfield Lane. To the east is a terrace of residential properties fronting Wood Lane, as well as a rear private access road that serves them. To the rear (south) of the site are residential properties on Rother Crescent.

The Nursery Building itself falls outside the Treeton Conservation Area, however the open grassed area falls within the Conservation Area.

Background

RB2012/1693 - Application to prune 3 No. silver birch trees protected by RMBC Tree Preservation Order No.3 2009 - GRANTED CONDITIONALLY

RB2014/1177 - Erection of canopy to rear - GRANTED CONDITIONALLY

Proposal

The applicant seeks permission for a single storey side extension and a temporary portable building to be positioned on site during the construction.

The new side extension will measure 4m wide, by 21.6m deep and 2.6m high. The overall height of the extension has been reduced to minimise the impact upon neighbouring amenity by replacing a sloping roof element with a flat roof

The proposed temporary cabin building is to be positioned in the side garden area and will be removed following the completion of the extension on 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) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for 'Residential' purposes in the UDP, and this allocation is carried through onto the Rotherham Local Plan 'Publication Sites and Policies' document Policies Map. 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'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV2.11 'Development in Conservation Areas'

Other Material Considerations

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

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

The NPPF 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 neighbouring letters, a site notice and a press notice as the development (principally the siting of the mobile classroom) would potentially impact on the Treeton Conservation Area.

Three letters of objection have been received from the occupiers of 50 Wood Lane, 29-31 Front Street, and 'Richlee' on Front Street. In addition, a petition has been submitted and signed by the occupiers of the 3 properties referred to above, as well as the occupiers of 53 and 112 Wood Lane, and Church View on Westfield Lane. The objectors state that:

- There is no provision for parking currently, and there is no provision for parking for the new extension/building. This goes against a core planning strategy of the Council and is causing a real headache for residents and other road users.
- As the nursery expands, staff numbers will inevitably increase, as will the number of parents dropping off children. It should also be noted that these drop-offs are not always limited to a few minutes and additional cars may be parked for periods of up to an hour on the main road.
- The protected trees at the front of the site could be removed to provide for additional parking area – loss of trees would be outweighed by better parking and associated highway safety improvements.
- This space, which I understand to be in the Treeton Conservation Area, adds significantly to the character of the village and in my opinion it is important that this, along with the 'memorial plaque' in the wall, remains undeveloped and undisturbed.
- Any extension into the "front garden space" would also be detrimental to the appearance of this part of the village.

The applicant has requested the right to speak at Planning Board.

Consultations

Streetpride (Transportation & Highways) Unit: Notes from the submitted details that no additional staff will be employed as a result of the proposed scheme and that Front Street is capable of accommodating some on street car parking. This being the case, no objections are raised to the granting of planning permission in a highway context.

Streetpride (Trees & Woodlands): At present there are concerns and reservations regarding the proposals due to the potential adverse impact of the proposed extension on local amenity and, in particular the future prospects of the protected Silver Birch trees on the site protected by TPO.No. 3, 2009. However, hopefully any concerns may be overcome if the proposed extension is relocated outside the recommended root protection area of the trees. However, if this is not possible, special design and construction methods will need to be used for the foundations of the extension to help minimise any impact on the trees and the valuable and important amenity they provide on the edge of the local Conservation Area.

Appraisal

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

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

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

The site has as an established use as a Children's Day Nursery, as such the principle of the development is already established. Therefore the main issues to take into consideration in the determination of the application are –

- The impact upon the appearance of the host property
- The impact of the portable classroom on the Conservation Area
- The impact upon neighbouring amenity
- Impact on highways
- The impact upon the protected trees to the front

The impact upon the appearance of the host property

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

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

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

The proposed flat roofed extension reflects the 1960 style of the host property and represents a proportionate extension. The majority of the extension will not be readily visible in the streetscene and subject to the use of appropriate materials will not appear out of keeping. As such the proposed extension will be in keeping with the host property and accords with the both Core Strategy Policy CS28 and the guidance contained with the NPPF.

The impact of the portable classroom on the Conservation Area

With regards to design issues and the impact on the Conservation Area, ‘saved’ UDP Policy ENV2.11 ‘Development in Conservation Areas,’ states: “the Council will not permit development which would adversely affect the architectural or historic character or visual amenity of the Conservation Area. It also states the Council will have regard to the degree to which the proposals are compatible with the vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of the Conservation Area’s character.”

The proposed portable classroom, is a utilitarian structure inappropriate as a permanent addition within the Conservation Area. However the applicant only requires the temporary classroom during the construction work, to maintain a working nursery. The position of the classroom also ensures that no damage will occur to any of the original stone walling or compromise the setting of a mining memorial.

With the above circumstances in mind the proposed portable classroom is considered acceptable as a temporary addition within the Conservation Area and would be in accordance with ‘saved’ UDP Policy ENV2.11 ‘Development in Conservation Areas,’ and the NPPF.

The impact upon neighbouring amenity

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

The Council's Interim Planning Guidance 'Householder Development' specifically relates to proposed house extensions though its general guidance can be applied to proposed extensions on other buildings that impact on existing residential properties. It gives guidance upon overshadowing matters and notes: "Extensions should not overshadow neighbouring properties to an unreasonable degree. The Council will take account of the orientation and position of neighbours' windows in relation to the extension. Where an extension would be likely to significantly reduce the amount of sunlight and/or daylight casting a shadow over private amenity space or entering the window of a habitable room (such as a kitchen, living room or bedroom) planning permission may not be granted."

With regard to the impact upon neighbouring amenity, the proposed temporary classroom is set to the front of the site, divided from the nearest neighbour by a high wall. As such the classroom will not harm neighbouring amenity. Turning to the side extension, this is a permanent addition and has been reduced in height at Officer's request to minimise the harm upon the amenity of the nearest dwelling No.112 Front Street. At 2.6m high the proposed extension is similar in height to a small shed or outbuilding and as such the impact upon neighbouring amenity is acceptable.

With the above circumstance in mind the outbuilding is in accordance with the Council's Interim Planning Guidance along with the guidance within the NPPF.

Impact on highways

A number of objectors have raised concerns regarding the impact of the development upon the local highway network. The objectors are concerned that the surrounding roads currently struggle to accommodate the level of parking generated by the nursery and that an extension will result in further parking demands in the area.

The applicant indicates that no additional staff will be employed as a result of the proposed scheme. The Council's Transportation Unit note that Front Street is capable of accommodating some on street car parking and therefore has no objection to the granting of planning permission in a highway context.

Furthermore the Council has been approached by the applicant with a view to forming an onsite car park as part of a separate application. This is however only at an early stage and may not materialise.

The impact upon the protected trees to the front

The site contains 3 mature Silver Birch trees protected by TPO No. 3, 2009 together with a low amenity Ash and existing mature shrubs. Of these the most significant amenity trees with reasonable to good medium to long term future prospects are the protected Silver Birch as they provide valuable and important amenity. Indeed, it is for this reason they were protected and their retention is desirable whilst their condition allows.

According to the submitted details the proposed extension will be approximately 3m from the main stem of T1. This is clearly within the recommended root protection area. Also, in this instance, it is noted there is limited rooting potential of only 2.65m towards Front Street. Therefore, it could be argued the Root Protection Area should be extended equally in other directions to take this into account. At the least there should be no

excavations, including any changes to existing ground levels and surfaces within 4.2m of T1. At present, from the submitted details, it appears this will require the extension to be set back an additional 1.2m from T1, which the applicant is unwilling to implement due to the loss of internal floor area.

Therefore special design and construction methods will be required for the foundations of the extension to help minimise any root disturbance, cutting and possible damage e.g. pile and beam foundations within the Root Protection Area of T1. An appropriate worded condition has been attached requesting details of the foundations prior to the commencement of development, which will protect the future amenity of the trees.

Conclusion

In conclusion, it is considered that the proposed side extension and temporary classroom are acceptable and will not cause harm to neighbouring amenity. It is further considered that the proposed development will not have a detrimental impact on the character of the host property or Treeton Conservation Area, or on highway safety in this location.

It is therefore recommend that the application for planning permission subject to the conditions as set out below, be granted conditionally.

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)
(Amended Elevations TrtnExt004A, received 14 January 2016)
(Floor Plan TrtnExt003, received 02 November 2015)
(Temporary Classroom Elevations TrtnExt007, received 12 November 2015)
(Amended Site Plan TrtnExt008, received 16 November 2015)

Reason

To define the permission and for the avoidance of doubt.

03

The proposed temporary portable classroom hereby approved shall be removed from site once the single storey side extension is brought into use and the site restored in a manner to be agreed with the Local Planning Authority.

Reason

The proposed temporary classroom building is not considered suitable as a permanent structure within the Conservation Area, in accordance with UDP Policy ENV2.11 'Development within Conservation Areas.'

04

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason

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

05

Prior to the commencement of any development on the site, details of special design and construction methods for the foundations of the extension so as to minimise any disturbance to the roots of the protected Silver Birch trees at the front of the site shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented during construction.

Reason

In the interest of the future prospects of the protected TPO trees and in accordance with UDP Policy ENV3.3 Tree Preservation Orders.

06

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: Trees in Relation to Design, Demolition and Construction and positioned in accordance with details to be submitted to and approved by the Local Planning Authority. 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

In the interest of the future prospects of the protected TPO trees and in accordance with UDP Policy ENV3.3 Tree Preservation Orders.

Informative

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 5 & 6 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 5 & 6 are fundamental to the acceptability of the development and the nature of the further information required to

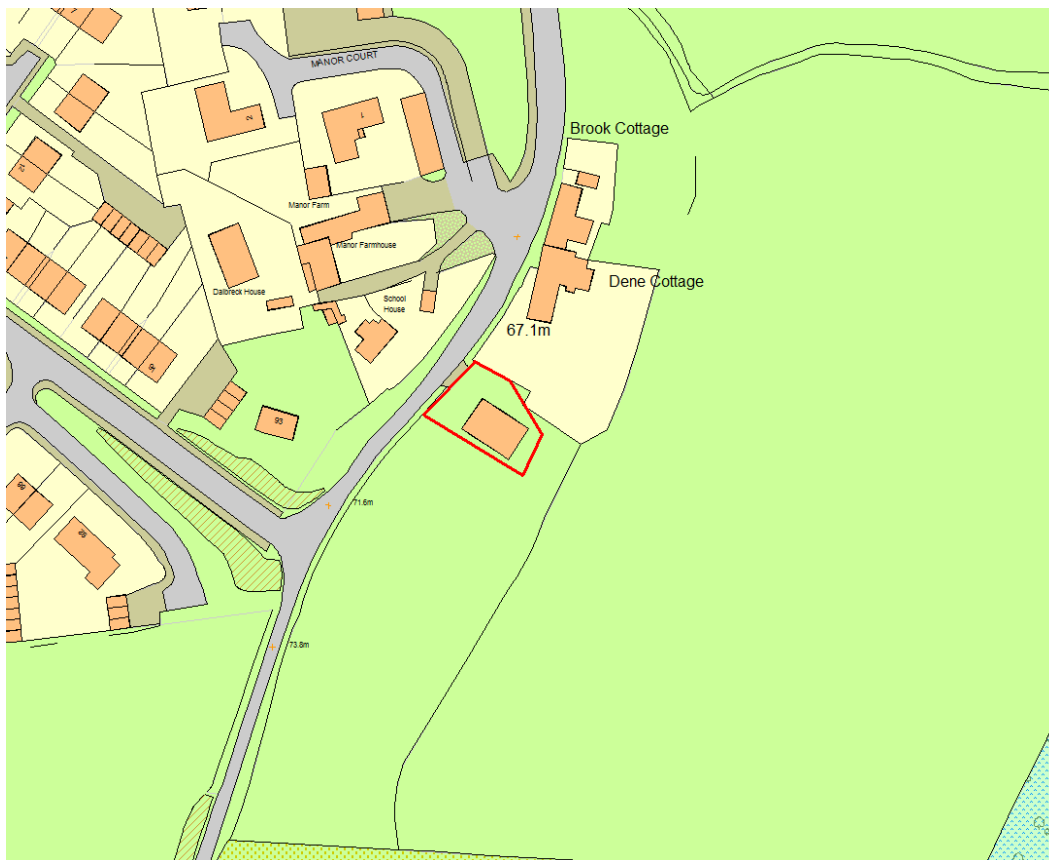
satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

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.

Application Number	RB2015/1425
Proposal and Location	Conversion of barn to dwelling (Use Class C3), The Barn, Dalton Lane, Dalton, S65 3QQ
Recommendation	<p>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:</p> <ul style="list-style-type: none"> • That the building remains in the applicant's ownership for a minimum period of 5 years following the grant of planning permission otherwise a £10,000 affordable housing contribution becomes payable. <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

This application is being presented to Planning Board as more than 5 objections have been received.



Site Description & Location

The site lies at the southern end of the main Dalton village on the eastern side of Dalton Lane. The site comprises of a rectangular shaped field, approximately 0.6 hectares in size, with a farm building to the north of the site which was granted at appeal after being refused planning permission under RB2007/0658 (APP/P4415/A/08/2068237/NWF).

Access into the site is via a driveway that slopes down on a west to east orientation from Dalton Lane. There is a gate across the entrance to the site and beyond this is a hawthorn hedge adjacent the highway.

The site lies within the Green Belt, with areas to the west lying within a residential allocation. The site also lies within the southern end of the Dalton Conservation Area. To the north east and south of the site there is open countryside with an area of woodland to the south-east.

Background

Relevant planning history of the site dates back to 1997 and the full planning history is detailed chronologically in the following table:

Table Summary

Planning Application ref	Proposal	RMBC Decision	Appeal	Enforcement taken?	Post application notes
RB1997/1107	Part retrospective application for the infilling of land, landscaping, re-siting of access and erection of a stable.	Refused December 1997.	No	Enforcement Notice served January 1998. EN1998/0118.	Works removed and land re-instated to original contours.
RB2007/0658	Erection of an agricultural building for storage and for the housing of livestock.	Refused at Planning Board August 2007.	Allowed on appeal 25 th June 2008.	During subsequent monitoring, a number of discrepancies in the design noted. Led to submission of RB2008/1698.	Application built. Where relevant, conditions discharged.
RB2007/1658	Erection of an agricultural building for storage and for the housing of livestock (amendment to RB2007/0658 for a smaller footprint)	Refused at Planning Board May 2008.	No	No.	Application not built
RB2008/1698	Retrospective application for erection of an agricultural building for storage and for	Refused at Planning Board March 2009.	Allowed on appeal 23 th February 2010.	Ongoing enforcement monitoring taken place 2010- No conclusive	Construction on site regularised. Stage 1 complaint

	the housing of livestock (amendment to previously approved on appeal under RB2007/0658)			evidence to indicate the building used as a dwelling. PCN served September 2015.	Stage 2 complaint January 2009. Stage 3 complaint March 2009.
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Chronological summary

1997

A part retrospective planning application RB1997/1107 was refused in December 1997. This was for the infilling of land, landscaping, re-siting of access and erection of a stable.

1998

In January 1998 an Enforcement Notice was served on the property. No appeal was submitted against this and the notice came into effect shortly after. In August 1998 the Enforcement Officer noted on the planning file that the unauthorised works had been removed and the land levels had been reinstated/re-graded in accordance with the original pre-1997 land levels.

2007

In May 2007 a planning application for a barn was submitted under RB2007/0658. This was recommended for approval by officers but refused at the Planning Board. The application was subsequently approved at appeal under the written representation procedure. The Planning Inspector was satisfied that the building was for agricultural purposes and would not represent inappropriate development in the Green Belt. The Inspector then indicated that there was no need for the appellant to demonstrate that any very special circumstances would need to exist to justify inappropriate development and there was no conflict with the local and national policies used at the time (UDP Policy ENV1 and PPG2 Green Belt).

The development was subsequently constructed. However, during the latter stages of construction, it became apparent that there were a number of discrepancies when compared to the approved plans.

Prior to the appeal decision though and under reference RB2007/1658 a further application for a smaller building was submitted. This was also refused at the Planning Board but no appeal was ever submitted.

2008

Following a site visit in October 2008 it was evident that the works were not built in accordance with the approved plans. These differences included alterations to window openings/external appearance, a re-siting of the building approximately 1m further forward in the site, and slight differences in the approved widths and lengths. It was also noted that a chimney had been added to the building.

The alterations were materially different to the earlier approval, but was of a broadly similar scale and size. It was considered that the changes would not introduce new planning issues that hadn't previously been considered and the use was again for

agricultural purposes. The LPA subsequently invited the applicant to regularise these alterations under a fresh application, rather than serve of an Enforcement Notice. The new application was submitted in late 2008 under RB2008/1698. This application was subsequently refused by the Planning Board in March 2009. Following the refusal, an appeal was submitted.

2009 –

Prior the decision on RB2008/1698, in January 2009 a complaint was submitted about the way the application had been handled and determined. The outcome of the complaint did not find any maladministration or found any evidence that the application was dealt with in an inappropriate way.

In March 2009 the complaint was taken further and was heard by the complaints panel at a meeting which was attended by Planning and Highway Officers, Council Members, and local residents. The panel investigated the main points of the complaint, which were that officers did not take due diligence in assessing earlier applications and questioned the compliance with enforcement action dating back to 1997. The panel concluded that the enforcement notice had been complied with and did not consider this to be a relevant matter having been superseded by additional planning applications and subsequent appeals. The panel sympathised with the complainants but were of the opinion that officers were not at fault. It said that any further breaches of planning should be investigated.

2010

In February 2010 the appeal against RB2008/1698 was subject to an Informal Hearing and attended by RMBC Planning and Highway Officers, the applicant and appellant and objectors (local residents). The Inspectorate allowed the appeal subject to conditions. The appellant also applied for costs, but no costs against the Council were awarded.

2010 – 2015.

Following the appeal, there have been no further applications on this site until this current application which was submitted in November 2015 for the conversion of part of the barn to a dwelling (Use Class C3).

Since the building has been erected information was received that it may be being used as a dwelling house. The site has been subject to monitoring by the enforcement team and officers have visited the site on numerous occasions and have noted that the interior of the building did not have the appearance of a dwelling.

In September 2015 a Planning Contravention Notice (PCN) was served. A PCN may only be served when it appears to the local planning authority that a breach of planning control may have occurred and they want to find out more information before deciding what if any enforcement action to take.

The agents reply to the PCN indicated that this was not the applicant's (or anyone else's) permanent residence, which was demonstrated by the receipt of a Council tax letter at another address. The building was predominantly used for the storage of tools, materials and animal feeds. Occasional sleeping/living accommodation was required to attend to livestock, particularly around events such as lambing season or when animal welfare issues were more critical.

Following the reply to the PCN, this application to use the building for residential purposes was submitted.

Members will also be aware that following the adoption of the Core Strategy in September 2014, Policy CS7 'Housing Mix and Affordability' requires proposals for new housing to contribute towards affordable housing provision (£10,000 per new additional dwelling (including conversions) or 25% provision on site. New self-build homes will be exempt from the requirement to provide affordable housing. This exemption will apply to homes built or commissioned by individuals, families or groups of individuals for their own use and that will be owner-occupied.

Proposal

This application seeks to change the use of the building from an agricultural use to a mixed use of residential in the upper floor (Use Class C3) and agricultural in the lower basement area.

No additional landscaping, car parking, or future outbuildings are proposed. It is also proposed to insert an additional window on the northern elevation of the site (giving a total of 3no. windows on this elevation). This is the only proposed change to the external appearance of the building. Internally it is proposed to subdivide the existing store room into a store room and second bedroom. The existing rest room will also be used as a bedroom.

Some external changes to the property have previously been carried out and the differences to the previous plan RB2008/1698 can be summarised as follows:

- Additional window on the northern elevation (already installed 2008).
- Construction of an outdoor dog pen on the southern elevation that is attached to the building (already constructed).
- The construction of guttering and downpipes to transport rainwater goods (constructed late 2008).
- The chimney was constructed in September 2008, though it was not marked on the previous plans.

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

Core Strategy policy(s):
CS4 Green Belt
CS7 'Housing Mix and Affordability'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):
ENV1.2 'Development in Areas of High Landscape value'

ENV2.11 'Development in Conservation Areas'
ENV3.7 'Control of Pollution'

Other Material Considerations

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

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

The 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.

It should be noted that Permitted Development regulations changed in April 2015 under the General Permitted Development Order with class Q giving permitted development so that existing agricultural buildings can be converted into residential dwellings under a Prior Notification procedure. There are some restrictions though and this procedure is only available for buildings that are **not** in Conservation Areas and up to a maximum floorspace of 450sq m. Whilst this building is less than 450sqm it is located within Dalton Conservation Area and its conversion to residential use is therefore not permitted development.

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. A total of 7 letters of representation have been received and can be summarised as follows:

- This was always the applicant's intention to use the property for residential purposes and is unacceptable.
- The creation of a dwelling by this two stage approach could circumvent planning controls and potentially create a precedent leading to other barns/houses being built either on the same site or on adjoining sites.
- No further building should be allowed on this site.
- Some 'domestication' of the building (e.g. cavity wall insulation) was seen in 2010.
- Mr Thacker has been living in the building for over 4 years.
- Concerns raised about the material that is buried under the site.
- The sight line along the entranceway has been obstructed by the hedge which has not been properly maintained.
- A dual use building will incur extra traffic and hence a greater risk to all road users.
- The applicant has used deception in the scheme and stands to profit from a course of deliberate deception to secure a development in the Green Belt which would not otherwise be acceptable.

Consultations

Streetpride (Transportation and Highways) – no objections
Yorkshire Water – no comments

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 issues to take into consideration in the determination of the application are –

- The principle of the development
- Impact on openness and appearance of the Green Belt
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues
- Other Issues

The principle of the development

This application proposes to convert part of the existing barn into a dwelling. No additional external alterations are proposed.

Paragraph 90 of the NPPF states that “Certain other forms of development are also 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’. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

In this instance the proposal is for the alteration of an existing building and in policy terms the principle of the conversion of an agricultural building is considered acceptable within the NPPF.

It should also be noted that permitted development regulations changed in April 2015 under the General Permitted Development Order, with class Q indicating that barns can be converted into residential dwellings under the Prior Notification procedure. This procedure is only available for buildings that are not in Conservation Areas and up to a maximum floorspace of 450sq m. In this case the property is within a Conservation Area and therefore does not benefit from this procedure. However, this new permitted development allowance is clearly a material factor in the determination of the application. The reason why conservation areas are excluded from this provision is to ensure that any conversion does not affect the setting or character of the Conservation Area rather than the having an issue with the principle of the use. As the building does

not require any external alterations to facilitate its use as a dwelling it is considered that there would be no effect on the character or appearance of the Conservation Area.

Impact on openness and appearance of the Green Belt

There are no proposed alterations to the external appearance of the existing property with no changes to the footprint of the building, height or area of hard standing. The visual appearance of the building will remain very similar to the existing building, the only change being the creation of an additional window on the northern elevation. In design terms the proposal is considered to have a good standard of design having high quality stonework and is an acceptable within the surrounding area and Dalton Conservation Area. The proposal is therefore not considered to have any additional impact on the openness and appearance of the Green Belt than the existing structure.

As such, the change of use is considered to have no significant visual impact on the surroundings and conforms with UDP policy ENV2.11 'Development in Conservation Areas' and the guidance within Core Strategy CS28 'Sustainable Design'.

Transportation Issues

Overall the Transportation Unit have raised no objections to the conversion of the building into a single residential property and the associated traffic levels are considered to be similar to those generated by the existing building.

In terms of the outstanding site line condition, this has recently been provided to the specified standard as previously imposed by condition on the granting of planning permission at appeal.

The condition states that there should be no obstruction to visibility of anything greater than 900mm in height above the level of the nearside channel of the adjacent carriageway. It also states that the approved visibility sight line shall be provided and retained thereafter.

As this has recently been complied with there are no concerns from a highway perspective to this application.

Drainage and Flood Issues

The site does not lie within a known Flood Risk Zone as identified by the Environment Agency. The site also does not lie within any recognised surface water flood risk area. In any case the site slopes steeply downwards along a west-east orientation and no further building or hardsurfacing works are proposed in this change of use application. It is considered that the existing drainage arrangements on the site are acceptable.

Landscape and Ecology

The levels of proposed additional external works required for the conversion of the building into a part residential use are minimal. Some landscaping and planting of small shrubs has already been carried out around the building, similar to that which might be expected on a residential conversion and it is not anticipated that the conversion would generate any additional ecological impact on the surroundings.

General Amenity Issues

Moving to the likely impact on the surrounding neighbouring properties, the site is within the Green Belt but is also on the edge of a long-established residential area. In terms of future noise and odour emanating from the property, it is considered that a fully

residential use would emit less odour and noise than a fully agricultural use. It is therefore considered that to allow part of the building to be used for residential purposes would not have any additional impact on the amenity of the occupiers of nearby properties.

There is an additional window proposed on the northern elevation of the site (facing Dene Cottage) which would represent the third window on this elevation. Of the existing windows, one is already clear glass serving the kitchen and store and one obscure glazed serving a WC and shower. The existing windows have been in position since approximately October 2008. The insertion of a further window is not considered to generate any significant additional overlooking to the neighbouring property at Dene Cottage taking into account the presence of mature boundary treatment on this elevation and the spacing distance would be in excess of 21m to the side elevation of Dene Cottage. Whilst this opening would be visible from the street scene, it is also not considered to have any significant impact on the visual amenity of the surroundings that could justify a refusal on design or overlooking.

In terms of vehicular activity, the creation of a single residential dwelling is considered to generate low levels of traffic and will not have any effect on the local transport network. The proposal is therefore considered to be in accordance with policies ENV3.7 'Control of Pollution' and the general advice within the NPPF.

Other Issues

A number of objectors have raised the issue that the applicant purposefully intended to use the building as a residential property at the time the original barn was constructed in 2007. The objectors assert that the building was never intended to be used for agricultural purposes and achieving a residential building in the Green Belt was the applicant's original aim.

In response to this, the Council notes that during the original application submission, the applicant submitted copies of supporting documents showing animal ownership details, along with authorisations showing movement of animals and Defra guidance. The Council cannot dispute these documents and the planning system is not able to take into account the motives or behaviour of an applicant and this aspect cannot be afforded any material planning weight.

In addition the Council's enforcement team have visited the site on numerous occasions inspecting the site externally and internally. No evidence of a residential use was present on the site. Whilst some overnight stays have occurred and these seem to have increased in recent times, A PCN was served and the reply to this has indicated that the building has not been used for residential purposes in breach of planning regulations and the Council has not had any evidence to the contrary that would support more formal Enforcement Proceedings.

Likewise, objections raising the issue of future financial gain for the applicant are not a material planning issue and cannot be given any weight in the determination process.

A number of the objections also raise the possibility that further residential development may be sought on the same or an adjacent site in the future and that this would set a precedent. In response to this, each application has to be treated on its own merits and is determined in accordance with the development plan at the time unless material

considerations indicate otherwise. This would not therefore set a precedent for any future development.

As the site is within the Green Belt, it is recommended that future permitted development rights are removed in order to ensure that the openness of the Green Belt is not unduly affected.

Conclusion

This application for a change of use of part of the building does not propose any changes to the external appearance of the building, other than an additional window, and will not have any significant additional visual effect on the surrounding area. The application is not considered to increase the amount of vehicular traffic entering the site, increase noise, odour or surface water runoff. Permitted development rights are recommended to be removed and the application is therefore recommended for approval subject to the recommended list of conditions and the signing of a section 106 agreement to ensure that the building is not sold or let within 5 years otherwise a £10,000 affordable housing contribution becomes payable.

Conditions

01

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

Drawing numbers site and location plan, Amended floor plans and elevations – agent SEA Planning, received 05/11/15 and 08/02/16.

Reason

To define the permission and for the avoidance of doubt.

02

The sight lines currently in place on the site shall be maintained in future by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

To provide and maintain adequate visibility in the interests of road safety.

03

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or alterations otherwise Permitted under Part One Classes A, B, C, D and E shall be carried out to the approved development.

Reason

In order to control any further development at the site which is located within the Green Belt land and to ensure that there is no harm to the occupiers of adjoining properties.

Informatives

01

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.

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.

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 18th February 2016

Report of the Director of Planning and Regeneration Service

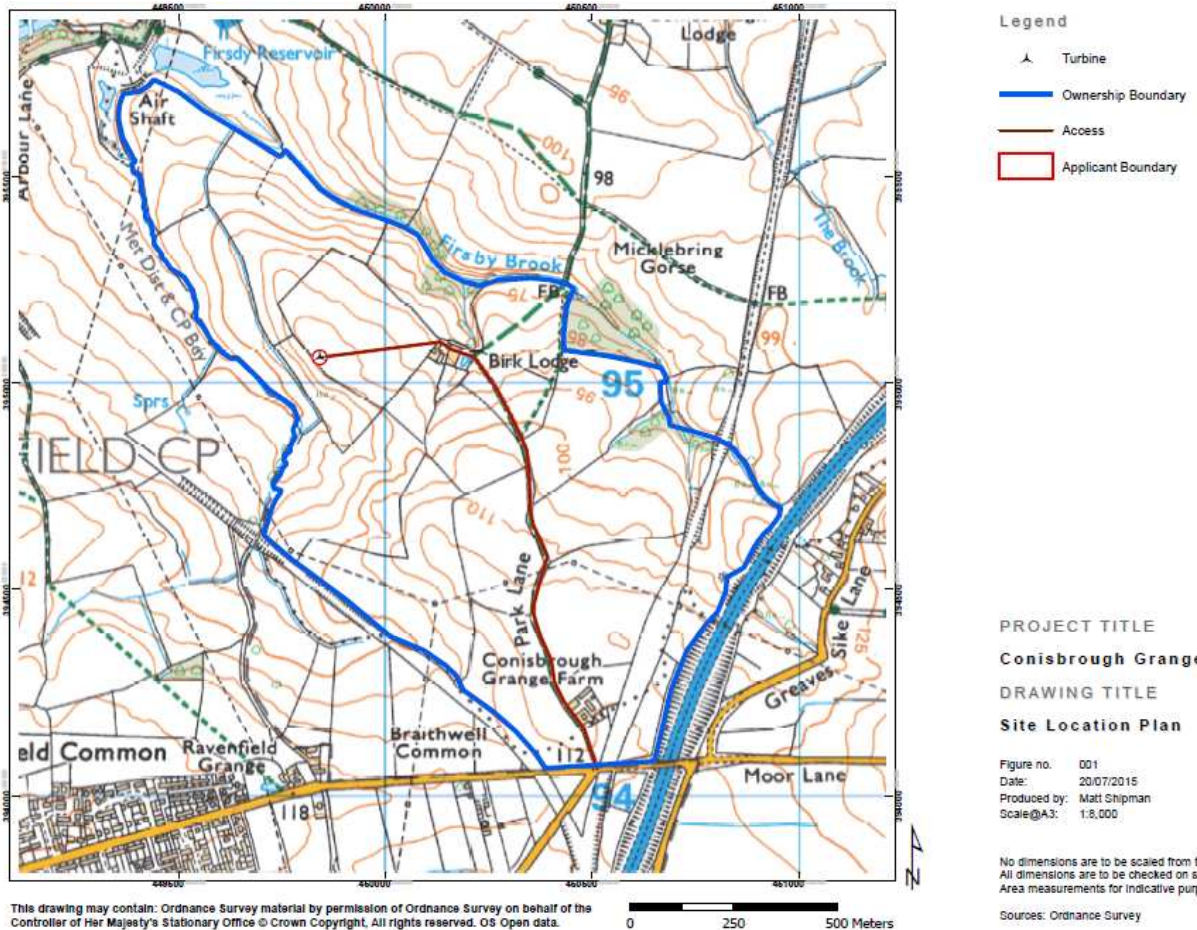
<u>ITEM NO.</u>	<u>SUBJECT</u>
1 Page No. 63	RB2015/1023 Courtesy Consultation in respect of the erection of a 48.01m high wind turbine and associated infrastructure at Conisbrough Grange Farm, Common Lane, Ravenfield
2 Page No. 69	RB2015/1092 Courtesy Consultation in respect of the erection of one wind turbine (maximum height 36.6m) to replace existing at land adjacent to Ridgewood Farm, Cockhill Field Lane, Braithwell, Doncaster
3 Page No. 73	Development Management Performance Report 2015-2016

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
18th February 2016

Item 1	Application Number RB2015/1023
Proposal and Location	Courtesy Consultation in respect of the erection of a 48.01m high wind turbine and associated infrastructure at Conisbrough Grange Farm, Common Lane, Ravenfield
Recommendation	That Doncaster MBC be informed that Rotherham MBC raise objections to the proposals in relation to the lack of information available to clearly demonstrate the impact on the local landscape or on heritage assets within the Rotherham Borough close to the application site.



Background

Rotherham MBC has been consulted on the above planning application submitted to Doncaster Council. This is a 'courtesy' consultation as required due to the close proximity of Rotherham Borough to the application site which

is across the boundary in Doncaster. RMBC are invited to provide DMBC with comments on the application and the impact of the proposal on Rotherham.

Site Description & Location

The site of application is an area of farmland used for mixed arable and livestock farming, the site is within the land holding of Conisbrough Grange Farm. The closest settlement to the site is Ravenfield which falls within Rotherham Borough Council which is approximately 1.2 km to the west of the site. The immediately surrounding area is entirely rural.

The nearest sensitive properties within the Rotherham Borough would be Ravenfield Grange and Silverthorpe (Common Lane) which are situated approximately 1 km to the south of the proposed turbine location, and Church Farm (off Main Street at Ravenfield) which is approximately 1km to the west of the site. A number of other properties are situated slightly further from the site to the west. The village of Ravenfield itself is approximately 1.2 km away from the turbine to the west.

Proposal

The application is for the erection of a single wind turbine 48.01m to the blade tip, it is indicated to be located in an isolated location approximately 1.2 km to the west of Ravenfield village.

The type of turbine has not been stipulated and the applicant is proposing a condition that would require the exact details of the turbine to be considered after the application has been determined to provide the most efficient turbine at the time. As the type of turbine has not been stipulated no information has been submitted about the exact colour of the turbine or the hub height. As such, no details have been provided of the exact appearance of the wind turbine or its operational electricity generating capacity.

The proposal also includes a turbine foundation and a hardstanding area for erecting a crane, access tracks and a small external turbine transformer meter housing.

Delivery of the turbine and access to the proposed site would be from Junction 1 of M18 Motorway, A631 Bawtry Road (west), Church Lane, Main Street, Brook Lane, Lidget Lane then across Common Lane and up Park Lane (which is within Doncaster) to the site.

Supporting documents submitted by the applicant refer to the guidance contained within the NPPF which states at paragraph 98 that "When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable.

Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

Publicity

It is incumbent upon Doncaster MBC to carry out appropriate consultations in the processing of this application to ensure any affected residents are aware of the issues involved. Doncaster MBC have been provided with contact details for the adjacent Parish Councils and a request has been made to the planning officer to consult the nearest residents in the Ravenfield area.

Consultations

Streetpride (Landscape Design): Notes that given that the area has already been assessed as having low capacity to accommodate this type of development, (under the Doncaster MBC Landscape Capacity Assessment 2007), it is important that any likely negative effects are fully and properly assessed. It is considered that the applicant has done this with regard to landscape and visual effects and therefore objections are raised to the proposal as it stands in terms of lack of information.

Streetpride (Transportation and Highways Unit): Note that the owing to the size of the turbine no abnormal loads will be involved. They state that whilst they have no objections to the intended route they would recommend an alternative route which avoids residential areas of Bramley and the two mini roundabouts at Church Lane/Main Street and Main Street/Brook Lane. The alternative involves vehicles travelling along Bawtry Road eastbound from Junction 1 M18, then along Denby Way, Hellaby Lane and across Common Lane before travelling up Park Lane to the site.

Appraisal

The main considerations relating to Rotherham are:

- The impact on the landscape.
- The impact on the residential amenities of sensitive properties within the Borough.
- The impact on highway safety.
- Impact on the setting of Ravenfield Conservation Area and the Grade II* Listed Ravenfield Church

The impact on the landscape.

The Council’s Landscape Architects have assessed the proposal. The site is located in an area of Doncaster with Low to No landscape Capacity to accommodate Wind development (DMBC Landscape Capacity Assessment 2007).

Given that the area has already been assessed as having low capacity to accommodate this type of development, it is important that any likely negative effects are fully and properly assessed. It is not considered that the applicant has done this with regard to landscape and visual effects.

In accordance with the best practice guidelines they set out in their report (Scottish National Heritage - SNH guidance 2002 and GLVIA 2013 third edition) both the magnitude of landscape and visual effects to be described and quantified (high – low) against prescribed categories should be set out clearly in their methodology. This has not been done and the sensitivity of landscape and visual receptors is not discussed or assessed either.

Visual assessment:

The viewpoint selection has been informed by mapping a Zone of Theoretical Visibility (ZTV) which shows the theoretical visibility without any intervening screening. From the ZTV 6 viewpoints are identified. Of these six, viewpoints 2, 3 4 & 5 are within or close to RMBC boundary. RMBC were not consulted to agree the location of viewpoints prior to the planning submission being made. The visual assessment of these viewpoints is accompanied by photographs, wireframes and photomontages. But no assessment of the magnitude of change has been given.

It is considered that the visualisations show that there is potential for moderate adverse visual effects from viewpoint 4 & 5. Viewpoints 3, 4, and 5 are located within Hooton Roberts Area of High Landscape Value and as such, depending upon the assessment of sensitivity of these viewpoints, may result in notable visual effects which would be a material consideration in the planning process.

Landscape Assessment:

The predicted effects on the landscape fabric within RMBC are nil due the development site sitting wholly within DMBC borough boundary. There may well be potential adverse effects on the local Landscape designation (Hooton Roberts AHLV) and on the Landscape Character Area of 5a Coalfield Tributary Valley – Thrybergh. The predicted effects on Landscape Character within Doncaster or Rotherham have not been fully assessed.

The applicant has also not assessed the potential for cumulative landscape and visual effects which is a requirement of NPPF. There have been a number of planning submissions in the last few years which we have been consulted on such as Fordoles Farm, which is on Marsh Hill, south of Micklebring.

As such, additional information in regards to landscape impact is required from the applicants and without this objections are raised to the application from potential landscape impacts.

The impact on the residential amenities of sensitive properties within the Rotherham Borough.

The nearest residential properties within the Rotherham Borough would be Ravenfield Grange and Silverthorpe (Common Lane) which are situated approximately 1 km to the south of the proposed turbine location, and Church Farm (off Main Street at Ravenfield) which is approximately 1km to the west of the site. A number of other properties are situated slightly further from the site to the west. The village of Ravenfield itself is approximately 1.2 km away from the turbine to the west.

The erection of a single turbine on this site, due to its height and its distance from the residential properties within the Rotherham area, is not considered to result in any unacceptable adverse effect on the visual amenities of the occupiers of the nearest sensitive receptors, by way of an overbearing impact or in respect of shadow flicker or noise impact.

Impact on highway safety

The Council's Transportation and Highways Unit note that the owing to the size of the turbine no abnormal loads will be involved. They state that whilst no objections are raised to the intended route ie. from J1, M18 Motorway, A631 Bawtry Road (west), Church Lane, Main Street, Brook Lane, Lidget Lane then Common Lane to the site, it is recommended that an alternative route be taken which avoids residential areas of Bramley and the two mini roundabouts at Church Lane/Main Street and Main Street/Brook Lane. The alternative involves vehicles travelling along Bawtry Road eastbound from J1, M18, then along Denby Way, Hellaby Lane and Common Lane to the site. It is considered that these comments be passed to Doncaster Council for consideration.

Therefore it is not considered that the turbine would impact on highway safety.

Impact on the setting of Ravenfield Conservation Area and the Grade II* Listed Ravenfield Church

The two main designated heritage assets affected by the proposed wind turbine is the Grade II* Listed Church of St James which is located to the north of the village of Ravenfield and the Ravenfield Conservation Area.

It is considered unlikely that the proposed turbine would not harm the setting of either the Grade II* Listed Church or the setting of the Ravenfield Conservation Area, due to the height and location of the turbine and its distance from these designated heritage assets. However, no clear analysis of this impact has been provided by the applicant.

Conclusions:

It is considered that objections are raised to the application from potential landscape impacts and potential impacts on heritage assets within Rotherham (being the Ravenfield Conservation Area and Grade II* Listed Church of St

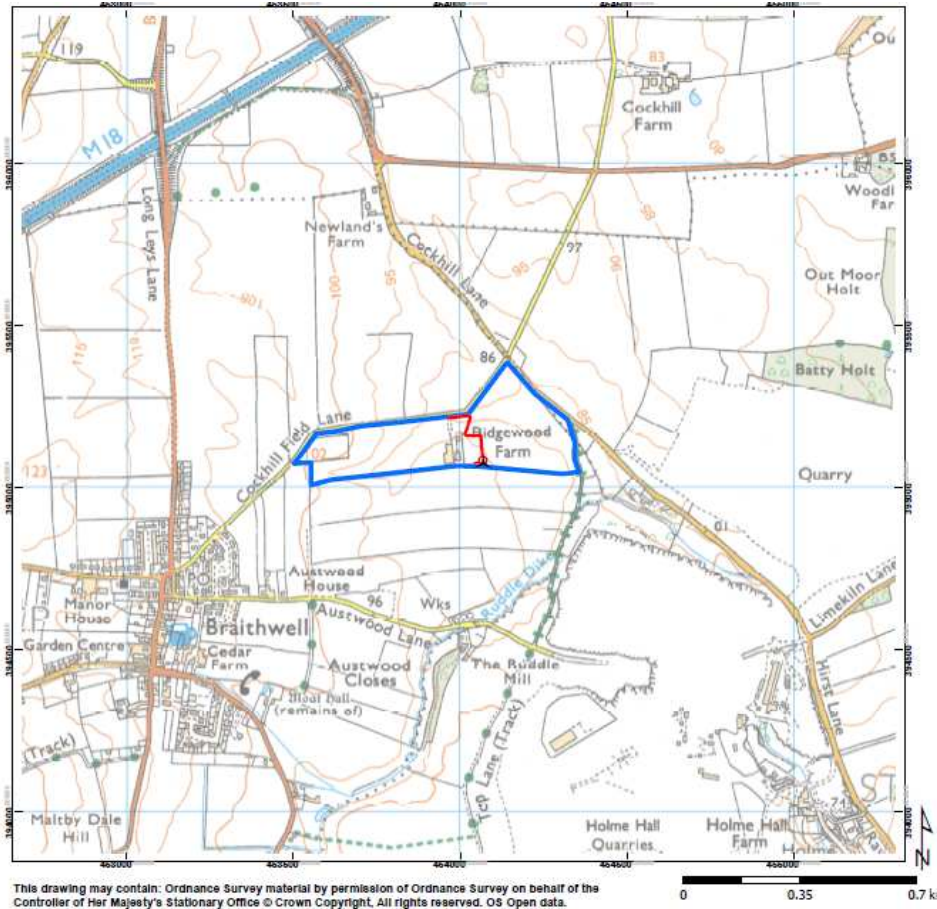
James in Ravenfield) and that Doncaster Council be advised to request additional information in regards to these impacts from the applicants.

In terms of highways impact no specific objections are raised to the proposal though an alternative route is proposed which will be relayed to Doncaster Council.

It is not considered that there would be any notable impact on the residential amenity of residents within Rotherham Borough Council as a result of the proposed development.

It is therefore recommended that Doncaster Borough Council be informed that Rotherham Borough Council raises objections to the proposals in terms of the lack of information available to clearly demonstrate the impact on the local landscape or on heritage assets within the Rotherham Borough close to the application site.

Item 2		Application Number RB2015/1092
Proposal Location	and	Courtesy Consultation in respect of the erection of one wind turbine (maximum height 36.6m) to replace existing at land adjacent to Ridgewood Farm, Cockhill Field Lane, Braithwell, Doncaster
Recommendation		That Doncaster MBC be informed that Rotherham MBC has no objections to the proposals, however, details of the route of the components for the wind turbine to the site should be given to RMBC for further consideration



Background

Rotherham MBC has been consulted on the above planning application submitted to Doncaster Council. This is a 'courtesy' consultation as required due to the close proximity of Rotherham Borough to the application site which is across the boundary in Doncaster. RMBC are invited to provide DMBC with comments on the application and the impact of the proposal on Rotherham.

Site Description & Location

The site of application is to the south eastern corner of the complex of agricultural buildings that constitute Ridgewood Farm on Cockhill Field Lane,

to the north east of Braithwell. A wind turbine was approved at the same site approved under a 2009 planning permission. The previous turbine is in situ on the site, though is currently broken.

The surrounding area is rural and the site is positioned approximately 1.6 km north of the Rotherham boundary.

The nearest sensitive properties within the Rotherham Borough are situated on Holliwell Close and Malwood Way, Maltby. These properties are situated approximately 2.1 km to the south of the turbine.

Proposal

The application is for a substitution of the existing broken wind turbine on the site that Doncaster Council previously approved under a 2009 planning permission.

The existing turbine has a hub height of 18m and a rotor tip height of 25.5m. The proposed turbine would increase the hub height to 25.5m with a rotor tip height of 36.6m. This would represent roughly a 40% increase in height on the existing turbine.

The turbine will be of a horizontal-axis design with a three blade rotor mounted to a tapered steel tower. The blades and the tower are expected to be coloured an off white / pale grey.

The submitted details indicate that the turbine will have a generating capacity of 95 kilowatts and is predicted to generate enough renewable electricity per year to supply the equivalent of approximately 58 homes in the Doncaster Borough.

The application also includes the erection of a temporary construction compound within the crane hardstanding area, which will be removed once the construction of the turbine is complete. The proposal would also include the erection of a small external box housing the turbine transformer meter.

Supporting documents submitted by the applicant refer to the guidance contained within the NPPF which states at paragraph 98 that “When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable.

Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

Publicity

It is incumbent upon Doncaster Council to carry out appropriate consultations in the processing of this application to ensure any affected residents are aware of the issues involved.

Consultations

Streetpride (Landscape Design): Raise no objections to the proposed replacement turbine in terms of visual impact on Rotherham Borough Council.

Streetpride (Transportation and Highways Unit): Note that from the submitted information that the delivery details of the turbine are incorrect. It is assumed that the components will not be abnormal loads and would arrive via J1 M18 at Hellaby, then A631 Bawtry Road into Maltby then Braithwell Road to Braithwell, and that if on a typical articulated lorry there should not be an issue from a highways point of view. Whilst they have no objections in principle to the proposal, they have requested that the correct route of the turbine to the site should be submitted for the Council's consideration.

Appraisal

The main considerations relating to Rotherham are:

- The impact on the landscape.
- The impact on the residential amenities of sensitive properties within the borough.
- The impact on highway safety.

The impact on the landscape.

It is noted that as this is an application for a replacement turbine, the principle of development in this location has already been accepted. It is not known whether the location is within an area of Doncaster with good landscape Capacity to accommodate Wind development (DMBC Landscape Capacity Assessment 2007).

Visual assessment:

The viewpoint selection has been informed by mapping a Zone of Theoretical Visibility (ZTV) which shows the theoretical visibility without any intervening screening. From the ZTV 8 viewpoints are identified. Of these viewpoints 4 & 5 are within or close to RMBC boundary. RMBC were not consulted to agree the location of viewpoints prior to the planning submission being made. The visual assessment of these viewpoints is accompanied by photographs, wireframes and photomontages. But no assessment of the magnitude of change has been given.

Viewpoint 4 – indicates that no views are possible due to intervening vegetation and landform. At a distance of 2.1km from the turbine, any views are not likely to result in notable adverse visual effects.

Viewpoint 5 - whilst outside of the Borough boundary is representative of the magnitude of change in view that is likely from within the Sandbeck- Harthill Area of High Landscape Value (AHLV) and at a distance of 5.6km away is not likely to result in notable adverse visual effects.

Landscape assessment:

The predicted effects on the landscape fabric within RMBC are nil due the development site sitting wholly within DMBC borough boundary. Given the limited visual effects from these locations, and the distance to the development, the likely effects on the aesthetic and perceptual quality of the landscape within Sandbeck-Harthill AHLV and local landscape character areas are not likely to be notable.

The Council's Landscape Architects raise no objections to this development on landscape or visual amenity impact for the aforementioned reasons.

The impact on the residential amenities of sensitive properties within the Borough.

It is considered that the erection of a single replacement turbine on this site would not harm the residential amenity of Rotherham residents in terms of noise pollution or shadow flicker, owing to the distance from the nearest properties of approximately 2.1km.

Impact on highway safety

Streetpride (Transportation and Highways Unit) note that from the submitted details that the delivery details of the turbine are incorrect. Whilst they have no objections in principle to the proposal, they have requested that the correct route of the turbine to the site should be submitted for consideration.

It is therefore considered that the correct route of the wind turbine to the site should be submitted to the Council for further consideration.

Conclusions:

It is considered that there would be no material unacceptable adverse impacts on the visual and residential amenities of residents within Rotherham arising from this proposal, or that it would create any highway safety issues.

However, it is considered that the actual route for delivering the components to the site should be submitted to RMBC for further consideration.

Item 3**Development Management Performance Report 2015-2016****Recommendation**

That the contents of the report be noted.

Background

The purpose of this report is to inform Members of the current performance of the Development Management team following the health check that was recently undertaken on behalf of the Local Government Association as required by the Commissioners.

Facts and Figures

Performance statistics for Development Management (DM) are measured around the speed of decision making for the three different types of application categories (Major, Minor and Other). Nationally the Government has set minimum standards for the time allowed to deal with these types of applications. These are currently set at:

Government Targets

Major	60% of applications to be determined within 13 weeks
Minor	65% of applications to be determined within 8 weeks
Other	80% of applications to be determined within 8 weeks

As part of our continued improvement programme, DM has consistently surpassed these figures and continues to set itself high standard targets to ensure that the service is efficient, accountable and reflects our desire to achieve top quartile performance.

Type	2013 - 2014	2014 - 2015	2015 – 2016 (to date)	Gov't Target
Major	91%	98%	100%	60%
Minor	85%	91%	99%	65%
Other	93%	98%	99%	80%

Performance on all three application types has exceeded targets for this year and has achieved top quartile performance based on last year's statistics. This represents a significant achievement across all three application types and demonstrates that the improvement measures incorporated into the daily workflow and the benefits of a fully electronic document management system have begun to have a positive effect.

In addition to this, the Planning Advisory Service have analysed all the information on statistics submitted by various authorities across the country

and Rotherham has been identified as being 'top ten'. This assessment is based on the councils that have submitted data to their planning quality framework and is based on an average 'end-to-end' service (date of receipt to decision, not date valid to decision) and which is deemed to be a much truer representation of the customer experience. Quality measures assessed relate to efficient use of time and resources. Others in the top ten include Wolverhampton, Bournemouth, Bolton, Nottingham City, Hastings, Tamworth, Havant, Bury and Tameside.

To further this work PAS invited a representative from Rotherham's Development Management team and representatives from the other 'top ten' Councils to help develop a new suite of support for development management services by sharing experience and expertise to build a picture of what happens within a good local authority planning service, including processes, behaviours/culture, enabling structures and customer focus. The idea is to enable PAS to build a comprehensive suite of support – possibly via a 'health-check' approach that leads to more targeted help especially directed to failing Councils that have been, or are likely to be, designated as part of the Government's continued drive to improve the quality and speed in which planning decisions are made.

This is necessary as part of further planning reforms the Government has introduced, including a 26 week planning fee refund should applications not be determined within this period. They have also confirmed the introduction of the Planning Performance Guarantee and 'Special Measures designation' enabling developers to bypass a Council and apply directly to the Planning Inspectorate for a planning permission for a Major Development, where that local authority has a track record of either poor performance in decision making or not acting positively to promote economic growth within its area.

In addition, the new Housing and Planning Bill that is currently being considered within the House of Lords includes the provision for the processing of planning applications to be undertaken within a competitive environment. This will potentially open up the opportunity for private individuals, local firms and neighbouring Local Planning Authorities to compete to process planning applications within Rotherham which could significantly reduce the level of income that is collected through planning application fees. It is therefore vitally important that the Development Management service is as efficient and customer focussed as it can be.

Conclusion

Development Management has, like all other services within the Council, had to save money year on year and is now at a resource level that would struggle to maintain performance if it was cut further.

A considerable amount of work has been done to ensure that we are as efficient as possible and this has recently been recognised by the Planning Advisory Service in naming Rotherham as one of the 10 ten performing Local Planning Authorities but it is important that we continue to perform at this level

due to the Government's apparent desire to open up the processing of planning applications to a competitive market. We need to make sure that if this does happen we are competitive and that given the choice of where to submit a planning application all of our customers would choose Rotherham.