

PLANNING REGULATORY BOARD

**Date:- Thursday, 31 March 2016 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH**

Time:- 10.15 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 10th March, 2016 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Visit of Inspection - Erection of agricultural building at land off Ramper Road, Letwell (RB2015/1311) (Pages 7 - 22)
8. Development Proposals (Pages 23 - 78)
9. Report of the Director of Planning Regeneration and Culture (Pages 79 - 92)
10. Updates
11. Date of next meeting - Thursday 21 April 2016

Membership of the Planning Board 2015/16

Chairman – Councillor Atkin
Vice-Chairman – Councillor Tweed
Councillors Astbury, Cutts, Godfrey, Khan, Lelliott, Middleton,
Pickering, Roche, Rosling, Sims, Smith, R.A.J. Turner and Whysall.



SHARON KEMP
Chief Executive



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
Thursday, 10th March, 2016

Present:- Councillor Atkin (in the Chair); Councillors Astbury, Godfrey, Khan, Sansome, Sims, Smith, R.A.J. Turner, Tweed and Whysall; together with Councillor Roddison (as substitute for Councillor Lelliott).

Apologies for absence were received from Councillors Cutts, Lelliott, Middleton and Pickering.

91. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

92. MINUTES OF THE PREVIOUS MEETING HELD ON 18TH FEBRUARY, 2016

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 18th February, 2016, be approved as a correct record for signature by the Chairman.

93. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

94. 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 person attended the meeting and spoke about the application listed below:-

Erection of 1,745 square metres retail unit (use class A1) with associated car parking, landscaping and associated works at former Council Depot site, Hamilton Road, Maltby for Harbridge (Maltby) Ltd. (RB2015/1298)

Mrs. C. Temple (representative of the applicant Company)

(2) That application RB2013/0307 be refused for the reasons set out in the submitted report.

(3) That application RB2015/1298 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and to a slight amendment to condition 31 which now reads:-

31

The net sales floor area (defined as all internal areas accessible to the customer, but excluding additional warehouse, staff and office facilities) shall not exceed 75% of the net sales floor area for non-food goods and shall not exceed 25% of the net sales floor area for food/drink sales.

(4)(a) That, with regard to application RB2015/1469, the Council shall enter into a Legal Agreement with the developer under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £70,000 towards the provision of affordable housing within Rotherham; and

(b) That, subject to the signing of the Section 106 Legal Agreement, planning permission be granted for the proposed development subject to the conditions set out in the submitted report and to the following amendment to condition number 02:-

the deletion of the words "WL04 2B, received 18 January, 2016" and the substitution therefor of the words "WL04 2C, received 9 March, 2016".

95. APPEAL DECISION - VARIATION OF CONDITION 02 (AMENDED PLANS) IMPOSED BY RB2014/0727 (INSTALLATION OF 2 NO. TURBINES (24.8 M HUB HEIGHT AND 34.5 TIP HEIGHT)) AT LAND AT PARKCLIFFE FARM, MORTHEN ROAD, WICKERSLEY (RB2015/0493)

Further to Minute No. 4 of the meeting of the Planning Board held on 4th June, 2015, consideration was given to a report of the Director of Planning, Regeneration and Culture concerning the decision of the Planning Inspectorate to dismiss the appeal lodged against the decision of the Council to refuse planning permission for the variation of condition No. 2 of RB2014/0727 to increase the blade tip length by 2.1 m and reduce the hub height by 0.8m on each turbine so that the productivity of the turbines could be increased by 33%.

A separate application for the installation of a single win turbine with 24.8m hub height and 36.6m height remained undetermined (RB2015/0907).

The Planning Inspector noted that it was accepted that the proposals represented inappropriate development in the Green Belt and considered the main issues to be:-

- (i) the effect of the proposal on the openness of the Green Belt and the purposes of including land in it
- (ii) the effect of the proposal on the character and appearance of the area
- (iii) whether the harm by reason of inappropriateness and any other harm was clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

The Inspector found that the proposal would result in a modest reduction in openness and harm to the character and appearance of the area. The proposal also did not have the backing of the local community since their concerns in relation to the Green Belt and the character and appearance of the area had not been addressed as required by the Written Ministerial Statement.

The Inspector concluded that, on the positive side, significant weight was to be given to the environmental benefits of the proposal, above and beyond that which already had planning permission. However, the Inspector noted that according to the appellant the original approved scheme would be unlikely to be a viable project because of a change in the feed in tariff in March, 2015. The Inspector considered that these other considerations were insufficient to outweigh the harm by reason of inappropriateness and the other identified harm and as such did not amount to the very special circumstances necessary for the proposal to be acceptable.

Members were informed of the contents of the written Ministerial statement dated 18th June, 2015 and of its relevance to this appeal decision.

In accordance with the right to speak procedure, the following person attended the meeting and spoke about the appeal decision in respect of this case:-

Mr. P. Thirlwall (objector to the original application)

Resolved:- That the report be received and the decision of the Planning Inspector to dismiss the above appeal be noted.

96. UPDATES

A brief discussion took place on:-

a) the Council's scheme of delegation in respect of decision-making on applications for planning permission; and

b) the Government's Housing and Planning Bill, which includes provision of the processing of applications for planning permission to be undertaken within a competitive environment (eg: by neighbouring local authorities and by private sector companies), although the decision-making aspect is to remain with the Local Planning Authority; the Government's consultation document will be reported to Elected Members before the due date for submission of representation.

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, 31ST MARCH, 2016

1. **RB2015/1311** – Erection of agricultural building, at land off Ramper Road, Letwell, Worksop

Requested by:- Members of the Planning Board

Reason:- To allow Members to consider the impact of the proposed development upon the village of Letwell and the Conservation Area there.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2015/1311	Letwell	9.25 a.m.	9.45 a.m.

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

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

Application Number	RB2015/1311
Proposal and Location	Erection of agricultural building, at land off Ramper Road, Letwell, Worksop
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 consists of a roughly square piece of land located off Ramper Road, Letwell. The site has an existing hard surfaced access road off Ramper Road and appears to have been used for informal open storage in relation to the agricultural field adjacent. It is approximately 42m x 32m and is located directly opposite the Grade II Listed converted former agricultural buildings known as North Farm. The site is located at the entrance to the village from the north and is highly visually prominent as part of the approach to Letwell. The site is located immediately adjacent to the Letwell Conservation Area and is approximately 170 metres away from the Grade II* Listed St Peter's Church. There are residential properties directly opposite the site as part of North Farm and properties to the south.

The applicant's farm is located at South Farm which is within Letwell village itself, approximately 180m from the application site.

Background

No planning history relating to the application site. It is apparent from aerial photos that an open sided barn building was once located on the site, and it is understood that this building, which had an approximate floor area of 170sqm, was demolished around 2005

Proposal

The application was originally submitted for a grain store and drying building with a separate section for machinery storage. The building would have measured 33m x 30.5 metres and would have been 8.5 metres high. The building would have been covered in fibre cement sheets with plastisol coated profiled steel sheets to the walls set on a concrete panel plinth. The building would have had roller shutter doors to the front.

Further to concerns raised by local residents and negotiations with the applicants the scheme has been significantly amended. The proposed building would now just been used for agricultural machinery storage only such as tractors, drill and disc cutters that are associated with arable farming and has been reduced in floor area by approximately 30%. Its length would be 3.5m longer than originally proposed though its width has been reduced by approximately 12m from that originally proposed, with a total length of 36.5 metres and a width of 18.2 metres. The height to the ridge of the roof would remain at 8.5 metres. The building would be set at 90 degrees to the road with the frontage of the building being open. The site area has also been reduced and the building moved further forward on the site, closer to Ramper Road. The total site area including turning and an access road is approximately 3,000 square metres, as opposed to the existing area used for informal open storage which is approximately 1,000 square metres.

The proposals have also been amended by changing the proposed materials from plastisol coated sheeting. The building would now be constructed of fibre cement sheets for the roof with the wall being clad with timber Yorkshire Boarding with 140mm thick concrete panels 2 metres in height from ground level. The applicants have also proposed a landscaping scheme to the northern boundary of the site which they have indicated could grow to 4 metres in height to soften the appearance of the building. The applicants have confirmed that the hedgerow to the front of the site fronting Ramper Road would be retained. To the front of the building the land would be hardsurfaced to provide a vehicular turning area the total area of hardstanding would extend to approximately 1,800 square metres.

The applicants have submitted a Supporting Statement which sets out the following in support of the application:

- There was a Dutch Barn previously on this site and an area of hardstanding.
- They chose to build one large building to serve this farm rather than erect a number of smaller buildings under agricultural permitted development as this would have a lesser impact on the openness of the Green Belt.
- The building has been sympathetically designed to suit its agricultural surroundings.

The building would use the existing access with turning facilities within the site.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (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 Green Belt purposes in the UDP and is within an Area of High Landscape Value. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 'Green Belt'

CS23 'Valuing the Historic Environment'

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV1.2 'Development in Areas of High Landscape Value'

ENV2.8 'Settings and Curtilages of Listed Buildings'

ENV2.12 'Development adjacent to Conservation Areas'

Other Material Considerations

Interim Planning Guidance - 'Development in the Green Belt'. This has been subject to public consultation and adopted by the Council on 3rd March 2014 and replaces the adopted Supplementary Planning Guidance 'Environment Guidance 1 – 'Extensions to dwellings in the Green Belt' of the UDP.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 in the Press as affecting the setting of the Letwell Conservation Area and Listed Buildings known as North Farm and St Peter's Church. The application has also been advertised by site notice and by letter to neighbouring residents. In respect of the original submission the Council received 23 representations objecting to the application and 4 representations in support. Letwell Parish Council has also objected to the application.

Letwell Parish Council's comments are as follows:

- The proposal is for a large industrial style building which would harm the approach to the village and the setting of the Conservation Area.
- The building would cause noise and disturbance to neighbouring residents.
- The village had a meeting about this application and there was unanimous opposition from villagers about the scheme.
- The building would dominate the landscape and views to the village.
- The building would be a traffic hazard.
- Letwell will turn into an industrial estate.
- The applicant should find an alternative more suitable location for this type of building.
- There are errors on the application form and on the submitted documents.

The objections received from neighbouring residents are summarised as follows:

- The building harms the setting of the Letwell Conservation Area and the setting of adjacent Listed Buildings, namely Grade II Listed North Farm and the Grade II* Listed St Peter's Church.
- The building is industrial in appearance and would be an eyesore in this rural location at the approach to the village in this Area of High Landscape Value.
- The industrial nature of this building would harm the largely residential character of the village and make it feel like living on an industrial estate.
- The use of the building would lead to noise and disturbance to neighbouring residents.
- The drying facilities at the grain store would harm the amenity of neighbouring residents in terms of noise disturbance.
- The access to the site is dangerous opposite North Farm entrance and close to a bend in the road. As the site would be used by heavy farm machinery this could be very dangerous to traffic, cyclists and pedestrians.
- Hedgerows would have to be removed to allow access into the site.
- The building could cause drainage problems in the local area.
- The building could obscure a historic right of way to the church from Ramper Road.
- There is an acceptance for the requirement for this building on the farm though more suitable sites are available on the farmers land for this building.
- Vehicles entering and existing the site could damage the highway verge and could cause damage to the road surface.
- The building would lead to a loss of view.
- There are inaccuracies on the drawings and on the application form.
- Light pollution from the building.
- The applicant is trying to deceive local residents.

- The building does not resemble the Dutch Barn that used to be located on the site.
- The building could be used as a grain store in the future.
- Restrictions on how the building is to be used should be added to any planning permission granted in this respect.

The representations in support are summarised below:

- Support the application the site previously had a Dutch barn sited on it and the site has been used for the agricultural storage e.g sugar beet
- The building is an integral part of the agricultural activities at the farm
- The building is not a grain store.
- Constructing this building on the edge of the farm yard of South Farm would encroach into prime crop growing land. Siting it on a previously developed site, which this site is with low crop value is the most sensible location for this building. it would not be sensible or acceptable for further development beyond the existing farm yard.
- Letwell is historically a farming village. The nature of modern farming requires buildings like this in order for British farming to remain competitive.
- Old redundant farm buildings have been converted into residential use across the road. This approach to Letwell previously had agricultural buildings on it on both sides of the road.

Further publicity took place in respect of the revised plans and further additional comments were received, though most reiterated concerns previously raised noting that none of the original concerns of local residents have been addressed as part of the amended scheme. Additional comments included that the village of Letwell was becoming overwhelmed by agricultural activities and this was harming the quality of life for local residents.

The Parish Council stated that 30 residents of 37 households have objected to this application.

There are a number of residents who have asked to speak at the Meeting, with the final number yet to be confirmed, and the applicant's agent has also asked to speak.

Consultations

Streetpride (Transportation & Highways): Raise no objections to the proposals in highway safety terms and recommend that the front of the site is suitably hard surfaced to provide an adequate turning and manoeuvring area for vehicles.

Streetpride (Drainage): Has requested further details in respect of how the site will be drained and this will be addressed by way of a planning condition.

Historic England: Raise no objections to the proposal though consider that the proposal would result in minor harm to the setting of the Grade II* Listed Church and the Letwell Conservation Area. In respect of the original proposal they recommend that the scheme be amended to incorporate a landscaping scheme and use traditional materials and to reduce its size further to reduce this minor harm. The revised proposal now includes a landscaping scheme and the use of Yorkshire boarding though no further comments have been received from Historic England.

CPRE: Have stated that the scale and appearance of the building would impact on the Letwell Conservation Area because it is a gateway to the village. They have advised that reducing the height and changing the materials of the building would mitigate the visual impact (they have not commented further on the revised materials now proposed). They have also raised concerns about the intensification of activity at the site for neighbouring residential amenity. The overall character and scale of farming activity seems to have substantially outgrown the character and scale of the location. However, the CPRE stated that they did not wish to hinder the continued success of the farm.

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 and impact on the openness of the Green Belt
- Impact on the setting of designated heritage assets and design issues
- Impact on an Area of High Landscape Value
- Transportation issues
- Drainage and flood issues
- Impact on ecology
- General amenity issues
- Geotechnical issues
- Other issues raised by objectors

Principle of the development and impact on the openness of the Green Belt

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

This policy advice is further re-iterated in the National Planning Policy Framework (NPPF) which states at paragraph 89 that: "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this (amongst others) include:

- Buildings for agriculture and forestry."

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

The applicant has indicated that the building would be used for the storage of agricultural machinery and would be open fronted to the road. South Farm is a large working farm which covers approximately 2,300 acres within the locality. It is considered that the building is reasonably required to serve this large holding and the proposed use of the building in association with agriculture does not represent inappropriate development in the Green Belt.

It is noted that a number of neighbouring residents and Letwell Parish Council have suggested that the farmer could locate the building in an alternative location on land that he controls, such as at South Farm itself or elsewhere. It is noted that planning permission has previously been granted at South Farm for a number of agricultural buildings, including a grain store in 1979, an agricultural building in 1986, and an agricultural storage building in 2007 (RB2007/0495). More recently, planning permission was granted for the erection of a grain store in 2013 (RB2013/0005). These buildings have all been erected such that there is no room left available on the South Farm site itself for further buildings.

The applicant has stated that he wishes to build on the current application site off Ramper Road as he owns the land, and notes that the land directly behind South Farm is rented. He further notes that he is intending to convert one of the existing buildings on the South Farm site to a further grain store, and move the agricultural machinery within the existing building into the proposed building.

In terms of other alternative locations for the building the applicant has considered this matter, including a site suggested by some objectors off a track near Moorlands Farm on Gildingwells Road, and the possibility of this then becoming a grain drying facility. The problem with now reverting to a grain drying facility on such remote parcels of land lies with the necessary power for drying grain through the fanned ventilation systems. He notes that on a similar grain drying facility elsewhere in the Borough the power requirements for installing a supply back to a main in the highway cost around £40,000 due to the length of cabling, size of cabling required due to voltage drop and the trenching works required. He notes that the technicalities and logistics of placing the building elsewhere and used it for drying grain are very far reaching and expensive. There are also matters of legal ownership which discount some sites. The applicant has asked that the application be considered on the site of application and its context against current policy and guidance.

In terms of assessing the impact on the openness of the Green Belt it is noted that the building is very large and would inevitably have an impact on the openness of the Green Belt. However, the building is not inappropriate development and the applicant has a clear functional requirement for this building on this very large agricultural holding.

It is considered that the impact on the openness of the Green Belt is mitigated by the fact that the building is located immediately adjacent to the built up area of the village of Letwell and is seen against the backdrop of the village.

Impact on the setting of designated heritage assets and design issues

The site of application is located on the edge of Letwell Conservation Area though no part of the site falls within it. The site is also adjacent to a group of former agricultural buildings which are Grade II Listed known as North Farm. These buildings have been converted into residential use and North Farm is no longer a working farm.

The site is also approximately 170 metres east of the Grade II* Church of St Peter's and the agricultural building would be highly visually prominent when viewed alongside these designated heritage assets.

In terms of assessing the impact on the setting of these designated heritage assets, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Core Strategy Policy CS23 'Valuing the Historic Environment' states that "Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (which includes amongst other things that):

- d. Proposals will be supported which protect the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest."

In addition, UDP Policy ENV2.8 'Settings and Curtilages of Listed Buildings' states "The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context."

UDP Policy ENV2.12 'Development adjacent to Conservation Areas' states that: "In considering proposals for developments adjacent to Conservation Areas, special regard will be had to their effect on the Conservation Areas and, if necessary, modifications to ameliorate the effect will be required before approval is given."

Paragraph 129 of the NPPF states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

The NPPF notes at paragraph 132 that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

Paragraph 134 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

In terms of assessing the impact of the design of the property 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 landscape character surrounding these designated heritage assets is attractive and undeveloped and rural in nature. This attractive landscape character contributes positively to the setting of these designated heritage assets and reinforces the small scale nature of the village as a rural and agricultural settlement. The network of fields surrounding this linear agricultural village provides an historic context and visual connection with the settlement.

On entering the village from the north, along Ramper Road, there are long distance views of both the application site and the Church's landmark 15th century tower which defines the edge of the village of Letwell.

Historic England were consulted on the application and they considered that the proposed development would result in minor harm to the setting of the Grade II* listed Church and to the Letwell Conservation Area and raised concerns about the palette of materials of the building and the design of the structure and its footprint and height. They recommend that more traditional materials should be used and a robust landscaping scheme should be implemented in order to reduce the impact of the proposal on the setting of the two designated heritage assets.

These comments from Historic England have been noted and further to negotiations with the applicants they have agreed to use the more traditional cladding of Yorkshire timber boarding and have agreed to provide a landscaping scheme to the north of the site. The applicants have stated that the building had been reduced in size significantly from that originally proposed and that further reductions in size would make the building impractical. The applicant notes that the building as proposed is some 4m less in height than that permitted under permitted development rights for agricultural buildings and that these buildings are specifically designed to accommodate equipment and machinery that have extending and rising booms and forks and methods of operation that necessitate the internal height of the buildings to be sufficient to allow vehicles and machinery to be safely operated, manoeuvred and maintained. He adds that the 12m height allowed under permitted development rights has been assessed and determined as the most suitable maximum height and that to lower the height of the proposed building would be almost reducing it to a single storey, which is not sufficient for the needs of the building.

It is considered that the alterations to the external appearance of the building utilising more traditional materials would considerably soften its appearance and along with the

landscaping scheme would reduce the visual impact of the building on the setting of the Conservation Area and the Grade II* Listed Church and the Grade II Listed North Farm.

However, it is noted that the proposed building is a very large structure in relation to neighbouring properties and would lead to less than substantial harm to the setting of the Letwell Conservation Area and to the setting of the Grade II Listed North Farm and the Grade II* Listed Church of St Peter. It is considered that this harm has been minimised by the reduction in the proposed size of the building and the use of more appropriate materials and suitable landscaping, and it is accepted that a further reduction in the size of the building would make the scheme impractical. Furthermore, the NPPF advises that “this harm should be weighed against the public benefits of the proposal.” In this case the public benefit is the ongoing viability of the farm which is an economic benefit as it is the only economically significant activity within the village and to the rural economy.

Impact on an Area of High Landscape Value

The Council’s Interim Planning Guidance ‘Development in the Green Belt’ states at paragraph 7 (a) that: “...all applications for new agricultural or forestry buildings or structures must be needed and designed only for agricultural or forestry purposes. This prevents the building of property which is intended to be converted (for example, into a home).”

Policy ENV1.2 ‘Development in Areas of High Landscape Value’ states that: “In areas of High Landscape Value, development other than for agriculture will only be allowed where it will not result in a significant, and permanent adverse impact on the landscape. New agricultural buildings and ancillary development requiring planning permission will normally be allowed, provided they are not detrimental to the local environment, as will agricultural dwellings where a genuine agricultural need for them is demonstrated. Strict control will be exercised over the development that does take place to ensure that the visual character of these areas is not affected.”

With regards to the harm to the Area of High Landscape Value, the landform in this locality is characterised in the Council’s Landscape Character Assessment 2010 as falling under Section 10b Sandbeck Parkland fringes. It was assessed in 2010 as having a moderate strength of character, with a desire to improve and conserve.

In terms of landscape impact it is considered that the building would lead to slight harm to landscape character by its presence and size. However, it is considered that its materials and the presence of the proposed landscaping scheme would significantly mitigate these impacts. Furthermore, as the building is seen against the backdrop of the village of Letwell it would have less landscape impact as if it were in an exposed location.

Transportation issues

It is noted that a number of neighbouring residents have raised concerns about the proposals in terms of highway safety. However, the Council’s Transportation Unit raised no objections to the proposals in highway safety terms and recommend that the front of the site is suitably hard surfaced to provide an adequate turning and maneuvering area for vehicles.

Impact on ecology

The NPPF notes at paragraph 109 that the “planning system should contribute to and enhance the natural and local environment by: (amongst other things) protecting and enhancing valued landscapes, geological conservation interests and soils.”

The NPPF states at paragraph 118 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: (amongst other things)

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

It is noted that objectors have raised concerns about proposed development in terms of wildlife impact, though specific details of this impact are not provided. Whilst this is noted and that the applicant has not submitted an ecological survey, the site in question is not known to have any ecological significance. Furthermore it is noted that a neighbouring resident raised concerns about the possibility of removing a hedgerow at the entrance of the site. Whilst this is noted this is not proposed and the applicants are proposing a landscaping scheme which could potentially lead to biodiversity gain at the site using appropriate native species.

As such, it is considered that subject to an appropriate landscaping condition the development could lead to biodiversity gain at the site fully in accordance with the guidance contained in the NPPF.

General amenity issues

UDP Policy ENV3.7 ‘Control of Pollution’ states that: “The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.”

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.

It adds at paragraph 123 that: Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions”

It is noted that the building would be located approximately 36 metres away from the nearest residential property Horseshoe Cottage, No. 3 North Farm and approximately 38 metres from No. 7 Gildingwells Road. It is noted that the application has been significantly amended since the original submission and the building would be used for the storage of machinery only and would not be used for grain drying, which would have involved the use of grain drying machinery which could have potentially increased noise impact.

It is noted that neighbouring residents have raised concerns about the possibility of noise and disturbance on the building and have suggested that restrictions be placed on noise levels and vehicle movements and other activities on the site to prevent harm to their amenity. Whilst this is noted it is considered that the use of the building for the storage of farm machinery and vehicles would not harm the residential amenity of neighbouring residents. The main noise and disturbance would be from tractors and other vehicles and machinery entering and exiting the site. Whilst this would lead to a greater degree of noise disturbance than at present it is considered that this would not necessarily be any greater than the existing road noise and owing to the distance from the site, would not lead to significant harm to residential amenity.

Whilst it is noted that considerations restricting the use of the site have been suggested it is not considered appropriate in this instance. The nature of farming is such that the movement of farm vehicles may be necessary very early morning and late into the night, for example during harvest, and it would be unreasonable to restrict the use of the building on this basis. In terms of other noise and disturbance it is noted that the building would not be used as a grain store. However, it is considered reasonable to append a condition restricting the building to a general agricultural use and not to be used for mechanical grain drying.

It is noted that concerns have been raised about the possibility of light pollution from the building in terms of lighting on the building and lights from the farm vehicles using the site. It is noted that external lighting is not included in this application. In terms of light from vehicles this would occur on an occasional basis though it is considered that this would not lead to significant harm to residential amenity as it would occur on an irregular basis.

Other issues raised by objectors

Neighbouring residents have raised a number of different objections to the scheme, including loss of view which is not a material planning consideration. It is noted that concern was raised that the building could encroach upon an historic right of way from Ramper Road to the Church. Whilst this is noted there is no public footpath across this site. If there is an historic right of way this would be a civil matter and cannot be taken into consideration as part of this application.

Conclusion

It is considered that the proposed agricultural building is not inappropriate development in the Green Belt and whilst it is accepted that a building of this size will inevitably have an impact on the openness of the Green Belt in this location, it is accepted that the size of the building proposed is commensurate with the requirements of the farm, and that the benefits of providing the additional agricultural facility would outweigh the impact in this instance.. It is considered that its design, materials and the proposed landscaping scheme would mitigate the impact of the building on the adjacent Letwell Conservation Area, and Grade II Listed North Farm and the Grade II* Listed Church of St Peter. It is not considered that the building would harm the character and appearance of an Area of High Landscape Value.

It is considered that the use of the building would not harm the residential amenity of neighbouring residents in terms of noise and disturbance, subject to the recommended condition.

It is considered that the building would not harm highway safety or lead to any drainage problems subject to the recommended conditions.

It is therefore recommended that planning permission be granted for the proposed development.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing number CS/010687/2B)(received 19/02/2016)(Drawing Number CS/01687/2D)(Received 17/03/2016)

Reason

To define the permission and for the avoidance of doubt.

03

The agricultural building hereby approved shall be used for agricultural storage purposes only and shall not be used for any grain drying purposes unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of neighbouring amenity in accordance with UDP Policy ENV3.7 Control of Pollution.

04

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

Reason

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

05

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

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

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

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

Reason

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

07

Prior to the commencement of the development, details of the method of surface water drainage on the site, including details of any off-site works, shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

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

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. Condition 7 of this permission requires matters to be approved before development works begin; however, in this instance the condition is 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 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

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.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THURSDAY 31 MARCH 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

RB2014/1282 Demolition of PH and erection of 14 No. dwellinghouses at Fullerton PH Vale Road Thrybergh for R J R Developments Ltd.	Page 24
RB2015/1091 Erection of 6 No. dwellinghouses & associated garages at land off Sledgate Lane Wickersley for VDH Developments Ltd.	Page 40
RB2016/0129 Erection of 3 No. employment units (incorporating use classes B1, B2 & B8) with a total floorspace of 6,782 sqm along with associated substation, access, servicing, parking, landscaping & other infrastructure at land at Brunel Way Catcliffe for Harworth Estates Investments Ltd.	Page 59

Application Number	RB2014/1282
Proposal and Location	Demolition of Public House and erection of 14 No. dwellinghouses at Fullerton PH, Vale Road, Thrybergh, S65 4DD
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"> • Commuted sum of £4,877.45 towards the provision of a replacement bus shelter on Vale Road. <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 the proposal does not fall within the scheme of delegation.



Site Description and Location

The site of application is a former Public House located on Vale Road, Thrybergh. To the west of the site is open land subject to planning permission for 4 houses, whilst to the north west is a single residential property (Silverwood Farmhouse, previously known as Park Vale House). To the north is the sports centre building of Thrybergh School and Sports College whilst to the north east and east is open playing field land. Across Vale Road to the south are residential properties.

The property dates from the 1920s and is constructed in a neo Georgian style, with a number of ornate features. The pub is set within extensive grounds (1.2 acres) with parking to the front. To the rear is a substantial beer garden, which originally formed a bowling green. The bowls club appears to have ceased many decades ago. To the western section of the site are former private allotments once run in association with the pub. To the front of the former allotments is a concrete bus shelter.

The pub is currently derelict and has not been in use for a number of years and has suffered from severe vandalism. The allotments are now overgrown with no apparent use in the last 2 years.

Background

RH1961/3229 - WC & additional staircase – Granted

RB1978/3567 - Car park & terrace - GRANTED CONDITIONALLY

RB2007/1245 - Retrospective permission for the erection of a detached smoking shelter - GRANTED CONDITIONALLY

Planning permission has been granted for the erection of 4 houses on the land to the west of the Fullerton pub site (RB2014/0718). This permission has not been implemented.

Proposal

The applicant seeks to demolish the existing 1920s Public House and to erect 14 new dwellings. The dwellings are a mixture of detached, semi detached and terrace properties. The scheme has been designed with 9 dwellings fronting onto Vale Road, with the remaining 5 dwellings accessed off a central private drive. The provision of the central access and individual drives to the properties at the front would mean that the existing concrete bus shelter would require demolition and replacement in a different location.

The dwellings are to be constructed in a mixture of red brickwork and artificial stone. To the front of the site the applicant proposes stone walling to match the existing natural stone walling fronting other properties on Vale Road.

The dwellings will have a maximum height of 9.4m high, with a mixture of gable features to provide visual interest and variation in the streetscene.

The applicant's design & access statement states that:

- Each dwelling has at least 60sqm amenity space to the rear of their properties (smallest is 64.3sqm and the largest is 212.4sqm), which is in excess of the amenity area requirements set out in the South Yorkshire Residential Design Guide.
- Each dwelling also has two car parking spaces either in front of their respective properties (tandem for the majority on the dwellings accessed from Vale Road, side by side in the case of plot 1, and a single car parking space and a single garage space for the majority which access from the private drive.) Plot 14 is the only digression in that it has a detached double garage.

The proposed dwellings are laid out around an access hallway/stairway and contain a large lounge and an open plan dining room/kitchen area at ground floor. At first floor level it is planned to have a large master bedroom suite with two additional bedrooms and a family bathroom (plot 14 has a 4th bedroom).

The design concept of the proposal was brought about by implementing a bespoke architectural design onto the layouts further to advice received from the Planning Department and their advisors in the Pre-Application meeting. The layout is in line with council policy regarding overlooking and the roof design is chosen to reflect the impact of existing properties on Vale Road as well as reflect some of the building features in the locality whilst giving the development a look that helps to compliment and improve the area. The use of similar materials to those already present in the area (especially the new properties located to the east) will help to establish the proposals in the existing area.

The applicant's bat survey states that:

- No bats or field signs to indicate the presence of bats, were recorded during the survey. No bat contacts from any species were recorded during the two activity surveys. No evidence current or historical of breeding bird activity was recorded during the survey.

The applicant's Phase 1 land contamination report concludes that:

- Land contamination risks at the site are considered to be limited based on the Phase 1 investigation results.

Ground investigation to identify contaminants prior to development is not considered necessary based on the results of the preliminary roost assessment. However, to ensure the future occupants of the site are protected from any possible contaminants, a number of actions are recommended.

In addition the applicant has submitted a housing viability report which indicates that affordable housing is not viable on the site.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (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 use in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'Residential' purposes on the Policies Map. 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'
CS28 'Sustainable Design'

The application has been assessed against the following 'saved' UDP policies:

HG4.3 'Windfall Sites'

T6 'Location and Layout of Development'

CR1.5 'Community Facilities'

ENV5.2 'Incidental Urban Greenspace'

Other Material Considerations

South Yorkshire Residential Design Guide.

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

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

The NPPF 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 site notice, while neighbours have been notified in writing. One letter from the adjoining dwelling known as Silverwood Farmhouse (formerly Park Vale House) has been received raising the following comments:

- We do not object to dwellings being built on the Fullerton site.
- The proximity of plot 10 will compromise our privacy.
- We wish existing hedgerows to remain to protect our privacy.
- The hedge should be enclosed to prevent future occupants from pruning the hedge.
- The site should include adequate drainage to prevent flooding of our property.

Consultations

Streetpride (Transportation and Highways): Raise no objections to the proposals subject to the provision of a commuted sum towards the provision of a replacement bus stop on Vale Road and to relevant conditions.

Yorkshire Water: No comments are required from Yorkshire Water (noted that foul water only to be drained to public sewer, with surface water to soakaway).

Housing and Neighbourhood Services (Land Contamination): Notes that a site walkover/inspection was undertaken in July 2014 by Peak Environmental Solutions. No visual evidence of contamination was observed during the site walkover, the only exception to this was the presence of ash from a former fire on site. A cellar was identified during the site walkover and it was observed to be dry. No further underground/above ground structures were identified that could give rise to a source of contamination.

The application site is located in an area of residential development with no significant sources of historic or current contamination identified in the near vicinity. The presence of the Steelworks has been identified within 900m of the site which may have given rise to airborne contaminants, which may have blown in the general direction of the site.

Given the past uses of the site and the lack of potentially contaminative activities significant ground contamination is considered highly unlikely. However, there may be some low levels of contamination in surface soils associated with the site's former uses as agriculture, allotments/gardens, and a car parking area and from airborne deposition of contaminants from the nearby Steelworks.

In conclusion it is considered there is very low risk to the future users of the site from potential site contamination. However, to ensure future occupants of the site are protected from any possible contaminants a clean soil capping layer will be required for all garden and soft landscaping areas.

Affordable Housing Manager: The viability appraisal submitted by the applicant has been independently assessed and it is accepted that the provision of affordable housing on the site would result in an overall profit of less than 12%, which is below the recognised minimum of 15% accepted by Inspectors at planning appeal. It is considered that, on this basis, if this scheme was brought before a Planning Inspector then an affordable housing contribution would not be required.

Streetpride (Main Drainage): The proposal is for 14no. properties, so is a major application, and should therefore comply with the local and national technical standards for SuDS. The application does not contain any proposed foul or surface water drainage details so Drainage are unable to comment on the adequacy of the proposed means of discharge. There are watercourses and private surface water drainage systems close to but not within the site. These should be surveyed to determine the best point of disposal for surface water. No objections are raised subject to appropriate conditions.

The Environment Agency's Risk of Flooding from Surface Water map indicates that there is a potential overland flood route which crosses the site. The applicant should ensure that the development and any associated external works will not impede overland flood routes and will be resilient against any potential flood risk. Flooding on Vale Road is predicted and the effect of creating a new access road and the changes to ground levels and hence flood routes should be considered. No objections are raised subject to appropriate conditions.

Streetpride (Tree Service Manager): Notes that the rear hedge is mainly an overgrown privet with the occasional Elder. The privet is approximately 3 - 4m in height and 2 - 3 m in width. It is likely that it will tolerate cutting back to approx. 1.8m in height and 1m width from the centre of the hedge into the site. If retained its future prospects will need to be safeguarded throughout any development by barrier fencing in accordance BS 5837 Trees in Relation to Design, Demolition and Construction – Recommendations and the standard planning tree / hedge condition. Its recommended position, wherever possible, is 1m from the face of the hedge after careful pruning as above. Notes that the use of semi-mature sized trees for the site frontage would help provide an instant impact to the streetscape.

SYLTE: Notes that the proposal will require an existing bus shelter to be moved to make way for an access drive. SYLTE have provided a quote of £4,877.45 to provide a new bus shelter further up Vale Road, to be provided via a S106 legal agreement.

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 the application are considered to be:

- i) The principle of the proposed development in a residential allocation and the loss of a community asset and private allotments.
- ii) The design of the proposed building and its impact on the visual amenity of the streetscene.
- iii) The impact of the development on the amenity of neighbouring residents.
- iv) Highway issues.
- v) Affordable housing Contribution
- vi) Ecology/ biodiversity matters

The principle of the proposed development and the loss of a community asset and private allotments

The application site is located within an area allocated for residential use within the Council's adopted Unitary Development Plan (UDP) and is, therefore, acceptable in principle. UDP Policy HG4.3 'Windfall Sites' states: "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their: (i) location within the existing built-up area and compatibility with adjoining uses, and (ii) compatibility with other relevant policies and guidance."

The site is located in a predominantly built up residential area and as such accords with this policy.

In respect of the loss of the public house, it is noted that such facilities are considered to constitute a community facility. Policy CR1.5 'Community Facilities' states that "development proposals which involve the loss of key community facilities shall only be permitted where the Local Planning Authority is satisfied that the retention of the land or building in community use is no longer viable, or where adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility."

In this instance, and notwithstanding any viability argument for the loss of the building, it is noted that there is another Public House (Reresby Arms) further along Vale Road which provides a local community facility. As such, it is considered that the loss of this facility would not lead to the loss of a "key community facility" as would be the case if the public house was the last such establishment within the locality. Furthermore the Council has not received any correspondence from local residents concerning the loss of the existing Public House, which has been empty and suffering from vandalism for more than 2 years. Therefore it is considered that the loss of the use of the building as a community facility is not contrary to Policy CR1.5 'Community Facilities.'

In respect of the loss of the private allotments it is noted that the site is allocated for residential use as opposed to Urban Greenspace. According to the applicant's submission the land is no longer used as allotments, although it appears to have been used as allotments some 2 years ago.

Policy ENV5.2 Incidental Urban Greenspace states that: "Development that results in the loss of small areas of Urban Greenspace not identified on the Proposals Map, will only be permitted in the same circumstances outlined in Policy ENV5.1."

Policy ENV5.1 of the Council's UDP states that development that results in the loss of Urban Greenspace will only be permitted if alternative provision of equivalent community benefit is provided. Policy CR2.2 Safeguarding Recreation Areas goes on to state that land presently used or last used for sports grounds, playing fields or allotment gardens, will be retained for this purpose during the Plan period except where it can be demonstrated that the land is surplus to the requirements of the local community or where alternative provision of equivalent community benefit is made and the land has no other Urban Greenspace.

Paragraph 74 of the NPPF states that: "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

No local resident has raised concerns about the loss of the allotments. The allotments were private allotments and allocated for residential purposes as opposed to Urban Greenspace. Furthermore Thrybergh is well served by larger

public access allotments on Hollings Lane, so the loss of this site will not be detrimental to local residents in terms of active recreation. The NPPF also stresses the need to provide new housing within sustainable locations, especially when a 5 year supply of housing cannot be demonstrated within a borough, as currently occurs within Rotherham.

With the above circumstances in mind it is not considered that the loss of this small area of non allocated Urban Greenspace will be detrimental to the local community.

In light of the above it is considered that the principle of introducing a residential use onto this site would be acceptable and in compliance with the UDP and Core Strategy Policies as well as the National Planning Policy Framework.

Design issues and impact on streetscene

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

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

The new development has been designed to front Vale Road and to create an attractive frontage, including stone boundary walls and landscaping. The dwellings have been designed to create a varied streetscene, with a mixture of gable features in red brickwork and artificial stone. The applicant has also agreed to additional lintel and cills to the front elevation to improve the standard of the development.

The dwellings to the rear are accessed off a central private drive and are appropriate for its location, as Vale Road is a varied street with a number of similar backland developments. The general density of the development is appropriate and each dwelling meets the minimum internal standard of the South Yorkshire Residential Design Guide and has adequate rear garden space, providing appropriate amenity.

It is therefore considered that the design of the scheme satisfies the requirements of paragraph 56 of the NPPF, and would improve the character of the area; in addition the scheme would satisfy the provisions outlined within Core Strategy Policy CS28.

In light of the above it is considered that the design of the building is one that is acceptable and would satisfy the relevant design policies and criteria of the NPPF and UDP.

Impact on amenity of neighbouring 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.

In this instance the site backs onto a school, which will not be harmed by the proposed development, the only property to be impacted is Silverwood Farmhouse (formerly Park Vale House). This is an original farmhouse, which has over the past 100 years been subsumed by development, indeed the former Fullerton Pub once contained a barn structure linked to the farm. The farmhouse is therefore awkwardly positioned, in an L shape, side onto the development site at a lower land level.

The occupant of Silverwood Farmhouse has raised concerns regarding the impact of the development upon their rear lounge window, which forms part of an extension approved in 1983. They are primarily concerned regarding any loss of privacy and as such have requested that the existing boundary hedgerow is retained. The applicant has agreed to retain the hedge, with protective fencing during the construction phase, though longer term retention of the hedge at its current significant height could not be guaranteed. Notwithstanding this, it is noted that existing lounge window is only a secondary window and the nearest proposed dwelling at plot 10 has no windows that would directly overlook the existing property, and it is not considered to significantly harm their amenity.

It is also noted that the Council recently approved four dwellings to the front of Silverwood Farmhouse (RB2014/0718). These properties front onto Vale Road, with a blank gable facing the development site. The proposed development at the Fullerton is set slightly further forward (around 5m) than the proposed adjoining development approved under RB2014/0718. The proposed scheme at the Fullerton will not come within a 45 degree line of the front habitable room windows on the RB2014/0718 scheme and it is not considered that any significant harm to neighbouring amenity will occur.

It is therefore considered that the proposed development would not have any significant impact on the amenity levels of the occupiers of these neighbouring properties. This is because the proposal would not cause any loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. As such it is in accordance with policy.

Highway issues

The site would be provided with appropriate levels of parking for each property and the turning facilities within the private drive are also acceptable and no objections are raised to the general layout subject to standard conditions and the provision of an improved visibility splay.

Therefore subject to recommended conditions the proposal would comply with the requirements detailed within UDP Policy T6 'Location and Layout of Development', which states that the Council, in considering the location of new development, will have regard to the increasing desirability of reducing travel demand.

An existing bus shelter on the Vale Road frontage would need to be demolished to accommodate accesses to the site and a commuted sum would be required to provide for a replacement shelter facility, which would be dealt with by way of a S106 Legal Agreement. In order to reduce the cost, the applicant has agreed to demolish the existing bus shelter themselves and only pay for the new bus stop.

Affordable housing contribution

Policy CS7 'Housing Mix and Affordability' states: " The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:

- Sites of 15 dwellings or more or developments with a gross site area of 0.5 hectares or more; 25% affordable homes on site.

Where it can be demonstrated that these targets would prevent the delivery of a viable scheme, the precise level of provision will be negotiated, based on a viability assessment. Any viability assessment shall be carried out at the expense of the applicant, according to the principles set out below:

The applicant will raise any viability issues with the Council during the pre-application stage. If a third party appraisal is required the applicant, the Council and the third party consultant will meet to scope the details of the appraisal. An "open book" approach is required, whereby development finances and their underlying assumptions are subject to appraisal in order to support a claim. At the very least the applicant will need to provide evidence for the following items:

- Projected Gross Development Value (GDV) (e.g. rents, prices, yields; discounted values)
- Construction costs and programme (e.g. £/m², unit size (m²), build period)
- Finance, fees and all other associated costs (e.g. rate of interest, fee rates, lump sums)
- Gross Profit margins (e.g. % on costs; % of GDV)
- Residual Land Value (i.e. the budget to buy the land) or Land Price (if already purchased).

The Council will seek every opportunity to work positively with developers and other partners to deliver affordable housing and a mix of housing types to meet local needs through use of its own land, all available funding opportunities, innovative development models and other available means. Detailed implementation guidance will be laid out in an Affordable Housing Supplementary Planning Document."

The applicant stated that this scheme will not be financially viable if the policy position of 25% Affordable Housing had to be met. They produced their own "in house" viability appraisal which showed that the scheme would produce a profit of 9.54%. The Council's Affordable Housing officer considers that a profit of 11.94%

could be possible, although this would still be below the accepted level developer profit of 15-20%. As such the scheme is not considered viable for affordable housing.

Ecology/ biodiversity matters:

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

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

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

The submitted Bat & Breeding bird Survey Report notes that no bats or field signs were recorded during the survey. No bat contacts from any species were recorded during the two activity surveys. No evidence current or historical of breeding bird activity was recorded during the survey. Nevertheless the report recommends the provision of bat boxes in the new development to compensate for the loss of potential bat habitat. As such an appropriate condition has been attached requiring the provision of bat boxes.

With this in mind it is considered that the proposals accords with the relevant biodiversity policies and guidance of the NPPF and CS Policy CS20.

Conclusion

Having regard to the above it is noted that the site is allocated for Residential purposes on the UDP and that the proposal is acceptable in principle. It is concluded that the proposed development would not result in the loss of an important community asset and that the area is served by a similar Public House to compensate for the loss. In terms of the loss of the former private allotments it is noted that there is acceptable alternative provision in the area to justify the loss.

Furthermore the Council considers that the proposed development by virtue of its scale and layout would be in keeping with the immediate surrounding area and would not have an adverse impact on the streetscene. Indeed, it would tidy a site that has become derelict and unkempt. The proposed development would not be detrimental to the occupiers of neighbouring properties by being overbearing, nor would it result in any overshadowing or loss of privacy due to its siting and relationship with neighbouring properties.

The proposals would not be detrimental in highway safety terms with adequate parking on site. Furthermore the site is considered to be located in a sustainable location with access to a range of transport options.

As such the proposal complies with the NPPF, NPPG, UDP, Core Strategy and South Yorkshire Residential Design and is subsequently recommended for approval.

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 Site Plan JBA.3229.102.A,

Amended Plots 1-14 103.B, 104.B, 105.B, 106.B, 107.A, 108.A & 109.B (received 20/10/2015)

Amended Spot Level Plan JBA.3229.102.B (Received 11/03/2016)

Amended Streetscene/Site Section Plan JBA.3229.112.B (Received 15/03/16)

Reason

To define the permission and for the avoidance of doubt.

03

Prior to construction of the dwellinghouses details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted or samples of the materials left on site, and the details/samples shall be approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this

purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

05

Prior to the demolition of the existing bus shelter on the site frontage, a replacement shelter shall be provided, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

To ensure provision of a suitable bus stop in the interests of the sustainable development of the site.

06

Before the development is brought into use visibility splays 2.4m x 33m shall be provided at the entrance to the private drive as indicated (shaded red) on the attached copy plan. The visibility splay shall form part of the adopted highway.

Reason

In the interest of highway safety.

07

Details of road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is brought into use, or as otherwise agreed in writing with the Local Planning Authority.

Reason

No details having been submitted they are reserved for approval.

08

A scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

09

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.

- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

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

10

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

Reason

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

11

The existing hedge positioned at the North Western corner of the site adjoining Silverwood Farmhouse shall be protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. This shall be positioned in accordance with 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. The hedge shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

12

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

Reason

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

13

In all proposed gardens and areas of soft landscaping a clean soil capping layer of 450mm of subsoil and 150mm of topsoil will be required. Site soils used for garden areas will require testing at a rate of 3 samples per 250 cubic metres for metals, metalloids, PAH and asbestos to ensure they are free from contamination. The results of testing will be presented to the Local Planning Authority in the format of a Validation Report.

Reason

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

14

If further soils are required to be imported to site for garden and soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of the testing shall be presented in the form of a validation report.

Reason

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

15

Details of bat roost features to be incorporated into the development shall be submitted to the Local Planning Authority for approval and shall thereafter be implemented in accordance with the agreed details before the development is brought into use.

Reason.

In the interests of the local ecology in accordance with advice in the NPPF.

Informatives

01

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

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

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

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

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

02

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

POSITIVE AND PROACTIVE STATEMENT

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	RB2015/1091
Proposal and Location	Erection of 6 No. dwellinghouses and associated garages at land off Sledgate Lane, Wickersley S66 1AN
Recommendation	Grant subject to conditions

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



Site Description and Location

The site of application is located approximately half a mile from Wickersley at the junction of Bawtry Road with Sledgate Lane and is approximately 0.48 hectares in area. To the south and east lie existing residential properties on Sledgate Lane and to the west are further residential properties on Moorlands/Bawtry Road.

The site comprises of predominantly level open land to the front of the site closest to Bawtry Road which is rough grassland, whilst the remainder of the site at the rear contains trees and bushes and consists of a former quarry with a significant dip in levels. The site has previously been used as a stone quarry and for grazing. The site is currently enclosed by a mix of post and rail fencing and natural landscaping to its boundaries.

Sledgate Lane is the route of a public right of way (Wickersley Footpath No. 1)

Background

RB2010/1558 – Outline application for the erection of 5 dwelling houses including means of access – granted conditionally 28/02/2011.

Proposal

The application seeks full planning permission for the erection of 6 detached dwellinghouses. Vehicular access is proposed to be taken from Sledgate Lane close to the north eastern corner of the site, and will be designed to adoptable standards.

The layout of the site shows two properties on the south eastern boundary (plots 1 and 2), three properties backing onto the western boundary (plots 3, 4 and 5), with one on the south western boundary (plot 6). The house on plot 6 would be set at a lower level than the others, being within the area of the former quarry on the site, and existing ground levels would be filled to allow for the formation of a pond within the proposed garden area.

The houses are show to be located around a road, enclosed and separated by stone walls at their frontages and hedges at their rear gardens.

The properties are proposed to be 4 and 5 bedroom properties with double garages. The properties will be built at a density of approximately 12 dwellings per hectare.

The development is proposed to be enclosed by high stone walls to Bawtry Road and the site entrance, and by existing hedgerows to Sledgate Lane.

The proposed building materials are to be coursed sandstone walls and a mix of artificial stone, and natural blue/grey slate. The design of the proposed dwellings incorporates some modern features such as larger areas of glazing with full height sliding/folding doors to external and internal openings and areas of structural glass.

The proposal has been amended through the process to remove the gates from the entrance, and the dwellings were moved slightly to ensure compliance with spacing standards and guidelines.

The following documents were submitted in support of the application –

Design and Access Statement

This states that the site is within an area allocated for residential development and has been the subject of a previous planning permission. The site has a good relationship with the existing settlement, being a short walk from Wickersley and 4km from Rotherham Town Centre. The site is sustainable with local amenities within walking distance and excellent public transport links.

The proposed dwellings are designed specifically for the site, they reflect the traditional local vernacular in both building style and materials and they are shown within a heavily landscaped site that will enhance the character of the area.

Land Contamination Assessment

This report confirmed that the landfill type waste material was identified in and around a Trial Pit on site, and that the soil contained no elevated contaminant concentrations.

However further site intrusive investigation works are required, and further remediation works may be required to bring the site to a suitable condition for the proposed end use.

Flood Risk and Drainage Statement

This states that the new dwellings will be drained by separate foul and surface water drainage systems and foul water will drain to a public sewer in Bawtry Road. The ground beneath is sandy gravels and poor quality sandstone which, following permeability tests, show to be suitable for infiltration methods (SuDS). Accordingly rainwater from roofs will drain to individual soakaways and paved areas will be permeable or have infiltration trenches alongside. The site is not affected by flooding.

Noise Assessment

This states that the ambient noise climate is due to road traffic noise, and a scheme of sound attenuating works has been specified in order to protect the proposed residential development from the ambient noise climate in relation to Plot 3.

Tree Survey and Arboricultural Method Statement

The site contains 14 trees and /or groups of trees. Two trees were allocated a category B, (which are considered to be of a lower amenity value but which are expected to contribute to amenity of at least 20 years), nine trees or groups were allocated category C, (lower quality trees which are expected to contribute for at least 10 years), and three trees or group of trees were allocated category U, (trees that are expected to contribute for less than 10 years due to serious defects). The details also included details of necessary tree works, root protection areas and protective fencing etc.

Ecology Survey

The initial Ecology Survey has been updated at the request of the Local Planning Authority. The amended report concluded that the site supports only a small number of habitat types with potential/opportunities for wildlife. However the site has some potential to support arboreal nesting birds, and foraging bats and mitigation is offered in relation to construction timing and/or checking surveys as well as bird and bat boxes being provided.

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. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'residential' purposes on the Policies Map. 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

CS14 Accessible Places and Managing Demand for Travel

CS20 Biodiversity and Geodiversity

CS21 Landscape

CS27 Community Health and Safety

CS28 Sustainable Design

Unitary Development Plan 'saved' policy(s):

HG4.3 Windfall Sites

ENV3.4 Trees, Woodlands and Hedgerows

ENV3.7 Control of Pollution

EN4.4 Contaminated Land

HG5 The Residential Environment

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

SP12 Development in Residential Areas

Other Material Considerations

South Yorkshire Residential Design Guide 2011

UDP 'Housing Guidance 3: Residential infill plots.'

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

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/Rotherham Local Plan 'Publication Sites and Policies - September 2015' 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. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

The application was advertised on site by the erection of two site notices and the occupiers of 11 surrounding properties were notified by letter. 10 representations were received from neighbouring properties, 8 of these were objections to the scheme which are summarised below –

- 6 large homes is far too many for the plot, it is overdevelopment of the plot.
- The amount of traffic using Sledgate Lane will be significantly increased, by at least 20 cars.
- Increased pollution, which is a health hazard.
- Bawtry Road is a fast road, and the entrance to Sledgate Lane is an accident waiting to happen. Problems already occur.
- Access would be safer directly off Bawtry Road.
- Sledgate Lane is unadopted, of a limited width with no pedestrian provision and is the route of a public footpath.
- Holling Moor Lane, a private Lane was only allowed five dwellings, how can Sledgate Lane be allowed a further six – where is the consistency?
- Four planning applications for dwellings off Sledgate lane have been refused on highway grounds between 1989 and 2011, so should this one.
- Walkers, horses and farm vehicles use the lane.
- Chopping down trees and hedgerows will increase noise to residents, and alter the look of the lane.
- The original permission was only for 5 houses.
- Plot 6 will be built on dangerous land – eg. quarry.
- Landfill gases could be released.
- The development will reduce light levels into existing properties.
- The additional residents and cars will increase noise levels for existing residents.
- Wildlife will be disturbed on the site.
- Sledgate Lane and its surroundings comprise a mix of houses and bungalows of individual character, whilst the proposal includes six properties of the same design and materials – not in keeping with its surroundings.
- Density is too high and houses are too close together adversely affecting the character of the area.
- Sledgate Lane is a public footpath and the proposed properties will have a negative impact due to positioning of 2 storey houses close to the Lane edge.
- The fact that the development will be gated will add to traffic problems on Sledgate Lane junction.
- The roadway in front of the development is currently used by residents from further down the lane for overnight parking in bad weather as the road is not gritted in adverse weather
- There are too many car parking spaces at each property to encourage the use of public transport.

One letter stating that there are no objections to the development of the site has also been received from an adjoining neighbour at 3 Moorlands.

One letter from the adjoining resident asking for clarification regarding boundary treatment on the shared boundary with 130 Bawtry Road.

Wickersley Parish Council have objected on the grounds that the proposed road access is in a dangerous place. The density of the site should be checked for overdevelopment.

One Right to Speak request at the Planning Board has been received from the occupier of Oak Lodge on Sledgate Lane.

Consultations

Streetpride (Transportation and Highways Unit) – No objections. Comments in respect of specific matters raised by objectors is referred to in the Appraisal section below.

Environmental Health (Land Contamination) – It is considered there may be a risk to human health from potential contamination at the site. Remediation works may be required to bring the site to a suitable condition to be protective of human health for its proposed end use. Therefore suggested conditions should be attached to any planning permission.

Streetpride (Main Drainage) - No objections subject to standard conditions.

Urban Design – No concerns in relation to design.

Streetpride (Trees Service Manager) – No objections subject to recommended conditions. Of the existing trees on site T2 and T6 (both Sycamores, located close to Sledgate Lane frontage) are the better amenity trees with reasonable future prospects. These trees are shown to be retained on the site layout plan together with two trees within Group G11 and two in G13. This is welcomed to protect future amenity.

Streetpride (Public Rights of Way) - Although the route of Sledgate Lane is a public footpath (Wickersley Footpath No. 1) the top section, and the point where the proposed development will be accessed by vehicles, is adopted highway and it is wide enough at this point to accommodate both extra vehicles and pedestrians without conflict.

Environmental Health – No objections, subject to the informative regarding best practice in construction works.

Ecologist – No objections to the proposal provided conditions are attached to any approval to secure the mitigation proposed within the Ecology Survey.

Building Control - From a Building control perspective this is a reasonable report on the ground conditions given the suggested foundation type.

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.
- The design of the proposed building and its impact on the visual amenity of the streetscene
- The impact of the development on the amenity of neighbouring residents.
- Landscape and ecology.
- Transportation issues.
- Other matters raised by objectors.

The principle of the development

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

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

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

UDP Policy HG4.3 ‘Windfall Sites’ states that: “The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their: (i) location within the existing built up area and compatibility with adjoining uses, and (ii) compatibility with other relevant policies and guidance.”

Core Strategy Policy CS1 ‘Delivering Rotherham’s Spatial Strategy’ states that most new development will take place in Rotherham urban area and the Principal Settlements for Growth and will help create a balanced sustainable community. It notes that the settlements of Bramley/Wickersley/Ravenfield Common are ‘Principal settlements for growth’.

Policy SP12 ‘Development in Residential Areas’ of the ‘Publication Sites and Policies’ document (published in September 2015) states that residential areas identified on the policies map shall be retained for primarily residential use. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

The site is allocated for ‘Residential’ use within the Unitary Development Plan and is considered to be a windfall site where development will contribute to the required housing figures for the Borough. It is considered that given the site’s location in close proximity to existing housing, facilities, services and local transport, the development is within a sustainable location that would accord with the presumption in favour of sustainable development. The site is within a Principle Settlement for Growth as identified in the plan in accordance with Core Strategy Policy CS1 and the compatibility of the proposal with other relevant policies is discussed below in accordance with UDP Policy HG4.3 and Sites and Policies SP12.

Layout, design and visual amenity

With regard to layout considerations, UDP Policy HG5 ‘The Residential Environment’ encourages the use of best practice in housing layout and design in

order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF.

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

Paragraph 56 of the NPPF notes that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Paragraph 60 of the NPPF states that "Planning Policies and decisions should not attempt to impose architectural style or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness".

The proposed dwellings are to be constructed from locally vernacular materials containing sandstone and slate and tiles, and also incorporating some relatively modern design aspects including large areas of glazing. The site is to be bounded by a 1.8m high boundary wall along Bawtry Road frontage and either side of the entrance, existing hedgerows are proposed to be retained elsewhere around the site.

Objections have been received on the grounds that 6 houses are too many for the site, and that they are too large. Whilst the proposed dwellings are relatively large, this area along Bawtry Road is characterised by detached properties of varying sizes and ages and many of the existing dwellings are large properties standing within large garden areas. In terms of density the proposed scheme has a density of approximately 12 dwellings per hectare, which is relatively low. The houses to the west of the application site are of a similar density, whilst the houses to the immediate west have a lower density and many of the houses are older and have larger garden areas. The density of the proposed scheme is not considered to be out of character with the area, and is considered to be appropriate in this location.

It is considered that the houses have been designed to reflect the scale and characteristics of the area and will not appear at odds in a locality that is not dominated by one particular house type or style, and the proposed materials will help to blend the new development into the existing urban setting although final details of materials are suggested to be controlled through condition.

The site has differing land levels dropping approximately 3 metres from Sledgate Lane to the rear of the site (east to west), and rising slightly from north to south with an area of disused quarry in the south eastern corner. The buildings have been designed taking into consideration the differing land levels at the site, and maximising view out of the site.

Overall it is considered that the proposed dwellings are of an appropriate scale, design and layout in relation to the street scene and taking account of their design it is considered that they would contribute in a positive manner to the locality.

As such the proposed development is therefore considered to accord with the principles set out in UDP Policy HG5 and Core Strategy Policy CS28 as well as the advice set out in the NPPF.

Impact on residential amenity

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

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

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

The South Yorkshire Residential Design Guide (SYRDG) further advocates the use of these separation distances for the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings. It also sets out minimum internal and external spacing standards.

The original submission fell slightly short of the standards in a few areas within the development, however the agent has amended the scheme to ensure that the proposed layout now complies with both the internal and external spacing standards. The dwellings are set within substantial plots, which ensures that they do not exceed the recommended building footprint to plot size ratio which is set out in the SPG3.

In terms of separation to neighbouring properties, the proposed development achieves the minimum spacing standards, both internally within the site and in relation to existing dwellings around the site. The garden areas are all well in excess of the minimum garden areas required to be provided within the SYRDG.

Objections have been received in relation to the over development of the site, stating that the dwellings are too close to each other and would over shadow Sledgate Lane and properties on Sledgate Lane. However, as detailed above the properties achieve the spacing standards and have substantial private garden areas. Additionally, the proposed houses closest to Sledgate Lane (plots 1, 2 and 6) would be built side on to the road, with no habitable rooms in the side elevation of plot 2 and with first floor bedroom windows in the side elevation on plots 1 and 6. These properties are some 20m from the front elevations of houses across Sledgate Lane, and would therefore not adversely impact the privacy or residential amenity of the occupiers of these dwellings. Appropriate spacing standards on the rest of the site are also met.

Objections have been received stating that the property would result in increased pollution by the increased number of cars, and also by the release of landfill gas. Core Strategy Policy CS27 'Community Health and Safety' and UDP Policy ENV3.7 'Control of Pollution' and ENV4.4 'Contaminated Land' support development which protects, promotes or contributes to securing a healthy and safe environment and minimise health inequalities. The policies state that proposals will be required to consider the impact of existing sources of pollution and the potential for remedial measures to address problems.

The Environmental Health Section has been consulted on the application with regards to pollution and contamination. After assessing the submitted information, they consider that the development, if granted subject to planning conditions to require further ground investigations, would not have an adverse impact on residential amenity of existing or proposed resident in terms of pollution. The site is located close to Bawtry Road which is heavily trafficked, and for this reason the application recommends increase levels of glazing to the windows of the plots closest to the road.

It is therefore considered that the proposed development will not cause any unacceptable harm to the amenities of the occupiers of neighbouring properties, and that it is in accordance with policies Core Strategy Policy CS27 and UDP Policies ENV3.7 and ENV4.4.

Landscape and ecology

Core Strategy CS21 'Landscapes' requires that new development will safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. UDP Policy ENV3.4 'Trees, Woodlands and Hedgerows' states that: "The Council will seek to promote and enhance tree, woodland and hedgerow coverage throughout the Borough."

In addition paragraph 118 of the NPPF states that: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

... planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

The proposed dwellings result in the loss of some of the existing vegetation. There are numerous trees/bushes and hedgerows on the site which in general is very overgrown. The application was supported by a Tree Survey Report and Arboricultural Impact Assessment and Method Statement. This states that there are 7 individual trees, 5 groups of trees and 2 overgrown hedges on the site. The application proposes the retention of 2 better amenity trees on site (both Sycamores close to the Sledgate Lane frontage), together with part of two groups which both would retain 2 trees. The remaining trees and hedges are recommended for removal due to poor natural development, poor condition and/or limited future prospects.

The Council's Tree Services Manager has deemed this to be acceptable from an amenity issue, and it is considered that the removal of the lower value trees can be mitigated by replanting of trees within a landscaping scheme.

Objections have been received regarding the loss of trees and hedgerows and how this will lead to increased noise levels for existing residents due to increased traffic and people living on the site. It is considered that the retention of some of the trees and hedgerows on site, along with replacement planting to be secured by a landscaping scheme, the development, and the loss of vegetation would not lead to a significant adverse impact on amenity in this respect.

Core Strategy Policy CS20 'Biodiversity and Geodiversity' states that the Council will conserve and enhance Rotherham's natural environment. Biodiversity and Geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

In this regard it is considered that the application site currently has a minimal potential/opportunity to support wildlife. However it has been identified that the site does have some potential to support arboreal nesting birds, and that bats may forage along the peripheral edges bordering the site. For this reason mitigation has been proposed to include the consideration of construction timing and/or checking surveys for birds on site as well as the provision of sparrow terraces within the development. In relation to bats the application includes the provision of bat boxes, and the use of low level lighting.

With the relatively low ecological value of the site and the mitigation measures proposed it is considered acceptable from an ecological aspect.

It is therefore considered that the proposal is in accordance with Core Strategy Policies CS20 and CS21 and UDP Policy ENV3.4.

Transportation issues

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

The site is considered to be within a sustainable location where there is good access to a range of transport modes. The proposed level of car parking is also considered to be appropriate as it complies with the Council's minimum parking standards.

Objections have been received stating that the access to the site is unsafe and the additional cars that would use the site would be a traffic hazard and lead to further incidents on the road. Objections also state that Sledgate Lane is a public footpath and so the additional traffic would be a hazard to walkers, horses and farm vehicles, and that people use the area at the front of the site to park. Additionally, they state that other developments within the Borough have been limited to 5 dwellings off a private drive whilst this proposes 6 which is inconsistent. Finally, objectors state that access directly off Bawtry Road would be safer.

The traffic impact of the development is assessed during the peak hours and it is anticipated that approximately 5-6 vehicle movements would be generated by the 6

dwelling in the peak hours. The Council's accident records for the Sledgate Lane junction with Bawtry Road do not reveal any personal injury accidents in the past 3 years.

The proposed access into the site would be derived from the adopted part of Sledgate Lane, where the carriageway is relatively wide with a footway on the frontage which would not significantly impact on other users of the road. The first part of Sledgate Lane where the access is proposed is adopted and the new road will be constructed to adoptable standard, and it is therefore not considered to be a private drive. It should be noted that the original submission included a gate on the development, however this has been removed from the scheme at officer request.

In terms of parking on Sledgate Lane it is noted that the proposals comply with the Council's minimum parking standards and there are no direct access to properties from Sledgate Lane, such that it is not considered that the development would lead to additional parking on Sledgate Lane itself. Finally, it is not considered that direct access from the A631 dual carriageway (Bawtry Road) would be safer than the proposed access.

Objections have also been received referring to previous refusals for dwellings accessed off Sledgate Lane, however these planning applications all refer to sites that are accessed further down Sledgate Lane where the road is un-adopted. The reason for refusal of the previous planning applications is therefore not relevant to the consideration of this application as the road is adopted at the point where the proposed access is to be provided.

With all the above in mind, the proposed development is considered to accord with Core Strategy Policy CS14 and would not have a detrimental impact on highway safety.

Conclusion

In conclusion it is considered that the principle of residential development is acceptable within this location and that the design, layout and scale of the proposed dwellings are acceptable and meet with relevant policies. The proposed development will not have an unacceptable impact on the amenities of the occupiers of neighbouring properties and the loss of some of the existing vegetation from the site will be suitably mitigated through replacement planting.

In highway safety terms the proposed development is considered to be in a sustainable location and the level of proposed car parking is appropriate, as is the proposed new access off Sledgate Lane.

As such the application is recommended for approval subject to the following conditions.

Conditions

01

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

Reason

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

02

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

Site Plan, drawing number P05 Rev B

Streetscene Elevations, drawing number P08

Plot 1 Layout, drawing number P10

Plot 1 Elevations, drawing number P11

Plot 2 Layout, drawing number P12

Plot 2 Elevations, drawing number P13

Plot 3 Layout, drawing number P14 Rev A

Plot 3 Elevations, drawing number P15 Rev A

Plot 4 Layout, drawing number P16

Plot 4 Elevations, drawing number P17

Plot 5 Layout, drawing number P18

Plot 5 Elevations 1, drawing number P19

Plot 5 Elevations 2, drawing number P20

Plot 6 Layout 1, drawing number P21

Plot 6 Layout 2, drawing number P22

Plot 6 Elevations 1, drawing number P23

Plot 6 Elevations 2, drawing number P24

Plot 6 Sketch, drawing number 14/101 Dec 2015

Reason

To define the permission and for the avoidance of doubt.

03

Prior to the above ground construction of the new dwellings details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

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

Reason

No details having been submitted they are reserved for approval.

05

Before the development is brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

06

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;
a/ a permeable surface and associated water retention/collection drainage, or;
b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.
The area shall thereafter be maintained in a working condition.

Reason

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

07

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

Reason

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

08

Details of the mitigation measures identified in Section 5 of the amended Extended Phase 1 Habitat Survey Update 2015, updated on 04.03.16 and timescales for their implementation and schedule of 5 year maintenance plan shall be submitted for approval to the Local Planning Authority. The approved detail shall be implemented and maintained in accordance with the approved timescales.

Reason

To ensure that the biodiversity interest on the site is protected and enhanced in accordance with Core Strategy Policy CS20 'Biodiversity and Geodiversity'

09

Enhanced double glazing, as specified in the proposed sound attenuation scheme in the Noise Impact Assessment dated 2nd September 2015 and carried out by ENS, shall be provided in Plot 3 before the dwelling is first occupied.

Reason

For the avoidance of doubt and in accordance with CS Policy CS27 Community Health and Safety and UDP Policy ENV3.7 Control of pollution.

10

Details of the acoustic barrier to be provided for Plot 3, as referred to in the Noise Impact Assessment dated 2nd September 2015, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the dwelling is first occupied.

Reason

For the avoidance of doubt and in accordance with CS Policy CS27 Community Health and Safety and UDP Policy ENV3.7 Control of pollution.

11

No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned up to a period of 5 years following commencement of development on the site, other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree is removed, uprooted or destroyed or dies within the period referred to above, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

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

12

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. This shall be positioned in accordance with the Arboricultural Method Statement by James Royston dated 7 August 2015 and Appendix 6 Tree Protection Plan. 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 interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

13

Before the development is brought into use, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The

landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

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

Reason

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

14

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

Reason

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

15

Details of the location and materials of the proposed boundary treatments shown on the approved site plan drawing number P05 Rev B shall be submitted to, and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

Reason

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

16

Prior to any above ground construction, a further Phase II Intrusive Site Investigation should be undertaken. The investigation should include an assessment of the ground gas regime and potential presence of asbestos across the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the local Planning Authority. The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4).

Reason

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

17

Prior to any above ground construction, ground gas monitoring shall be undertaken to determine the ground gassing regime at low and falling atmospheric pressure conditions. This will enable a current gas risk assessment to be undertaken, to determine the exact gas protection measures required for the proposed development. The gas risk assessment shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

Reason

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

18

In accordance with Condition 16 above if gas protection measures are required for the site, details of these shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented

Reason

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

19

Subject to Condition 16 above, and prior to any remediation works commencing on site, a Remediation Method Statement shall be provided and approved by the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local

Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

20

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

Reason

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

21

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

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

22

The levels of the site shall be as shown on the approved site plan drawing number P05 Rev B.

Reason

To define the permission and for the avoidance of doubt.

Informatives

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

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

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

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

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

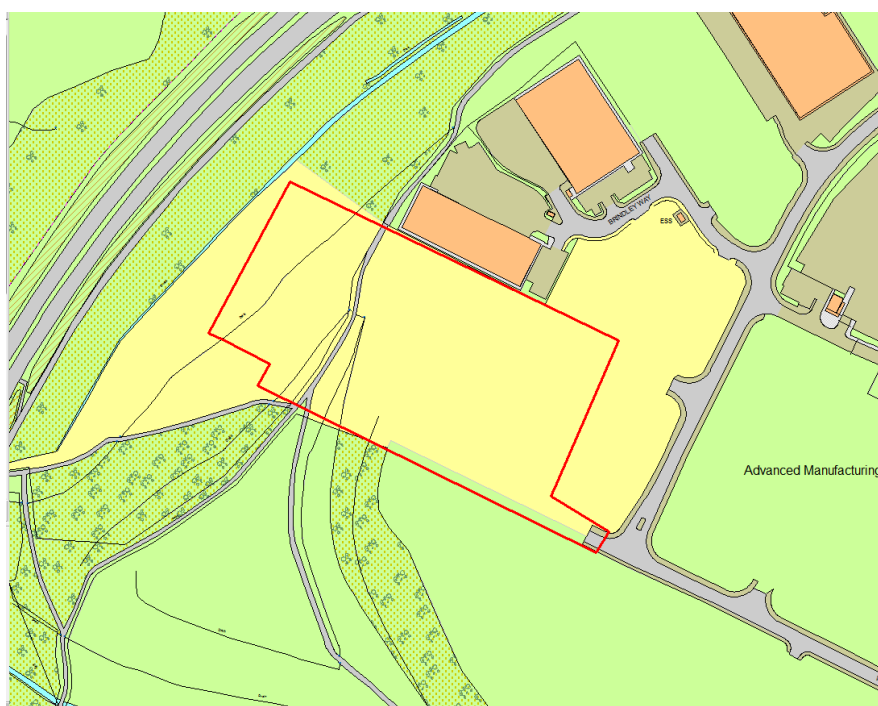
(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2016/0129
Proposal and Location	Erection of 3 No. employment units (incorporating use classes B1, B2 & B8) with a total floorspace of 6,782 sqm along with associated substation, access, servicing, parking, landscaping & other infrastructure at land at the Advanced Manufacturing Park, Brunel Way, Waverley
Recommendation	Grant subject to conditions

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for minor operations.



Site Description and Location

The application site forms part of the Phase 2 development at the Advanced Manufacturing Park (AMP) at Waverley and is approximately 1.9 hectares in size. The site is accessed off a cul-de-sac from Brunel Way. It is bounded by the A630 (Sheffield Parkway) to the west, existing employment development to the north and north east, and vacant development platforms and a railway line to the south.

The site has previously been prepared as a development plateau, and is flat.

Background

The following applications are relevant to the application site –

RB2003/0046 - Outline application for development of an advanced manufacturing park including business uses in Class B1 & B2 with related infrastructure and landscaping. - Granted conditionally, subject to a legal agreement 06/04/2005

RB2012/1416 - Engineering works to form level development plateau - Granted Conditionally 17/12/2012

RB2013/1039 - Formation of access road - Granted conditionally 26/09/2013

RB2013/1365 - Outline application to erect 3 No. units (use classes B1(b and c), B2 & B8) with all matters reserved – Granted Conditionally 13/12/2013

RB2013/1568 - Details of layout, landscaping, scale, appearance and internal access for Units 3 and 4 (reserved by outline RB2013/1365) – Granted Conditionally 31/01/2014

RB2014/0903 - Details of layout, landscaping, scale and appearance of Unit 2 (reserved by outline RB2013/1365) – Granted Conditionally 23/09/2014

Proposal

This is a full application submitted by Harworth Estates seeking permission for the erection of 3 No. employment units (incorporating use classes B1, B2 & B8) with a total floorspace of 6,782 sqm along with an associated substation, access, servicing, parking and landscaping.

The proposal represents the next stage of development at the AMP known as ‘R-evolution Phase II’ and follows on from the recent development of the first phase of R-evolution (which includes plots 2, 3 and 4 directly to the north of the application site) and Plot 5 which was granted planning permission recently and located immediately to the east of the site.

The floorspace proposed is divided as follows:

Plot	B2/B8 Floorspace	B1(a) Floorspace	Total Floorspace per Unit
6	977 sq.m (50%)	977 sq.m (50%)	1,954 sq.m
7	2,173 sq.m (90%)	241 sq.m (10%)	2,414 sq.m
8	2,173 sq.m (90%)	241 sq.m (10%)	2,414 sq.m

The units are shown to be sited horizontal to Brunel Way with entrances positioned in the corners of each building, replicating the design of the buildings on the adjacent R-evolution development. A substation is also proposed adjacent to plot 7.

A new access road is shown along the southern boundary of the site and will be constructed off the existing T junction at the end of Brunel Way. A total of 133 car parking spaces, including 8 disabled spaces and 12 bicycle hoops providing 24 bicycle spaces are proposed.

Landscaping consists of ornamental shrub and tree planting along the access road and within the car parking areas.

The application has been supported by the following documents –

Flood Risk Assessment

This concludes that the proposals are in accordance with existing planning approvals and will not have an adverse impact on flood risk.

Transport Assessment

The AMP roundabout has sufficient capacity to accommodate demand from the development and it concludes that there are no highway reasons why the proposed development should not proceed.

Geo-Environmental Assessment

This looks at ground contaminants at the site, and makes recommendations to render the development acceptable.

Extended Phase 1 Habitat Survey and Preliminary Impact Assessment

This looks at the ecological implications at the site and highlights any recommendations requires to make the proposed development acceptable.

Design and Access Statement

This explains how the proposal is accessed and designed to take into account the site characteristics.

Planning Statement

This includes details about the planning merits of the proposal and includes details of the Community Consultation.

Assessment of Impact and the Sequential Approach

This assesses the proposed office element of the proposals against relevant national and local policy and guidance and concludes that even when the proposal is considered against the sequential and impact tests, the scheme continues to comply with the development plan and relevant material considerations.

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 'Industrial and Business' purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' identifies the site as 'Waverley Advanced Manufacturing Park' on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS9 'Transforming Rotherham's Economy'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS21 'Landscape'
- CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

- EC3.1 'Land Identified for Industrial and Business Uses'

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

- SP19 'Waverley Advanced Manufacturing Park'

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/Rotherham Local Plan 'Publication Sites and Policies - September 2015' 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 accordance with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

The proposal was advertised in the press, on site and via letters to adjacent occupants. No representations have been received.

Consultations

Streetpride (Transportation and Highways) – No objections subject to conditions

Streetpride (Landscapes) - No objections subject to conditions

Streetpride (Main Drainage) – No objection

Environmental Health (contamination) – No objections subject to conditions

Environment Agency – No objections

South Yorkshire Mining Advisory Service – No objections

Yorkshire Water – No objections

Coal Authority – No objections

Sheffield City Council – No objections

Appraisal

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

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

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

The main considerations in the determination of this application are:

- The principle of the development
- Design and Layout
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues
- Geotechnical Issues

Principle

The application site lies within an area allocated for Industrial and Business Use in the Unitary Development Plan. The application seeks permission for up to 1,459sq.m of office floorspace within a B1(a) use outside of the town centre.

Whilst it is normally the case that such proposals would be assessed against the relevant policies of the saved Unitary Development Plan, in this instance, some UDP policies (including UDP Policy EC3.1) have been superseded by national planning policy contained in the NPPF. The principle of the current proposal must therefore be assessed against the provisions and tests contained within Paragraphs 24 and 26 of this document which require the Sequential approach to be applied together with an Impact Test.

Sequential Test

The Sequential Test aims to ensure that vacant sites and units in designated centres are considered for new town centre uses (as defined in the NPPF) before any other sites and units in edge-of-centre or out-of-centre locations. This is to ensure that the vitality and viability of the centres are protected and strengthened and that town centre uses are focused in these areas in the first instance. Only

where the applicant/agent can demonstrate that no viable, vacant sites and /or units exist in the designated centres, will other areas be considered.

In this regard paragraph 24 of the NPPF states that: *“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”*

This is further emphasised in Core Strategy Policy CS12 which states that:

“The Sequential Approach - Proposals for town centre uses on the edge of or outside of designated centres will only be permitted where it can be demonstrated that:

- a. sites within and then on the edge of town, district or local centres have been assessed and it can be demonstrated that they are not available, suitable or viable for the proposed development, and then*

In order to undertake the sequential assessment, appropriate centres have to be identified based on the location of the application site. In this instance it has been agreed with the Council that it would be appropriate to analyse the following nearby centres:

- Swallownest District Centre;
- Rotherham Town Centre;
- Woodhouse District Centre
- Darnall District Centre

It is these centres which will form the basis of the sequential approach. As outlined in the adopted Core Strategy and the NPPF, any vacant premises identified in these centres have been assessed in terms of their availability, suitability and viability.

In the first instance the applicants have set out the rationale for why the proposed office use needs to be located at the AMP (alongside the additional workshop space), the scheme requirements and quantum and quality of floorspace required. These are examined below:

Quantum of Floorspace Required

The applicants state that the AMP has been proven as the choice location for advanced manufacturers wishing to locate/operate in the UK. The Government regards the AMP as a nationally significant site for advanced manufacturing and economic development more generally. This status is borne out by it forming part of the Sheffield City Region Enterprise Zone.

This application sees Plots 7 and 8 being built to accommodate general market interest in the advanced manufacturing sector and provide up to 10% office floorspace. This is at a level which can be regarded as ancillary in nature and thus needs no further justification. Plot 6 however includes up to 50% of its floor area as Class B1 (a) offices. The applicants have confirmed that this is in response to a

specific occupier requirement for this building from an international company involved in advanced manufacturing.

The nature of the AMP is such that it is important that the floorspace is flexible in nature in terms of the size and type to meet specific requirements of its users; be that a company which require the space for a bespoke project or to incorporate a company which may need to expand in the coming months. In most cases the floorspace offered also needs to be linked with the rest of the business. In this instance the applicant argues that it makes little sense for the floorspace to be disaggregated into separate units and indeed it would prove unviable and impractical for them to develop the proposed floorspace over multiple sites/units to provide the required accommodation; especially as there is an active requirement for advanced manufactures to collaborate across the AMP and so the notion of clustering is seen as important. Consequently the applicant considers that the floorspace needs to be considered as a whole and so the sequential approach considers units of around 950 sq m to 1,000 sq m to meet these requirements; this range allows for some flexibility as required by the NPPF and NPPG. This methodology has been assessed by the Council's Forward Planning department and deemed to be appropriate in this instance.

Quality of Floorspace

In order to attract advanced manufacturers, high quality Grade A floorspace with requisite floor to ceiling heights, features such as climate control, modern glazing specification and required measures to allow the inclusion of broadband and other multimedia and networking tools will be required.

Relationship between Office and Workshop Space

The applicant has confirmed that the majority of advanced manufacturers will require some combination of office and workshop space to operate and in practical terms it would be difficult to operate with the office floorspace located some distance from the workshop space. The need for practical linkages between the office floorspace and the workshop floorspace are therefore accepted.

Sequential Test

Having regard to the above rationale and the agreed 'search area' of Swallownest, Woodhouse and Darnall District Centres and Rotherham Town Centre for the sequential test, the applicants have identified only one property '8-10 Main Street in Rotherham town centre' that is the closest in size. Other premises (11 High Street and The Conservatory Centre located on Park Street, Swallownest, 34-38 Market Square and Lotus House, Woodhouse and The Wellington Inn, 222 Main Road Darnall) have been discounted on the grounds that the units would be too small in practical terms to accommodate the proposals, not available to purchase (to-let only), not Grade A quality floorspace or already sold to another purchaser.

Having regard to the identified single site at 8-10 Main Street in Rotherham Town Centre, the property has a floorspace of approximately 835sqm and comprises accommodation on several floors. It is owned by the Council and is being sold as a regeneration opportunity along with neighbouring properties along Main Street and Westgate. The total floorspace of the units combined is approximately 5,574 sqm.

The Council's Commercial Estates team has confirmed that they are selling the units as a whole (rather than selling them separately) with the idea of promoting a wider residential led mixed-use development. On this basis, it is acknowledged even though the site is available, it is unsuitable for the proposed development on the basis that the Council are only selling the wider site, which is far too large for the proposed development and are seeking a residential-led mixed use scheme on the site, which is not consistent with the proposed scheme.

Furthermore, the premises are not purpose built for modern office use. As such it and would not be able to offer the quality of the office floorspace required (Grade A) and the required floorplates without substantial demolition/alterations.

Having regard to the above, it is accepted that there are no available, suitable or viable sites for the proposed development within the identified town and district centres and on that basis, the proposed development to provide 1,459sq. m of B1(a) office accommodation in this location is in accordance with the provisions of Policy CS12 of the Core Strategy and Paragraph 24 of the NPPF.

Furthermore, and notwithstanding the above, the Council's Sites and Policies document identifies this site as being part of the wider Waverley Advanced Manufacturing Park where Policy SP19 states that proposals for B1(a) offices will only be acceptable where they are ancillary to the main use of the Advanced Manufacturing Park. Having regard to the applicant's claim that the majority of advanced manufacturers will require some combination of office and workshop space to operate (which the Council accepts), it is considered that the level and configuration of the office space proposed is acceptable and in accordance with the provisions of Policy SP19 'Waverley Advanced Manufacturing Park'.

Impact Assessment

Core Strategy Policy CS12 states that:

"Impact Assessment"

Proposals for retail, leisure or office uses of 500 sq m gross or above, on the edge of or outside of designated centres, must be accompanied by an assessment of

.....

- c. the impact of the proposal on existing, committed and planned public and private investment in centres in the catchment area of the proposal; and*
- d. the impact of the proposal on the vitality and viability of centres, including local consumer choice and trade.*

Applicants should agree with the Local Planning Authority the scope of the evidence and analysis to be submitted to ensure that this is proportionate to the scale and nature of the proposal."

Having regard to these requirements, the applicant has analysed the identified town and district centres and is unaware of any comparable existing, committed or planned investment of similar floorspace to that which is proposed either from the public or private sector and as such no impact on these sectors are envisaged.

Turning to the impact of the proposal on the vitality and viability of the identified centres, the applicants have visited the district centres which revealed that they contain no identifiable office floorspace and on this basis the impact of the proposed

development is likely to be negligible in nature. Being much larger, Rotherham Town Centre contains a greater number and variety of units. Whilst the centre features several vacant units, it appears popular with notable footfall along key routes along High Street, College Street and Effingham Street. Whilst the centre does contain some office floorspace, this tends not to be Grade A in quality and as such, purpose built Grade A office floorspace for advanced manufacturers is unlikely to impact on the vitality and viability of Rotherham Town Centre to any great degree.

Having regard to the above and given the submitted information, the Council consider that there are no sequentially preferable sites for the proposed development and it would not have an impact on the vitality and viability of the town and local centres mentioned above in accordance with the guidance in the NPPF and provisions of Policy CS12 of the Core Strategy.

Design and Visual Amenity

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

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

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

The overall layout has been designed around the new access road which is to be constructed off the 'T' junction at the end of Brunel Way. The development proposes a new connection off this access road directly into a central road which splits units 7 and 8. Service yards and parking are located on either side of this central road. Unit 6 has its own access from Brunel Way. The main offices and entrances for units 7 and 8 are shown to be positioned in the corners of each unit reflecting the external appearance and layout of the units on the R-evolution Phase 1 development adjacent.

For units 7 and 8, the car parking areas are laid out adjacent to the front elevations allowing access towards the main entrance doors.

The buildings have been positioned on opposite sides of the plot to allow an efficient layout which creates a courtyard effect between units 7 and 8. The service yards and car parks are visible from the new access road providing natural surveillance across the site area.

The heights of the buildings are dictated by the operational requirements of the units and are of similar heights to the adjacent buildings already established along Brunel Way. They range between 8.2m to 8.5m from the external ground level to the top of the building wall parapet. The height of the buildings from the external ground level to the apex of the roof ranges from 8m to circa 10m.

The design of the buildings incorporates a similar palette of materials to those of the existing buildings already constructed along Brunel Way which are adjacent to the development. The main body of the warehouses will be constructed in horizontally laid sinusoidal metal cladding panels in metallic silver. The main entrances of units 7 and 8 are located on the corners while the entrance for unit 6 is located at the centre. The construction of these main entrances will consist of contrasting materials in order to provide identification of the entrance and help break up the massing of the elevation treatment.

The entrance corners will be in polyester powder coated aluminium glazing and doors at ground floor level with a contrasting cladding material at high level. This material has been proposed to be vertically laid Kalwall cladding. The Kalwall cladding is proposed to be framed with a feature beam edge trim in anthracite providing the entrance corner with greater prominence. The bottom of the buildings will be constructed on a brickwork plinth course in a smooth black facing brick. The proposed service doors and fire exit doors are proposed to be in polyester powder coated steel in metallic silver.

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

In light of the above it is considered that the design of the proposal is one that is acceptable and would satisfy the relevant design policies and guidance of the NPPF and Core Strategy policy CS28 'Sustainable Design'.

Transportation Issues

Having regard to transportation issues, it is first important to recognise the proposals are in line with existing planning conditions attached to recent approvals on the wider AMP site. These state that not more than 47,480m² of gross floor area within AMP2 shall be occupied until both improvements to Highfield Spring and the Poplar Way/ Morrisons roundabout are provided. It has recently been calculated that the proposals associated with this application will exceed the 47,480m² trigger and require delivery of the specified highway works. However, Harworth Estates are

progressing with those works which are due to be completed in spring/summer 2016. As such, the necessary works will be completed before the occupation of Plots 6, 7 & 8.

The application is accompanied by a Transport Assessment which confirms that vehicular trip rates and anticipated distribution profiles for AMP2 were established as part of the Waverley New Community (WNC) application. An assessment of various junctions has been carried out using existing and projected data which concludes that the development is expected to generate 54 new trips in the morning peak and 38 new trips in the evening peak equating to less than a 4% increase overall. This level of increase is considered to be acceptable in this location.

Turning to the proposed access arrangements, a new access road will be constructed from the T junction at the end of Brunel Way which will lead to the servicing and car parking areas associated with each new unit. There are 133no car parking spaces associated with the development, including 8no disabled spaces and 12no bicycle hoops providing 24no bicycle spaces. The Council's Transportation Unit have been consulted on the application and confirm that they raise no objections to the siting of the access and level of car parking as it complies with the Council's maximum parking standards for B1, B2 and B8 uses.

It is therefore considered that the proposal is in accordance with UDP Policy T6 'Location and Layout of Development' and Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel', and is acceptable in Transportation terms, subject to appropriate conditions

Drainage and Flood Issues

The application site is shown on the Environment Agency's flood risk map as being within Flood Zone 1 (ie land assessed as having less than a 1 in 1000 year annual probability of river flooding, and there are no other significant flood risks that will adversely impact on the development.

The application site is to be provided with a surface water drainage system designed to prevent surface flooding on all events up to 1 in 30 year severity, exceedance flows up to 1 in 10 year events will be stored within the car parks and service yards of the individual units.

It is therefore considered that the proposals would not have an adverse impact on flood risk areas adjacent to and downstream of the site. Conditions should be attached to any approval to require the submission of detailed foul and surface water drainage with the reserved matters applications.

Landscape and Ecology

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

The application is supported by a Landscape Plan which shows the vast majority of proposed landscaping concentrated around the perimeter of Unit 6. Proposed native tree planting, set within soft landscaping which includes formal hedgerows and ornamental shrub and groundcover planting is shown along the south-eastern boundary adjacent to the car park, continuing up towards Units 7 parallel with the proposed new access road, broken only by the siting of the required new substation.

This level and type of planting is consistent with that previously approved on the adjacent R-evolution site and as such is considered to be acceptable and in accordance with the provisions of Policy CS21 'Landscape'

Turning to ecology, the application includes an Extended Phase 1 Habitat Assessment Survey and Preliminary Impact Assessment, Breeding Bird Survey, Reptile Survey and Orchid Translocation. The assessment notes that whilst the potential ecological impact of the proposals is generally low, there is the need for some mitigation; specifically in relation to birds, foraging areas for bats and disturbance of adjacent habitats. Chapter 7 of the report summarises these as being:

- Future developers and site owners within the application site should be encouraged to become 'stakeholders' of the SBAP;
- If any portion of the site remains undeveloped for a period of approximately 12 months, a site walkover survey will be undertaken to determine if habitats and management of the site remains unchanged to ensure there is no risk of protected/notable species being adversely affected by the proposals;
- A walkover/checking survey will be undertaken by a suitably qualified ecologist prior to any further clearance disturbance work being undertaken during bird breeding period;
- In order to minimise the potential ecological effects of the proposals appropriate measure will be undertaken to control dust, noise and site lighting;
- Appropriate working and material storage methods will be implemented throughout the construction period to ensure adjacent habitats are not adversely affected by the proposals; and
- Consideration is to be given to low level lighting of the development as well as consideration to minimise light pollution to reduce impact on any retained habitat.

Having regard to this, it is considered that in terms of ecological implications the application is acceptable and in accordance with Policy CS21 'Landscape', and the above issues raised can be secured via planning conditions.

General Amenity

The closest residential properties are those recently constructed on the Waverley site, approximately 650 metres from the site. It is also acknowledged that there are other commercial premises already on the AMP, and that the site is also in close proximity to a number of major arterial traffic routes, namely the A630 Sheffield Parkway and the M1 Motorway. Having regard to this, it is considered that the proposed development would not result in any significant loss of amenity by virtue of noise pollution due to the sites location.

Geotechnical Issues

A Geo Environmental Assessment and a Coal Mining Risk Assessment were submitted in support of the planning application. The site is in an area previously occupied by the former Orgreave Colliery and Coking Works, and other associated facilities and chemical works and has been subject to opencast coal extraction. As part of the initial surface mining operations all the former buildings and coking works were demolished and significant volumes of contaminated soils were removed and placed within a purpose designed engineered landfill, known as Orgreave Reclamation Landfill. The remaining opencast mine was subsequently infilled.

Remediation and validation works have been undertaken in the past to a satisfactory standard therefore the site is considered to be fit for use in terms of both geotechnical stability and contamination risks. Chemical analysis indicated that the relevant contamination thresholds were not exceeded.

During May – September 2013 further shallow soil and groundwater samples were collected from a number of boreholes and trial pits across the site to assess the potential risks from residual contamination to human health. Chemical testing reconfirmed there is no significant risk to human health.

Gas monitoring was also undertaken during May – September 2013 on six separate occasions to determine the ground gassing regime at the site. Elevated concentrations of carbon dioxide gas were detected in a number of boreholes across the site. At that time the site was characterised as Gas Characteristic Situation 1 in some areas of the site (very low risk) and a gas characteristic situation 2 in other parts of the site (low risk).

Further ground gas monitoring was undertaken during 2015 and the gas monitoring was specifically targeted around the development footprint of the proposed buildings. Both methane and carbon dioxide gas was detected with some flow and the site has consequently been characterised as a CS2 situation with a low to moderate risk where by gas protection mitigation measures will be required for each new build.

Elevated soluble sulphate concentrations were determined (in 2013) across the site which may have the potential to attack below ground concrete. An appropriate design sulphate class will be required for this site.

Phytotoxic contaminated soils (e.g. zinc, lead, cadmium) above recommended guideline values were also identified in a number of locations across the site, which may have the potential to impact on plant growth. A clean cover/capping layer comprising of a minimum of 600mm clean suitable growing medium, underlain by a lower geotextile separation layer (in order to prevent mixing of soils), is required to be provided in all proposed areas of landscaping.

The construction material for water supply pipes will also need further consideration as criteria for polyethylene and polyvinyl chloride pipes were exceeded in some parts of the site.

Based on the above information it is considered that the site is acceptable with respect to contamination subject to the imposition of conditions on any permission granted.

Conclusion

Having regard to the above it is considered that the proposed development would represent an acceptable and appropriate form of development on this vacant sustainable site that would be in compliance with the requirements detailed within the UDP, Core Strategy and the NPPF. As such, it is recommended that planning permission be granted subject to conditions.

Conditions

01

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

Reason

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

02

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

- Existing Masterplan Dwg No. 12491B-120 Rev A
- Existing Detailed Site Plan Dwg No. 12491B-121 Rev A
- Proposed Masterplan Dwg No. 12491B-122 Rev F
- Proposed Detailed Site Plan Dwg No. 12491B-123 Rev F
- Proposed Unit 6 Dwg No. 12491B-126 Rev D
- Proposed Unit 7 Dwg No. 12491B-124 Rev D
- Proposed Unit 8 Dwg No. 12491B-125 Rev C
- Proposed Cycle Shelter and Stands Dwg No. 12491B-110
- Sub Station GA Plan and Elevations Dwg No. 12491B-112
- Proposed Refuse Store Details Dwg No. 12491B-111
- Existing and Proposed Site Section Dwg No. 12491-127

Reason

To define the permission and for the avoidance of doubt.

03

No more than 977 sqm of gross B1(a) office floorspace shall be provided within Plot 6.

Reason

The application has been assessed based on this quantum of floorspace against guidance contained within the NPPF and Core Strategy Policy CS12. Additional floorspace within a B1(a) use would require additional justification.

Pre-Commencement

04

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

Reason

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

05

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

Reason

No details having been submitted they are reserved for approval.

06

Prior to commencement of development suitable water supply pipes will need to be specified and approved in writing by the Local Planning Authority to ensure resistance from chemical attack from residual contaminants remaining in the ground.

Reason

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

Transportation

07

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

08

Before the development is brought into use the car parking area shown on the Proposed Detailed Site Plan Dwg No. 12491B-123 Rev F shall be provided, marked out and thereafter maintained for car parking.

Reason

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

09

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

Reason

In order to promote sustainable transport choices.

Landscape and Ecology

10

Landscaping of the site as shown on the approved plan (Vector Design Concepts drawing no. V12491 BL01 Rev C) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

11

A biodiversity mitigation & enhancement strategy, including all measures in Paragraph 7 of the AES Ltd. Extended Phase 1 Habitat Survey report (January 2016), a schedule for implementation and long-term maintenance plans shall be submitted with any future Reserved Matters application. The development shall thereafter be carried out in accordance with the approved details.

Reason

To enhance the biodiversity gain in accordance with the NPPF.

Contaminated Land

12

The following gas protection measures shall be incorporated into all of the units hereby approved:

- a) Reinforced concrete cast insitu floor slab (suspended, non-suspended or raft) with at least a lapped and taped minimum 1200g membrane
- b) a beam and block or pre cast concrete floor slab with a lapped and taped minimum 2000g membrane; and
- c) Possibly under floor venting or pressurisation in combination with either of (a) or (b) above depending on use
- d) All joints and penetrations should be sealed

Reason

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

13

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

Reason

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

14

A clean soil cover/capping layer comprising of a minimum of 600mm clean suitable growing medium, underlain by a lower geotextile separation layer (in order to prevent mixing of soils), shall be provided in all proposed areas of landscaping and the details of which shall be provided in a Verification Report to be submitted to the local authority.

Reason

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

15

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure

the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment

Reason

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

16

A Design sulphate classification of DS-4 and the corresponding aggressive chemical environment for concrete (ACEC) AC-4 should be adopted for all sub surface concrete, together with additional protective measures (APMs). The additional protection shall comprise a 50mm layer of sacrificial concrete (as per the specification in RSK Environmental Limited's letter entitled 'AMP Extension Land – Ground Conditions – Gas Risk and Concrete Classification, dated 20 November 2013, ref M321367-L02). This is due to the elevated soluble sulphate content within the soils and made ground across the site.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is due to the elevated soluble sulphate content within the soils and made ground across the site.

17

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

Reason

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

Environmental

18

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

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

19

For each building contract with the development hereby approved, a Construction Management Plan shall first be submitted to and approved in writing by the Local Planning Authority detailing the following:

- Wheel washing facilities
- Hours of operation
- Methods to control dust emissions
- Noise levels and specifications of reversing alarms fitted to vehicles
- Contact name and telephone number of Officer responsible for immediate investigation of complaints

The construction shall thereafter be carried out at all times in accordance with the approved details.

Reason

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

20

Each and every building hereby approved shall be designed to achieve BREEAM Very Good rating as a minimum. Prior to the commencement of the development of each building a BREEAM Assessors report shall be submitted to and approved in writing by the Local Planning Authority. The building shall subsequently be developed in accordance with the approved details.

Reason

To achieve a sustainable form of development in accordance with the NPPF.

NOISE

21

Prior to the occupation of each and every building a noise assessment in accordance with BS4142 shall be submitted to and approved in writing by the Local Planning Authority. All conclusions and recommendations contained within the approved assessment shall be implemented prior to the first use of each building.

Reason

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

Informatives

01

The Environment Agency recommend that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

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

3) Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater.

GP3 is available on our website at: <http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>

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

Environment Agency Position - Foul Drainage

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

Informative: Surface Water

Changes to the [Planning Practice Guidance \(Flood Risk\)](#) and the [new DMPO](#) which took effect on 15 April 2015. These support the use of SuDS solutions for surface water management from new development, and explain that the expert advice on surface water proposals should come from the LLFA. The LLFA is now the Statutory Consultee on these matters for major applications, and manage the regulation of works affecting all watercourses except for those designated 'main river' (this remains with the Environment Agency).

The Environment Agency still has a Strategic Overview role on flood risk and continues to be a statutory consultee in areas of flood zone 2 and 3. We will fulfil this role by advising on the interaction of drainage with flooding from rivers and sea, and continue to make comments as appropriate on local flooding issues from other sources. We will no longer provide detailed comments on the drainage proposals.

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.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

**To the Chairman and Members of the
PLANNING REGULATORY BOARD**

Date 31st March 2016

Report of the Director of Planning, Regeneration and Culture

ITEM NO. SUBJECT

- | | |
|---|---|
| 1 | DCLG Technical consultation on implementation of planning changes – proposed response to questions. |
|---|---|

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY
BOARD

PLANNING, REGENERATION AND CULTURE

REPORT TO BOARD
31st MARCH 2016

Item 1

Planning Board Item Report

DCLG Technical consultation on implementation of planning changes – proposed response to questions.

Recommendation

That the contents of the report be agreed and the response sent to DCLG before the deadline on the 15th April 2016.

Background

The Government produced a technical consultation on implementation of planning changes in February 2016.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/507019/160310_planning_consultation.pdf

The consultation is seeking views on the proposed approach to implementation of measures in the Housing and Planning Bill, and some other planning measures. Responses to the consultation will inform the detail of the secondary legislation which will be prepared once the Bill gains Royal Assent. The consultation sets out proposals in the following areas:

Chapter 1: Changes to planning application fees;

Chapter 2: Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development;

Chapter 3: Introducing a statutory register of brownfield land suitable for housing development;

Chapter 4: Creating a small sites register to support custom build homes;

Chapter 5: Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums;

Chapter 6: Introducing criteria to inform decisions on intervention to deliver on the commitment to get local plans in place;

Chapter 7: Extending the existing designation approach to include applications for non-major development;

Chapter 8: Testing competition in the processing of planning applications;

Chapter 9: Information about financial benefits;

Chapter 10: Introducing a Section 106 dispute resolution service;

Chapter 11: Facilitating delivery of new state-funded school places, including free schools, through expanded permitted development rights; and,

Chapter 12: Improving the performance of all statutory consultees.

Response to questions:

Chapter 1: Changes to planning application fees

Question 1.1: Do you agree with our proposal to adjust planning fees in line with inflation, but only in areas where the local planning authority is performing well? If not what alternative would you suggest?

No we think that the fees should be increased equitably across all local planning authorities. There are other measures available to the Government to penalise underperforming local planning authorities such as being 'designated' and allowing developers the opportunity to submit applications to a third party as is the case with major applications.

Question 1.2: Do you agree that national fee changes should not apply where a local planning authority is designated as under-performing, or would you propose an alternative means of linking fees to performance? And should there be a delay before any change of this type is applied?

No – see answer to question 1:1

Question 1.3: Do you agree that additional flexibility over planning application fees should be allowed through deals, in return for higher standards of service or radical proposals for reform?

Yes – although higher standards of service or radical proposals for reform should be at the heart of every LPA's drive to deliver an efficient and effective development management service. To only try and deliver this through a premium fee regime could lead to more delays at the expense of people that cannot afford to pay the increased levy. There is nothing wrong with a two tier approach for strategic important sites that would have significant economic benefits.

Question 1.4: Do you have a view on how any fast-track services could best operate, or on other options for radical service improvement?

No – see answer to question 1.3

Question 1.5: Do you have any other comments on these proposals, including the impact on business and other users of the system?

Planning is done in the public interest and should be a fair and equitable service for all. The worry about these proposals is that private contractors would have a vested interest in getting a favourable decision for the client.

Chapter 2: Permission in principle

Question 2.1: Do you agree that the following should be qualifying documents capable of granting permission in principle? a) future local plans; b) future neighbourhood plans; c) brownfield registers.

a) future local plans; yes
b) future neighbourhood plans; yes
c) brownfield registers. No – there should just be a schedule of land where development is encouraged through the submission of a normal planning application.

Question 2.2: Do you agree that permission in principle on application should be available to minor development?

Yes

Question 2.3: Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle and do you think any other matter should be included?

Yes we agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle but no we do not think any other matter should be included.

Question 2.4: Do you have views on how best to ensure that the parameters of the technical details that need to be agreed are described at the permission in principle stage?

No – the permission in principle should really only establish the principle of the development as such. The technical details are what set the second part of the application process from the basic first part.

Question 2.5: Do you have views on our suggested approach to a) Environmental Impact Assessment, b) Habitats Directive or c) other sensitive sites?

No

Question 2.6: Do you agree with our proposals for community and other involvement?

Yes

Question 2.7: Do you agree with our proposals for information requirements?

Yes

Question 2.8: Do you have any views about the fee that should be set for a) a permission in principle application and based on site area and b) a technical details consent application?

Yes – we think that the fees for a permission in principle should be the same as an outline application and based on site area and the technical details application should be the same as the full planning application fee.

Question 2.9: Do you agree with our proposals for the expiry of on permission in principle on allocation and application?

Yes – we agree with option A that they should be in line with the time limits for planning permission and 5 years for allocations seems a reasonable time and gives scope for review.

Question 2.9(a): Do you have any views about whether we should allow for local variation to the duration of permission in principle?

Yes – like applications for planning permission there should always be the opportunity to amend the time period.

Question 2.10: Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details consent for minor and major sites?

a) 5 weeks seems a little tight for permission in principle minor applications considering there is still a statutory consultation period, we would suggest a minimum of 6 weeks

b) technical details consent for minor – these should be 8 weeks like a planning application

c) major sites 10 weeks should be sufficient.

Chapter 3: Brownfield register

Question 3.1: Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight?

Yes, use of an up-to-date SHLAA is a sensible primary source for potential sites. The further sources used by local planning authorities should be at their discretion to avoid the process being overly prescriptive. But some other useful sources could be those such as, emerging Local Plan sites, prior NLUD returns, previous Urban Potential Studies, any Housing/Asset Team data on surplus land/sites etc.

Question 3.2: Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?

Yes we agree with the proposed criteria.

Question 3.3: Do you have any views on our suggested approach for addressing the requirements of Environmental Impact Assessment and Habitats Directives?

This seems a commensurate approach. Regulations should avoid imposing additional burdens on local planning authorities if brownfield registers are to be achieved and maintained in a timely manner.

Question 3.4: Do you agree with our views on the application of the Strategic Environment Assessment Directive? Could the Department provide assistance in order to make any applicable requirements easier to meet?

Clarity over if or when SA/SEA might apply to sites on a brownfield register would be welcomed. We would strongly support the ability to reuse the SA prepared for the Local Plan to inform sites included on the register. This should help minimise additional cost and streamline the process. Any further guidance/clarity that helps local planning authorities navigate the SA/SEA requirements in terms of brownfield registers would be welcomed. If the government target of 90% of suitable brownfield sites to have permission for housing by 2020 is to be met then unnecessary site assessments should be avoided.

Question 3.5: Do you agree with our proposals on publicity and consultation requirements?

Any consultation requirements should be kept simple and avoid adding a burden to local planning authorities. It should be proportionate with the purpose of preparing and updating a brownfield register. Any requirement to publicise reasons why a site has not been granted permission in principle should be clear in its scope. Government should promote the digital by default imperative in all publishing requirements and could usefully remove the requirement to have hard copies “on deposit” at council offices. Publishing a brownfield register online allows 24/7 access and any requirement to make hard copies available seems superfluous. It would also be helpful to allow local planning authorities to consult solely by electronic means for efficiency and cost saving.

Question 3.6: Do you agree with the specific information we are proposing to require for each site?

Yes. It would also be helpful if brownfield registers included a site plan for each site although it is recognised not all local planning authorities have the capacity to publish this information electronically. It is unclear what is intended on ownership – is there to be a requirement to publish ownership information only if in public ownership? Or is any ownership information to be published, if known? Does this give rise to data protection issues? Potential development sites may have been put forward to local planning authorities in confidence as part of the Local Plan process. A land owner may wish to see a site developed but may live locally and not wish their intentions known.

Question 3.7: Do you have any suggestions about how the data could be standardised and published in a transparent manner?

Requirements should be kept as simple as possible to avoid extra burdens on local planning authorities.

Question 3.8: Do you agree with our proposed approach for keeping data up-to-date?

Yes. It would also make sense to incorporate annual register updates into local planning authorities SHLAA updates.

Question 3.9: Do our proposals to drive progress provide a strong enough incentive to ensure the most effective use of local brownfield registers and permission in principle?

No comment

Question 3.10: Are there further specific measures we should consider where local authorities fail to make sufficient progress, both in advance of 2020 and thereafter?

In the climate of continuing resource constraint and loss of planning technical capacity in many local planning authorities over recent years, government should consider investment as well as incentives to help achieve good coverage of brownfield registers.

Chapter 4: Small sites register

Question 4.1: Do you agree that for the small sites register, small sites should be between one and four plots in size?

Yes this is a reasonable size threshold.

Question 4.2: Do you agree that sites should just be entered on the small sites register when a local authority is aware of them without any need for a suitability assessment?

Yes – if they were to require a SA this could well overburden the LPA and devalue the use of having a small sites register.

Question 4.3: Are there any categories of land which we should automatically exclude from the register? If so what are they?

We consider that any garden land, green belt or allocated open space within a local plan should be excluded.

Question 4.4: Do you agree that location, size and contact details will be sufficient to make the small sites register useful? If not what additional information should be required?

Yes – this would be sufficient.

Chapter 5: Neighbourhood planning

Question 5.1: Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood area applied for?

We would support in principle the whole area of the parish to be designated without discretion to amend the boundary as these appear to be local units for neighbourhood plans.

The consultation says “the designation should be made as soon as possible, once the authority is satisfied that the application is valid and complete. Our proposals would also act as a safeguard where a local planning authority is not meeting its statutory duty to

decide other types of applications for neighbourhood areas within the current time periods, so that communities are not disadvantaged by the delay". There may be good reason for a delay in determining the designation application. Designation without addressing this may not help quality plans to be produced and put in place. The proposals do not empower local authorities to meet the demands of neighbourhood planning at a time resources are stretched.

Question 5.2: Do you agree with the proposed time periods for a local planning authority to designate a neighbourhood forum?

No comment.

Question 5.3: Do you agree with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum?

No comment.

Question 5.4: Do you agree with the suggested persons to be notified and invited to make representations when a local planning authority's proposed decision differs from the recommendation of the examiner?

No comment.

Question 5.5: Do you agree with the proposed time periods where a local planning authority seeks further representations and makes a final decision?

No comment.

Question 5.6: Do you agree with the proposed time period within which a referendum must be held?

The proposed time period within which a referendum must be held should be 3 months from the decision to hold a referendum; and that the NPR should be combined with another poll(s) if it is due to be held within 6 months of the decision to hold the referendum.

Question 5.7: Do you agree with the time period by which a neighbourhood plan or Order should be made following a successful referendum?

No comment.

Question 5.8: What other measures could speed up or simplify the neighbourhood planning process?

Ring fenced resources for LPA and local communities, more PAS training events, ready availability of free expert advice to local authorities and local communities.

Question 5.9: Do you agree with the proposed procedure to be followed where the Secretary of State may intervene to decide whether a neighbourhood plan or Order should be put to a referendum?

No comment.

Question 5.10: Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan?

Yes, this is reasonable.

Chapter 6: Local plans

Question 6.1: Do you agree with our proposed criteria for prioritising intervention in local plans?

Yes, the criteria for prioritising intervention seem reasonable. It is sensible to prioritise intervention where it is most needed. However, how “housing pressure” is defined and measured will be important. It should be an objective assessment taking account of all relevant factors, importantly it should consider the amount of extant permissions not implemented/completed.

Question 6.2: Do you agree that decisions on prioritising intervention to arrange for a local plan to be written should take into consideration a) collaborative and strategic plan-making and b) neighbourhood planning?

Yes, it would be reasonable to take into account strategic plan-making and neighbourhood plans. However, any assessment considering strategic plan-making should take into account the progress on a local plan by individual local planning authorities within a devolution area. Local planning authorities making progress on an appropriate plan should not be held back while any strategic planning emerges from a devolution deal. Any sub-regional plan or framework can inform future reviews of constituent local planning authorities.

Question 6.3: Are there any other factors that you think the government should take into consideration?

No comment.

Question 6.4: Do you agree that the Secretary of State should take exceptional circumstances submitted by local planning authorities into account when considering intervention?

Yes, any consideration of intervention should allow for circumstances outside a local planning authorities control.

Question 6.5: Is there any other information you think we should publish alongside what is stated above?

No. It is supported that government should check the accuracy of dates with the LPA before publication. Presenting local planning authorities LDS target dates by financial year quarter seems a reasonable approach for clarity and consistency.

Question 6.6: Do you agree that the proposed information should be published on a six monthly basis?

Yes, this seems a reasonable interval.

Chapter 7: Expanding the approach to planning performance

Question 7.1: Do you agree that the threshold for designations involving applications for non-major development should be set initially at between 60-70% of decisions made on time, and between 10-20% of decisions overturned at appeal? If so what specific thresholds would you suggest?

Yes we agree with these thresholds

Question 7.2: Do you agree that the threshold for designations based on the quality of decisions on applications for major development should be reduced to 10% of decisions overturned at appeal?

Yes we agree with these thresholds

Question 7.3: Do you agree with our proposed approach to designation and de-designation, and in particular

(a) that the general approach should be the same for applications involving major and non-major development?

(b) performance in handling applications for major and non-major development should be assessed separately?

(c) in considering exceptional circumstances, we should take into account the extent to which any appeals involve decisions which authorities considered to be in line with an up-to-date plan, prior to confirming any designations based on the quality of decisions?

Yes we agree with these criteria

Question 7.4: Do you agree that the option to apply directly to the Secretary of State should not apply to applications for householder developments?

Yes

Chapter 8: Testing competition in the processing of planning applications

Question 8.1: Who should be able to compete for the processing of planning applications and which applications could they compete for?

We don't agree with the principle of this. Planning is done in the public interests and there are significant risks in giving someone who is processing an application a vested interest in the outcome of that application.

Question 8.2: How should fee setting in competition test areas operate?

We believe that fees should continue to be set nationally.

Question 8.3: What should applicants, approved providers and local planning authorities in test areas be able to do?

See answer to 8.1

Question 8.4: Do you have a view on how we could maintain appropriate high standards and performance during the testing of competition?

No - we have serious concerns about someone being employed to process an application being able to have total impartiality.

Question 8.5: What information would need to be shared between approved providers and local planning authorities, and what safeguards are needed to protect information?

Most of the necessary information is publicly available on our website or anyone can come and view the information in the Council offices. But significant time and effort has been invested within our back office systems to make us as efficient as possible. What is unclear is who would all the objections go to and who would be responsible for making this information publicly available. There is still a requirement to comply with the Data Protection Act.

Question 8.6: Do you have any other comments on these proposals, including the impact on business and other users of the system?

We consider that this is a very dangerous and misaligned way to try and make the planning system more efficient. Part of the delivery of a quality planning service is trying to ensure consistency in decision making and it is clear that if third parties are given the opportunity to engage within the processing of planning applications, the scope of consistency will be seriously eroded. The proposals are clear that this is not a decision making exercise and that the 'chosen' supplier will only be making recommendations but this does not seem to have been properly thought through.

Pre application discussions are vital in providing a good quality service and the use of private contractors to bypass the processing stage of an application will further erode this quality measure that results in more applications being approved. It is also unclear as to how these private contractors will fully assess all the specific site constraints and what happens if they fail to comply with statutory requirements resulting in complaints? Who would be responsible for an appeal if the application is refused? Planning is much more subjective than Building Control and there are serious concerns about the impartiality of someone that has effectively been employed by the applicant to determine an application outside of the independent LPA. Even though the final decision is with the LPA who may not agree with the recommendation, what benefit would a private contractor have in making a recommendation to refuse? The Council would not have received any fee for the application but may well have significant costs in defending any subsequent appeal. We are also concerned about how they would engage with internal consultees – it is not clear about how this relationship would work, would they have to pay for this advice?

This should not apply to any LPA that is considered to be performing well.

Chapter 9: Information about financial benefits

Question 9.1: Do you agree with these proposals for the range of benefits to be listed in planning reports?

a) Council tax revenue; No, this is not a material consideration

b) Business rate revenue; No, this is not a material consideration

c) Section 106 payments; Yes we do this a matter of course now anyway

Question 9.2: Do you agree with these proposals for the information to be recorded, and are there any other matters that we should consider when preparing regulations to implement this measure?

No these are not material planning considerations and should not be confused as such.

Chapter 10: Section 106 dispute resolution

Question 10.1: Do you agree that the dispute resolution procedure should be able to apply to any planning application?

Yes

Question 10.2: Do you agree with the proposals about when a request for dispute resolution can be made?

No it should be at least 4 weeks

Question 10.3: Do you agree with the proposals about what should be contained in a request?

Yes

Question 10.4: Do you consider that another party to the section 106 agreement should be able to refer the matter for dispute resolution? If yes, should this be with the agreement of both the main parties?

The referral for dispute resolution should only come from the applicant (or their agent) and the local planning authority. However an 'interested party' ought to be able to bring a referral – though they should have to show that they are affected by it.

Question 10.5: Do you agree that two weeks would be sufficient for the cooling off period?

Yes

Question 10.6: What qualifications and experience do you consider the appointed person should have to enable them to be credible?

We would suggest a person with experience in land economics, the Planning System, have a commercial awareness of the housing market and experience of the dealing with the law, especially planning law.

Question 10.7: Do you agree with the proposals for sharing fees? If not, what alternative arrangement would you support?

No – We think the person bringing the referral should pay the full fee – with a right to claim costs if undue time and money is spent by the other side.

Question 10.8: Do you have any comments on how long the appointed person should have to produce their report?

Four weeks seems reasonable with maybe some flexibility built in if the appointed person or other required persons have leave/ or to allow for any periods of sickness.

Question 10.9: What matters do you think should and should not be taken into account by the appointed person?

They should only deal with strict issues regarding viability that are presented. Not speculation or irrelevant arguments.

Question 10.10: Do you agree that the appointed person's report should be published on the local authority's website? Do you agree that there should be a mechanism for errors in the appointed person's report to be corrected by request?

Yes to both

Question 10.11: Do you have any comments about how long there should be following the dispute resolution process for a) completing any section 106 obligations and b) determining the planning application?

a) We would say that a minimum of 6 weeks should be given considering that the legal process can be protracted.

b) The planning application expiry dates should remain unchanged.

Question 10.12: Are there any cases or circumstances where the consequences of the report, as set out in the Bill, should not apply?

Not that we are aware of.

Question 10.13: What limitations do you consider appropriate, following the publication of the appointed person's report, to restrict the use of other obligations?

None that we are aware of.

Question 10.14: Are there any other steps that you consider that parties should be required to take in connection with the appointed person's report and are there any other matters that we should consider when preparing regulations to implement the dispute resolution process?

A protocol form – signed by applicant/LA that 'genuine' attempts have been made to communicate.

Chapter 11: Permitted development rights for state-funded schools

Question 11.1: Do you have any views on our proposals to extend permitted development rights for state-funded schools, or whether other changes should be made? For example, should changes be made to the thresholds within which school buildings can be extended?

No these thresholds are about right

Question 11.2: Do you consider that the existing prior approval provisions are adequate? Do you consider that other local impacts arise which should be considered in designing the right?

Yes these are adequate

Section 12: Changes to statutory consultation on planning applications

Question 12.1: What are the benefits and/or risks of setting a maximum period that a statutory consultee can request when seeking an extension of time to respond with comments to a planning application?

No there shouldn't be a maximum time period, this just results in more uncertainty and poor quality decision making. The current arrangement generally works well.

Question 12.2: Where an extension of time to respond is requested by a statutory consultee, what do you consider should be the maximum additional time allowed? Please provide details.

See answer to question 12.1, there shouldn't be a maximum time period for these responses. What would be the point of it and what would be the outcome if no response was made within the prescribed period from Historic England for example where there was a development affecting an important historical asset.

Chapter 13: Public Sector Equality Duty

Question 13.1: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter? Is there anything that could be done to mitigate any impact identified?

No

Question 13.2 Do you have any other suggestions or comments on the proposals set out in this consultation document?

No