

PLANNING REGULATORY BOARD

Date:- Thursday, 21 April 2016 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH
Time:- 9.00 a.m.

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 31st March, 2016 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (report herewith) (Pages 7 - 61)
8. Updates
9. Date of next meeting - Thursday, 12th May, 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, 31st March, 2016

Present:- Councillor Atkin (in the Chair); Councillors Astbury, Cutts, Godfrey, Khan, Middleton, Pickering, Sansome, R.A.J. Turner, Tweed and Whysall.

Apologies for absence were received from Councillors Lelliott and Sims.

97. DECLARATIONS OF INTEREST

Councillor Pickering declared a personal interest in application RB2015/1311 (Erection of agricultural building at land off Ramper Road, Letwell for Hollingworth and Co.) because of his knowledge of the farming community in the Rotherham Borough area by reason of his former employment as a lecturer in agricultural studies at a local College. After listening to the several people who exercised their right to speak on this application, Councillor Pickering left the meeting, took no part in the Planning Board's debate on this matter and did not vote.

98. MINUTES OF THE PREVIOUS MEETING HELD ON 10TH MARCH, 2016

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 10th March, 2016, be approved as a correct record for signature by the Chairman.

99. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

100. VISIT OF INSPECTION - ERECTION OF AGRICULTURAL BUILDING AT LAND OFF RAMPER ROAD, LETWELL (RB2015/1311)

Prior to the meeting, Members of the Planning Board made a visit of inspection to the above site, the subject of this application.

Consideration was given to the report of the Director of Planning, Regeneration and Culture concerning the application for planning permission for the erection of an agricultural building at land off Ramper Road, Letwell for Hollingworth and Co. (RB2015/1311).

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

Mr. J. Cawkwell-Stansfield (on behalf of the applicant)
Mr. M. Sharpe (objector)
Mr. M. Horn (objector)
Mr. J. Hall (objector)
Mr. A. Nettleship (objector)

Mr. M. Ladbrook (objector)
Dr. S. Woodward (objector)
Mrs. S. Swift (objector)
Mrs. H. Boyes (objector)
Mrs. F. Brooks (objector)
Mr. K. Goodall (objector)
Mr. N. Shuker (objector)
Mrs. E. Ladbrook (objector)
Mrs. A. Milnes (objector)
Mrs. V. Bennett (objector)
Mr. R. Brooks (objector)

Resolved:- That application RB2015/1311 be refused for the following reason:-

01

The Council considers that the proposed building, by way of its prominent location and excessive scale, would have an adverse impact on the character and appearance of the adjacent Letwell Conservation Area and to the setting of the nearby Grade II* listed Church of St. Peter and Grade II listed North Farm Court. As such the proposal would be contrary to Core Strategy Policy CS23 'Valuing the Historic Environment' and Unitary Development Plan Policies ENV2.8 'Settings and Curtilages of Listed Buildings' and ENV2.12 'Development adjacent to Conservation Areas' and the related Policy in the National Planning Policy Framework (NPPF).

(Councillor Pickering declared a personal interest in the above application RB2015/1311 (Erection of agricultural building at land off Ramper Road, Letwell for Hollingworth and Co.) because of his knowledge of the farming community in the Rotherham Borough area by reason of his former employment as a lecturer in agricultural studies at a local College. After listening to the several people who exercised their right to speak on this application, Councillor Pickering left the meeting, took no part in the Planning Board's debate on this matter and did not vote).

101. 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.

(2) That application RB2015/1091 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2016/0129 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and to an amendment to condition 07 which now

reads:-

'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 in accordance with details contained within the approved outline surface water drainage strategy for the wider Waverley site.'

(4)(a) That, with regard to application RB2014/1282, 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 £4,877.45 towards the provision of a replacement bus shelter on Vale Road, Thrybergh; 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.

102. DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT - TECHNICAL CONSULTATION ON IMPLEMENTATION OF PLANNING CHANGES - PROPOSED RESPONSE

Consideration was given to the report of the Director of Planning, Regeneration and Culture concerning the Government's consultation on the implementation of planning changes and the Council's proposed response to the consultation document published during February 2016 by the Department for Communities and Local Government. It was noted that the deadline for receipt of responses was Friday, 15th April, 2016. Members of the Planning Board suggested a number of amendments to the draft response, as reported.

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

(2) That the Council's proposed response to the Department for Communities and Local Government's consultation on planning changes, including the suggested amendments now discussed, be approved insofar as the Planning Board is concerned.

103. UPDATES

There were no items to report.

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.

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
21 April 2006**

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

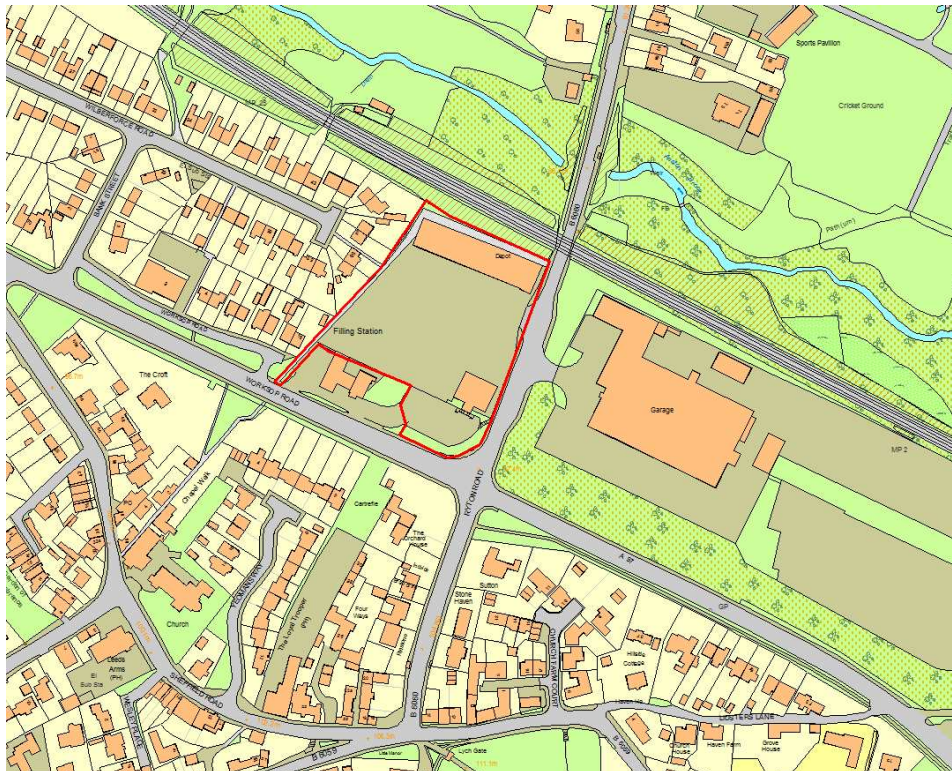
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<p>RB2015/0472 Outline application for the erection of up to 30 dwellinghouses with details of access at land at Ryton Road South Anston for South Street Capital (UK) Limited</p>	<p>Page 8</p>
<p>RB2015/1421 Increase in roof height to form two storey dwelling house including single storey side & rear extensions at 20 Manor Way Todwick for Mrs M Brassington</p>	<p>Page 31</p>
<p>RB2016/0109 Display of various illuminated and non illuminated signs at Land at Bawtry Road Wickersley for Aldi Stores Limited</p>	<p>Page 42</p>
<p>RB2016/0241 Application to vary Condition 02 (opening hours) imposed by RB2015/0901 (Change of use to Class A3 (restaurants and cafes) at The Marmalade Hut Ltd Unit 6 Fern Court Sunnyside for The Marmalade Hut Ltd</p>	<p>Page 51</p>

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 21 April 2006

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

Application Number	RB2015/0472
Proposal and Location	Outline application for the erection of up to 30 dwellinghouses with details of access at land at Ryton Road, South Anston S25 5ER
Recommendation	Grant subject to conditions



The application is being presented to Planning Board as it does not fall within the Scheme of Delegation for major development.

Site Description & Location

The site of application is located at the junction of Ryton Road and Worksop Road, South Anston. To the north of the site is a railway line with Anston Brook beyond with Worksop Road to the south, Ryton Road to the east and residential housing on Wilberforce Road and the Worksop Road slip road to the west. To the south west of the site is a petrol filling station on Worksop Road, and there is a vehicular access to the office building on the application site adjacent to the forecourt area of the petrol filling station. The site extends to some 0.9 hectares.

The site is a vacant and was formally occupied by Plaxton Limited, who built bus and coach bodies on the site. The site is largely open with a large building along the northern boundary and the office block to the south east of the site.

The main vehicular access to the site is off Ryton Road, towards the railway bridge, and the access slopes down into the site which is at a much lower level than the road itself.

A public footpath Anston Footpath No. 4 is located along the periphery of the site to the west and north leading from Worksop Road to Ryton Road.

Background

RB1974/1373: Floodlighting - GRANTED CONDITIONALLY 20/11/74

RB1984/0604: Continuation of use of portable unit without compliance with cond 1 - GRANTED CONDITIONALLY 19/07/84

RB1989/1858: Erection of a coach showroom building
- GRANTED CONDITIONALLY 08/01/90

RB1993/0184: Alterations to elevations of existing building to enclose workshop bay and form new office space
- GRANTED 22/03/93

Proposal

The proposal is for outline planning permission for the residential redevelopment of the site for up to 30 dwellings, with details of access.

The proposed access point utilises the existing access off Ryton Road and the access adjacent to the petrol filling station would be closed off. The applicant has agreed that the means of access relates only to the initial access point off Ryton Road and not to the internal road layout shown on the indicative layout.

The applicants have submitted an indicative layout which shows 8 no. two bed units, 20 three bed units and 2 no. four bed units, to total 30 dwellings. This would give an indicative density of 33 dwellings per hectare. The indicative layout plan includes the Anston Footpath No. 4 within the red edge boundary, which would be diverted to run through the site itself.

The applicants have submitted a Planning Statement in support of the application. The Planning Statement describes the development and concludes that the site is suitable for residential redevelopment. The Planning Statement includes details of marketing of the site for a period of 18 months for commercial purposes and concludes that there has been limited interest and none that have developed into offers to purchase the site.

A Transport Statement has been submitted with the application which concludes that "there are no aspects associated with the proposed development that would create an adverse impact on the adjacent public highway."

A Land Contamination Report concludes that there is potential for ground contamination at the site and makes recommendations for on site decontamination works.

A Noise Assessment has been submitted with the application which concludes that “the ambient noise climate across the site is road traffic noise.” The report goes on to propose an indicative scheme of sound attenuation works for new dwellings on the site. It concludes that subject to these sound attenuation works being incorporated into the scheme the road traffic noise would not represent a constraint to residential development of the site.

A Bat Survey has been submitted which concludes that the buildings on the site have been found to have very limited bat roost potential and no evidence of current or historic roosting can be found. Therefore demolition of the buildings on the site could proceed with minimal risk to roosting bats and no further survey work is necessary.

A Flood Risk Assessment has been submitted which concludes that the flood risk of the site is minimal. The Flood Risk Assessment makes recommendations related to the on site drainage of the site and flood attenuation measures in terms of Sustainable Urban Drainage Systems (SUDS).

The applicants have agreed to provide an affordable housing contribution of 25% of the units on site being affordable.

Development Plan Allocation and Policy

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

The application site is allocated for ‘Business’ purposes in the UDP. However, the site is allocated for ‘Residential’ purposes in the Sites and Policies Publication Document (September 2015). The Sites and Policies Document has recently been submitted to the Planning Inspectorate. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS1 ‘Delivering Rotherham’s Spatial Strategy’
- CS7 ‘Housing Mix and Affordability’
- CS20 ‘Biodiversity and Geodiversity’
- CS25 ‘Dealing with Flood Risk’
- S33 ‘Presumption in Favour of Sustainable Development’

Unitary Development Plan ‘saved’ policy(s):

- EC1.1 ‘Safeguarding existing industrial and Business Areas’
- EC3.2 ‘Land identified for Business Use’
- EC3.3 ‘Other Development within Industrial and Business Areas’
- HG4.3 ‘Windfall Sites’
- ENV3.7 ‘Control of Pollution’
- ENV4.4 ‘Contaminated Land’
- T6 ‘Location and Layout of Development’

Sites and Policies:

SP1 'Sites allocated for Development'
SP40 'New and Improvements to Existing Green Space'

Other Material Considerations

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

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

The Core Strategy/Unitary Development Plan/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 has been advertised by way of a press notice as the proposal represents a departure from the UDP, as well as by site notice and letters to neighbouring residents. Two representations have been received, one from a resident on Yew Tree Avenue in North Anston who had no objections in principle though raised concerns about the indicative layout. The other representation was from Anston Parish Council who have raised no objections in principle to the proposed development but raised the following concerns:

- Visibility from the access point is obscured by the railway bridge to the north.
- Concerns about increased traffic from the site generated by the development and its impact on the surrounding road network.
- Potential ground contamination at the site.
- The developer should provide an affordable housing contribution.
- There should be sufficient visitor parking within the site.
- The developer should provide a suitable pedestrian access over the A57. This could be in the form of an underpass to connect the site with the wider village.
- The proposed layout should be amended to take into account the change in levels across the site, with no rear gardens backing onto Ryton Road as indicated on the submitted drawing.
- The proposed dwellings should be of a good design.
- How will a safe pedestrian route be provided through the site and maintained as part of the development.

The Parish Council has requested a site visit by the Planning Board before they determine the application.

The applicant has requested the Right to Speak.

Consultations

Streetpride (Transportation & Highways): Noted that the “means of access” relates to the proposed existing junction with Ryton Road and not the internal road network shown on the indicative plan. Therefore no objections are raised to the proposal subject to the recommended conditions.

Education: The Council’s Education Department commented that the site resides within the catchment area of Anston Brook Primary School. They note that the school is currently under capacity, therefore an Education contribution would not be required for this development.

Affordable Housing Manager: Has stated that the Council would require 25% of the units on the site to be Affordable Housing Units and this should be conditioned as part of any outline planning permission granted in this respect.

Public Rights of Way Officer: Has commented that the public footpath that runs around the large part of western and all of the northern sections of the site should be incorporated into the layout of the site. It is recommended that this be controlled by way of a condition.

South Yorkshire Archaeology Service: Have stated that given the present degree of development and past use of this site, the archaeological potential at this site is low. Therefore no further archaeological work is necessary.

South Yorkshire Police: Have provided comments about security of the site, namely the public footpath around the site which they suggest is re-routed through the site.

Streetpride (Landscape Design): Have made comments about the potential landscaping of the site. They have requested that standard landscaping conditions be attached to any planning permission granted in this respect.

Streetpride (Drainage): State that the applicant assumes that the proposed surface water flows could be managed via permeable paving and soakaways and small attenuation features. In addition they have provided details of who could be responsible for the maintenance of the on site drainage system. Therefore on this basis they raise no objections to the scheme in drainage terms subject to a recommended condition.

Environmental Health (Contaminated Land): Concludes that there is a risk to human health from the previous uses at the site. As such, intrusive site investigations would need to take place on the site prior to the commencement of development. Recommends conditions relating to remediation works on the site to make it suitable for residential development.

Environmental Health (Noise): Commented that there is potential for noise nuisance from the surrounding roads and railway line for future occupiers. Recommend conditions to mitigate noise impact on future residents and an informative to be attached to any planning permission granted regarding avoiding noise nuisance during the construction phase

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 be considered in the determination of this application are as follows:

- Principle of development (including loss of employment land).
- Impact on highway safety.
- Design issues and impact on streetscene:
- Impact on amenity of neighbouring and future occupiers.
- Ecology / biodiversity issues.
- Contaminated land issues.
- Drainage/ flooding issues.
- Affordable housing.
- Impact on the public footpath.
- Greenspace provision.

Principle of development:

The site is allocated for 'Business' purposes on the UDP and Policy EC3.2 states that in such areas only B1 (business/light industry) development will be permitted subject to various criteria. Policy EC1.1 'Safeguarding existing industrial and Business Areas,' which notes that: "The Council will support proposals which safeguard the viability of established industrial and business areas, including those which seek to improve buildings, infrastructure and the environment." However, the Sites and Policies Document, now submitted to the Planning Inspectorate, allocates the site for 'Residential' purposes.

Policy CS1 'Delivering Rotherham's Spatial Strategy states that as part of the overall strategy that "Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community. Our strategy will make the best use of key transport corridors, existing infrastructure, services and facilities to reduce the need to travel and ensure that wherever possible communities are self contained." It notes that the Dinnington/Anston/Laughton Common area is a 'Principal settlement for growth'.

Policy CS33 'Presumption in Favour of Sustainable Development' states that "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work with applicants to find solutions which mean that

proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.” This reflects Paragraph 14 to the NPPF.

Policy SP1 ‘Sites allocated for Development’ identifies this site for housing development and identifies it as housing site H83.

With the above in mind, as with other cases in the Borough where alternative uses have been sought on employment sites, the Local Planning Authority has sought evidence that the site is no longer suitable or viable for employment use, typically through evidence that the site has been marketed unsuccessfully for around 12 months. In this instance the site has been extensively marketed for a period of 18 months prior to the submission of this planning application. The marketing included marketing boards on site, sales brochures, post card mailing and a targeted email campaign. The site has also been extensively marketed on the internet.

The marketing found that there was limited interest in the site during the marketing period, during which no initial interest has developed further. It is noted that the applicant has submitted evidence of this marketing in the submitted Planning Statement.

Taking account of the reasonable marketing undertaken, the loss of employment land is accepted, and the site is now proposed to be developed out for ‘Residential’ purposes as identified on the Sites and Policies Document (recently submitted to the Planning Inspectorate). Notwithstanding this, the proposal needs to be considered in light of the loss of this site allocated for business use.

The site is allocated for business use in the adopted UDP. Policy EC3.2 Land Identified for Business Use states that: “Within areas allocated for business use, only development proposals falling within Class B1 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) will be permitted, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses.”

Policy EC1.1 Safeguarding Existing Industrial and Business Areas indicates that: “The Council will support proposals which safeguard the viability of established industrial and business areas, including those which seek to improve buildings, infrastructure and the environment.”

Policy EC3.3 Other Development within Industrial and Business Areas sets out the circumstances in which alternative development might be supported. In particular this indicates that other development will be acceptable where such development can be shown to be ancillary to the primary use of the area, or would provide significant employment and that it meets a number of criteria.

It should also be noted that in the Publication sites and Policies document, now submitted for independent examination this site is proposed for allocation for residential use.

The proposed residential use would not comply with Policy EC1.1 as it would not safeguard the viability of an established employment area, and would conflict with the restriction to B1 uses of Policy EC3.2. The proposed residential use would not be considered ancillary to the main use of the site and with the exception of the construction phase would not provide significant employment opportunities, and so would also conflict with Policy EC3.3.

Whilst the proposed use is in conflict with a number of policies for economic development in the adopted UDP the applicant has provided evidence that the site has been marketed for some 18 months without success and no concerns are raised with the approach to marketing adopted. It is also considered that there remains sufficient land allocated for employment use such that the proposed development would not impact detrimentally on the UDP employment strategy.

NPPF is clear at paragraph 22 that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Taking the above into account, of material consideration in concluding on this matter is Paragraph 49 of the National Planning Policy Framework which notes that: "...housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Currently the Council is unable to clearly demonstrate its 5 year housing land supply (also including 20% buffer) of deliverable sites and it is therefore considered that there is an overriding justification for allowing the development on this site, and the presumption in favour of sustainable development therefore applies in this case.

In addition, the existence of other residential developments to the west, north and south of the site to accept part of the wider allocated business site for residential use is further considered to justify the proposals. It is further noted that as a brownfield site in an urban area the principle of redevelopment is broadly consistent with the advice in paragraph 17 to the NPPF which notes that: "Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning (amongst others) should:

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas.
- encourage the effective use of land by reusing land that has been previously developed (brownfield land)."

In addition, paragraph 111 to the NPPF notes that: "Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value."

The Council cannot demonstrate a 5 year supply of housing at present, and the proposed development does align with the Council's proposals for the site in the emerging local plan (although given its stage of preparation it is acknowledged that this can only be given limited weight in decision making).

Taking the above into account, whilst the proposal conflicts with a number of economic development policies it is considered that the residential use can be supported given the lack of a 5 year housing supply and the policy set out in NPPF at paragraph 22, and, to a more limited extent, having regard to the proposed site allocation in the emerging Local Plan.

Impact on highway safety:

UDP Policy T6 refers to the Location and Layout of Development and requires that new developments have regard to the desire to reduce travel demand.

Paragraph 32 of the NPPF requires that all development that generates significant amounts of movement should be supported by a Transport Statement or a Transport Assessment. It goes on to require that the opportunities for sustainable transport modes have been taken up, that safe and secure access for everyone can be achieved and that cost effective improvements to the highway network should be undertaken to limit the significant impacts of development.

The site is considered to lie within a sustainable location with access to public transport located close to the site. The site also lies in close proximity to shops and services.

The applicants have submitted a Transport Statement which concludes that “there are no aspects associated with the proposed development that would create an adverse impact on the adjacent public highway.” The Transportation and Highways Unit agrees with this conclusion and in respect of the proposed means of access onto Ryton Road raise no objections to the proposed siting of the access point subject to the imposition of the recommended conditions.

These conditions include that the site is designed in such a way as to ensure that the curtilage parking is based on the Council’s current (mimimum) car parking standards for residential development and suitable sustainable transport measures would be encouraged for future residents.

It is noted that Anston Parish Council suggest improved pedestrian crossings over the A57 (Worksop Road), such as an underpass. However, it is not considered reasonable for the development of this relatively limited scale to fund the provision of improved crossing facilities on Worksop Road and in any event this is not considered necessary to make the development safe for future occupants.

Design issues and impact on streetscene:

The application is in outline with the matters of layout, scale, and appearance all reserved matters. It is considered that the development could be suitably designed to appear attractively within the streetscene of Ryton Road and Worksop Road. The Council’s Urban Design Officer has made comments about design aspirations for the site. It is considered reasonable to add these comments as an informative to any planning permission granted in this respect.

With regards to landscaping it is noted that landscaping is also a reserved matter. It is considered that the site could be suitably landscaped to appear attractive within the site and to the surrounding area. The Council’s Landscape architects make

recommendations for potential landscaping which could be included as informatives to any planning permission granted in this respect. They also recommend standard landscaping conditions be attached to any planning permission granted.

Impact on amenity of neighbouring and future occupiers:

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

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

The site to the west is located adjacent to housing with a railway line and Anston Brook beyond to the north. Though the submitted layout plan is indicative only, it clearly indicates that the site is capable of providing 30 dwellings which could accord to the relevant spacing standards as advocated by the South Yorkshire Residential Design Guide. These matters would be considered in detail in any reserved matters application.

In terms of the impact of noise and disturbance issues arising from the road noise on future occupiers it is noted that UDP Policy ENV3.7 ‘Control of Pollution,’ states: “The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

Planning permission will not be granted for new development which:

- (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place, or
- (ii) would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects arising from existing industries, utility installations, major communication routes or other major sources.

The Council will employ all its available powers and where appropriate will co-operate with and support other agencies, to seek a reduction in existing levels of pollution within the Borough in terms of air, water, noise, light, waste, litter and graffiti. Where concerns arise, the Council will in appropriate cases monitor or require the monitoring of levels of pollution within the Borough in terms of air, water, noise, light, waste, litter and graffiti, in furtherance of this Policy objective.”

The NPPF notes at paragraph 123 that: “Planning decisions should (amongst others) aim to:

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

The NPPG notes that: “Local Planning Authorities decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur.
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.”

The submitted Noise Impact Assessment NIA identifies the key issues / guidance issued in the UDP and the NPPF and concludes that potential noise nuisance arising from adjacent road noise and railway line could be mitigated against in the design of the properties.

Environmental Health commented that there is potential for noise nuisance from the surrounding roads and railway line for future occupiers. As such, they have recommended conditions to mitigate noise impact for future residents and an informative to be attached to any planning permission granted regarding avoiding noise nuisance during the construction phase

It is considered reasonable to append these recommended conditions and informative to any planning permission granted in this respect.

With the above in mind it is considered that the proposals generally accord with UDP Policy ENV3.7 ‘Control of Pollution,’ along with the advice in the NPPF and the NPPG.

Ecology / biodiversity issues:

The NPPF advises at paragraph 117 that: “To minimise impacts on biodiversity and geodiversity, planning policies (amongst others) should:

- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.”

Core Strategy Policy CS20 ‘Biodiversity and Geodiversity’ states “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. Priority will be given to: (amongst other things)

c. 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;

l. Ensuring that development decisions will safeguard the natural environment and will incorporate best practice including biodiversity gain, green construction, sustainable drainage and contribution to green infrastructure”

In assessing these matters, it is noted that the submitted Bat Survey concluded that there was no evidence of bats roosting in the existing buildings on the site. It concluded that no further survey work would be required before these buildings could be demolished.

As such, it is considered that there is no risk to ecology from the residential redevelopment of the site.

Drainage/ flooding issues:

Policy CS25 'Dealing with Flood Risk' states that "Proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall."

The NPPF further advises at paragraph 103 that: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."

The Council's Drainage Engineers have stated that the applicant assumes that the proposed surface water flows could be managed via permeable paving and soakaways and small attenuation features. In addition they have provided details of who could be responsible for the maintenance of the on site drainage system. Therefore on this basis they raise no objections to the scheme in drainage terms subject to a recommended condition.

Contaminated land issues:

UDP Policy ENV4.4 'Contaminated Land,' notes that: "Where land that may be contaminated as a result of previous uses, is proposed for development the Council will need to be satisfied that the applicant has:

- (i) undertaken investigations to establish the nature and extent of the contamination and its potential effects on the proposed development and/or the occupants thereof, and
- (ii) provided details of the measures proposed for the removal and/or treatment of the contamination which will not cause or increase pollution in the environment, particularly to watercourses and ground-water resources. Where permission is granted, such measures will be imposed as planning conditions to be implemented prior to commencement of development or within a timescale agreed with the Council."

The NPPF further notes at paragraph 120 that: "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

The NPPF further advises at paragraph 121 that; "Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.”

The Council’s Contaminated Land Office concludes that there is a risk to human health from the previous uses at the site. As such, intrusive site investigations would need to take place on the site prior to the commencement of development. The Contaminated Land officer recommends conditions relating to remediation works on the site to make it suitable for residential development.

It is considered reasonable to append these conditions to any planning permission granted on the site for residential development.

Affordable Housing:

In regard to affordable housing provision, paragraph 50 of the NPPF states that: “...where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

Policy CS7 Housing Mix and Affordability states that “Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.

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:

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

The applicant has identified through the submitted Planning and Affordable Housing Statement that the full proportion i.e. 25% of affordable housing provision is to be provided upon this site. In assessing this provision, the Council’s Affordable Housing Manager suggests that in this case there should be a 50/50 split between rented homes (in perpetuity) and intermediate tenures (including the incoming starter homes product) which would be appropriate for this locality.

Impact on the public footpath

UDP Policy T7 'Public Rights of Way' states that "proposals for the diversion or rationalisation of routes will only be supported if they are in the public interest and in keeping with local land management and planning requirements."

In terms of the impact on public footpath it is noted that the indicative layout appears to re-direct the public footpath through the site utilising the road layout. This would require agreement with the Council though this could provide an opportunity to improve the safety and usability of the public footpath, as recommended by the Public Rights of Way officer and South Yorkshire Police.

Conclusion

In conclusion, it is considered that the loss of employment land has been justified in this case by the material considerations and that the re-development of this land would contribute to a 5 year supply of housing for the Borough with a full complement of affordable housing to serve the needs of Anston.

This is a purely outline planning application with only the principle of the development being established along with partial means of access onto Ryton Road. It has been demonstrated that the site is within a sustainable location and that an acceptable access can be provided into the site to serve such a residential development.

Issues such as drainage / flooding, biodiversity and land contamination matters can be suitably addressed and mitigated through the imposition of the recommended conditions and it is not considered that the scheme as submitted would adversely affect the amenities of adjacent dwellings, and neither would it be impacted upon by external noise related issues.

Overall the scheme is considered to be in accordance with relevant UDP and Core Strategy Policies and the general guidance within the NPPF and it is recommended that planning permission be granted subject to the recommended conditions.

Conditions

General

01

- a. Application for approval of reserved matters must be made within three years of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
 - I. The expiration of five years from the date of this permission; OR
 - II. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

02

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

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

03

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan (drawing number 15008_PL01)(received 8/04/2015)

Reason

To define the permission and for the avoidance of doubt.

04

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 (or any future guidance that replaces it) and in accordance with the Council's Interim Planning Statement for Affordable Housing.

The scheme shall include:

1. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units;
2. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
3. the arrangements for the transfer of the affordable housing to an affordable housing provider or payment of a commuted sum equivalent to 40% of the open market value of the Affordable Housing units if it is proven that the developer is unable to sell the units to a Registered Provider of affordable housing;
4. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason

In the interests of achieving a balanced mix of housing types and tenures and in accordance with Core Strategy Policy CS7 'Housing Mix and Affordability.'

05

At the reserved matters stage details of the existing and proposed land levels shall be submitted to the Local Planning Authority for approval.

Reason

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

Highways

06

All future dwellings shall have curtilage car parking based on the Council's current (minimum) car parking standards for new residential development.

Reason

To ensure that there is sufficient on curtilage parking in the interests of highway safety.

07

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.

08

Details of the closure of the access to the petrol filling station site shall be submitted to the Local Planning Authority for approval. The access shall be permanently closed in accordance with the approved details prior to the occupation of the dwellings hereby approved.

Reason

In the interests of highway safety.

09

This permission relates only to the means of access at the point access to Ryton Road and not to any internal access details which shall be submitted at the reserved matters stage.

Reason

In the interest of highway safety.

10

Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority. The plan shall include, but not by way of limitation, details of traffic management measures during the construction work, a site compound, staff parking and measures to deal with dust/mud in the highway. The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety.

Drainage

11

Prior to the commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The limitation of surface water run-off to equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features including an appropriate Maintenance Plan.
- Flood Route drawing showing the direction of surface water overland flows through the site.

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

12

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'.

Contaminated Land

13

Prior to commencement of development, an intrusive investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved by the Local Planning Authority. The assessment 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 (SR 2-4).

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

14

Subject to the findings of Condition 13 above and prior to any remediation works commencing on site, a Remediation Method Statement shall be submitted to 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, and 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. In accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

15

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. In accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

16

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local 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. In accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

17

Following completion of any remedial/ground preparation works a Validation Report shall be forwarded to the Local Planning 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. In accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

Landscape / Design

18

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. 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 Core Strategy Policy CS28 'Sustainable Design' and UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

19

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. 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 Core Strategy Policy CS28 'Sustainable Design' and UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

20

A Management Scheme for communal open space areas setting out how the open space areas will be managed and maintained, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the dwellings hereby approved. The open space areas will be managed and maintained in accordance with approved details.

Reason

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

Environmental

21

The indicative sound attenuation scheme on page 3 of the Noise Report sections 5.01 – 5.02 shall be incorporated into the design of the dwellings on site.

Reason

To protect the amenities of future occupiers from noise pollution in accordance with UDP Policy ENV3.7 'Control of Pollution.'

22

No dwelling shall be occupied unless it has been constructed in accordance with a scheme submitted to and approved by the Local Planning Authority so as to ensure that the rear gardens achieve an external noise level of 55dB LAeq,1hr between 10:00 and 15:00 hours, measured at a height of 1.5m above ground level in free-field conditions.

Reason

To protect the amenities of future occupiers from noise pollution in accordance with UDP Policy ENV3.7 'Control of Pollution.'

23

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

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.

Reason:

To protect the amenity of neighbouring residents and to avoid the deposition of mud and other materials on the public highway.

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 02, 04,10,11 & 13 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

1. 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.
2. The details required under condition numbers 02, 04,10,11 & 13 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.

Informatives

01

Whilst some conditions require additional information to be submitted prior to the commencement of development, this should be submitted with the reserved matters applications so it can be considered at that time.

02

Please note that if significant changes in land levels are proposed as part of the reserved matters application these could constitute an engineering operation in their own right and could not be considered as part of this outline planning permission. As such, if significant re-grading of the land is proposed this could require a new planning application.

03

It is noted that Anston Public Footpath No. 4 runs to the western and northern perimeters of the site and that the indicative layout plan shows this to be diverted so as to pass through the site and this is welcomed. Any re-routing would be considered as part of the detailed scheme and should be designed taking into account Secure By Design principles. Any diversion of the existing Public Footpath would need a Formal Diversion Order being approved by the Council. For additional information in regards to this matter please contact the Council's Assistant Public Rights of Way Officer Jane Donaldson on 01709 822932.

04

The following comments below are from the Council's Urban Design Officer. These comments should be incorporated into the detailed design proposals which would form part of the reserved matters application.

- 1) Happy with the general arrangement of properties here, with a central greenspace being the focal point and having the properties around fronting it.
- 2) High rear boundaries exposed to the street need to be of a high quality, preferably brick built with detail or a combination of brick, railings, and hedging. 1.8m timber fencing would be unacceptable in these situations.
- 3) The length of rear boundaries on corners needs to be kept to a minimum so need to start no further forward than the rear elevation of the dwelling, allowing the side gable to have a lower boundary or just landscaping.
- 4) Corner units should be dual aspect, therefore garages should not be placed on the side gables exposed to the street – This only occurs in one instance in this scheme.
- 5) Unsure the current configuration of paths in the central green are placed appropriately. The right angle turns go against instinctive desire lines so people would end up crossing over parking bays.
- 6) Paths leading to Wilberforce Road need to be as wide, open, and as visible as possible - railings can be used to provide a visually permeable boundary when next to public spaces such as the end of the turning head. Properties abutting them need to be designed in a way that provides some overlooking where possible (not from obscured windows).
- 7) Direct access to rear gardens might be difficult for some of the middle terrace dwellings unless there are alleyways leading round neighbouring rear gardens. This needs to be kept to a minimum to discourage unauthorised access, alleyway openings should be avoided in secluded locations.
- 8) 3 bed properties will need 2 parking spaces as a minimum – Therefore it is assumed the layout will need to absorb further in curtilage parking.
- 9) There is an opportunity to do something quite interesting and characterful with the integration of a shared surface with a central greenspace.
- 10) There might be options to flip the central greenspace with the stretch of street to the west of it, bringing the road past the terrace properties. This might be helpful if the current parking arrangements aren't deemed preferable with highways.
- 11) Internal and external space standards need to be adequate. The South Yorkshire Residential Design Guide gives indications of minimum sizes as does the Nationally Described Space Standards published by DCLG in March 2015.

05

The following comments have been made from South Yorkshire Police. Their comments should be incorporated into the detailed design proposals which would form part of the reserved matters application.

Concerns are raised over the access into the development from the public footpaths. If possible the footpaths should be closed which would make the development much safer. Both footpaths would have very little natural surveillance over them and could become a crime generator and a nuisance for the residents.

All public open space should be well overlooked, utilising gable end and corner windows. This space should be maintained regularly so as not to look unkempt and be well lit with no dark areas. All landscaped areas should be kept low below 1m and trees to have no foliage below 2m.

Incorporating a mix of dwellings enables greater potential for homes to be occupied throughout the day. This gives greater opportunity for natural surveillance and

community interaction. Each property should have its own defensible space. All rear boundaries should be at least 1.8m high to prevent access into rear gardens. If the property backs onto a public footpath the boundary treatment should be 2m high.

Lockable 1.8m high gates should be used as close to the front of the building as possible. Front and back entrances should be well lit. All doors and windows should be to PAS 24:2012 the required standards for Secured by Design.

06

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.

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).

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2015/1421
Proposal and Location	Increase in roof height to form two storey dwelling house including single storey extension and flue to side (amendment to RB2014/1296) at 20 Manor Way, Todwick S26 1HR
Recommendation	Grant subject to conditions



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

Site Description & Location

The site of application is a large detached bungalow set on an unconventionally shaped plot. The bungalow is set back from the road, Manor Way, behind a pair of semi-detached houses Nos. 22 & 24 Manor Way. The property is located roughly adjacent to the other immediately neighbouring property No. 18 Manor Way. It has a relatively large front garden whilst to the rear is Todwick Manor House which includes the Scheduled Ancient Monument of Todwick Manor moated site.

The design of the property is individual and the streetscene of Manor Way is mixed with bungalows and houses of varying sizes and designs.

Background

RB1979/4032: Outline for 1 dwelling - GRANTED CONDITIONALLY 24/01/80

RB1980/3316: Split level bungalow - REFUSED 22/01/81

Reason for refusal

01

The Local Planning Authority considers that the erection of the dwelling proposed would be inappropriate in this location, and detrimental to the amenities of the locality and to the occupiers of the adjacent dwellings by virtue of its size, siting and design.

RB1981/0268: Bungalow - REFUSED 11/03/81. The reason for refusal was as for RB1980/3316.

RB1981/0617: Bungalow & single garage - GRANTED CONDITIONALLY 23/04/81

RB2014/0809: Increase in roof height to form two storey dwelling house including single storey rear extension and chimney to side

- WITHDRAWN 06/08/14

RB2014/1296: Increase in roof height to form two storey dwelling house including single storey rear extension and flue to side (amendment to RB2014/0809). Following a site visit, Planning Board refused the application on 23/02/15 for the following reason:

01

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

The application was subsequently appealed. The Planning Inspector upheld the Council's Decision to refuse on the basis of overbearing impact on the residents of No. 22 Manor Way and dismissed the appeal on 15/07/15.

Proposal

The proposal is to raise the roof height of the bungalow to form a two storey dwelling house. The first floor extension would be set back from the front of the property and would have a depth of 7.4. The height to the eaves of the first floor extension would be 5.2 metres with an overall ridge height of 6.6 metres. The first floor extension would be stepped with the front element of the extension having a width of 8.8 metres and the rear section having a width of 11.2 metres. The larger projecting element is set back 2.4 metres.

The first floor extension would be further back on the site than that previously refused (by approximately 5.3m) and set at an angle away from the boundary with neighbouring property No. 22 Manor Way with a minimum distance of 3.9 metres compared to 3.4 metres as part of the previous refusal and a maximum distance of 6.2 metres compared to 4.8 metres to the boundary as part of the previous application. The first floor extension would be set against the boundary with No. 18 Manor Way with a total maximum depth of 7.4 metres.

The roof would be hipped with a tiled finish. The walls would be brick to match the existing bungalow.

The proposal also includes a single storey front and side extension that would wrap around the side and front of the dwelling adjacent to the boundary with No. 22 Manor Way. The extension would have a maximum projection of 14.3 metres with a maximum width of 7.4 metres. The height to the eaves would be 2.6 metres with a ridge height of 3.9 metres.

The single storey rear extension would be off set from the boundary of No. 18 Manor Way by a maximum of 1.5 metres closest to the boundary with this property, narrowing to 0.9 metres. The extension would have a dual pitched roof and would present a blank elevation to the neighbouring property.

The plans have been amended during the course of the application process by reducing the width of the first floor extension away from the neighbouring property from 10 metres in depth to 7.6 metres, which would reduce the overshadowing impact on the garden of No. 22 Manor Way. This compares to a maximum depth of 9.3 metres on the previously refused application.

The applicant states that the house will be a family home for the applicant and her daughter and her family. They have also stated that that they need the additional accommodation to look after a number of children with special needs.

Development Plan Allocation and Policy

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

The application site is allocated for *residential* purposes in the UDP, (and also adjacent to a Scheduled Ancient Monument of Todwick Manor House). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

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

Unitary Development Plan 'saved' policy(s):

ENV2.1 'Statutorily Protected Sites'

Other Material Considerations

Interim Planning Guidance - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 3rd March and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

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 letter to neighbouring residents and in the press and site notice as affecting the setting of a Scheduled Ancient Monument of Todwick Manor House moated site. The amended plans have also been advertised by letter to neighbours and objectors. In total 18 objections have been received, including one from Todwick Parish Council and all immediately neighbouring properties. Further correspondence has been received which confirms that all the objectors retain their objections following the submission of the revised plans.

The comments raised from objectors shall be summarised below:

- The scale and mass of the extension in proximity to the boundary with neighbouring properties would appear overbearing and would overshadow neighbouring properties' gardens namely Nos 22 & 24 Manor Way.
- The amended plans do not overcome the concerns of immediately neighbouring residents in terms of overshadowing and overbearing impact.
- The scale and design of the extension is completely out of character with its surroundings and would harm the surrounding area.
- The design of the extensions would be an eyesore and look like a factory not a residential property.
- The extensions would harm the setting of the adjacent Scheduled Ancient Monument of Todwick Manor House moated site.
- The extension would cause additional traffic and parking at the property which could be hazardous as cars could be parked on a bend in the road in front of the property.
- The parking and access arrangements should be altered to allow for cars to enter and leave in a forward gear.
- The extension would overlook neighbouring properties.
- The proposals have the hallmark of a property developer with no consideration for local people. The extension would cause local people considerable distress.
- The extensions could devalue neighbouring properties.
- The extension could lead to flooding as there are flooding problems in the local area.
- The dwelling would spoil the view from neighbouring properties.
- There would be disruption caused during the construction of the extension to local residents.
- The harm to the amenity of neighbouring residents would be an infringement on their human rights.

The Council has received 7 Right to Speak requests from objectors.

Consultations

Streetpride (Transportation and Highways): Raise no objections to the proposals.

Appraisal

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

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

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

The application seeks full planning permission to extend a residential property within a residentially allocated area. The principle of extending a dwellinghouse is generally supported in the Council's policies and the Interim Planning Guidance.

However all such development needs to accord with the relevant design criteria and should be in keeping with the character and appearance of the host dwelling and the locality and should not have a detrimental impact on residential amenity.

Therefore matters to be considered as amounting to material considerations in the determination of this application include:

- The visual impact on the host dwelling and the locality.
- Impact on the setting of the adjacent Scheduled Ancient Monument.
- The impact on adjacent occupiers.
- Highway implications
- Flooding
- Other issues raised by objectors

Visual impact on host dwelling and the locality:

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

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

The National Planning Policy Guidance (March 2014), notes that “Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”

The NPPG further goes on to advise that: “Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”

The Interim Planning Guidance - ‘Householder Design Guide,’ advises that extensions should be constructed in matching materials to match the host property. Bricks and stonework should be coursed and pointed to match the existing details. Tiles should match the existing tiles in terms of material, texture, size and colour.” It adds that:

“It is not the Council’s usual practice to support bungalows being altered to two-storey houses, as in most cases this would have a serious effect on neighbours’ amenity and on the appearance of residential areas. The Council will consider such proposals for “upward extensions” very carefully, having regard to the following guidelines:

Planning permission may be granted for an upward extension on a detached bungalow in certain circumstances (amongst other things):

(i) where the dwellings in an area are of varied types, with little uniformity of design and layout, and there is already a mix of single storey and two-storey dwellings, and

Furthermore, the most appropriate design solution will depend on the design of the property and neighbouring properties. It may be appropriate to create a “dormer bungalow”, by building a more steeply-pitched roof with dormer windows in it.”

It is noted that Manor Way is characterised by a mix of bungalows and two storey houses with the immediately neighbouring properties being a detached bungalow to the south, a further bungalow beyond that, and then a row of detached two storey houses. To the north of the application property is a pair of semi detached chalet style properties to the north. Three doors away to the south the It is considered that in principle the raising of the roof height and the formation of a two storey dwelling is acceptable in principle in this location.

With regards to the design of the extensions it is noted that the proposals would radically alter the character and appearance of the property and it would appear as a completely different dwelling within the streetscene of Manor Way. The extensions, owing to their size, cannot be considered to be subservient to the original bungalow. It is noted that the extensions have been revised since the first application was submitted reducing the mass of the extensions and pulling parts of the first floor extension away from the boundary with No. 22 Manor Way.

It is noted that the Inspector dealing with the previous appeal considered that “overall, the area is suburban in character, and to my mind has no strong prevailing character or especially local distinctiveness. Therefore, on balance, I consider the proposal would not undermine the character of the area to which it relates, or be materially harmful in terms of its impact on the street scene. As such, I find no conflict with paragraph 58 of the Framework, which requires development to respond to local character and identity.”

As such, the Inspector considered that the previous scheme was acceptable in design terms. The Council considers that this scheme is more attractive in design terms from the previous application and the extensions are acceptable in design terms owing to the fact that the dwelling is set back from the road with the first floor extensions set further back still on the property (approximately 25m from the road). It is considered that the property does not appear visually prominently within the streetscene of Manor Way and neither would the proposed extensions.

As such, it is considered that the design and appearance of the extensions would not harm the character and appearance of the property or the surrounding area and would comply with Policy CS28 'Sustainable Design,' the guidance in the Interim Planning Guidance on 'Householder Design Guide,' as well as the advice contained within the NPPF and the recently issued National Planning Policy Guidance (NPPG).

Impact on the setting of the adjacent Scheduled Ancient Monument.

With regards to the impact on the setting of the adjacent Scheduled Ancient Monument of Todwick Manor House moated site UDP Policy ENV2.1 'Statutorily Protected Sites' states "Development or changes of use which would adversely affect the interest, fabric or setting of a statutorily protected site will not be permitted."

In addition, 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:

Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough's heritage assets, specifically those elements which contribute to the distinct identity of the borough."

In addition, the NPPF further 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."

With regards to the setting of the above Scheduled Ancient Monument it is considered that the extension would not harm views to or from the site, owing to its relationship to surrounding properties and relative relationship to the site. It is also considered that the presence of the larger single storey extension to the rear would not harm the setting of the Scheduled Ancient Monument. Furthermore, it is considered that the extensions would not harm the setting of the Scheduled Ancient Monument over and above the presence and proximity of the host property, and indeed the remainder of the housing development of Manor Way.

It is noted that with regards to the previous scheme the Inspector commented that "owing to separation distance, intervening vegetation, and the relationship of the appeal property to the site, I agree with the Council that the proposal would not materially harm the setting of the Scheduled Ancient Monument."

Taking account of the above, it is therefore considered that the proposal would accord with the provisions of UDP Policy ENV2.1 'Statutorily Protected Sites', and Core Strategy Policy CS23 'Valuing the Historic Environment,' as well as the advice contained within the NPPF.

Residential amenity issues:

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

In respect of converting bungalows to houses the Interim Planning Guidance - 'Householder Design Guide,' notes that planning permission may be granted for an upward extension on a detached bungalow in certain circumstances, including:

"where new habitable room windows at first-floor level would be more than 21 metres from habitable room windows of existing dwellings to the front, side or rear and more than 10m away from a neighbour's boundary. Where an upward extension is considered acceptable in principle, it is essential that it be designed to minimise the effect on neighbours' properties by overshadowing and overlooking."

The Interim Planning Guidance 'Householder Design Guide' further gives guidance upon overshadowing matters and notes: "Extensions should not overshadow neighbouring properties to an unreasonable degree. The Council will take account of the orientation and position of neighbours' windows in relation to the extension. Where an extension would be likely to significantly reduce the amount of sunlight and/or daylight casting a shadow over private amenity space or entering the window of a habitable room (such as a kitchen, living room or bedroom) planning permission may not be granted."

The guidance further advises on outlook issues that: "An extension close to either a habitable room window of a neighbouring property, or to its private garden, should not have an overbearing effect on that property or an unreasonable effect on its outlook." With regard to the proposed increase in height the guidance states that: "Increased overlooking of neighbours' properties can be a problem, especially with a bungalow where dormer windows in the loft can overlook previously private areas. The Council will be critical of all proposals which have a significant effect on neighbours' privacy."

The Interim Planning Guidance provides guidance in respect of two storey rear extensions and on how these can impact on neighbours, though its principles can be applied generally. It notes that: "Two storey rear extensions should be designed so as not to come within a 45° angle of any neighbouring habitable room window (measured from the centre of the window)."

It is noted that letters of objection have been received from all neighbouring residents who share a common boundary with the property. It is also noted that both the immediately neighbouring properties have objected in terms of the extensions appearing overbearing against the boundary and overshadowing them.

With regards to overbearing impact it is noted that the previous application RB2014/1296 was refused by Members on the basis of overbearing impact and was subsequently upheld at appeal by the Planning Inspectorate. The Planning Inspector considered that "As a consequence of the cumulative effect of the various proposed extensions, particularly the upwards extension, and their proximity to the boundary, I consider the proposal would appear visually dominant and obtrusive in relation to No

22. To my mind it would increase the sense of enclosure and have an unacceptably overbearing and oppressive effect when seen from the rear facing windows, and even more so from that property's rear garden. Although the setting back of the first floor element would mitigate its effect to some degree, this would be very marginal, and insufficient to allay my concerns."

The Inspector went on to note that "Furthermore, the position of the proposed extensions on the south side of No 22 would, in my opinion, lead to overshadowing and a significant reduction in daylight to much of the rear garden, which is the private amenity space of that property."

The current scheme has reduced this first floor extension to an approximate length of 5.5 metres adjacent to the boundary with No. 22 Manor Way. Furthermore, it is noted that this has been combined with the stepped set back of the extension which would significantly mitigate against the impact of the extension appearing overbearing and overshadowing the garden of No. 22 Manor Way.

It is accepted that, notwithstanding the set back of the first floor element of the extension, it would lead to some overshadowing of the rear garden area of this property. Whilst this is the case it is noted that the proposal would be a significant improvement on the previous scheme and it is considered that the amendments overcome the previous reason for refusal and the Inspector's concerns.

It is also noted that it would lead to some overshadowing, though to a significantly lesser degree to the rear garden area of No. 24 Manor Way. It is considered that on balance the proposals are acceptable in amenity terms in terms of overshadowing and would not harm the amenity of the private garden area of No. 22 Manor Way to such a degree that it would warrant a reason for refusal.

With regards to overlooking it is noted that the proposed first floor windows on the front elevation of the property would all serve non habitable rooms. However, owing to their position behind the rear elevation of No. 22 Manor Way it is considered reasonable to require them to be obscure glazed and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, so as to protect the residential amenity of the occupants of this property.

The neighbouring property at No. 18 Manor Way is separated from the application site by a driveway and the property itself is angled away from the applicant's property. Furthermore, it is noted that the proposed extensions would be sited to the north of No. 18, thereby reducing the impact on direct sunlight to that property. However, it is noted that a single storey extension would be sited along nearly the whole length of the northern boundary with No. 18 Manor Way. Whilst this is noted this extension would be set away from the boundary with this property with a maximum ridge height of 3.9 metres. As such, it is considered that owing to the offset from the boundary along with the height and its location on a northern elevation would reduce the overbearing impact of this extension and would not harm the residential amenity of the neighbouring residents.

Finally it is also noted that owing to the orientation of the two properties the first floor and single storey rear extensions would not breach a 45 degree line if measured from the rear elevation of No. 18. In view of the above it is not considered that the extensions

would lead to a loss of natural light or lead to overshadowing to such a degree that it would harm the residential amenity of the occupants of this property.

It is noted that the residents of the Manor House to the rear of the property have objected in terms of overlooking from the windows to the rear of the property. However, it is noted that the windows would not directly overlook this property and would be located in excess of 10 metres from their private garden area. As such, it is considered that the proposals would not harm their residential amenity in terms of overlooking.

Taking all of the above into consideration the proposals are not considered to have a significant impact on the residential amenity of adjacent occupiers by way of overbearing impact or loss of privacy and would therefore accord with the advice contained in the NPPF and the Interim Planning Guidance.

Highway issues:

It is noted that local residents have raised concerns about the extension in terms of highway safety, mainly in terms of additional parking at the property. The site contains a gravel drive that accommodates a minimum of 2 vehicles, in line with the Council's guidance, and this would be retained. Streetpride (Transportation & Highways) Unit does not consider that the proposal would have any detrimental impact in terms of highway safety as the proposed development allows for adequate vehicle parking provision at the property. The Inspector dealing with the previous appeal did not raise highway safety matters as an issue.

Other issues raised by objectors

It is noted that local residents have objected to the application on the grounds of potential flooding from the construction of the proposed extension. They have noted that the area is prone to localised flooding. Whilst this is acknowledged it is noted that the site is not within a flood zone area and is not susceptible to overland flooding and the surface water discharge at the property is a matter for Building Regulations approval which is considered to adequately cover this issue.

It is noted that a local resident considered that the proposed extensions would infringe their human rights in terms of its detrimental impact on their residential amenity. The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

It is noted that local residents have objected to the proposal in terms of loss of view, and possible devaluation of neighbouring properties. Whilst this is noted these are not material planning considerations and cannot be taken into account with regards to the determination of this application.

It is noted that neighbouring residents have raised concerns about potential noise and disruption during the construction stage of the development. Whilst this is accepted it is

noted that this would be only for a temporary period and is not a reason for refusal of the application.

Conclusion

In conclusion, it is considered that the proposed extension by virtue of its size, scale, design, height, siting and location would have no adverse impact on the character and appearance of either the host dwelling or the existing streetscene and would not be detrimental to the residential amenity of adjacent occupiers by being overbearing or over dominant or result in any loss of privacy by way of overlooking.

Accordingly it is recommended that planning permission be granted subject to the suggested conditions as set out below.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing Numbers 01B, 02B and 03B)(Received 07/03/2016)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

The window(s) on the first floor front elevation facing west shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter unless otherwise agreed in writing with the Local Planning Authority.

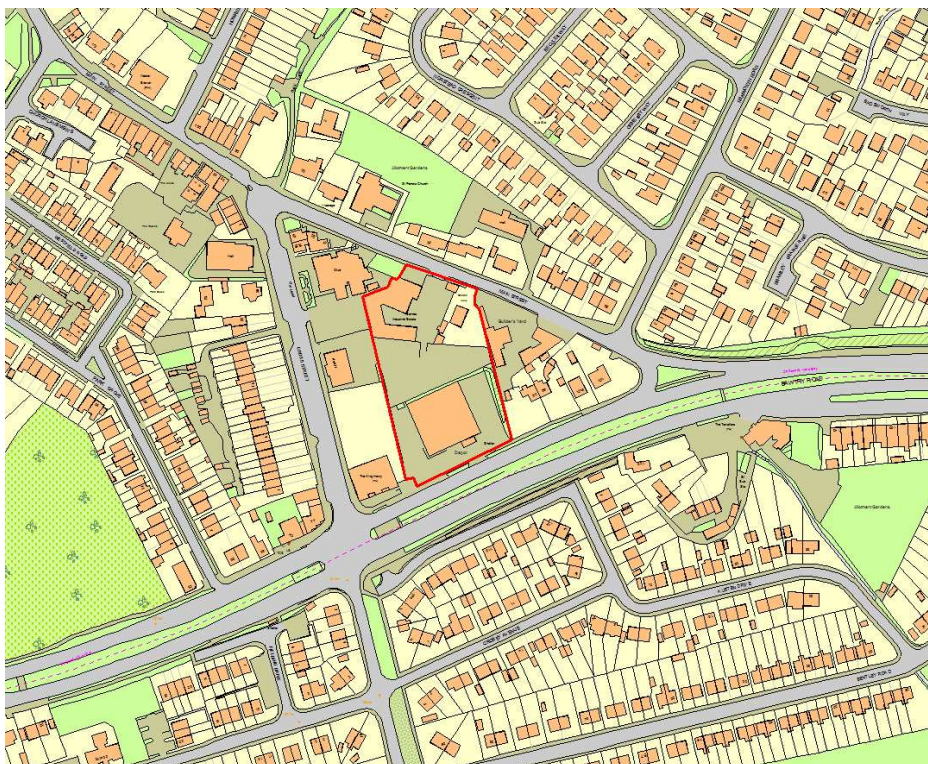
Reason

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

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	RB2016/0109
Proposal and Location	Display of various illuminated and non-illuminated signs at land at Bawtry Road Bramley S66 2TW for Aldi Stores.
Recommendation	Grant subject to conditions



The application is being reported to Planning Board due to the number of objections received.

Site Description & Location

The application site relates to a parcel of land approximately 0.65 hectares in area which until recently contained the Lighting Building and Conservatory Centre premises to the north of Bawtry Road (these buildings have now been demolished). The rear of the site adjoins Main Street; the eastern boundary adjoins a residential property and a builder’s yard, and the western boundary adjoins a public house and other commercial businesses. There are residential properties across Main Street and some distance away set back from the dual carriageway on the opposite side of Bawtry Road.

The land level at the site drops from west to east across the Bawtry Road frontage, and there is a fall in a north/south direction. There are differing types of screening around the site in the forms of walls and vegetation.

The site has planning permission for the erection of an Aldi supermarket which was granted on 24 April 2014 under planning ref RB2014/0230 with a subsequent amended proposal granted in 2015 and 2016, no building work has commenced on site as yet. A car parking area will be sited to the front of the proposed building and to the western side with accesses from Bawtry Road and Main Street.

Background

The site has been the subject of numerous applications relating both to the use of the site and construction of buildings on the site. The most recent and relevant are; –

RB2014/0230 - Demolition of existing units and construction of new food store with car parking, landscaping & associated works. – Granted conditionally.

RB2014/1145 - Application to vary condition 23 (opening times) imposed by RB2014/0230 (Demolition of existing units and construction of new food store with car parking, landscaping & associated works) – Granted conditionally.

RB2015/0876 - Demolition of existing units and construction of new food store with car parking, landscaping & associated works- Granted conditionally 18/09/2015

RB2016/0026 - Variation of Conditions 09 (car parking) and 31 (windows) imposed by RB2015/0876 (Demolition of existing units and construction of new food store with car parking, landscaping & associated works) land north of Bawtry Road Bramley – Granted conditionally 4/3/2016

RB2016/0234 - Application to vary condition 20 (extend hours for loading and unloading of delivery vehicles from 07.00 to 06.00 Mondays to Saturdays and 09.00 to 08.00 Sundays) Imposed by RB2015/0876 (Demolition of existing units and construction of new food store with car parking, landscaping & associated works) – Currently undermined

Proposal

This application seeks Advertisement Consent to erect new signage on the site for the recently approved new Aldi supermarket building. The original proposal has been amended at officer's request to remove the proposed east facing illuminated sign on the side of the building facing No.97 Bawtry Road and to amend the proposed free standing pole sign on Main Street to reduce the height from 6m to 4.26m and for this to be externally illuminated by an uplighter rather than internally illuminated.

It is now proposed to erect the following signage:

Front elevation (facing Bawtry Road) - 1 wall mounted 'Aldi' sign 2.47m x 2.07m internally illuminated, 1 Vinyl 'Aldi' sign 1.25m x 1.48m, non-illuminated.

Front of Store (facing west) - 2 'Special Buy' free standing signs fixed side by side on 3 No. steel posts. Each poster 1.15m x 1.5m, non-illuminated.

Site entrance, Bawtry Road - 1 double sided 6m high free standing entrance sign fixed to steel posts, located to the eastern side of the proposed entrance. The sign consists of an upper internally illuminated 'Aldi' sign 2.47m x 2.07m with a lower 'showcase' sign 1.7m x 0.9m.

Site entrance, Main Street – 1 double sided 4.26m high free standing entrance sign fixed to steel posts, located to the eastern side of the proposed entrance. The sign consists of an externally illuminated 'Aldi' sign measuring 2.5m x 1.8m.

The applicant's agents have submitted the following comments in support of the application;

- Advertisements, especially retail advertisements are necessary to attract trade and establish brand identity.
- Signage also serves to notify pedestrians and drivers that they are approaching a point of access.
- From Main Street a builders yard with a brick wall abutting the highway is located on the approach to the site a visible totem is therefore considered to be essential.
- Bawtry Road is a Class A road with more traffic flow a totem in this location is therefore essential from a highway safety perspective.
- In amenity terms the totem sign on Bawtry Road will be mitigated through the use of landscaping including mature trees.
- The site is located in an area identified for retail use in the Council's local plans the proposed totem sign seeks to promote the new store adding to the viability and vitality of Bramley town centre.
- The illuminate totem signs switch off automatically approximately half an hour after the store closes to customers.

Development Plan Allocation and Policy

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

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

UDP 'saved' Policies

RET1.1 Shopping Environment

Other Material Considerations

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

National Planning Practice Guidance 'Advertisements'

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.

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

Publicity

The application has been advertised by way of site notices on Main Street and Bawtry Road (4 February 2016), together with individual letters to neighbouring properties (2 February 2016).

2 Representations have been received from nearby occupiers (97 Bawtry Road and The Vicarage Main Street), they are summarised below –

- The signage proposed on Bawtry Road within yards of their property looks like something from downtown Las Vegas rather than a supermarket in a residential area.
- The signage on Main Street is completely out of place across from houses and the church.
- The signage on Main Street is inappropriate at 4.26m in height it is not in keeping with the neighbourhood. Given that there is only local traffic on Main Street the signs on the building should be sufficient.

Letters of objection have been received from Bramley Parish Council in respect of both the original scheme and the amended proposals, and in respect of the amended proposals they raise the following comments (and their comments are endorsed by the occupiers of 12 properties in the area);

- The east facing sign is unacceptable as it faces directly onto adjacent residencies.
- The double faced pole signs are considered to be incongruous in their proposed locations.
- The negative qualities, referred to by the Planning Inspectorate, with regard to the sign refused at the adjacent public house is applicable equally to both proposed locations (for the pole signs)
- The proposed sign on Main Street would tower over the streetscene and have a negative impact on the amenity of the area.
- The proposed sign on Bawtry Road would be within a few metres of residencies and would destroy the visual character of the area.
- The Bawtry Road sign being visually intrusive on the approach to a busy road junction, the store entrance and a bus stop could comprise a potential road safety hazard.

An email has been received from Councillor Ellis, Hoddinott and Read. They support the existing objections from local residents and the Parish Council in regard to the proposed signage and object to the application on the following grounds –

- The illuminated signs on Main Street and Bawtry Road are totally out of keeping with a residential area and go beyond that allowed for existing businesses in the village.
- The proposed sign on Main Street is not necessary as this is a residential street and there are no existing intrusive signs.
- The light and height of the sign would be insensitive to the houses and church opposite.
- The Main Street entrance is not the main entrance to the store.
- The proposed pole sign on Bawtry Road is much larger than existing signs and an illuminated sign at this height would have a negative impact on the village and would be completely out of character.
- A smaller sign at the neighbouring King Henry public house was refused by the Planning Inspectorate due to its negative visual impact on the area and all businesses should be treated equally.
- The size of the frontage of the store on the road is adequate to alert drivers to the presence of a store.
- A large and intrusive sign near to a busy road junction could impact on road safety.

6 Right to Speak requests have been received from objectors.

Consultations

Streetpride (Transportation and Highways) – Raise no concerns in highway terms.

Neighbourhoods (Environmental Health) – Envisage no significant loss of amenity.

Appraisal

Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

Paragraph 67 of the NPPF states that: “Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

Amenity:

RET1.1 Shopping Environment states that the Council will seek a high quality, attractive and secure environment within shopping areas by amongst other things, encouraging the highest standards in the control of shop frontage and sign detailing.

The National Planning Practice Guidance notes that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. It adds that it is, however, a matter of interpretation by the local planning authority (and the Secretary of State) as it applies in any particular case. In practice, "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

The original proposals have been amended at officer's request to remove an illuminated sign that was to be affixed to the east facing elevation close to the nearest residential property (No. 97 Bawtry Road) and to reduce the size of the totem sign on Main Street and for this to be externally illuminated by an uplighter rather than internally illuminated. The applicant has agreed to these changes to reduce the impact on adjacent occupiers, but consider that the retention of all other proposed signage is vital to the success of the new business.

Objections to the proposed signage have been received in terms of the proposed free standing totem signs (one on the Bawtry Road frontage and one on the Main Street frontage) being out of keeping with the area and having a negative effect on the visual appearance of the area. In this instance the site is allocated for Retail use in the adopted Unitary Development Plan and is proposed to be retained as such in the Sites and Policies Plan. The land is located on the edge of Bramley local Town Centre and has commercial sites to the west and north east of the site and has previously been used for commercial activity.

In respect of the proposed totem sign on the Bawtry Road frontage it is noted that this is a busy classified highway and the boundary of the closest residential property to the position of the proposed sign is over 30m away, additionally the approved landscape plan includes the planting of mature trees along the Bawtry Road site frontage at a minimum height of 4.5m between the sign and No.97 Bawtry Road. Objectors have referred to the totem sign that was refused at the nearby King Henry public house and subsequently dismissed at appeal (reference RB2012/0054). This application was refused on visual amenity and dismissed at appeal however the proposed sign was located on a narrow strip of land sandwiched between the front elevation of the public house and the adjacent highway very close to the signalled controlled junction and in this location was considered to be out of keeping with the existing area and more suitable to a retail store than a public house. The Aldi site is a far larger retail site and is therefore considered to be capable of accommodating signage of a different nature.

With regard to the proposed totem sign on the Main Street frontage, whilst there are residential properties directly across from the site, the sign is indicated to be positioned

approximately 16.5m from these dwellings and the retail nature of the site has long been established. Furthermore, the proposed signage fronting Main Street is restricted only to the free standing entrance sign. The size of the proposed sign has been reduced in size from that originally proposed and illumination altered from internal to external source, and taking into account the previously approved landscaping to the Main Street frontage and the existence of other commercial sites to either side of the site it is not considered that the proposed sign would be detrimental to the visual amenity of the area or result in any advertisement clutter.

Environmental Health officers have assessed the position of the signs in relation to nearby residential properties and have raised no concerns with regard to loss of amenity.

The applicant's agents have confirmed in writing that the illuminated totem signs switch off automatically approximately half an hour after the store closes to customers and an informative would be added to address this.

Taking all of the above into consideration, overall the proposed signage is considered to be acceptable in terms of its impact on the street scene and the residential amenity of adjacent occupiers and is considered to conform to the guidance in paragraph 67 of the NPPF.

Public Safety:

The National Planning Practice Guidance (NPPG) states: "All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline."

The NPPG then sets out the main types of advertisement which may cause danger to road users which are:

- (a) those which obstruct or impair sight-lines at corners, bends or at a junction, or at any point of access to a highway;
- (b) those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal, or would be likely to distract road-users because of their unusual nature;
- (c) those which effectively leave insufficient clearance above any part of a highway, or insufficient lateral clearance for vehicles on the carriageway (due allowance being made for the camber of the road-surface);
- (d) those externally or internally illuminated signs (incorporating either flashing or static lights) including those utilising light emitting diode technology:
 - i. where the means of illumination is directly visible from any part of the road;
 - ii. which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals;
 - iii. which, because of their size or brightness, could result in glare and dazzle, or distract road-users, particularly in misty or wet weather; or
 - iv. which are subject to frequent changes of the display;

- (e) those which incorporate moving or apparently moving elements in their display, or successive individual advertisements which do not display the whole message;
- (f) those requiring close study (such as Public Information Panels), which are situated so that people looking at them would be insufficiently protected from passing vehicles; or those advertisements sited on narrow footpaths where they may interfere with safe passage by causing pedestrians to step into the road;
- (g) those which resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984, and may therefore be subject to removal by the traffic authority under section 69 of that Act, for example:
 - i. those embodying red circles, crosses or triangles, or any traffic sign symbol; or those in combinations of colours which might otherwise be mistaken for traffic signs; or
 - ii. those incorporating large arrows or chevrons with only the arrow or chevron made of retroreflective material or illuminated, causing confusion with similar signs in use at, or approaching roundabouts.
- (h) those which embody directional or other traffic elements and which need special scrutiny because of possible resemblance to, or confusion with, traffic signs, for example, advertisements which:
 - i. contain a large arrow or chevron (or have a pointed end and have only a few words of message);
 - ii. invite drivers to turn right on a main road, or where there is fast moving traffic;
 - iii. invite drivers to turn, but are sited so close to the turning that there is not enough time to signal and turn safely; or
 - iv. are so close to similar advertisements, or official traffic signs, that road-users might be confused in the vicinity of a road junction or other traffic hazard.

Objections have been received with regard to highway safety with regard to the Bawtry Road sign being visually intrusive on the approach to a busy road junction, the store entrance and a bus stop.

The Transportation Unit have no objections to any of the proposed signs and in response to the objections raised have stated that they have considered the proposed double sided pole signs on the Main Street and Bawtry Road frontages in the relation to "Planning Practice Guidance – Advertisements – Considerations affecting public safety". With regard to this they remain of the view that both are acceptable in highway safety terms. In reaching this view they have taken into account the fact that the signs will not obstruct sight lines at nearby junctions, are unlikely to be confusing or distracting, could not be confused with traffic lights or other authorised signs, would have acceptable luminance and would have static displays.

As such the proposed signs are not considered to be detrimental to highway safety in this location.

Other issues raised by objectors:

Written comments also received with regard to this application object to the secondary access to the store from Main Street, though this access has already been approved as part of the planning approval for the store and cannot be revisited as part of the advertisement application.

Conclusion

In conclusion, it is considered that the proposed signage is of an acceptable size and scale relative to the surroundings. The signage is considered to be appropriate in this established edge of centre retail location and is not considered to be detrimental to highway safety.

It is therefore recommended that the application be approved subject to conditions.

Conditions

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing numbers C15A34-PS004, C15A34-PS002, C15A34-PS003 Rev A, C15A34-PS002 Rev B received 1 February 2016 and drawing number C15A34-PS005 Received 7 March 2015)

Reason

To define the permission and for the avoidance of doubt.

02

Appropriate shielding shall be incorporated on external lighting for sign 4 on Main Street to prevent any direct light onto Main Street.

Reason

In the interest of highway safety

Informatives:

01

Most signs that require illumination are for those premises that will be open at night to indicate that they are open. It is recommended that after closure they are turned off as there are residential properties nearby and there is no need for them to be on once the shop is closed.

For information and general guidance relating to the control of light pollution please refer to the Institution of Lighting Engineers website at:

<http://www.ile.org.uk/index.php?page=pollution>

02

The Council's street lighting engineer has advised that the applicants contact him when the signs are activated for him to check the luminance levels.

Application Number	RB2016/0241
Proposal and Location	Application to vary condition 02 (opening hours) imposed by RB2015/0901 (change of use to Class A3(restaurants and cafes)) at Unit 6 Fern Court Sunnyside S66 3XJ
Recommendation	Grant subject to conditions



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

Site Description & Location

This application relates to a large building within the Woodlathes residential development which consists of 7 retail units at ground floor level with 14 apartments located at first and second floor levels above units 4 – 7. The site is within the village centre where there are shared car parking facilities for all the commercial units comprising of approximately 40 car parking spaces with parking for the residential apartments being located to the rear of the buildings.

Currently all the units are occupied and comprise of;

Unit 1 - A1 food store,

Unit 2 – A5 take-away

Unit 3 – A1 retail charity shop

Unit 4 and 5 - A1 hairdressers with the adjacent unit being used a beauty salon ancillary to the hairdressers

Unit 6 – Cafe

Unit 7 – D2 Children’s Nursery.

Planning permission for the change of use of Unit 6 to a café was granted on 1 September 2015 ref RB2015/0901, prior to that the previous use was as a gym.

Background

The most recent and relevant planning applications relating to this site are;

- RB2005/1325 Erection of a three storey & single storey building comprising ground floor nursery & retail units with first & second floor flats (16 no. flats) and erection of a three storey building comprising 24 no. flats – Granted conditionally
- RB2006/2151 Application for variation to condition 6 (opening hours) to allow opening times of 0730-2300 Mondays to Sundays for class A3 uses and 1000-2300 Mondays to Sundays for class A5 uses, variation to condition 14 (allowed use classes) to allow use classes A3 & A5 and variation to condition 17 (completion of units prior to residential occupation) to include use classes A3 & A5 imposed by RB2005/1325 – Granted conditionally
- RB2010/0654 Change of use to health and fitness studio (Use Class D2) – Granted Conditionally
- RB2015/0901 Change of use to Class A3 (restaurants and cafes). The following conditions were attached to that approval;

02

The use hereby permitted shall only be open to customers or for deliveries between the hours of 0800-1800 Mondays to Saturdays and at no time on Sundays.

Reason

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

03

The premises shall be used for the sale of light meals and snacks only not for the preparation or sale of hot food requiring any external extraction and/or filtration system.

Reason

The premises are not considered suitable for general use within the Class quoted in the interests of residential amenity and in accordance with UDP Policy ENV3.7 'Control of Pollution'

04

The external area of the premises shall not be used without the prior approval of the Planning Department.

Reason

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

Proposal

The original application for the change of use of the premises which was granted in September 2015 including Sunday opening however this was amended following concerns raised by a nearby occupier and the opening times were restricted by a condition attached to that approval.

The business has now been up and running for approximately 6 months and the owner wishes to expand the business to include later opening times in the week until 9pm (2100 hours) for private and/or pre booked events and from 10am to 6pm on Sundays, (the current opening times are 0800 – 1800 Monday – Saturday)

The application therefore seeks to amend condition 02 attached to planning approval RB2015/0901 to allow the extended opening times.

The applicant has submitted comments in support of her application and in response to objections received, these can be summarised as follows;

- Numerous requests have been received from people who want to visit on Sundays who are at work in the week.
- As well as providing a living for myself and my family I set out to provide the community with a meeting point.
- The pub across the road is open until late in the evening every day of the year.
- Extended opening hours would meet the needs of the locals and the adjacent businesses.
- Groups of people meet such as knitting groups, toddler sessions and baking sessions for children.
- Also provide employment for 3 people as well as work placements.
- All evening sessions would be pre-booked and not late in the evening.
- The Marmalade Hut is a coffee shop selling light meals and snacks, nothing that requires an extraction system is cooked there.
- I take parking very seriously and have concerns when anyone parks in the street, this is usually during drop off and pick up times for the nursery as there is ample parking for customers in the car park.
- The premises will only hold up to 30 people seated which equates to approximately 6 cars.
- The youth of Woodlathes are encouraged into the premises with free use of Wi-fi which gets them off the streets and they understand that if they use the café they must do so with respect to other customers and residents.

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 as part of the Woodlathes development site. However, the Rotherham Local Plan 'Publication Sites

and Policies' document allocates the site for 'retail' purposes as a Local Centre 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
CS27 'Community Health and Safety'

Unitary Development Plan 'saved' policy(s):
ENV3.7 'Control of Pollution'
T6 'Location and Layout of Development,'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':
SP22 Development within Town, District and Local Centres.

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 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 has been advertised by way of individual letters to adjacent occupiers (25 February 2016) and by the display of a site notice (3 March 2016). Three letters of objection have been received in addition to a petition containing 15 signatures. The objections can be summarised as follows:

- Living opposite the premises, less than 30m away there has been an increase in noise nuisance with regard to traffic of people and cars.
- Increased parking on The Green.

- During summer months any social functions will not be confined to the inside of the premises, people will obviously move outside and the owner cannot control noise issues outside.
- The current non opening on Sundays provides peace and quiet and is a great relief.
- Noise nuisance from the Marmalade Hut on Sundays would be greater than from the pub, the Co-op or the take-away due to its close proximity to nearby residents.
- Nearby residents have a right to quality of life which includes peace and quiet on Sundays.
- The current planning permission is a reasonable compromise between residents and retailer.
- The proposed evening opening will change the concept of a coffee shop to a function room.
- Woodlathes has a long standing problem with antisocial behaviour from teenagers, any night time venture will attract the youths congregating around the area cause further problems.
- The unit has A3 permission which could lead to it being changed to a restaurant in the evenings in the future which would impact in terms of noise nuisance.
- Whilst posting a letter to a friend I felt very watched and it made me uncomfortable
- I only have one parking space at my property, the road is challenging on a daily basis for parking due to the number of vehicles belonging to each property in addition to parents dropping off and collecting from the nursery. The only day we do not have a parking issue is on Sunday and after 7pm weekdays.
- The extended hours would increase parking demand which would inconvenience me and my family.
- The opening hours will be an inconvenience to all who live above the establishment.
- The owner may be cooking in there without the proper ventilation

Additionally, approximately 150 letters have been received in support of the application in addition to several petitions with approximately 97 signatures. The comments in support can be summarised as follows;

- The business is of benefit to the local community and extending the hours will allow other people to use it on Sundays
- There is already a Co-op, Public House and take-away which open much longer hours.
- The area outside the business is always kept neat and tidy.
- It will provide opportunities for communities and family members to meet up who work during the week.
- Opening in the evening and on Sundays would not create any further noise as all food is served inside.
- There are no local coffee shops open on Sundays serving fresh food the only alternative is fast food outlets or public houses.
- It would be good to have a place to use for children's parties and family occasions.
- The gym that occupied the unit previously had longer opening hours opened on Sundays and had music blaring out.
- It wouldn't cause any more noise than the pub when people turn out at midnight or the gangs that hang around outside the co-op

- The lady that runs it is very respectful of local residents and the extended hours will help her to hold more community events.
- I live a few hundred yards away and have no concerns at all.
- There are already retail establishments close by that open these hours
- I understand that they are intending to run small school holiday events for children and birthday celebrations which would strengthen the community.
- I regularly walk past and there is never any noise to cause a disturbance or any smell pollution or parking problems.
- The change in hours would offer this lovely venue to more people and charity events.
- I own the business next door and cannot see any problem with it.
- It's great to see a local business thriving and the extended hours should be embraced in support of it.
- It has become a great meeting place for mums, families, knitters, small meetings, and children's creative groups and the extended hours will create a more positive environment for the community.
- It would be nice for working families to access this venue at the weekends.
- As a very close neighbour (apartment above) I support the changes and do not hear any noises from the business at all.
- Will support sustainable employment in the local area and an alternative to visiting establishments serving alcohol.
- New business should be supported.
- Never had a problem parking the designated car park and have never had to park on the street.
- Sunday is just another day now since shops were allowed to open on Sundays

Three Right to Speak requests have been received, one from the applicant, one in support of the application, and one objector.

Consultations

Streetpride (Transportation and Highways Unit): Raise no objections in terms of highway safety.

Neighbourhoods (Environmental Health Service): Note that the unit is located within a corner plot of a purpose built development with residential flats sited above the unit. As this is a purpose built development they consider that there should be no issues from sound transfer from the commercial unit to the 1st floor flats. Since the premises opened some 6 months previous Environmental Health has not received any complaints concerning noise or general nuisance. The premises are not licensed for the serving of alcohol neither does it have an entertainment license. They have however requested the addition of a condition on any approval granted preventing any incidental music being played before 10am on Bank Holidays.

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
- Residential amenity issues
- Parking issues

Principle:

The application site is allocated for 'residential' purposes in the UDP as part of the original Woodlathes development site. However, the existing shopping centre and adjacent public house were constructed to serve the surrounding residential development and the Rotherham Local Plan 'Publication Sites and Policies' document proposes to allocate the site for 'retail' purposes as a Local Centre on the Policies Map.

The use of the site as a café has previously been established by the granting of planning application RB2015/0901.

Core Strategy Policy CS9 'Transforming Rotherham's Economy' states that this will be supported by encouraging developments which support small and start-up businesses. The NPPF further states that the Government is committed to securing economic growth in order to create jobs and further adds that planning policies and decisions should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

The applicant seeks to expand her business by increasing the opening hours which were restricted under the original permission. The increased hours are considered to be acceptable in principle as they relate to an existing business in a local shopping centre, the issues of residential amenity and on site parking are discussed below.

Residential amenity issues:

With regard to residential amenity issues 'saved' 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."

Core Strategy Policy CS27 'Community Health and Safety,' states: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.

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

- a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability."

In addition, the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building.

The NPPF further notes at paragraph 123 that: "Planning ... decisions should aim (amongst others) to:

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

Letters of objection from some local residents and a petition containing signatures from close residents as well as a few from residents further afield have been received raising issues of potential noise disturbance in the evening and on Sundays and the possible increase in anti-social behaviour arising from youths congregating in the area. Additionally over 150 letters in support of the business and the extended opening hours as well as several petitions have been received from both nearby residents and customers from areas around Woodlaithes and the Bramley/Sunnyside area. The comments received in support of the application state that they have not experienced any increase in noise nuisance and support the expansion of the business and the community benefit it provides.

Of the comments received it is worth noting that objections have been received from the occupiers of the three closest houses on The Green and three of the second floor flats above the shops and that one of the flats above this unit has written in support of the application and stated that there are no noise issues arising from the use of these premises as a café in addition to letters of support from residents slightly further away on The Green.

The site is located in an existing retail development however there are apartments above and residential properties in close proximity to the site. It is noted that other commercial premises in the immediate locality have later opening hours. As a new business the original use was restricted in terms of opening hours and outdoor seating in order to gauge the use of the premises and the impact on adjacent occupiers. The current permission restricts the sale of any food that requires an extraction system for the cooking process due to the presence of the apartments above which restricts the use of the premises to a coffee shop.

Environmental Health officers have assessed the proposals and note that the unit is located within a corner plot of a purpose built development with residential flats sited above the unit. As this is a purpose built development they consider that there should be no issues from sound transfer from the commercial unit to the 1st floor flats. Since the premises opened some 6 months previous Environmental Health state that they have not received any complaints concerning noise or general nuisance. However they have requested the imposition of a condition to prevent any incidental music being played before 10am on Bank Holidays.

The proposed increase in the opening hours to 9pm in the evenings and from 10am to 6pm on Sundays is not considered to be excessive in terms of increasing the footfall in the area which already has a retail store, a public house and a take-away with longer opening hours which are;

The Public House 1000-2300 Monday to Sunday
A5 take-away 1000-2300 Monday to Sunday

The other units on site 0800-2200 Monday to Saturday and 0900-1600 Sunday and Bank Holidays

The previous use of this unit as a gym had authorised opening hours of 0700-2100 Monday to Friday and 0900-1500 Saturday, Sunday and Bank Holidays.

In terms of any antisocial behaviour in the vicinity of the premises, this is a matter that cannot be controlled by the applicant though the applicant has indicated that it could effectively be reduced by the development by allowing youths to use the café with its internet facilities.

Some objectors refer to increase in noise as customers congregate outside the premises though the premises do not have consent for any outdoor seating areas.

Taking all of the above into account it is not considered that an increase in the opening hours of the existing business will result in any significant adverse impact on adjacent residential occupiers in terms of noise nuisance.

As such the proposal is considered to comply with Core Strategy Policy CS27 'Community Health and Safety', saved UDP Policy ENV3.7 'Control of Pollution' and the advice contained within the National Planning Policy Framework.

Parking issues:

With regard to highway issues, Policy T6 'Location and Layout of Development,' states: "In considering the location of new development, the Council will have regard to the increasing desirability of reducing travel demand by ensuring that (amongst other things):

- (i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure,
- (v) a range of services and facilities are available in villages and local centres with safe and convenient access for pedestrians, cyclists and people with disabilities.

Paragraph 35 of the NPPF states: "...developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;"

The principle of the change of use has already been approved and the Council's Transportation Unit has not raised any objections to the proposed extension to the previously approved opening hours in terms of any impact on highway safety. There is off road parking available to the front of the units in this location comprising of approximately 40 spaces with residential parking to the rear for the apartments above.

Objections have been received from local residents in relation to the potential increase in parking in the evening and on Sundays and photographs have been submitted showing that there are generally more cars parked in the daytime during the week than there are on Sundays.

In addition, an objector notes that there is limited parking on the nearby residential streets such that there is a parking problem during the week, and visitors currently use the car parking area in front of the shops when more spaces are available. The extension to the opening hours means that the car park will be used more at a time when the nursery and some of the retail stores are closed therefore it is not considered that the increase in hours would result in any parking issues or the necessity for customers to park on the adjacent residential streets. In addition, the car park in front of the commercial units is primarily for the use of customers to the shops and should not be used as an overflow car park for nearby residents.

It is considered that the proposals are unlikely to have a material adverse impact in road safety terms bearing in mind the size and location of the premises which are likely to attract predominantly local custom. Accordingly it is considered the proposals accords with UDP Policy T6 'Location and Layout of Development,' and paragraph 35 of the NPPF.

Conclusion

The proposed increase in the approved opening hours is considered to be acceptable in this location which has a number of established commercial and late night uses in the immediate area. The increase in hours is not considered to generate a significantly higher level of noise and disturbance to the occupiers of nearby residents over and above the other existing uses in the area.

Furthermore, it is not envisaged that any increased demand for parking in the vicinity of the site would result in any increase in on street parking to the detriment of highway safety.

The increase hours of use is therefore considered to comply with relevant Policies in the UDP, Core Strategy and Sites and Policy documents well as the National Planning Policy Framework (NPPF)

The application is therefore recommended for approval subject to the suggested conditions set out below.

Conditions

01

The use hereby permitted shall only be open to customers or for deliveries between the hours of 0800-2100 Mondays to Saturdays and 1000 -1800 on Sundays.

Reason

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

02

The premises shall be used for the sale of light meals and snacks only and not for the preparation or sale of any hot food requiring any external extraction and/or filtration system.

Reason

The premises are not considered suitable for general use within the Class quoted in the interests of residential amenity and in accordance with UDP Policy ENV3.7 'Control of Pollution'

03

The external area of the premises shall not be used without the prior approval of the Local Planning Authority.

Reason

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

04

No incidental music shall be played before 1000hrs on Bank Holidays.

Reason

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

POSITIVE AND PROACTIVE STATEMENT

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.