

PLANNING REGULATORY BOARD

Date:- Thursday, 23 June 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 2nd June, 2016 (Pages 2 - 3)
6. Deferments/Site Visits (information attached) (Pages 4 - 5)
7. Visit of Inspection - Erection of 16 No. dwellings and associated works at land to the rear of 69-91 Worksop Road, Aston for Jones Homes (Northern) Ltd. (RB2013/1508) (Pages 6 - 47)
8. Development Proposals (report herewith) (Pages 48 - 106)
9. Report of the Assistant Director of Planning, Regeneration and Culture (herewith) (Pages 107 - 112)
10. Updates
11. Date of next meeting - Thursday, 14th July, 2016

Membership of the Planning Board 2016/17



SHARON KEMP,
Chief Executive.

Chairman – Councillor Atkin
Vice-Chairman – Councillor Tweed
Councillors Andrews, Bird, D. Cutts, Ireland, Khan, Price,
Roddison, Sansome, Short, R.A.J. Turner, Walsh 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 - 02/06/16

PLANNING BOARD
Thursday, 2nd June, 2016

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, D. Cutts, Khan, Price, Sansome, Short, R.A.J. Turner, Tweed, Walsh and Whysall.

Also in attendance : Councillors Beaumont, Fenwick-Green and Jarvis (as observers).

Apologies for absence were received from Councillor Ireland.

1. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

2. MINUTES OF THE PREVIOUS MEETING HELD ON 21ST APRIL, 2016

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 21st April, 2016, be approved as a correct record for signature by the Chairman.

3. DEFERMENTS/SITE VISITS

The Planning Board noted that application RB2013/1508 (Erection of 16 No. dwellings and associated works at land to the rear of 69-91 Worksop Road, Aston for Jones Homes (Northern) Ltd.) had been withdrawn from the agenda and was scheduled for a site inspection prior to the next meeting, to be held on Thursday 23rd June 2016.

4. 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 it be noted that application RB2013/1508 has been withdrawn from the agenda and will be the subject of a site visit of inspection by the Planning Board, as agreed by the Chairman and Vice-Chairman, prior to the next meeting.

(3) That applications RB2015/0744, RB2016/0302 and RB2016/0404 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

5. DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2015/16

Further to Minute No. 89 of the meeting of the Planning Board held on 18th February, 2016, consideration was given to a report of the Assistant

Director of Planning, Regeneration and Culture containing information about the current performance of the Council's Development Management team. The report included details of the Government's minimum standards for the time allowed for local planning authorities to deal with the different categories of application for planning permission (major, minor and other). Members noted that this Council's Development Management service has been recognised by the Planning Advisory Service as one of the ten best-performing services in the country.

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

6. PLANNING SERVICE - HEALTH CHECK AND ASSESSMENT

Further to Minute No. 89 of the meeting of the Planning Board held on 18th February, 2016, consideration was given to a report of the Assistant Director of Planning, Regeneration and Culture containing the action plan being implemented as a consequence of matters identified during the 'health check' assessment of this Council's Planning Service, undertaken by the Local Government Association in late October 2015.

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

7. UPDATES

Members were informed of:-

(a) the system for making requests for site visits in respect of applications for planning permission;

(b) the imminent preparation of an enforcement plan for development management.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING BOARD****DEFERMENTS**

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
 - (a) Members may require further information which has not previously been obtained.
 - (b) Members may require further discussions between the applicant and officers over a specific issue.
 - (c) Members may require a visit to the site.
 - (d) Members may delegate to the Director of Service the detailed wording of a reason for refusal or a planning condition.
 - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Director of Planning Regeneration and Culture or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

SITE VISITS

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Director of Planning Regeneration and Culture.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within three weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chairman and Vice-Chairman will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open, impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.
- At the conclusion of the visit the Chairman should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their "Right to Speak" as appropriate.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY BOARD

VISIT OF INSPECTION – THURSDAY, 23RD JUNE, 2016

1. **RB2013/1508 – Erection of 16 No. dwellings and associated works at land to the rear of 69-91 Worksop Road Aston for Jones Homes (Northern) Ltd**

Requested by:- Members of the Planning Board

Reason:- To allow Members to consider the impact of the proposed development upon the village of Aston.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2013/1508	Aston	9.25 a.m.	9.55 a.m.

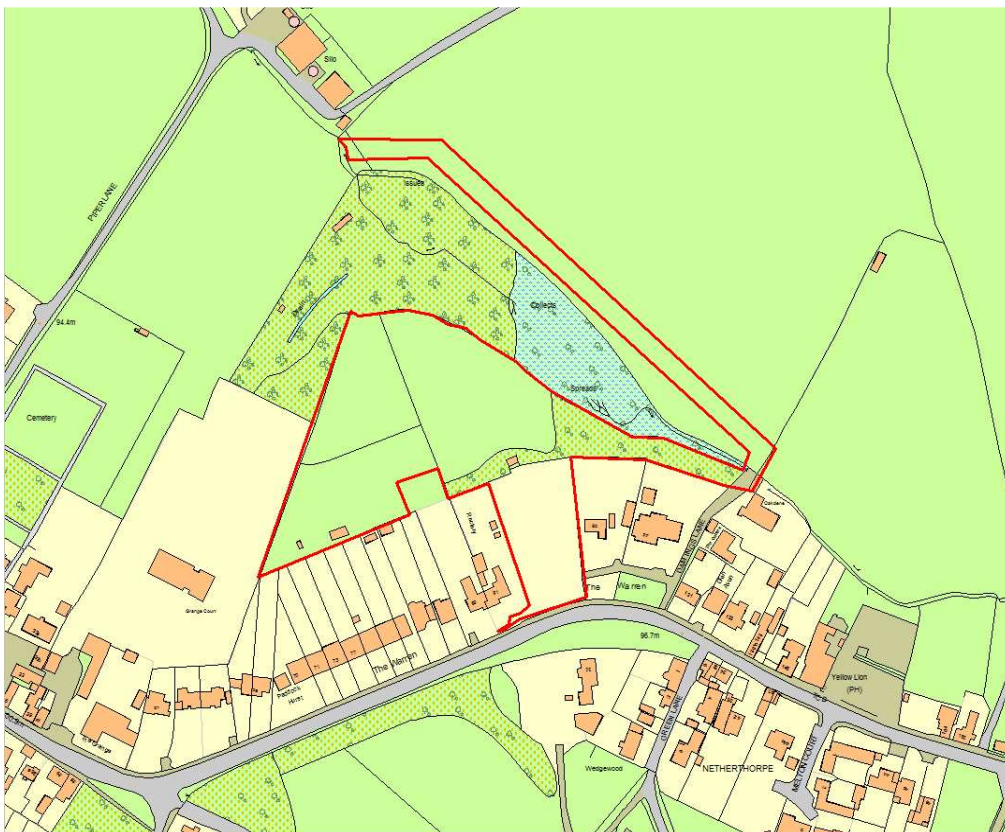
Return to the Town Hall for approximately 10.25 a.m.

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

SITE VISIT – 23 JUNE 2016

Application Number	RB2013/1508
Proposal and Location	Erection of 16 No. dwellings & associated works at land to the rear of 69-91, Worksop Road, Aston, S26 2EB
Recommendation	<p>That planning permission be granted subject to:</p> <p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • £224,000 off site affordable housing contribution, • The creation of a green space management company to ensure the long term future maintenance of on site green space, <p>B Consequently upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to conditions.</p>

This 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 is located to the east of Aston village on Worksop Road which serves as a main route from the centre of the village to the M1 motorway.

The northern, eastern and part western boundaries are defined by a landscaping buffer of mature hedges and woodland, which are within a Local Wildlife Site (Foers Wood), with Green Belt land beyond which is within an Area of High Landscape Value. To the south the boundary is defined by the rear gardens of existing residential properties whilst to the west is an open field to the rear of the recently constructed residential property (The Grange).

The site is located within the designated Aston Conservation Area.

Background

The site has the following planning history:

RH1965/4541 - Outline application for housing development – WITHDRAWN

RB2000/1275 - Residential development (22 dwellings) – REFUSED

01

The Council considers that the development of the site would conflict with Planning Policy Guidance Note No.3 (Housing) in relation to its ranking in terms of the requirements of sustainability, the sequential test and greenfield assessment. In the light of the above, the site should not be developed while more appropriately located sites, and in particular brownfield sites, remain undeveloped.

02

The Council considers that the proposed development would be likely to cause material harm to the ecological interest of the woodland area to the north of the site by virtue of the works required to provide surface water drainage from the site and by the effect of such waters upon the natural drainage of the area.

RB2000/1276 - Residential development - TREATED AS WITHDRAWN

RB2004/2064 - Application to fell 4 silver birch trees protected by RMBC Tree Preservation Order No 13 1975 - GRANTED

Environmental Impact Assessment

At the time of submission the proposed development fell within the category 10(b) of Schedule 2 of the Environmental Impact Assessment Regulations 2011 'Urban development projects' and the total development site area exceeds the threshold for the area of development (0.5 hectare).

Due to the ecological constraints on/adjacent to the site (primarily in the form of the Local Wildlife Site – Foers Wood) the proposal represents EIA development and an Environmental Statement has been submitted with the application.

Proposal

The application seeks full planning permission for 16 dwellinghouses and associated works. Following Officer's concerns, regarding the potential ecological impact of the proposal, the level of development has been reduced from 22 dwellings to 16.

The proposal now involves 16 large detached dwellings accessed off a small cul de sac road via a single point between 91 and 95 Worksop Road. The proposal involves the provision of a pumping station on site to pump foul water from the low point of the site to the existing adopted combined sewer within the development site at a higher level near Worksop Road. In addition a 15m buffer strip to the adjacent woodland and three on site ponds are proposed to minimise and mitigate any ecological harm.

The proposed dwellings are a mixture of 4 and 5 bedroom executive houses all with either detached or integral garages. The dwellings have been designed to replicate inter war suburban houses with Tudor style cladding and a mixture of render, artificial stone and red brickwork. The applicant has also agreed to provide chimneys to the dwellings, which reflects the site's setting within the Conservation Area.

A comprehensive landscape plan has been provided, which will provide additional tree planting and hedges to add visual relief and to provide ecological benefits. Furthermore the applicant has agreed to small front boundary stone walling and the rebuilding of the boundary wall to Worksop Road to run alongside the proposed access road into the site.

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

Planning Statement

- Housing development on this site would contribute towards providing a 5 year housing land supply within Rotherham Borough, where this is at best marginal at present.
- The additional housing development, and subsequent spending power, would assist in supporting existing retail and community facilities within Aston and the District Centre at Swallownest, all of which are within easy travelling distance of this site.
- The site is in a generally sustainable position where trips by other than the private car to local facilities can be carried out.
- The area to the rear of The Warren will be tidied up and appropriate arboricultural measures taken, where appropriate, to safeguard and maintain existing trees and hedgerows worthy of retention.
- The Council would benefit from the New Homes Bonus which match funds the additional Council Tax raised for each new property.

- The development would provide, as appropriate, planning obligations to support local infrastructure.

Design and Access Statement

The Design and Access statement sets out how the applicant has designed the proposed layout and development to respond to the existing character of the local area of the Village of Aston and demonstrate how it preserves the character of the site as far as possible through the following means:

- Retention of trees to the front boundary line to preserve the street scape along Worksop Road
- Retention of trees to the boundaries to preserve the visual amenity and character of views into and out of the site and safeguard the privacy of existing properties adjacent to the development.
- Density and scale of the development reflect the urban grain of the local area and adheres to local planning guidelines with regard to a low density proposal for the site.
- Scale, appearance and materials used for the house types are distinct to the development creating a sense of place whilst being sympathetic to properties within the local area.
- The proposals seek to integrate the proposed development with the existing style and character of the local area.

Overall the proposed scheme has been carefully considered to provide a high quality design which provides a good level and range of accommodation whilst integrating and referencing the style and character of the local area.

Transport Statement and Sustainability Appraisal

- The applicant’s Transport Statement has examined the impact of the traffic, in both the morning and evening peak hours, i.e. when the level of background traffic is highest and hence the likelihood of queues and congestion is the greatest.
- From the latest version of the TRICS database it has been demonstrated that the predicted level of pedestrian, cyclist and public transport user movements will be low in both peak hours, the worst case being the morning peak hour when 8 pedestrians, 1 cyclist and 1 public transport user trips are predicted.
- Using this information the predicted vehicle numbers are set out in the following table with arrivals and departures in both peak hours.

	Trip Rate Per Dwelling		Traffic Generations		
	Arrivals	Departures	Arrivals	Departures	Total
0800-0900	0.233	0.436	5.13	9.59	15
1700-1800	0.422	0.258	9.3	5.67	15

Vehicle movement trip rates

- The table shows that two way vehicle movements are light and, at its “worst”, in the evening peak hour relate to only one vehicle approximately every 4 minutes. As such there will be no issue of capacity or delay at the proposed estate road junction with Worksop Road.

- The applicant concludes that the level of traffic generated by the proposed development is relatively light and will have no adverse material impact on Worksop Road or the wider local highway network. The design of the proposed estate road and its junction with Worksop Road is in accordance with national and local design standards and again should have no material adverse impact on the operation of the existing local highway system. In relation to sustainability

Landscape and visual appraisal report

- The report states that the proposed development site is enclosed on all sides by a combination of vegetation and adjacent residential properties.
- The report adds that the proposed development of the site would extend the settlement edge of Aston to the belt of trees that form the southern boundary of the Area of High Landscape Value (AHLV). The Rotherham Landscape Character Assessment and Landscape Capacity Study identified that the land designated as an AHLV in the saved policies of the UDP has a Moderate sensitivity and that designation of AHLV was an inflation of the agricultural landscape's value.
- The character of the proposed development will be in keeping with the Nucleated Rural Settlement of Aston Historic Core and Aston Conservation Area as well as the broader character area of Treeton as identified on a district level. The modified access would result in a small change to the boundary wall along Worksop Road that forms a familiar characteristic of the Conservation Area designated by the saved policies of the UDP.
- Views for a number of receptors will be slightly modified due to the improved access off Worksop Road and the on-site vegetation removal. The enclosed nature of the proposed site with the belt of mature trees along the northern boundary and residential properties surrounding much of the southern boundary means that there will be little visibility of the proposed development from publicly accessible locations with a small number of partial filtered views from the gardens and upper windows of adjacent residential properties.
- The proposed development would not be out of character with the immediate or wider landscape and would not form a visually intrusive element in views.

Final Flood Risk Assessment

- The Flood Risk Assessment calculates the existing run-off from the development using several different methods in an attempt to give an average run-off for the whole development. The applicant is aware that the Environment Agency has objected to the use of the ADAS 345 method of calculating greenfield run-off rates as this is stated to give over estimated figures. The recommendation from the Environment Agency is to use 5l/s/ha, as specified by the Rotherham MBC requirements.

- The applicant accepts the principle of the greenfield run-off rate of 5l/s/ha and, based on a developable area of 1.54ha, this equates to a site discharge rate of 7.7l/s. The proposed surface water drainage system will be restricted to the discharge rate of 7.7l/s from the development.
- Furthermore, infiltration testing has been undertaken in accordance with BRE Digest 365 'Soakaway Design' and the ground conditions are unsuitable for soakaways or other similar infiltration Sustainable Drainage techniques. Therefore, these systems are not appropriate on this particular site.

The applicant submitted an addendum to the original Flood Risk Assessment in February 2015 which stated that:

- The development layout has been revised and it will be necessary to provide surface water attenuation on the site in underground pipes or equivalent for a 1 in 100 year storm plus 30% allowance for climate change at a restricted discharge rate of 7.6l/s. Detailed design and calculations shall be submitted to the Planning Authority for approval prior to construction on site.
- In order to provide a supply to the proposed ponds on the site for ecological purposes, the surface water run-off from Plots 1 and 2 will outfall into Pond 1.
- Surface water drainage to the rear elevations of Plots 2 - 8, the garages to Plots 4 and 8 and the drive to Plot 8 shall be connected to an "overflow" trench on the boundary to the ancient woodland to allow water to seep overland as exists at the present time and maintain the flow to woodland.

Bat Roost Assessment

- The bat roost re-assessment identified that the majority of trees re-assessed had no bat roost potential and no trees were found to support active bat roosts. However five trees were listed as Category 2 (limited potential to support bats).
- All other trees and tree groups originally assigned as Category 1 or 2 in the Preliminary Bat Roost Assessment Report (2013) have been re-assessed and downgraded to Category 3 (no potential and therefore no survey work or mitigation required).
- Any of the trees assigned Category 2 will need to be section felled under the observation of an ecologist if they are being removed as part of the development proposals.
- Bat activity surveys undertaken within the survey area (RPS, 2013) identified bat species which are known to use the site include common pipistrelle *Pipistrelle pipistrellus* and soprano pipistrelles *Pipistrelle pygmaeus* and some *Myotis* bats.
- The desk study also identified that Noctule *Nyctalus noctula*, Common and Soprano Pipistrelles and Brown Long-eared *Plecotus auritus* bat roosts have been recorded in the area of woodland directly adjacent to the northern boundary of the site (Foers Wood LWS).

Environmental Impact Assessment (EIA)

The EIA (as amended) which accompanied the application states that:

- The results of the assessments demonstrate that the standard of design of the proposed development is appropriate to achieve a suitable residential environment that is not likely to suffer poor environmental amenity due to noise. The assessments also demonstrate that the proposed development is not likely to give rise, either immediately or in the foreseeable future, to noise pollution or to other nuisances that would be beyond acceptable standards or Government Guidance. On this basis, the proposed development is commensurate with the RMBC's planning policies namely; UDP policies HG5, ENV3.1 and ENV3.7 and Supplementary Housing Guidance 6 - Noise.
- The project would have a minor adverse effect on hedgerows resulting from the construction phase of the project as the species rich hedgerow across the centre of the site would be completely lost. This will only be a temporary effect as five replacement hedgerows will be incorporated into the landscape design to replicate the wildlife corridor across the site.
- The project would have a minor adverse effect on the wet woodland adjacent to the north of the site during the construction and operational phases. The wet woodland will not be directly impacted on by the proposed development but there may be some noise and light disturbance from the residential development and properties. There are areas of semi natural broadleaved woodland on the site that would be completely lost to the development.
- The project would have a minor adverse effect on the existing orchard on site. The existing orchard is to be retained. During the construction phase the orchard will be protected by robust fencing positioned to suit root protection areas.
- The project would have a minor to negligible adverse effect on the trees within the site during the construction phase. An appropriate amount of supplementary planting is included within the landscape design to compensate for the removal of these trees. Bat boxes are included in the proposals to mitigate for the loss of a tree with the potential to contain a small bat roost.
- The project would have a minor adverse effect on the areas of scattered scrub within the site during the construction phase, as the habitat is of site value and shrub planting has been incorporated into the landscape design. This will mitigate for the loss of any scrub from the site, and create a habitat for nesting birds and invertebrates.
- The project would have a minor adverse effect on the areas of marshy and neutral grassland within the site during the construction phase. The majority of the habitat would be lost to the development and it is an important habitat for amphibians, badgers and invertebrates. Invertebrates are important at a local level and provide a food source for other species that use the site. Due to the loss of trees during construction, scrubs and areas of grassland, shrub and tree planting has been incorporated into the landscape proposals as mitigation. The trunks and other large wood from trees removed within the site will be placed in the receptor site to provide habitat for invertebrates

associated with dead wood and would mitigate the loss of this habitat within the site.

- The project would have a minor adverse effect on Toads and other amphibians during the construction phase, since a large area of amphibian habitat is being lost to the development. However, to mitigate this loss habitat is being created in the north east section of the site to provide suitable habitat for amphibians. A translocation programme is also being implemented prior to construction to clear the site to ensure that none are harmed during the development.
- The project will have a minor adverse effect on Badgers during the construction phase. Evidence suggests that there is a low level of Badger activity within the area of neutral grassland on the site. However although this habitat is being lost to the development there are still large areas of more suitable habitat in the surrounding area for Badgers to forage in, such as the wet woodland and arable farmland.
- The project will have a minor adverse effect on bat activity across the site during the construction phase. The species rich hedgerow through the centre of the site, which is known to be used as a commuting route by bats, is only being partially lost to the development, and that section to be retained (between proposed plots 15 and 16) will be included in the management agreement across the overall site. Four individual category 2 trees and 1 group of category 2 trees and one category 1 tree are being lost to the development. Category 1 trees have definite bat roost potential and category 2 trees have some features which may be suitable for a bat roost.

Arboricultural Impact Assessment Report

- The development will require the removal of a proportion of trees within the site. The retained trees will provide a local amenity and provide a sense of place for the development.
- 72% of the trees and all the groups required to be removed to achieve the proposed development are category C or U specimens of a low retention value. These trees should not be considered as a constraint to development as they will not make a significant contribution to the landscape character of the site in the coming years; their loss can be mitigated for by undertaking replacement tree planting.
- Following the recommended tree removal the proposed development has low potential to impact upon any retained tree and all such trees can be protected by the establishment of a Construction Exclusion Zone by the erection of Tree Protection Fencing. Where development impacts within the RPA of the trees the use of arboricultural supervision and management should be considered to ensure successful tree retentions, and where hard surfacing is located within the RPA 'No Dig' construction techniques adopted as described within this document.
- To minimise the potential for damage to trees the protective measures specified within this report should be followed and guidelines contained within BS5837:2012 and NJUG Volume 4 should be followed.

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 this allocation is carried forward in the Rotherham Local Plan 'Publication Sites and Policies' (September 2015) document. The site is within the Aston Conservation Area, and adjacent to a Local Wildlife Site (Foers Wood). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS7 'Housing Mix and Affordability'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscape'
CS22 'Green Space'
CS23 'Valuing the Historic Environment'
CS25 'Dealing with Flood Risk'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'
ENV2 'Conserving the Environment'
ENV2.2 'Interest outside Statutorily Protected Sites'
ENV2.11 'Development in Conservation Areas'
ENV3.4 'Trees, Woodlands and Hedgerows'
ENV3.7 'Development and Pollution'

Other Material Considerations

Environmental Impact Assessment Regulations (2011).

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

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

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

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

Publicity

The application (in respect of the proposals for 22 dwellings) was originally advertised by way of press and site notices along with individual neighbour notification letters to adjacent properties. 14 letters of objection were received in respect of that initial publicity, raising the following comments:

- The 5m separation distance to Foers Wood is insufficient and should be at least 15m.
- The survey information takes no account at all of the wildlife and species to be found in the gardens adjoining the opposite side of meadow site to Foers Wood.
- The whole area is a wildlife site. The proposal does not address the requirement of the National Environment Act 2006.
- The issue regarding water supply has not been addressed. Some 20 years ago the pressure was 7 BARS and it is down to 2 BARS.
- Sewage and water run-off has not been satisfactorily addressed.
- The proposed area is inhabited by bats and we have found newts in the garden many times. Rabbits, foxes pheasants, frogs and birds make this area home.
- The entrance onto Worksop Road is on a dangerous bend.
- Worksop Road, is a busy road, with many speeding motorists and multi accesses, which is not suitable for further residential development.
- The proposed surface water drainage is unacceptable in our opinion and any pollution could filter through to the woodland.
- All the trees have preservation orders on them, surely to dig a trench so close to this site would cause damage to the roots of these mature trees.
- The site could contain great crested newts.
- There is lack of details relating to light pollution as well as bat species present. Many bat species present are not used to light pollution.
- Increase in vehicle exhaust pollution.
- Unattractive modern development that detracts from local beauty.
- Detrimental to the Conservation Area.

The revised scheme for 16 houses was also advertised in the press and on site, and by way of neighbour notification, and generated a further 13 letters raising the following additional comments:

- The amended plans do not satisfy the requirements of the Ecology Officer to protect the Local Wildlife Site and the adjacent habitats of the protected species found there.
- The amended plans do not satisfy the need to stop contaminants from the properties driveways and vehicles from entering the watercourses.
- Additional noise and traffic noise coming from these very large houses and also the additional lighting which will definitely affect me adversely.
- The traffic is bad on Worksop road already and this will make it even more dangerous. Worksop Road is not suitable for children or adults with pushchairs.
- Security lighting will be harmful to birds and bats in the adjacent woodland.
- Plot 11 is too close to adjoining trees. Future occupiers will require the trees to be pruned.

The owners of the adjacent Foers Wood have made the following specific comments on the application, and how it has been processed:

- An 'overflow' trench on the woodland boundary would allow water to seep into the wood and states that it is against the law to do this either during construction or after completion.
- The Council has failed to consult properly all statutory consultees in respect of the Environmental Impact Assessment addendum dated February 2015.
- The Council has failed to adequately consult Sheffield and Rotherham Wildlife trust.
- The applicant has failed to undertake adequate consultation prior to the submission.
- The Council failed to notify the neighbour of the original submission.
- The Council has not had due regard to the impact of the development on Foers Wood, an identified Local Wildlife Site.
- The development will lead to damage to trees within the Local Wildlife Site during construction at the western end of the site where no buffer zone is proposed.
- The lack of a buffer zone at the western end of the site would result in detrimental impacts on protected species within the Local Wildlife Site, and conditions attached to control light pollution could not be enforced.
- Does not consider that the Applicant has met EIA requirements.
- The site has an inadequate mix of housing, including 25% affordable housing, contrary to Policy CS7 of the Adopted Rotherham Core Strategy.
- The bat survey has been insufficient and inadequate consideration of the impact of light upon the bats has been considered.
- No breeding bird survey has been undertaken.
- No badger survey and badger specific mitigation.
- Question the methodology for carrying out the Great Crested Newts statutory licencing requirements.
- Notes that the application site is allocated in the Sites and Policies Final Draft as: "The site is allocated in the UDP as residential, in 2013 the site was

incorrectly identified as safeguarded land; it is proposed to allocate as Urban Greenspace if no progress can be made on the achievement of planning permission. The draft Policies Map identifies this site as Urban Greenspace.” The owners of the adjacent land state that if they had been aware that the site would continue to be designated as residential then they would have made representations to the Council.

- Notes that a number of the documents requested in connection with the Planning Application have not been available on the Council's online planning file and as such members of the public have not had an opportunity to comment on these reports. This is contrary to Article 15(7) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the legitimate expectation of the public that all relevant documentation is published on the Council's on-line planning file.

The Sheffield and Rotherham Wildlife Trust have objected to the revised scheme on the following grounds:

- Foers Wood is a local wildlife site directly affected by this application. It is a section 41 Habitat of Principal Importance - a wet woodland - and is known to support a number of section 41 species.
- As stated in RMBC Framework for Rotherham's Local Wildlife System 'designation enables the most important nature conservation sites in the Borough as well as the statutory site designation systems to be identified and protected'.
- The application talks about a 15m boundary between the development and the site boundary but looking at the plans, we do not agree that an effective boundary is in place. The plans show some garages next to plot 8 that are very close to the boundary and a structure (sub-station) to the west of these garages that is also on the boundary. Although the properties are sited away from the boundary, the gardens are close to the boundary and there is nothing to stop light pollution from the houses and gardens from affecting Foer's wood. The 2014 Ecology report talks about a 5m buffer and 10m of garden. The management company would have no control over what people may put in their gardens – e.g lighting.
- There is evidence of several light bat species using the woodland, including light-sensitive species – brown long-eared bats, Natterer's bats and possibly Daubenton's bats (5.142 in the 2014 Ecology Report). We disagree that the effect of bats would be minor (5.197) and think that the report downplays the presence of Myotis species.
- There were also signs of badger foraging but this required further investigation to assess the potential loss of foraging grounds. We disagree with 5.194 in the 2014 ecology report that the gardens would provide the same foraging grounds as the habitat that would be lost. Fences will be in the way and it is unlikely that any new residents would all be happy about badgers in their garden and may take steps to limit their access. A full assessment is lacking.

- During construction it is difficult to see how there will be no impact on the actual Local Wildlife Site itself. There is likely to be significant disturbance and tree damage and there is some proposed felling at the woodland's edge. Can the RMBC Ecology Officer be involved to monitor the site during construction, ensuring compliance and limiting impact on the Local Wildlife Site?

Twelve residents, two local Ward Members, and the applicant and agent have requested the right to speak at Planning Board. One of the local Ward Members (Councillor Pitchley) has since indicated that she is unable to attend the Meeting though wishes to confirm that she supports the local residents and objects to the proposals.

Consultations

Streetpride (Transportation and Highways Unit): Notes the submission of a revised site layout (Drg No PL02 rev N) received from the applicant's agent on the 21 January 2016 in response to previous comments raised. Officers confirm that the revised layout has addressed previous concerns and is now acceptable. Therefore, there are no objections to the granting of planning permission in a highway context subject to appropriate conditions.

Streetpride (Landscape): No objections to the general landscape proposal and layout. Recommends minor additional alterations to the scheme, which can be dealt with via condition.

Streetpride (Drainage): Notes that the proposed foul and surface water drainage is satisfactory in principle. The proposed surface water sewer from the development runs in an eastward direction then returning westwards before discharging to the north of the development. The sewer appears to be located close to the ponds i.e. to the east of the development, plus the location of the entire length of sewer could act as a land drain and potentially drain the water along the new drainage trench. Details as to how this potential land drain can be prevented e.g. provision of clay stanks or similar, is requested by way of a planning condition, as are details of the proposed silt trap and how water quality will be maintained. A condition requiring that the recommendations in the latest Flood Risk Assessment must be adhered to will be required.

Streetpride (Tree Service Manager): The proposed development is supported by an Arboricultural Report and Impact Assessment. The report includes details of 10 individual and 15 groups of trees. The contents of the report and its recommendations are noted and generally accepted by the Council's Tree Service Manager.

There are no objections, subject to appropriate condition minimising any harm to the root protection areas from new trench or pond excavations, and condition requiring protective fencing to protect trees during the construction phase.

Streetpride (Ecology): Following the submission of amended plans and the updated Environmental Impact Assessment the Ecologist has confirmed that the ecological survey methods used were ultimately appropriate and that the results of the survey reports are accepted.

It is recommended that several conditions are attached to ensure that the biological interest is retained, and where appropriate, managed. These include:

- A condition to ensure that the orchard/living fruit trees are maintained.
- The pond will be a biodiversity resource targeted at amphibians.
- The water pollution control measures proposed within the application are acceptable and should be conditioned.
- Increased use of native tree planting has been proposed in the Soft Landscape Plan and this should be conditioned.
- Root protection zone(RPS letter dated 28/5/2015) should be conditioned.

Yorkshire Water: No objections subject to appropriate conditions to protect an on site sewer and other appropriate conditions.

Environment Agency: The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment and supporting information submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Education: No education contribution is required.

Urban Design Comments: No concerns with the amended plans.

Affordable Housing Manager: A 25% provision on site would equate to 4 dwellings. However, following extensive negotiations it was agreed that the Council would accept a commuted sum of £224,000 in lieu of on-site delivery of affordable homes. This amount equates to 40% of the open market value of 4 x 2 bed houses, which was the Affordable Housing requirement if the units were to be delivered on site.

Natural England: "The proposed amendments to the original application relate largely to plans, and are unlikely to have significantly different impacts on the natural environment than the original proposal. Natural England has not assessed this application and associated documents for impacts on protected species but has published Standing Advice on protected species. This Standing Advice should be applied to the application, as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Neighbourhoods (Environmental Health): There is a potential for disamenity from noise and dust from the construction of the properties. As such an informative is recommended.

Neighbourhoods (Land contamination): No objections subject to appropriate conditions.

South Yorkshire Police: No objections, but suggests a number of recommendations in terms of future maintenance and doors/window security.

South Yorkshire Archaeology Service: The application area is outside the historic core of the village and, additionally, is set well back from the village street frontage. Because of this, SYAS considers there to be minimal archaeological potential and does not consider that any further archaeological work is required.

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 for consideration in the determination of this application are:

- The principle of the development
- Ecology/Biodiversity matters
- Landscaping/Tree matters
- Design and layout
- Impact upon the Aston Conservation Area
- Residential amenity
- Flood risk and drainage
- Highways issues
- Planning Obligations
- Other matters raised

The principle of the development

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

For decision-taking this means (unless material considerations indicate otherwise):

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

The development plan currently consists of the Unitary Development Plan (adopted in 1999) and the Core Strategy (adopted in September 2014).”

Paragraph 214/215 of the NPPF states 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. In other cases and following this 12-month period, 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).”

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

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

UDP Policy HG4.2 ‘Proposed Housing Sites’ identifies the application site as a potential development site (H57).

Core Strategy Policy CS1 ‘Delivering Rotherham’s Spatial Strategy’ states that most new development will take place in Rotherham urban area and the Principal Settlements for Growth and will help create a balanced sustainable community. It notes that the settlements of Aston/Aughton/Swallownest are Principal Settlements and that within such settlements development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community.

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

This Policy has not as yet been adopted and is given limited weight at this stage.

The site is allocated for 'Residential' use within the Unitary Development Plan and is identified as a 'Development site' (H57). It is considered that given the site's location in close proximity to existing housing, facilities, services and local transport, the development is within a sustainable location that would accord with the presumption in favour of sustainable development.

It is considered that the Policies in the Development Plan referred to above are consistent with the NPPF and that as such, the principle of development on the site is considered acceptable and in accordance with Core Strategy Policy CS1 and UDP Policy HG4.2.

Ecology/Biodiversity Matters

In assessing the ecological/biodiversity issues, Policy ENV2 'Conserving the Environment' of the Council's UDP states:

"In considering any development, the Council will ensure that the effects on the wildlife, historic and geological resources of the Borough are fully taken into account. In consultation with the relevant national agencies and local interest groups, the Council will ensure the protection of these resources while supporting appropriate development which safeguards, enhances, protects or otherwise improves the conservation of heritage interests.

The Council will only permit development where it can be shown that:

- (i) development will not adversely affect any key environmental resources,
- (ii) development will not harm the character or quality of the wider environment, and
- (iii) where development will cause environmental losses, these are reduced to a minimum and outweighed by other enhancements in compensation for the loss."

Policy ENV2.2 'Interest outside Statutorily Protected Sites' states:

"Proposals which would adversely affect, directly or indirectly, any key species, key habitat, or significant geological or archaeological feature, will only be permitted where it has been demonstrated that the overall benefits of the proposed development clearly outweigh the need to safeguard the interest of the site or feature."

As there is a slight adverse effect on ecology, there is a technical breach of policy ENV2.2. However, it is considered that policy ENV2.2 should be given little weight as it is inconsistent with the cost/benefit approach contained within the NPPF. Further, the nearby woodland is not a statutorily designated site.

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

The NPPF further advises at paragraph 117 of the NPPF that, to minimise impacts on biodiversity and geodiversity, planning policies should identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity (which include Local Wildlife Sites). Paragraph 118 adds that: “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”

The application includes an Environmental Impact Assessment due primarily to the ecological constraints adjacent to the site (primarily in the form of the Local Wildlife Site – Foers Wood). The Assessment outlines a number of minor adverse effects from the proposed development, upon hedgerows, the wet woodland and ecology. The original scheme for 22 dwellings on site received a number of objections relating to ecology, including objections from the Council’s Ecologist and Sheffield and Rotherham Wildlife Trust.

The applicant took on board these concerns and made the following amendments to the scheme including an Addendum to the Environmental Statement:

- A reduction in the number of dwellings from 22 to 16;
- Incorporation of a 15 metre buffer zone to protect the Foers Wood Local Wildlife Site (effectively reducing the developable and landscaped area of the site from 1.68 hectares to 1.19 hectares);
- A reduction in the area within the site that would be developed for housing from 0.29 hectares to 0.24 hectares;
- Ecological protection through the retention of the orchard and species rich hedgerow;
- Changes to the drainage strategy to ensure maintenance of surface water flows to Foers Wood Local Wildlife Site and provide a water supply for the ponds.

Natural England has been notified about the proposed development and stated that the Council should apply their Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Council's Ecologist has assessed the Standing Advice and notes that it refers to the best practice at the time and is satisfied that this has been adhered to, including the carrying out of appropriate survey work which has been disputed by some objectors. The Ecologist notes that there is a stronger case for doing more survey work within the adjacent Local Wildlife Site (Foers Wood) but that access to Foers Wood Local Wildlife Site was denied during the survey of the application site, according to the Environmental Statement Volume 1.

The impacts upon ecology are addressed below:

Impact on hedgerows

The project would have a minor adverse effect on hedgerows, resulting from the construction phase of the project, and the partial loss of the species rich hedgerow in the centre of the site. To mitigate the impact, additional hedgerows are to be planted within the site to increase the wildlife linkages throughout the site.

Impact on bats

The project would have a minor adverse effect on bat activity across the site during the construction phase. The species rich hedgerow through the centre of the site, which is known to be used as a commuting route by bats, is being retained on site but may be affected by disturbance due to the change in use on the site. Three individual category 2 trees are being lost to the development. Measures to be put in place to mitigate against these losses include the creation of new hedgerows in the landscape proposals and the placement of bat boxes on trees.

Objectors have stated that insufficient bat surveys have been carried out though the Council's Ecologist is satisfied that sufficient active bat surveys and roosting surveys have been undertaken (walking bat surveys were undertaken, in May, June and July 2013 whilst roost surveys were undertaken in 2013 and 2014). The roost survey did not locate any roosts but did identify a small number of suitable trees. The 2014 roost survey for example identified only five Category 2 trees (Category 2 trees are of limited roost potential). The earlier 2013 roost survey only identified one Category 1 tree (T59) which was to be felled and this was later relegated to Category 2. It may be possible to retain this tree since it is on the periphery of the site. Any other Category 2 trees that are to be felled would need to be checked by an ecologist appointed by the developer at that time in accordance with best practice. The applicant has confirmed in this respect that a check of the trees to be removed will be undertaken prior to clearance to re-assess their suitability as a bat roost.

The Council's Ecologist notes that many bats cannot be identified to species using bat detectors and that species determinations may have to be obtained by other means, notably from roosting bats, but that this would not necessitate disturbance of such roosting bats.

An objector notes that new Good Practice Guidelines for bat surveys has recently been produced though the Council's Ecologist does not consider it reasonable to impose new guidance retrospectively on applications originally submitted in 2013.

His comments also apply to the new British Standard on Bats and Trees which was also published in Spring 2016.

Objectors have raised concerns regarding the impact on light sensitive bats from security lighting to the rear of new properties. Light sensitive bat species such as Natterer's bat and Brown long eared prefer dense woodland habitat and are more likely to be deep within the woodland habitat rather than utilising the open habitats on the development site and the woodland edge. In addition the applicant has agreed to a condition requiring details of any security lighting to the rear of the properties facing the woodland to be submitted to and approved by the Council, to ensure minimal light spillage.

The owners of the adjoining Local Wildlife Site state that the proposed condition to protect bats from light pollution is unenforceable. It is currently proposed to impose a condition on a permission that states:

"Prior to the completion of the dwellings details of any security lighting to the rear of plots 2-10 shall be submitted to and approved by the Local Planning Authority. No additional security lighting shall be installed.

Reason

In the interest of ecology and to prevent disturbance to nearby nesting birds and bats."

It is considered that this condition is enforceable. Council officers will be able to view the lighting on inspection. It will further be visible to neighbours and anyone present in the woodland.

Impact on Great Crested Newts

The project would have a negligible effect on Great Crested Newts during the construction phase. Great Crested Newts have been recorded within the Local Wildlife Site and may be utilising the suitable terrestrial habitat along the northern boundary of the development site. To reduce the loss of suitable habitat and to prevent harm to great crested newts a 15 metre buffer zone has been incorporated into the landscape proposals. In addition, newt barriers would be installed during the construction phase that would prevent amphibians accessing the site from the woodland so restricting their movements to the 15m buffer zone. As noted above, the 15m zone will be preserved as existing including undergrowth, low level foliage and naturally felled trees and branches etc. which would provide suitable habitat for any newts entering this area.

Impact on Badgers:

The evidence of badgers foraging on site is limited and only found to be in a small area in the northern part of the site. The 15m buffer zone and amphibian receptor site would retain some of grassland where badgers had been known to forage on site. Survey evidence suggests that the development site is not the primary foraging site for badgers in the area nor that the site is used regularly by badgers.

An objector recommends that a badger survey is undertaken within 6 months of any construction works to enable a judgement to be made as to whether the development could potentially affect an active badger sett. The applicant has confirmed that a pre-construction badger survey will be undertaken as part of the biodiversity mitigation strategy, as covered by recommended condition 24.

Impact on water voles:

The project would have a minor adverse effect on water voles due to disturbance from the construction and operational phases. The slight reduction in surface water run-off is a relatively small change compared to the existing water supply to the wood and therefore is not considered to have an impact on water vole habitat.

Impact on the adjoining wet woodland

The site has been designed to provide maintenance of surface water flows to the Foers Wood Local Wildlife Site. The applicant's assessment has concluded that the change in the water regime of the development site would not have any significant adverse effect on the existing hydrology of the wet woodland. This is due to the relatively small change in surface run-off compared to the existing water supply to the wood, and the measures that would be taken to intercept surface water at the south of the site and carry this to the north where it would be allowed to percolate into the woodland.

The owner of the Local Wildlife Site woodland area states that it is against the law to allow water to discharge directly onto the adjacent land, but that is not what is proposed. The applicant, at the request of officers, has designed the drainage to ensure that the situation after the development is completed will mimic as closely as possible the situation as currently occurs, where water will currently flow from the application site into the woodland area due to the slope of the ground. The alternative would be to pipe all the surface water around the wood, though this would potentially lead to a decrease in the water reaching the 'wet' woodland, to the detriment of the trees therein. The Council's Ecologist notes that most of the trees in the central part of the woodland area are Alders, which is a characteristic tree of wet woodland, and is adapted to coping with waterlogged conditions. Excess water on the Local Wildlife Site is not likely to be damaging, whereas a long-term decrease in water levels may well have a harmful impact.

An objector has noted that no breeding bird survey work has been carried out but the Council's Ecologist states that such surveys are not necessary on amenity grassland which covers about half the development site. Surveys for breeding birds are not recommended or unlikely to be successful for the poor semi-improved grassland, dense laurel scrub or tall ruderal vegetation. The neutral grassland, hedgerows and derelict orchard are likely to be more valuable as habitats but breeding bird surveys of the small area these cover, cannot in the opinion of the Council's Ecologist, be justified. The applicant has indicated that normal garden bird species are likely to be present and the supplementary planting within the scheme and addition of bird boxes will provide habitats for these species, and that any clearance of suitable nesting habitat on site will be carried out outside the bird nesting season.

A breeding bird survey of Foers Wood could be justified under the Standing Advice because it is woodland within 500m of a proposed development, but as noted above, access to the private LWS was denied to the applicant's ecologists.

Objectors have noted that the 15m buffer zone does not extend around the western side of the site, which is also partially adjacent to the Local Wildlife Site. However, most of the section of the western boundary adjoining the woodland would be bordered by garages and a substation, which would not be lit, therefore not causing light penetration into the woodland. To the extent that a short section of the boundary would adjoin the rear gardens of two proposed properties, lighting conditions are to be imposed which would restrict security lighting to be placed on the houses near this boundary. It should also be noted that this small section of woodland already adjoins the garden of the residential property to the west of the site where is no protective buffer and no restrictions on lighting, and so the additional effects of the proposed development would not be significant.

The applicant has confirmed that further conditions on the landscaping and long term management of the site is included within the landscape management plan and will be expanded in the biodiversity mitigation strategy, this would include how the site would complement Foers Wood Local Wildlife Site. Measures to do this include:-

- Retaining the existing species rich hedgerow on site
- Creating five new species rich hedgerows, which will maintain and enhance the wildlife corridors through the site with the surrounding woodland.
- New planting of trees, shrubs and wildflower grassland on site which will improve species diversity.
- Creation of new ponds and amphibian hibernation habitat adjacent to the woodland
- Creation of 15m buffer zone

In view of the above the Council's Ecologist considers that the proposal would have minor adverse impact on ecology in the area, which could to some extent be mitigated by relevant conditions. He is satisfied that the proposals comply with relevant Policy in the UDP and the Core Strategy, as well as the NPPF.

Landscaping / tree matters:

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

The proposed development is supported by an Arboricultural Report and Impact Assessment. The report includes details of 10 individual and 15 groups of trees. The contents of the report and its recommendations are noted and generally accepted by the Council's Tree Service Manager. Of the existing trees, those positioned towards the northern and eastern site boundaries provide useful amenity and screening that is likely to increase with the development. However, due to their limited importance

in the landscape they may not meet all the criteria for inclusion in a new Tree Preservation Order to ensure they are retained and to provide additional protection throughout any development.

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

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

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

A number of conditions have been proposed to be attached to any approval in order to protect the trees during the construction phase and to prevent any harm to the root protection areas during the construction of the trenches and ponds.

Design and Layout

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

UDP Policy HG5 'The Residential Environment,' states that: "The Council will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone."

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

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

The amended layout has been specifically designed to replicate the low density suburban nature of this area of Aston and to respect the ecological constraints on site. Indeed, paragraph 7.11.11 of the UDP states that due to the sensitive location of the proposed housing site at The Warren, it is considered to be most suitable for low density development. At 9.5 dwelling per hectare the density is far below the density of most development but is appropriate for its setting within this sensitive Conservation Area.

The applicant has provided a 15m buffer (not including the domestic gardens) between the site and the woodland, as well as appropriate on site ponds and a small wooded area to the front of the site. The dwellings are spaciouly positioned with good landscaping and overlook the public highway in accordance with the best practices of designing out crime. The access from Worksop Road is proposed to be sensitively integrated into the streetscene, and not harm the overall streetscene along Worksop Road. As referred to in further detail below the dwellings are of a high standard which reflect the character of the area and exceed all the Council’s minimum design guide limits in terms of internal/external space and separation distances.

Policy CS 7 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 application does not comply with this policy. However, in this instance the applicant has agreed to off site provision of affordable housing to provide an appropriate mix of tenure within the local community. Furthermore the site is located within a Conservation Area and the large detached dwellings have been designed to reflect the detached inter war properties fronting onto Worksop Road. As such the provision of only large detached dwelling on site is considered acceptable in this instance considering the sensitive location and the provision off site of affordable

housing. In these circumstances it is considered that the technical breach of policy CS 7 should be given limited weight in the decision.

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

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

Impact upon the Aston Conservation Area

Policy ENV2.11 'Development in Conservation Areas' states "In respect of designed Conservation Areas, the Council will: (iv) have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character". In addition CS23 'Valuing the Historic Environment' and CS28 'Sustainable Design' indicates that Local Planning Authorities should ensure that new development should make a positive contribution to the character and local distinctiveness of the historic environment.

The NPPF states at paragraph 131, that: "In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

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

The development site falls within the Aston Conservation Area. This area of Aston Conservation Area is made up of detached inter war dwellings, with hipped roofs, large bay windows and mock Tudor gable ends. The dwellings are constructed from a mixture of stone and red brickwork and defined by generous gardens, mature landscaping and small stone boundary walls.

The proposed scheme has been designed to reflect the inter war suburban style of this area of the Conservation Area, rather than the more traditional rural cottage style appearance of the older areas of Aston. This dwelling style is appropriate for its setting and the applicant has gone to considerable lengths to replicate an inter war suburban style, with matching chimneys and small stone boundary walling. The

density of the development also reflects the density of adjoining dwellings and will not appear overdeveloped.

It is therefore considered that the proposal is in keeping with the style and character of the Conservation Area and as such would therefore continue to preserve and enhance the Conservation Area. As such the proposals are considered to be in accordance with Core Strategy CS23 'Valuing the Historic Environment', saved UDP Policy ENV2.11, and the general guidance in the NPPF.

Residential Amenity

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

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

The dwellings are all 4 & 5 detached homes set within generous plots, which are all set off the boundaries to minimise any harm to neighbouring amenity. As such no overlooking of neighbouring residence will occur and the dwellings will not appear overbearing.

It is therefore considered that the proposed development would not have any impact on the existing amenity levels of the occupiers of neighbouring properties. The proposal would not cause any loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces and would comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' along with the advice within the South Yorkshire Residential Design Guide (SYRDG) and that contained in the NPPF.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the SYRDG provides minimum standards for internal spaces which includes 77sqm for 3 bed properties and 93sqm for 4 bed properties. All of the house types far exceed the Council's minimum standards and include gardens well beyond the 60sqm minimum recommend by the Council. As such the dwellings will be acceptable to future occupants.

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

Flood Risk and Drainage

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

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

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

The Council's Drainage Team notes that the proposed foul and surface water drainage is satisfactory and state that the recommendations in the latest Flood Risk Assessment must be adhered to for the development to be acceptable.

With regard to contamination from driveways, this issue is addressed by way of recommended planning condition 15.

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

Highways Issues

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

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

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

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

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

A number of objectors have raised concerns regarding the access onto Worksop Road and the potential impact upon highway safety. The proposed access to Worksop Road has been designed in accordance with guidance from Manual for Streets and the South Yorkshire Residential Design Guide and the Transportation Unit consider it acceptable in a highway context.

All properties will have 2 or more car parking spaces, as well as garages, preventing awkward on street parking and allowing the highway to open for the free and safe flow of traffic.

The development is also located within a sustainable location, within walking distance of a bus stop, local pub and shops to the centre of Aston. As such the need for car bound journeys will be reduced.

Objectors have raised the issue about Worksop Road not being suitable for children or adults with pushchairs. The Transportation Unit consider that the site is accessible and that pavements on Worksop Road can accommodate pushchairs.

The development is therefore considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 ‘Accessible Places and Managing Demand for Travel and paragraphs 32 and 34 of the NPPF.

Planning Obligations

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

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

- (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development."

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

This is echoed in Paragraph 204 of the NPPF.

Originally the development involved four on site affordable housing units as part of 22 dwellings on site. The number of units on site has now been reduced to 16 and the applicant no longer considers on site affordable housing appropriate.

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."

In relation to the current application this would relate to the provision of 4 affordable units on the site. Following extensive negotiations with the applicant the Council has agreed to a commuted sum of £224,000 in lieu of on-site delivery of affordable homes. This amount equates to 40% of the open market value of 4 x 2 bed houses, which was the affordable housing requirement if the units were to be delivered on site. The commuted sum will provide funding for two social housing bungalow schemes which have stalled following Central Government changes to rent subsidies.

No other commuted sums are sought for the site and the applicant has agreed to the creation of Green Space management company to manage and maintain the on-site Green Space, including the 15m buffer strip and the ponds. This will ensure that the ecological benefits of the scheme are retained and that dwellings on site do not encroach into the adjoining sensitive woodland setting.

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

Other matters raised by objectors

The issues raised by objections to the application have been considered in the appraisal above. However, in addition to these points an objection has raised concerns regarding the level of consultation which has taken place between the Council, statutory consultees and neighbouring residents. The objector also considers that the applicant failed to adequately consult prior to the submission of the application.

In respect of the statutory consultation required under the Environmental Impact Assessment Regulations (2011) the Council consulted with both statutory consultees (the Environment Agency and Natural England) when the scheme was amended to reduce the number of dwellings from 22 to 16 and an addendum Environmental Statement was published.

In respect of consultation with ecological experts it is confirmed that consultation has taken place with the Council's ecologist (due to the original ecologist leaving the Council, three separate ecologists have commented on the proposals, having regard to the comments raised by the predecessors). There is no requirement to consult Sheffield and Rotherham Wildlife trust, though their comments have been taken into account in the consideration of the proposals.

An objector has noted that the applicant has failed to undertake adequate consultation prior to the submission of the application. There is no statutory requirement to carry out such consultation and it is considered that local residents have been provided with ample opportunity to comment on the proposals, both as originally submitted and as amended.

An objector has complained that the Council failed to notify him in respect of the original submission. Statutory advertisement of the application as originally submitted was carried out by way of a press notice, site notice and neighbour notification. The statutory requirements for a development of this nature are that it should be advertised by way of a press and site notice, which took place. The neighbour letters also sent out were additional to the statutory requirements.

The owners of the adjacent Local Wildlife Site have indicated that they do not want water to discharge from the site onto their land, and this is discussed in the Appraisal above. Given that the drainage system has been designed so as to ensure that there is minimal change to the current drainage of water from the application site to the woodland, there may in fact be no requirement for an easement to be granted by the adjacent landowners as the applicant may in fact be in possession of a prescriptive right to discharge water onto the wooded land.

Further, even if an easement does need to be negotiated between the two landowners, it is not considered that this is a bar to the development going forward. This is a matter of a private law negotiation which officers consider is not intractable, despite the adjoining landowners' current stated position.

In any event, it is recommended that the matter be dealt with by condition. Recommended condition 13 states that no development shall take place until 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, have been submitted to and approved in writing by the Local Planning Authority.

In respect of the allocation of the site in the 'Draft' Sites and Policies Document, the reference to the proposed Greenspace allocation, should no progress be made on the planning application, reflected the situation at that time. The Publication Sites and Policies Document, that has been submitted for independent examination, shows that the site is now proposed to be "washed over" as residential use (it does not specifically include the site as an allocation). In effect, it would have the same status as any other parcel of land in an established residential area so, subject to planning considerations being met, could be suitable in principle for residential development. The objector states that if they had been aware that the site would continue to be designated as residential then they would have made representations to the Council. However, the Council's letters to consultees on the latter stages of the Sites and Policies Document have made clear that previous comments are not "rolled forward" and that each version of the plan is a new document in its own right and should be read as such. The Council's letter notifying consultees of the Publication version particularly stressed this point.

An objector notes that a number of the documents requested in connection with the Planning Application have not been available on the Council's online planning file and as such members of the public have not had an opportunity to comment on these reports. All relevant documents have been published and are available to view.

Conclusion

Having regard to the above it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that is allocated for Residential purposes and would be in compliance with the requirements detailed within the UDP and Core Strategy, as well as the adopted Supplementary Planning Guidance and the NPPF.

Although policy ENV2.2. is technically breached, this breach should be given little weight as the policy is not in conformity with the provisions of the NPPF. Further, even taking this breach into account, the application can be seen to be in accordance with the development plan as a whole.

Given that the application is in accordance with the development plan, it should only be refused if material considerations indicate otherwise.

In respect of other material considerations raised, the applicant has demonstrated that the scheme will not have a significant adverse impact on ecology, in particular the adjacent Local Wildlife Site, on the residential amenity of existing and future occupiers, on highway safety in this location, or on the Aston Conservation Area, subject to relevant conditions.

As such, subject to the signing of the Section 106 agreement in respect to the matter of provision of an affordable housing contribution and the creation of a Greenspace management company, it is recommended that planning permission be granted subject to conditions.

Conditions

GENERAL

01

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

Reason

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

02

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

Site Layout - 09-020-PL02 Rev N

Site Sections/Street Elevations - 09-020-PL03 Rev C

Latchford Housetype Plans & Elevations - 09-020-PL08 Rev B

Knightsbridge Housetype Plans & Elevations - 09-020-PL07 Rev B

Connaught (Type 1) Housetype Plans & Elevations - 09-020-PL12 Rev B

Connaught (Type 2) Housetype Plans & Elevations - 09-020-PL13 Rev B

Levels on site shall be constructed to those set out on the 'Indicative Overflow Filter Trench' dwg No 351 / 25/ SK.07 rev C.

Reason

To define the permission and for the avoidance of doubt.

03

The development hereby permitted shall be constructed in the following materials, unless otherwise agreed in writing:

-Wienerberger Tabasco Red Multi brick

-Costhorpe Black old weathered stone

- Russell Lothian slate grey roof tiles

-Cream 041 Renderpral Monocouche render

Reason

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

TRANSPORTATION

04

Before the development is brought into use the sight lines indicated on Drg No PL02 rev N shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

In the interests of road safety.

05

Visibility splays 2.4 m x 59 m shall be provided at the site access to Worksop Road. The visibility splay shall be provided prior to the commencement of works on site and shall form part of the adopted highway.

Reason

In the interests of road safety.

06

Forward visibility splays shall be provided on the highway bends opposite plots 5 and 8 as indicated on Drg No PL02 rev N. The splay shall form part of the adopted highway.

Reason

In the interests of road safety.

07

When the proposed access has been brought into use, the existing access to No 91 Worksop Road shall be permanently closed and the footway / kerblin reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

08

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

Reason

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

09

Before the road construction is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be carried out before the development is brought into use.

Reason

In the interests of road safety.

10

Prior to the occupation of the dwellings hereby approved, 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.

11

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 road safety.

FLOOD RISK/DRAINAGE

12

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) October 2013/351/25r2/ARP Consultants and the letter ref: 351/25/ARPMjs and the following mitigation measures detailed within the FRA shall be carried out:

1. Limiting the surface water run-off generated by the development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The discharge rate must be limited to 7.7l/s. The drainage scheme must be designed to contain up to the 1 in 100yr storm with an allowance for climate change.

2. Flood resilience measures as outlined in section 7.1.3 of the FRA are incorporated into the development.
3. Finished floor levels are set a minimum of 150mm above the existing ground level as detailed in section 7.1.1 of the FRA.

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

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

13

No development shall take place until 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, have been submitted to 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 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.

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.

14

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

15

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

16

Prior to its construction, details as to how the sewer that discharges surface water from the site around Foers Wood would be prevented from acting as a land drain and potentially draining the water along the new drainage trench shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented when the drain is laid.

Reason

To prevent the route of the sewer acting as a land drain and creating flooding problems on that part of the site.

17

Details of the proposed means of disposal of foul drainage, including details of any off-site work, 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

18

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

19

If subsoils / topsoils are required to be imported to site for garden or soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of such testing will need to be forwarded to the Local Planning Authority for review and comment before occupation of the residential dwellings.

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

LANDSCAPE

20

Landscaping of the site as shown on the approved plan (drawing no.2100 Rev L) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

21

No work or storage on the site shall commence until all the trees/hedges/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. This shall be positioned in accordance with the submitted Tree Protection Plan JKK7599 Fig3 Rev B. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

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

22

Prior to the construction of any trenches or ponds within the root protection areas of the protected woodland, a method statement shall be submitted to and approved in writing by the Local Planning Authority, indicating how the works will be undertaken to prevent any adverse impact upon the existing trees.

Reason

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

ECOLOGY

23

Prior to the completion of the dwellings details of any security lighting to the rear of plots 2-10 shall be submitted to and approved by the Local Planning Authority. No additional security lighting shall be installed, without the prior written consent of the Local Planning Authority.

Reason

In the interest of ecology and to prevent disturbance to nearby nesting birds and bats.

24

Prior to the commencement of development a biodiversity mitigation strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all details as listed in Chapter 5 of the Environmental Statement and in the Landscape Management Plan, as well as Newt protection barriers on the northern boundary, and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In the interest of ecology and to prevent disturbance to nearby nesting birds and bats.

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 11, 13 and 24 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

- ii. The details required under condition numbers 11, 13 and 24 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

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

02

Noise Disturbance

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

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

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

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

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

03

Based on information provided with this application it has become apparent that asbestos containing material may be present within the existing building structure. The removal of asbestos materials must be carried out in accordance with appropriate guidance and legislation including compliance with waste management requirements. Accordingly any works should be managed to avoid damage to any asbestos containing material such as to prevent the release or spreading of asbestos within the site or on to any neighbouring land. Failure to comply with this may result in the matter being investigated by the Health and Safety enforcing authority and the development not being fit for the proposed use. In addition the developer may incur further costs and a time delay while ensuring the matter is correctly resolved.

04

Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015:

In the determination of this application the Council has had regard to the information contained in the Environmental Statement submitted with the application, along with all other material planning considerations.

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 amended during to the application process to overcome harm to ecology and the setting within the Conservation Area. It was considered to be in accordance with the principles of the National Planning Policy Framework.

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 23 JUNE 2016**

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

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**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 23 JUNE 2016**

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

Application Number	RB2016/0043
Proposal and Location	Erection of 1No. pair of semi-detached houses at former garage site Yew Tree Road Maltby, S66 8EB
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site consists of a parcel of land at the end of Yew Tree Road at Maltby which is a small cul de sac consisting of 11 dwellings, including semi-detached two storey brick built properties of a traditional design on the northern side and a mixture of individually designed detached bungalows and two storey dwellings on the southern side.

The site is a rectangular area approximately 370 square metres in size and is relatively flat, rising slightly to the rear of the site. The land is currently grassed for the most part with the existing turning head extending into the front section of the site. The boundaries are screened by palisade fencing to the west with a mixture of close boarded and open fencing to the northern and eastern boundaries.

The site was formerly a garage site in the ownership of the Local Authority and has recently been sold at auction.

Background

There have been numerous applications in the 1950's relating to the erection of garages on the site, none of which are considered to be relevant to this application.

Proposal

This application has been submitted by Woodsett Homes Ltd and seeks full planning permission for the erection of a pair of semi-detached dwellinghouses on the site fronting Yew Tree Road.

The original plans have been amended at officer's request in order to maintain a sufficient portion of the existing turning head to enable emergency and other vehicles to turn. This has necessitated the dwellings being located slightly further towards the eastern boundary of the site to provide off road parking down the side of Plot 1.

Additionally it has been brought to the applicant's attention that the owners of No. 51 Larch Road (the property immediately to the rear of the site) have a legal right of way over the site and the amended plans have included an access strip to the western side of the site.

The plans now being considered consist of a pair of two storey semi-detached 3 bedroom dwellings of brick construction with a pitched roof over. The proposed dwellings would be sited approximately 1m from the boundary with No. 12 Yew Tree Road and 4m from the western boundary. In relation to the property to the rear (51 Larch Road) the proposed dwellings would be approximately 10.5m from the rear boundary and 22m from the rear elevation of that dwelling.

Each dwelling would have a footprint of 9.7m x 5.3m with a ridge height of approximately 8m. All habitable room windows are to be located on the front and rear elevations with smaller bathroom and landing/hallway windows only to the side elevations. The properties are proposed to be constructed in brickwork with a tiled roof over, details of which would be approved by condition.

Plot 1 is indicated to have two parking spaces to the western side of the dwelling with the majority of the existing turning head retained to the front of the dwelling and Plot 2 has two spaces in front of the dwelling.

The private rear garden area of Plot 1 is indicated to be approximately 68 square metres and Plot 2 65 square metres. The boundaries are indicated to be screened by 1.8m high timber fencing.

The applicant has submitted a contaminated land screening assessment report which states that there has been no chemical or waste storage on the land and concludes that there is no likelihood of any contamination being present on the land.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for 'residential' purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'residential' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'

CS7 'Housing Mix and Affordability'

CS 14 'Accessible Places and Managing the Demand for Travel'

CS28 'Sustainable Development'

CS33 'Presumption in favour Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'

HG5 'The Residential Environment'

T8 'Access'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':
None.

Other Material Considerations

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

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

The South Yorkshire Residential Design Guide.

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

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

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

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

Publicity

The application has been advertised by way of a site notice in addition to individual neighbour notification letters to adjacent occupiers. A further letter was sent out after receipt of amended plans. A number of letters of objection in respect of the original proposals were received from 7 individual addresses. The concerns raised can be summarised as follows:

- Loss of the turning head would make it difficult for cars to turn particularly as there no off road parking for numbers 6,8,10 and 12.
- This is a narrow road with existing access problems.
- Access for emergency vehicles would be impossible.
- Potential damage to boundary wall by vehicles attempting to turn around.
- How can this section of the turning head be ‘unadopted’ as it has been here since the 1960’s and was clearly constructed at the same time as the rest of the road and prior to the houses being built.
- Putting more houses, cars and visitors on this road will make the existing parking problem worse.
- Lack of consultation on the application.
- Wish to maintain existing legal right of access over this land to the rear of 51 Larch Road.
- Loss of privacy and daylight to property to rear (51 Larch Road).

Following receipt of the revised plans and the further publicity carried out a further letter was received from the occupiers of the property at the rear (51 Larch Road) raising the additional following comments:

- Difficult access for emergency vehicles
- Privacy and amount of daylight received (to 51 Larch Road) would be compromised by the development
- Impact on existing wildlife in the area.
- The proposed access alley way would be convenient for criminals due to the proximity of adjacent farmland.

One Right to Speak request has been received from a local objector and one from the applicant.

Consultations

Streetpride (Transportation and Highways Unit): Originally raised concerns that the proposed layout involves use of part of the existing turning head for car parking purposes in relation to Plot 1. Whilst this part of the turning has not been formally adopted it has existed for many years and is considered to form part of the highway. Retention of the turning area is necessary to avoid lengthy, potentially conflicting vehicular movements.

Following receipt of the amended plans highways officers have confirmed that the amended details are acceptable from a highway aspect subject to the imposition of conditions relating to the surfacing materials and maintenance of the turning area/kerb.

Streetpride (Drainage): Have recommended a standard drainage condition as no drainage information has been submitted.

Neighbourhoods (Land Contamination Officer): Notes that the site has been formally occupied by a number of residential garages for at least 54 years. The garages may have been used for vehicle maintenance, storage of fuels/equipment and a number of other unknown uses. Contamination may therefore be present within the surface soils and may exist in the form of heavy metals, asbestos and organic compounds. In addition, land to the west of the application site has been identified as a former landfill site which was licensed to accept domestic waste.

Based on the above it is recommended that an appropriate site investigation is undertaken to determine the presence and nature of potential contamination and the ground gassing regime at the site to determine if the land is suitable for its proposed residential end use, and the imposition of conditions requiring this is recommended.

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
- Layout, design and visual amenity
- Impact of the development on the amenity of existing and future occupants
- Highways issues
- Land contamination
- Drainage
- Affordable Housing
- Other issues raised by objectors.

The principle of the development

UDP Policy HG4.3 'Windfall Sites' states that: "The Council will determine proposals for housing developments not identified in Policies HG4.1 and HG4.2 in the light of their (i) location within the existing built up area and compatible with adjoining uses and (iii) compatibility with other relevant policies and guidance."

Core Strategy Policy CS1 'Delivering Rotherham's Spatial Strategy' notes that Maltby is a Principal Settlement and that within such settlements development will be appropriate to the size of the settlement, meet the identified need of the settlement and its immediate area, and help to create a balanced sustainable community.

Paragraph 14 of the NPPF notes that "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development." Paragraph 49 of the NPPF adds that "...housing applications should be considered in the context of the presumption in favour of sustainable development." This is also supported by Core Strategy Policy CS33.

Paragraph 47 of the NPPF requires that Local Planning Authorities (amongst other things) identify and update annually a supply of specific deliverable sites sufficient to provide a five year supply of housing.

The site is allocated for Residential use in the Unitary Development Plan and is considered to be a windfall site where development will contribute to the required housing figures for the Borough.

It is further considered that insofar as the application site is surrounded by residential properties within a built-up residential locality, close to existing facilities and transport, that the development would accord with the presumption in favour of sustainable development

The principle of the proposed development is therefore considered to be acceptable.

Layout, design and visual amenity

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

This is further underpinned by Core Strategy, Policy CS28 'Sustainable Design' which states that: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings 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 also notes at paragraph 56 that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

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

The proposed properties are of a modern simple design with a pitched roof form in keeping with adjacent dwellings. The proposed design, size and siting of the new dwellings is considered to be appropriate for this location and are not considered to be detrimental to the visual amenity of the surrounding area.

Taking account of the above, it is therefore considered that the proposal would accord with the provisions of Policy CS28 Sustainable Design of the Core Strategy, as well as the advice contained within the NPPF and the National Planning Policy Guidance (NPPG).

Impact of the development on the amenity of existing and future occupants

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

The Supplementary Planning Housing Guidance 3 'Residential Infill Plots' recommends that any elevation situated less than 10 metres from a boundary with another residential curtilage should contain no habitable room windows at first floor level and the distance between habitable room windows should be 21 metres.

The proposal meets all the spacing standards with regard to the existing dwellings surrounding the site. However objections have been received from the occupiers of the property immediately to the rear of the site with regard to loss of privacy and loss of daylight. Whilst it is acknowledged that the property to the rear currently has an open aspect to the rear of their dwelling, it is considered that the proposed scheme would not give rise to any overshadowing issues, given the siting of the dwellings and the distance to neighbouring properties which is in compliance with the Council's recommended spacing distances.

The South Yorkshire Residential Design Guidance (SYRDG) further advocates the use of these separation distances for the purposes of privacy and avoiding overbearing, it also sets out minimum internal room sizes.

The proposed layout shows that these internal and external spacing distances are achieved apart from the main bedroom which is slightly smaller than the recommended size, (by approximately 0.5 sqm) however it does include an en-suite bathroom and overall the size of the property is in compliance with the guidance.

Taking the above into account it is therefore considered that the proposed development would not result in a significant impact on the future occupiers of the proposed dwelling or the occupiers of any existing properties and would therefore be in accordance with the aims of the SPG and the NPPF where one of the core principles seeks a good standard of amenity for all existing and future occupants of land and buildings.

Highways issues

With regard to highway issues, the Council's Car Parking Standards (adopted June 2011) state that a property with 3 or more bedrooms should have a minimum of two off road parking space.

Core Strategy Policy CS14 promotes new development in accessible locations.

The existing road has a turning head at the end of the street which extends into the applicant's land. Although this part of the turning head has not been formally adopted it has historically been used for many years and as such is considered to be part of the highway. The retention of an adequate turning head in this location is considered to be essential and discussions with the applicant have resulted in the original plans being amended to retain an adequate turning space whilst still providing 2 off road parking spaces for each dwelling.

Objections have been raised by local resident with regard to existing parking, access and turning problems. It is acknowledged that the existing highway is relatively narrow but the Transportation Unit does not consider that the proposed development raises any concerns regarding additional vehicular movements that would cause an unacceptable impact on highway safety.

Land contamination

The site has been formally occupied by a number of residential garages for at least 54 years. The garages may have been used for vehicle maintenance, storage of fuels/equipment and a number of other unknown uses. Contamination may therefore be present within the surface soils and may exist in the form of heavy metals, asbestos and organic compounds.

Land to the west of the application site has been identified as a former landfill site which was licensed to accept domestic waste. It is known that landfill gas is still being generated at the landfill site and active gas control measures are in place to control gas migration.

The developer will therefore be required to undertake gas monitoring at the application site to ensure the development area is not affected by landfill gas.

Additionally, within the contaminated land screening assessment report provided it has been confirmed that soils will need to be imported to site for gardens and soft landscaping areas. These soils will need testing prior to importation to site to ensure they are free from contamination.

Based on the above it is recommended that an appropriate site investigation is undertaken to determine the presence and nature of potential contamination and the ground gassing regime at the site to determine if the land is suitable for its proposed residential end use, and the imposition of conditions requiring this is recommended.

Drainage:

No drainage details have been submitted as part of the application and the Drainage Engineer has requested that a condition be imposed requiring submission of these details.

Affordable Housing

Following the recent Court of Appeal judgement (Secretary of State for Communities and Local Government v West Berkshire District council (1) and Reading Borough Council (2) [2016] EWCA Civ 44) on 11th May 2016, the lower threshold requirements for development schemes (i.e 10 or less dwellings) to provide a S.106 financial contribution towards off-site affordable provision were quashed. Until such time that any further judgements are made on this matter, the Council is no longer seeking a financial contribution or on site provision under its adopted Core Strategy Policy CS7 'Housing Mix and Affordability.'

Other issues raised by objectors

Other issues raised by objectors include the impact on an existing legal right of way that the occupiers of 51 Larch Road have over the land. This information was included in the sales details of the land and the applicants have included an access strip to the west of the site to accommodate this. The adjacent occupiers have indicated that they are not satisfied with this, however this is not a material consideration in terms of the granting of planning permission and is a civil issue that will need to be addressed by the applicant prior to work commencing.

Concerns with regard to the impact on any wildlife on the site have also been raised. There is no evidence available to suggest that any protected species use the site and the inclusion of an informative advising the applicant of the requirement to comply with Wildlife Legislation is recommended.

One letter that has been received referring to the lack of notification to nearby residents in respect of this application. Individual letters were sent out to all properties that had a common boundary with the site and a site notice was displayed on Yew Tree Road, in compliance with the requirements set out in the Development Management Procedure Order 2015.

Conclusion

It is considered that the proposed dwellings represent an acceptable form of development within a residential area which, by virtue of their layout and scale, would not be detrimental to the character of the area.

It is further considered that the new dwellings would not have any detrimental impact on the level of residential amenity enjoyed, by either the occupiers of any adjacent occupiers or future occupiers of the proposed dwelling, in terms of overdominating building form or loss of privacy due to overlooking.

Furthermore it is considered that adequate provision has been made for parking for the proposed dwellings and retention of adequate turning facilities at the end of the cul de sac, such that it is not considered that the development will result in any impact on highway safety.

The application is therefore recommended to be granted subject to the suggested conditions 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 15-MALTBY-4 received 17 December 2015)

(Amended site plan received 19 April 2016)

Reason

To define the permission and for the avoidance of doubt.

03

Details of the provision of kerb/margin around the side leg of the turning head hereby approved shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is brought into use.

Reason

No details having been submitted they are reserved for approval.

04

Prior to commencement of development a Phase II Intrusive Site Investigation (inclusive of ground gas monitoring) and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 - 4).

Reason

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

05

Prior to commencement of development and subject to the findings of Condition 04 above a Remediation Method Statement shall be provided and approved by the Local Planning Authority prior to any remediation commencing on site. The works shall be of such a nature as to render harmless any 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 any approved 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.

06

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.

07

If subsoils / topsoils are required to be imported to site for gardens/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of the testing will need to be presented in the format of a validation report which will be submitted to this Council for review and comment.

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.

08

Subject to Conditions 04 and 05 above, following the completion of any required remedial/ground preparation works a Validation Report will be forwarded to the Local Planning Authority for review and comment. The Validation Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

Reason

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

09

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

Reason

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

10

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

11

Prior to the completion of development hereby approved, 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.

12

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, 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'.

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 04 and 05 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. The details required under condition numbers 04 and 05 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

The applicant is requested to contact Robert Wright in Streetpride on 01709 822829 prior to the commencement of works regarding the provision/adoption to the turning head.

02

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

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

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

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

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

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

03

INF 20 Deeds/Covenants/Rights of Access

The granting of this permission does not override any restriction/requirement set out in any deeds or covenants relating to the site or any right of way that may exist over the site. These are separate matters that need to be resolved accordingly before development can take place.

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	RB2016/0234
Proposal and Location	Application to vary condition 19 (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 RB2016/0026, Land north of Bawtry Road Bramley S66 2TW
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site relates to a parcel of land approximately 0.65 hectares in area which until recently contained the existing 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. The site is currently vacant as the buildings have been demolished.

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.

Background

The site has been the subject of numerous applications relating both to existing uses 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 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 – granted 04/03/2016

Condition 19 of that approval states -

“All deliveries to, or collections from the store shall be carried out between the hours of 07.00 - 23.00 Monday to Saturday and 09.00 - 22.00 on Sundays.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent properties in accordance with UDP Policy ENV3.7 'Control of Pollution'.

Screening Opinion

As the site is below the 5 hectares threshold as contained within the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended), there is no requirement to screen the application.

Proposal

This current application is made under Section 73 of the Town and Country Planning Act 1990 and proposes to seek a variation to condition 19 imposed upon application RB2016/0026 in order to allow deliveries or collections from the store between the hours of 06:00-23:00 Monday to Saturday and 08:00-22:00 on Sundays. This seeks permission to deliver or collect from the store 1 hour earlier than currently approved each day.

In support of the application the agent has submitted a Noise Impact Assessment, a photo of an Aldi delivery taking place, and a recent appeal decision relating to a different site. The applicants state that the amendment is required to enable fresh goods to be delivered, and transferred to the shop in time for store opening which is 8am Mondays to Saturdays and 10am Sundays. The applicants state that from experience at other Aldi stores a 1 hour delivery period is not sufficient to unload and enable staff to efficiently stock shelves, prior to opening. By bringing the permitted hours of delivery forward, staff will be able to display the produce, and stack the shelves prior to customers entering the store, which will enable the staff to help customers with any questions and queries whilst the store is open.

In Aldi's experience, larger deliveries should typically be dispatched between 1.5-2 hours before opening which allows for stock to be fully unloaded and shelves stocked. This also allows for any delays experienced en-route to the store. This window is absolutely critical, as if customers develop the perception that a store lacks stock, the reality and Aldi's further experience is that they will simply no longer shop there.

The applicant states that the principle of extending the agreed delivery times is acceptable. This position is supported by evidence submitted in the form of a Noise Impact Assessment, and the context of the site. On this point it is noted that the store's service area is located on the north-eastern elevation of the consented Aldi store, and faces towards the store's on site car park, with commercial uses on its noise sensitive parameters. This includes the presence of an existing builders yard and a number of commercial uses, including shops, a social club and a pub, which form part of Bramley Local Centre.

Unlike other supermarkets, Aldi stores do not have a conventional service yard, instead they use a level dock delivery process where vehicles reverse up to the loading bay. Goods are then wheeled in cages directly off the lorry into the warehouse area, without the use of a tailgate or any lifting equipment.

The Noise Impact Assessment confirms that the resulting noise created as a result of the extended delivery hours would be audible, but would be unlikely to have any effect on behaviour or attitude, equating to no observed adverse effect.

It should also be noted that Aldi adopt a number of mitigation measures to minimise the impact of delivery movements on residential amenity, as follows

- no reversing beepers;
- no use of refrigeration units in the service yard;
- Lorry engine not left running for long periods;
- All unloading taking place internally.

There is further mitigation in terms of limited number of events, and the duration of events (approximately 30 minutes) with not more than one delivery taking place during the extended delivery period. Aldi are happy to accept that a Service Management Plan is secured by condition to secure the mitigation measures detailed and hours of delivery.

They also state that delivery hours from 06:00 on Monday to Saturday had already been established at other Aldi stores, including a recent appeal, details of which have been submitted with this application. It was granted as it was noted that Aldi are committed to operating as quietly as efficiently as possible, going above and beyond what other food retailers do to ensure noise and disruption when deliveries are taking place is kept to a minimum.

In addition to the above measures, during the application process the applicant has submitted an amended site plan that shows the erection of a 2 metre high acoustic fence located on the northern side of the loading bay.

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 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:

Core Strategy policy(s):
CS27 Community Health and Safety

UDP
ENV3.7 'Control of Pollution

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/UDP Policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

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

Two neighbouring residents have objected on the following grounds –

- House is across the road from the site, and widows face the store, the road noise is already quite intrusive and adding to the noise of large lorries and forklift trucks on site will disturb sleep very early in the morning.
- This is a general suburban area and residents peace and quiet should be protected.
- This is yet another concession being demanded by Aldi and there is objection to further loosening of the conditions attached to the original permission
- The applicant has no regard for people who live near the premises.
- The existing operating times are reasonable, however it is now clear that Aldi never intended to accept such constraints.
- Many companies have to operate within reasonable time periods which are for the benefit of local residents.

Bramley Parish Council have objected on the grounds that the site is surrounded by residential properties and that the extension to delivery times is wholly unacceptable. It was originally imposed for the benefit of the local residents. Other neighbouring businesses are restricted by the Driver and Vehicle Standards Agency. The Parish Council consider that the original delivery times on the original permission are more than generous and no variation should be allowed.

Wickersley Parish Council echo the above comments made by Bramley Parish Council.

An objection has been received from Cllr Ellis, Cllr Hoddinott and Cllr Read (Wickersley Ward Councillors) on the grounds that the amendments sought are unacceptable and would have a negative impact on the village. They are disappointed that Aldi has submitted these amendments following a public consultation on the original plans, when conditions were put in place to address concerns raised by local residents. The Councillors have requested that the email be treated as an individual objection from each Councillor.

Consultations

Streetpride (Transportation and Highways Unit) – No objection

Environmental Health – Originally objected to the application as they considered that the development would cause a loss of amenity on the grounds of noise from early morning deliveries on Mondays to Saturdays with deliveries from 06:00 being sought. However the applicants have now also proposed to erect a 2 metre high acoustic fence along the northern side of the loading bay. Taking this into account, and recent appeal decisions submitted regarding the same issue, they have no objection to the application subject to a condition requiring the erection of the acoustic fence.

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.

In regards to the principle of development, layout and design, landscaping, biodiversity/ecology matters, contaminated land and drainage issues, these matters have already been established by the granting of the original application RB2015/0876 and do not require re-visiting as part of the current application as there have been no changes to material circumstances in respect of these matters.

The main considerations, however, in respect of the current relate to:

- The impact of the extended delivery hours on the amenity of surrounding residents.
- Impact on highway safety.
- Any other matters raised by objectors.

Impact of increased hours on the amenity of surrounding residents.

Core Strategy Policy CS27 'Community Health and Safety,' notes that: "Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality."

The Core Strategy Policy further goes on to note that: "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 'saved' 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,"

Paragraph 123 of the NPPF indicates that planning Policies and Decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise in new developments;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established..."

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 key point is that the NPPF notes that decisions on planning applications should avoid “noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.”

The main issue to be considered is the effect of changing the permitted hours of delivery to the food store on the living conditions of neighbouring residential occupiers, with particular regard to noise. The closest residential property to the loading bay on Main Street is approximately 27m away.

The application states that each deliver takes, on average 25 minutes, the most significant noise source is the arrival and departure of the lorry itself, which is a very brief event, and the associated noise is similar in nature to existing road traffic. During the 25 minute unloading process the trailer is backed up to a rubber surround so that stock is unloaded directly into the store, minimising the noise impact, and refrigeration units can be switched off while this happens.

The technical noise impact assessment submitted with the application concludes that the impact on local amenity will be relatively insignificant. It predicts that noise from the unloading process will be within the World Health Organisation limit for sleep disturbance. The predicted noise for the lorry manoeuvring is slightly higher, although they are well below the existing background noise in the area generated by traffic on Main Street and Bawtry Road. It therefore concludes that the additional noise associated with the extended hour for Aldi deliveries is unlikely to be noticeable.

The appeal decision submitted in support of the application is dated 22nd April 2015, and addresses the same issue as this application, to extend hours to allow deliveries to 06:00 Monday to Saturday and 07:00 on Sundays. In this case the facades of the closest residential properties were 46m from the service yard with an acoustic fence on the property boundary. After assessing all the evidence including the existing and predicted noise levels the Inspector concluded that the proposal would not have a harmful effect on the living conditions of neighbouring residential occupiers by reason of noise disturbance.

Objections have been received to this current application regarding the potential for noise disturbance to residents close to the site early in the morning. As detailed above the noise impact assessment concludes that deliveries at the site from 06:00 will not significantly increase noise at the site, and would not have a significant adverse impact on the residential amenity of neighbouring residents. As additional mitigation, the applicant has offered to erect a 2 metre high acoustic fence along the side of the loading bay.

In the aforementioned appeal the Inspector attached further conditions to assist in mitigating any noise produced, and it is considered that these conditions should also be attached to this permission. These would include the switching off of the refrigeration units on all delivery/collection vehicles prior to arrival at the store between the hours of 2300 and 0700; that

reversing alarms and all other beepers/alarms of all delivery/collection vehicles shall be switched off whilst at the store between the hours of 2300 and 0700, and that the engines of all delivery/collection vehicles shall be switched off when not manoeuvring and no horns sounded or radios used (except in an emergency) between the hours of 2300 and 0700.

It is therefore considered, that with the noise mitigation measures laid out above, the proposal to increase the delivery hours by 1 hour earlier each day would not have a significant impact on the residential amenity of surrounding residents, as such, the proposals comply with Core Strategy Policy CS27 'Community Health and Safety,' 'saved' UDP Policy ENV3.7 'Control of Pollution,' the advice contained within the NPPF and the guidance outlined in the NPPG.

Impact on highway safety.

The proposed extension of delivery hours is not considered to alter the previously submitted transportation assessment, neither does the overall scheme propose to alter any of the previously indicated delivery / servicing or car parking and access arrangements at the site. As such it is not considered that the additional hour of trading per day would lead to unacceptable increased demands upon the surrounding highway infrastructure or upon internal site parking provision to an unacceptable degree.

Other matters raised by objectors

Other objections have been received stating that this is yet another concession being demanded by Aldi to further loosen the conditions attached to the original permission, and that they have no regard for people who live near the premises. Objectors have states that existing operating times are reasonable, however it is now clear that Aldi never intended to accept such constraints, and that many other companies have to operate within reasonable time periods which are for the benefit of local residents.

In this regard the applicant is open to submit planning applications to amend previous approvals and it for the Local Planning Authority to assess each application submitted on its own merits.

Conclusion

It is considered that the information submitted demonstrates that the increased hours to allow for deliveries from 06:00 to 23:00 Mondays to Saturdays and 08:00-22:00 on Sundays, would not have a significant detrimental impact on local residents by virtue of noise and disturbance, and the proposal is therefore in accordance with Core Strategy Policy CS27 and UDP policy ENV3.7.

The mitigation measures proposed are also considered to further protect the residential amenity of the local residents, and are attached as conditions onto the planning permission.

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:

0491-50 Rev A Location Plan dated 01/14

C15A34-W003 Rev D Proposed Site Plan dated 11.06.2015

0491-111 Proposed GA dated 04/15

0491-115 Roof Plan dated 04/15

Proposed Elevations C15A34-P004 dated 7/9/15

0491-113 Proposed Sections dated 04/15

Reason

To define the permission and for the avoidance of doubt.

02

Prior to the commencement of construction works of the building hereby approved details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works, discharge points and off-site works, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason

To ensure that the development can be properly drained in accordance with Core Strategy Policy CS25 'Dealing with Flood Risk'

03

Development shall not begin on the construction works of the building hereby approved until 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, have been submitted to 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.

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.

04

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

05

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason

To prevent pollution of any watercourse in accordance with UDP policy ENV3.7 'Control of Pollution'.

06

Prior to the commencement of construction works of the building hereby approved details of the proposed vehicle accesses, including closure of the existing vehicle access on the site frontage with Bawtry Road as shown in draft form on Drg No C15A34-P003 Rev A shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason

In the interests of highway safety.

07

Prior to the commencement of construction works of the building hereby approved details of a prospectively adoptable footway (Minimum width 2.0m and including 2 No tactile pedestrian crossings) on the site frontage to Main Street, shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason

In the interests of highway safety.

08

Prior to the development being brought into use, a Car Parking Management Strategy shall be submitted to and approved by the Local Planning Authority and the approved plan shall be implemented throughout the life of the store. The strategy shall include details of the availability of 1.5 hours free car parking for customers and non-customers of the store.

Reason

In order to promote sustainable transport choices and encourage linked trips to other facilities in Bramley Town Centre.

09

Prior to the development being brought into use, an HGV routing strategy for delivery vehicles shall be submitted to and approved by the Local Planning Authority. The approved plan shall be based on delivery vehicles utilising the Bawtry Road access only and shall be implemented throughout the life of the store.

Reason

In the interests of highway safety.

10

The proposed landscaped area on the western side of the proposed access from Bawtry Road to the first car parking bay shall be maintained at a maximum height of 900mm above the nearside road channel.

Reason

In the interests of highway safety.

11

The vehicular access drive from Bawtry Road shall not exceed a gradient of 5% for a distance of 10 metres measured from the highway boundary and 10% thereafter.

Reason

In the interests of highway safety.

12

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

- a) a permeable surface and associated water retention/collection drainage, or
- b) an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

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

13

Before the development is brought into use the car parking area shown on Drg NoC15A34-P003 Rev A shall be provided, marked out and thereafter maintained for car parking.

Reason

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

14

Before the development is brought into use a protocol for implementing, monitoring and reviewing the submitted Travel Plan, in conjunction with the Local Planning Authority, and a timetable for the implementation of the protocol and the travel plan, have been submitted to and approved in writing by the Local Planning Authority. The travel plan shall be implemented in full in accordance with the approved timetable and protocol unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

15

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

Reason

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

16

Landscaping of the site as shown on the approved plan (Vector drawing no V0491 L01D) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policies , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

17

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and positioned in accordance with the details submitted in the Arboricultural Report, Arboricultural Impact Assessment and Method Statement by Urban Green dated, May 2015. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policies , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

18

The approved development shall be implemented in accordance with the advice and recommendations within the submitted Arboricultural Report, Arboricultural Impact Assessment and Method Statement by Urban Green dated, May 2015 and in particular the recommended tree protection measures required throughout the development.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policies , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

19

All deliveries to, or collections from the store shall be carried out between the hours of 06.00 - 23.00 Monday to Saturday and 08.00 - 22.00 on Sundays.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent properties in accordance with UDP Policy ENV3.7 'Control of Pollution'.

20

The store hereby permitted shall be open to the general public between the hours of 08.00 – 22.00 Monday to Saturday and between the hours of 10.00 - 17.00 on Sundays.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent properties in accordance with UDP Policy ENV3.7' Control of Pollution.'

21

Notwithstanding the submitted details with regard to externally mounted plant/ equipment for heating, cooling or ventilation purposes (inc grilles, ducts, vents for similar internal equipment), no development shall take place on the construction works of the building hereby approved until a detailed noise mitigation strategy has been submitted to and agreed in writing with the Local Planning Authority to demonstrate that noise levels at the nearest noise sensitive property boundaries from the aforementioned equipment shall not exceed existing background noise readings by 5dB(A) during the day and 3dB(A) at night. The approved details shall be installed as approved prior to the use commencing and shall thereafter be retained and maintained and should not be altered / replaced without the prior written approval of the Local Planning Authority.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent properties in accordance with UDP Policy ENV3.7' Control of Pollution.'

22

The development shall not be brought into use until details for the external illumination of the proposed store and car parking areas have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of neighbour and visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design,' and UDP Policy ENV3.7 'Control of Pollution.'

23

Prior to the commencement of construction works on the building hereby approved a biodiversity enhancement statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In the interest of biodiversity in accordance with CS20 Biodiversity and Geodiversity

24

The site has been characterised as a Gas Characteristic Situation 2. Prior to the commencement of construction works of the building hereby approved on site details of gas protection measures will need to be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to construction works commencing on site.

Reason

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

25

Remediation works (i.e. removal of underground tanks and grossly impacted soils; and soil capping works) shall be carried out in accordance with sections 4.1 – 4.15 (Remediation Method Statement) of the document entitled 'Proposed Aldi Store, Bawtry Road, Wickersley, Rotherham – Site Remediation Method Statement' - prepared by 3e Consulting Engineers Limited, ref 12693/RS Rev 2, dated May 2015.

The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

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.

26

Prior to development if subsoil/topsoils are required to be imported to site for remedial works they shall be tested at a rate and frequency specified within sections 4.16 - 4.18 (Validation Testing and Reporting Requirements) of the document entitled 'Proposed Aldi Store, Bawtry Road, Wickersley, Rotherham – Site Remediation Method Statement' prepared by 3e Consulting Engineers Limited, ref 12693/RS Rev 2, dated May 2015. The results of testing will be presented in 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.

27

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

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.

28

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

29

No development shall take place on the construction works of the building hereby approved until there has been submitted to and approved in writing by the Local Planning Authority drawings including elevations/ details indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the store opening.

Reason

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

30

The window(s) on the elevation of the eastern facing elevation shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and shall not be openable by more than 150mm wide. The window(s) shall be permanently retained in that condition thereafter.

Reason

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

31

Details of the appearance and acoustic specification of the 2 metre high acoustic fence to the loading bay shown on the approved site plan, shall be submitted and approved by the Local Planning Authority. The approved details shall be implemented on site before the development is brought into use, and retained thereafter throughout the life of the development.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent properties in accordance with Core Strategy Policy CS27 Community Health and Safety and UDP Policy ENV3.7 'Control of Pollution.'

32

The refrigeration units of all delivery/collection vehicles shall be switched off prior to arrival at the store between the hours of 2300 and 0700.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent properties in accordance with Core Strategy Policy CS27 Community Health and Safety and UDP Policy ENV3.7' Control of Pollution.'

33

The reversing alarms and all other beepers/alarms of all delivery/collection vehicles shall be switched off whilst at the store between the hours of 2300 and 0700.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent properties in accordance with Core Strategy Policy CS27 Community Health and Safety and UDP Policy ENV3.7' Control of Pollution.'

34

The engines of all delivery/collection vehicles shall be switched off when not manoeuvring and no horns sounded or radios used (except in an emergency) between the hours of 2300 and 0700.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent properties in accordance with Core Strategy Policy CS27 Community Health and Safety and UDP Policy ENV3.7' Control of Pollution.'

Informative(s):

Environment Agency

Informative: For further information and advice about pollution prevention please refer to the Environment Agency's website to access Pollution Prevention Guidance Notes (<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>) and advice on how to get your site design right (http://www.environment-agency.gov.uk/static/documents/Business/pp_pays_booklet_e_1212832.pdf). You may also wish to contact our National Customer Contact Centre on tel. 08708 506 506 for site-specific advice on pollution prevention.

We recommend that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3) Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater. GP3 is available on our website at:
<http://www.environmentagency.gov.uk/research/library/publications/40741.aspx>
- 4) Refer to our website at www.environment-agency.gov.uk for more information.

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	RB2016/0357
Proposal and Location	Change of use of barn & land to residential dwelling house (use class C3) and demolition of garage and store at land at Hardwick Lane, Aston, S26 2BE
Recommendation	Grant subject to conditions

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



Site Description & Location

The site of application is a barn on Hardwick Lane, Aston, a small hamlet located adjacent to the M1. The hamlet contains a number of residential properties of varying ages, a farm and small garden centre. The barn itself is a utilitarian agricultural barn constructed in the 1970s. The barn is a steel portal frame, with a breeze block walling to ground floor and asbestos sheeting to the first floor and roof. The building has a number of window openings and two garage door openings.

The site is surrounded by a number of protected trees, with a small asbestos garage to the side.

Background

RH1970/6456 - Erect agricultural store & workshop for repair of agricultural implements – Granted Conditionally.

Condition 2

The building shall be used only in connection with the storage, repair or maintenance or agricultural machinery and equipment but not including the repair, maintenance or dismantling of private/commercial road vehicles or in respect of any other commercial/industrial undertaking.

RB2006/0931 - Retrospective application for the change of use of former agricultural barn to vehicle spraying - WITHDRAWN

Proposal

The applicant proposes to demolish the existing detached asbestos garage and to convert the existing agricultural building to form a dwelling. One existing drive will be retained for two off street parking spaces, with the drive accessing the asbestos garage closed off by way of a newly planted hedge and used as a small garden space.

The proposed conversion involves the following alterations:

- The conversion of building to form a 3 No. bedroomed dwelling, including an integral garage.
- No major/substantial re-building work is required, nor extensions to the footprint.
- Existing concrete blockwork walls will be retained in their current form and position.
- An open plan ground floor arrangement with 1.8/2m partition walls will divide each living space and also the upper area.
- The building will utilise the current connections to the water and electricity mains and no major work is required by statutory undertaker in this regard.
- The use and retention of all existing openings, with only one alteration to the size and form of the front timber access door and the replacement of the floor to ceiling timber sliding door with a full height window on the southern end elevation.
- Replacement of existing doors and windows with contemporary styled graphite black aluminium.
- Replacement conservation style rooflights.
- Timber cladding to all upper elevations, to replace fibre cement sheeting.
- The replacement of the fibre cement roof with eco plastic slates.

The applicant's arboriculture method statement states that:

- The six trees provide important amenity to the local area.
- The proposals will allow retention of all six trees with no disturbance to soils within the root protection areas.
- Some very minor pruning to crown lift two of the trees and remove dead wood from five of the trees has been recommended. This work is becoming necessary irrespective of the development proposals and will not adversely affect the health amenity of the trees.
- The trees will not cast undue shade on the living space of the proposed dwelling due to the orientation of the main windows.
- Some minor operations to construct a footpath are proposed within the Root Protection Area of tree 2. Provided this construction uses a 'no dig' method this will have no detrimental impact on this tree.
- The long term amenity provided by the trees will not be affected by the proposals.

The applicant has also submitted a bat survey which concludes:

- There is no sign of either droppings or food in the subject building.
- The building and the immediate area is considered to be a low to moderate habitat value.

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

Core Strategy policy(s):

CS4 Green Belt
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV3.7 'Control of Pollution'
ENV3.4 'Trees, Woodlands and Hedgerows'

Other Material Considerations

Interim Planning Guidance - 'Development in the Green Belt'. This has been subject to public consultation and adopted by the Council on 3rd March 2014.

South Yorkshire Residential Design Guide.

Supplementary Planning Guidance - Housing Guidance 3: 'Residential infill plots,'

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

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

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

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

Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 6 letters objecting to the application have been received. One of the letters of objection comes from Aston cum Aughton Parish Council.

The six letters of objection state that:

- Concerns about the roof containing asbestos.
- There are a number of glass windows that face directly onto our garden eradicating any privacy which there currently is. These windows will also allow view through every window to the front of our property eliminating privacy on both properties even more.
- The large contemporary window is out of character with the rest of the lane causing more concern about losing the lane's character.
- Assurances required that the drainage of waste and water is dealt within a suitable and hygienic manner.
- As a single-track lane that leads to a dead end I feel that there is already a substantially large amount of traffic, more than should reasonably be expected. To add to this there are already many cars

often parked on the roadside outside my property therefore adjacent to the building in question.

- This building was originally only passed at planning for use as an Agricultural building and for no other reason. It has been used for several different kinds of business and has even been used for storing a Hearse.
- We would need assurances that any proposed fencing, walling would not impede any sightlines to the access and egress from the private drive which is Spa Cottages right of way.
- There are six trees on the sight which have TPO's on them. We would need assurance that these trees will not be removed.

Aston cum Aughton Parish Council state that:

- Object to the proposed development on the basis that the intended use is not one for purely agricultural purposes, and therefore it would be considered unnecessary and unacceptable development of domestic property within the Green Belt.

Consultations

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

Streetpride (Tree Service Manager) – Provided the development is implemented in accordance with the submitted 'Pre-development Arboricultural Method Statement' dated, 22 April 2016, the submitted information has overcome any previous concerns regarding the possible adverse impact of the proposed development on the existing protected trees on the site. In addition, the relevant tree work and tree barrier fencing planning conditions are recommended with any permission.

Appraisal

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

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

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

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

- The principle of the development.
- Impact on openness and appearance of the Green Belt.
- The sustainability of the new dwelling.
- The impact upon traffic and highway safety.
- The visual appearance of the property and its appearance in the streetscene.
- The impact upon neighbouring amenity.
- Drainage issues.
- The impact on protected trees.
- Affordable housing contribution.

The principle of the development

Core Strategy CS4 – Green Belt states: “Land within the Green Belt will be protected from inappropriate development as set out in national planning policy”

Paragraph 90 of NPPF states that the re-use of buildings are also not inappropriate in Green Belt provided they are of permanent and substantial construction and preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

The Council’s Interim Planning Guidance on ‘Development in the Green Belt,’ further goes on to state that: “For a building to be of permanent and substantial construction it must have walls and a roof, be structurally sound and not require significant re-building, cladding or significant external alterations. This would also include a building that would require significant internal alterations to bring it up to habitable standards unless it is desirable to retain the building because of the historic value or visual amenity that it provides.”

The building in question is a 1970’s steel portal agricultural building which has been in use for the past 45 years. The building is therefore a permanent structure. The building is in a good structural condition, with no obvious signs of any structural issues or any decay. The ground floor element is constructed in breeze block walling with a number of existing window openings, with the first floor clad in asbestos style sheeting and an asbestos roof.

A number of alterations are proposed to make the building habitable as a residential property. These include new stained timber rustic vertical cladding to replace existing cladding to the walls, new insulated recycled plastic slates to the roof (incorporating 6 existing rooflights), a larger window opening to the front and a new internal first floor. The first floor would be supported by internal structures to keep joist spans reasonable and keep the additional load on the existing posts minimal. No extensions are proposed, no work to the foundations are required, and all the external window openings are to be retained with new aluminium window frames added.

As such taking account of the above, it is considered that the building is of a substantial and permanent construction and the proposal is in accordance with the advice set out in the NPPF and to Council's Interim Planning Guidance on 'Development in the Green Belt' and, therefore, does not represent inappropriate development.

Impact on openness and appearance of the Green Belt

There are no proposed alterations to the external appearance of the existing property with no changes to the footprint of the building or height. The applicant also proposes to remove a small redundant asbestos garage and remove an existing hardstanding within the curtilage to form a garden. The proposal is therefore not considered to have any additional impact on the openness and appearance of the Green Belt than the existing structure and will result in a slight improvement in openness.

As such, the change of use is considered to have no significant visual impact on the surroundings and conforms with Core Strategy CS4 – Green Belt, and the NPPF.

In addition, in view of the fact that the new dwelling is being allowed due to its minimal impact upon the openness of the Green Belt it is considered reasonable to remove permitted development rights for further extensions to the property and for outbuildings, which could otherwise be constructed without permission. The applicant has agreed to the imposition of such a condition.

The sustainability of the new dwelling.

The NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker; where it would represent the optimal viable use of a heritage asset; where it would lead to reuse of a redundant or disused building; or the development is of exceptional quality or innovative design (paragraph 55).

The dwelling is located within a small hamlet outside of Aston village separated by the M1 motorway, which is poorly served by local amenities. The hamlet is not identified as a village suitable for infill residential development within UDP Policy: 'ENV1.5 Infilling within Green Belt Villages'. The site is however within walking distance of a local bus stop, which allows access to local town centres and the proposal will reuse an existing structure. As such, it is considered that in this instance the proposal would not represent unsustainable development considering its scale.

The impact upon traffic and highway safety.

A number of objectors have raised concerns regarding on street parking resulting from the development. The applicant has designed the scheme to ensure two off street parking spaces, and the change of use removes traffic relating to the authorised agricultural use. The proposed two off street parking spaces is considered appropriate for a four bedroom property and complies with Council Guidance in this respect.

The visual appearance of the property and its appearance in the streetscene.

Core Strategy Policy CS28 – Sustainable Design states: “Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings 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. Design should take all opportunities to improve the character and quality of an area and the way it functions.”

The NPPF further 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 South Yorkshire Residential Design Guide (SYRDG), is further considered to be of relevance in assessing the appropriateness of this development, in particular Chapter 4A, section A.1, paragraph A.1.1 which states “Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses / bungalows should be at least 50 sq. metres; for three or more bedroom houses / bungalows, 60 sq. metres. Smaller gardens may be acceptable in corner zones or blocks if privacy and day lighting can be maintained.”

The applicant has specifically designed the scheme to minimise the visual impact upon the Green Belt and to improve the appearance of an otherwise utilitarian building. The conversion involves new timber cladding and a slate style roof, which will be a big visual improvement upon the poor quality asbestos sheeting. Furthermore the applicant proposes conservation grade rooflights and high quality aluminium windows. Such materials and detailing will have a good quality appearance appropriate for its rural setting.

Furthermore the internal accommodation far exceeds the minimum standard set out within The South Yorkshire Residential Design Guide, and the proposed garden at 140sqm exceeds the Council’s minimum.

Having taken account of the above it is considered, that the proposed conversion fits in with the character and scale of the streetscene, subject to the use of appropriate materials.

The impact upon neighbouring amenity.

Turning to the issue of residential amenity, the NPPF, at paragraph 17 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 further goes on to state 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 buildings.”

The Council’s inter-house spacing standards outlined within adopted Supplementary Planning Guidance - Housing Guidance 3: ‘Residential infill plots,’ indicates that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing habitable room windows at first floor should be located within 10 metres of a boundary with another property.

With regard to neighbouring amenity the scheme will result in new first floor habitable room windows to the front and side. First floor windows to the rear have been avoided to prevent overlooking to the garden of Spa Bungalow. The first floor windows to the side would be approximately 14m from the front boundary, and 29m from the front elevation, of the dwellings known as 1 and 2 The Cottages. Such separation distances exceeds the Council’s minimum requirement of 10m and 21m respectively. Furthermore the front first floor window is set 15m from the front garden of Hardwick Lane Farm, which again meets the minimum requirements.

With the above circumstances in mind no significant harm to neighbouring amenity is envisaged.

Drainage Issues

A number of objectors have raised concerns regarding the proposed drainage and sewage arrangements. The applicant has indicated that the scheme will utilise the utilities associated with the agricultural workshop. Furthermore appropriate drainage is considered in detail as part of any Building Regulations approval.

The impact on protected trees

Policy ENV 3.4 Trees and Woodlands states that the Council will seek to promote and enhance, tree hedgerow and woodland coverage throughout the Borough.

It is noted that no extensions are proposed and as such no additional structures will come closure to the protected trees on site. The Council's Tree Officer considers that the proposal is acceptable subject to any pruning in accordance with the applicant's Arboricultural Method Statement and protective fencing being erected on site during the build process.

Affordable housing contribution

Following the recent Court of Appeal judgement (Secretary of State for Communities and Local Government v West Berkshire District council (1) and Reading Borough Council (2) [2016] EWCA Civ 44) on 11th May 2016, the lower threshold requirements for development schemes (i.e 10 or less dwellings) to provide a Section106 financial contribution towards off-site affordable provision were quashed. Until such time that any further judgements are made on this matter, the Council is no longer seeking a financial contribution or on site provision under its adopted Core Strategy Policy CS7 'Housing Mix and Affordability.'

Other matters raised by objectors

A number of objectors have raised concerns regarding the disposal of asbestos during the conversion and demolition of the detached garage. This is primarily a health and safety issue and as such an informative has been attached making the applicant aware of their duty to dispose of the material in a safe manner.

An objector has raised concerns that the building has been used for non-agricultural uses in the past. The Council considers that the current authorised use is agriculture and that any past unauthorised uses do not have a bearing on the principle of the conversion referred to above.

Finally in terms of potential fencing blocking the sightlines for those accessing Spa Cottages, a condition has been attached requiring details to be submitted of any new fencing and this matter can be addressed under the discharge of that condition.

Conclusion

The building is considered to be of permanent and substantial construction and its conversion to residential use is therefore considered appropriate in the Green Belt. In addition, the proposed development would not have a greater impact on the openness of the Green Belt than the existing permanent built form. The development is considered to represent sustainable development and would not have an adverse impact on neighbouring residents or highway safety, or on protected trees close to the building. The proposal is therefore in accordance with relevant Development Plan Policies, the Interim Planning Guidance - 'Development in the Green Belt,' and advice in the NPPF.

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 No. 02 Rev B, received 09 May 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 be in accordance with the details provided in the submitted application form. The development shall thereafter be carried out in accordance with these details.

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

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

The proposed garage door shall be set in so as to provide a minimum 5m long parking space to the front.

Reason

To ensure there is adequate space to park on the drive in the interests of highway safety.

06

No work or storage on the site shall commence until all the trees/hedges to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and positioned in accordance with the submitted details within the Pre- development Arboricultural Method Statement by Ian Kennedy, Wharnccliffe Trees and Woodlands Consultancy dated, 22 April 2016. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

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

07

All tree works shall be carried out in accordance with B.S.3998: 2010 Tree work - Recommendations and shall not exceed the schedule of pruning indicated in Table 2 of the submitted Pre- development Arboricultural Method Statement by Ian Kennedy, Wharnccliffe Trees and Woodlands Consultancy dated, 22 April 2016, unless otherwise agreed in writing with the Local Planning Authority. In addition no tree work shall commence until the applicant or his contractor has given at least seven days notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

Reason

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

08

The dwelling shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected/planted. Any new boundary treatment/planting shall be erected/planted in accordance with these details. The boundary treatment shall include the retention of all existing hedging, and the provision of new hedging across the southerly access point that is to be closed off.

Reason

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

09

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no enlargement of the dwellinghouse or freestanding buildings, permitted under Part 1, Classes A, B, C, D & E, shall be carried out without the prior written approval of the Local Planning Authority.

Reason

So that further alterations and extensions can be controlled by the Local Planning Authority in order to maintain the openness and appearance of the Green Belt.

Informative(s)

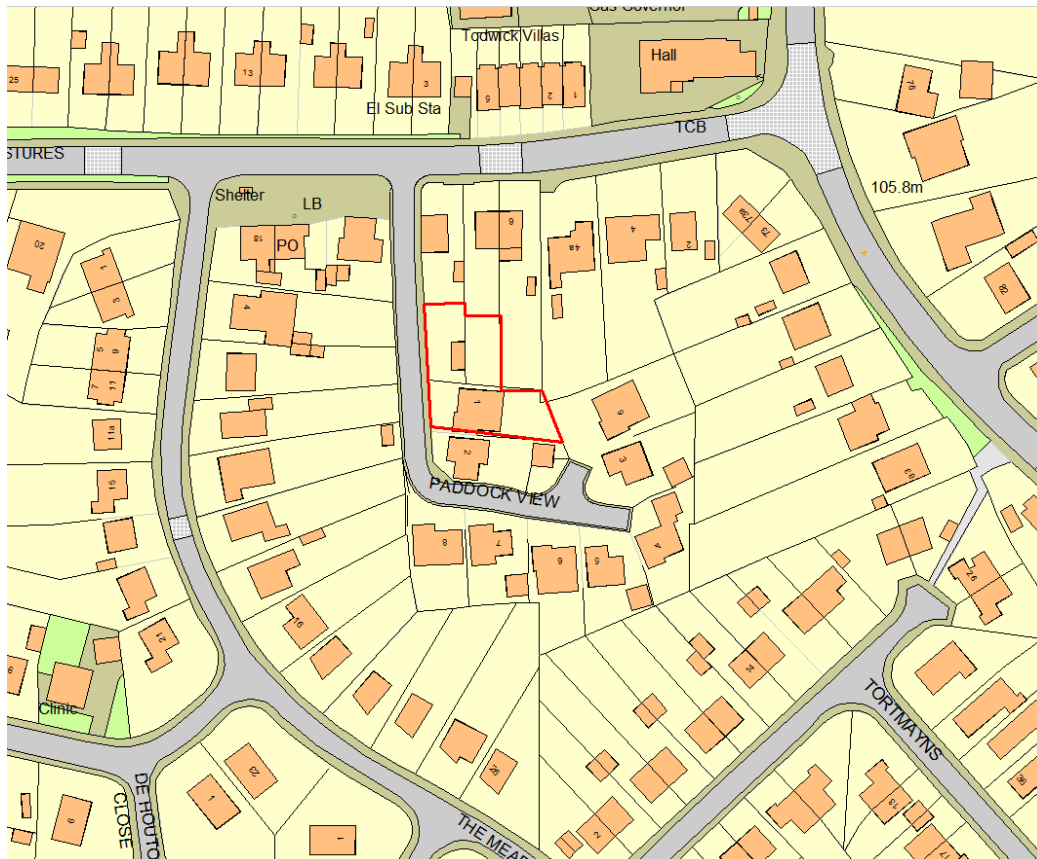
Based on information provided with this application it has become apparent that asbestos containing material may be present within the existing building structure. The removal of asbestos materials must be carried out in accordance with appropriate guidance and legislation including compliance with waste management requirements. Accordingly any works should be managed to avoid damage to any asbestos containing material such as to prevent the release or spreading of asbestos within the site or on to any neighbouring land. Failure to comply with this may result in the matter being investigated by the Health and Safety enforcing authority and the development not being fit for the proposed use. In addition the developer may incur further costs and a time delay while ensuring the matter is correctly resolved.

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	RB2016/0495
Proposal and Location	Erection of detached garage at 1 Paddock View, Todwick, S26 1JY
Recommendation	Grant subject to conditions

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



Site Description & Location

The site of application is to the side of No. 1 Paddock View on land that was formally part of the rear gardens of Nos. 8 & 10 The Pastures. The land in question is to the north of 1 Paddock View and has at some point in the recent past been bought by the occupiers of 1 Paddock View and incorporated into the garden area of their property and now forms part of their private garden area. Planning permission is not required to alter gardens from one property to another as no change of use has occurred.

There are also two protected trees on the site, one to the road frontage of The Pastures and one further to the north of the site. The trees are part of Tree Preservation Order (No. 3) 1971. The Pastures is characterised by 9 large two storey detached properties. The site in question is close to the entrance of The Pastures and would figure prominently in the street scene of the road.

Background

The relevant planning history is as follows:

RB2016/0417: Application to fell silver birch protected by RMBC Tree Preservation Order No. 3, 1971 – GRANTED CONDITIONALLY 13/05/16

RB2016/0010: Erection of dwellinghouse (amendment to RB2015/0661) – WITHDRAWN 15/04/16

RB2015/0661: Erection of dormer bungalow - REFUSED 15/09/15 for the following reasons:

01

The Council considers that the erection of a dormer bungalow in this location is materially harmful to the character and appearance of the surrounding area by introducing a dwelling that is of an alien design, massing, scale and appearance harming the streetscene of Paddock View. As such, the proposed development would be contrary to advice in the National Planning Policy Framework and Rotherham Core Strategy Policy CS28 'Sustainable Design'.

02

The Council considers that the loss of the protected Silver Birch Tree (T14), which has good future prospects, would materially harm the visual amenities of the area and is contrary to UDP Policy ENV3.4 'Trees, Woodlands and Hedgerows'

03

The Council considers that the applicant has failed to provide adequate information about flood risk at the site from surface water flooding and how it would be mitigated. As such, the application is contrary to Core Strategy Policy CS25 'Dealing with Flood Risk.'

RB2003/0392: Erection of 8 detached dwellings and garages - GRANTED CONDITIONALLY 25/09/03

Proposal

The proposal is to construct a detached double garage with an additional storage room at ground floor and gym at first floor level. The garage would measure 10.2 metres in length and 7 metres in depth. The height to the eaves of the roof would be 2.2 metres with the height to the ridge of the roof of 4.5 metres. The roof would be tiled and would be a dual pitched roof with Dutch hips.

The garage would have two garage doors with a window to the front elevation and a door to the rear. There would be 2 No. flat roofed dormer windows to the front elevation.

The garage would be constructed of brick with a tiled roof to match the existing dwelling house.

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

Core Strategy policy(s):

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):
ENV3.2 'Minimising the Impact of Development,'
ENV3.3 'Tree Preservation Orders'

Other Material Considerations

Interim Planning Guidance - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 3rd March 2014 and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

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

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

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

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

Publicity

Neighbouring adjoining residents have been notified of the application in writing. Five representations have been received by neighbours objecting to the application, as well as a comment from Todwick Parish Council.

The comments raised by the residents shall be summarised below:

- No objections are specifically raised to building a garage at the property though the size and scale of this garage is unacceptable in this location.
- The proposed garage looks very similar to the plans for a detached bungalow on the site that was previously refused.
- The garage would overshadow neighbouring properties gardens and would reduce natural light into the estate.
- The garage could harm the ability of neighbours to sell their properties in the future.
- It is too large for a garage.
- It will cause flooding problems.
- It takes up too much of the garden area.
- It will harm or kill the protected tree on the site.
- The area cannot sustain any more development and will become overcrowded.
- The garage would be materially harmful to the character and appearance of the surrounding area.
- There is no need for this building as the house already has a double garage.
- This is just a way around the previously refused application for a bungalow with the applicant intending to use it for residential purposes.
- The garage will harm the character and appearance of the surrounding area.

Todwick Parish Council commented that the additional hard surfacing to be created in association with the application will exacerbate flooding problems in the area.

Consultations

Streetpride (Transportation and Highways Unit): Raise no objections to the proposal in highway terms subject to a condition requiring that the parking areas are suitably hard surfaced.

Streetpride (Drainage): Have commented that there is a risk of surface water flooding in this location but the proposed development at ground floor level will be non habitable space. As such, simple measures could make the building flood resilient and no objections are raised to this proposal subject to an informative advising the applicant of flood resilient construction measures.

Streetpride (Tree Service Manager): Raises no objections to this application subject to a condition relating to tree protection measures being submitted to and agreed with the Council and the agreed protection measures in place before the development takes place.

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
- Design and appearance of the proposed garage
- Impact on neighbouring residents
- Impact on protected trees
- Transportation issues
- Drainage and flood issues
- Other issues raised by objectors

Principle of development

The property is located within the village of Todwick and is allocated for residential use in the adopted Unitary Development Plan. As such, it is considered that the principle of the construction of an ancillary residential outbuilding to this domestic property is acceptable in principle.

Design and appearance of the proposed garage

In assessing the design of the proposed garage and the surrounding area, Core Strategy Policy CS28 – Sustainable Design notes 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.”

Furthermore, 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 Council’s Interim Planning Guidance – ‘Householder Design Guide’ advises that: “Garages should generally be restricted to rear and side gardens where they may benefit from permitted development. Garages that require permission should not be of an excessive size and height and the use of concrete sectional garages should be avoided in prominent locations visible from the public highway. The Council will not be supportive of garages in front gardens unless it can be demonstrated that no harm to the street scene will occur.”

With regards to the design of the garage it is noted that the garage is of significant size with a footprint of 70 square metres and with a room in the roofspace. However, the host property is relatively large with a large side garden (formerly the bottom end of the garden of 10 The Pastures). The garage’s design and appearance is distinctly domestic and is considered to be commensurate for its intended use and is considered to match the design, appearance and scale of the host property No. 1 Paddock View.

The garage would be located roughly in line with the host property and would not stand forward of the dwelling house.

It is noted that neighbouring residents have raised concerns about the design of the garage. However, it is considered that it is of an acceptable design and would not harm the character and appearance of the host property or the streetscene of Paddock View.

Impact on neighbouring residents

With regards to neighbouring amenity it is noted that the garage would be set away from neighbouring boundaries being located approximately 2 metres away from the boundary with the neighbouring property to the east (No. 6 The Pastures) and approximately 2.4 metres from the rear garden boundary with No. 8 The Pastures, and approximately 21m from the rear elevation of that property. It is noted that the total height of the garage would be 4.5 metres to the ridge of the roof. As such, it is considered that the garage would not appear overbearing to neighbouring residents or would lead to overshadowing of neighbouring residents gardens due to the height of the garage and the distance from the boundaries.

It is noted that the first floor of the garage would be used as a gym and would have two windows on the front elevation overlooking the road and not overlooking neighbouring properties. It is noted that the gym windows would be located approximately 15 metres from the boundary with neighbouring properties across the road on The Meadows. As such, it is considered at these distances there would be no unacceptable overlooking from the use of the first floor gym of the garage.

Impact on protected trees

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

The Council's Tree Service Manager has stated that the site contains a Silver Birch tree protected as T14 of Tree Preservation Order No 3 1971. According to the submitted site layout plan T14 is shown to be retained as part of the proposed development. However, consent was sought to fell T14 (RB2016/0417) that has subsequently been granted subject to planning conditions including replacement planting.

The recommended position of the replacement tree is closer to the new garage than the existing tree. If consent is granted for the new garage and the replacement tree is planted prior to its construction its future prospects will need to be safeguarded throughout any development. This may be achieved by the provision of protective fencing in accordance with BS 5837 Trees in Relation to Demolition, Design and Construction.

Therefore no objections are raised to this application subject to a condition relating to tree protection measures being submitted to and agreed with the Council and the agreed protection measures in place before the development takes place.

Transportation issues

In highway terms the Council's Transportation and Highways Unit raise no objections to the proposal in highway terms subject to a condition requiring that the parking areas are suitably hard surfaced.

Drainage Issues

UDP Policy ENV3.2 'Minimising the Impact of Development,' notes that: "In considering the scale, appearance, nature and location of development and infrastructure proposals, the Council will seek to minimise adverse impact on the environment, including water resources..."

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."

With regards to drainage matters the Council's Drainage Engineers have commented that there is a risk of surface water flooding in this location but the proposed development at ground floor level will be non habitable space. As such, simple measures could make the building flood resilient.

Other issues raised by objectors.

It is noted that objectors have raised concerns that the application for the garage is similar to a previous planning application on the site for a detached bungalow. They have raised concerns that this application is a back door way of getting a bungalow on the site in the near future. However, it is noted that the application (RB2015/0661) for the proposed bungalow was considered, on its own merits, to be unacceptable, partly due to the reason that it would introduce a dwelling that is of an alien design, massing, scale and appearance harming the streetscene of Paddock View. It was of a different nature to the application currently under consideration which is for a domestic garage associated with the host property.

Furthermore it is considered that to change the use of the garage into a separate domestic property would require planning permission in its own right and is therefore controlled by the planning system. Any such proposal would have to demonstrate that it had its own sufficient private amenity space, which it is considered would be difficult to demonstrate on the basis of the proposed location of the double garage. Therefore it is considered that the current application would not lead to the granting of a domestic dwelling in this location.

It is noted that concerns were raised about reducing the value of neighbouring properties and potentially making them harder to sell. These points are not material planning considerations and cannot be taken into account in the assessment of this application.

It is noted that a neighbouring resident objected to the application claiming that as the house already has a double garage it does not require this building. The applicant has stated that the existing garage can only contain a single car due to its limited width, and as it is also used to store gym equipment (which would move into the new building). He adds that he is looking to buy a classic car that would need garaging in addition to his existing vehicle. Finally, the applicant notes that the drive in front of the existing garage door is limited in length such that his car overhangs the pavement when parked in front of the garage, whilst allowing the garage door to be opened for access. This issue would be overcome by the provision of the proposed additional garaging/parking facilities.

Conclusion

Taking account of the above, it is considered that the erection of a double detached garage is of an appropriate scale, position and design so as to remain subservient to the existing dwelling, and be sympathetic in the wider locality and streetscene.

Additionally the proposal is not considered to have any detrimental impact on the residential amenity of adjacent occupiers by way of overbearing impact or loss of privacy due to its design and position, and as such accords with both local and national planning guidance and emerging guidance.

It is considered that the development would not lead to any harm in terms of flood risk to the wider locality or harm the protected tree to be retained on the site.

Furthermore, it is not considered that the proposals would be detrimental in highway safety terms, subject to a condition relating to the hard surfacing of the proposed parking areas.

Taking all of the above into account, as the application is therefore recommended that the application is granted planning permission.

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 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.'

03

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

04

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

Reason

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

Informative

Flooding - Whilst the property does not lie within the flood plain as shown on the Environment Agency's Indicative Flood Plain Maps it is noted that the site is within an area that has historically flooded in the past. It is important that the proposed outbuilding must be designed and constructed, to protect and safeguard against all possible risks from flooding. Further guidance on how properties may be protected against possible flooding problems can be found on the Environment Agency's web site. In all events the proposed extension must not divert or create or cause additional flood water problems to any adjacent or neighbouring land.

POSITIVE AND PROACTIVE STATEMENT

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

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 23rd June 2016

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

- | | |
|---|--|
| 1 | Proposed Tree Preservation Order No 3, 2016 – Land at Blue Man's Way Catcliffe |
|---|--|

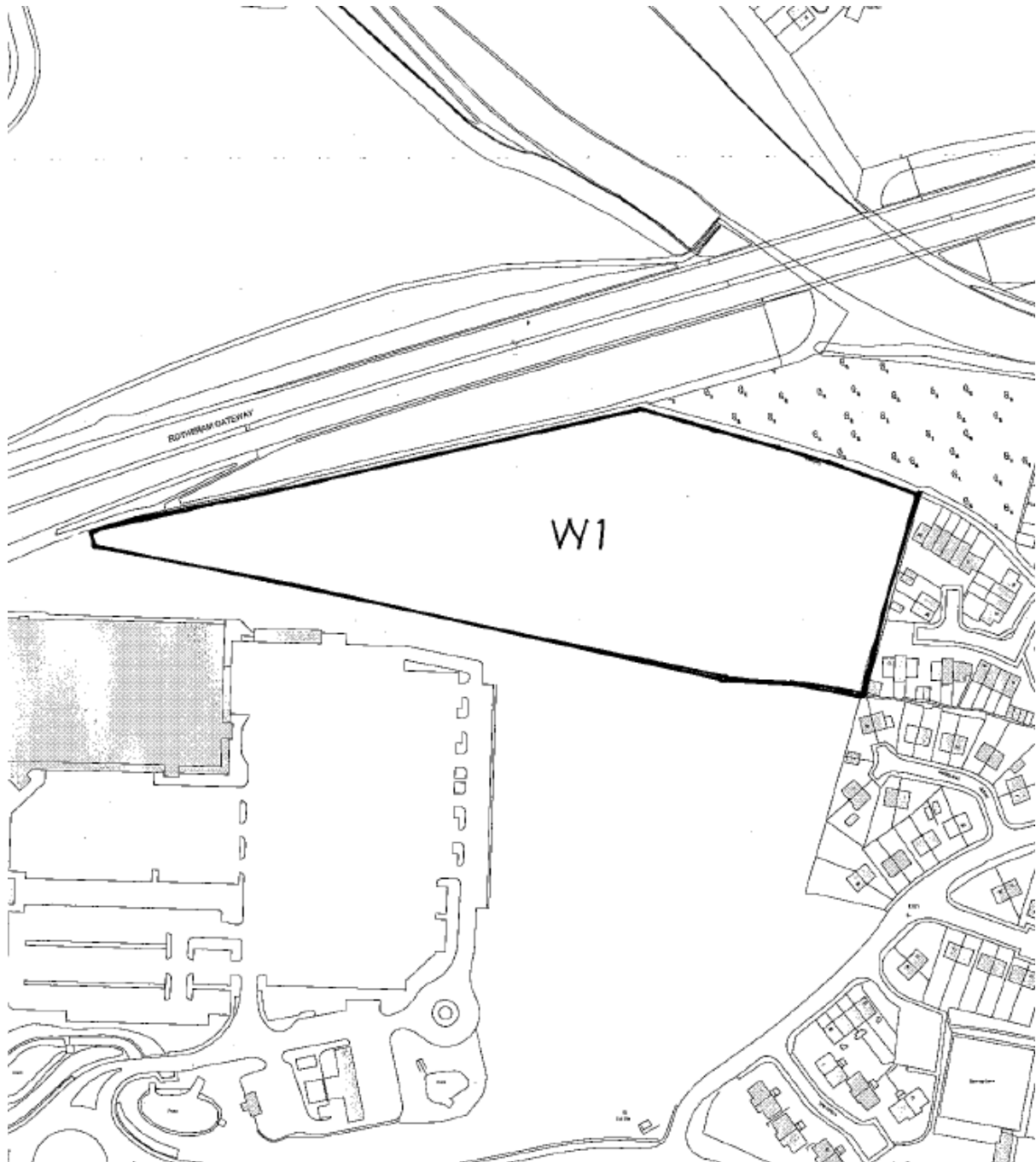
ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
23rd JUNE 2016

Item 1

Proposed Tree Preservation Order No 3, 2016 – Land at Blue Man’s Way Catcliffe



RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 3, 2016, with regard to the trees the subject of this report, situated on land off Blue Man's Way at Catcliffe under Section 198 and 201 of the Town and Country Planning Act 1990.

Background

Outline planning permission for the erection of residential development on land off Blue Man's Way at Catcliffe was refused by the Council on 22/02/16 (RB2013/1342). After the application was refused works started on site to fell some of the trees and a Tree Preservation Order (TPO) was served on 15/03/16. Any objections to the TPO had to be submitted by 22/04/16 and an objection was subsequently received from agents acting on behalf of Network Space on 20/04/16.

An appeal against the refusal of the planning permission (RB2013/1342) was submitted on 16/05/16 and will be determined by way of a public inquiry in due course.

Council's Tree Service Manager comments

The Tree Service Manager has considered the objections raised and has commented as follows:

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

1. The site does not contain rare or endangered wildlife or vegetation and does not contain any veteran, ancient or even mature trees.
2. The scrub growth on the site does not especially have a good amenity value and is not important in the wider landscape context.
3. The trees and shrubs growing on the site are very young (less than 15 years old) self-set specimens which are of poor form and are unlikely to grow into large well-formed specimens making up a woodland of importance.
4. The use of Tree Preservation Order to protect common scrub growth is not an appropriate use of a TPO
5. There is a lot of woodland and scrub cover within 500 metres of the site, totalling at least 18 hectares. This includes the publically assessable Catcliffe Flash Local Nature Reserve. Therefore, it is not expedient to protect the scrub growth on the site as there is plenty of publically accessible scrub and woodland close by.
6. The Council's reasons and TEMPO assessment of the amenity and expediency of protecting the scrub growth with a Tree Preservation Order is fundamentally flawed.
7. The site is not important under the Council's Core Strategy policy CS20

1.The site does not contain rare or endangered wildlife or vegetation and does not contain any veteran, ancient or even mature trees.

It is accepted that the protected woodland area concerned consists of young dense self-set trees and shrubs that generally may be described as 'scrub'. The Joint Nature Conservancy Council classifies scrub as scattered bushes to closed canopy vegetation, dominated by locally native or non-native shrubs and tree saplings, usually less than 5m tall, occasionally with a few scattered trees.

Some of the trees, mostly Silver Birch and some Willows, appear to be over 5m tall but there are no mature, veteran or ancient trees. As far as I am aware a detailed study of the wildlife on the site has not been carried out to confirm the site does not contain or support rare or endangered wildlife. I am aware the Council's Ecologist has reported reservations regarding the Phase 1 Ecological Report and the Ecological Compensation and Enhancement Plan submitted as part of the application to develop the site in his memorandum to Planning Services dated, 1 June 2015. For this reason, unless any further evidence is provided, it is not possible to comment further on this part of the objection at this stage.

2.The scrub growth on the site does not especially have a good amenity value and is not important in the wider landscape context.

The wooded area is visible from the Public Rights of Way, Catcliffe Footpaths No 2 positioned along the north and west boundaries, and No 3 positioned along the southern boundary of the site respectively. Therefore, whilst the trees are generally small in size they are clearly visible to the public although they are not prominent in the wider landscape. Views into the site are limited from the public footpaths particularly where there is dense scrub growth. However, this is not unusual where public footpaths are adjacent to woodlands in private ownership in more secluded areas.

Due to the smaller size of the trees and the position of the wooded area it is accepted it does not provide wider visual amenity and there are other areas of woodland and scrub nearby. However, it will no doubt provide associated wildlife benefits, even if not rare or endangered, and a positive impact in reducing air pollution and noise from the A630 which may not alone justify an Order. In addition its importance for these reasons may increase with suitable management to encourage its development to natural woodland.

3.The trees and shrubs growing on the site are very young (less than 15 years old) self-set specimens which are of poor form and are unlikely to grow into large well-formed specimens making up a woodland of importance.

Most of the trees are young in age and some are of poor form that is likely to limit their future prospects. However, with suitable management, including thinning the densest areas to favour the better trees and possibly the introduction of other forest type species, it may be possible to develop the woodland to increase its importance and associated environmental benefits. Indeed, this view appears to be in accordance with the objectives within the Ecological Compensation and Enhancement Plan submitted as part of the Planning Application to develop the land (Ref RB2014/1342). Section 2.3.3 recognises the potential of the scrub to develop

into broadleaved woodland and that this could be important for wildlife. Supplementary planting with new trees was also proposed within the area shown to be retained to encourage the development to 'natural woodland'.

4. The use of Tree Preservation Order to protect common scrub growth is not an appropriate use of a TPO

The Order was made following the refusal to the above planning application to develop it for housing. The Order is provisional and acts as a holding measure to prevent the trees being removed until any evidence is submitted to show the Order should not be confirmed. Some of the original trees on the site were removed prior to the Order being served and this suggests it is the owner's intention to clear the site if possible. I am not aware of anything in the government's advice to prevent areas of young self-set trees such as those concerned being protected in this way, particularly if they have the potential to provide an increased level of amenity and associated environmental benefits in the future.

5. There is a lot of woodland and scrub cover within 500 metres of the site, totalling at least 18 hectares. This includes the publicly assessable Catcliffe Flash Local Nature Reserve. Therefore, it is not expedient to protect the scrub growth on the site as there is plenty of publically accessible scrub and woodland close by.

There are other areas of scrub and woodland within 500m of the centre of Catcliffe as indicated on the submitted aerial photograph. However, there is no public access to these areas including Catcliffe Flash Local Nature Reserve which can only be viewed from Treeton Lane. Treeton Footpath No 1 is positioned along the northern boundary of the 5.19ha of land to the east but this land is also in private ownership. The low density scrub land to the south of the land concerned also has planning consent for 89 houses, (Ref No RB2014/1461). Indeed, the development of this area may increase the number of people using the nearby Public Rights of Way for recreational purposes. Therefore, whilst the amount of woodland and scrub habit does not appear to be rare in Catcliffe, most of it appears to be in private ownership and / or has limited public access.

6. The Council's reasons and TEMPO assessment of the amenity and expediency of protecting the scrub growth with a Tree Preservation Order is fundamentally flawed.

A score of 4 was awarded for part 1d of the TEMPO evaluation as the trees are considered to be collectively important visually as developing woodland. This is believed to be in accordance with the TEMPO Guidance notes as follows:

"Members of groups of trees that are important for their cohesion" – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups.

It is not understood how the objector has arrived at a score of 'minus one' as the Guidance notes state:

"Where none of the (4 criteria) above apply, the tree still scores one point, in order to avoid a zero score disqualification (under part 3)."

The reduction of one point for trees of poor form only applies to Part 1a of the TEMPO assessment where, in this instance, a score of 2 points was awarded to take into account the poor form of some of the trees on the site.

7. The site is not important under the Council's Core Strategy Policy CS20 'Biodiversity and Geodiversity'

It is accepted that there is no evidence to demonstrate that the area has a significant biodiversity value. However, reservations have been raised about the Extended Phase 1 Habitat Survey and the Ecological Compensation and Enhancement Plan submitted as part of the application to develop the site. Also, there are trees within the area that are more visually prominent and have the potential to develop into important trees. The Phase 1 habitat survey stated that within the scrub;

"young trees and shrubs are also present with dominant Hawthorn, Goat Willow, Ash, frequent Willow spp, occasional Cherry spp. Silver Birch, Hazel and rare Grey Willow."

For this reason it is felt that given suitable management the area has the potential to provide valuable and important amenity and associated benefits to the area."

Conclusion

In view of the above the Tree Service Manager concludes that the loss of all the trees from the site will result in a significant loss of amenity and any associated environmental benefits, albeit at present mainly limited to local residents and members of the public who use the adjacent Public Rights of Way for recreational purposes. Also the trees appear to be at risk of removal if the Order is not confirmed.

If the Order is confirmed and the planning appeal against the refusal to develop the site is upheld, it will override the Order and allow any affected trees to be removed to accommodate the development in accordance with the approved plans. Any remaining areas will continue to be protected and this may help to safeguard their future prospects throughout any approved development.

It is considered that the objection to the Order has been carefully considered and the Order has been made in accordance with Government guidelines. In this instance, it is recommended that the Order is confirmed without modification to take into account regrowth from the stumps of the trees that have been removed.