

## PLANNING REGULATORY BOARD

Date:- Thursday, 5 January 2017  
Time:- 9.00 a.m.

Venue:- Town Hall, Moorgate Street,  
Rotherham. S60 2TH

### 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 17th November, 2016 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (Pages 7 - 85)
8. Updates
9. Date of next meeting - Thursday, 26 January 2017

### Membership of the Planning Board 2016/17

Chairman – Councillor Atkin  
Vice-Chairman – Councillor Tweed  
Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Ireland, Jarvis,  
Khan, Price, Sansome, 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 - 17/11/16

**PLANNING BOARD**  
**Thursday, 17th November, 2016**

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Jarvis, R.A.J. Turner, Tweed, Walsh and Whysall; and Councillor Fenwick-Green (as substitute for Councillor Khan).

Apologies for absence were received from Councillors Ireland, Khan, Price and Sansome.

**42. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

**43. MINUTES OF THE PREVIOUS MEETING HELD ON 27TH OCTOBER, 2016**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 27th October, 2016, be approved as a correct record for signature by the Chairman.

**44. DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended.

**45. DEVELOPMENT PROPOSALS**

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about the applications shown below:-

- Application to vary condition 02 (approved plans) imposed by RB2014/1282 at Fullerton Public House, Vale Road, Thrybergh for RJR Developments Ltd. (RB2016/1183)

Borough Councillor K. Albiston (objector)

- Use of land as extension to garden area at 21 Milton Road, Dinnington for Mrs. S. Short (RB2016/1206)

Mrs. S. Short (applicant)

Mrs. T. A. Stannard (objector)

- Siting of portable building to provide outside bar at Masons Arms Public House, Bawtry Road/Northfield Lane, Wickersley for Greene King plc

(RB2016/1286)

Mr. L. Adams (on behalf of the applicant Company)  
Mr. T. Grech (on behalf of the applicant Company)  
Mr. T. Bentham (landlord of the Public House, on behalf of the applicant Company)  
Mr. D. Mitchell (objector)  
Parish Councillor Mr. P. Thirlwall (objector)  
Parish Councillor Mrs. S. Ellis (objector)

(2) That applications RB2016/1183, RB2016/1206 and RB2016/1286 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2016/0817 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report, including the amended condition 02, which reads:-

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) except as shall be otherwise agreed in writing by the Local Planning Authority.

Site Layout KP-SL-01 Rev H (Received 14/11/2016)

Abney Elevations KIV/AB-02, Abney Floor Plans KIV/AB-01, Ashbourne KIV-PL-01, Curbar Elevations KIV/CU-01, Curbar Floor Plans KIV/CU-02, Hathersage Elevations KIV/HA-12, Hathersage 1st Floor Plans KIV/HA-02, Hathersage Ground Floor Plans KIV/HA-01, Hopton Elevations KIV/HO-01, Hopton Floor Plans KIV/HO-02 & Matlock MA-PL-01 (Received 20 June 2015).

**46. PROPOSED TREE PRESERVATION ORDER NO. 5, 2016 - LAND AT 108 MAIN STREET, BRAMLEY**

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Culture concerning the proposed making and serving of a Tree Preservation Order to protect two trees (T1 Sycamore and T2 Silver Birch) on land at 108 Main Street, Bramley. The report stated that the condition of these trees had been inspected as part of consideration of the planning application for the redevelopment of this site (application reference RB2016/0114).

In accordance with the right to speak procedure, the following people attended the meeting and spoke about the applications shown below:-

Mr. A. Hill (objecting to the making of the Order)  
Mr. W. Anderson (objecting to the making of the Order)

The report detailed the evaluation of these two trees, using the TEMPO system (Tree Evaluation Method for Preservation Orders).

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

(2) That the serving of Tree Preservation Order No. 5, 2016, be confirmed without modification with regard to the two trees the subject of the submitted report, which are situated on land at 108 Main Street Bramley, in accordance with Section 198 and Section 201 of the Town and Country Planning Act 1990.

**47. UPDATES**

Members were informed of the Government's issuing of a safeguarding direction which would affect any applications for planning permission for development alongside the proposed route of HS2 High Speed railway line. The safeguarding direction required the HS2 organisation to be consulted on any applications for planning permission affecting land alongside the proposed railway route.

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

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

## SITE VISITS

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

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THURSDAY 5 JANUARY 2017**

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

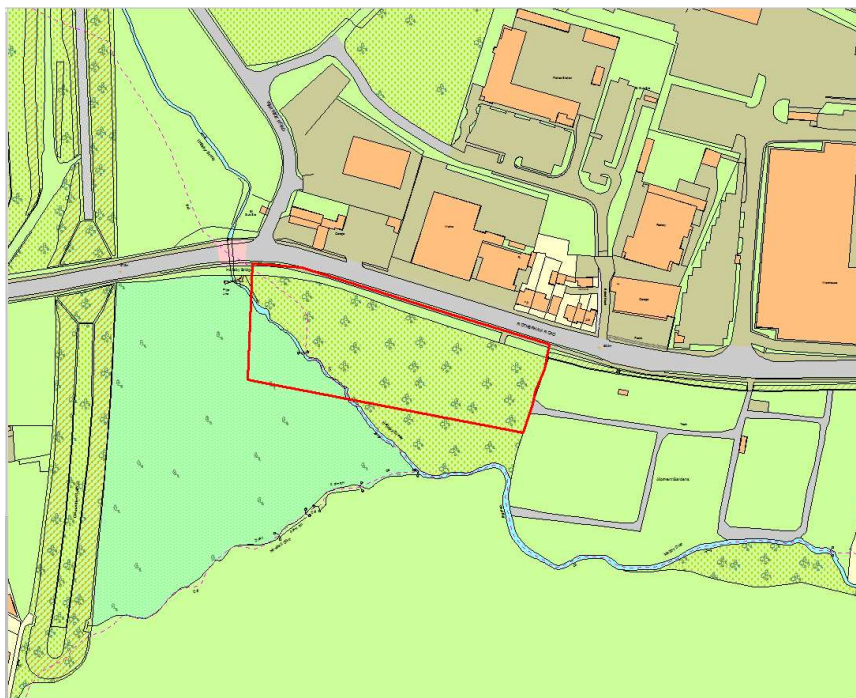
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<p><b>RB2016/0268</b> Erection of 8 No. residential blocks to provide 84 No. residential units with associated parking spaces, hard and soft landscaping and amenity area at land to south of Rotherham Road, Maltby for Boulby Davison Developments</p>	<p>Page 8</p>
<p><b>RB2016/1045</b> Erection of building for storage or distribution (Class B8) at land north of Patrick Tobin Business Park Bolton Road, Manvers for Wilsons Carpets</p>	<p>Page 41</p>
<p><b>RB2016/1048</b> Application to vary condition 03 (opening times) imposed by planning application RB2011/1601 at Café Deer Park Farm, Doncaster Road, Thrybergh for Deer Park Farm Café</p>	<p>Page 56</p>
<p><b>RB2016/1146</b> Alterations and part change of use to café (Class A3) at The Barn 71A Union Street, Harthill for Repton Medical Ltd</p>	<p>Page 61</p>
<p><b>RB2016/1382</b> Application to vary condition 16 (times heavy goods vehicles can enter and leave the site) imposed by RB2005/1533 at The Foundry Common Lane, Wath-upon-Dearne for T K Lynskey (Excavations) Ltd</p>	<p>Page 69</p>
<p><b>RB2016/1527</b> Erection of 19 No. pitched roof garages and 8 No. pitched roof stores at 3-5 Willowgarth Avenue, Brinsworth for Mr A Hawcroft</p>	<p>Page 76</p>



<b>Application Number</b>	<b>RB2016/0268</b>
<b>Proposal and Location</b>	Erection of 8 No. residential blocks to provide 84 No. residential units with associated parking spaces, hard and soft landscaping and amenity area at land to south of Rotherham Road, Maltby S66 8ES for Boulby Davison Developments.
<b>Recommendation</b>	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• Commuted sum not exceeding £30,000 to be used towards measures aimed at reducing parking associated with the development and which may include the procuring of a Traffic Regulation Order.</li> <li>• Commuted sum to secure purchasing of a TravelMaster pass per unit.</li> <li>• Open Space Management Plan detailing as to how management of open space areas within the site and maintenance of landscaping implemented as part of the development in the highway verge (Rotherham Road) would be undertaken.</li> </ul> <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

This application is being presented to Planning Board as the proposal does not fall within the scheme of delegation.



## Site Description and Location

The application site comprises vacant land to the south of the A631, between Hellaby and Maltby approximately 8km east of Rotherham Town Centre. The site is rectangular in shape and has a site area of approximately 0.8 hectares. To the east of the site are allotments with housing beyond, open fields lie to the south and west, whilst to the north across Rotherham Road is an existing business / industrial area, a garage and a small number of residential properties. Hellaby Brook crosses the western end of the site.

Towards the edges of the site are mature hedgerows and trees with very little formal landscaping on site. To the front of the site is a 7-9 metre wide strip of land between the A631 carriageway and the stone wall that forms the front boundary of the land under the applicant's ownership. This strip of land is included within the application site though forms part of the public highway.

## Background

The following applications are relevant to the application site:

RB2007/1706 - Erection of 8 no. three storey and 1 no. two storey office buildings with associated car parking & landscaping.  
Refused 22/11/07.

RB2008/1806 - Erection of 8 No. three storey and 1 No. two storey office buildings with associated car parking, landscaping and drainage.  
Refused 19/03/09 for the following reasons:

01

Insufficient information has been submitted to demonstrate that the vehicular traffic likely to be generated by the development will have no material adverse impact on the strategic road network in particular the junction of the A631 with the M18 motorway, contrary to Policy T6 'Location and Layout of Development'.

02

It is considered that due to the level of parking on site and the provisions within the Transportation Assessment submitted with the application, the proposed development would lead to additional parking on the A631 Rotherham Road and on the proposed adopted highway within the site itself to the detriment of the free and safe flow of other traffic and on the success of the measures proposed in the Travel Plan.

03

The proposed design and layout of development does not provide for adequate landscaping to be accommodated at the front of the site and therefore the proposal does not make a positive contribution to the surrounding environment contrary to UDP Policy ENV3.1 'Development and the Environment' and Planning Policy Statement 1 'Delivering Sustainable Development'.

04

Block 9 (D), as shown on the application drawings, would be detrimental to the appearance and character of the open Green Belt land adjacent to the site, by virtue

of its height and siting. It would therefore be contrary to UDP Policies ENV1.4 'Land adjacent to the Green Belt' and ENV3.1 'Development and the Environment.

A subsequent appeal against the above application was submitted and was the subject of a Public Inquiry. However by the time that the Inquiry sat, all other issues had been resolved leaving only matters relating to condition 03 (adequate landscaping) to be addressed.

In allowing the appeal the appointed Inspector considered that the outstanding matter (i.e. creating an improvement to the street scene) by ensuring appropriate landscaping and management company formation within the Rotherham Road highway verge; a commuted sum to provide bus shelters at the two nearest bus stops to the site; and a commuted sum in the event that in the event of any overspill parking onto surrounding roads as a result of the development could be secured by the signing of a Section 106 Agreement.

RB2013/0293 - Erection of 7 No. three storey and 1 No. two storey office buildings with associated car parking, landscaping and drainage (renewal of permission RB2008/1806).  
Granted Conditionally 04/03/14.

Prior to the above, permission was refused in 1962 under ref RH1962/3721 for Housing and in 1977 under ref RB1977/1433 for a Garden Centre both on the grounds that the uses proposed would conflict with the lands' allocation at that time as 'Green Belt'. The reallocation of the land from Green Belt to Business Use was made at the time of the adoption of the UDP in 1999 in anticipation of the proposed realignment of the A631 Rotherham Road.

## **Proposal**

The scheme has been submitted taking account of the previously approved office development scheme as outlined above both in regards to its overall layout and design. However, the proposal currently presented for consideration involves a wholly residential apartment scheme comprising of the construction of 8 No. three storey buildings having six blocks positioned in a linear formation alongside Rotherham Road with a further two blocks situated to the rear of the site. Associated car parking is indicated as provided alongside the new access road and separating the front and rear blocks. Additional hard and soft landscaping is to be further provided alongside the proposed residential blocks and parking areas, with a pedestrian walkway providing access to the amenity land / meadow over Hellaby Brook to the west of the site. A pedestrian access from Rotherham Road is also proposed between blocks 1 and 2, using an existing gated access.

The submitted drawings indicate four designs of residential apartment blocks having accommodation set over three floors and constructed of a palette of materials including coloured banded brickwork and stone, white PVC double-glazed doors and windows with glazed 'Juliet' balconies proposed to the 1<sup>st</sup> and 2<sup>nd</sup> floors. No roof material is specified, however this is indicated to be of a flat roof construction so as to enable residents' access to roof top garden areas.

In further detail each block proposes the following:

Block type A - 3 no. in total being 'L-shaped' in configuration and 10.5 metres in height, with each wing being 20 metres in length and 9 metres in width. One block being set to the east of the site with a further 2 no. forming the 'entrance' feature off Rotherham Road.

Block type B – 2 no. in total being of a rectangular form with protruding element providing staircase / lift facility 10.6 metres in height, 16.7 metres in length and 11 metres in width and sited one to the front and one to the rear of the site.

Block type C – 1 no. in total comprising of a 'cranked' rectangular configuration and 10.6 metres in height, with each wing ranging between 15 – 18.4 metres in length and between 7.5 to 9.9 metres in width and sited to the west of the site partly within the existing flood plain.

Block type D - 2 no. in total being 'U-shaped in form and 10.5 metres in height, 16.7 metres in length and 15.2 metres in width and sited to the rear of the site.

The application has been amended from its original submission which originally was for a total 84 residential units comprising 72 no. 1 bed and 12 no. 2 bed apartments as well as 77 car parking spaces. This has subsequently been revised at officers' request so as to comprise of 60 no. 1 bed and 24 no. 2 bed apartments (total still 84) with 78 parking spaces (11 of which are indicated as dedicated disabled bays) and six cycle stores distributed across the site making them to accessible to every block.

Further revisions sought during the time in which the application has been under consideration include the following:

- Addition of a 2 metre wide walkway / bridge over Hellaby Brook to link the proposed meadow / amenity land with the remainder of the site so as to enable pedestrian / maintenance access
- Re-configuration and breaking up of car parking spaces / landscaped areas within the site.
- Addition of a 6 metre wide tree planted buffer zone to the rear of the site.
- Removal of drying racks to roof top amenity areas;
- Addition of bin storage / cycle areas closer to proposed blocks with block 1 bins accessed from existing Rotherham Road pedestrian link.
- Clarification over potential re-routing of adopted sewer to outside of the site.
- Removal of entrance piers to the site entrance and existing frontage stone wall to be retained and repaired.

Access to the site is proposed to be formed via a new adoptable 5.5 metre wide road with 2 m wide footways with an internal turning facility for service / refuse vehicles.

The application has been accompanied by the following supporting documents:

### Planning Statement

This includes details about the planning merits of the proposal and pulls together and summarises all of the below submitted documents having regard and taking into account central government guidance, local planning policy and other material

considerations and concludes there are no reasons why the proposed development should not proceed without delay.

### Design and Access Statement

This explains how the proposal is to be accessed and designed as advocated under the principles of Building for Life 12 having regard and taking into account the site characteristics, surrounding land uses and characteristics, central government guidance, local planning policy and other material considerations.

### Transport Assessment

This describes the transport policy context in relation to the proposal, having regard to existing site conditions and taking account of predicted trip generation along with identifying trip distribution of the residual vehicular trips assigned onto the local highway network and concludes that the total number of trips generated by the proposal is considerably lower than those currently consented for the site and there are no highway reasons why the proposed development should not proceed.

### Travel Plan

This outlines the aims as to how the plan can facilitate and encourage sustainable travel behaviour, so that reliance on single occupancy car use can be reduced, having regard to and taking into account details of the existing transport network including site accessibility in relation to public transport, walking and cycling; objectives and targets; an action plan for the delivery of the measures to help encourage sustainable travel to and from the site and to reduce traffic impact of the site (giving consideration to existing transport conditions and facilities in the area); along with marketing and monitoring.

### Affordable Housing Statement

This explains that the scheme does not propose any affordable housing provision and having regard to central government guidance, local planning policy and other material considerations concludes that the scheme would not be viable. A Viability Assessment accompanies the statement which concludes there are no reasons as why the proposed development should not proceed without the provision of affordable housing.

### Flood Risk Assessment

This has been revised during the course of the application to demonstrate that bearing in mind previously consented schemes on the site and taking account of the sequential test, central government guidance and local planning policy it concludes that the proposals will not have an adverse impact on flood risk.

### Phase I Environmental Assessment

This sets out that the purpose is to identify and examine in broad terms the potential stability and contamination constraints and liabilities that may arise in connection with the present use or proposed use of the site having regard and taking into account the site characteristics, surrounding land uses and characteristics, central government guidance and local planning policy. It concludes that taking account of the sites history this would indicate a low potential for contamination from both on site past use and adjacent operations that may have impinged upon the site. A limited Phase II intrusive investigation may be required prior to redevelopment of the site.

## Noise Impact Assessment

This explains how the proposal may be affected primarily through road traffic issues at various locations along Rotherham Road and at the south of the site and assesses the impact of prevailing noise levels upon proposed residents within rooms utilising noise levels measured at strategic locations at the site having regard and taking into account the site characteristics, surrounding land uses and characteristics, central government guidance, and local planning policy. It concludes that with the assumptions made and subject to the implementation of appropriate acoustic design considerations, including enhanced glazing and supplementary ventilation, the scheme can demonstrate adequate residential living amenity, and there are no reasons why the proposed development should not proceed.

## Air Quality Assessment

This predicts as to what potential air quality impact upon both existing and proposed amenity that this residential development would suffer; to estimate air pollution emissions from the proposed development; to quantify impacts on sensitive receptors based upon the emission values; and assess the significance of these impacts having regard and taking into account the site characteristics, surrounding land uses and characteristics, central government guidance, and local planning policy. It concludes that the air quality impact of vehicles using the development is negligible, whilst construction dust impact will also be acceptable once basic mitigation measures are applied in line with best practice. Impacts are predicted to be no worse than those associated with the extant permission. Therefore there are no reasons as to why the proposed development should not proceed as predicted air quality / dust impacts are within acceptable limits.

## Extended Phase I Habitat Survey

This describes the habitats and types of species surveyed upon the site and further advises upon the likely impact of development upon the locality having regards to Local Wildlife Sites) and Regionally Important Geological Sites (RIGS) within 1km of the site. It recommends that development would have a minimal impact on the high value habitats and priority habitats identified along the boundaries of the site and concludes that with suitable mitigation measures and further survey works / biodiversity enhancement plan submission that there are no reasons why the proposed development should not proceed.

## Tree Statement

This outlines that the site contains scrubland being predominant across the site and only has a handful of trees most notably along the boundaries and along Hellaby Brook where one tree of particular interest is the mature willow tree which lies adjacent to the culvert that carries Hellaby Brook underneath Rotherham Road. All trees are indicated to be retained so as to assist with visual amenity and biodiversity matters.

## Assessment of Impact and the Sequential Approach

This assesses the loss of the consented office use for the site and balances it against more preferable sites in the Borough for office use against relevant national and local policy and guidance and concludes that by losing this piece of employment land will not negatively affect the areas employment capabilities.

The applicant has further offered to enter into a S106 Agreement to set up a management company to ensure the maintenance and upkeep of the shared

surface / parking areas along with planting / landscaped and meadow areas within the site and tree planting within the Rotherham Road highway verge, in perpetuity. They have also agreed to contribute a commuted sum not exceeding £30,000 to be used towards measures aimed at reducing parking associated with the development and which may include the procuring of a TRO in the event of any overspill parking onto surrounding roads as a result of the development, as well as a purchasing SYPTE Travelmaster passes for unit.

### **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 Business use in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'business' use 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'  
CS3 'Location of New Development'  
CS7 'Housing Mix and Affordability'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscape'  
CS25 'Dealing with Flood Risk'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

EC3.2 'Land Identified for Business Use'  
HG4.3 'Windfall Sites'  
HG4.8 'Flats, Bed-sitting Rooms and Houses in Multiple Occupation'  
HG5 'The Residential Environment'  
ENV3.2 'Minimising the Impact of Development'  
ENV3.7 'Control of Pollution'  
ENV4.4 'Contaminated Land'

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

SP15 'Land Identified for Business Use'

### **Other Material Considerations**

Council's Car Parking Standards (adopted June 2011).

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

South Yorkshire Residential Design Guide (SYRDG).

South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

'Delivering Air Quality Good Practice Guidance'

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

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

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

The Core Strategy / Unitary Development Plan / Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accordance with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

## **Publicity**

The application has been advertised as a major application in the press and, on site and via neighbour notification letter. Fifteen letters of representation have been received from occupiers of properties at Harvest Close, Brooklands, Armstrong Walk, Birks Holt Drive, Rotherham Road, and Limesway in Maltby, Greenhill Avenue in Hellaby, and Fielding Drive plus Belvedere Parade in Bramley. In summary the objections received state:

### Principle of development

- There are plenty of brownfield sites available without building on greenfield / Green Belt sites where affordable housing could be built
- Maltby has already been given the 'green light' for over 1,000 new homes.
- The area demarks the natural boundary between Maltby and Hellaby.



- There is insufficient current and latent demand demonstrated from the application. This is highlighted by the level of properties available for rent and local property prices, particularly for apartments.

#### Traffic / Transportation matters

- Rotherham Road is already heavily congested;
- Journey times to / from the M18 often take 15 minutes - this will only increase / exacerbate problems.
- Construction traffic will make the locality horrendous;
- Building extra housing close to the road would increase the traffic volume.
- The site is already next to a busy car route into and out of Maltby with primarily one access route only.
- Rotherham Road (A631) is at full capacity and therefore the road infrastructure is insufficient to accommodate the additional transport requirements of the proposal.
- There is currently a high risk of accidents to both pedestrians and vehicles from the adjacent fire station exit and those attempting to exit the Greenhill Avenue area.
- In the absence of significant road widening, safety measure or a by-pass there is the need to address the current levels of traffic between the M18 and Maltby, taking into consideration the proposed residential developments proposed for Maltby.
- Local roads are already full of pot holes and will only get worse with construction traffic and increased resident traffic.
- Rotherham Road already is an ambulance, fire and police main route, any additional traffic is going to affect the emergency routes.

#### Design of buildings

- Buildings at four stories high are totally inappropriate and will not blend in to the surrounding area as there are no high rise dwellings at all.
- High rise buildings will cause sick building syndrome and have a huge effect on the views and sun hours currently received in gardens.

#### Ecological issues

- Can the site be bought and turned into a nature reserve / education area so that generations can learn about the wildlife that will be disturbed in that area.
- The watercourse at the site contains hollow trees that house bats.
- The established watercourse that runs through the site connects to an area of ecological interest where there are great crested newts (over the road within the woods).
- This is a wildlife sensitive area with rare newts present.
- The land is full of wildlife as is the stream which runs through it.

#### Drainage / Flooding matters

- The stream runs through the end of some gardens and after heavy rain flood these gardens. It is feared that should the stream be disturbed it may cause more flooding.

- The area provides a natural flood plain and this is highlighted by the level of water saturation during the winter months.
- Any building work could jeopardise the current habitants of Barrie grove, Hellaby by restricting the flow or by increasing the risk for habitants of the Brooklands estate further downstream.
- The land at the bottom of the Rotherham Road Allotments became unusable and unused for many years since 2007 floods, and it continues to flood.
- Would question accuracy of submitted flood assessment.
- Water runoff from the proposed buildings will run into the brook.
- Concerned that the brook will be disturbed or diverted.

#### Other material considerations

- Loss of view over the allotments to trees / fields beyond;
- Concerned that allotment owner community affected with loss of light and increased crime etc.
- The local school places will also be affected and this will only become harder to get children in.
- The development will create more traffic pollution causing more health worries.
- The project has clearly been put forward in the interest of financial gain and no reasonable consideration being made upon the impact to the local area.

In addition, Hellaby Parish Council considers the site is not suitable or sustainable for housing development, stating:

1. The scale and nature of the development would have a detrimental effect on, and look out of place, of the special character of this location and may result in pressure for similar development to take place.
2. The traffic generation and parking impact created by the proposal will result in a severe adverse impact on congestion, road and pedestrian safety.
3. It is not supported by the local community as evidenced by the large number of objections to the application.
4. There is no compelling reason or justification for housing on the site.
5. The site is subject to flooding.
6. The site is allocated for employment and therefore this is a more sustainable and suitable use. It is local and national planning policy that employment uses should be retained unless there is an exceptional reason which is not the case here.

Councillor Price further comments that the application appears to take no consideration of the stretch of road that these 84 properties will have to use, that being Rotherham Road, which is already a severely congested road especially at peak times.

The applicant has requested to speak at Planning Board.

#### **Consultations**

Streetscene (Transportation and Highways): Raise no objections to the proposals subject to the provision of a commuted sum to cover potential Traffic Regulation

Order and to the imposition of conditions in respect of details of internal roadways and all vehicular surfacing areas, along with details of cycle storage, carrying out of parking layout and implementation / review of the submitted travel plan.

Streetscene (Main Drainage): Raises no objections subject to conditions.

Streetscene (Landscape design): No objections subject to conditions.

Streetscene (Tree Service Manager): Raises no objections subject to conditions

Streetscene (Leisure and Green Spaces Manager): No objections are raised.

Leisure & Community Services (Ecological Development Officer): Comments ideally Phase 1 surveys should not be undertaken outside the optimal period, as surveys undertaken at such times will overlook plant species which are just represented by dead stems, many mammals, amphibians, reptiles and other species will be hibernating, or relatively inactive and therefore difficult to find, bird activity and species will be reduced and invertebrates will be largely absent.

The survey recommends that a terrestrial amphibian and reptile survey should be conducted prior to construction and should be undertaken before the end of the current survey season or next spring. If great crested newts are recorded, then further work may be necessary – particularly as several local residents mention great crested newts in the area.

Housing and Neighbourhood Services (Land Contamination): No objections subject to conditions.

Housing and Neighbourhood Services (Air Quality): No objections subject to provision of electric vehicle charging points and cycle storage facilities, which can be addressed by way of suitable planning conditions.

Housing and Neighbourhood Services (Pollution Control): Have no objections subject to recommended conditions.

Children & Young People's Services (School Planning): Do not consider any financial contribution is required for this development.

Adult Care & Housing (Urban Design): Accept that a modern approach is appropriate in this locality and subject to colour and materials respecting local materials, no objections raised.

Adult Care & Housing (Affordable Housing): Accepts the recommendations of the District Valuation office in respect of the scheme not proving to be viable if the 25% policy stance is maintained. However recommends that as part of S.106 that should the scheme not be fully completed within 5 years from the date of commencement of the planning permission, then a further viability appraisal to review the scheme to assess whether it can make an Affordable Housing contribution should be sought.

Severn Trent Water: No objection to the proposal subject to conditions.

Environment Agency: Following the submission of additional information they raise no objections subject to conditions.

### **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- The principle of the development
- Affordable housing issues
- Layout, design and disual amenity
- General amenity issues
- Transportation issues
- Drainage and flood issues
- Landscape, trees and ecology Issues
- Geotechnical issues
- Other matters raised

### Principle

The application site lies within an area allocated for Business Use in the Unitary Development Plan, and whilst it is normally the case that such proposals would be assessed against the relevant policies of the saved Unitary Development Plan, in this instance, some UDP policies (including UDP Policy EC3.2 'Land Identified for Business Use') have been superseded by National Planning Policy contained in the NPPF.

The principle of the current proposal must therefore be assessed against Paragraph 22 of this document which requires the avoidance of long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Paragraph 22 further adds that: "Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

In respect to this application, the applicant has set out that since obtaining permission in 2009 and having been renewed in 2014 the site has been extensively marketed with no uptake for its consented office scheme which was for a net internal total of 3,594m<sup>2</sup> of office accommodation (5,118m<sup>2</sup> gross).

In addition the applicant has undertaken a sequential test exercise which notes that the approved office development would not be located in an identified town centre or edge of centre site. It concludes that there are other sites available around Rotherham Town Centre that are sequentially preferable and that are currently available and are suitable and viable for office use. As a result of this, the process dictates that the application site should therefore be viewed as appropriate for the proposed change to residential use. Additionally, the Sequential Test has also demonstrated that there is enough available employment land within the vicinity of the application site to not negatively affect local employment opportunities for those who live in the area. As such, this fact also supports the associated application for residential use. Further to this, in depth research in the supporting planning statement illustrates that the site is compliant with other relevant policy and should also be viewed as an acceptable change of use in this regard.

In terms of the proposed residential development itself, 'saved' UDP policy HG4.3 'Windfall Sites,' notes proposals for housing development to be determined in light of their:

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

These site specific issues will be considered further below.

'Saved' UDP policy HG4.8 'Flats, Bed-sitting Rooms and Houses in Multiple Occupation,' notes: "The Council will permit the creation of flats...provided that a concentration of these forms of accommodation does not seriously interfere with the amenities of existing residents and adequate provision is incorporated into any development to accommodate off-street parking for residents." This Policy would not be breached in this location.

Core Strategy policy CS1 'Delivering Rotherham's Spatial Strategy,' seeks to ensure that most new development within principal settlements for more limited growth opportunities (such as Maltby and Hellaby) where; "...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."

The preamble to policy CS1 notes: "Maltby and Hellaby, to the east of junction 1 of the M18, is a self contained community with a significant level of service provision that serves a wider, predominantly rural, hinterland. It has significant services and facilities and is well located on the national highway network. Hellaby provides substantial employment opportunities at Junction 1 of the M18." It further goes on to note that: "There are limited opportunities for new growth but where there are suitable sites these will be considered for potential development during the Plan period and allocated in the Sites and Policies document."

Core Strategy policy CS3 'Location of New Development,' notes the Council will have regard to relevant sustainability criteria, including (amongst others) its:

- b. proximity as prospective housing land to services, facilities and employment opportunities.
- c. access to public transport routes and the frequency of services.

- e. quality of design and its respect for heritage assets and the open countryside.
- j. contribution to the creation of mixed and balanced communities.
- k. ability to avoid, or suitably reduce the risk of, flooding.”

CS33 ‘Presumption in Favour of Sustainable Development,’ notes: “Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- b. Specific policies in that Framework indicate that development should be restricted.”

The Council currently does not have a 5 year supply of housing and the current application proposal would meet some of the shortfall in housing supply and is being considered as part of the Sites and Policies Examination in Public which is currently taking place. As such, it is considered that the principle of residential development on the site is acceptable in this instance.

#### Affordable housing issues

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

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

Where it can be demonstrated that these targets would prevent the delivery of a viable scheme, the precise level of provision will be negotiated, based on a viability assessment.”

In assessing affordable housing provision, the applicant has stated that this scheme will not be financially viable if the policy position of 25% Affordable Housing has to be met and have submitted a viability appraisal. This indicates that the scheme (with no affordable housing provision) would produce a profit which equates to 16.51% of Gross Development Value, which has been accepted by the independent District Valuer. It has been accepted by Planning Inspectors at appeal that provision would normally be allowed for a developer profit of between 15 – 20 %. The Council’s Affordable Housing Manager notes that future trends for house prices released by the ONS indicates that the projection over the next 15 years is that house prices will remain largely static over the next 5 years in the Rotherham area, by which time the current development would hopefully be built out. As such, she accepts that the

scheme would not be viable if any affordable housing provision is included. The provision of 1 and 2 bed flats in this location would in any event be at the lower end of the market price.

#### Layout, design and visual amenity

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

'Saved' UDP policy HG5 'The Residential Environment,' requires the encouragement 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 (NPPG), notes that "Development proposals should reflect the requirement for good design set out in national and local policy. Local Planning Authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations," and further goes on to note that: "Local Planning Authorities are required to take design into consideration and should refuse permission for development of poor design."

The overall layout has been designed around the new access road which is to be constructed off Rotherham Road and provided with an adoptable 'T-shaped' turning head and footpaths linking to existing footpaths on Rotherham Road, and proposes changes in land levels so as to ensure that the buildings are stepped down away from Rotherham Road so as to respect the character of the street scene, with the remainder of the blocks at the rear of the site (nos 5 & 6) being set at a lower level so as to further create a subservient form of development.

The blocks of buildings have been positioned so as to make the most efficient layout which enables parking and landscaping to be set centrally within the site thus creating a well designed courtyard arrangement which has windows overlooking from the flats providing natural surveillance across these site areas. The linear form of flats along Rotherham Road is staggered and the introduction of cranked and chamfered building forms does assist with providing additional character along with a focused entrance feature to the development. Furthermore the gaps between the

proposed buildings so as to enable the positioning for bin / cycle storage areas further assists in breaking up any monotonous expanse of building form.

With regards building heights these are not dissimilar to those previously approved under the office accommodation scheme with heights from external ground level to the top of the building wall parapet being in the region of 10.5 – 10.6 metres with a lift / plant room adding a further 1 metre.

In design terms the use of cranked and chamfered buildings assists with creating an interesting character and as there is no strong architectural points of reference in the immediate locality. Therefore the introduction of a modern and contemporary design in this locality is not objected to. The use of the proposed materials comprising of a mix of brickwork, stone and glazed panels to balconies is further welcomed.

Overall, it is considered that the scheme has been sympathetically designed taking account of the 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 having regard to the approved scheme for office buildings on the site and will be visually attractive in the surrounding area.

In light of the above it is considered that the layout and design of the proposal is one that is acceptable and would satisfy Core Strategy Policy CS28 'Sustainable Design,' 'saved' UDP Policy HG5 'The Residential Environment,' along with the guidance contained within the NPPF and the NPPG.

### General amenity issues

With regard to amenity space standards for the proposed occupiers the South Yorkshire Residential Design Guide states that:

- Shared private space for flats must be a minimum of 50 square metres plus an additional 10 square metres per unit either as balcony space or added to shared private space.
- Where shared private space cannot be provided balconies must be provided.
- Balconies must be a minimum of 3 square metres and provide usable space clear of door swings to count toward the minimum requirements.
- The amount of shared private space to be provided will also depend on the quality, quantity and accessibility of local public open space.
- External space should be designed as an integral part of the development, with priority given to private rather than communal space.
- Shared private space must be located where it is:
  - accessible to disabled people
  - well overlooked and near active lines of movement
  - takes advantage where possible of long distance views and mature planting
  - receives sunshine over at least half the area on 21 March/September.

The NPPF at paragraph 17 states that 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 buildings.

The proposal indicates that the ground floor units will be provided with their own amenity areas and there are shared roof gardens available for all residents which exceed the recommended sizes set out in the SYRDG. In addition there will be access provided, via a new pedestrian bridge, to a landscaped area of open space across Hellaby Brook.

There are no existing residential properties directly adjacent to the site and it is not considered that the proposed development would have a detrimental impact on existing residents in the area due to overbearing impact or overlooking.

### Transportation issues

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' seeks to focus transport investment on making places more accessible and on changing travel behaviour with accessibility being promoted through (amongst others):

- 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).
- b. Enabling walking and cycling to be used for shorter trips.
- f. Adopting car parking policies for vehicles and bicycles in accordance to national guidelines that support and complement public transport and the introduction of sustainable travel modes.
- 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.

Paragraph 17 to the NPPF further advises that amongst its 12 core land-use principles that planning should: "...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable."

Paragraph 32 to the NPPF advises that developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and decisions should take account (amongst others) 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."

Paragraph 34 to the NPPF further seeks to 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.

Paragraph 35 to the NPPF advises where practicable, developments should:

- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- Consider the needs of people with disabilities by all modes of transport.

Paragraph 36 to the NPPF concludes that all developments which generate significant amounts of movement should be required to provide a Travel Plan.

Having regard to transportation issues, the application has been accompanied by a Transport Assessment (TA) which provides an evaluation to various junctions using existing and projected data; traffic accidents in the locality of the site along with likely traffic expected to be generated by the proposed development. The TA provides a comparison between the consented office development and the proposed residential scheme in regards to traffic generation which sets out:

Vehicle Trips	Total 2 way trips	
	08:00 – 09:00	17:00 – 19:00
Consented (office)	148	129
Proposed (residential)	37	46
<b>Difference</b>	<b>-111</b>	<b>-83</b>

In assessing this matter The Council’s Transportation Unit consider that the amendments in the overall accommodation numbers between one and two bedroom units do not represent a material difference to the TA and as such accept the conclusions reached in that the number of anticipated vehicle trips to/from the development is considerably smaller than those consented under the previous permission for office development. Accordingly, there will be less traffic impact on the local network compared to the consented development.

On the matter of parking provision the Council’s adopted parking standards (June 2011) advise that for flatted developments the minimum standard would be 1 parking space per flat plus 50% allocated for visitors, with cycle parking guidelines indicating 1 long stay per flat. In regards to the current scheme, at 78 spaces for 84 flats, this falls short of the above standards by some 48 car parking spaces.

In considering this shortfall the Transportation Unit consider that the submitted Travel Plan and the inclusion within a S106 Planning Obligation of a commuted sum (not exceeding £30,000) to secure appropriate measures (i.e. a Traffic Regulation Order) to prevent potential overspill on street parking onto the surrounding highway network, along with the purchasing of TravelMaster passes for each residential unit would be acceptable mitigation measures in this case.

It is noted that pedestrians will be able to access the site via 2m wide footways on either side of the new main vehicular site access or via a pedestrian link between Blocks 1 and 2, to the east of the site, to which both of these access points will provide a direct route for all future residents to and from the bus stops on Rotherham Road. Rotherham Road forms part of the Rotherham – Maltby Quality

Bus Corridor on which good public transport facilities are provided. In regards to site access, this is proposed via a new priority junction onto Rotherham Road achieving visibility splays of 93 metres to the east and 120 metres to the west with a setback distance of 4.5 metres.

Taking into account all of the above, it is therefore considered that the proposal accords with Core Strategy policy CS14 'Accessible Places and Managing Demand for Travel,' along with the advice within the NPPF and is acceptable in transportation terms, subject to appropriate conditions in relation to details of internal roadways and all vehicular surfacing areas, along with details of cycle storage, carrying out of parking layout and implementation / review of the submitted Travel Plan.

### Drainage and flood issues

Core Strategy policy CS25 'Dealing with Flood Risk,' seeks to 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. It advises that this should be demonstrated through a sequential approach and having regards to its flood zone allocation as identified via the Environment Agency's flood maps. It should accord with the recommendations set out in the Strategic Flood Risk Assessment and be supported by a detailed Flood Risk Assessment (FRA) having regard to the guidance in both the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

'Saved' Unitary Development Plan (UDP) Policy ENV3.2 'Minimising the Impact of Development,' further seeks to minimise adverse impact on the environment, including water resources.

With the above in mind, the application has been accompanied with a Flood Risk Assessment (FRA) which has been amended during the course of the application to take account of received consultee comments and in particular having regard to Hellaby Brook that crosses the western end of the site and the presence of a public combined gravity fed sewers which cross the site falling in a west to east direction.

The FRA identified that in the main, approx. 85% of the application site is shown on the Environment Agency's flood risk map as being within Flood Zone 1 (i.e. land assessed as having less than a 1 in 1,000 year annual probability of river flooding.) However the western part of the site (closest to Hellaby Brook) which includes parts of blocks 6 and 8 and the adjacent parking spaces and turning head facility is indicated as falling within Flood Zone 2 where the chance of flooding each year is between 0.1% (1 in 1,000 years) and 1.0% (1 in 100 years) and Flood Zone 3 (where the chance of flooding each year is greater than 1.0% (1 in 100)).

The FRA further sets out that for the purposes of satisfying the sequential test requirements, combined with the site topography and other evidence within the report (including the channel capacity calculations), this supports a contention that the entire site may be regarded as effectively located in Flood Zone 1.

In taking account of the above, the Environment Agency have raised no objections to the proposals subject to relevant conditions.

With regard to surface water drainage, the FRA indicates that surface water from roof areas (approx. 1,700 m<sup>2</sup>) will be led via downpipes to permeable paved drive and car park areas (approx. 3,000 m<sup>2</sup>) and stored on site before discharging at a controlled rate to the Hellaby Brook.

The FRA further confirms that surface water discharge to Hellaby Brook must be limited to a 'Greenfield' run-off rate of 5 litres/second/hectare, which taking account of the overall site area (0.8 hectares) would equate to 4 litres/second/hectare. Furthermore the use of permeable paving will provide a measure of treatment to the runoff from the parking areas, making it unnecessary to install a petrol interceptor.

In respect of foul sewerage, this is indicated to be discharged to combined sewer which currently crosses the site and Severn Trent Water raise no objections in principle. It is however acknowledged that to avoid conflict with the proposed residential blocks the existing sewer may have to be diverted at the developer's expense.

Overall, it is considered that the proposal would not have an adverse impact on flood risk areas adjacent to and downstream of the site or would create localised drainage issues, subject to the imposition of the recommended conditions to require the submission of detailed foul and surface water drainage. It is therefore considered to accord with Core Strategy policy CS25 'Dealing with Flood Risk,' 'saved' UDP policy ENV3.2 'Minimising the Impact of Development, as well as the advice with in the NPPF and the NPPG.

### Landscape, trees and ecology

With regard to landscape impact Core Strategy policy CS21 'Landscapes,' requires new development 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."

'Saved' Unitary Development Plan (UDP) policy ENV3 'Borough Landscape,' recognises the vital importance of maintaining and enhancing the landscape of the Borough and seeks to ensure when considering development or other proposals that full account is taken of their effect on and contribution to the Landscape.

'Saved' UDP policy ENV3.2 'Minimising the Impact of Development,' further seeks to: "minimise adverse impact on the environment... and to conserve and improve its quality."

'Saved,' UDP policy ENV3.4 'Trees, Woodlands and Hedgerows,' additionally seeks to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.

The application is supported by an indicative Landscape Masterplan which shows the vast majority of proposed landscaping concentrated around the rear perimeter of the site so as to provide a buffer of some 5 metres in depth between the application site and the open countryside beyond, which is within the Green Belt. To the site's

eastern boundary, it is proposed to retain the exiting hedgerow and the wooden post and wire fencing where it adjoins the adjacent allotments.

With regards to trees, the submitted tree survey indicates that the application site only has a handful of trees on site, most notably along the east boundaries and along Hellaby Brook, with one tree of particular interest being the mature willow tree which lies adjacent to the culvert that carries Hellaby Brook underneath Rotherham Road. The survey notes that these are intended to be retained for visual amenity and ecological issues.

Turning to matters of proposed new landscaping, it is proposed to install six pockets of communal areas throughout the site available for residents use, each of which are indicatively shown having landscaping to the perimeter where it abuts buildings / car parking areas. In respect of the latter, additional planting is further indicated between parking bays so as to further soften the appearance of the hard landscaped parking areas.

To the west of the site the existing meadow area is to be retained and provided with improved landscaping, with access provided via a new 2 metre wide walkway and bridge over Hellaby Brook. In this regards it is considered the proposed layout provides adequate landscaping to be accommodated on-site so as to accord with Core Strategy policy CS21 'Landscape.'

In respect to the frontage of the site, the requirement for planting in the Rotherham Road highway verge so as to mitigate against the scale and bulk of building was a factor in the Council refusing the original office development application in 2009. During the subsequent appeal the appointed Inspector accepted that all services within the highway verge could be adequately protected, including the potential re-routing of the sewer to this location, whilst providing for suitable landscaping. This was subject to a 'Grampian' condition so as to ensure that no development takes place on the site before a landscaping scheme (taking account of services in this location) has been submitted to and approved by the Local Planning Authority, along with the payment of a commuted sum payable to the Council, as part of the S106 agreement, to ensure long-term maintenance of the landscaping.

In assessing the current planning application, it is not considered that any of the above circumstances have significantly changed since the renewal of the consented office development in 2014, and therefore an appropriate level of planting should again be provided and this is reflected in the suggested conditions. In terms of maintenance issues the applicant has since confirmed through the S106 draft heads of terms that a management plan indicating as to how management of open space areas within the site and maintenance of landscaping implemented as part of the development in the Rotherham Road highway verge adjacent to the site will be funded. The Council's Streetpride Service has confirmed that such planting can be controlled under license via Section 142 Agreement of the Highways Act.

Overall, subject to the recommended conditions in regards to tree protection measures and landscaping and the requirements as agreed within the draft S106 heads of terms, the indicated tree retention along with the level and type of planting is consistent with that as previously approved and as such is considered to be acceptable and is in accordance with the provisions of Core Strategy policy CS21 'Landscape,' 'saved' UDP policies ENV3 'Borough Landscape,' ENV3.2 'Minimising

the Impact of Development,' and ENV3.4 'Trees, Woodlands and Hedgerows,' along with the advice in the NPPF.

In respect to ecological matters Core Strategy policy CS20 'Biodiversity and Geodiversity,' seeks to conserve and enhance Rotherham's natural environment, and protect resources with priority being given over (amongst others) conserving and enhancing populations of protected and identified priority species; protecting them from harm and disturbance; and by promoting recovery of such species populations to meet national and local targets.

The NPPF at paragraph 118 advises when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by (amongst others) providing opportunities and encouragement to incorporate biodiversity in and around developments.

The submitted Extended Phase I Habitat Survey was undertaken in November 2015 and investigated the likelihood of badgers; water vole; otter; crayfish; potential bat roosting potential and bat foraging potential; great crested newts; and reptiles and suitable reptile habitats. Further surveys were undertaken in respect of the potential to house habitats for red squirrels, and species such as hazel, oak, honeysuckle, bramble and other species which may provide potential habitat for dormice, and field signs such as feeding remains and nests.

The report recommends that the development has a minimal impact on the high value habitats and BAP priority habitats identified along the boundaries of the site, subject to relevant mitigation.

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

In assessing the above matters, the Council's Ecologist raises no objections subject to appropriate conditions.

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

#### Other matters raised

The objectors have also referred to various other matters, including the loss of the view over the allotments to the trees/fields beyond, however there is no right to view over third party land and this issue cannot therefore be considered as part of the planning process.

Concerns have also been raised that allotment owners will be affected with loss of light and increased crime, though the proposed blocks are of a similar size, scale and location to those approved under the previous office development on the site, which is still extant and could be developed out.

With regard to the effect on local school places no concerns have been raised by the Education Department in this respect.

To address the concerns raised that the development will create more traffic pollution causing more health worries a condition requiring the installation of electric charging points and secure cycle parking is recommended. Furthermore the previous approval for office accommodation would have generated significantly more traffic in the area.

In terms of the financial gain from the proposal this is not a material planning consideration and cannot be considered.

## **Conclusion**

Whilst the site is allocated for Business use on the adopted Unitary Development Plan, the applicant has demonstrated that there is little demand for such development in this location, having marketed the previously approved office scheme with minimal interest. In addition, a sequential assessment has demonstrated that there are preferable town centre/edge of centre sites that are currently available that could accommodate the office development. In addition, the proposed development for housing would meet some of the undersupply of housing in the Borough, as the Council cannot currently demonstrate a five year supply of housing and is considering the current application site as counting towards this under-provision as part of the Sites and Policies Examination in Public that is currently taking place..

Furthermore the Council considers that the proposed development by virtue of its scale and layout would be acceptable in this location, having regard to the office scheme previously approved on the site which remains extant. The proposed development would not be detrimental to the occupiers of neighbouring properties by being overbearing, nor would it result in any overshadowing or loss of privacy due to its siting and relationship with neighbouring properties.

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

As such the proposal complies with the NPPF, NPPG, UDP, Core Strategy and South Yorkshire Residential Design and is subsequently recommended for approval, subject to the signing of the related S106 legal agreement and to the relevant conditions.

## **Conditions**

01

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

Reason

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

02

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

Drawing nos. SH11722-003; 2015-55-1D; 2015—55-3B; 2015-55-4B; 2015-55-5; 2015-55-6 received 29 September 2016; landscape Plan ref RHM01 Rev D received 5 December 2016, Existing and Proposed Levels (SH11722-004, dated 29/11/16).

Reason

To define the permission and for the avoidance of doubt.

03

No works or operations shall take place in connection with the development hereby approved until a construction / traffic management plan specifying detailed arrangements for the management of the site have been submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented and shall be kept in place, operated and adhered to at all time until the development is completed.

Reason

In the interests of highway safety.

04

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

Reason

No details having been submitted they are reserved for approval.

05

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and 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.



06

Before the development is brought into use the car parking areas as shown on the approved site layout plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

07

No dwelling shall be occupied unless it has been constructed in accordance with a scheme submitted to, and approved by the Local Planning Authority so as to ensure that the building envelope provides sound attenuation against external noise sources and achieve an internal noise level of no greater than:

- Any single LAeq 1hr indoors, shall not exceed 35dB between 0700 and 2300 hours (applicable to noise sensitive rooms i.e. living rooms)
- Any single LAeq15mins indoors, shall not exceed 30dB between 2300 and 0700 hours(to protect bedrooms)
- LAFMax indoors shall not exceed 45dB between 2300 and 0700 hours (to protect bedrooms)

All indoor levels shall be taken with windows open or with alternatively provided acoustic ventilation over and above "background" ventilation. This may be provided by ventilation which complies with the performance specification given in Schedule 6 of Schedule 1 of the Noise Insulation Regulations 1975.

Reason

To protect the amenities of occupiers in accordance with UDP Policy ENV3.7 'Control of Pollution,' Core Strategy Policy CS27 'Community Health and Safety,' and the advice contained in the NPPF."

08

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

Reason

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

09

Notwithstanding the submitted landscape masterplan, a detailed landscape scheme for the site, including a tree-planted landscaped buffer adjacent to the southern (rear) boundary of the site, with a minimum width of 6.0 metres and a tree planting scheme for the land within the highway verge adjoining the northern boundary of the site along Rotherham Road frontage, shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

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

#### Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and landscape in accordance with Core Strategy policies CS21 'Landscape,' CS28 'Sustainable Development,' and UDP policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

#### 10

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

#### Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and landscape in accordance with Core Strategy policies CS21 'Landscape,' CS28 'Sustainable Development,' and UDP policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

#### 11

For a period of up to 5 years of the commencement of the works no tree or hedge shall be cut down, uprooted or destroyed nor shall any tree or hedge be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted in the immediate area and that tree or hedge shall be of such size and

species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and hedgerows in the interests of amenity and landscape in accordance with Core Strategy policies CS21 'Landscape,' CS28 'Sustainable Development,' and UDP policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

12

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: 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 that there is a well laid out scheme of healthy trees and hedgerows in the interests of amenity and landscape in accordance with Core Strategy policies CS21 'Landscape,' CS28 'Sustainable Development,' and UDP policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

13

Prior to commencement of development, a limited Phase II Intrusive Site Investigation shall be undertaken. The investigation 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.

Reason

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

14

Subject to the requirements of Condition 13 and prior to commencement of development on site, a Remediation Method Statement shall be provided and approved by the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best

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

Reason

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

15

If further subsoils / topsoils are required to be imported to site for amenity areas, garden and soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of the testing shall be presented in the format of a validation report which shall be subject to the approval in writing of the Local Planning Authority and any recommendations shall be implemented, retained and maintained in accordance with the approved details for the lifetime of the development.

Reason

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

16

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

Reason

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

17

Prior to the commencement of development a biodiversity mitigation strategy, including a schedule for its implementation and details of future management shall be submitted to and approved by the Local Planning Authority. The strategy should include all recommendations as listed in the Witcher Wildlife Ltd. Extended Phase I Habitat Survey (ref. 151104, dated 24th November 2015) and the development shall be implemented before the development is first brought into use, and shall thereafter be retained and maintained in accordance with the approved details for the lifetime of the development.

Reason

In order to promote the biodiversity of the site in accordance with Core Strategy policy CS20 'Biodiversity and Geodiversity,' as well as the advice contained within the NPPF.

18

Prior to the commencement of development above ground level, details of the proposed bin storage areas and cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented, retained and maintained in accordance with the approved details for the lifetime of the development.

Reason

In the interests of visual amenity and to promote sustainable transport choices in accordance with Core Strategy policies CS28 'Sustainable Design,' and CS14 'Accessible Places and Managing Demand for Travel.'

19

Prior to the commencement of development, details of the proposed bridge / walkway over Hellaby Brook, as identified on the approved site plan, and its future maintenance shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented before the occupation of any of the flats and thereafter retained and maintained in accordance with the approved details for the lifetime of the development.

Reason

In the interests of visual amenity and to ensure that the development does not exacerbate flooding issues in the locality in accordance with Core Strategy policies CS25 'Dealing with Flood Risk,' CS28 'Sustainable Design,' and 'saved' UDP policies ENV3.2 'Minimising the Impact of Development,' ENV3.7 'Control of Pollution,' and the advice within the NPPF.

20

No building or structure shall be placed within the Hellaby Brook Maintenance Zone, the boundaries of which are marked on the approved site plan. Details of access to Hellaby Brook for the purposes of maintenance / bank inspection shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall thereafter be implemented and thereafter retained and maintained for the lifetime of the development.

Reason

To ensure that the development does not exacerbate flooding issues in the locality in accordance with Core Strategy policy CS25 'Dealing with Flood Risk,' and 'saved' UDP policies ENV3.2 'Minimising the Impact of Development,' ENV3.7 'Control of Pollution,' and the advice within the NPPF

21

No development shall commence 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, has 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 Core Strategy policy CS25 'Dealing with Flood Risk,' 'saved' UDP policies ENV3.2 'Minimising the Impact of Development,' and ENV3.7 'Control of Pollution,' and the advice within the NPPF.

22

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 Core Strategy policy CS25 'Dealing with Flood Risk,' 'saved' 'saved' UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution,' and the advice within the NPPF.

23

No development shall commence until the recommendations as contained within the a Flood Risk Assessment based on existing flood risk, proposals to mitigate flood risk and sustainable drainage principles for the development, have been submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved details and thereafter retained and maintained for the lifetime of the development.

Reason

To ensure that the development can be properly drained in accordance with Core Strategy policy CS25 'Dealing with Flood Risk,' 'saved' UDP policies ENV3.2 'Minimising the Impact of Development,' and ENV3.7 'Control of Pollution,' and the advice within the NPPF.

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 3, 13, 14, 17, 19 and 21 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 3, 13, 14, 17, 19 and 21 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

#### **INF 33 Section 106 Agreements**

This 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

The applicant's attention is drawn to the fact that in discharging the requirements of condition 03 that the 'construction plan' shall incorporate (but not exclusively) the following details:

- i) Full details of the contractor's means of access to the site.
- ii) Location of site management offices and/or sales office;
- iii) Location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- iv) Car parking areas for construction workers, sales staff and customers;
- v) The extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vi) Temporary warning and direction signing on the approaches to the site;
- vii) A transportation strategy setting out calculations as to the volume of excavation arising's, maximum daily HGV movements, anticipated haulage routes, and site access provisions.in relation to implementing proposed site levels and any cut-fill balance.
- viii)Details of the mitigation which will be put in place to minimise adverse environmental impacts associated with the implementation of the site ground works and transportation of materials (i.e. dust, noise, vibration and the deposition of mud on the road).

03

The applicants attention is drawn to the fact that in seeking compliance with condition 09 of the presence of a gas main which runs underneath the highway verge to the front of the site and the provisions of protecting this via a exclusion zone which may have implications with the proposed positioning of semi-mature trees. Advanced nursery stock, semi-mature sized trees should be provided in the

highway verge minimum 25cm stem circumference and between 5 to 6.5m in height at the time of planting with suitable underground guying and irrigation systems.

04

The applicant's attention is further drawn to the fact that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and the applicant may not build close to, directly over or divert a public sewer without consent. It is therefore advised to contact Severn Trent Water (tel: 0116 234 3834 or email: net.dev.east@severntrent.co.uk) to discuss the proposals. Severn Trent Water will seek to assist in obtaining a solution which protects both the public sewer and the proposed development.

05

The applicant's attention is drawn to the fact that in seeking compliance with the requirements of condition 12 the 'limited Phase II Intrusive Site Investigation,' 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).

06

The applicant's attention is drawn to the fact that in seeking compliance with the requirements of condition 21 the following issues are addressed / demonstrated:

- 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.

07

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.

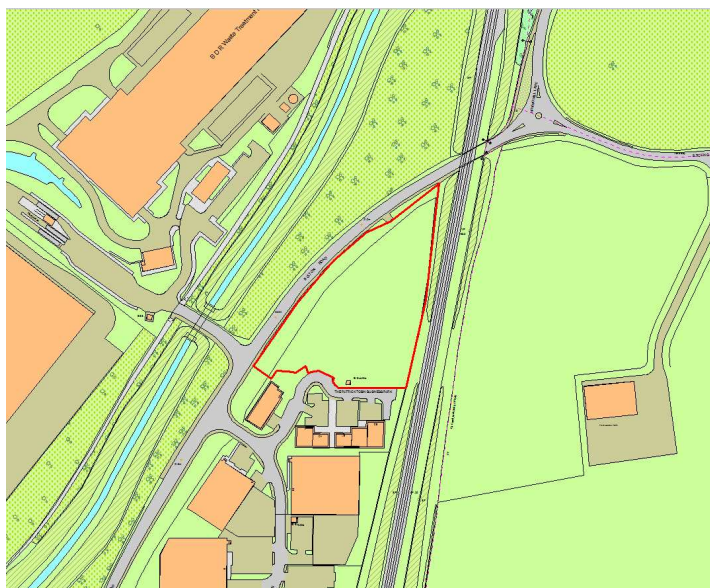
(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall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

#### 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. However, the application was not submitted on the basis of these discussions. Following further discussions 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.

<b>Application Number</b>	<b>RB2016/1045</b>
<b>Proposal and Location</b>	Erection of building for storage or distribution (Class B8) – land north of Patrick Tobin Business Park, Bolton Road, Manvers, S63 7LL
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description and Location

The site comprises of a vacant area of land extending to 0.76ha located on the northern boundary of the Patrick Tobin Business Park within Manvers. Bolton Road forms the northern and western boundaries of the site where an extensive landscaping strip exists. The eastern boundary is a railway line, whilst the southern boundary is Patrick Tobin Business Park which consists of industrial buildings which vary in terms of scale and design.

Vehicular access is taken from Bolton Road onto the Patrick Tobin Business Park internal access road.

### Background

The site is subject to the following planning history

- RB1992/1332 - Outline application for the erection of educational and associated social and commercial buildings and residential accommodation in connection with the University College of the Dearne Valley. The erection of commercial development including petrol filling station and within Use Classes A1(shops),A2 (offices), A3 (food and drink), B1 (business), B2 (general industrial) and the provision of a road and rail interchange – Granted Conditionally 01/03/1993

- RB1998/0056 - Earthmoving engineering operations and associated land drainage, boundary wall and fence – Granted Conditionally 19/03/1998

## Proposal

The proposal comprises of a new 4,532 sq.m. storage and distribution building for Wilson Carpets (Use Class B8). The footprint of the building has been reduced since the application was submitted from 5,092m<sup>2</sup> on the request of officers due to a need to retain some of the structure planting along the Bolton Road frontage.

The elevations comprise of vertical cladding and a brickwork base to 1100mm from ground level to reflect the design of existing buildings within the wider Patrick Tobin Business Park and will provide 33No. car parking spaces.

It is proposed that the unit would operate 24 hours a day, 7 days a week with the exception of bank holidays.

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

Design and Access Statement demonstrates how the redevelopment of this site for office use is compliant with the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development and other supporting policies; as well as with Rotherham Council's Planning Policy. It also considers the impact of the development on the character and continuing successful operation of the remaining business park.

Transport Statement assesses the impact of the proposed development on the local road network and concludes *'that as a result of the minimal increase in traffic generation associated with the proposed development it will not have a detrimental impact on the local highway network and will not warrant any further assessment of nearby junctions in support of this application.'*

Travel Plan includes a Commuting Action Plan (CAP) which will be used as a mechanism to encourage a reduction in the number of staff commuting by car and reduce the traffic impact of the proposal on the existing highway network. The report concludes by stating that *'The CAP will not be an anti-car measure, but will seek to identify and offer realistic alternatives to the way staff travel to, from and during work. At this stage it would be premature to define which measures are likely to become the most effective in reducing the number of car borne trips and single occupancy car journeys over a 5 year period.'*

Drainage Strategy confirms that the site lies within a Flood Zone 1 on the Environment Agency's Flood Maps. The report also considers foul and surface water drainage in line with Council policy and Government guidance.

Ecological Assessment conforms that a Phase 1 Habitat survey was carried out on 17<sup>th</sup> June which assessed the existing ecological habitats, checked for protected species, and considered the need for any further survey to investigate the presence of any protected species within the area. The conclusion of this survey was that the main habitat area within the site is of moderate ecological value. The other habitats found within the site are of low ecological value; therefore no further survey work was required.

## **Development Plan Allocation and Policy**

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

The application site is allocated for Industrial and Business purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for the same 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):

CS 9 'Transforming Rotherham's Economy'  
CS 19 'Green Infrastructure'  
CS 20 'Biodiversity and Geodiversity'  
CS 21 'Landscape'  
CS 28 'Sustainable Design'

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

EC3.1 'Land Identified for Industrial and Business Uses'  
ENV3.7 'Control of pollution'  
T8 'Access'

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

SP 16 'Land Identified for Industrial and Business Uses'  
SP 35 'Green Infrastructure & Landscape'  
SP 36 'Conserving the Natural Environment'

## **Other Material Considerations**

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

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

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

The Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accordance with both the NPPF and the Core Strategy but await testing during Examination in Public. As such limited weight is given to these policies.

## **Publicity**

The application was advertised in the press and by individual letters to neighbouring industrial premises. Site notices were also erected on site. 1 letter of representation has been received which is summarised as follows:

- The entrance to the site is adjacent to our car park, therefore there would be no room for manoeuvre which will cause problems for motorists.
- The removal of existing vegetation will exacerbate an existing problem with flies, resulting in a loss of business.
- An increase in traffic to and from the site will increase the risk of accidents.
- Opening hours of 24 hours per day will result in a constant noise source which may put off members to the gym.
- Classes are regularly held outside on the grass adjacent to the premises. The increase in traffic movements will result in air pollution which will detract customers from attending the classes.

Upon receipt of amended plans which show a reduced floor plan a second round of consultation took place, no representations were made.

## **Consultations**

Streetpride (Transportation and Highways) have confirmed that they concur with the assumptions in the Transport Statement which concluded that the traffic impacts of the development will be minor. Accordingly, no further modelling of junctions or any mitigation works are required.

Streetpride (Landscape) originally objected to the proposals as they involved the removal of all of the structure planting along Bolton Road. Following the submission of revised plans which show the retention of the planting, no objections are raised subject to conditions.

Streetpride (Trees) raise no objections to the revised proposals subject to the imposition of conditions.

Streetpride (Ecology) originally objected to the proposals as they involved the removal of all of the structure planting along Bolton Road. Following the submission of revised plans which show the retention of the planting and the revised ecological assessment, no objections are raised subject to a condition requiring the installation of bird and bat boxes on site.

Streetpride (Drainage) have assessed the amended drainage strategy which includes percolation tests indicating that soakaways or other similar infiltration

devices will be effective on this site. On this basis no objections are raised subject to suggested conditions.

Neighbourhoods (Environmental Health) envisage no significant loss of amenity by virtue of noise, air quality or land pollution impact and as such raise no objection.

## **Appraisal**

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

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

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

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

—

- The principle of the development
- Design & Layout Considerations
- Landscape & Ecological Considerations
- Transportation Issues
- Drainage and Flood Risk
- Other Matters

## Principle of Development

The application site is allocated for industrial and business use within the adopted Rotherham Unitary Development Plan and formed part of the former Manvers East Dearne Valley Enterprise Zone which granted planning permission for B1, B2 and B8 uses. In addition, the Rotherham Local Plan Publication Sites and Policies document also allocates the site for industrial and business purposes. The application relates to proposals for the erection of 1 no. unit for B8 purposes.

On this basis the proposal is considered to be acceptable in land use terms and is in accordance with Core Strategy Policy CS9 'Transforming Rotherham's Economy' and UDP Policy EC3.1 'Land Identified for Industrial and Business Uses' which, amongst other things seeks to protect viable employment sites and support the regeneration and intensification of previously developed land, including proposals which safeguard the viability of established industrial and business areas. The proposal is also in accordance with the policies contained within the NPPF which has a presumption in favour of sustainable development, and aims to build strong, competitive economies. In this regard the proposal is considered to be acceptable in principle.

### Design and Layout

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 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 for making places better for people.” In addition paragraph 57 states: “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

In addition, CS policy 28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

The proposal in this instance comprises of the erection of an industrial style building with associated car parking within a predominantly industrial and business area. The building has been designed to reflect the external appearance of existing units within the Business Park and will be constructed with a mixture of brickwork and cladding.

The building, whilst of no real architectural merit has been sympathetically designed and detailed to mirror other similar buildings to the south of the site further, which can be viewed from the application site and Bolton Road.

It is therefore considered that the proposed building is of an appropriate and acceptable scale, form and design and together with the proposed palette of materials would not introduce an incongruous feature into the streetscene or surrounding area.

The proposal would therefore comply with the NPPF and policy CS28 ‘Sustainable Design’ of Rotherham’s adopted Core Strategy and give rise to no design issues.

### Landscape & Ecological Considerations

With regard to landscape impact, Core Strategy policy CS21 ‘Landscapes,’ requires new development 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.”

‘Saved’ Unitary Development Plan (UDP) policy ENV3 ‘Borough Landscape,’ recognises the vital importance of maintaining and enhancing the landscape of the Borough and seeks to ensure when considering development or other proposals that full account is taken of their effect on and contribution to the Landscape.

'Saved' UDP policy ENV3.2 'Minimising the Impact of Development,' further seeks to: "minimise adverse impact on the environment... and to conserve and improve its quality."

'Saved,' UDP policy ENV3.4 'Trees, Woodlands and Hedgerows,' additionally seeks to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.

The site comprises an area designated for industrial purposes within the UDP and formed part of the former Manvers East Dearne Valley Enterprise Zone. The site is also allocated as industrial within the emerging local plan (LDF 605 north). As part of the evidence base for the local plan the site was assessed in 2012 for landscape sensitivity and capacity. The site was found to be of low to medium sensitivity to change and with a medium to high capacity to accommodate industrial development.

As part of the reclamation of the Dearne Valley in the 1980's & 90's, when the roads and infrastructure were laid out, provision was made for roadside trees and vegetation and structure planting, these formed an integral part of the plot curtilage and were planted by RMBC in advance of the development of the plots. This approach to roadside structure vegetation is consistent across the Manvers/ Dearne valley area and thus is an important amenity feature which contributes to the character of the street scene, and an important Green Infrastructure asset.

The original submitted layout indicated a total of three connected vehicular areas which resulted in the loss of almost all of the frontage vegetation along with a total of 17No juvenile trees (approx. 20-25yrs old). As a result of this, the applicant was informed that the proposal could not be supported and were invited to amend the plans to enable a greater proportion of the existing frontage vegetation to be retained.

The revised layout now shows a reduced floor area which in turn enables the retention of the majority of existing structure planting which comprise of standard trees and shrub planting. It is acknowledged that some areas of self-set vegetation will be lost, however a native buffer is proposed along the railway embankment which seeks to mitigate for this loss. Accordingly, previous objections to the proposed development are satisfied and the proposals are considered to accord with the provision of CS21 'Landscapes' and ENV3 'Borough Landscape'.

In respect to ecological matters Core Strategy policy CS20 'Biodiversity and Geodiversity,' seeks to conserve and enhance Rotherham's natural environment, and protect resources with priority being given over conserving and enhancing populations of protected and identified priority species; protecting them from harm and disturbance; and by promoting recovery of such species populations to meet national and local targets.

The NPPF at paragraph 118 advises when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by (amongst others) providing opportunities and encouragement to incorporate biodiversity in and around developments.



The submitted Ecological Assessment confirms that there are no sites with statutory protection within the 1km area of search from the site. Furthermore, there were no protected mammals, amphibians, reptiles or bats detected during the walk over survey which was carried out in June 2017. Common birds were identified across the site, however none identified appear on the List of Birds of Conservation Concern.

Having regard to the above, it is acknowledged that the site falls within the Dearne Valley Nature Improvement Area (DVNIA) and therefore proposed developments should aim to contribute towards improving ecological networks in this area. Additionally, the Planning Advice Note issued by the DVNIA suggests opportunities for biodiversity enhancement in new developments. The retention of self-set trees along the front edge of the development site is important for biodiversity on this site and the amended plans satisfy this requirement. In addition it is noted that the Ecological Assessment suggests that that native tree and shrub planting along with the installation of bat and bird boxes should be undertaken or installed where possible which will enhance biodiversity in the area. Accordingly it is considered that the proposed development confirms with CS20 Biodiversity and Geodiversity subject to the imposition of a condition requiring the applicant to submit proposals for the installation of bird and bat boxes and implement the measures in accordance with the agreed details. .

### Transportation Issues

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' seeks to focus transport investment on making places more accessible and on changing travel behaviour with accessibility being promoted through (amongst others):

- c. 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).
- d. Enabling walking and cycling to be used for shorter trips.
- h. Adopting car parking policies for vehicles and bicycles in accordance to national guidelines that support and complement public transport and the introduction of sustainable travel modes.
- i. 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.

Paragraph 17 to the NPPF further advises that amongst its 12 core land-use principles that planning should: "...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable."

Having regard to transportation issues, the application has been accompanied by a Transport Statement (TS) which provides an evaluation of various junctions using existing and projected data; traffic accidents in the locality of the site along with likely traffic expected to be generated by the proposed development.

The statement goes on to confirm that the proposed facility will provide an additional 4,290 square metres (GIA) of operational accommodation for the client company.

The proposed storage and distribution facility will be a 24hour operation to support the existing group of companies operations that currently employ 135 no. members of staff across 5 no. warehouses and 15 no. retail stores. When fully occupied it is anticipated that there will be 10 no. new members of staff with an additional 10 no. existing staff members relocating from the existing warehouse facility located on the adjacent Houndhill Business Park.

Having regard to vehicular movements, the TS considers that the worst case operational scenario for the proposed B8 Storage and Distribution facility will be:-

- A trailer parked on site - in front of the loading bays. ·
- 12No HGV's visiting the site each day. ·
- Employees will use the car parking facility on the adjacent site - except for disabled parking.

The Council's Transportation Unit have assessed the submitted information and consider that the traffic impacts of the development will be minor. Accordingly, no further modelling of junctions or any mitigation works are required.

In addition to the TS, a Travel Plan has been submitted which will be used as a mechanism to encourage a reduction in the number of staff commuting by car and reduce the traffic impact of proposal on the existing highway network. These proposals include encouraging staff to travel by public transport by liaising with SYPTTE to provide general information and literature and if possible 'real time' information concerning the Public Transport Services and Facilities operating locally and regionally that can improve the travel decisions and choices available to employees based at the Patrick Tobin Business Park. The information and literature provided by SYPTTE could be distributed to all employees prior to them taking up their positions. Specific advice will be sought on discounted ticketing and personal journey planning, which again will be conveyed to all members of staff.

Having considered the above in relation to the relatively small number of staff to be employed at the new facility the method proposed is considered to be satisfactory in this instance.

The proposed development is therefore considered to accord with Policy CS14 'Accessible Places and Managing Demand for Travel and guidance contained within the NPPF.

### Drainage and Flood Risk

Core Strategy policy CS25 'Dealing with Flood Risk,' seeks to 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. It advises that this should be demonstrated through a sequential approach and having regards to its flood zone allocation as identified via the Environment Agency's flood maps. It should accord with the recommendations set out in the Strategic Flood Risk Assessment and be supported by a detailed Flood Risk Assessment (FRA) having regard to the guidance in both the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

'Saved' Unitary Development Plan (UDP) Policy ENV3.2 'Minimising the Impact of Development,' further seeks to minimise adverse impact on the environment, including water resources.

With the above in mind, the application has been accompanied by a Drainage Strategy which confirms that the site lies within Flood Zone 1 on the Environment Agency's flood maps. The strategy further considers the requirements of the South Yorkshire Interim Guide for SuDS and seeks to demonstrate that all the guidance requirements and more importantly the specific requirements of RMBC as the Lead Flood Defence Authority are not only met but enhanced by the approach to SuDS in the final design of the proposed development. It then goes on to make recommendations for the implementation of SuDS at each stage of development and compliance with the goals and aspirations of the local authority.

In this regard, foul sewerage will be constructed to discharge, by gravity, to the existing public foul sewerage system adjacent to the application site, in accordance with the requirements of the water authority if a new connection is required. Storm water sewerage and surface water run-off will be dealt with via soakaways or infiltration trenches to accommodate storm water run-off from all roofs and impermeable paved areas and the construction of porous paving in less heavily trafficked operational areas. It is also proposed that surface water will pass through an appropriate storm water by-pass interceptor prior to any discharge to the proposed SuDS installation constructed as part of the built development.

The Council's Drainage Engineer has assessed the detail contained within the Drainage Strategy and concurs with the conclusions made and methods proposed to deal with foul and surface water run-off. It is therefore considered that the proposed development meets the criteria outlined in Policy CS25 'Dealing with Flood Risk'.

### Other Matters

A representation has been received from the occupier of an adjacent unit which is currently in use as a gym. The representation, amongst other things raises concerns relating to an increase in noise within the area as a result of the proposed use. In this regard, the site is located within an established business park adjacent to other non-sensitive occupiers which have no restrictions on operating hours. However it is acknowledged that the gym is operating lawfully having being granted planning permission in 2015, therefore regard must be had to whether the proposed development will have a detrimental impact on this property and its lawful use.

In this regard it is noted that the proposed development will increase vehicular movements to this part of the business park and it has been previously noted that the site will attract 12 HGV movements per day, in addition to the 20 staff, who will work separate shift patterns. These movements will by their nature result in some level of disturbance; however it is not considered that it will be so significant that it will have an adverse impact on the day to day operation and function of the adjacent gym.

Having regard to the proposed use itself, its primary function will be to store carpets prior to their distribution to various retail outlets nationwide. The only machinery proposed within the unit is a cutting machine that will not emit high levels of noise.

The proposed use is not therefore considered to have a detrimental impact on the amenity of the adjacent occupier and on that basis it is considered to comply with the provisions of ENV3.7 'Control of Pollution'.

A further concern was raised regarding the loss of the existing vegetation along the Bolton Road frontage which would have the potential to exacerbate an existing problem with flies, resulting in a loss of business. As previously reported, the revised plans show the retention of this landscaping belt, therefore it is considered that this concern has been addressed.

## **Conclusion**

Having regard to the above it is concluded that the principle of the proposal is acceptable and the size, scale, form, design and layout would not adversely affect the character or appearance of the area. Furthermore, there would no adverse impact on the local and strategic highway network and subject to conditions there will no adverse impact on flood risk, drainage, land contamination and archaeological issues. Accordingly, the scheme, subject to conditions would comply with the provisions of the NPPF and policies of the Core Strategy, 'saved' UDP and emerging Sites and Policies. Therefore, for the reasons outlined in this report the application is recommended for approval 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 (as set out below)

- General Arrangement ref: 1630/MJ/04 Rev A
- Elevations ref: 1630/MJ/03 Rev A

Reason

To define the permission and for the avoidance of doubt.

03

No construction works on the approved development shall commence 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.

Highways

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

Before the development is brought into use the car parking area shown shall be provided, marked out and thereafter maintained for car parking.

Reason

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

06

The submitted Travel Plan shall be implemented in full and 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.

Landscape

07

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

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

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

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

#### Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policies CS20 Biodiversity and Geodiversity and CS21 Landscapes and UDP Policies ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'.

08

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

#### Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policies CS20 Biodiversity and Geodiversity and CS21 'Landscapes and UDP Policies ENV3 'Borough Landscape' and ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

#### Ecology

09

Prior to the occupation of the building a scheme for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be installed within a timescale to be agreed by the Local Planning Authority.

#### Reason

To enhance biodiversity in the area, in accordance with the provisions of CS20 Biodiversity and Geodiversity.

#### Trees

10

Within 5 years of the commencement of the works no tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with

the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree is removed, uprooted or destroyed or dies, within this 5 year period, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

## Reason

In the interests of the visual amenities of the area and in accordance with Policies CS20 Biodiversity and Geodiversity and CS21 Landscapes and UDP Policies ENV3 'Borough Landscape' and ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

11

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 Policies CS20 Biodiversity and Geodiversity and CS21 Landscapes and UDP Policies ENV3 'Borough Landscape' and ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

## Drainage

12

Development shall not begin 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, has 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 any 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 Policy CS25 'Dealing with Flood Risk', UDP Policy ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

13

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 Policy CS25 'Dealing with Flood Risk' and UDP Policy ENV3.7 'Control of Pollution'.

POSITIVE AND PROACTIVE STATEMENT

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



<b>Application Number</b>	<b>RB2016/1048</b>
<b>Proposal and Location</b>	Application to vary condition 03 (opening times) imposed by planning application RB2011/1601 at Café Deer Park Farm, Doncaster Road, Thrybergh S65 4BH
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description and Location

The site of application relates to the café premises located at Deer Park Farm which is a complex of warehouse buildings and a former farmhouse located on Doncaster Road, Thrybergh. The café specifically relates to the former farmhouse which is on the front of the site facing the road. The rest of the site would be unaffected by the proposals. There are a number of residential properties to the rear of the café building on Arran Hill.

### Background

The site has been subject to a large number of applications. The most relevant are summarised below:

RB2009/1345: Retrospective application for change of use of premises from car hire to manufacture of timber furniture & fencing and sale of garden sheds, fencing, wrought iron work & timber household furniture

- REFUSED 14/01/10

RB2010/0580: Retrospective application for change of use of premises from car hire to manufacture of timber furniture, wrought iron work & fencing and sale of garden sheds, fencing, wrought iron work & timber householder furniture and external alterations to buildings including erection of front boundary wall and railings fencing, wrought iron work & timber household furniture and external alterations to buildings  
- REFUSED 01/07/10 Appeal: - DISMISSED 23/12/10

RB2010/0760: Display of 7 non-illuminated signs consisting of 3 fascia signs, 1 free standing post sign & 3 flag posts & flags  
- REFUSED 26/07/10  
Appeal: - ALLOWED (PART ONLY) 23/12/10

RB2011/1601: Change of use to use Building A for storage and distribution (B8) and sales area (A1), Building B for 3 no. retail sales units (A1), Building C for retail sale of furniture (A1) and café (A3) to ground floor, and proposed external display area for conservatories and sheds, provision of new boundary wall and associated car parking  
- GRANTED CONDITIONALLY 17/01/12

### **Proposal**

The proposal is to extend the opening hours of the café permitted under condition 03 of planning permission RB2011/1601 which reads as follows:

#### Condition 03

The retail and café use hereby permitted shall only be open to customers or for deliveries between the hours of 08.00 – 18.00 Mondays to Fridays, 08.00 – 17.00 on Saturdays and 11.00 – 16.00 on Sundays and Bank Holidays.

The applicants wish to extend the opening hours to:

08.00 – 18.00 Mondays to Wednesdays, 08.00 – 22.30 on Thursdays, Fridays and Saturdays and 11.00 – 16.00 Sundays and Bank Holidays.

The applicant has submitted a Planning Statement which states that “the business proprietor would like some additional flexibility in the hours of operation to maximise the potential of the local business.”

During the consideration of the application the applicant was requested to provide a Noise Assessment. The Noise Assessment concludes that “It is considered that the proposed extension to café opening hours will not give rise to any unacceptable noise impact on the surrounding residential use.”

### **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 Use – Local Centre’ purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Unitary Development Plan 'saved' policy(s):  
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 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

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

### **Publicity**

The application has been advertised by way of a site notice, along with individual neighbour notification letters to adjacent properties. The Council has received 5 representations from neighbouring residents and 1 from Thrybergh Parish Council who have all objected to the application.

The comments raised are summarised below:

- Noise and disturbance to neighbouring residents caused by patrons and staff accessing and leaving the premises.
- Concerns that alcohol would be served at the premises which would make the noise problems increase in the locality.
- Potential nuisance caused by cooking smells.
- Residents will not be able to enjoy their gardens in the evening when the road noise has died down.
- Rotherham Council does not listen to or care what local residents say.

### **Consultations**

Streetpride (Transportation and Highways): Raise no objections from a highway safety perspective.

Environmental Health: Accept the findings of the Noise Assessment and raise no objections to the proposals subject to recommended conditions.

### **Appraisal**

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

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

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

The principle of this development has already been accepted under planning permission RB2011/1601 and does not need to be considered in this instance. The main issues to take into consideration in the determination of the application are –

- Neighbouring amenity
- Other issues raised by objectors.

#### Neighbouring amenity

UDP Policy ENV3.7 'Control of Pollution' seeks to minimise the adverse effects of nuisance, disturbance and pollution associated with development. The NPPF at paragraph 123 states that "Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- 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 submitted Noise Report details the predicted noise impact for patrons entering and leaving the site and for vehicle movements to and from the café. The noise level associated with vehicle movements to and from the café was calculated at 27 dB LAeq (1800–2230) at the nearest residential curtilage. Such an external noise level is very low and is as expected given traffic volume, speed and separation distance. It was considered that these very low noise levels would be further reduced by the intervening buildings and/or boundary fences.

Environmental Health Service notes that the anticipated noise level associated with patrons entering and leaving the café (and within the café car park) would mainly be from voices, and that the noise level of a voice is 60 dB(A) at a distance of 1 metre. The nearest (non-associated) residential curtilage is No. 3 Arran Hill which is located approximately 25 metres from the nearest car parking area. Based on point source propagation (6 decibels per doubling of distance), the noise level of a voice would

be of the order of 32 dB(A) at such a distance. Such an external noise level is very low and is as expected given noise source and separation distance. It is considered that these very low noise levels would be further reduced by the intervening buildings and/or boundary fences, and would therefore be likely to be inaudible within the gardens of Nos. 3–17 Arran Hill.

In terms of potential smell nuisance it is noted that the nearest properties are located approximately 25 metres from the site. As such, it is considered that the distance of the café to neighbouring properties would mean that cooking smells would not cause a nuisance to neighbouring residents at these distances.

Therefore no objections are raised to the proposals.

#### Other issues raised by objectors

Concerns were raised that the café would become licensed and the consumption of alcohol on the premises would only increase the noise nuisance for local residents. Whilst this is noted it is not a material planning consideration and is a matter for Licensing to consider under separate legislation.

#### **Conclusion**

It is considered that the proposed change to the opening hours of the café, subject to the recommended conditions, would not harm the residential amenity of neighbouring residents in terms of noise nuisance or odour. As this is a variation of condition application it is recommended that the relevant conditions imposed on the original permission are re-imposed on this application. As such, it is recommended that planning permission is approved subject to the recommended conditions.

#### **Conditions**

01

The retail use hereby permitted shall only be open to customers or for deliveries between the hours of 0800–1800 Monday to Friday, 0800–1700 Saturday and 1100–1600 on Sundays and Bank Holidays.

Reason

In the interest of residential amenity in accordance with UDP Policy ENV3.7 ‘Control of Pollution.’

02

The café use hereby permitted shall only be open to customers between the hours of 0800–1800 Monday to Wednesday, 0800–2230 Thursday to Saturday and 1100–1600 on Sundays and Bank Holidays.

Reason

In the interest of residential amenity in accordance with UDP Policy ENV3.7 ‘Control of Pollution.’

03

The warehouse use hereby permitted shall only be open for deliveries and for goods to be taken from the building for onward transit between the hours of 08.00 – 18.00 Mondays to Fridays and 09.00 – 12.00 Saturdays and closed Sundays and Bank Holidays.

Reason

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

04

The 5 No. parking bays at the south western end of the site shall be designated for use by the staff only.

Reason

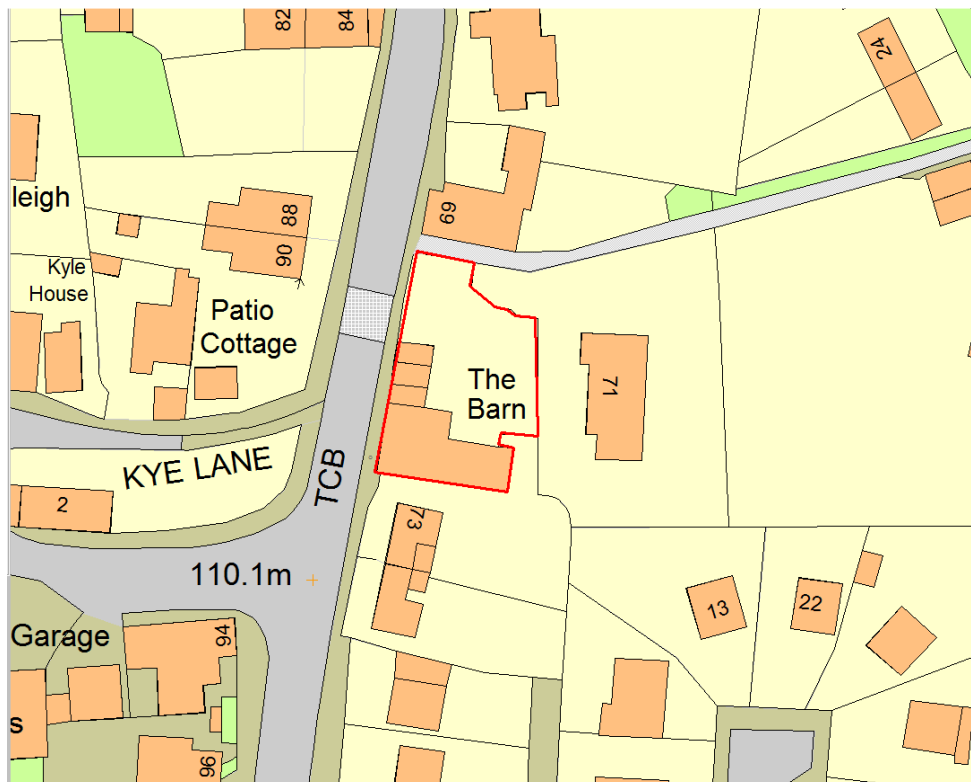
To ensure the provision of satisfactory parking arrangements and to avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

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 submitted further information and the proposal is in accordance with the principles of the National Planning Policy Framework.

<b>Application Number</b>	<b>RB2016/1146</b>
<b>Proposal and Location</b>	Alterations and part change of use to café (Class A3), The Barn 71A, Union Street, Harthill, S26 7YH
<b>Recommendation</b>	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 and Location

The site of application is a grade II listed former agricultural barn located on Union Street, Harthill. The barn is a typical stone structure with a clay pantile roof and typical barn style openings. The barn was converted to offices in the early 1990s, with original features retained.

The barn is accessed off Union Street, set within a small courtyard, with parking for some 5 vehicles.

## Background

RB1994/1460 - Conversion and extension of shop and barn to form office with associated car parking and alteration of vehicular access - GRANTED  
CONDITIONALLY

RB1994/1461 - Listed Building Consent for the conversion and extension of shop and barn to form office, including part demolition of front boundary wall and roof/flank wall to north elevation - GRANTED CONDITIONALLY

RB2015/1218 - Change of use to residential (use class C3) - GRANTED  
CONDITIONALLY

RB2016/1358 - Listed Building Consent for alterations to building - GRANTED  
CONDITIONALLY

## Proposal

The applicant seeks permission to change the use of part of the existing office building to an A3 café, linked to the existing medical supplies business on site. The café is intended to mainly cater for therapy use, but will also be available to local villagers. The opening hours are proposed to be between 09:00 – 16:30.

The applicant's Design & Access statement states that:

- Repton Medical is a healthcare business which has been established since 2003. We have a distribution centre in Creswell and due to the successful expansion of our hospital sales/ care home business, we have now purchased The Barn, which was formerly known as 'The Old Threshing Barn' (71a Union Street, Harthill). Our products are also sold to the general public for those people who chose to live independently within the community home care setting.
- We have been approached by several organisations asking us to set up a memory café/dementia friendly clinic to provide a place where any person can drop in (with or without their carer) to see our products and generally have a place to meet others within the community. Memory cafés not only bring a stimulating experience for the dementia patient but also provide a strong sense of community involvement for carers and interested individuals. They have a chance to meet and exchange experiences and information in a safe environment.

It should be noted that the applicant originally proposed an A1 shop to sell products from the building. Following Officer's advice this has been removed from the

scheme, with only a small wholesale display area now proposed, which is ancillary to the B1 office use.

In terms of proposed alterations to the external appearance of the building, the proposal includes the insertion of doors on a former open fronted cart shed.

### **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 and falls within the Harthill Conservation Area, and the property is Grade II listed. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS12 'Managing Change in Rotherham's Retail and Service Centre'

CS23 'Valuing the Historic Environment'

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV2.7 'Changes of use to Listed Buildings'

ENV2.11 'Development within Conservation Areas'

HG1 'Existing Housing Areas,'

### **Other Material Considerations**

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

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

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

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



## Publicity

The application has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. 11 letters of objections have been received as well as a general letter of comment from Harthill Parish Council and a petition against the scheme signed by 26 people.

The objectors state that:

- The site has inadequate parking for the proposed café use, with only 5 parking spaces.
- The site has not got adequate room to accommodate large delivery vehicles.
- Parking on Union Street will create highway safety concerns near the roundabout. Double yellow lines will be required.
- The hours of opening at 7am in the morning is unnecessary and will cause disturbance to neighbours.
- Potential of smells and noise.
- Prevent access to No.71 Union Street.
- The proposal will create overlooking of the neighbour at No.73.

Harthill Parish Council state that:

- Any traffic issues should be fully considered.
- The premises are essentially used as a small business with an ancillary café, which is primarily for client use - with some ability to accommodate local parishioners.
- The café should only operate on a 9 to 5 basis.

Four people have requested the right to speak at Planning Board.

## Consultations

Streetpride (Transportation Unit): Note from additional correspondences that the applicant's agent has confirmed that the proposed A1 shop use is now to be removed from the application and that the café use would be daytime only (9.00am to 4.30pm) and aimed mainly for therapy users or local villagers. It is noted that the premises currently have permission to operate as offices. On this basis the Transportation Unit are of the opinion that the above changes to the original application have now overcome previous concerns identified. Accordingly, there are no objections subject to recommended conditions.

Neighbourhoods (Environmental Health): Notes that the area is mixed residential and commercial in nature. There are residential properties in close proximity to the site. There is potential for noise disamenity to local residents from patrons and deliveries. As such a restrictive hours of opening condition 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 considerations in the determination of this application are: -

- The principle of the development.
- The impact of the development on the listed building/Conservation Area.
- The effect of the development on the residential amenity of surrounding properties and the occupiers of the proposed dwelling.
- Highway issues.

#### The principle of the development

Core Strategy Policy CS12 Managing Change in Rotherham's Retail and Service Centre states that, to maintain and enhance the vitality and viability of the borough's retail and service centres new retail, leisure, service facilities and other main town centre uses will be directed to the most appropriate centre in line with the hierarchy, having regard to the type and scale of development proposed. It states that Rotherham town centre will be the focus for the majority of new comparison and convenience floorspace proposed to be accommodated in the Borough.

In this instance the village of Harthill has no area allocated for retail purposes, with only a small grouping of shops in the centre of the village. The proposed A3 café use is primarily linked to a therapy use undertaken by the on-site medical supplies business, and as such it is not considered that the small scale café use would be more appropriate in nearby local centres such as Kiveton Park. Furthermore, it is considered that the A3 use would only attract local customers and those seeking therapy, and as such would not harm the vitality or viability of neighbouring local centres.

The site is allocated for residential use in the Unitary Development Plan and therefore 'saved' UDP Policy HG1 'Existing Housing Areas,' is relevant and states: "The Council will ensure that predominantly residential areas are retained primarily for residential use by permitting only those proposals which: (i) have no adverse effect on the character of the area or on residential amenity, (ii) are in keeping with the character of the area in terms of scale, layout and intensity of use, (iii) make adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development, or (iv) are ancillary to the residential nature and function of the area and which also satisfy the above requirements."

The proposed A3 use is a small scale use appropriate in a residential area. The issues raised in Policy HG1 are addressed in further detail below.

The impact of the development on the listed building/Conservation Area

Policy ENV2.6 'Alterations to Listed Buildings,' states: "Proposals for alterations or additions will be judged against their effect upon a listed building's special interest. Works which harm a building's special interest will not be permitted except in exceptional circumstances where such works can be proved to secure the long-term preservation of the listed building."

Supplementary Planning Guidance (SPG) Environment Guidance 2: 'Alterations to Listed Buildings,' states that: "Alterations may affect the special character of a Listed Building and should be minimised. Repair is usually preferable to replacement." The SPG further notes that: "The basic principles outlined in this guidance will be relevant in all cases but specific actions for individual buildings will need to be established and the principles of repairs indicated."

'Saved' UDP Policy ENV2.11 'Development in Conservation Areas,' states: 'the Council will not permit development which would adversely affect the architectural or historic character or visual amenity of the Conservation Area. It also states the Council will have regard to the degree to which the proposals are compatible with the vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of the Conservation Area's character.'

In regards to Listed Building matters, Core Strategy Policy CS23 'Valuing the Historic Environment,' states (amongst other things) that "Rotherham's historic environment will be conserved, enhanced and managed."

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

The Design and Access Statement states that the layout of the building is to remain as existing, with no internal alterations and the only alterations being the insertion of new timber doors on a former open fronted cart shed. It is noted that the former open fronted cart shed is an attractive and an important architectural feature of the building. However, the installation of timber doors is an entirely reversible feature and the central columns would remain visible and allow its former use being readable after the completion of the works.

No other alterations are proposed and the additional business activities on site have the benefit of providing further income for the upkeep of the building, which has not been actively maintained in the last 10 years. It should also be noted that Listed Building consent has already recently been granted for the alterations that have taken place.

It is considered that for the aforementioned reasons the alterations to this Grade II Listed Building are all acceptable in this instance and are accordance with Policy ENV2.6 'Alterations to Listed Buildings,' Supplementary Planning Guidance (SPG)

Environment Guidance 2: 'Alterations to Listed Buildings,' along with the guidance contained in the NPPF.

The effect of the development on the residential amenity of surrounding properties and the occupiers of the proposed dwelling

The main orientation of the building is towards the central courtyard, which would not create any overlooking of neighbouring dwellings. A number of secondary windows are positioned on the eastern elevation overlooking the drive of No.73. The largest window has also been obscure glazed as part of the previous approval which prevents direct overlooking of No.73's rear garden. The remaining windows are small windows which overlook the front garden area and as such do not cause undue overlooking of neighbours.

Furthermore as the proposal is a change of use it would not have any material impact in terms of appearing overbearing or harming outlook.

With regard to the potential noise and disturbance Environmental Health indicate that the area is predominantly residential in nature and the barn adjoins a number of residential dwellings. As such restrictive hours of opening are recommend to prevent harm to neighbouring amenity. With this in mind a condition has been attached restricting the hours of operation between 09:00 -16:30 throughout the week.

Highway issues

The building has an extensive front courtyard, which could accommodate up to 5 cars. The Council's Transportation Unit note that the original scale of the proposal has been greatly reduced, with more restrictive hours of opening and no A1 shop. The café use would be daytime only and aimed mainly for therapy users or local villagers. Due to its central location within the village, the café will be within walking distance for many local residents, reducing car demand.

As such subject to appropriate condition requiring the courtyard hardstanding area to be upgraded and marked out the proposal will not be detrimental to

**Conclusion**

It is considered that the change of use of part of the building to an ancillary café would not harm the host Grade II Listed Building or the Conservation Area and that the proposed cafe would not harm the residential amenity of neighbouring residents in terms of appearing overbearing, loss of light or overlooking. It is further considered that the development is acceptable in highway terms and would have adequate parking for the proposed uses on site.

Taking account of the above, it is therefore recommended that planning permission be granted conditionally.

**Conditions**

01

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

Reason

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

02

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

(Drawing numbers 7487 Rev B)(received 17/11/2016)

Reason

To define the permission and for the avoidance of doubt.

03

The café use hereby permitted shall only be open to customers and deliveries between the hours of 09.00 to 16:30.

Reason

In the interest of neighbouring amenity.

04

The café use shall be ancillary to the office use carried out on the site.

Reason

The site is not suitable for a general café use.

05

Before the development is brought into use details of the proposed hardstanding to the front courtyard and access shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the proposal being brought into use.

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.

06

Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

Reason

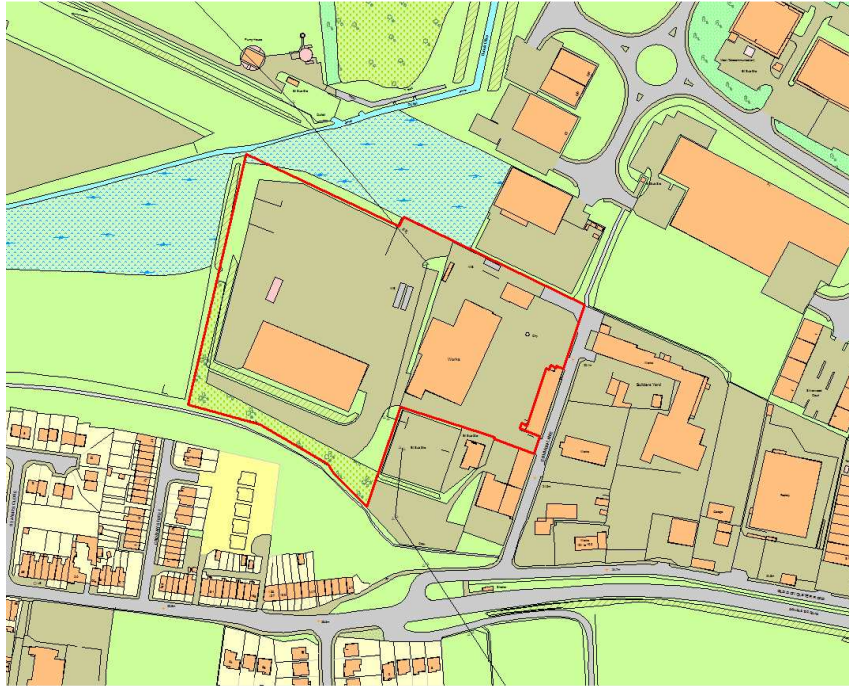
To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

**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.

<b>Application Number</b>	RB2016/1382
<b>Proposal and Location</b>	Application to vary condition 16 (times heavy goods vehicles can enter and leave the site) imposed by RB2005/1533 on land at Common Lane, Wath-upon-Dearne, S63 7DX
<b>Recommendation</b>	Refuse

The application is being reported to Planning Board at the request of the Chairman of the Planning Board.



### Site Description and Location

The site is approximately 2.7ha and consists of the former glassworks buildings adjacent to Common Lane and the existing waste transfer area. There is a screening belt of trees and shrubs along the southern boundary. Beyond the trees a public right of way runs along the outer edge of the southern site boundary. To the north the site abuts a post office depot, sewage works and land highlighted in the UDP as a strategic regeneration area. The nearest residential properties are situated on Cadman Street, approximately 25m from the site's southern boundary. The access to the site is via Common Lane and onto Doncaster Road. .

### Background

The most recent planning history can be summarised as follows:

RB2001/1491 – Use of former glassworks for crushing and screening of bricks, concrete and other demolition and excavation materials – granted with conditions.  
 RB2001/1494 – Use of land as recycling and waste transfer centre for material from building and demolition sites – granted with conditions.

RB2005/1533 - Use of existing inert waste recycling centre and former glassworks buildings as a non-hazardous waste recycling centre including the erection of plant and machinery – granted with conditions.

EN2016/0009 – Breach of Condition Notice served 20<sup>th</sup> September 2016 requiring that the heavy goods vehicles used in connection with the recycling operations do not enter or leave the land prior to 8am on weekdays and Saturdays. The compliance date for the notice was the 20<sup>th</sup> October 2016.

### **Proposal**

The applicant has requested to vary condition 16 (times heavy goods vehicles can enter and leave the site) of RB2005/1533 due to the operational requirements of the business.

The existing condition is stated as follows:

*Heavy goods vehicles shall only enter or leave the site between the hours of 0800-1800 on weekdays and 0800 - 1300 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).*

The proposed variation of condition is as follows

*Heavy goods vehicles shall only enter or leave the site between the hours of 0700-1800 on weekdays and 0700 - 1300 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).*

The applicant states that” “We have minimal traffic movements between 0700 hours and 0800 hours, and being allowed to access and egress our site at 0700 hours would have a minimal effect on the already trafficked Old Doncaster Road by other commercial and industrial users. As a proposal, Heavy goods vehicles would enter via, or leave the site at 0700 hours, turn left out of Common Lane, and onto Old Doncaster Road, therefore keeping clear of the residential properties, and passing all of the other industrial and commercial businesses on Old Doncaster Road, many of which have been working and travelling on Old Doncaster Road much before 0700 hours. Our Road Sweeper would use the same route in a morning as above, and not pass the residential properties until later in the day.

The company employs in excess of 50 employees overall, most of which are local to Rotherham and South Yorkshire, and comprising of a variety of skill levels, which rely on the business for their employment, and ability to contribute commercially to local businesses and the local authority. The company needs to look towards the continued employment of its employees, many of whom depend on a 7.00 am start at work. Certain jobs would not be viable with a start time after 7.00 am.”

### **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 'Industry and Business' purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

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

Unitary Development Plan 'saved' policy(s):  
ENV3.7 'Control of Pollution'  
EC3.5 'Industrial and Business Development in relation to Sensitive Areas of Land Use'

### **Other Material Considerations**

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

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

The NPPF 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 and 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**

All of the immediately surrounding properties were notified on the 13<sup>th</sup> October 2016. A site notice was erected on 19<sup>th</sup> October 2016. The application was also advertised in the South Yorkshire Times edition 20<sup>th</sup> October 2016.

Four letters of representation have been received objecting to the application stating the following:

1. Concerned that drivers do not use the Old Doncaster Road. Providing they did there would be no objection to the proposed earlier start time. Commented that drivers are currently breaching the permitted 8am start time and get woken by the lorry movements especially in summer with the windows open.



2. Commented that drivers are currently breaching the permitted 8am start time with lorries leaving the site at 6am. The loud noise from the chains on the skip wagons is distressing at this hour, concerned that should the proposed start time be permitted neighbours would be disrupted.
3. Concerned over the proximity of the new school to the Lynskey site and an increased number of lorries resulting in a highway safety issue to the children. The loads on the lorries are often not covered resulting in debris on the highway. Damage is being caused to the junction between Doncaster Road and old Doncaster Road due to lorries turning sharply at this point. Lynskeys have a road sweeper in operation at 4.30am. Finally miscellaneous environmental concerns relating to rodents, the types of waste materials and crushing of waste being done externally.
4. Commented that numerous complaints have been made in the past regarding lorry movements to and from the site as early as 5.30am. Concerned that the company show a disregard for planning conditions and that they would not adhere to any new conditions that allow an earlier start time. Disagrees with the applicant comment that there are only minimal vehicle movements between 7am and 8 am and states that vehicle movements are frequent between these times, often on an every 5 minute basis. The engine noise and chains on the lorries wake them on a regular basis. Accepts that the old Doncaster Road is already trafficked by HGVs but states that this is minimal at such an early hour and does not impact like the applicants HGV movements. The applicant has proposed that HGVs enter or leave the site by turning left out of Common Lane keeping clear of residential properties. Accepts this would be an improvement but concerned that this would not be adhered to. Concerned over the operation of the road sweeper from 5.30am and the noise caused resulting in a negative impact on sleep patterns.

The applicant and a nearby resident have asked to speak at the meeting.

### **Consultations**

Streetpride (Transportation and Highways Unit): No objections.

Neighbourhoods (Environmental Health): Notes that complaints have been investigated of noise nuisance from the site as early as 6am. The main noise was from vehicles entering and leaving the site and loading skips on and off lorries. HGVs have been witnessed entering and leaving the site as early as 6.13am and through to 8am. Considers that the noise of the vehicles at this time would interfere with residents sleep and the comfort of their own home prior to 8am and recommends that planning permission be refused.

### **Appraisal**

Where an application is made to a local planning authority for planning permission, 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 principal of the use of the site as a non-hazardous waste recycling centre has already been established by RB2005/1533. The main considerations in the determination of this application are as follows:

- The impact of increased hours on the amenity of the surrounding area
- Impact on highway safety

The impact of increased hours on the amenity of the surrounding area

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." It 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:

Whether the 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 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,"

Saved UDP Policy EC3.5 'Industrial and Business Development in relation to Sensitive Areas of Land Use' notes that where occupied housing is situated within close proximity to industrial use areas the development must have regard for this and designed in such a way that residential amenities are not adversely affected.

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 site is currently in use as a waste recycling centre and HGVs leaving the site from Common Lane are able to turn right onto Doncaster Road in close proximity to numerous residential properties on both Doncaster Road and Gorehill Close. However, the applicant claims they have minimal vehicle movements between 7am and 8am and that the proposed 7am start would have a minimal effect on the already trafficked Doncaster Road by other commercial and industrial users.

It is alleged however, contrary to the applicants’ comments, that vehicle movements are frequent prior to 8am often taking place into and out of the site on a 5 minute basis. Furthermore, the loud noise from the chains on the skip wagons is distressing and causing disruption and loss of sleep. As a result of the complaints regarding breaches of the planning condition restricting HGV movements to and from the site to an 8 am start, the site has been monitored by the Planning Enforcement Officer. It was established that HGVs were entering and leaving the site on a regular basis prior to 8am and this resulted in the service of a Breach of Condition Notice.

Environmental Health have been consulted on the application and have commented that they have previously investigated noise complaints emanating from the site and that the main cause of this was found to be from vehicles entering and leaving the site and the loading of skips on and off lorries. Environmental Health consider that the noise of the vehicles prior to 8am would interfere with residents’ sleep and the comfort of their own home.

In mitigation to any problems to loss of residential amenity, the applicant has proposed that any HGVs leaving the site between 7am and 8am could turn left out of Common Lane and onto Old Doncaster Road keeping clear of the residential properties and passing other industrial premises, many of whom have been operational prior to 7am. It is accepted that whilst this would be an improvement on the current situation in terms of any disturbance to the occupiers of the residential properties, the HGVs would be on a public highway and it is not considered that their movement could be adequately controlled through the imposition of a planning condition.

It is considered that in view of the frequency of the HGV movements, their proximity to residential properties and the subsequent noise levels caused, allowing the proposed 7am start time for heavy goods vehicles entering or leaving the site would be unacceptable and contrary to the requirements of the above policies. It should be noted that the residential properties on Doncaster Road and Gorehill Close were in place prior to the approval of the permission for the non-hazardous waste

recycling centre, which included the erection of plant and machinery, and whilst there were commercial uses on the site prior to this, Condition 8 was attached to the permission in 2005 to protect the amenities of the nearby residents. Complaints have been received from activities taking place prior to the 8am time specified in the condition. It is noted that the applicant states that "Certain jobs would not be viable with a start time after 7.00 am" though this number is not quantified and it is not considered that this would justify the earlier start time proposed.

#### Impact on highway safety

Concerns have been raised regarding highway safety issues over the proximity of the new school to the Lynskey site and an increased number of lorries resulting in a highway safety issue to children. The application is to allow for a permitted start time of 7am instead of a 8am and there is no indication that this would impact on the safety of these road users.

Comments have been received that the loads on the lorries are often not covered resulting in debris on the highway and that damage is being caused to the junction between Doncaster Road and Old Doncaster Road due to lorries turning sharply at this point. There is no indication that the proposed 7am start time will result in any additional vehicular traffic to and from the site, it would merely impact on the times that the vehicles enter and leave the site, and therefore it is considered that these comments are not of any relevance to the consideration of this application.

The Council's Transportation Unit have been consulted and have raised no objections on this basis.

#### Other Matters

Miscellaneous environmental concerns relating to rodents, the types of waste materials and crushing of waste being done externally have been raised by objectors. The principal of the use of the site has already been established by RB2005/1533 and therefore if the applicant was to be operating outside of this or previous permissions in terms of the use of the site it could be dealt with through the enforcement of these earlier permissions. The proposed 7am start has no relevance to these concerns. Furthermore other Environmental Legislation would be available to address any such concerns.

#### **Conclusion**

It is concluded that whilst the proposal is acceptable in terms of highway safety terms, allowing an extension of the hours that HGVs can enter or leave the site to 7am would result in a loss of residential amenity.

It appears that HGV movements have taken place on a frequent basis prior to 8am and within close proximity to residential properties. The HGVs are often carrying skips and the noise from the vehicle and the chains securing the loads are creating adverse noise levels affecting the occupiers of the nearby properties. It is considered that allowing the proposed 7am start time for heavy goods vehicles entering or leaving the site would unacceptable and result in a significant loss of residential amenity.

In view of the above it is recommended that planning permission be refused for the following reasons.

01

The Council considers that allowing a 7am start time for HGVs to enter or leave the application site would by virtue of the site's proximity to residential properties, the frequency of vehicle movements and the noise levels caused, result in the loss of residential amenity and an adverse impact on quality of life of residents. The proposal therefore conflicts with Core Strategy Policy CS27 'Community Health and Safety', Unitary Development Plan 'saved' policies ENV3.7 'Control of Pollution' and EC3.5 'Industrial and Business Development in relation to Sensitive Areas of Land Use', and with the aims of the National Planning Policy Framework and the National Planning Policy Guidance.

**POSITIVE AND PROACTIVE STATEMENT**

The applicant did not enter into any pre application discussions with the Local Planning Authority. It was considered that no amendments to the proposals would make it acceptable and it was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.

<b>Application Number</b>	<b>RB2016/1527</b>
<b>Proposal and Location</b>	Erection of 19 no. pitched roof garages and 8 no. pitched roof stores at land to rear of 3 – 5 Willowgarth Avenue, Brinsworth, Rotherham, S60 5HN.
<b>Recommendation</b>	Grant subject to conditions

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



## **Site Description and Location**

The application site is situated within the residential area of Brinsworth. The site is accessed via a narrow single track between nos. 3 and 5 Willowgarth Avenue and then opens up and forms a rectangular piece of land that up until recently comprised of approximately 10 – 15 individual concrete sectional garages that were erected sometime in the 1960s and 70s. The site is now cleared but is still used by some local residents to park vehicles.

The land is surrounded by residential properties with their rear gardens immediately backing up to the sites boundaries. The properties to the north on Whitehill Road sit at a lower land level with a modest 1.5 – 1.8 metre high boundary fence along the site's northern boundary. The properties to the south of the site on Whitecroft Crescent sit at a higher land level where there is also a 1.5 – 1.8 metre boundary fence.

The site also slopes slightly downwards from south to north.

## **Background**

There has been one previous planning application submitted relating to this site:

RB2016/0482 – Erection of 22 no. pitched roof garages and 9 no. pitched roof stores – Refused

## **Proposal**

The application is for the erection of 19 no. garages and 8 no. stores.

The applicant has indicated that the garages and stores rooms are to be offered to local residents for parking / storage purposes on a rental basis and they have also indicated that the use of the buildings and site will not be for commercial activity.

The garages are proposed to be arranged with three sets of 3 no. garages abutting the boundaries of nos. 46, 46a, 48 and 48a Whitehill Road. They will have a ridge height of 4 metres. A further row of 5 garages are proposed to be erected directly on the sites western boundary and would be 15.6 metres long with a ridge height of approximately 4 metres. A further group of 2 and 3 garages will be located to the rear of nos. 4 and 6 Whitecroft Crescent and are approximately 6.2 metres and 9 metres long, respectively with a ridge height of approximately 4 metres.

A row of 4 no. stores are proposed to the east of the site adjacent to the side boundary of no. 50 Whitehill Road's rear garden. These would be 12 metres long with a ridge height of approximately 3.6 metres. Finally a single store would be located adjacent the rear boundary of no. 44a Whitehill Road, and a group of 3 no. stores to the rear no. 130 Manor Road., approximately 3.6 metres in height.

The garages / stores are to be constructed in brickwork with tiled roofs with up and over garage doors on the garages with single doors in the store.

## **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):

CS28 'Sustainable Design'

Unitary Development Plan policy(s):

HG1 'Existing Residential Areas'

### **Other Material Considerations**

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

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

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

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

### **Publicity**

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 8 letters of representation have been received, 8 from local residents and 1 from Brinsworth Parish Council. The issues raised are summarised below:

- I do not want to look at industrial fencing and storage buildings from my garden.

- This will mainly be for a business use.
- This is a residential area not an industrial estate.
- The site is currently a large rubbish heap.
- Amount of garages is inappropriate.
- What are the buildings to be used for?
- Where will the water be drained?
- Can you restrict traffic in and out of the site?
- Adverse impact on neighbouring properties / residents.

Other non-material planning matters have also been raised including It will affect the value of the surrounding properties.

One Right to Speak request has been received.

### **Consultations**

Streetpride (Transportation Unit): Have no objections.

### **Appraisal**

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

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

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

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

—

- The principle of the development
- Design issues and impact
- Amenity issues
- Transportation Issues

The application is for the addition of 19 no. garages and 8 no. stores on a former garage site surrounded on all sides by existing residential dwellings.

The site used to be occupied by approximately 15 individual detached concrete sectional garages. The majority were located towards the northern boundary of the site.

The current scheme differs from the previous refusal in that there is a reduction of 3 no. garages and 1 no. store. In addition, the long uninterrupted row of 12 no. garages previously proposed to the northern boundary of the site has been redesigned to three block of 3 no. garages with gaps between. Additional garages



have been sited to the southern boundary and there has been a change in the siting and layout of the proposed stores to allow easier access to them for the end users.

### Principle

The site is allocated for residential purposes within the adopted Unitary Development Plan (UDP) and as mentioned above was a former garage site that has been cleared and is currently used on an ad-hoc basis by local residents to park their vehicles.

It is proposed that the garages would be used by local residents for the storage of their cars and domestic goods, which would be ancillary to the residential function of the area. As such the scheme would comply with the requirements outlined within UDP policy HG1 'Existing Residential Areas', which states only those proposals which have no adverse effect on the character of the area or on residential amenity; and are in keeping with the character of the area, while being ancillary to the residential nature and function of the area will be permitted.

In order to ensure the above remains the situation in the future and no business use occurs on the site a condition limiting the use of the garages and stores to domestic storage is recommended as an intensive business use could have a detrimental impact on the amenities of the occupiers of these surrounding properties.

Although allocated for residential purposes it is considered that the site due its location within the estate and its size would be difficult to develop for residential purposes. Therefore given its previous use as a garage site and its current ad-hoc use for parking, a communal garage development is considered acceptable in principle.

### Design issues and impact on character and appearance of the site and surrounding area

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

The National Planning Policy Guidance (NPPG) (March 2014), further notes that: "Development proposals should reflect the requirement of 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 states that: "Local Planning Authorities are required to take design into consideration and should refuse permission for development of poor design".

It is considered that the development currently proposed, overcomes the Council's previous concerns in terms of overdevelopment of the site. It is considered that the reduction in garages, together with the re-siting and breaking up of the longer rows ensures that their massing and scale are now more acceptable than the previous

application. As a result of the above the scheme is now considered to represent an acceptable form of development that does not constitute an overdevelopment of the site. Furthermore, by virtue of the reduction in numbers and their re-design, the small individual blocks of garages and stores would not adversely affect the character or appearance of the area and would no longer result in a poor form of development.

In addition, reducing the number of garages and splitting them up, represents a better form of development. Accordingly, the current scheme is not considered to have an adverse impact on the character or appearance of the site or surrounding area and overcomes one of the previous reasons for refusal.

In light of the above the current scheme is considered to overcome the previous reasons for refusal in respect of design, size, scale, form and siting and as such is considered to be in compliance with the relevant paragraphs of the NPPF, the guidance contained in the NPPG and the requirements detailed in policy CS28 of the adopted Core Strategy. It therefore represents an acceptable form of development that would not have a detrimental impact on the character and appearance of the site and the surrounding area.

It is noted that some issues have been raised by local residents in respect of boundary treatment and that they don't wish to look at industrial style fencing. This is noted and supported and as such given the residential nature of the area, a more appropriate and sympathetic boundary treatment at the site would help enhance the appearance of the development. Therefore a condition requiring full details of any boundary treatment including design, siting and materials is recommended and these details will need to be approved and implemented before any new boundary treatment is erected.

#### Impact on amenity of neighbouring residents

The NPPF states planning should always seek to secure a good standard of amenity for all existing and future residents of land and buildings.

The previous application had a row of garages 46 metres long at the rear of properties on Whitehill Road, with some of the garages being sited less than 8 metres from the rear elevation of no. 48a Whitehill Road, which was at a lower land level than the site and would have resulted in an adverse impact on the occupants of this property by being overbearing and over dominant when viewed from the property. The current scheme has reduced the length of this row and also split the row up, which has resulted in the nearest garage being approximately 12 metres from the rear elevation of no. 48a Whitehill Road. This new distance is considered to be acceptable and together with the redesign overcomes the previous concerns of the Council and as such the impact of this row of garages on neighbouring residents is considered to be acceptable. It is of note that the Council's spacing standards for two-storey extensions / houses between a habitable room window and an elevation with no habitable room window is 12 metres. Accordingly, it is considered that the current scheme now complies with the requirements of paragraph 17 of the NPPF.

In respect of the stores on the northern and eastern boundary of the site and the garages on the western and southern boundary of the site, despite being sited

immediately adjacent the shared boundary with neighbouring properties, there is little impact due to their size, scale, form, design and siting, together with boundary treatment, being at a lower land level and distance to habitable room windows.

Therefore it is considered that the current scheme would be in compliance with the requirements of paragraph 17 of the NPPF and overcomes the previous amenity reason for refusal.

In respect of external storage and the issue raised by neighbours, a condition is recommended that would restrict any external storage on the site.

### Highway issues

Some of the issues raised by objectors relate to traffic accessing and using this site, as they are concerned that the site will be used for commercial purposes. As detailed elsewhere in this report, the applicant has clearly indicated that the garages and stores will be offered to local residents and will not be offered on a commercial operation basis and a condition is recommended to this effect.

The Council and the Transportation Unit have assessed the application on this basis and given the site was a garage site, the access is considered acceptable and the level of cars utilising the site is unlikely to be significantly increased. Accordingly, no objections have been raised by the Council's Transportation Unit to this proposal.

Furthermore, it is also noted that drainage of the site was another issue raised; in order to help prevent significant levels of surface water running off into adjacent gardens, particularly those on Whitehill Road, where the properties are at a lower level, a condition is recommended to ensure that the hardstanding is of a permeable material or some form of water retention/discharge system within the site is provided.

It should be noted that if the applicant wishes to use the site in the future for a commercial storage area, a new planning application will be required and will be assessed accordingly.

### Other issues

The majority of the comments raised by local residents have been assessed and addressed in the previous sections of the report, as they are material planning considerations.

However, one of the issues raised related to the affect the proposal will have on house prices in the area. Whilst noted, this is not a material planning consideration as there are a number of factors / variables that affect house prices.

### **Conclusion**

In conclusion it is considered that the current proposal has satisfactorily overcome the previous reasons for refusal and whilst the comments raised by objectors have been taken into account, it is considered that the fact that the proposal now complies with the requirements outlined within the NPPF and NPPG and the guidance contained within policy CS28 'Sustainable Design', outweighs the issues

raised and for the reasons set out in this report a refusal could not be justified. Accordingly, the application is recommended for approval subject to conditions.

### **Conditions**

01

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

Reason

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

02

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

NH-SK01 C, received 12 December 2016

Reason

To define the permission and for the avoidance of doubt.

03

The construction of the garages / stores hereby approved shall not commence 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

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

04

Prior to any boundary treatment being erected, full details of the height and materials of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. This shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected.

Reason

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

05

No part of the land other than the garages and stores hereby approved shall be used for the storage of goods, components, parts, waste material or equipment without the prior written approval of the Local Planning Authority.

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Core Strategy Policies CS27 Community Health and Safety and CS28 Sustainable Design.

06

The garages and stores hereby permitted shall be used for domestic storage only and shall not at any time be used for any other type of storage or any business purposes.

Reason

The site is not considered suitable for a general storage use or business use due to the close proximity of neighbouring residential properties and in accordance with Policy HG1 of the UDP and the provisions of the NPPF.

07

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

**Informatives:**

01

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

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

(ii) Heavy goods vehicles should only enter or leave the site between the hours of

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

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water 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.

02

There shall be no burning of any waste items including green waste on the application site at any time. The disposal of refuse by burning is an offence unless carried on under, and in accordance with, a waste management licence issued by the Environment Agency. All waste shall be removed by a licensed carrier and the relevant paperwork sought and retained. This is a legal requirement.

If you are permitted to have bonfires, you must ensure that any smoke produced does not cause a nuisance to neighbours. If a nuisance is witnessed, or if it is likely to occur, then Neighbourhood Enforcement would be required to serve an Abatement Notice upon you, prohibiting any further smoke nuisance. Failure to comply with an Abatement Notice without reasonable excuse is an offence.

## 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.