

PLANNING REGULATORY BOARD

**Date:- Thursday, 13 July 2017 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH**
Time:- 9.00 a.m.

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 22nd June, 2017 (herewith) (Pages 2 - 3)
6. Deferments/Site Visits (information attached) (Pages 4 - 5)
7. Visits of Inspection (report herewith)
8. Development Proposals (report herewith) (Pages 6 - 38)
9. Updates
10. Date of next meeting - Thursday, 3rd August, 2017 at 9.00 a.m.

Membership of the Planning Board 2017/18

Chairman – Councillor Atkin

Vice-Chairman – Councillor Tweed

Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Ireland,
Jarvis, Price, Taylor, R.A.J. Turner, Vjestica, 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
22nd June, 2017

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

Apologies for absence were received from Councillors Andrews and Ireland.

6. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

7. MINUTES OF THE PREVIOUS MEETING HELD ON 1ST JUNE, 2017

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 1st June, 2017, be approved as a correct record for signature by the Chairman.

8. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

9. 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 persons attended the meeting and spoke about the applications shown below:-

- Application to vary conditions 01 (proposed plans), 02 (site restoration), 15 (restoration works), 16 (site opening hours), 17 (loading of stone), 18 (recycling), 23 (deliveries), 26 (field noise level), 28 (blasting operations), 29 (blasting charges), 33 (topsoil and subsoil workings), 34 (controlled skipping), 36 (restoration work), 37 (graded tipped surfaces), 40 (trees, shrubs and hedgerows), 41 (phase plans) imposed by RB2010/1308 at Harrycroft Quarry, Worksop Road, South Anston for Tarmac (RB2016/1539)

Mr. D. Walker (agent for the applicant)

Mr. K. Pendlebury (objector)

Parish Councillor Mr. S. Thornton (objector, speaking on behalf of Anston Parish Council)

Borough Ward Councillor C. Jepson (objector)

- Change of use to house in multiple occupation (sui generis) at 20 Lindum Terrace, Doncaster Road, Eastwood for Living Property Solutions (RB2017/0625)

Ms. A. Taylor (objector)

Mr. H. Fashi (objector)

Mr. S. Foers (objector)

Borough Ward Councillor R. McNeely (objector)

(2) That applications RB201670268, RB2017/0452 and RB2017/0625 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report,

(3) Resolved:- That the Planning Board declares that it is not in favour of application RB2016/1539 and that the application be refused on the grounds of highway safety, because the current highway conditions are inappropriate to serve this proposed development and that the Chairman and the Vice-Chairman be authorised to approve the precise wording of the reasons for refusal.

10. UPDATES

Further to Minute No. 75(4) of the meeting of the Planning Board held on 30th March, 2017 and Minute No. 90 of the meeting of the Planning Board held on 11th May, 2017, the Planning Board was informed that the Secretary of State for Communities and Local Government had decided not to call-in application RB2015/1530 (Erection of bonded warehouse and offices to replace existing warehouse, offices and repair buildings at The Green Group, Warwick Road, Maltby for The Green Group) and therefore the planning approval notice would now be issued.

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

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

SITE VISITS

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

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 13 JULY 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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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 13 JULY 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.

Application Number	RB2017/0121
Proposal and Location	Two storey rear extension to No. 11 and first floor rear extension to No. 9 Swinston Hill Road, Dinnington, S25 2RX
Recommendation	Grant Conditionally

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



Site Description & Location

The site of application consists of a pair of two storey semi-detached properties located on Swinston Hill Road, Dinnington. The left hand property No. 9 Swinston Hill Road, has been extended to the rear with a single storey rear extension with a flat roof. The other half of the pair No. 11 Swinston Hill Road is in a very poor state of repair and has not been previously extended. The two immediately neighbouring properties are both bungalows.

No. 7 Swinston Hill Road is a bungalow and presents a blank elevation to No. 9 Swinston Hill Road and has been extended to the rear with a single storey extension.

The other neighbouring property No. 13 Swinston Hill Road is also a bungalow and has been extensively extended to the side, rear and to the roof. The property has been internally re-configured from its original layout and has formed a covered seating area adjacent to the boundary with No. 11 Swinston Hill Road.

Background

No. 9 Swinston Hill Road:

RB2000/1329: Extension at First Floor Level – GRANTED CONDITIONALLY
20/12/00

RB2001/0327: Formation of vehicular access – GRANTED CONDITIONALLY
15/05/01

RB2016/1610: Two storey rear extension – WITHDRAWN 23/01/2017

No. 11 Swinston Hill Road:

RB2016/1610: Two storey rear extension - WITHDRAWN 25/01/17

No. 13 Swinston Hill Road:

RB1984/0118: Kitchen & dining room extn with dormer bedrooms over
- GRANTED CONDITIONALLY 08/02/84

RB1990/0960: Extensions to dwelling - GRANTED CONDITIONALLY 12/07/90

Proposal

The proposal is to form a first floor extension over an existing single storey rear extension at No. 9 Swinston Hill Road and to construct a two storey extension to the rear of No. 11 Swinston Hill Road. The extensions would be built together and both would have a hipped roof with a central valley gutter. The side elevations of the extensions would be blank with windows to the rear. However, an existing first floor bedroom would be served by a triangular projecting window on the side of No. 11 Swinston Hill Road. The window would be blank facing north with a clear glazed panel facing south. All of the other windows would be to the rear overlooking the private garden areas of both properties.

The extension would project 3.2 metres from the rear of the properties and would run the full width of the rear of both dwellings with a total width of 9.9 metres. The height to the eaves would be 5.5 metres and 7.4 metres to the ridge. The extensions would be constructed of brick to match the existing properties with a tiled roof.

In addition, a vehicle hardstanding area with parking for two vehicles would be formed to the front of No. 11 Swinston Hill Road, which is shown as being block paved. An area of soft landscaping is shown as being retained in front of the house. The hard standing area would cover the full site frontage at the front and a vehicular access formed (there is no such access at present).

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS28 Sustainable Development

Other Material Considerations

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

South Yorkshire Residential Design Guide.

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

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

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

The Core Strategy policy referred to above is consistent with the NPPF and has been given due weight in the determination of this application.

Publicity

The application has been advertised by way of a neighbour notification letter and the Council has received 9 separate objections, one from Dinnington Town Council, one from a neighbouring resident who lives at No. 13 Swinston Hill Road, and 7 objections from people who do not live near the site and are raising concerns about the impact on living conditions at No. 13 Swinston Hill Road. The comments raised shall be summarised below:

Dinnington Town Council objected to the application and supports the neighbour's objections. They raise concerns that the proposed extension would be contrary to the Council's Planning Guidance.

The objections from the neighbouring resident at 13 Swinston Hill Road are summarised below:

- The proposed extension to No. 11 Swinston Hill Road will overshadow the neighbouring property and would block light from two principle bedrooms. The extension would also overshadow a seating area at the neighbouring property.
- The Council's Guidance states that new windows should not be sited within 10 metres of the neighbouring boundary. The proposed extension would have only 1.4 metres from the boundary.
- The Council's Design Guidance states that a two storey extension should not come within 12 metres of a ground floor principle habitable room window of a neighbouring property. There is only 6.2 metres between the proposed extension and the nearest bedroom window.
- The proposed development breach the 25 degree line from the neighbouring lowest habitable room window and the proposed roof and further tests on daylight and sunlight are required.
- The extension would overlook the neighbouring property.
- The neighbour cites their right to light under section 3 of the Prescription Act 1832.
- The extension would breach a 25 degree line as measured from the side bedroom window looking upwards. This would make the extension appear very overbearing for this room.

The objections received from the other 7 objectors who do not live near the site are summarised below:

- The extension would have a detrimental impact on the occupants of No. 13 Swinston Hill Road in terms of overbearing impact, loss of light and overshadowing of principle habitable rooms and an outdoor seating area.
- The neighbouring property would be overlooked by the proposed extension.
- The extension is too close to No. 13 Swinston Hill Road's boundary.
- The extension would overlook the garden of No. 13 Swinston Hill and would overlook their grandchildren playing in the garden and would look into the children's' bedroom.
- The extension contravenes the Council's guidance on extensions.

The applicant and two of the occupiers of the adjacent property (13 Swinston Hill Road) have requested the right to speak at the Meeting.

Consultations

RMBC - Transportation and Highways Design: Raise no objections to the proposals in highway safety terms subject to a condition that suitable hard surfacing is provided on site for each dwelling for 2 cars.

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 –

- Impact on the residential amenity of neighbouring residents
- Visual impact on the host properties and the surrounding area
- Highway issues

Impact on the residential amenity of neighbouring residents

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

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

The Council's Interim Planning Guidance, 'Householder Design Guide' states that: “Two storey rear extensions should be designed so as not to come within a 45° angle of any neighbouring habitable room window (measured from the centre of the window). The extension should not be a disproportionate addition to the host property and in general should not exceed 3m if close to a shared boundary or 4m elsewhere. It should also include a similar roof design. For the purposes of privacy and avoiding an 'overbearing' relationship, a minimum distance of 21m between facing habitable room windows and 10m from a habitable room window to a neighbour's boundary should be maintained. A two storey extension should also not come within 12m of a ground floor habitable room window of a neighbouring property.”

The Guidance goes to state that: “An extension close to either a habitable room window of a neighbouring property, or to its private garden, should not have an overbearing effect on that property or an unreasonable effect on its outlook.”

The South Yorkshire Residential Design Guide in assessing the impact of new development on neighbouring properties includes a 25 Degree Rule. This rule states that:

- “Taking a horizontal line extending back from the centre point to the lowest window, draw a line upwards at 25 degrees. All built development facing a back window should be below a 25 degree line.”

In assessing this application the two most affected properties are No. 7 and No. 13 Swinston Hill Road. It is noted that No. 7 Swinston Hill Road, which is a detached bungalow, presents a blank elevation to the boundary with No. 9 Swinston Hill Road. Furthermore this property has been extended to the rear. As such, the first floor rear extension proposed on No. 9 would not break a 45 degree line measured from the nearest window on this neighbouring property. As such, it is considered that the owing

to the relationship between the two properties the proposed first floor extension on this part of the overall development would not harm the outlook of neighbouring residents or overlook this property.

With regards to the impact on the residents of No. 13 Swinston Hill Road it is noted that this property, which is a detached dormer bungalow, has been considerably extended by the current occupants. The previous planning history is set out in the Background section of the report and includes a single storey side extension which has extended the property closer to the boundary with No. 11 Swinston Hill Road and, along with other alterations, has resulted in the re-configuration of internal rooms.

The main areas of the neighbouring property to be affected by the proposals include the following:

- A rear bedroom situated close to the side boundary with No. 11 Swinston Hill Road. This bedroom was added to this property as part of an extension.
- An outside seating area to the side of the property which is covered by a glazed roof.
- Small bedroom with a side window that looks towards to the boundary with No. 11 Swinston Hill Road.

In this instance it is worth outlining the planning history for 13 Swinston Hill Road as it highlights the changes that have been made to their property. The extensions include the following:

RB1984/0118: Kitchen & dining room extn with dormer bedrooms over
at 13 Swinston Hill Road Dinnington - GRANTED CONDITIONALLY 08/02/84

The above planning application added a rear extension which included a kitchen extension and reconfigured the dining room at the property into a bedroom and a corridor that allowed internal access to the enlarged kitchen.

RB1990/0960: Extensions to dwelling at 13 Swinston Hill Road - GRANTED
CONDITIONALLY 12/07/90

This application added, amongst other things, a single storey side extension which included a bedroom with a window on the rear which is located adjacent to the boundary with No. 11 Swinston Hill Road. The applicant has submitted a 45 degree plan which has been drawn from the centre of this ground floor window on the side extension of No. 13 Swinston Hill Road. The submitted plan shows that the 45 degree line would not be breached by the proposed extension on No. 11 Swinston Hill Road. As such, it is considered that the proposed extension would not harm the outlook from this window.

It is considered that the most affected part of the property is the small bedroom with the side window, formed as part of the planning permission for the rear extension. This room was originally a dining room and provided internal access to the kitchen and benefitted from 2 windows. The current bedroom utilises the side window of the former dining room with the rest of the former dining room forming a corridor leading to the kitchen. The second window serving the former dining room was the main window to the room and was located roughly where the corridor leads into the extended kitchen.

As such, the current occupiers have reconfigured the property at the same time as very significantly extending it. It is noted that the South Yorkshire Residential Design Guide refers to back to back developments when assessing proposals against the 25 degree line, which does not occur in this instance as the neighbouring window affected is on the side elevation. It may be appropriate to use the 25 degree rule for an original principal side facing window though it is not considered reasonable to use it where the sole window to a room has been formed as a result of extensions carried out by the owner.

The proposed extension would be located less than 10 metres from the bedroom window in the adjoining property and would clearly be visible from this window. However, as noted above the bedroom window has been formed as part of the reconfiguration of the objector's property. Whilst this is a habitable room it is small and it is not a principal room of the property such as a living room, kitchen or larger bedroom. In addition, it currently looks at the existing boundary wall between the two properties which is covered over by glazed roofing, such that the outlook is currently limited. Therefore it is considered that in this instance the proposal is acceptable and it would not be reasonable to penalise the applicant by preventing them from extending their property due to alterations that their neighbours have chosen to make to their property.

With regards to the impact on the seating area of the No. 13 Swinston Hill Road it is noted that it is covered by a glazed roof which reduces some natural light to the seating area. It is considered that some light would be lost to this area in the late afternoon, as the extension would be located to the north west of the boundary with the neighbouring property. However, it is considered that the level of the loss of light would not unduly harm the amenity of neighbouring residents. Furthermore, it is considered that the presence of the largely blank gable wall with a projection of 3.2 metres is not excessive and owing to the size of the garden area of No. 13 Swinston Hill Road, it would not appear overbearing against the boundary.

With regards to overlooking it is noted that a triangular window is proposed in the existing side elevation of No. 11 Swinston Hill Road to serve a small third bedroom. It is considered that, whilst this window serves a habitable room, due to its angular shape it would not directly overlook the neighbouring property, being angled towards the front of the site.

The neighbouring resident has cited their right to light under section 3 of the Prescription Act 1832. Whilst this is noted it is separate legislation and this application has been assessed against the Council's policies and guidance and it is concluded that the loss of light is not sufficient to significantly harm the amenity of neighbouring residents.

No. 11 Swinston Hill Road is an un-extended property and is currently a very small dwelling with one large bedroom and two small bedrooms to the first floor and a downstairs bathroom and very small kitchen. It is considered that the two storey rear extension is relatively modest in size by projecting only 3.2 metres from the rear elevation of the property. Furthermore, it is considered that this extension would modernise this very small property and enable it to become a suitable modern family home which it currently is not. As such, it is considered reasonable to allow an extension of this size to enable the property to become suitable for modern family living.

Visual impact on the host properties and the surrounding area

In assessing the visual impact of the proposed two storey rear extensions on the host properties and the surrounding area, Core Strategy Policy CS28 'Sustainable Design' states that "Design should take all opportunities to improve the character and quality of an area and the way it functions."

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

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

It is noted that the extensions are located to the rear of the pair of semi-detached properties and would not be visible within public views of the site and will not be visible from the streetscene of Swinston Hill Road. Notwithstanding this lack of public visibility, it is considered that the design and appearance of the extensions are acceptable and would not harm the character and appearance of the properties and would appear subservient to the original dwellings. As such, they are considered to be acceptable in design terms.

Highway issues

The proposal includes the formation of a hardstanding area at the front of the property and the formation of a vehicular access (there is no access at present). The access would be taken off Swinston Hill Road. It is considered that the proposed vehicular access is acceptable in highway terms subject to a condition requiring that the parking areas are suitably hard surfaced.

Conclusion

In conclusion, it is considered that the proposed first floor and two storey rear extensions by virtue of their size, design, height, and siting would not have an adverse impact on the character and appearance of either the host dwellings or the existing streetscene and would not be detrimental to the residential amenity of adjacent occupiers by being overbearing or over dominant or result in any loss of privacy by way of overlooking.

As such, it is recommended that planning permission be granted.

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)

Location Plan - received 09/03/2017

Site Plan – received 05/06/17

Drawing number SW06 – 2 rev A received 26/06/17

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2017/0644
Proposal and Location	Erection of dwellinghouse and widening of existing vehicular access at 166 Worksop Road, Swallownest
Recommendation	Grant Conditionally

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



Site Description & Location

The application site forms the side garden to No.166 Worksop Road, a 1930s detached property that reflects the inter war ribbon development in this area of Swallownest. The host dwelling is constructed in white render with hipped tile roof typical of its period of construction.

The side garden is substantial and defined by a mature hedgerow currently 2m high which runs from the front of the dwelling to the side facing Lodge Lane. The site is accessed via an access onto Worksop Road, with cars exiting close to an existing Pelican crossing.

Background

RB1991/0865 - Outline for the erection of a bungalow & garage - REFUSED

ALLOWED CONDITIONALLY at Appeal

Proposal

The application seeks full permission for the erection of a 2 bedroom bungalow on the garden to the side of 166 Worksop Road. The dwelling will be constructed in line with No.166 and side onto Lodge Lane.

The proposed dwelling has been designed as a single storey bungalow, with the 2m high boundary hedge retained to minimise the visual impact of the development. The proposed dwelling will be 6.6m high (at its max), 14.8m wide and 9.9m deep. The dwelling will be constructed in red brick and clay tiles, which reflects the majority of dwellings on Worksop Road.

The applicant's Design & Access Statement states that:

- The proposed bungalow is to be erected with red brick external wall with PVCu windows and Sandtoft 20/20 clay tiles to relate to the other houses in the area rather than the white painted render finish to No. 166.
- The Dwelling will have higher levels of thermal insulation than as set out in the Building Regulations Part L1A to reduce the CO2 produced and Energy required for Heating.
- The existing Vehicular Site Access is off Worksop Road. This access is adjacent a Pelican Crossing and across the beginning of the Bus Lay-by. It is proposed that as approved in the Outline Planning Approval R91/862 this access would be for use by the proposed Bungalow and a second access be constructed adjacent to this access to serve 166 Worksop Road. This new access would require extending the run of dropped kerbs to Worksop Road.
- Being located close to the Swallownest District Centre, schools and Service Centre the site is 'highly sustainable' with excellent public transport and good pedestrian and cycle network adjoining the site.
- It is therefore considered that the proposed development would not have any significant impact on the existing amenity levels of the occupiers of these neighbouring properties. This is because the proposal would not cause any loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. As such it is in accordance with Policy HG4.8 of the UDP and the guidance in the National Planning Policy Framework.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS6 'Meeting the Housing Requirement'
CS27 'Community Health and Safety,'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV3.7 'Control of Pollution'
T8 'Access'

Other Material Considerations

The application has been assessed against the requirements and guidance contained within the Council's adopted Supplementary Planning Guidance (SPG) 'Housing Guidance 2: Backland and Tandem Development' and 'Housing Guidance 3: Residential Infill Plots' and the South Yorkshire Residential Design Guide.

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

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

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

Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 1 letter of objection has been received which includes a petition signed by 11 locals.

The objections raised relate to the proposed access and highway safety. The objectors state that:

- The crossing to the front is very busy and used by many local school children and residents visiting local amenities.
- Lodge Lane is a main bus route with buses turning onto Worksop Road.
- The new dwelling will create a dangerous situation with vehicles emerging close to the crossing. The applicant currently allows school parking on the site which causes issues.

The applicants have requested the Right to Speak at the Meeting.

Consultations

RMBC – Highways & Transportation Design: Notes that the proposed scheme is comparable to a previous planning application (R91/0865P) refused planning permission which was subsequently overturned at appeal (T/APP/P4415/A/91/196469/P4). In his statement the Inspector when considering the highway reason for refusal was of the opinion that the scheme would not cause unacceptable harm to the free flow of traffic and highway safety along Worksop Road. It is confirmed that the area has not significantly changed since this decision and the addition of an extra driveway in this location could not be refused on highway grounds. Furthermore there are similar accesses opposite.

Appraisal

The main issues in the determination of this application are considered to be:

- The principle of building a dwellinghouse on this site.
- Highways impact.
- The layout, and appearance of development and impact on the immediately surrounding area.
- The impact of the development on the living conditions of existing and future occupants.

Principle

The application site is allocated for Residential purposes within the Council's adopted UDP, within an urban area as defined within the Core Strategy.

Furthermore, it is noted that at the heart of the NPPF, and as supported by Core Strategy Policy CS33 'Presumption in Favour of Sustainable Development', there is a presumption in favour of sustainable development, and planning permission that accords with the development plan should be approved without delay.

It is considered that the site would be in a sustainable location given its close proximity to existing housing, facilities, services and local public transport.

Paragraph 53 of the NPPF states: "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens". The Council do not currently have a policy that specifically restricts the development of gardens.

Accordingly, it is considered that the principle of developing the site for residential is acceptable and would comply with the requirements detailed within UDP policy HG4.3 'Windfall Sites', insofar as the application site is surrounded by residential properties within a built-up residential estate and would be compatible with adjoining uses. Policy HG4.3 also requires development to be compatible with other relevant Policies and guidance, and these are referred to in more detail below.

Highways issues

With regard to the proposed layout, it is noted that the scheme utilises the existing highway access, which will be widened and shared with the host property. The objections received by the Council specifically relate to the additional traffic generated by this access close to the busy Pelican crossing on Worksop Road.

The proposed scheme is comparable to a previous planning application (R91/0865P) which was refused planning permission though this decision was subsequently overturned at appeal (T/APP/P4415/A/91/196469/P4). In his statement the Inspector when considering the highway reason for refusal was of the opinion that the scheme would not cause unacceptable harm to the free flow of traffic and highway safety along Worksop Road. The situation in the area has not significantly changed since this decision and it is not considered that the addition of an extra driveway in this location could be refused on highway grounds. Furthermore there are similar accesses opposite.

The layout and appearance of development and impact on the immediately surrounding area

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

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

Core Strategy Policy CS6 ‘Meeting the Housing Requirement’ further states that: “Housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area.”

The adopted UDP Supplementary Planning Guidance ‘Housing Guidance 2: ‘Back land and Tandem Development’ states: “The Council will not look favourably upon proposals for the subdivision of individual residential plots where such development would lead to a reduction in existing levels of residential amenity due to overlooking and/or where, together with the precedent it would create, it would have an adverse impact on the character of a residential area and the efficiency of access arrangements by virtue of increased density and multiplicity of access provision.”

The South Yorkshire Residential Design Guide (SYRDG) further notes: “Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses/bungalows should be at least 50 square metres; for three or more bedroom houses/bungalows, 60 square metres.”

In this instance the host property dates from the 1930s and reflects the inter war ribbon development between the villages of Swallownest and Aston, along the Worksop Road.

The host dwelling has a sizeable side garden with mature fencing screening the property from views along Lodge Lane. It is considered that the proposed modest bungalow would fit in with the streetscene along Worksop Road and will not be readily visible from Lodge Lane, being single storey and screened by mature hedging.

With regard to the rear garden provision, both the host and proposed dwelling will have garden sizes that exceed the minimum recommended within the South Yorkshire Residential Design Guide.

In light of the above it is considered that the proposal would represent an acceptable form of development of the site that would not harm the character of the area. The proposal would therefore be in accordance with paragraphs 17 and 54 of the NPPF, Policy HG4.3 'Windfall Sites' and the guidance outlined in the adopted SPG 'Housing Guidance 2' to the adopted UDP, and CS28 'Sustainable Design,' of the Core Strategy.

Amenity issues

Paragraph 17 of the NPPF outlines several core planning principles, one of which notes that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The South Yorkshire Residential Design Guide (SYRDG) notes that: "For the purposes of privacy and avoiding an 'overbearing' relationship between buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth."

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule. Furthermore so as to avoid an overbearing relationship, the SYRDG additionally requires back to side distances and the extent of rear extensions to be limited by the 45 degree rule.

In taking account of the above, the proposed dwelling is side onto the host property and due to its position on the corner, would meet all the relevant criteria set out above and would not overlook any neighbours or appear overbearing.

As such, it is considered that the scheme accords with the NPPF.

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for Members information.

Conclusion

The new residential use of the land is considered acceptable in principle and will not result in an unacceptable infill development. The proposed development would provide

housing, designed to a high standard, which reflects the character and appearance of the locality and would contribute to existing shortfall in housing provision in the Borough.

The scheme would not lead to an adverse effect on the residential amenities of adjoining occupiers by way of overlooking or overshadowing. Furthermore the scheme would not be detrimental in highway safety terms. In view of the above it is recommended that planning permission be granted.

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), unless otherwise specified by condition.

(Proposed Elevations and Site Plan 17/7/PL02) (28 April 2017)

Reason

To define the permission and for the avoidance of doubt.

03

The above ground construction of the dwelling shall not take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

Prior to the occupation of the dwellings a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the dwelling is occupied.

Reason

In the interests of the visual amenity of the area and in accordance CS28 'Sustainable Design'.

05

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

Reason

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

06

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

07

The development shall not be brought into use until the highway access shown on drawing No. 17/7/PL02 has been widened in accordance with the approved plans.

Reason

In the interest of highway safety.

08

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

Reason

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

09

No hedgerow shall be cut down, uprooted or destroyed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning

Authority. If any hedgerow is removed, uprooted or destroyed or dies, a replacement hedge shall be planted, as may be specified in writing by the Local Planning Authority.

Reason

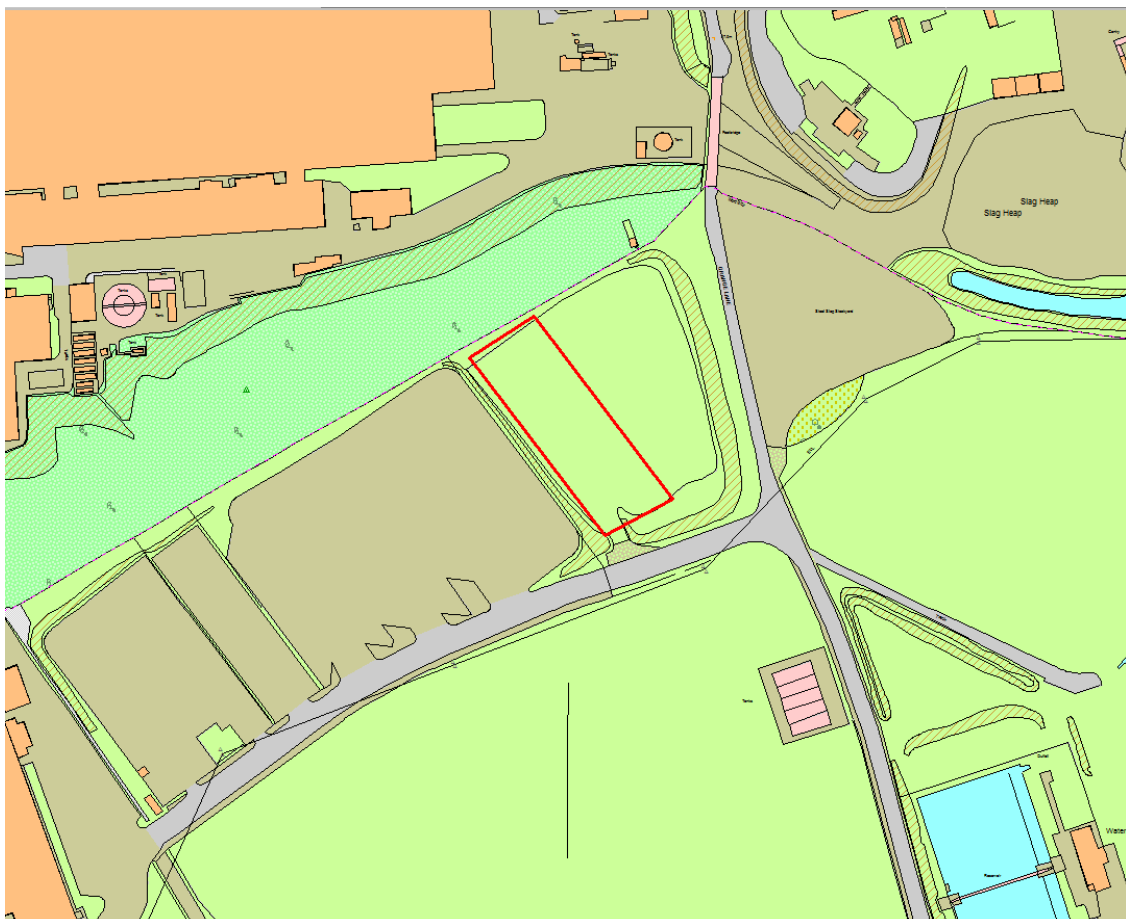
In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.

Application Number	RB2017/0741
Proposal and Location	Use of land for installation of electricity generation facility and associated works (use class Sui Generis) at land to west of Grange Lane, Brinsworth, Rotherham, S60 1DX for Clearstone Energy
Recommendation	Granted Conditionally

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



Site Description & Location

The application site lies to the south of Templeborough, approximately 4km south-west of Rotherham town centre.

The site measures 0.48 hectares and comprises of intermittent vegetation, hardstanding and land used for storage of commercial / industrial materials including rubble and wooden pallets. The land is relatively flat, but the site is situated on a slightly raised position from the adjacent industrial works. The site perimeter is screened with vegetation, particularly along the southern and eastern boundaries.

To the north of the site, there is an area of woodland, beyond which there is Genesis Business Park off Sheffield Road which includes units associated with Tata Steel.

To the south of the site there is metal palisade fencing and an access point off Grange Lane towards MTL Group. Beyond this boundary is Phoenix Golf Course which stretches between Balk Lane, Grange Lane and Pavilion Lane. To the east of the site, there is a quarry operated by asphalt contractor's Steelphalt and the adjacent golf course. Beyond this eastern boundary there are further industrial units and businesses.

To the west of the site, there is a storage container yard and beyond which is the industrial works associated with MTL.

Background

There have been several planning applications submitted which incorporated this site. The applications all relate to the large industrial building to the west, as the application site previously formed part of the wider site around the industrial building. These applications are:

RB1993/1198 – Use of land for vehicle parking and manoeuvring area – Granted conditionally – 18/11/1993

RB1997/0841 – Erection of single-storey building to form workshop – Granted conditionally – 27/08/1997

RB2010/0909 – Alterations to external appearance and the installation of flues and siting of tanks and compressor house – Granted conditionally 08/09/2010

RB2010/1299 – External alterations to warehouse comprising erection of new bridge link to front elevation, new external staircase to rear and installation of windows and doors to front and rear elevations – Granted conditionally – 29/11/2010

Proposal

The application is for the use of land for the installation of an electricity generation facility and associated works.

The facility will be a Short Term Operative Reserve (STOR) project and is not expected to run for more than 2000 hours per year. Most generation will occur between 07:00 to 10:00, and 16:00 to 19:00 during the winter months.

The site will be managed 24 hours a day, 365 days a year by both onsite and offsite personnel for the duration of the plants initial term of a 20 year lease agreement. The site will be monitored by CCTV to maximise safety and security at all times and up to 2 people may visit the site to carry out visual inspections once a month.

The proposals consist of the erection of a fenced compound containing 14 gas engine generation sets and electrical infrastructure with soundproofing, which will generate approximately 21 MW of energy.

The applicants note that they will seek authorisation of electricity and gas grid connections to local network operators and small scale power stations use low carbon natural gas from the mains supply to generate electricity which is then exported into the nearby substation for local distribution.

Each individual engine will be housed within a purpose built enclosure with necessary acoustic attenuation. Each enclosure will be 12 metres by 2.6 metres with a height of 2.7 metres. Additional machinery will be sited on top of part of the container which will be an additional 2 metres high, while each unit will also have a single chimney 6 metres high on top of the container. The containers will be sited adjacent the western boundary and would run north to south.

A further container 12.1 metres by 3 metres and 2.5 metres high will be sited adjacent the northern boundary of the site and will house electrical equipment. Other plant and machinery will be sited adjacent the gas engine generation sets.

Additional infill planting is proposed along the eastern and southern boundaries.

The proposal will generate 4 full time jobs in respect of the operation and maintenance of the STOR facility.

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

Planning Statement

The Planning Statement provides details of the site, the history of the site, the development proposals, planning policy context and a planning assessment of the proposal.

Noise Impact Assessment

The BS4142 assessment concludes that the noise impact of the proposed generators will be very low both during the daytime and night.

It further concludes that although the generators will not generally be called on to run at night, it is considered that there is no requirement to place restrictions on the hours during which they may run because the potential noise impact of night-time running is very low.

The assessment has been based on the site being developed without boundary screening or other noise mitigation measures. Therefore no mitigation measures are considered necessary apart from the normal measures used to control the total noise from each generator to no more than 65 dBL_{aeq} at 10m in any direction.

Land Contamination Assessment

The Phase I Geotechnical and Geo-environmental assessment recommends that although not essential in this instance an intrusive ground investigation may give comfort to interested parties and the designer of the ground slabs to confirm the nature of the underlying soils. Furthermore, it is not expected that contamination of the ground will present a significant risk, and no remedial works are expected to be required.

Air Quality Assessment

The AQA has predicted the long and short term impacts on air quality at the residential properties in the area surrounding the site. The AQA concludes that the operation of the proposed facility would not lead to a significant effect on air quality at human or ecological receptors.

Development Plan Allocation and Policy

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

The application site is allocated for residential purposes in the UDP and also falls within the Doncaster Road Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS21 'Landscape'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS30 'Low Carbon and Renewable Energy Generation'
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

EC3.1 'Land Identified for Industrial and Business Uses'
EC3.3 'Other Development within Industrial and Business Areas'
ENV3.7 'Control of Pollution'
EC3.3 'Energy Conservation'
UTL3.4 'Renewable Energy'

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

SP1 'Sites Allocated for Development'
SP16 'Land identified for Industrial and Business Uses'
SP17 'Other Uses Within Business, and Industrial and Business Areas'

Other Material Considerations

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

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

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

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

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. 1 petition has been received together with 6 individual signatures and a letter from a local business, and 2 letters from occupiers of nearby residential properties. The issues raised are summarised below:

- Grange Lane is already heavily developed with associated traffic issues.
- There will be a loss of amenity due to noise disruption during construction and running of the facility.
- There is no requirement for the facility with a new power station being completed on Sheffield Road.
- There are no set hours or controls in place.
- Pollution from the engines will add to an area already suffering from traffic pollution which is compounded by the motorway network.
- The proposal will impact on the Golf Course and the business, due to amount of unsightly views around the course.
- The proposal will be harmful to highway and pedestrian safety due to increased vehicular movements, notably through the construction phase.
- There is already enough dust, air and noise pollution in the area.
- The turbines will surely create noise pollution problems as will the building operation.

- The development will further impact upon the character and appearance of the surrounding area.
- Grange Lane is heavily industrialised
- Can work 24 hours a day, 7 days a week
- Development is not needed; it is not environmentally friendly and is purely a profit making process.
- There are too many polluting uses in the vicinity and this will just add more.

2 right to speak requests have been received from the applicant.

Consultations

RMBC – Transportation and Highways Design: Have no objections subject to a condition requiring the hardstanding to be impermeable.

RMBC - Landscape Design: Have no objections subject to conditions.

RMBC – Drainage: Have no objections.

RMBC - Environmental Health: Have no objections subject to conditions and informatives.

RMBC - Land Contamination: Have no objections subject to conditions.

RMBC – Air Quality: 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
- Impact of development on the character and appearance of the area
- General Amenity Issues
- Air Quality
- Land contamination
- Transportation Issues

Principle

The application site is allocated within the Council's adopted UDP Proposals Map for Industrial and Business purposes. The site is also proposed to be allocated for Industrial and Business purposes in the Emerging Sites and Policies Document and in line with policy SP1 'Sites Allocated for Development' is identified in Table 5 of the Sites and Policies Document as a site for industrial and business use (E4 (LDF Ref: LDF0023)) that will contribute to meet the requirements set out in the Core Strategy. No objections were received to this allocation during the Sites and Policies Public Consultation.

UDP 'saved' Policy EC3.1 'Land Identified for Industrial and Business Uses' states: "Within areas allocated on the Proposals Map for industrial and business use, development proposals falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) will be acceptable, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses."

Emerging policy SP16 'Land identified for Industrial and Business Uses', which when fully adopted will supersede UDP Policy EC3.1 states: "Within areas allocated for industrial and business use on the Policies Map, development proposals falling within Use Classes B1b and B1c, B2 and B8 will be permitted."

The NPPF at paragraph 17 states that planning should encourage the effective use of land by reusing land that been previously developed (brownfield land), provided that it is not of high environmental value.

With regard to the above policies and the proposed use of the site as an electricity generation facility (use class Sui Generis), it is acknowledged that it would not fall under the use classes permitted in such an allocated area, as detailed in the UDP and emerging Plan.

However, 'saved' UDP policy EC3.3 and emerging policy SP17 allows for other uses within Industrial and Business Areas, as long as they do not adversely affect the character of the area or on residential amenity, makes adequate arrangements for the parking and manoeuvring of vehicles and should be compatible with adjacent and existing land uses, where they are ancillary to the primary use of the area.

In light of the above it is considered that given the nature of the proposed development, together with the industrial / commercial character of the wider area, the proposed use would be ancillary to neighbouring land uses and would be ancillary to the primary industrial / commercial use of the area. Furthermore, the proposal will bring into use an existing brownfield land.

Furthermore, given there was no objections to the land use allocation during the public consultation process and the fact that the Sites and Policies Document is currently going through its Examination in Public, moderate weight can be given to the requirements of policies SP16 and SP17 as they are more in line with the National Planning Policy Framework. Accordingly, the principle of using this site for an electricity generation facility is acceptable subject to a consideration of the impact on the character or appearance of the area, amenity of local residents and highway impact.

Impact of development on the character and appearance of the area

The site is located at the end of Grange Lane, which runs north from Bawtry Road and bisects Phoenix Golf Course and Sports Ground which lie to the east and west. Other industrial sites and buildings are located to the immediate west, north and east of the site with the Golf Course to the south.

The site is bounded on all sides by palisade fencing, while boundary to the south and east consist of hedges, trees, shrubs and other vegetation as well, which screens the majority of views of the site from Grange Lane and the access road to the site and MTL. The Golf Course to the south is of an undulated topography which mainly rises up from north to south and does afford some views of the site from certain parts.

The containers that will house the equipment will be approximately 2 metres high, with additional equipment on top another 2 metres high which will occupy part of the roof and a narrow chimney would be a further 6 metres high (10 metres from the ground).

It is considered that the majority of the built development would be screened, but the chimney elements may be visible, although these views will be limited and would be seen against a backdrop of various industrial and business sites along Sheffield Road to the north, west and east of the site such as Steelphalt, former Brinsworth Strip Mills, former Sterecycle building and the Magna Centre.

It is therefore considered that by virtue of their size, scale, form, design and siting, together with land levels and boundary treatment the containers and equipment would not affect the character or appearance of this predominantly industrial area and would not have a negative impact on the visual amenity of the site or wider area.

In light of the above it is considered that the proposal would not give rise to any design issues and would not represent an incongruous feature in the area, as such the proposal from a design perspective would be in full compliance with paragraphs 17, 56 and 64 of the NPPF and policies CS21 and CS28 of the Council's adopted Core Strategy.

General Amenity issues

Paragraph 17 of the NPPF states development should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Core Strategy Policy CS27 states that: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..." 'Saved' UDP policy ENV3.7 further states: "The Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which: (i) is likely to give rise...to noise, light pollution, pollution of the atmosphere...or to other nuisances where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporation of preventative or mitigating measures at the time the development takes place..."

The nearest residential properties to the application site are located to the south west on Fernleigh Drive and Ferrars Road at distance of approximately 640m from the centre of the site. There are other residential houses further away to the south of the site on Bawtry Road. To the west, north and east of the site are industrial areas with other

industrial areas between the site and dwellings in the Ferrars Road area. There are no contractual operating hours for the facility, and the most likely scenario would be that the facilities operation would be contained within periods of peak demand as summarised below, even though the applicants are applying for unrestricted hours of use:

- AM Peak Operation: between 7:00 and 09:00
- PM Peak Operation: between 16:30 and 19:00

The site is in an industrial area and is some distance from residential properties. The noise levels from the proposed facility will have no impact on the nearest residential property. The noise assessment that Noise Assess Ltd has submitted dated May 2017 concludes that the noise from the application site will have no significant impact on nearby residential housing. The ambient noise levels were approximately 47 dBL(Aeq) during the night time survey period.

The calculated noise level from the generators at the worst case residential position (Jubilee cottages off Bawtry Road) was found to be 32 dBL(Aeq). This is 15 dBA below the night – time ambient noise level. The report concludes that the generator noise will not result in any increase in the daytime or night-time ambient noise levels.

It is therefore considered that the proposed development will not give rise to any adverse amenity issues for local residents, as the noise levels of the generators are below ambient noise levels. Furthermore, there are other sites in the area such as MTL, BOC Gases and Newell and Wright which are industrial uses, while Bawtry Road is a busy thoroughfare, as such the proposal would not increase existing noise levels.

It is noted that one of the issues raised by the objectors related to the fact that the premises have no operating hours, but as detailed above given the noise levels are well below ambient levels and the fact that the site will generate very little vehicular movements, given the small employee numbers who will only visit the site when necessary and won't be permanently based at the site, there is no planning reason to restrict operating hours.

Furthermore, the objectors are concerned about noise disruption during the construction and running of the facility. However, given the distance to neighbouring properties and the scale and type of development proposed, it is considered that there would be little, if any significant impact in respect of noise during this time.

In light of the above, it is considered that the proposed development would be in full compliance with the requirements outlined within policy CS27 and 'saved' UDP policy ENV3.7 and the use of the site would not give rise to any amenity issues.

In addition to the above it is considered that given the distance to residential properties the physical structures will have no impact on the amenity of occupiers of the closest residential properties.

Air Quality

It is noted that one of the issues raised by the objectors relates to their concerns that "pollution from the engines will add to an area already suffering from traffic pollution which is compounded by the motorway network."

The Council's Air Quality Officer in consultation with their counterpart at Sheffield City Council have indicated that the Air Quality Assessment submitted in support of the application concludes that in terms of the impact on the air pollutant annual mean nitrogen dioxide levels, the effect long term at all relevant receptors is considered to be not significant. The results of this assessment are accepted by the Council's Air Quality officer.

In addition, the report also concludes that the impact on air quality is considered to represent a negligible effect on sensitive residential receptors within the nearest Air Quality Management Areas in Rotherham and Sheffield.

It is therefore concluded that the proposed development would not adversely impact on air quality in this particular area.

Land Contamination

Historically the application site remained undeveloped open land until approximately 1972 when slag heaps were shown to progressively cover the majority of the site. The slag heaps are thought to have been in association with the nearby steelworks.

The site is bounded to the north by a steel works/rolling mill at a level of 10m below the application site, below an embankment, by a container yard and engineering factory to the west and a golf course to the south and east. An aggregates production/slag recycling centre lies to the north east.

The development is for an open aired gas powered electricity generation plant to be constructed on a large concrete slab.

The site since 1972 has been levelled to form a platform for storage purposes. It is considered likely that deep made ground will be present at the site (potentially in excess of 10m) which may comprise of steel works waste of slag, clinker and ash.

It is likely that contamination may be present within the made ground although it is unlikely that it will have any significant effects on the proposed development. Ground gases comprising of methane and carbon dioxide gases are likely to be present. The submitted site investigation report suggests there will be no issues from ground gas given the development is to be an open aired gas powered electricity generation plant with no occupied buildings being proposed. However, the noise assessment report confirms the generators are to be housed in acoustic enclosures. It is therefore considered that gas monitoring is required to be undertaken to determine the ground gassing regime, in view of acoustic enclosures being adopted at the site and the potential for ground gas to accumulate within the enclosures.

Two historical landfill sites have also been identified within 250m of the application site. There is a potential risk of off-site ground gases to impact on the application site.

In conclusion it is unlikely that contamination at the site will have any significant effects on the proposed development. However, it is considered prudent that site investigations are undertaken to determine any possible risks and to determine the potential for the expansion of steel works waste materials and which may cause settlement issues at the site and have an effect on any below/above ground structures. Gas monitoring should also be undertaken as part of the site investigation works.

Transportation Issues

The objectors have raised concerns that Grange Lane is already heavily developed and has associated traffic issues.

Grange Lane is in fact sparsely developed, it is a long road with a golf course either side running the full length from Bawtry Road, the only development is at the northern end of Grange Lane where there is a long established industrial building and the application site was previously a part of its curtilage.

In respect of traffic issues, Grange Lane is only used by employees, visitors and deliveries to MTL and the Newell and Wright site which are to the west of the application site. Neither generates significant volumes of traffic. For the majority of the day Grange Lane is empty with little traffic congestion.

In addition to the above, it is noted that the proposed development is unlikely to generate any significant vehicle movements, given the site will mostly be monitored off-site with a visit from maintenance staff either once a month or an ad-hoc basis and there would be no permanent staff based at the site.

The Council's Transportation Unit have raised no objections to the scheme, subject to the new hardstanding areas being constructed of impermeable materials. This has been echoed by the Council's Drainage Engineer, to help prevent additional significant surface water run-off.

Therefore in light of the above, it is considered that the proposed development will not significantly increase the amount of vehicles using Grange Lane and there is considered to be no highway issues with the proposal.

It is noted that during construction there may be additional vehicles and larger vehicles, however this will only be for a short period and problems arising from the construction period are not material planning considerations.

Other considerations

The majority of the issues raised by the objectors have been assessed and addressed in the previous sub-sections of this report. However, it is noted that the owners of the adjacent Golf Club have raised concerns regarding the impact on the outlook from the course, whilst sympathetic to this the Golf Course is directly adjacent sites allocated for and operated by heavy industrial processes which have been well established in the Templeborough area. This low level, low impact development will not significantly alter the current outlook from the Golf Course.

Conclusion

The issues raised by objectors have been considered and addressed, however it is considered that the issues raised would not warrant a refusal of the scheme given the proposal will not adversely impact on the visual amenity of the area, the local highway network, the amenity of neighbouring residents or air quality. Accordingly, it is considered that the proposed development would be in compliance with the requirements detailed within the relevant paragraphs of the NPPF and adopted policies

of the Rotherham Core Strategy and Rotherham UDP. As such 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)

Templeborough Redline and Access Plan, received 11 May 2017

TMPL-GA-001, received 11 May 2017

TMPL-GA-003, received 11 May 2017

GLB 03, rev A, received 11 May 2017

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form / shown on drawing no TMPL- GA-003. The development shall thereafter be carried out in accordance with these details.

Reason

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

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 that mud and other extraneous material is not deposited on the public highway and that each dwelling can

be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

Noise

05

The development shall not exceed the background night time noise level of 42bDL(A90) at the monitoring point identified as M on page 8 of the noise report dated May 2017.

Reason

In the interests of amenity and to minimise the impact of the proposal on neighbouring residents and business, in accordance with 'saved' policy ENV3.7 'Control of Pollution'.

Land Contamination

06

Prior to development commencing a limited Phase II Intrusive Site Investigation should be undertaken to assess both the potential geotechnical and geo-environmental constraints at the site. 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.

The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4).

Reason

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

07

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

Reason

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

08

If subsoils / topsoils are required to be imported to site for soft landscaping works, then these soils will need to be tested at a rate and frequency to be agreed with the Local

Authority to ensure they are free from contamination. The results of testing will need to be presented within a Verification Report.

Reason

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

09

Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local 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 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.

10

Landscaping of the site as shown on the approved plan (drawing no. GLB03 rev A) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Informatives

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. 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 reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

The applicant is advised that any illuminating lighting on the site shall be angled so as to only illuminate the site and not cause a light nuisance to neighbouring units or residential properties. The lights should be switched off when the site is not in use.

03

The applicant is advised that the acoustic enclosures and attenuated flues on the generators shall be regularly maintained.

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.