

PLANNING REGULATORY BOARD

Date:- Thursday, 23 August 2018
Time:- 9.00 a.m.
Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH

Meetings of the Planning Board can all be viewed by live webcast by following this link:-
<https://rotherham.public-i.tv/core/portal/home>

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 2nd August 2018 (herewith) (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (report herewith) (Pages 7 - 28)
8. Updates
9. Date of next scheduled meeting - Thursday, 13th September, 2018 at 9.00 a.m.

Membership of the Planning Board 2018/19

Chairman – Councillor Sheppard
Vice-Chairman – Councillor Williams
Councillors Andrews, Atkin, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Sansome, John Turner, Tweed, Walsh and Whysall.



SHARON KEMP,
Chief Executive.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

MEMBERS' DECLARATION OF INTEREST

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

Please tick (✓) which type of interest you have in the appropriate box below:-

1. Disclosable Pecuniary

2. Personal

Please give your reason(s) for you Declaring an Interest:-

(Please continue overleaf if necessary)

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Adviser or Democratic Services Officer prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Democratic Services Officer.)

PLANNING BOARD - 02/08/18

PLANNING BOARD
Thursday, 2nd August, 2018

Present:- Councillor Sheppard (in the Chair); Councillors Andrews, Atkin, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Tweed, Walsh, Whysall and Williams.

Apologies for absence were received from Councillors Ireland, Sansome and R.A.J. Turner.

The webcast of the Council Meeting can be viewed at:-
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15. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

16. MINUTES OF THE PREVIOUS MEETING HELD ON 12TH JULY, 2018

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 12th July, 2018, be approved as a correct record for signature by the Chairman.

17. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

18. VISIT OF INSPECTION - ERECTION OF 28 NO. DWELLINGHOUSES, DETAILS OF ACCESS AND LANDSCAPING AT LAND EAST OF PENNY PIECE LANE, NORTH ANSTON FOR DUCHY HOMES & YORKSHIRE MERCHANT SECURITIES LTD. (RB2017/183)

Members of the Board made a visit of inspection to the above site, the subject of this application (Ward Councillor Jepson was in attendance at the inspection of the site).

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

Mr. J. Cropper (on behalf of the applicant Company)
Mrs. A. Dickens (Objector)
Mr. D. Eaton (Objector)
Mr. M. Huggup (Objector)
Mr. S. Thomas (Objector)
Councillor C. Jepson (Objector and also on behalf of Anston Parish Council)

Letters of objection to this application, from Mrs. E. McClure and from Mrs. A. Webster, were also read out during the Planning Board's consideration of this item.

Resolved:- That, with regard to application RB2017/1832:-

(1) the applicant shall enter into an Agreement in accordance with the provisions of Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- the provision of 21% affordable housing on site;
- a commuted sum of £500 per dwelling towards sustainable transport measures; and
- the provision of a management company to manage/maintain areas of open space on the site.

(2) subject to the satisfactory signing of the Section 106 Agreement, planning permission be granted for the proposed development for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

19. 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 following application:-

- Erection of 100 No. dwellinghouses with associated access, open space including play area and ancillary works on land north of A57 bypass east of Mansfield Road, Aston for W. Redmile and Sons Ltd. (RB2018/0021)

Mr. W. Selby (on behalf of the applicant Company)

(2) That, with regard to application RB2018/0021:-

(a) the applicant shall enter into an Agreement in accordance with the provisions of Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- the provision of 11 No. bungalow properties on the site, to be purchased by the Council as affordable homes for rent and retained in perpetuity;
- a commuted sum of £500 per dwelling towards sustainable transport measures; and
- the provision of a management company to manage/maintain areas of open space and Local Equipped Area for Play (LEAP) on the site.

(b) subject to the satisfactory signing of the Section 106 Agreement, planning permission be granted for the proposed development for the

reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

20. PROPOSED LOCAL DEVELOPMENT ORDER - LAND AT GULLIVER'S THEME PARK, MANSFIELD ROAD, WALES

Further to Minute No. 62 of the meeting of the Planning Regulatory Board held on 16th February, 2017, consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposal to make the Gullivers Valley (Rotherham) Local Development Order 2017. A copy of the draft Order was appended to the submitted report.

The report referred to the Growth and Infrastructure Act 2013 which modified the Planning Acts to simplify the Local Development Order process by removing the requirement for the Local Planning Authority to submit the Order to the Secretary of State for Communities and Local Government, before adoption, for consideration of whether to intervene. This process was instead replaced by a requirement to notify the Secretary of State as soon as practicable after adoption.

The implications of the Order for the development of the Gulliver's Theme Park, as well as the details of the consultation process about the Order, were included within the submitted report. Members noted that the draft Order had been amended in the light of comments received during the consultation process.

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

(2) That the Gullivers Valley (Rotherham) Local Development Order 2017 be adopted as amended and the Secretary of State for Communities and Local Government be notified of its adoption as soon as practicable.

21. UPDATES

There were no items to report.

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

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
 - (a) Members may require further information which has not previously been obtained.
 - (b) Members may require further discussions between the applicant and officers over a specific issue.
 - (c) Members may require a visit to the site.
 - (d) Members may delegate to the Assistant Director of the 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 Assistant Director of Planning, Regeneration and Transport 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 Assistant Director of Planning, Regeneration and Transport.
- 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 Chair and Vice-Chair 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 Chair 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
23RD AUGUST 2018**

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 23RD AUGUST 2018

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	RB2018/0794
Proposal and Location	Erection of a horse shelter and equestrian storage building, at land at Ulley Lane, Aston
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site consists of a field located on the edge of Aughton village, accessed off Ulley Lane. The field has a long history of equestrian use over the past 30 years and contains an old railway carriage converted to a store and small field shelter.

To the front of the site is a stone wall with a number of low rise bushes, to the east are open fields and to the west and south are residential dwellings which back onto the site.

Background

The site has the following planning history:

RB1982/1163 - Use of land for grazing of horses and erection of a field shelter - GRANTED CONDITIONALLY

RB1995/0440 - Erection of stables and former railway carriage for storage of hay and straw - GRANTED CONDITIONALLY

Proposal

The applicant seeks permission for the erection of a new equestrian shelter and store building to the north east corner of the site.

The building will be located at right angles to the existing shelter/stable and measure 3m wide by 11.5m long and 3m high. It would be timber clad with a corrugated roof. A second existing horse shelter would be relocated to form a 'U' shape development with the other two structures.

The proposed shelter and store would be open fronted with no internal dividing walls.

The shelter will house the applicant's 6 horses, which are currently on site and is not intended for a livery purpose.

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 the Sites and Policies Document (adopted on 27/06/18) which replaces the Unitary Development Plan (UDP) that has now been revoked.

The site is allocated as Green Belt within the Local Plan. As such the following policies are relevant.

CS4 'Green Belt'

CS28 'Sustainable Design'

SP 10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt'

Other Material Considerations

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

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 has been revised and came into effect on July 24th 2018. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

Publicity

The application has been advertised by way of site notice and letters to neighbouring properties. The Council has received 7 letters of objection and 20 letters of support.

The objectors state that:

- Previous horses in the field did not require the stables.
- The smell and flies on site are excessive.
- The proposal spoils the openness and character of the Green Belt.
- The field is not big enough for 6 horses to use for grazing. Approximately one third is now bereft of any grass and cannot be used in calculating square meterage of grazing land per horse.
- The 3 structures they have brought onto site without the appropriate permissions are too large for their purpose and have a detrimental effect on the openness and visual effect of the Green Belt.
- The fencing they propose to use (and which is already on site) is not appropriate and fit for purpose and is out of keeping with the area and rural setting. This is not a construction site and for the last 17 years the stone wall has been sufficient to keep horses safely on this field. Why should this part be enclosed when you look around Rotherham, low level rail and post fences or low stone walls are the norm.
- Bats have been a part of our lives since we moved to this area 17 years ago and the current tenants may or may not be aware of this.
- I am concerned about the vehicles coming onto the Green Belt and destroying the grass for grazing purposes and remaining on site when the jobs have been completed. The noise from the vehicle reversing is also a nuisance as it is so close to our property. The site now resembles an unkept mini farm. There is also a concern about the parking arrangements when the tenants come to the field as this can block the layby and the lane at times and cause obstruction to other traffic.

The supporters state that:

- The stables are needed for the safety and welfare of the horses.
- For over thirty years horses have been present on site.
- The applicant has cleaned up the land and removed rubbish.
- The proposal is in keeping with a rural setting.
- Many of the objections relate to the long standing keeping of horses on site.

At the time of preparing the report, five people have requested the right to speak.

Consultations

RMBC - Transportation and Highways Design: No objections subject to conditions.

RMBC – Environmental Health:- Officers have previously called out to the field prior to the application to investigate complaints about odour and flies from the horse manure and straw generated by the horses on site. At the time of those visits the existing horse shelter was to the west of the existing gate and the horses were being kept at the bottom of the field in a restricted area which was causing the grass to churn up. As the horses were kept in a small area of the field there were issues with flies and odour at the time of the visit.

On discussing this with the applicant, it was agreed that the horses were not to be kept in a small area again to negate the issues with flies and odour and the existing horse shelter would be moved across the field and located at the side of the existing gate. It was also agreed that there would be no burning of any straw/manure on site and that the manure needed to be collected from the field on a regular basis, removed from site every 2-3 months and left in a pile away from the domestic properties on the other side of the field, by the proposed new location of the shelters.

The field housing the horses and shelters is bounded by domestic properties at the top of the field and to the west of the field. As such no objections are raised to this application subject to relevant planning conditions to protect neighbouring amenity.

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 consider in the determination of this application are:

- Principle of development in the Green Belt.
- Impact upon highway safety issues.
- Design issues
- Residential amenity issues
- Other issues.

Principle of development in the Green Belt.

The application site is located within the Green Belt where there is a presumption against inappropriate development, which is, by definition harmful to the Green Belt and its openness.

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

Policy SP 10 ‘Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt’ states:

“Provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries, will be acceptable as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it providing that:

- a. proposals will not give rise to undue disturbance caused by an increase in noise, the attraction of significant numbers of additional people into the area, or an increase beyond current levels of traffic at any one time;
- b. they are sited and designed so as to avoid any adverse impact on identified landscape character, heritage, nature conservation or agricultural interests;
- c. the proposals would not pollute surface and groundwater; and
- d. they can satisfy other relevant policies of the Plan and National Guidance;
- e. the applicant will need to demonstrate that the impact of the proposals will not be detrimental to the preservation of the openness of the Green Belt or to its character.”

Interim Planning Guidance - ‘Development in the Green Belt’ states:

“Stables should be a suitable distance away from homes to avoid problems of smell, noise, pests and so on (taking account of wind directions and other relevant factors). Guidance on an appropriate distance will be from the Council’s Environmental Health Department.

You should use existing buildings wherever possible and any new buildings should generally be made from wood with felt roofs so they are relatively easy to dismantle when they are no longer needed and are in keeping with the character of the Green Belt.

Stables and associated tack room/storage should be appropriate for the outdoor recreational use of the associated land, and genuinely required for that use. Livery proposals will be considered on their impact on the character and amenity of the area”.

Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, exceptions to this include the “...provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it...”

It is considered that the erection of the building for the sheltering of horses is an appropriate facility for outdoor sport and recreation and therefore in accordance with the provisions of the Local Plan and the NPPF in terms of its Green Belt location. The applicant has confirmed that they currently have 6 horses on the site. It is considered therefore that the building is appropriate in size, and all the proposed facilities and store are proportionate to the number of horses that are being kept.

The height of the building at 3m has been kept as low as practically possible and the proposed materials (timber with corrugated roof) will further help to minimise its appearance and its impact on the openness of the Green Belt. The building is set to the north east corner of the field against the backdrop of mature landscaping minimising any visual impact upon on the local setting.

As such it is considered that this proposal is in accordance with the advice contained within Local Plan Policies CS4 'Green Belt' and SP 10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt', as well as in the NPPF.

Highway safety:

The NPPF paragraph 109 states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The site has an existing access suitable for the comings and goings associated with a small scale equestrian use. As such no harm to highway safety will occur.

Design issues

Core Strategy Policy CS28 'Sustainable Design' states: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Design should take all opportunities to improve the character and quality of an area and the way it functions' which seeks to ensure that all development make a positive contribution to the environment by achieving an appropriate standard of design."

SP55 'Design Principles' states: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings".

The NPPF at paragraph 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "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, taking into account any local design standards or style guides in plans or supplementary planning documents."

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 Council's adopted Interim Planning Guidance 'Development in the Green Belt' states that any new buildings should be generally made from wood felt roofs so they are

easy to dismantle when they are no longer required and are in keeping with the character of the Green Belt; and stables and tack room / storage should be appropriate for the outdoor recreational use of the associated land. In addition, they should be of a minimum size, materials, colours and construction methods and building styles that fit in with the surrounding area; sited where they have least effect on the landscape.

The proposed shelter/store is a utilitarian structure constructed in timber with a corrugated roof. Such materials are appropriate for a simple shelter building within this Green Belt setting. The building will not appear excessive in the landscape or when viewed from the public highway. Furthermore the simple nature of the building will limit its use to an equestrian use and minimise its potential conversion to an inappropriate Green Belt use at a later date.

Residential amenity issues:

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

It adds that development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality.

Sites and Policies policy SP52 'Pollution Control' states that "development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. "

The Council's adopted IPG 'Development in the Green Belt' states planning will only be granted for stables as long as they are sited a suitable distance away from homes to avoid problems of smell, noise, pests and so on.

Further to the above the NPPF at paragraph 127 states that planning decisions should ensure that developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

The applicant has worked with the Council to position the shelter/store away from neighbouring properties to try and avoid complaints about odour and flies from the horse manure and straw generated by the horses on site.

At 35m from the nearest neighbour's boundary the building is positioned in accordance with guidance from the Council's Environmental Health Officer and it is not considered that any significant harm to neighbouring amenity will occur from the proposal. Conditions are recommended requiring no burning of straw or manure and that the stables are not used for business purposes.

Other issues raised by objectors

In terms of the use of the land for the keeping of horses on site, the site has a long history of equestrian use going back some 30 years. Whilst no formal application has been submitted for the change of use of the land to the keeping of horses, the use has become lawful over time and has clearly been established.

A number of objectors have raised concerns regarding fencing on site. Since the submission of the application the applicant has removed 'Heras' fencing on site, which had a poor quality appearance in the open countryside. Turning to the recently erected timber fencing between the site and No.4 Ulley Lane, it is not considered that this required planning permission as it does not exceed 2m in height. Furthermore the applicant is looking to paint the fence green to reduce the visual impact.

Finally in terms of bats the scheme does not involve the felling of trees or the demolition of buildings on site as such no bats roost will be affected by this development such that mitigation would be required.

Conclusion

Having regard to the above it is considered that the proposal would not represent inappropriate development in the Green Belt and as such is considered to be in accordance with Local Plan Policies CS4 'Green Belt' and SP 10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt', as well as those within the NPPF.

Furthermore, the shelter/store would be acceptable in design terms and it is considered that the proposed development will not have a significant impact on highway safety or residential amenity. As such, the proposal is recommended for approval subject to the following conditions.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Site Plan X001-001, Rev A) (Received 18/05/2018)
(Proposed elevations X001-002 Rev B) (Received 23/05/2018)

Reason

To define the permission and for the avoidance of doubt.

03

The stables hereby approved shall not be used for any business purposes including hiring, hacking, livery or as a riding school.

Reason

In order that such commercial use can be adequately assessed against Local Plan Policies.

04

There shall be no burning of straw or manure on site.

Reason

To protect the amenity of the local residents from any unwanted smoke and odour and in accordance with Local Plan Policies and the NPPF.

Informative

Environmental Protection Act 1990:

Under the provisions of Section 80(1) of the Environmental Protection Act 1990, where a local authority is satisfied that any accumulation or deposit is prejudicial to health or causing a statutory nuisance, the local authority is under a duty to serve a notice (an Abatement Notice) imposing any of the following requirements:

- (a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence;
- (b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of these purposes;

and the notice shall specify the time or times within which the requirements of the notice are to be complied with.

If a person on whom an Abatement Notice is served, without reasonable excuse, contravenes or fails to comply with any requirement or prohibition imposed by the notice, shall be guilty of an offence and liable, upon summary conviction, to a fine of up to £5,000.

You are therefore advised to consider carefully the location of and quantities of manure to be stored on-site, so as to prevent the occurrence of a Statutory Nuisance.

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	RB2018/0870
Proposal and Location	Two storey side & first floor extension and single storey rear extension at Madrasah Raza-E-Mustafa & Cultural Centre, 158 Broom Lane, Broom
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site is located within an established residential area in Broom and is accessed off Broom Lane, a classified road which is also a bus and cycle route connecting Whiston, Brecks, Wickersley and the town centre.

The site area is approximately 495m², it comprises of a single storey flat roof building which has been used as a mosque and madrasah for a number of years following a permitted change from the previous use as a health centre. The footprint of the building is approximately 220m² and is of irregular shape.

There are approximately 7 on-site parking spaces located to the front of the building and the site operates a one way system with two vehicular accesses.

To the south (side) of the site is Broom Lane Care Home which is comprised of a large two storey building adjacent to the site boundary. To the north of the site is a pair of

semi-detached properties which are of same architectural style as other semi-detached properties in the immediate area. To the west of the site is the grassed area of Sitwell Junior School.

Background

RB1996/0608 – Alterations to form interview and office accommodation – Granted conditionally

RB2002/1044 – Widening of existing vehicular access – Granted

RB2016/1015 – First floor extension and single storey rear extension – Withdrawn

RB2017/1087 – Two storey side & first floor extension and single storey rear extension – Granted conditionally

RB2018/0478 – Erection of detached building to rear – Withdrawn

The proposed development is not Community Infrastructure Levy (CIL) liable.

The proposal has been revised from one that which was considered under RB2017/1087. The amendments to that scheme can be summarised as follows:

- The floorspace of the first floor rear extension has been increased by approximately 4m²
- The front elevation of the building has been re-designed

Proposal

As with the previous scheme it is proposed to extend the existing building including a new first floor level creating a more balanced design leaving a 1.2m pathway adjacent to the side boundary which is shared with the Broom Lane Care Home. There are minor extensions to the front and rear of the building however they do not protrude further than the current building line. The new total floorspace at the ground floor level is approximately 290m² which includes a main entrance, ablution area, prayer hall, kitchen and dining area (unchanged from previous planning approval).

The proposed first floor extension is of a much smaller footprint than the ground floor and does not project above the proposed kitchen / dining area. Part of the first floor extension is set away from the side boundary which is shared with No.156 Broom Lane. It is also proposed to create a small cantilevered structure adjacent to the side boundary with Broom Lane Care Home. The floorspace of the first floor extension is approximately 204m² and it is to be used as a classroom only.

The overall proposal would result in a floorspace of 494m² which is an increase of 274m² from the existing floorspace.

The entire building would be a flat roof structure with an ornamental parapet feature on the front elevation facing Broom Road. The building is approximately 6m in height with the highest point of the parapet feature being approximately 8.5m in height. It is proposed to use buff brickwork to match with the existing materials for the majority of the building with grey brickwork for the corners and surrounding the windows with

additional ornamental stonework on the front elevation and surrounding the central glazing.

The main difference between this and the previous scheme is the parapet feature to the front. This is supported behind it by curved steelwork to form the support which is taken off the flat roof construction with further supporting steelwork within the flat roof. All steelwork is to be enclosed with cladding to match with the flat roof.

The proposed use of the building remains unchanged from the previous approval RB2017/1087 but for clarity the details of that scheme are repeated as follows:

The proposed extension is to create a separate teaching area from the prayer hall and to improve the general facilities of the centre to include improved ablution and toilet facilities.

Educational Use

- The main focus for the extension is to provide education for children
- The proposed first floor classroom will allow the use of tables and chairs and improve the facilities such as computer stations, cloak room cupboard and book shelves. The applicant aims to meet the high standard OFSTED recommended classroom stated in 'DLA Guide to a Fantastic Environment'
- The madrasah currently has appropriately 100 students aged 7-14 and is split into two classes, there is no intention to increase the number of students.
- The existing building is closed from 23:15-04:00 with first morning prayer (15 mins) taking place at sunrise. The building is rarely used between first prayer and 13:30 unless there is morning class or school visits.

The use of Prayer Room

- During the prayer time, all other rooms in the Madrasah would be empty.
- The existing prayer area (including prayer hall and other rooms) is 122m² and the proposed prayer hall is 120m².
- A list of mosques within 5 miles radius are listed in the statement
- There are 5 prayers over the course of the day and last about 15-30mins.

Traffic consideration

- Majority of people using the building reside within walking distance hence the traffic generation is limited
- There will be no additional services provided
- There is an arrangement for the congregation to use the Broom Lane Methodist Church car park for Friday prayer
- 20 additional parking spaces are available from local residents driveway
- The parking provision on the basis of the prayer hall floorspace is equivalent to a ration of 1 to 17m²"

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and the Sites and Policies Document was adopted by the Council on 27th June 2018 which Rotherham's Local Plan.

The application site is allocated for 'Residential Use' purposes in the Local Plan and for the purposes of determining this application the following policies are relevant:

Core Strategy

CS14	'Accessible Places and Managing Demand for Travel'
CS28	'Sustainable Design'
CS29	'Community and Social Facilities'
CS33	'Presumption in Favour of Sustainable Development'

Sites and Policies Document

SP11	'Development in Residential Areas'
SP29	'Sustainable Transport for Development'
SP52	'Pollution Control'
SP55	'Design Principles'

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 revised NPPF came into effect on July 24th 2018. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

The Local 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 4 site notices along with individual notification letters to the immediate adjacent residential properties.

16 representations have been received (2 of which are from the same address) objecting to the proposals and the comments are summarised below:

Design Issues

- New plan is not in keeping with the surrounding area and the pitched roof, 1930s style housing
- Planning applications were rejected for other extensions to properties in the area to be in keeping with the rest of the road
- The dome addition would appear at odd at this suburban location
- Previous report suggested existing mosque building being flat roof was classed as out of character with the area
- The revised shape of the windows and building front take it further in difference to other building the area. The existing church and nursing home has windows reasonably in keeping with the area
- The new design will make the building more prominent which could encourage an increase in the attendees both by the community and passers by
- The original design should be implemented instead

- There is no ritual or religious need for the changes to the minaret style windows which the new design could be visually overbearing to nearby residents
- This is a large extension just to allow small number of increase in children to attend the mosque

Amenity Issues

- The condition 4 (opening time) in the previous planning approval is not adhered to now
- The side elevation facing the nursing home now has 3 full length windows and double doors – will these be double glazed and how do double doors work if the windows had to be restrictive opening
- Noise disturbance to the community
- The proximity of the building to the houses directly across from it would feel very obtrusive and would not blend in with the surrounding area

Highway Issues

- Traffic and parking around the current building is dangerous and congested
- Entering and leaving residential properties is problematic without any further increase in traffic
- Large vehicles and buses unable to pass due to double parking
- Street-lighting has been reduced by the replacement of low energy bulbs and with reduce daylight hours in winter would likely to accidents
- Planning permission should not have passed at the first place due to issues with parking and late night attendance causing disruption to the community
- This is an impractical location of enlarging the building as the location on a tree-lined streets make parking awkward and the mosque has done all it can to alleviate the problems but it has not worked
- The additional parking available at the church is misleading

Other matters

- All residents should be consulted with letters
- Elements of the existing planning statement is incorrect and misleading
- There is no tangible guarantee to address concerns that were accepted in the previous planning approval
- More discussions between the residents and the applicant should take place
- The presence of local PCO during Friday prayers and Eid does show that there are safety concerns
- Concern on the applicant applied for a further extension on the site for a storage area and funeral wash room and overdevelopment

79 representations (including Sir Kevin.Barron MP) have been received in support to the proposal and the comments are summarised below:

- The new plan will give the place a purpose built feel and it is a place of worship which should not look like a house
- There is no issues on parking
- The building provides access to all the community and host open events
- The design is very simple and has not added domes or big minarets
- The extension would be improve the teaching area for children
- All non-residential institutions have very different design

An additional 9 representations were received anonymously or via email with no additional details. Whilst only limited weight would be given to considering these representations, there are no additional points raised beyond those stated above.

Photos have been supplied in some of the representations.

The applicant, applicant's planning consultant and 5 objectors have requested the right to speak at the meeting.

Consultations

RMBC - Transportation and Highways Design: Raise no objections to the proposal subject to planning conditions on car park layout, travel plans and restricted use of the building

RMBC - Environmental Health: Raise no objections to the proposal

RMBC – Drainage: Raise no objections to the proposal

Appraisal

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

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

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

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

- The principle of the development and transportation issues;
- The appearance of the building;
- Impact on neighbouring properties;
- Other issues

Principle of development and transportation issues

With regards to the principle of the development, the application site is located within an established residential area which is allocated for residential purposes within the adopted Sites and Policies Document. Sites and Policies SP11 'Development in residential areas' states that non-residential uses are normally only permitted where they: 'a) are ancillary and complementary to the residential nature and function of the area; and b) are no larger than is required to meet the needs of local residents; and c) will not have an unacceptable impact on the residential amenity of the area; and d) demonstrate how they will be of benefit to the health and well-being of the local population.'

Core Strategy Policy CS29 'Community and Social Facilities' indicates that the Council will support the retention, provision and enhancement of a range of community and social facilities in a sustainable location which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities.

Core Strategy Policy CS33 'Presumption in Favour of Sustainable Development' states that "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

The proposed use and principle of the development has been considered in the previous planning application RB2017/1087. Whilst the proposal would increase the floorspace on the first floor level for the use as a madrasah by approximately 4m², this is not considered to materially change how the madrasah will operate or the number of people that it can accommodate. It is therefore considered that the use of the site and the intensity of use has not altered from the previous approval which was deemed to be acceptable in principle and in accordance with Local Plan Policies CS29, CS33 and SP11.

In consultation with the Council's highway officer, it is also considered that the marginal increase in floorspace does not have a material impact on highway safety or the capacity of the local road network. The proposal is essentially the same as before and therefore complies with Local Plan Policies CS14 and SP29 and the NPPF subject to planning conditions on car park layout, travel plans and the restricted use of the building as imposed on the previous planning permission.

The appearance of the proposal

Local Plan Policy SP55 'Design Principles' states 'All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environment, and positively contribute to the local character and distinctiveness of an area and the way it functions.'

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

The NPPF notes at paragraph 124 that: 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.' Paragraph 130 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, taking into account any local design standards or style guides in plans or supplementary planning documents.'

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 worth noting that each planning application is considered on its own merits whilst taking into account all material considerations (including previous planning permissions).

The main difference between this and the previous approval is that the design of the front and side elevation of the building has been revised and an assessment on the current proposal should not be based on that previously approved but to consider how this revised proposal would sit within the area and in the general street-scene.

Buildings on Broom Lane are predominantly brick built, 2-storey in height with hipped roofs, although there are a mixture of designs within the locality including a church, some flat roof building in the local centre some 3 storey apartments and art deco styles houses.

The current building is flat roofed and single storey with little architectural merit, it also occupies the majority of the plot in which it sits. It is considered that the proposed redevelopment of the site will improve the overall visual appearance as the proposal would increase the ground floor area by providing small extensions to the side and provide a first floor extension over the front part of the building.

The proposed building would be two-storey in height with a flat roof with an eave height broadly similar to the scale of the neighbouring properties. The front elevation will be completely changed by the proposal and the design does incorporate ornamental window detailing with a parapet wall feature that is not residential in character. Bearing in mind that buildings on Broom Lane are formed of different architectural styles for various uses and the building is to be functioned as a community facility, it is considered that the architectural detailing of the building is not overly bulky and intrusive which would not result in a detrimental impact on the visual amenity of the area.

It is acknowledged that the applicant intends to use buff colour brickwork for the main part of the building to match with the building as existing with grey colour brickwork and stonework for detailing. However, it is important that the materials to be used fit in with the surroundings and a condition is recommended to ensure that samples are submitted and approved before any construction work starts.

Taking account of this, the proposals are therefore considered to be in accordance with Policy SP55 'Design Principles' of the Sites and Policies Document, CS28 'Sustainable Design' of the Core Strategy and the guidance set out within the NPPF and NPPG.

Impact on neighbouring properties:

Policy SP52 'Pollution Control' of the Local Plan states 'Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can

be demonstrated that mitigation measures will minimise potential impacts to the levels that protect health, environmental quality and amenity.'

The intensity of the use and the building size is more or less the same as previously approved and subject to planning conditions on the operating hours of the madrasah and restrictive floorspace of the prayer room, it is considered that the proposed development would not result in an increased impact on residential amenity in terms of general noise and disturbance than at present.

It is acknowledged that there are windows proposed at first floor level on the side elevation of the building facing the nursing home. As these windows are not the primary windows and are only required to provide natural lighting to the room, it is considered that these windows should be fitted with obscure glazing and only openable at 1.7m above floor level to protect residential amenity from overlooking. This would be controlled by a recommended condition.

The proposed first floor extension does not come within the 45 degree line measured from the closest first floor habitable room window of the neighbouring property at 156 Broom Lane and is only to be covered with a flat roof. As such, it is not considered that the proposed extension would result in any adverse impact on the residential amenity by way of overbearing or overshadowing.

It is therefore considered that the proposed development would comply with the requirements of Policy SP52 of the Sites and Policies Document.

Other issues

Whilst discussion between the applicant and the community is recommended it does not justify delaying the determination of the planning application, in accordance to the NPPF where 'decisions on applications should be made as quickly as possible.

The planning application for the erection of an outbuilding (for the purpose of storage and a funeral wash room RB2018/0478) has been mentioned in the objections. But this has since been withdrawn and therefore it is not a material consideration in determining this application.

Conclusion

It is considered that the proposed extension and use of the site is acceptable in principle given that there is no change of use involved with this proposal.

The proposed extension is acceptable in terms of its appearance and would not result in any adverse impact on the surrounding area, and would not have an adverse impact on the amenity of the occupiers of neighbouring residential properties or on the surrounding highway network, subject to the recommended conditions.

It is therefore recommended that the application be granted subject to the conditions as set out below.

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) (Location Plan, Block Plan, Existing Elevation and Floor Plan MS/090/15-01) (received 01/06/2018) (Proposed Elevation and Floor Plan MS/090/15-02H)(received 13/06/2018) (Street-scene Plan)(received 29/06/2018)

Reason

To define the permission and for the avoidance of doubt.

03

The proposed first floor extension shall be used as a Madrasah only and shall only be used when the ground floor prayer hall is not in use.

Reason

In the interest of highway safety and the amenities of the occupiers of nearby dwellings in accordance with the NPPF and the adopted Local Plan.

04

The use of the first floor of the building as a Madrasah hereby permitted shall only be used between the hours of 08:00 – 23:00 at any time.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with the NPPF and the adopted Local Plan.

05

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

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with the NPPF and the adopted Local Plan.

06

The window(s) on the side elevation of the first floor extension facing Broom Lane Care Home shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the

window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

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

Highways

07

Before the development is brought into use the car parking area to the front of the building shall be provided and thereafter maintained for car parking.

Reason

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

08

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

Reason

In order to promote sustainable transport choices.

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 **5** 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 **5** 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

Control of working practices during construction phase

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.

Encroachment over boundary

You have indicated on the application form, by completion of Certificate A on the certificate of ownership form, that nobody except the applicant was the owner of any part of the land to which the application relates. As such, no part of the building, including foundations or guttering, should project over the boundary of your property.

Surface water flooding

The Environment Agency's Risk of Flooding from Surface Water map indicates that there is a risk of surface water flooding to this property. It is recommended that flood resilient construction is considered for this extension. Further information about surface water flood risk and resilience can be obtained from the Environment Agency's website.

Surface water disposal has been stated to be by soakaways. Use of soakaways is dependent on the results of percolation tests and drainage will be subject to Building Regulations approval. There may also be insufficient room to site soakaways a minimum of 5m from buildings.

The applicant's attention is drawn to the fact that the existing combined public sewer is located under the proposed development. This sewer is the responsibility of Yorkshire Water Services. All permissions to connect, divert, or build over must be obtained from them before works commence on site.

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what additional information was necessary to make the scheme acceptable. The applicant agreed to provide the additional information and the scheme is in accordance with the principles of the National Planning Policy Framework.