

PLANNING REGULATORY BOARD

Date:- Thursday 24 November 2022 **Venue:- Town Hall, The Crofts,
Moorgate Street, Rotherham.
S60 2TH**

Time:- 9.00 a.m.

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 5)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 3rd November, 2022 (Pages 6 - 7)
6. Deferments/Site Visits (information attached) (Pages 8 - 9)
7. Development Proposals (Pages 10 - 42)
8. Updates
9. Date of next meeting - Thursday, 15th December, 2022 at 9.00 a.m. at the Town Hall

Membership of the Planning Board 2022/23

Chair – Councillor Atkin
Vice-Chair – Councillor Bird
Councillors Andrews, Bacon, Burnett, Cowan, Elliott, Fisher, Havard, Keenan, Tarmey,
Taylor and Wooding.

Planning Regulatory Board 'Public Right To Speak'

REGISTERING TO SPEAK

The Council has a "Right to Speak" policy, under which you may speak in the Planning Board meeting about an application. If you wish to do this, it is important that you complete a tear-off slip and return it with any written comments, within 21 days of the date of the notification letter back to the Planning Department.

Your comments will be made known to the Planning Board when it considers the application and you will be written to advising of the date and time of the Planning Board meeting to exercise your right to speak

If you wish to speak in the meeting, please try to arrive at the venue **ten minutes** before the meeting starts. The reception staff will direct you to the Council Chamber.

In the Council Chamber, please give your name to the Board clerk (who will have a checklist of names derived from the agenda). The clerk will direct you to the seating reserved for people who wish to speak.

The agenda is available online at least 5 days prior to the meeting, and a few copies will be made available at the meeting, so you can read the report relating to the application which concerns you and see where it comes in the agenda.

The **Council Chamber** is equipped with microphones and a hearing loop.

Take time to familiarise yourself with the layout of the Chamber and the procedure of the meeting, before 'your' application is reached.

Please note that applications can sometimes be withdrawn or deferred at short notice. **The Council will do its best to notify the public in advance**, but on occasions this may not be possible.

The meeting is being filmed for live or subsequent broadcast via the Council's website and can be found at:-

<https://rotherham.public-i.tv/core/portal/home>

If anyone present or members of the public in the public galleries do not wish to have their image captured they should make themselves known to Democratic Services before the start of the meeting.

YOUR RIGHT TO SPEAK

The 'right to speak' applies equally to the applicant and to the general public.

You will be invited to speak by the Chairman at the correct interval.

Each speaker will be allowed three minutes to state his/her case. The applicant does not have a "right to reply" to the objector(s) comments.

Only planning related comments can be taken into consideration during the decision process.

CONDUCT OF COMMITTEE MEETINGS

Speakers should not be allowed to engage in discussion with members of the Committee during public speaking or the Committee deliberations, to avoid any risk of accusation of bias or personal interest.

All attendees are reminded of the importance to remain calm, courteous and respectful during the meeting. Please refrain from shouting out and allow people to speak. Any person causing a disruption will be asked to leave the meeting.

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 Governance Adviser prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Governance Adviser.)

PLANNING BOARD
3rd November, 2022

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bacon, Bird, Burnett, Elliott, Fisher, Havard, Keenan, Tarmey and Taylor.

An apology was received from Councillor Cowen.

The webcast of the Planning Meeting can be viewed at:-
<https://rotherham.public-i.tv/core/portal/home>

137. EXCLUSION OF THE PRESS AND PUBLIC

There were no items on the agenda to warrant exclusion of the press and public.

138. MATTERS OF URGENCY

There were no matters of urgency for consideration.

139. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

140. MINUTES OF THE PREVIOUS MEETING HELD ON 13TH OCTOBER, 2022

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 13th October, 2022, be approved as a correct record of the meeting.

141. DEFERMENTS/SITE VISITS

There were no deferments or site visits recommended.

142. 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, a number of people attended the meeting and spoke about the application:-

Ms. R. Martin (on behalf of the Applicant)

A statement was read out on behalf of Councillor D. Lelliott (Objector)

A statement was read out on behalf of Councillor D. Roche (Objector)

(2) That, with regards to application RB2022/0295:-

(a) subject to the Council entering into a legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- 25% on site affordable housing provision.
- Commuted sum of £500 per dwelling towards sustainable transport measures - £155,500.
- Contribution to maintenance of existing Off Site Play Area within 400m of the site - £45,000.
- Contribution to footpath links to Regency Road to include signage to the TPT - £45,000.
- Contribution to meet the increased demand of sport in the locality - £145,659.
- Contribution towards two bus shelters with real time digital displays near the site - £54,947.
- Contribution to Education - £609,451.75.
- Establishment of a Management Company to manage and maintain the areas of Greenspace, including the LEAP and Ball Strike Net.

(b) Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

143. UPDATES

There were no updates to report.

144. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 24th November, 2022 at 9.00 a.m. at Rotherham Town Hall.

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 24TH NOVEMBER 2022**

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.

INDEX PAGE

| | |
|--|----------------|
| RB2022/1469 Change of use to living care facility (Use Class C2) with two storey and single storey side extension at Sitwell School House Grange Road Broom for Rotherham MBC | Page 10 |
| RB2021/1245 Demolition of dwelling and erection of 3 no. detached dwellings at The Wendy House 221 Moorgate Road Moorgate for Mr E Karim | Page 19 |
| RB2022/1177 Erection of 2.1m high palisade security fencing to boundaries adjacent to highway at Orchard Industrial Park New Orchard Road Thurcroft for Mr R Stevens | Page 34 |

**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 24TH NOVEMBER 2022**

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 | RB2022/1469 https://rotherham.planportal.co.uk/?id=RB2022/1469 |
| Proposal and Location | Change of use to living care facility (Use Class C2) with two storey and single storey side extension at Sitwell School House Grange Road Broom |
| Recommendation | Granted conditionally |

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



Site Description & Location

The application relates to the former caretaker's house at Sitwell Primary School located on Grange Road at Broom.

The property is a detached two storey dwelling constructed in brick with a flat roof. It is positioned to the west of the school and enclosed with established hedging. Access is from Grange Road via a highway turning head to the school.

Residential properties lie directly adjacent and opposite.

Background

There have been no previous applications relating to the property.

Proposal

The application is submitted by the Councils Children and Young People's Services and seeks permission to change the use of the building from a C3 (dwelling house) use to use class C2 (residential institution) and a two storey and single storey side extension.

The supporting document accompanying the application states:

On an average day at full occupancy there will be 2 staff at the home in the morning and evening. Plus, either the Deputy or Residential Manager will also be on site at the home from 9 to 5 Monday to Friday.

The staff change-over will happen at 2:00pm before the school runs to prevent impact on the young people and the surrounding community. There will be 1 person from the new shift increasing to 3 staff for a period of 30 minutes

The maximum number of cars daily would be 4. The Manager/Deputy would leave at around 5:00pm and at 10:00pm a staff member on shift would leave reducing the number of cars to 2 at the home. The property can easily accommodate this number of cars in the parking area to the front and side of the property, which has space for 3 cars on the front (filling in the existing pond) plus there are 2 additional spaces to the side of the property, equating to 5 available parking spaces if required.

The two-storey extension fills an existing inset area to the side and rear of the dwelling. It extends 3.75m to the rear and 3.15m beyond the side wall at two storey (0.85m of this will project beyond the existing two storey element to the side) and will be slightly set back from the main rear wall of the house. The single storey extension is flush with the front elevation extending 0.852m beyond the original side wall to attach to the proposed two storey addition.

The proposed extensions create an additional bedroom at first floor and extended w.c., dining area and entrance to the ground floor.

The extension will be finished in matching brick and includes a flat roof to match the existing.

The application has been revised to provide 4 car parking spaces within the site frontage.

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 which was adopted by the Council on the 27th June 2018.

The application site is allocated for residential/greenspace purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

SP 11 Development in residential Areas

SP 52 Pollution Control

Other Material Considerations

Supplementary Planning Document (SPD) Householder 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 revised NPPF came into effect in February 2019. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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 neighbour notification letters to 9 adjacent properties and a site notice. 11 representations have been received, and the comments are summarised below –

- A place of work in a residential area
- Overdevelopment
- Insufficient parking, highway & pedestrian safety
- Noise and general disturbance from the coming & goings
- Anti-social behaviour
- Looked after children tend to have behavioural problems
- Negative influence upon the children attending the primary school and safeguarding
- Overlooking & loss of privacy
- Should remain as a dwellinghouse
- Increased crime in the area

3 right to speak requests have been received.

Consultations

RMBC - Transportation and Highway Design – No objections

RMBC – Community Safety & Street Scene – 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 considerations are:

- Principle of the Development
- Impact on the Character and appearance of property
- Impact on Residential Amenity
- Parking
- Other Matters Raised by Local Residents

Principle of the Development

The proposed use would fall within class C2 'Residential Institutions' (use for the provision of residential accommodation and care to people in need of care).

Recent planning law has noted that a change of use from C3 to C2 might not result in a material change of use if the resulting use of the building is similar to the character to that of a normal dwellinghouse. In this instance it is considered that there would be a material change of use due to the changeovers of staff at this property.

The site is allocated as Residential Use within the adopted Local Plan. Local Plan policy SP11 Development in residential Areas states:

Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

The proposed use, whilst a care facility is to accommodate looked after children in a residential home setting which operates as a family home environment. The use will therefore remain as a residential use and in light of the above the proposed development is acceptable in principle.

Impact on the Character and appearance of the property

The property is a detached dwelling previously occupied by the former caretaker for the adjacent primary school.

The Council's adopted Supplementary Planning Document (SPD) Householder Design Guide aims to ensure that extensions make a positive contribution to the local environment and do not detract from the host property and the street scene or cause undue harm to neighbouring amenity.

The SPD states:

The size and design of extensions should be subsidiary to the existing dwelling and allow the original building to remain dominant. Matching roof styles should be used in any new extension proposals.

The Council will be critical of side extensions of excessive width, a two-storey side extension should not exceed more than half the width of the original house and a single storey extension should not exceed more than 2/3 the width.

The proposed two extension will sit behind the two-storey front/side elevation extending 3.150 beyond the side wall and slightly back from the rear wall and includes a matching flat roof. It is less than half the width of the house and the single storey addition extending less than 1m beyond the original side wall is substantially less than the recommended 2/3 width of the original dwelling.

The extensions are designed to fit with the design of the original dwelling including a flat roof which matches the host property. As such, the proposed extension is considered to be a modest addition without appearing over dominant and harmful to the character of the property or out of keeping in area.

Impact on residential amenity

In regard the potential impact on existing residents in the area and safeguarding, the proposal would result in the change of use of the property from a residential dwelling to a children's home for 2 children with 24-hour care, which will be registered by Ofsted.

Both the applicant and Ofsted recognise that the property with the extension is not of a sufficient size to support more than 2 children. Each child will have a bedroom and the additional bedrooms are for an office/staff bedroom and second staff bedroom will be provided.

The property would be accessed by the occupants, members of staff and other support workers such as social workers. These comings and goings and associated vehicle movements may increase the level of activity marginally, although it is not considered to be significantly different from how the property would have been used as a dwellinghouse with a family occupying it.

The property is detached and has good separation distance to the nearest neighbouring property to the west. There is a substantial garden area to the rear which adjoins only one other neighbour and the school grounds otherwise. Other neighbouring residential properties lie on the opposite side of the access into the school or the opposite side of Grange Road. The level of children proposed to be cared for at the property will be 2 which is consistent with a family occupying the property and it is not considered that there would be an unacceptable level of disturbance resulting from the level of occupation/number of children.

Several objections also refer to the housing of with children with behavioural needs.

The children and young people in residential care are supported by staff that are highly skilled, supported by regular supervision who have bespoke training to support the individual needs of the children they care for. Taking into account all children accommodated at the property will be supervised on a 24-hour basis it is not considered that this would create any significant impacts on the residential amenity of existing residents in the area or crime rates in the area.

The applicant has confirmed that the Managers of the home will be available to liaise and work closely with local residents to ensure that any issues of concern can be raised, discussed and resolved.

Additionally, the Councils Environmental Health have been consulted on the application and do not raise any objections to the proposal.

As stated above the SPD Householder Design Guide aims to ensure that extensions do not cause undue harm to neighbouring amenity.

The SPD states:

Extensions should not overshadow neighbouring properties to an unreasonable degree. The Council will take account of the orientation and position of neighbours' windows in relation to the extension.

For two storey rear extensions, a minimum of 45° clearance from a neighbouring window would apply. This may also apply to a two-storey side extension and it would be assessed on a case-by-case basis.

The extension is sited at an angle approx. 2.5m from the boundary with nearest neighbouring property to the west No. 15 Grange Road (which has been previously extended). On this basis the extension is sited to not come within a 45-degree angle of the neighbours nearest habitable room window. Given the position of the proposed extensions and distance to the neighbouring property, it is not considered that there would be a significant impact on residential amenity as a result of the proposal.

The existing first floor bedroom window in the side elevation facing No. 15 Grange Road will be lost due the extension and no windows are proposed in the side elevation of the extension. Two first floor bedroom windows are proposed in the rear elevation, however, it is considered that the current levels of overlooking would not be significantly increased than what presently exists.

Parking

The application has been revised to provide 4 car parking spaces on the site frontage, in accordance with the current parking standards and the area is of sufficient size to allow access and egress in a forward gear.

Whilst many objections have been received on the grounds of lack of parking and highway safety issues, in particular directly adjacent nearby school, the Councils Transportation Officer does not raise any objection on the grounds of highway safety.

Furthermore, the applicant has confirmed that the changeover of staff will occur outside of the school pick up and drop of times.

Conclusion

In conclusion, taking into account the property is a detached dwelling, together with the nature and intensity of the proposed use, it is considered that any noise would be akin to a residential dwelling and as such the amenity impact on neighbouring residents would be minimal. Furthermore, the presence of several carers at any one time will ensure that the children and young people in care are suitably supervised, which will also help with reducing any impact on the amenity of neighbours.

Having regard to the above it is considered that the proposed change of use is acceptable, and 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 premises shall be used as a residential care home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2987, (or any Order revoking and re-enacting that Order with or without modification).

Reason

The premises are not considered suitable for general use within the Class quoted for amenity and highway reasons.

03

The number of children cared for at the site shall be limited to a maximum of 2 at any one time.

Reason

In accordance with the details submitted with the application and for the avoidance of doubt.

04

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 and as shown on the approved plans (as set out below)

Drawing numbers 712/64/166-BS102 & BS402 received 10/10/2022 and 712/64/166-BS004 A received 12/10/2022.

05

Before the development is brought into use the car parking area shown on drawing number 712/64/166-BS004 A shall be provided, marked out and thereafter maintained for car parking.

Reason

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

06

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

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

or;

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

The area shall thereafter be maintained in a working condition.

Reason

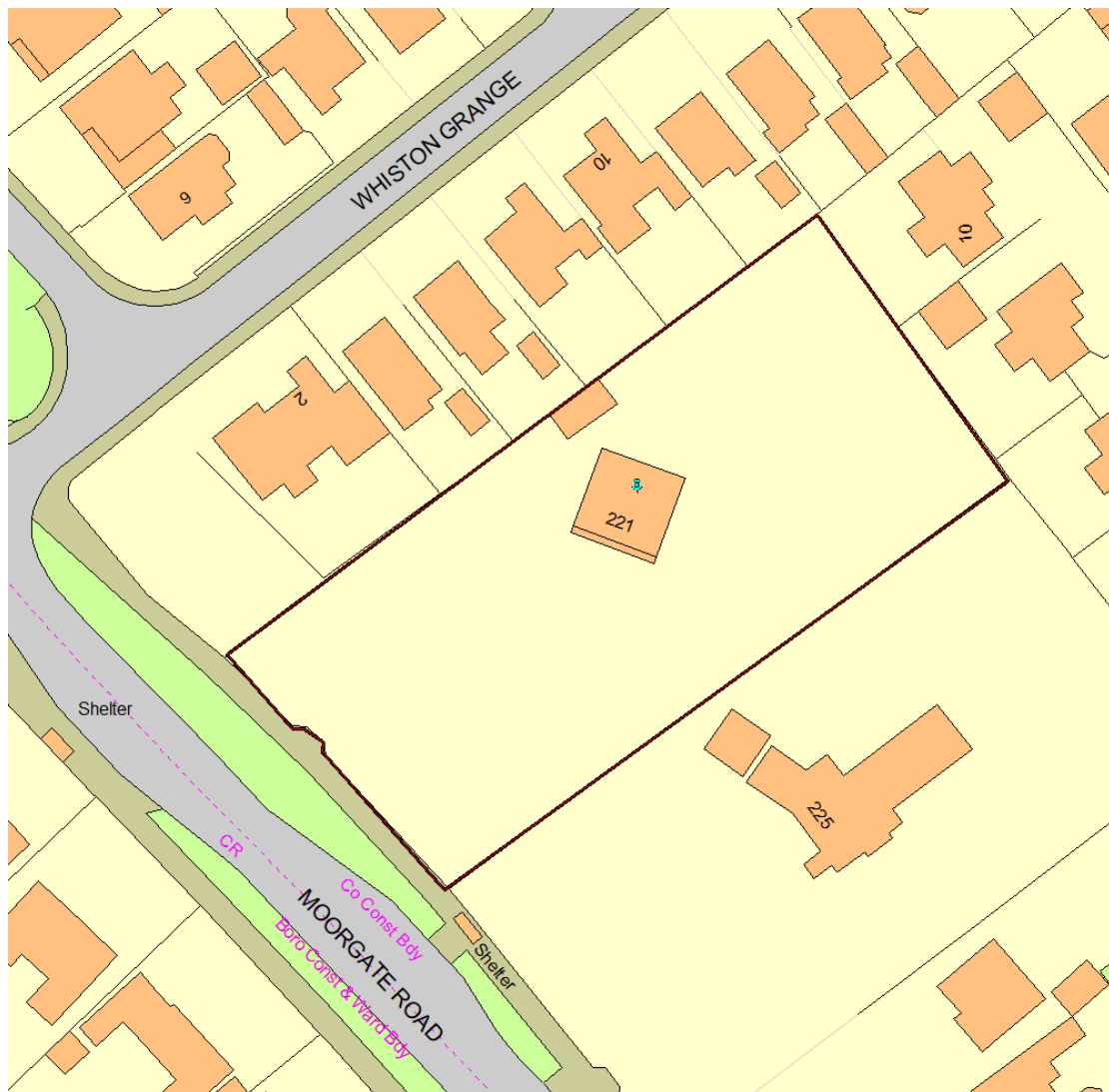
To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage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

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 | RB2021/1245 https://rotherham.planportal.co.uk/?id=RB2021/1245 |
| Proposal and Location | Demolition of dwelling and erection of 3 no. detached dwellings, and widening of existing access at The Wendy House, 221 Moorgate Road, Moorgate |
| Recommendation | Grant Conditionally |

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



Site Description & Location

The application site is approximately 0.3 hectares in size. It is located to the north east of Moorgate Road. The site currently has a detached dwelling located centrally with a detached garage adjacent to the northern boundary. The remainder of the site is currently garden area with many trees that are protected by way of Tree Preservation Orders (TPO No 2 1993 and TPO No 3 1998). TPO No 2 1993 relates to a number of trees on the southern boundary and TPO No.3 1998 relates to the whole of the application site, and covers a

Group of Mixed deciduous trees consisting of Hawthorn, Oak, Hornbeam, Pine, Beech, Lime, Ash, Sycamore and Horse Chestnut.

The site is generally flat, although the land level rises by about 1 metre within the site, rising towards the north.

The site is residential in nature and is surrounded by residential properties. There are 6 residential properties on Whiston Grange that share the northern boundary of the site, and 2 properties on Mair Court that join the eastern boundary. To the south of the site is the boundary with a single dwelling at 225 Moorgate Road. The garden levels of some of the houses on Whiston Grange are at a slightly higher level than the application site. The northern boundary consists of a mature hedgerow approximately 2 metres in height, and there is a solid brick wall of a height of approximately 2 metre to the rear of the site along the eastern boundary. The southern boundary is a hedgerow approximately 2 metres high, with a stone wall along the front boundary on Moorgate Road and a mature hedgerow behind.

Background

Planning permission was granted in 2007 and 2009 to prune and fell trees at the site, RB2007/0565 and RB2009/0117 respectively.

RB2010/1529 was an outline planning permission for the erection of four detached dwellings and garages - withdrawn 29/03/2011

RB2011/0875 was also an outline application for demolition of existing building and erection of 4 No. detached dwellinghouses and detached garages with details of layout, scale and access – granted conditionally 09/08/2011

RB2015/0744 - Demolition of existing dwellinghouse & erection of 3 No. detached dwellinghouses with integral double garages - GRANTED
CONDITIONALLY

Proposal

The applicant seeks full planning permission for the demolition of the existing property and the erection of 3 detached houses with attached double garages.

The application has been amended through the application process, and the tree survey and bat survey updated. The amendments to the dwellings relate to hiping plot 2 and reducing the size of plot 3, setting the main body of the dwelling further off the neighbouring boundary. The amendments are intended to reduce the overall massing of the dwellings and reduce the visual impact upon neighbouring dwellings.

Access to the site is shown to be taken off Moorgate Road in the location of the existing access. The existing access and driveway would be widened to 5m to allow for two way traffic. The driveway would run parallel with the

northern boundary in a similar location to the existing driveway. The three residential properties are shown to be located towards the rear of the site in the general location of the existing house and garden area.

The proposal is for three relatively large residential properties with 4 and 5 bedrooms and double garages. They are shown to be located in an L shape on the site all facing inwards.

The proposed building materials are to consist of brickwork, rendering with stone detailing, and areas of glazing with tiled roofs.

The following documents were submitted in support of the application –

Tree Survey

The original tree survey submitted with the application was out of date, and so a new updated report was undertaken in March 2022

- The tree survey revealed 45 items of woody vegetation, comprised of 34 individual trees and 11 group of trees.
- Of the surveyed trees: 1 tree is retention category 'A' (trees are of very high quality and value with a good life expectancy), 14 trees are retention category 'B' (trees are of good quality and value with a significant life expectancy), 29 trees are retention category 'C' (trees are of low or average quality and value, and are in adequate condition to remain until new planting could be established), and 1 tree is retention category 'U' (trees are in such a condition that any existing value would be lost within 10 years).
- From assessing the new development proposals, the removal of 10 trees and 7 tree groups will be required as they are situated in the footprint of the structures or are on the line of the access to be widened, or their retention and protection throughout the development is not suitable.
- The trees to be removed are generally lower value, retention category 'C', with little value. Due to the low value of the category C trees to be removed the removals will have only a negligible negative arboricultural impact.
- The removal of one moderate value tree, T1 Pine, will have a moderate negative arboricultural impact in the short term. Replacement planting will go towards mitigating this impact.
- The development of the site provides an excellent opportunity to undertake new tree planting throughout the site as part of a soft landscaping scheme. As such, suitable new tree planting has the potential to mitigate for the required tree removals and, in the longer term, has the potential to improve the site's tree cover.

Bat Survey

A preliminary bat roost assessment and follow up tree assessment previously carried out by Steven Witcher identified two buildings with moderate bat roost suitability, two trees with high suitability, seven trees with moderate suitability, and two trees with low suitability to support roosting bats. Steven Witcher's surveys were completed in September 2021, and February 2022 respectively. The surveys recommended two nocturnal surveys of the two buildings and follow up surveys of the moderate and high suitability trees (Witcher S., 2021 & 2022). The follow up bat survey was completed on 12th May, and 8th June 2022.

No bats or signs of bats were recorded within potential roost features in the trees during either inspection.

No bat roosts were recorded in either the house (B1) or garage (B2) during the two surveys. The level of bat activity recorded within the site was relatively low, and the diversity of species was low with just common pipistrelle, and soprano pipistrelle recorded across the two surveys.

Nesting birds were identified within the mature, and now overgrown garden, and the house (B1). If possible, no clearance work should take place during the bird nesting season (March to August inclusive). If clearance work during this time is unavoidable, a pre-works check for nesting birds should be completed by a suitably qualified and experienced ecologist. Any active nests should be retained, with a suitable buffer to prevent disturbance, until the young birds have fledged.

To enhance the ecological value of the site, and in accordance with the aims of the National Planning Policy Framework, it is suggested that one bat roosting feature and/or one bird box should be incorporated within each of the three new dwellings.

Land Contamination Assessment

Based on the findings of the Phase I site investigation and Preliminary Risk Assessment, Peak Environmental Solutions do not consider that further specific actions are necessary at this stage to manage potential land contamination risks associated with the future use of the redeveloped site.

If unexpected impacted made ground deposits and/or natural soils and waste deposits are encountered during the development works, then site works should be appropriately reviewed and a strategy, including a protocol for characterising and addressing the contaminated materials, should be agreed with the Environmental Health Department.

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).

The Sites and Policies Document indicates that the site is in an area identified for 'Residential' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS3 'Location of New Development'

CS6 'Meeting the Housing Requirement'

CS14 'Accessible Places and Managing Demand for Travel'

Sites and Policies.

SP11 'Development in Residential Areas'

SP12 'Development on Residential Gardens'

SP55 'Design Principles'

Other Material Considerations

South Yorkshire Residential Design Guide.

National Planning Practice Guidance (NPPG).

National Planning Policy Framework (NPPF, as revised) 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 original application was advertised on site by the erection of a site notice and the occupiers of surrounding properties were notified by letter. Subsequently the amended plans were re-advertised. 8 Letters of representation have been received stating that:

- Further clarification of boundary wall detailing is required.
- Overlooking from proposed new development.
- Sycamore Tree causing damage to boundary wall.
- Loss of light to neighbouring properties.
- Impact upon protected trees and hedge from construction phase.
- Impact upon bats

- Risk of land slippage, due to change in levels.

The applicant and five local residents have requested the right to speak at Planning Board.

Consultations

RMBC - Transportation and Highways: Notes the provision of a 5m wide access road and fire hydrant, therefore no objection subject to conditions.

RMBC – Trees: No objections to the proposed level of tree pruning and felling, subject to conditions protecting existing trees during the construction phase and replacement planting.

Yorkshire Water: No objection subject to conditions.

RMBC - Land Contamination: No objections subject to relevant conditions.

RMBC – Ecology: No objections subject to updated bat report.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development (including impact on neighbours and character of the area)
- Impact on protected trees
- Impact on ecology
- Highways

Principle of development:

Policy SP 11 “Development in Residential Areas” states that “Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.”

SP 12 'Development on Residential Gardens' states that: "Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

- a. the proposals would allow for a comprehensive scheme in the wider area to be achieved in the future; and
- b. the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness; and
- c. development would not result in harm to the character of the area."

Comprehensive development:

Firstly, in terms of point (a), the site will provide 3 new dwellings and the site is not suitable for a more comprehensive development including adjoining land.

Impact on neighbours (and future occupiers of the proposed dwellings):

In terms of point b 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 terms of the amenity of nearby residents, the proposed scheme has been amended to reduce the impact upon neighbouring dwellings in terms of appearing overbearing.

It is considered that the proposal is in accordance with the guidance outlined in the SYRDG, and that it would not have a significant adverse impact on the amenity of the existing residents as the proposal would not cause any significant loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. The proposal is therefore considered acceptable in accordance with the guidance contained within the SYRDG.

In terms of future occupiers of the proposed dwellings, the plan demonstrates that both the new dwellings will be provided with gardens in excess of 60 sqm, in accordance with the South Yorkshire Residential Design Guide. Furthermore the ground floor floorplans shows that the dwellings will provide a good level of accommodation for future residents.

Impact on character of the area, and design generally:

In terms of the character of the area the existing dwelling is in state of disrepair and has not been lived in for a number of years. The dwelling is a

brick built inter war property which has only limited architectural character and as such its demolition is acceptable.

SP55 'Design Principles' states that: 'the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing.'

Paragraph 126 of the NPPF states that: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this."

Paragraph 130 of the NPPF states that: "Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;"

The proposed dwellings will create a small cul de sac development of modern two storey dwellings with matching materials and similar hipped roofs. The dwelling will be almost completely screened from Moorgate Road by mature trees and as such the scheme will have little impact upon the character of the area. Whilst the dwellings will be visible from the adjoining dwellings, the density of development reflects the character of the area and will not appear out of keeping.

Trees

Local Plan Policy SP32 'Green Infrastructure and Landscape' states that: "The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users."

NPPF Paragraph 131 states that: “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

The proposal will result in the removal of a number low quality trees as well as one pine tree of a better quality. Some other pruning works are also proposed, to facilitate the development. The site has been left unmanaged for around a decade and the wooded area to the front of the site is in need of management to ensure that better quality trees are able to thrive. The tree felling is therefore primarily in the interest of best practice as opposed to enable the development.

The applicant has provided an indicative landscaping plan showing the potential for additional on site planting, including along the boundary with Whiston Grange and Mair Court. Such additional landscaping will also help to soften the visual impact of the development.

The tree felling and pruning is acceptable subject to adequate replacement planting as well as appropriate protective fencing for the trees to be retained.

Impact upon ecology

Policy CS20 ‘Biodiversity & Geodiversity’ states that priority will be given to; “supporting the positive management and protection of nationally, regionally and locally designated sites for nature conservation”. CS20 gives priority to; “conserving and enhancing sites and features which have demonstrable biodiversity and geodiversity value, including woodland, important trees, hedgerows, watercourse,...but which are not included in designated sites”.

SP35 ‘Protected and priority species’ states that: “Planning permission for development likely to have a direct or indirect adverse impact on the following will only be granted if they can demonstrate that there are no alternative sites with less or no harmful impacts that could be developed and that mitigation and / or compensation measures can be put in place that enable the status of the species to be conserved or enhanced:

- a. Protected species;
- b. Species of principal importance for the conservation of biodiversity;
- c. Species prioritised for action within the Rotherham Biodiversity Action Plan;
- d. Populations of species associated with statutorily protected sites.

Measures to mitigate and, or compensate for, any impact must be agreed prior to development commencing and should be in place by the time development is brought into use”.

NPPF paragraph 174 states that: “Planning policies and decisions should contribute to and enhance the natural and local environment.

The applicant as part of the submission has provided an initial bat survey in 2021, followed up by an updated nocturnal surveys bat survey in order to assess the presence of bats within the trees and the existing dwelling.

No bats or signs of bats were recorded within potential roost features in the trees during either inspection. No bat roosts were recorded in either the house or garage during the two surveys. The level of bat activity recorded within the site was relatively low, and the diversity of species was low with just common pipistrelle, and soprano pipistrelle recorded across the two surveys.

The survey noted nesting birds within the overgrown grounds of the dwelling and as such any clearance work will need to take place out of the nesting season. Furthermore, bat boxes are recommended to the dwellings to encourage biodiversity net gain.

In terms of the mitigation for the loss of the trees on the site, as referred to above the felling of a number of poor quality trees on site is necessary management of the wooded area and will ensure that better quality trees can thrive. In addition, the applicant has provided an indicative landscape plan showing the potential for additional tree planting providing additional ecological benefits. The exact details of the additional tree planting has been conditioned.

Highways issues

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

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

The NPPF further notes at paragraph 113 that:

“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported

by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

The site will be accessed via the existing drive to Moorgate Road which will be widened to 5m wide drive allowing for two way traffic. There will be adequate parking and turning on site to accommodate future residents. Furthermore, a fire hydrant will be provided for the fire service. Finally, a condition has been attached requiring electric car charging points to each dwelling to encourage sustainable forms of travel.

It is considered that the development is sited in a sustainable location and would satisfy the provisions of Policy CS14 ‘Accessible Places and Managing Demand for Travel’ and paragraph 113 of the NPPF.

Conclusion

The site is in an area allocated for Residential use within the adopted Rotherham Local Plan, and as such the proposal is acceptable in principle. The scheme is acceptable in terms of the design and layout, highway safety, drainage, landscaping trees and ecology as well as other general amenity issues identified above. The scheme is considered to be sustainable in terms of its location close to local amenities and public transport.

Overall the scheme is considered to be in accordance with the Local Development Plan, and the NPPF. 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 and as shown on the approved plans (as set out below)

(Amended Site Plan JBA.4025.101.B) (Received 18/07/2022)

(Plot 1 JBA.4025.103) (Received 01/08/2021)

(Amended Plot 2 JBA.4025.104.A) (Received 01/07/2022)

(Amended Plot 3 JBA.4025.105.B) (Received 01/07/2022)

(Proposed Sections JBA.4025.106.A) (Received 01/07/2022)

Reason

To define the permission and for the avoidance of doubt.

03

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

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

or;

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

The area shall thereafter be maintained in a working condition.

Reason

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

04

Prior to the occupation of dwellings hereby approved, details of one vehicle charging point per dwelling shall be submitted to and approved by the Local Planning Authority. The dwellings shall not be occupied until the charging points have been provided, and they shall thereafter be retained.

Reason

In the interests of sustainable development and air quality

05

Details of a bat and a bird box for each dwelling shall be submitted to and approved by the Local Planning Authority and each dwelling shall not be occupied until the approved details for that property have been implemented.

Reason

In order to provide ecological enhancement.

06

Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority,

The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.

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

The approved scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and to provide appropriate biodiversity gain, in accordance with Local Plan Policy.

07

No operations (including demolition and initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

Details shall include the following:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837*, with tree works proposals. All trees must be plotted on a scaled site plan**, clearly and accurately depicting trunk locations, root protection areas and canopy spreads. *(Provided)*
- Arboricultural Impact Assessment (AIA). *(Provided)*
- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Access arrangements and car parking
- Level changes

- Landscaping proposals
- A Tree protection plan** in accordance with BS5837* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

*Using the most recent revision the of the Standard

** Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and to prevent harm to local wildlife and ecology in accordance with Local Plan Policy.

08

No clearance work should take place during the bird nesting season (March to August inclusive). If clearance work during this time is unavoidable, a pre-works check for nesting birds should be completed by a suitably qualified and experienced ecologist. Any active nests should be retained, with a suitable buffer to prevent disturbance, until the young birds have fledged.

Reason

In order to prevent harm to local wildlife and ecology.

09

Prior to development works commencing a Coal Mining Authority Report will be submitted to this Local Authority for review and comment. Any recommendations made within the report shall be undertaken and the results of which shall be provided in the format of a Validation Report.

Reason

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

10

If during development works unexpected significant contamination is encountered, works shall cease and the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that the 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.

11

If subsoil/topsoil is required to be imported to site for use in any gardens or areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report.

Reason

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

Informatives

01

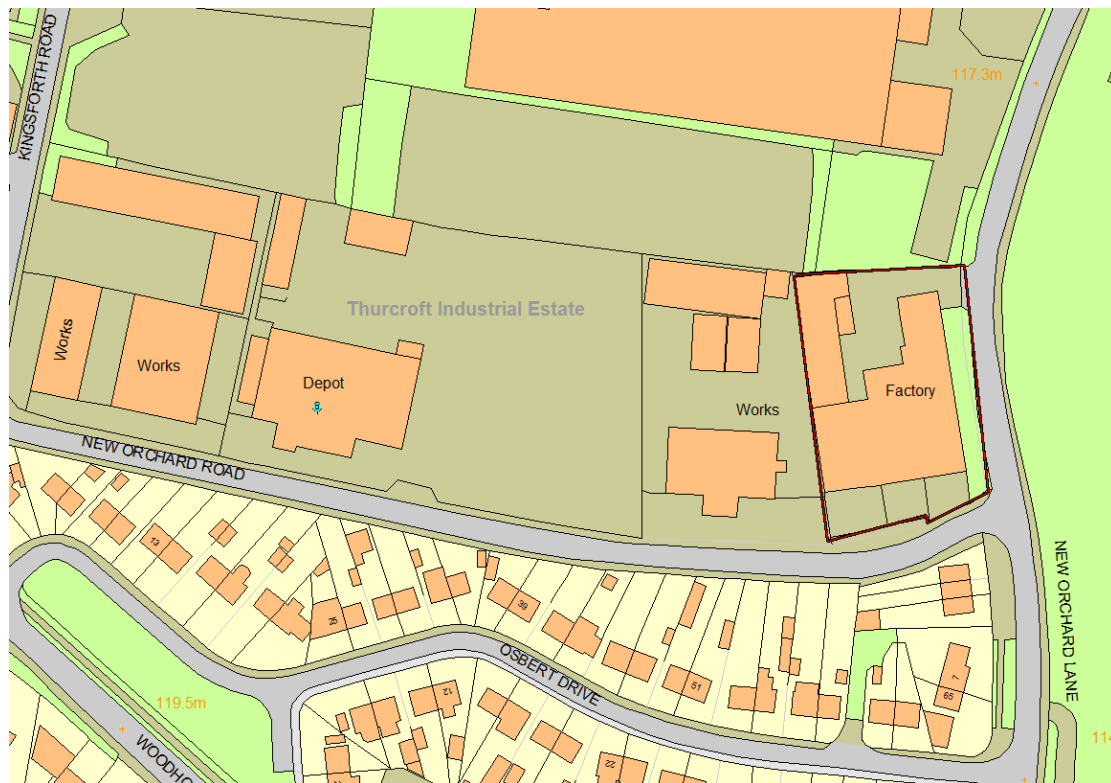
Lighting on the development site should be designed in line with BCT and ILP Guidelines (2018) retaining darks corridors along the vegetation on site. In addition, the development should be carried out under strict control conditions to prevent the spread of the invasive non-native plant species identified on the site.

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

| | |
|------------------------------|---|
| Application Number | RB2022/1177 https://rotherham.planportal.co.uk/?id=RB2022/1177 |
| Proposal and Location | Erection of 2.1m high palisade fencing to boundaries adjacent to highway at Orchard Industrial Park New Orchard Road Thurcroft Rotherham S66 9AD |
| Recommendation | Grant Conditionally |

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



Site Description & Location

The site is located on the corner of New Orchard Road and New Orchard Lane at Thurcroft and contains a building which has recently been sub-divided into 17 industrial units. The area is predominantly industrial in nature to the northern side of New Orchard Road with residential properties to the southern side and a sports ground on the opposite side of New Orchard Lane.

Background

The site has a long history of industrial/business use and the most recent and relevant applications relating to this site are;

| | |
|-------------|--|
| R86/1536P | Division of factory into four individual units for light industrial or warehousing use – Granted conditionally |
| RB1999/1284 | Extension to factory – Granted conditionally |

Proposal

The applicant seeks permission for the erection of palisade fencing, approximately 1.95m in height and not exceeding 2.1m at any point, around the perimeter of the site fronting New Orchard Road and New Orchard Lane. The application indicates that the applicants mistakenly understood that planning permission would not be required.

The submitted supporting information states that the fencing is required for security purposes. The submitted Design and Access Statement further notes that the fencing is considered to be “consistent with the character of the area and purposefully chosen to blend in with the cladding that is on the building and, therefore, to be less ‘offensive’ to the eye. Similar security fencing especially in terms of height, design and appearance already exists on nearby properties in the industrial estates and the wider area.”

Fencing has been erected already though the original plans have been amended at officer's request to relocate the fencing that has been erected on New Orchard Lane 1m back from the edge of the highway with a visibility splay at the junction with New Orchard Road, and to paint the fencing black to reduce the visual impact.

The submitted plans indicate that the units fronting the highway have double gated access to a hardstanding with the existing vehicular and pedestrian access to the northern edge of the site remaining.

The applicants have submitted a Planning Statement in support of the application which includes the following statements;

- The Orchard Industrial Park comprises 17 recently refurbished and popular industrial units and associated infrastructure on the corner of New Orchard Road and New Orchard Lane, Thurcroft. It provides much needed and highly valued employment, businesses and other opportunities for Thurcroft and the wider area.
- Great care was taken with the design and appearance to ensure that the character of the area is respected and enhanced.
- The Orchard Industrial Park and the wider area has been the subject of crime and anti-social behaviour and the applicant wishes to improve its security by installing 1.95m high quality palisade style security fencing on its southern edge (fronting New Orchard Road) and most of its western edge (fronting New Orchard Lane).
- It is a retrospective planning application as at the time the fencing was installed, the site's owners were not aware that planning permission would be required.
- The need to improve the security of the Industrial Park is still very much necessary hence the submission of this retrospective application.
- Many other businesses in the immediate area have successfully installed similar fencing.
- The fencing will improve the security of the site, which will improve the long-term interests and viability of the Industrial Park and the many

much-needed jobs and businesses it supports close to where people live.

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 which was adopted by the Council on the 27th June 2018.

The application site is allocated for Industrial and Business purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS9 'Transforming Rotherham's Economy'

CS28 'Sustainable Design'

SP55 'Design Principles'

Other Material Considerations

National Planning Practice Guidance (NPPG).

National Planning Policy Framework: The NPPF (as revised) sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that: "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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 a site notice along with individual neighbour notification letters to adjacent properties. 46 letters of representation have been received, 5 in support and 41 objections. The comments can be summarised as follows:

In support:

- Consider that it's a good idea, provided that the fence is not removed completely or lowered in height as this would present a serious security risk to the site, which would have a detrimental effect not only to the site but to the local area as it would encourage criminality.
- The industrial park brings economical benefit to the local area and businesses, whilst also helping to support employment. on a site which was previously derelict for a number of years.
- The fence is the same as all the other properties on the industrial estate have.

Objections;

- Removing the fence could create more parking in front of the industrial units preventing cars being parked on the bend. That bend in the road has become dangerous for road users, pedestrians, pram and wheelchair users when people are parked on it.
- Since the units have opened it's a nightmare to drive down there and dangerous.
- You can no longer see the traffic approaching from the left. I have seen numerous near collisions because of this. It is made further dangerous by the fact that all the cars are parked on New Orchard Lane
- The fence obstructs the view of traffic approaching, causing visibility issues at the junction of New Orchard Road and New Orchard Lane. It has also removed the public pathway, this is causing safety issues to pedestrians. The pathway on the other side of the road is constantly blocked due to cars belonging to and visiting the businesses parking on the pavement which forces all pedestrians and particularly pedestrians with prams, buggies and wheelchairs to walk in the road.
- Should not be positioned as close to the road as they are as there is no public footpath or parking in front of the units.
- It would be a monstrosity for people living or visiting on the adjacent housing estate to have to drive past.
- I oppose any fencing & would like to see double yellow lines on cricket field side & maybe a bigger car park behind the hub.

Comments following amended plans

- The fencing obscures sight of the road when at the junction of New Orchard Lane and New Orchard Road.
- The fencing impedes access of deliveries to the units - this has a knock on effect of delivery vehicles - often large vans/ trucks - then block off the road causing chaos at busy times.
- As a result of the fencing being right up to the road edge the original foot path has been removed, visitors to the units don't park outside the units as this would block the gates to the unit. They therefore unfortunately park on the opposite pavement causing people to have to walk on the road with pushchairs and wheelchairs.
- There is currently an application for double yellow lines opposite these units.
- Deliveries block the road even though the space between the fence and the unit was clear.
- The road is dangerous as it is regularly blocked and down to single carriageway on a bend due to the units parking on the opposite side of the road, often on the pavement making that impassable too.

Consultations

RMBC Transportation Unit: Note from their records that the site has been the subject of numerous meetings / e-mails regarding the highway boundary which was in dispute. It was decided that the Council would not take enforcement action as the evidence on the actual position of the highway

boundary was vague and it was considered that there was insufficient evidence to take the matter further.

They also note also that, previous to the erection of the fence, the area was covered with vegetation so visibility at the junction was severely limited.

With regard to the current proposed scheme, if implemented this will result in the first part of the existing fence being set back so as to provide improved visibility for cars accessing New Orchard Lane. Given the nature of New Orchard Lane, existing vehicular speeds / activity (witnessed on site) and the previous limited visibility available they have no objections to the granting of planning permission in a highway context subject to the imposition of conditions regarding the provision of sight lines.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle
- Visual amenity
- Highway safety

Principle

The site is allocated for Industrial and Business purposes in the adopted Local Plan. Policy CS9 'Transforming Rotherham's Economy' states that "Rotherham's economic performance and transformation will be supported by: (amongst other things):

Protecting viable employment sites and supporting the regeneration and intensification of previously developed land, including proposals which safeguard the viability of established industrial and business areas through improvements to buildings, infrastructure and the environment."

The supporting text to Local Plan policy SP55 'Design Principles' states that "National policy and Rotherham's Core Strategy Policy CS 28 'Sustainable Design' recognise that safety and security are essential in creating successful development."

The National Planning Policy Framework (NPPF) at paragraph 92 states that: “Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.”

The applicants have indicated that the fence was erected to protect the security of the industrial units. Most of the adjacent businesses have some type of security fencing on their boundaries and given the nature of the site the erection of fencing is acceptable in principle.

Visual amenity

Whilst the site is located in an area identified for Industrial and Business use it is located on a prominent corner plot on the edge of this allocated site with residential properties on the opposite side of New Orchard Road and open sporting grounds on the opposite side of New Orchard Lane.

Core Strategy policy CS28 ‘Sustainable Design’ requires that development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.

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.”

The NPPF notes at paragraph 126 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.”

The NPPF notes at paragraph 130 that: “Planning policies and decisions should ensure that developments: (amongst others)

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.”

Concerns have been raised by an objector with regard to the visual appearance of the fencing, however letters in support of the application have been received from the occupiers of some of the units stating the need for the fencing for security purposes.

Whilst the Council acknowledges the applicant may need additional security, in this instance the already erected palisade security fencing was considered to have an unsympathetic appearance in this prominent location by virtue of its design, colour and position close to the highway. Taking this into consideration the applicants have worked with the Council to agree to amend the position of the fence on New Orchard Lane to set it back 1m from the edge of the highway and to paint the fence black.

This is considered to improve the visual appearance and reduce the impact on the visual amenity of the area, whilst maintaining the security of the businesses.

Highways issues

The NPPF at paragraph 111 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."

It further states that applications for development should:

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

The main issues with regard to the fencing that have been raised by objectors relate to highway safety, by way of the loss of pavement fronting the units, and cars/delivery vehicles parking reducing the width and visibility of the highway and obstructing the pavement.

Before the units were modernised and subdivided the majority of the frontage facing both highways was open with the land on New Orchard Lane being overgrown with vegetation and lacking any defined footpath. The existing pavement on New Orchard Road still remains outside the fenced area.

The proposed plans allow for the repositioning of the corner section of the fence to provide sight lines to improve visibility at the junction and to set back the fence 1 metre back from the highway on New Orchard Lane, although this is more for provision of suitable visibility at the junction as there is no designated footway on the New Orchard Lane frontage.

Transportation officers have assessed the amended proposals and state that, given the nature of New Orchard Lane, existing vehicular speeds / activity (witnessed on site) and the previous limited visibility available, they have no objections to the granting of planning permission in a highway context subject to the imposition of conditions regarding the provision of sight lines.

The units fronting the highway are indicated to have double gates to allow access to the hardstanding for vehicles and a site visit demonstrated that the area behind the fencing was being used by some of the units for vehicular parking.

The indiscriminate parking of vehicles in the highway or on the footpath would ultimately be a matter for the Police, and the provision of the fencing would not in itself impact on this.

Conclusion

In conclusion taking all of the above into account the proposed application to retain and amend the existing fencing is considered to be acceptable in this commercial location where it will provide security for the businesses on site.

Conditions

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the amended plans received 7 October 2022.

Reason

To define the permission and for the avoidance of doubt.

02

Within 3 months of the date of this permission the sight line indicated on the submitted plan shall be rendered effective by relocating the boundary fence in accordance with the revised plan received 7 October 2022 and reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 600mm above the level of the nearside channel of the adjacent carriageway, and the visibility thus provided shall thereafter be maintained.

Reason

In the interests of highway safety

03

Within 3 months of the date of this permission the fencing shall be painted black.

Reason

In the interests of the visual amenity of the locality

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.