

PLANNING REGULATORY BOARD

**Date:- Thursday 16 March 2023 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 23rd February, 2023 (Pages 7 - 9)
6. Deferments/Site Visits (information attached) (Pages 11 - 12)
7. Development Proposals (Pages 13 - 49)
8. Updates
9. Date of next meeting - Thursday, 6th April, 2023 at 9.00 a.m.

Membership of the Planning Board 2022/23

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

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.

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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.)

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PLANNING BOARD
23rd February, 2023

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

Apologies for absence were received from Councillors Bacon and Wooding.

The webcast of the Planning Meeting can be viewed at:-

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

161. EXCLUSION OF THE PRESS AND PUBLIC

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

162. MATTERS OF URGENCY

There were no matters of urgency for consideration.

163. DECLARATIONS OF INTEREST

Councillor Fisher declared a personal interest in application RB2022/1460 on the grounds that his wife was employed by the NHS and who may use this facility.

164. MINUTES OF THE PREVIOUS MEETING HELD ON 12TH JANUARY, 2023

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 12th January, 2023, be approved as a correct record of the meeting.

165. DEFERMENTS/SITE VISITS

There were no deferments or site visits recommended.

166. DEVELOPMENT PROPOSALS

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

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

- Reserved matters application details of landscaping, scale, access, external appearance and layout for the erection of 46 dwellinghouses (reserved by outline RB2021/0060) at land to rear of 166 Swinston Hill Road, Dinnington at land rear of 166 Swinston Hill Road, Dinnington for Hooper Urban Partnerships (RB2022/0880)

Ms. S. Rose (Applicant)

- Siting of caravans to provide staff living accommodation at Glades Nursing Home, Falcon Way, Dinnington at Glades Nursing Home, Falcon Way, Dinnington for Conniston Care (RB2022/1460)

Mr. P. Milner (Objector)

Parish Councillor D. Smith (Objector)

Ms. S. Peat (Objector)

Mr. R. Daine (Objector)

Mr. M. L. Wright (Objector)

Mrs. G. Turner (Objector)

(2) That, with regards to application RB2022/0880:-

(a) The Council enter into a Deed of Variation legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following as per agreed on RB2021/0060:-

- Financial contribution of £500 per dwelling towards sustainable travel measures to support the development (£23,000).
- Financial contribution of £2,369 towards improvement to bus stop 35841 controlled by South Yorkshire Passenger Transport Executive to support the development.
- Financial contribution of £750 towards the installation of a kissing gate on adjacent footpath (Dinnington Footpath No. 13).
- Financial contribution of £390.69 per dwelling (£16,591.74) in respect of the installation of equipped play on the adjacent green space (Swinston Hill Recreation Ground) and £2,450 towards ongoing maintenance costs.
- Establishment of a Management Company to manage and maintain the areas of Greenspace on site.
- Requirement to provide 100% affordable housing.

(b) subject to the satisfactory signing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report and subject to amendments to:-

Condition 1 – to add in the relevant plan suffixes.

Condition 3 – remove as the requirement to provide 100% affordable housing would now be secured by the Deed of Variation.

Condition 2 and renumbered Conditions 3, 10, 11, 12 and 15 – to remove the words “unless otherwise agreed in writing with the Local Planning Authority”.

(3) That the Planning Board declare that it was not favourably disposed towards application RB2022/1460 and that it be refused on the grounds that the proposed development, by virtue of the accommodation not being suitable for the occupiers resulting in the public benefits of the scheme not outweighing the less than substantial harm to the significance of the listed building. The exact wording for this reason for refusal to be agreed in consultation with the Chair and Vice-Chair of the Planning Board.

167. UPDATES

There were no updates to report.

168. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 16th March, 2023 at 9.00 a.m. at Rotherham Town Hall.

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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 16TH MARCH 2023**

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 BOARD TO BE HELD ON THE 16TH MARCH 2023

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	RB2022/0800 https://rotherham.planportal.co.uk/?id=RB2022/0800
Proposal and Location	Application to vary condition 05 (window details) imposed by RB2020/0414 at the former Treeton Youth Enterprise Centre, Church Lane, Treeton
Recommendation	Granted Conditionally

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

Site Description & Location



The application site consists of the former Treeton Youth Enterprise Centre, which was formally a school. The building is an attractive Victorian school building constructed of Rotherham Red sandstone with a Welsh slate roof.

The site is accessed off Church Lane but is visually prominent from both Church Lane and Front Street. The building is within the Treeton Conservation Area. The site includes a number of trees to the frontage of the site which figure prominently within the surrounding Conservation Area.

To the south of the buildings on the site is a multi use games area which was formally leased by Treeton Parish Council. However, this has now closed and is not open to the public.

Background

The most recent and relevant planning history is set out below:

RB2020/0414: Conversion and extension of existing commercial building to 14 No. residential apartments and removal of palisade fencing and erection of railings - GRANTED CONDITIONALLY 12/02/21

RB2022/0798: Non material amendment to application RB2020/0414 to include alteration of materials to rear of building from stone to render - REFUSED 27/07/22

RB2022/1101: Application to vary condition 2 (approved plans) imposed by RB2020/0414 - Undetermined

Proposal

The proposal is to vary condition 05 of planning permission RB2020/0414 requiring that the windows are constructed of timber. Condition 05 is copied out below:

05

Prior to the occupation of the dwellings hereby approved details of the replacement windows, including their paint colour, shall be submitted to and approved by the Local Planning Authority at a scale of 1:10. The window shall be timber with a painted finish unless otherwise agreed in writing with the Local Planning Authority. The development shall proceed in accordance with the approved details.

The applicant wishes to use UPVC windows instead of timber due to cost and to provide the building with greater thermal efficiency. The application as originally submitted was for standard UPVC windows. However, further to negotiations with the applicant these have been amended to flush casement UPVC windows which have a similar appearance to timber windows.

The windows would be coloured in a light greenish grey colour called Agate grey.

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* purposes in the Local Plan, (and also falls within the Treeton Conservation Area). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy:

CS23 'Valuing the Historic Environment'

The Rotherham Sites and Policies Document:

SP41 'Conservation Areas'

SP43 'Conserving and Recording the Historic Environment'

SP55 'Design Principles'

Other Material Considerations

South Yorkshire Residential Design Guide

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 press, and site notice as the site is within the Treeton Conservation Area, along with individual neighbour notification letters to adjacent properties. The Council has received 9 objections including an objection from Treeton Parish Council. The objections received are summarised below:

Treeton Parish Council

- Object to the change from wood to UPVC for the windows. They are of the view that the proposed change would materially and significantly detract from the aim of the original condition. The applicant should be made to adhere to the original conditions imposed.

Neighbouring objectors

- The change in material for the windows from wood to UPVC would harm the character of the property and the character and appearance of the Treeton Conservation Area.
- To allow this change in materials would make a mockery of the planning process.
- Concerns were raised that a neighbouring resident wasn't consulted on the application and therefore not given sufficient opportunity to make their comments.

The applicant and a local resident have requested the right to speak at the meeting.

Consultations

RMBC - Transportation Infrastructure Service: Raise no objections to the proposals in highway terms.

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.

As this is a variation of condition application the principle of the development has already been established. The main consideration in the determination of the application is:

- The impact on the character and appearance of the property and the impact on the Treeton Conservation Area.

Visual impact

Under Section 69 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, a conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

The following Policies are relevant when looking at the impact on the Treeton Conservation Area:

Local Plan Policy CS23 'Valuing the Historic Environment' states that: "Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (which includes amongst other things that): d. Proposals will be supported which protect the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest."

Policy SP41 'Conservation Areas' states that: "Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles (amongst others) developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings."

Policy SP 43 'Conserving and Recording the Historic Environment' states that: "All proposals affecting a heritage asset will require careful assessment as to the impact and appropriateness of development to ensure that the historic, architectural, natural history, or landscape value of the asset and / or its setting are safeguarded and conserved, and any conflict avoided or minimised in accordance with the policies of this Local Plan."

The National Planning Policy Framework (NPPF) states at paragraph 194 that: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 195 of the NPPF states that: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 adds that: "In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.”

Paragraph 199 states that: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF states: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The new National Design Guide expands upon the guidance within the NPPF and sets out the basis for the consideration of good design.

In terms of general design issues and the impact on the character of the area, Policy SP55 ‘Design Principles’ states that: “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 original condition required that the new windows be constructed of timber to protect the character and appearance of the property and the Treeton Conservation Area.

The proposals are to use UPVC flush casement windows, which have a flat profile unlike more typical UPVC windows, which have a more rounded and heavier profile than wooden windows. When given a painted finish these windows have a very similar appearance to timber windows.

Over the years there has been many different technical innovations in the UPVC window industry. These have included being able to provide a painted finish to the windows and with flush casements giving the windows a very similar appearance to timber.

The main visual difference between flush casement windows with a painted finish to wooden windows with a painted finish is the thickness of the glazing bars. Timber windows typically have thinner frames as wood has greater structural integrity than UPVC. However, the overall appearance is very similar and can be designed to have a good heritage appearance.

Whilst wooden windows would be preferable due to the thinness of the glazing bars, the painted flush casement UPVC windows are considered to be a good substitute. They are a relatively new product and are significantly more costly than traditional UPVC windows but have a more attractive appearance. In addition, UPVC windows provide greater thermal efficiency than timber windows by utilising additional insulation that timber windows at the present time do not have.

It is important to note that the existing windows in the building are a combination of timber and UPVC styles, currently in a poor condition, and are not original windows from when the building was constructed in the late 19th Century. It is considered that the proposed flush casement UPVC windows are acceptable in design and appearance for this undesignated heritage asset within the Treeton Conservation Area. As such, it is considered that they would cause no harm to the designated heritage asset (being the Treeton Conservation Area) and indeed would enhance the appearance of the building and the wider Conservation Area. Recommended condition 4 controls the details of these windows. If it is considered that there is harm caused, this would be significantly less than substantial, and would clearly be outweighed by the public benefits of restoring the currently vacant building to a functional use.

Other issues raised by objectors

A neighbouring resident raised concerns that they had not been consulted with regards to the application. The Council's records show that this neighbour was consulted by neighbour notification letter. However, the Council cannot guarantee receipt of the letter. In any event the application was also advertised by press and site notice which in itself amounts to sufficient publicity for an application of this nature.

Other comments were received which relate to the separate variation of condition application (RB2022/1101) which is also under consideration at this Planning Board. These comments whilst noted are not applicable to this application though will be considered under that separate application.

Conclusion

In conclusion, it is considered that the variation of the condition to replace the proposed timber windows with painted flush UPVC casement windows is acceptable in design and conservation terms, and it is recommended that the permission be granted.

Conditions

01

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

Drawing Number (Location Plan)(Received 26/01/2020)
Drawing Number, FS06/ 1)(Received 19/01/2021)
Drawing Number (FS06/ 3)(Received 01/09/2020)
Drawing Numbers (FS06 4, 5 & 7)(Received 15/01/2020)
Drawing Numbers (FS06/ 6 Rev A)

Reason

To define the permission and for the avoidance of doubt.

02

Prior to the removal of the chimney facing Front Street details of the materials to be used in the reconstruction of the external surfaces of the development hereby permitted, including roofing and walling materials where appropriate, shall be submitted or samples of the materials have been left on site, and the development shall thereafter be carried out in accordance with the approved details/samples.

Reason

In the interest of visual amenity in accordance with SP41 'Conservation Areas.'

03

The boundary treatment to the north of the site shall be wrought iron or cast aluminium as shown on Drawing FS06 / 3 (received 1/09/2020). The railings shall be painted black or dark green unless otherwise agreed in writing with the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason

In the interest of visual amenity in accordance with policy SP41 'Conservation Areas.'

04

The windows hereby approved shall be flush casement UPVC with a painted finish in Agate grey unless otherwise agreed in writing with the Local Planning Authority. Prior to the occupation of the dwellings hereby approved details of the replacement windows shall be submitted to and approved by the Local Planning Authority at a scale of 1:10. The development shall proceed in accordance with the approved details.

Reason

In the interest of visual amenity in accordance with policy SP41 'Conservation Areas.'

Highways

05

Before the development is brought into use the car parking area shown on the approved plan (Drawing Number FS06/3)(Received 01 September 2020) plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

06

A scheme detailing how the use of sustainable/public transport will be encouraged along with an Information Pack for new residents as well as cycle parking being provided on site and shall be undertaken in accordance with details approved under discharge of condition application RB2021/1723.

Reason

In order to promote sustainable transport choices.

07

Prior to the occupation of any dwelling, details of vehicle charging points (one point per parking space) shall have been submitted to and approved by the local planning authority. The development 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.

08

The Multi Use Games Area to be retained on site shall only be used by those occupying the residential accommodation on site and shall not be made available to the general public.

Reason

The parking area on site does not have the capacity to deal with general parking for those not living on the site

Trees and Landscaping

09

The scheme of proposed tree planting and tree pits shall be undertaken in accordance with the approved details approved under discharge of condition application RB2021/1723.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to

the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape – Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Reason:

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

Broadband

10

Prior to the occupation of the dwellings hereby approved, the provision of gigabit-capable full fibre broadband shall be provided for each dwelling, in accordance with the details approved under discharge of condition application RB2021/1723.

Reason

In accordance with Local Plan Policy SP61 'Telecommunications' and Chapter 10 of the NPPF.

Bin storage

11

Before the development is brought into use the 3 waste bins shown on Plan FS06 Drawing No 3 Revision D shall be provided, and the bins shall thereafter be retained in that location.

Reason

To ensure that appropriate waste collection facilities are available at the site.

Informatives

01

The Developer is requested to avoid any parking on Church Lane during the construction process as this is likely to block access along the Lane to the detriment of road safety in the area.

02

Planning Informative Note: Provision of gigabit-capable full fibre broadband for

dwellings/developments:

Developers should:

- Contact broadband infrastructure suppliers ASAP about their planning application and requirements
- Provide gigabit-capable full fibre broadband for dwellings/developments
- Consider installing gigabit-capable full fibre infrastructure from at least 2 suppliers

Gigabit-capable full fibre Network Operators:

Openreach: Information applies to new residential and commercial developments:

Developer information: <https://www.openreach.com/fibre-broadband/fibre-for-developers/registering-your-site>

Rate card for 1-19 plots:

<https://www.openreach.com/content/dam/openreach/openreach-dam-files/images/fibre-broadband/fibre-for-developers/registering-your-site/Rate%20card%20website.pdf>

The benefits of installing full fibre network:

https://www.openreach.com/content/dam/openreach/openreach-dam-files/images/fibre-broadband/fibre-for-developers/registering-your-site/OR_10965_Small%20build%20A5%20tri-fold%20leaflet_04%20WEB.pdf

Virgin Media : <https://www.virginmedia.com/lightning/network-expansion/property-developers>

CityFibre:

CityFibre only invests in full fibre networks, which means fibre at every point in the network, including the final leg from the street cabinet. With no reliance on copper infrastructure, our connections are the best way to ensure your buyers receive gigabit-speed, consistent and reliable internet connectivity. Provide a future-proof network capable of 10Gbit/s and beyond. Sites of 10+ plots – free issue of ducts, chambers & lids and ancillary items to site and payment of approved works to developer. Dedicated locally based City Planner for rapid and consistent turnaround of site design. CityFibre are interested in smaller plots of <10 and will provide further support and information on a site by site basis. Register your site and for more information: <https://www.cityfibre.com/property/>

Hyperoptic: <https://hyperoptic.com/>

Gigaclear: <https://www.gigaclear.com/>

Pine Media: <https://www.pinemedia.net/developers/>

This list is not exhaustive.

For further information on other technologies available:
<http://www.superfastsouthyorkshire.co.uk/technologies>

Evidence: Installation of gigabit-capable full fibre broadband in new developments:

The types of evidence that can be submitted include:

- A contract or invoice for the installation of the physical infrastructure and the connection to gigabit-capable full fibre broadband (must match the stipulation in the original requirement by the Local Authority)
- Confirmation of the speed that will be achieved by the gigabit-capable full fibre broadband infrastructure, from the network operator

Other support:

The Superfast South Yorkshire Team is available to offer advice and discuss connectivity solutions to new sites with developers and can be emailed at hello@superfastsouthyorkshire.co.uk

For more information please visit:
<http://www.superfastsouthyorkshire.co.uk/sfsy/developments>

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	RB2022/1101 https://rotherham.planportal.co.uk/?id=RB2022/1101
Proposal and Location	Application to vary condition 02 (approved plans) imposed by RB2020/0414 at the former Treeton Youth Enterprise Centre, Church Lane, Treeton
Recommendation	Granted Conditionally

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

Site Description & Location



The application site consists of the former Treeton Youth Enterprise Centre, which was formally a school. The building is an attractive Victorian school building constructed of Rotherham Red sandstone with a Welsh slate roof. The site is accessed off Church Lane but is visually prominent from both Church Lane and Front Street. The building is within the Treeton Conservation Area. The site includes a number of trees to the frontage of the site which figure prominently within the surrounding Conservation Area.

To the south of the buildings on the site is a multi use games area which was formally leased by Treeton Parish Council. However, this has now closed and is not open to the public.

Background

The most recent and relevant planning history is set out below:

RB2020/0414: Conversion and extension of existing commercial building to 14 No. residential apartments and removal of palisade fencing and erection of railings- GRANTED CONDITIONALLY 12/02/21

RB2022/0798: Non material amendment to application RB2020/0414 to include alteration of materials to rear of building from stone to render - REFUSED 27/07/22

RB2022/0800: Application to vary condition 5 (window details) imposed by RB2020/0414 - Undetermined

Proposal

During the determination of the previous application, the applicant amended the scheme so as to show stone cladding on the single storey C20th extension on the rear of the detached building at the rear of the site, fronting Church Lane. Three other similar C20th extension off-shots on the rear of the main building were to include parapet walls in materials that matched those in the extensions, though they were not to be clad in stone.

The current proposal is to vary condition 02 (approved plans) of planning permission RB2020/0414. The applicant now wants to change the proposed stone cladding on the existing C20th extension on the rear of the detached building at the rear of the site, fronting Church Lane, to render due to the difficulties in obtaining a suitable stone match.

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* purposes in the Local Plan, (and also falls within the Treeton Conservation Area). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy:
CS23 'Valuing the Historic Environment'

The Rotherham Sites and Policies Document:
SP41 'Conservation Areas'

SP43 'Conserving and Recording the Historic Environment'
SP55 'Design Principles'

Other Material Considerations

South Yorkshire Residential Design Guide

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 press and site notice as the site is within the Treeton Conservation Area, along with individual neighbour notification letters to adjacent properties. The Council has received 3 separate objections including an objection from Treeton Parish Council. The Council has also received a petition with 13 names and address supplied, one of which made a separate representation. The objections received are summarised below:

Treeton Parish Council

- The application was advertised with the incorrect address.
- Would the new parapet walls be constructed with a rendered finish or natural stone? The application form isn't clear.
- Rotherham Red sandstone is still available and could be sourced for this development.
- The application is driven by cost.
- The use of render instead of natural stone would not be a quality finish and would be harmful to the character of the building and the wider Conservation Area.

Neighbouring objectors

- The replacement of natural stone with render is driven by cost and is not a high-quality finish as was previously approved. New Rotherham Red sandstone can still be sourced.
- The application was advertised with the incorrect address.
- The original requirements of the condition for the cladding to be in natural stone should be retained and enforced.

- The amendment from natural stone to render would be harmful to the character of the building and the wider Treeton Conservation Area.
- Clarity should be sought that the parapets would be retained on the building.
- The original conditions should be retained and enforced where appropriate.

The applicant and a local resident have requested the right to speak at the meeting.

Consultations

RMBC - Transportation Infrastructure Service: Raise no objections to the proposals in highway terms.

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.

As this is a variation of condition application the principle of the development has already been established. The main consideration in the determination of the application is:

- The impact on the character and appearance of the property and the impact on the Treeton Conservation Area.

Visual impact

Under Section 69 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, a conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

The following Policies are relevant when looking at the impact on the Treeton Conservation Area:

Local Plan Policy CS23 'Valuing the Historic Environment' states that:
"Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (which includes

amongst other things that): d. Proposals will be supported which protect the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest.”

Policy SP41 ‘Conservation Areas’ states that: “Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles (amongst others) developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham’s Conservation Areas and their settings.”

Policy SP 43 ‘Conserving and Recording the Historic Environment’ states that: “All proposals affecting a heritage asset will require careful assessment as to the impact and appropriateness of development to ensure that the historic, architectural, natural history, or landscape value of the asset and / or its setting are safeguarded and conserved, and any conflict avoided or minimised in accordance with the policies of this Local Plan.”

The National Planning Policy Framework (NPPF) states at paragraph 194 that: “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Paragraph 195 of the NPPF states that: “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Paragraph 197 adds that: “In determining applications, local planning authorities should take account of:

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

Paragraph 199 states that: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF states: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The new National Design Guide expands upon the guidance within the NPPF and sets out the basis for the consideration of good design.

In terms of general design issues and the impact on the character of the area, Policy SP55 ‘Design Principles’ states that: “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 proposals are to alter the external finish on the existing C20th extension on the rear of the detached building at the rear of the site, fronting Church Lane, from stone cladding to render. This is due to difficulties in the applicant obtaining a suitable stone match.

It is considered that the existing C20th extension to the building in question is unattractive with a utilitarian appearance and built in non matching materials, primarily being artificial stone, of different coursing and colour to the natural stone of the main building. Fortunately, it is contained within the site and are not clearly visible from within the wider Treeton Conservation Area.

The use of render rather than stone cladding is a diminution of quality of the development. However, it is considered that the use of render would provide a visual improvement on the current situation and it is not considered reasonable to refuse the application on this basis.

As such, it is considered that the use of render instead of stone cladding is acceptable in design and conservation terms and would cause no harm to the designated heritage asset (being the Treeton Conservation Area) and indeed would enhance the appearance of the building and the wider Conservation Area. If it is considered that there is harm caused, this would be significantly less than substantial, and would clearly be outweighed by the public benefits of restoring the currently vacant building to a functional use.

Other issues raised by objectors

Neighbours, including Treeton Parish Council, raised concerns that the original publicity had the wrong address, though this error was rectified with additional publicity undertaken with the correct address. Concerns were raised that the proposals are to save money for the developer. Whilst this is noted it is not considered to be a material planning consideration, only the acceptability or otherwise of the requirement to use render instead of natural stone cladding .

It is noted that objectors, including Treeton Parish Council, stated that Rotherham Red sandstone is still available and can be sourced. Whilst this is correct, it is noted that supply is highly restricted. However, notwithstanding this fact, as discussed above the use of render is considered to be acceptable in design and conservation terms.

Finally, it is noted that concerns were raised over whether or not the new parapet features would be retained or lost on the building, though these are only proposed on the extensions to the main building itself, so are unaffected by the current proposals.

Whilst these comments are noted, the approved plans would not change as part of this variation of condition application and this feature would need to remain, with the only alteration being the change to the materials to clad the existing C20th extensions from stone to render.

Conclusion

In conclusion, it is considered that the variation of the condition to allow render instead of stone cladding on one of the C20th extensions is acceptable in design and conservation terms. It is considered that the proposed alteration to the approved scheme would not have any impact on the amenity of neighbouring residents, nor would it have any highway impact or impact on trees.

Conditions

01

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

Drawing Number (Location Plan)(Received 26/01/2020)

Drawing Number, FS06/ 1)(Received 19/01/2021)

Drawing Number (FS06/ 3)(Received 01/09/2020)

Drawing Numbers (FS06 4/ & 7)(Received 15/01/2020)

Drawing Numbers (FS06/ 5 Rev A & FS06/6 Rev B)(Received 05/08/2022)

Reason

To define the permission and for the avoidance of doubt.

02

Details of the colour of the render to be used shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is brought into use.

Reason

In the interest of visual amenity in accordance with SP41 'Conservation Areas.'

03

Prior to the removal of the chimney facing Front Street details of the materials to be used in the reconstruction of the external surfaces of the development hereby permitted, including roofing and walling materials where appropriate, shall be submitted or samples of the materials have been left on site, and the development shall thereafter be carried out in accordance with the approved details/samples.

Reason

In the interest of visual amenity in accordance with SP41 'Conservation Areas.'

04

The boundary treatment to the north of the site shall be wrought iron or cast aluminium as shown on Drawing FS06 / 3 (received 1/09/2020). The railings shall be painted black or dark green unless otherwise agreed in writing with the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason

In the interest of visual amenity in accordance with policy SP41 'Conservation Areas.'

05

Prior to the occupation of the dwellings hereby approved details of the replacement windows, including their paint colour, shall be submitted to and approved by the Local Planning Authority at a scale of 1:10. The window shall be timber with a painted finish unless otherwise agreed in writing with the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason

In the interest of visual amenity in accordance with policy SP41 'Conservation Areas.'

Highways

06

Before the development is brought into use the car parking area shown on the approved plan (Drawing Number FS06/3)(Received 01 September 2020) plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

07

A scheme detailing how the use of sustainable/public transport will be encouraged along with an Information Pack for new residents as well as cycle parking being provided on site and shall be undertaken in accordance with details approved under discharge of condition application RB2021/1723.

Reason

In order to promote sustainable transport choices.

08

Prior to the occupation of any dwelling, details of vehicle charging points (one point per parking space) shall have been submitted to and approved by the local planning authority. The development 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.

09

The Multi Use Games Area to be retained on site shall only be used by those occupying the residential accommodation on site and shall not be made available to the general public.

Reason

The parking area on site does not have the capacity to deal with general parking for those not living on the site

Trees and Landscaping

10

The scheme of proposed tree planting and tree pits shall be undertaken in accordance with the approved details approved under discharge of condition application RB2021/1723.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to

the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape – Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Reason:

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

Broadband

11

Prior to the occupation of the dwellings hereby approved, the provision of gigabit-capable full fibre broadband shall be provided for each dwelling, in accordance with the details approved under discharge of condition application RB2021/1723.

Reason

In accordance with Local Plan Policy SP61 'Telecommunications' and Chapter 10 of the NPPF.

Bin storage

12

Before the development is brought into use the 3 waste bins shown on Plan FS06 Drawing No 3 Revision D shall be provided, and the bins shall thereafter be retained in that location.

Reason

To ensure that appropriate waste collection facilities are available at the site.

Informatives

01

The Developer is requested to avoid any parking on Church Lane during the construction process as this is likely to block access along the Lane to the detriment of road safety in the area.

02

Planning Informative Note: Provision of gigabit-capable full fibre broadband for dwellings/developments:

Developers should:

- Contact broadband infrastructure suppliers ASAP about their planning application and requirements
- Provide gigabit-capable full fibre broadband for dwellings/developments
- Consider installing gigabit-capable full fibre infrastructure from at least 2 suppliers

Gigabit-capable full fibre Network Operators:

Openreach: Information applies to new residential and commercial developments:

Developer information: <https://www.openreach.com/fibre-broadband/fibre-for-developers/registering-your-site>

Rate card for 1-19 plots:

<https://www.openreach.com/content/dam/openreach/openreach-dam-files/images/fibre-broadband/fibre-for-developers/registering-your-site/Rate%20card%20website.pdf>

The benefits of installing full fibre network:

https://www.openreach.com/content/dam/openreach/openreach-dam-files/images/fibre-broadband/fibre-for-developers/registering-your-site/OR_10965_Small%20build%20A5%20tri-fold%20leaflet_04%20WEB.pdf

Virgin Media : <https://www.virginmedia.com/lightning/network-expansion/property-developers>

CityFibre:

CityFibre only invests in full fibre networks, which means fibre at every point in the network, including the final leg from the street cabinet. With no reliance on copper infrastructure, our connections are the best way to ensure your buyers receive gigabit-speed, consistent and reliable internet connectivity. Provide a future-proof network capable of 10Gbit/s and beyond. Sites of 10+ plots – free issue of ducts, chambers & lids and ancillary items to site and payment of approved works to developer. Dedicated locally based City Planner for rapid and consistent turnaround of site design. CityFibre are interested in smaller plots of <10 and will provide further support and information on a site by site basis. Register your site and for more information:

<https://www.cityfibre.com/property/>

Hyperoptic: <https://hyperoptic.com/>

Gigaclear: <https://www.gigaclear.com/>

Pine Media: <https://www.pinemedia.net/developers/>

This list is not exhaustive.

For further information on other technologies available:
<http://www.superfastsouthyorkshire.co.uk/technologies>

Evidence: Installation of gigabit-capable full fibre broadband in new developments:

The types of evidence that can be submitted include:

- A contract or invoice for the installation of the physical infrastructure and the connection to gigabit-capable full fibre broadband (must match the stipulation in the original requirement by the Local Authority)
- Confirmation of the speed that will be achieved by the gigabit-capable full fibre broadband infrastructure, from the network operator

Other support:

The Superfast South Yorkshire Team is available to offer advice and discuss connectivity solutions to new sites with developers and can be emailed at hello@superfastsouthyorkshire.co.uk

For more information please visit:
<http://www.superfastsouthyorkshire.co.uk/sfsy/developments>

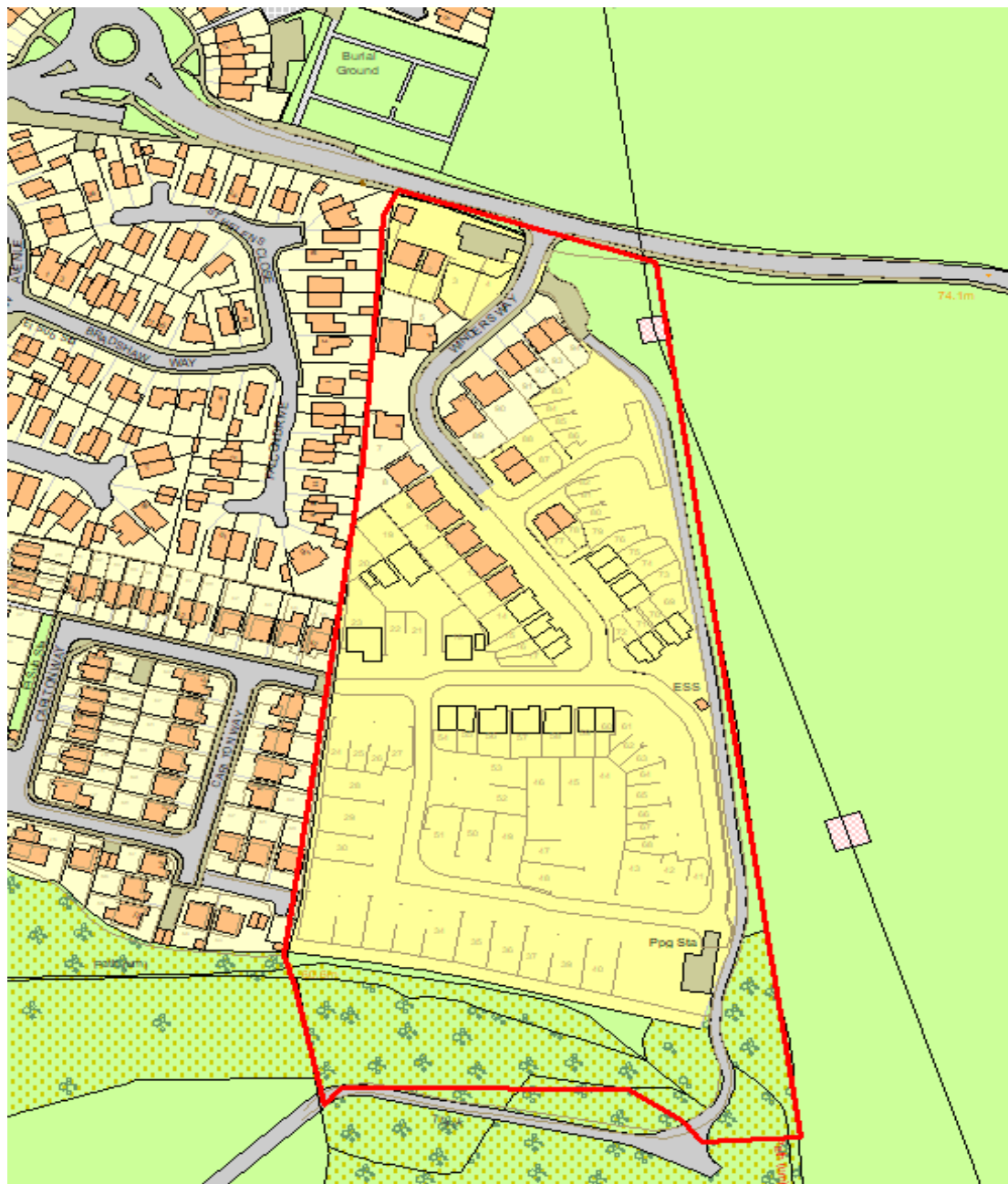
POSITIVE AND PROACTIVE STATEMENT

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	RB2022/1639 https://rotherham.planportal.co.uk/?id=RB2022/1639
Proposal and Location	Application to vary condition 2 (approved plans) imposed by RB2020/1860, Land south of Wood Lane, Treeton
Recommendation	(A) That a Deed of Variation be signed in respect of the original S106 agreement (B) That subject to the signing of the deed of variation, planning permission be Granted Conditionally

This report is being determined by Planning Board due to the number of objections received.

Site Description & Location



The site is located to the south-eastern edge of the village of Treeton and is approximately 4.48 hectares in size. Since 2019 the site has been built out as a housing estate by Jones Homes, with work on site now nearing completion.

Prior to the works commencing at the front of the site, a colliery wheel feature including plaque and miners' wagons was required to be moved as part of the planning permission for the new housing estate so as to accommodate the new highway access. The colliery wheel feature historically acted as an entrance feature to the village.

Background

RB2018/1236 - Erection of 94 No. dwellinghouses including new access road & landscaping - GRANTED CONDITIONALLY

RB2020/1860 - Application to vary condition 02 (approved plans - repositioning of plots) imposed by RB2018/1236 - GRANTED CONDITIONALLY

Proposal

The applicant seeks permission vary the approved plans condition 2 regarding the position of the colliery wheel to the front of the application site. The application has come about following an enforcement complaint regarding the colliery wheel being positioned not in accordance with the approved plans, with the wheel moved further west and oriented towards the estate entrance road, as opposed to Wood Lane. The re-located monument includes a plaque and the miners' wagons which have been repainted, along with natural stone planters.

As a result of the unauthorised changes the colliery wheel monument therefore acts as an entrance feature to the new housing estate as opposed to the village as a whole.

The applicant has agreed during the application process to re-orientate the colliery wheel itself though 90 degrees, so that it faces east towards Wood Lane, though for it to remain in its current location. In addition, the planting areas around the wheel would be altered to remain symmetrical in appearance.

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 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:

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

SP 39 'Design and Location of Green Space, Sport and Recreation'
SP55 'Design Principles'

Other Material Considerations

The 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 submission and the amended plans have been advertised by way of individual neighbour notification letters to adjacent properties and site notice. 64 objections and a 460 named petition have been received, including ones from the Local MP Alexander Stafford and Treeton Parish Council, raising the following comments:

- The wheel has been wrongly positioned only for the benefit of the Jones Homes estate.
- The wheel should be correctly positioned facing Wood Lane and act as an entrance feature to the village.
- The wheel was a gift and an important memorial to mine workers.

In addition to the letters of objection, a petition has been signed by 460 local Treeton residents raising their objections. The petition states that the wheel monument should be repositioned in its correct location.

Alexander Stafford MP States:

- The current positioning of the wheel has obviously been chosen by the developers as a focal point for the entrance for their housing development. This is not the purpose of the wheel – it should be to welcome everyone into the village, while paying respect to the mining heritage of Treeton. The wheel should be visible for everyone entering the village along Wood Lane, rather than being positioned to welcome those entering the estate.
- Treeton Parish Council have clearly set out in their objection the reasons why the wheel needs to be restored to its original location. It serves no purpose to reiterate their comments; however, I wanted to put on record that I fully support their submission.
- It is very disappointing that the developers have chosen to ignore the wishes of the local community and instead are fighting to retain the wheel in the current position.

- A key feature of our planning system is that the community has confidence in the decisions made by the planning board and the conditions attached. To subsequently try and alter the planning consent due to what I believe is an error on the part of the developer is wrong. This undermines confidence in future planning decisions, and as such I believe it is wrong that the developer is seeking to vary the existing planning consent to save a relatively small amount of money correcting their mistake.

Treeton Parish Council states:

- Treeton Parish Council have consistently made their position very clear as have residents of the village through a signed petition and an online survey of opinion and they wish to see the mine wheel moved to the position as per the approved plans (Drawing No. 2018/1236) and orientated to face as a welcome into the village again as per the approved plans.
- We look forward to RMBC listening to the views of the PC, residents of Treeton and ex-miners and families beyond the village, the Miners Unions and local historians and upholding the original consent in full and therefore to you refusing application 2022/1639.

In respect of the revised plans, re-orientating the colliery wheel itself through 90 degrees though retaining it in its current location, 7 additional objection letters were submitted from those previously objecting. The objections maintained their concerns and their stance that the wheel should be re-positioned in its original approved location.

The applicant and Treeton Parish Council have requested the right to speak at Planning Board.

Consultations

RMBC - Transportation and Highways: No objections

Appraisal

The principle of development has already been approved and the main considerations in the determination of this application are:

- Design and repositioning of the colliery memorial wheel
- Highways

Design and repositioning of the colliery memorial wheel

SP55 'Design Principles' states that: "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.

Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

d. proposals reinforce and complement local distinctiveness and create a positive sense of place; public art should be incorporated into proposals where appropriate;"

SP39 'Design and Location of Green Space, Sport and Recreation' states that:

"Proposals for Green Space, sport and recreation and children's play space within new and existing developments should be designed to incorporate the following principles:

- a. able to deliver Green Space to the recommended accessibility standards and typical characteristics set out in Policy SP 37 'New and Improvements to Existing Green Space';
- b. landscaped and sited on land suitable for the purpose;
- c. located away from busy roads and car-parks, or separated from them by suitable boundary treatments;
- d. attractive and sited in open locations, easily observed by non-users;
- e. the facilities are accessible to as many potential users as possible;
- f. easily accessed by pedestrians and cyclists;
- g. linked to other green spaces either directly or via green infrastructure corridors;
- h. ensures ease of maintenance, operational sustainability (repair and replacements), and affordable quality management for the lifetime of the equipment."

In this instance the colliery wheel forms an important part of the history of Treeton and reflects the villages coal mining origins. Whilst the wheel and associated features are of historic interest, they are not Listed structures or fall within a conservation area. To reflect the local interest of the monument the applicant proposed as part of the original application to position the wheel facing towards Wood Lane, as an entrance feature to the village.

The wheel has since been relocated closer to the estate entrance road and is angled so as to face north west toward the estate entrance road. This work was done without consent and whilst the standard of work has been very high, with the wheel, plaque and miners' wagons repainted and natural stone planters formed, its new orientation fails to act as an entrance feature to the village.

To overcome this local concern the applicant has been asked to re-orientate the wheel, plaque and wagon so as to face north east, and look toward oncoming motorists entering the village. The applicant has agreed to this amendment and the memorial will be repositioned facing north east with new stone and brick planter troughs built to accommodate the wheel and appear symmetrical when viewed from this angle.

It is considered that the repositioned wheel is acceptable subject to this re-orientation works taking place. The wheel will still act as a gateway feature to the village and the historic feature has been maintained so that it can be enjoyed for many years to come. The proposal also accords with SP 39 "Design and Location of Green Space, Sport and Recreation" in terms of providing a well laid out open Green Space, with the monument easily visible to both pedestrians and passing motorists. Indeed, it is considered it would be more visible, once re-orientated in its current position, to vehicles entering the village from the east than the position originally proposed under the planning permission.

Highways issues

The proposed repositioned monument has been positioned so as not to block highway visibility and therefore there are no highway safety concerns.

Conclusion

In conclusion, it is considered that subject to the re-orientation of the colliery wheel in accordance with the amended plans, the proposal is acceptable and accords with SP55 'Design Principles' & SP 39 'Design and Location of Green Space, Sport and Recreation'.

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 approved plans (as set out below)

2605-1-000-Site Location Plan

JHY-1313-200(Rev AL) – Amended Proposed Site Layout (Received 08/02/23)

JHY-1313-209.1 Rev C – Amended Monument Details and Plan (Received 08/02/23)

2605-1-012-C-Proposed Street Scenes

2605-1-016-Proposed Single Garage

2605-1-017-Proposed Double Garage

2605-1-018-Indicative Play Equipment Location Plan

2605-1-019-D-Site Sections

2605-1-020-B-Proposed Finished Floor Levels Plan

JHY-1313-203(P24-40)- Amended Proposed Materials Plan (Received 06/10/21)

JHY/1313/ELCP/01 Rev A Birch

JHY/1313/ELCP/10 Rev A Hollin B

JHY/1313/ELCP/09 Stratton

JHY/1313/ELCP/08 Bayswater

JHY/1315/ELCP/07 Banbury

JHY/1313/ELCP/02 Thornton

JHY/1313/ELCP/03 Cranford
JHY/1313/ELCP/04 Bentley
JHY/1313/ELCP/11 Huxley A
JHY-1313-209.1 Rev C Monument Details and Plan (Received 08/02/23)

Additional Plans
42075/023 Q– Amended Drainage Layout (Received 25/10/21
42075_002_C-External Works

Reason

To define the permission and for the avoidance of doubt.

02

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details on the approved Materials Layout Plan JHY-1313-203(P24-40).

Reason

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

03

The boundary treatment shall be provided on site in accordance with the approved amended site plan JHY-1313-200(P24-40). The approved boundary treatment shall be implemented prior to the occupation of each dwelling.

Reason

In the interests of the visual amenity of the area and in accordance with the Development Plan.

04

Before the development is brought into use, that part of the site to be used by vehicles shall be properly constructed with either
a) a permeable surface and associated water retention/collection drainage,
or
b) an impermeable surface with water collected and taken to a separately constructed water retention / discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained in accordance with the Local Plan and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems.

05

The road sections, constructional and drainage details shall be undertaken in accordance with the details agreed as part of discharge of conditions application RB2019/1294.

Reason

In the interest of highway safety.

06

The development shall be undertaken in accordance with construction management plan JHY-1313-CMP-001 Rev A.

Reason

In the interests of highway safety and residential amenity.

07

Prior to the occupation of each dwelling a Rolec WallPod: EV Ready unit shall be installed for the use of the resident.

Reason

To promote sustainability in accordance with the Local Plan and the NPPF

08

The development shall be undertaken in accordance with the Eastwood & Partners Phase 2 Geotechnical and Geo-Environmental site Investigation report.

Reason

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

09

Those dwellings that require bat and bird boxes as shown on the Bird/Bat Box Plan (WLT 02) shall not be occupied until the approved bird/bat boxes have been installed.

Reason

In the interest of local ecology in accordance with the Local Plan and the NPPF.

10

Lampenwelt 9936003 security lighting shall be installed to Plots No.31-40 prior to the occupation of the dwellings. No additional security lighting shall be installed at these plots without the prior written consent of the Local Planning Authority.

Reason

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

11

Within 3 months of this permission an updated 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.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and ecology.

Informatives:

01

The planning permission is subject to a Legal Agreement (Obligation) under Section

106 of the Town and Country Planning Act 1990. The S106 Agreement is legally

binding and is registered as a Local Land Charge. It is normally enforceable against

the people entering into the agreement and any subsequent owner of the site.

02

Wildlife Legislation

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

03

Nesting bird

Site clearance should ideally be outside of the bird nesting season. If vegetation

clearance is required in the bird nesting season (March-August) then a qualified

ecologist should be employed to check the area first and ensure that no nesting

species are present. No works can take place whilst birds are actually nesting.

04

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 the Magistrates' Court. Details submitted in respect of the proposed Construction Management Plan should address these issues.

05

Cadent Gas Network: Cadent have identified operational gas apparatus Gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. Cadent notes that the developer must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The developer should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the developer must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

06

South Yorkshire Police

This development would benefit from being built to Secured by Design (SBD) standards. For further information please contact:

Suzanne.turton@southyorks.pnn.police.uk

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.

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