

PLANNING REGULATORY BOARD

**Date:- Thursday 6 April 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 16th March, 2023 (Pages 7 - 8)
6. Deferments/Site Visits (information attached) (Pages 9 - 10)
7. Development Proposals (Pages 11 - 33)
8. Updates
9. Date of next meeting - Thursday, 27th April, 2023 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, 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 - 16/03/23

PLANNING BOARD
16th March, 2023

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

Apologies for absence:- Apologies were received from Councillors Cowen and Fisher.

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

169. EXCLUSION OF THE PRESS AND PUBLIC

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

170. MATTERS OF URGENCY

There were no matters of urgency for consideration.

171. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

172. MINUTES OF THE PREVIOUS MEETING HELD ON 23RD FEBRUARY, 2023

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 23rd February, 2023, be approved as a correct record of the meeting.

173. DEFERMENTS/SITE VISITS

There were no deferments or site visits recommended.

174. 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 person attended the meeting and spoke about the application below:-

- Application to vary Condition 2 (approved plans) imposed by RB2020/1860 at land south of Wood Lane, Treeton for Jones Homes (Yorkshire) Ltd. (RB2022/1639)

Mr. T. Adair – Treeton Parish Council (Objector)

Statements were read out by the Presenting Officer in relation to objections by Treeton Parish Council and a collective response from local residents for the applications below:-

- Application to vary Condition 05 (window details) imposed by RB2020/0414 at former Treeton Youth Enterprise Centre, Church Lane, Treeton for Mr. P. Westwood (RB2022/0800)
- Application to vary Condition 2 (approved plans) imposed by RB2020/0414 at former Treeton Youth Enterprise Centre, Church Lane, Treeton for Mr. P. Westwood (RB2022/1101)

(2) That application RB2022/0800 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2022/1101 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report, subject to the substitution of Drawing Number FS06/6 Rev B (Received 05/08/2022) with Drawing Number FS06/6 Rev C (received 15/03/2023) which showed reduced proposed rendering, as set out at the meeting by the Presenting Officer.

(4) That consideration of application RB2022/1639 be deferred to allow the Local Planning Authority to consult with the applicant on options in relation to this matter. Should the matter for resolution be in line with the suggestions of the Planning Board the application be granted in consultation with the Chair and Vice-Chair of the Planning Board.

175. UPDATES

There were no updates to report.

176. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 6th April, 2023 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 6TH APRIL 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 6TH APRIL 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 /0160 https://rotherham.planportal.co.uk/?id=RB2022/0160
Proposal and Location	Erection of 1No. Dwelling House, land at rear of 23 Worksop Road, Swallownest
Recommendation	Grant Conditionally

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



Site Description & Location

The site of application forms part of the former beer garden and car park to No.23 Worksop Road, which was until recently a Public House (the Oak Inn), but is now a solicitor's office. The application site does not include a small

area at the rear of the solicitors which was formally used a beer garden and is used for some informal parking and bin storage.

Either side of the land and to the rear of the car park area is overgrown land. The land within the application site itself has recently been cleared and there is a significant change in levels down to a stream. Highway access is derived to the side of No.23 Worksop Road.

Background

RB2020/1870 - Change of use to offices (use class E)- GRANTED CONDITIONALLY

Proposal

The applicant seeks planning permission for the construction of a new 2 bedroom two storey dwelling. The dwelling is a modern design with a flat roof and timber cladding/render, appearing similar to a modernist 1960s or 1970s dwelling. A large basement area would be dug out to form a subterranean cinema room and entertainment space, and the material excavated would be used to raise ground levels to form a level platform for development. Levels would be raised by a maximum of approximately 1m and the land would be graded down towards the boundaries.

Following Officer advice, the applicant has turned a bedroom into a cinema room as it did not contain a window. Furthermore, the plans have been amended by setting the dwelling forward within the plot to avoid two large Yorkshire Water Sewers.

Access will be via the existing access at the side of the solicitors, the solicitors will no longer have access to parking to the rear and will rely on street parking.

The applicant has also provided an indicative landscaping plan showing landscaping to the front and rear of the site.

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:

Core Strategy policy(s):

CS3 'Location of New Development'

CS6 'Meeting the Housing Requirement'

CS14 'Accessible Places and Managing Demand for Travel'

CS21 'Landscapes'

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

SP11 'Development in Residential Areas'

SP12 'Development on Residential Gardens'

SP55 'Design Principles'

Other Material Considerations

The revised NPPF came into effect in July 2021. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties. 7 letters of objection have been received stating the following:

- The proposed highway access is poor. Large lorries will struggle to access the site.
- The clearance of the site has been detrimental to wildlife
- The site notice was removed from site.
- The indicative plan shows a potential access of Manvers Road, which would not be acceptable.
- The applicant has cleared and fenced off part of the neighbour's land.
- No parking provision retained for the solicitors.
- Impact upon the flood plain.

The applicant has requested the right to speak at Planning Board.

Consultations

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

RMBC – Drainage: Recommends appropriate condition relating to surface water run off.

RMBC – Contamination: No objection subject to recommended conditions.

Yorkshire Water – No objection to amended plans showing stand-off distance to main drains. Recommends a number of conditions.

Appraisal

The main considerations in the determination of this application are:

- Principle of development
- Highways
- Design and impact upon neighbours and the character of the area
- Trees, ecology and other issues

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.”

Whilst the application site doesn’t consist of former residential gardens, its assessment against Policy SP12 is considered appropriate in this instance. The proposal will have its own access and has been positioned to avoid two large public sewers which run through the land. With the large public sewers running through the land, multiple land owners and the significant change in levels at the rear of the site, a comprehensive development is difficult to achieve. As such this single backland development is considered acceptable in this instance.

Points ‘b’ and ‘c’ are addressed below.

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 111 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.”

Part of the area to the rear of No 23 was previously identified for car parking purposes for the former public house (the Oak Inn). This parking area would be developed out, and the solicitor's office at the front has no access to parking at the rear. A condition is recommended to ensure the rear courtyard is blocked off to potential vehicles to ensure off street parking does not persist.

It is noted that the access is very narrow such that 2 cars can't pass and therefore would potentially result in cars reversing back into the busy classified highway. However, the proposed development of a single dwelling would generate less traffic movements than that historically using the access when used to serve the pub car park. Accordingly, from a highway safety aspect, a single dwelling served from the access is acceptable. Whilst this will leave the solicitors without parking facilities, the site is located within the village centre with good access to public transport / car parking facilities. On street parking is also available.

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 111 of the NPPF.

Design and impact upon neighbours and the character of the area

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.'

In terms of the amenity of nearby residents, the proposed dwelling will be set within substantial grounds away from adjoining dwellings or properties. The dwelling has been amended to also ensure that no habitable rooms windows overlook adjoining land. The dwelling will therefore not appear overbearing or result overlooking.

Turning to the character of the area, the dwelling is designed with a modern flat roof design. The surrounding dwellings are mainly Edwardian dwellings

that have been heavily modernised over recent decades with little historic character remaining.

With this in mind this unusual flat roof design is considered appropriate for this backland location which cannot be readily viewed from public vantage points. The National Guidance also allows for different architectural designs, especially in cases such as this outside of Conservation Areas with no defined architectural style.

In addition, the dwelling will have adequate internal space and will be provided with a large garden, in accordance with the South Yorkshire Residential Design Guide.

Trees, ecology and other issues

The rear of the site has over recent years become overgrown and prior to the submission of the application the applicant cleared the site for investigation and to install boundary fencing. Some objectors have raised concerns about the ecology impact of this work, however the clearance was done prior to submission, didn't require permission and mainly involved land outside of the application site. The applicant has provided an indicative landscape scheme showing landscaping to the front and rear of the site and a more detailed scheme has been conditioned to ensure no net biodiversity loss as well as some visual relief.

Turning to the drainage concerns raised by neighbours, no objections are raised by Yorkshire Water or the Council's Drainage Team and conditions have been attached to ensure that the site is adequately drained. It is noted that the bottom section of the site falls within a surface water flood risk area, although this area is not intended to be developed and the new dwelling is set well away from any area at risk of flooding.

The applicant currently has a residential caravan on site, which under permitted development rights can be located on site during the construction phase, the applicant has confirmed that the caravan will be removed once the dwelling is completed. If planning permission is removed then the caravan should be removed.

Finally, a neighbour at No.21 has raised concerns that the applicant has cleared and fenced off their land. This application only relates to land within the applicant's ownership and the Council has made the applicant aware of the land ownership dispute relating to land outside of the application site which they need to resolve as a separate matter.

Conclusion

In conclusion, it is considered that the proposed single dwelling is acceptable in principle in this location and would not give rise to any issues such as impact on neighbours, highway safety or ecology. As such, it is recommended

that the above application is granted planning permission subject to the recommended 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)

(Proposed Elevations 21_55_06G & 21_55_07G) (Received 10 January 2023)

(Proposed Roof Plan 21_55_05B) (Received 28 January 2022)

(Proposed Basement Plan 21_55_02B) (Received 28 January 2022)

(Proposed Ground Floor Plan 21_55_03D) (Received 28 January 2022)

(Amended Site Plan 21_55_01D)

(Topography Plan 21_55_27A)

(Amended First Floor Plans 21_55_04D) (Received 16/02/2022)

(Amended Sewer Standoff Plan 21_55_28)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment details shall be completed before the development is brought into use.

Reason

In order to ensure a satisfactory appearance in the interests of visual and neighbouring amenity.

06

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

Reason

In the interests of sustainable development and air quality.

07

Prior to the occupation of the dwelling, 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.

- 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.

08

Above ground development shall not begin until details of the proposed means of disposal of foul and surface water, including details of any off-site work and on site attenuation of surface water flows, have been submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with the Local plan and the NPPF.

09

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

10

No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the 300mm and 375mm public sewer i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required standoff or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning

Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason

In the interest of public health and maintaining the public sewer network

11

If during development works unexpected significant contamination is encountered, works shall cease immediately 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.

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.

12

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

13

Details of boundary treatment or bollards to prevent vehicles access to the rear yard of 23 Worksop Road, Swallownest shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the development is brought into use and thereafter retained during the lifetime of the development.

Reason

In the interest of highway safety.

Informatives

01

Gigabit-capable full fibre broadband: The four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. Please refer to the attached informative in this respect.

02

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

(i) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

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

03

The temporary residential caravan should be removed prior to the dwelling being occupied.

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	RB2022/1757 https://rotherham.planportal.co.uk/?id=RB2022/1757
Proposal and Location	Erection of floodlighting to football pitch, Sports Pitch land end of Stone Close, Kiveton Park
Recommendation	Grant Conditionally

The application is being reported to Planning Board due to the number of objections received.



Site Description & Location

The site of application is the Kiveton Miners Welfare football club located in a large sports and recreation ground on the edge of Kiveton Park. The site consists of a number of football pitches and a cricket pitch. Access is via Stone Close, a small residential cul de sac. Kiveton Park FC formerly also played at this site but have recently moved to the new all weather facility at Wales High School.

Recently a new portable toilet block has been moved onto the site to provide facilities for spectators, and two further portable buildings that are proposed to

be used for replacement changing facilities have also been brought to site (currently stored on the car park area), and the applicant has indicated that they will be submitting a planning application for the temporary siting of these structures in an attempt to regularise these developments .

Background

RB1991/0930 - Erection of changing room building & construction of car park - GRANTED CONDITIONALLY

RB1994/0360 - Erection of floodlights on football pitch - GRANTED CONDITIONALLY

RB2013/0595 - Erection of storage unit, security fencing, cricket sight screen and ball stop netting - GRANTED CONDITIONALLY

RB2019/0424 - Erection of football facilities & floodlighting - GRANTED CONDITIONALLY

This permission included the installation of 8 x 15m high lighting columns, serving the same pitch as currently proposed, as well as a new clubhouse and toilet block, though the permission has not been implemented and has now lapsed. The permission included hours of operation of the floodlights of 15.00hrs to 19.00hrs Mondays to Sundays, and between 19.00hrs-22.00hrs for a maximum of two days a week.

Proposal

The applicant seeks permission to erect floodlighting to the existing football pitch. The lighting consists of 6 lighting columns 15m high, in galvanised steel. The columns themselves are second hand and will be refurbished before installation.

The lights will be used during the following hours:

Tuesdays from 19:00 until 22:00hrs

Thursdays from 19:00 until 22:00hrs

Saturdays from 15:00 until 18:00hrs

The scheme initially involved diesel generators enclosed by palisade fencing to provide electricity to the floodlights. This element of the scheme has been removed at Officers' request and the floodlights will be powered by mains electricity.

The position of the columns and the luminance of the lights have also been altered in order to reduce the light spillage to neighbouring dwellings.

The applicant has provided a lighting spillage plan with figures, which concludes that the level of illuminance to neighbouring properties will be acceptable. It notes that the maximum lumines will not exceed 5 lux to any room within adjoining residential properties. The gardens of the neighbouring properties would receive between 5 to 20 lux.

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 28th June 2018.

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

Core Strategy policy(s):

CS22 Green Space

CS28 Sustainable Design

CS29 Community and Social Facilities

Sites and Policies Document:

SP38 Protecting Green Space

SP 52 Pollution Control

SP55 Design Principles

Other Material Considerations

The NPPF states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

Publicity

The application has been advertised by way of site notice and letters to neighbouring properties. A total of 16 objections have been received, including a petition against signed by 23 people, as well as a letter of support from the Local FA. The objections can be summarised as follows:

- The proposal will result in light pollution to adjoining dwellings.
- The increased hours will cause noise disturbance to neighbouring residents, including from swearing.
- The football club causes parking issues on neighbouring streets with players and spectators parking indiscriminately.
- The existing ball stop fencing is not maintained and is sagging causing excessive ball strikes.
- Cabins have been brought onto the site for which there is no planning permission.
- Loud music coming from the ground on matchdays.
- The floodlighting units have already been brought onto site for installation and are second hand and rusty.

- The scheme will be detrimental to shift workers who have to sleep early.
- The proposal will devalue neighbouring dwellings.
- The scheme will impact upon local wildlife from the light pollution.

The Sheffield and Hallamshire FA have written in support stating that:

- Sheffield and Hallamshire FA is supportive of the developing grassroots football facilities
- Kiveton Miner Welfare is currently in receipt of funding toward improving their grass pitches. A project value circa of £50k will go towards improving the playing surfaces for local adult and children.
- The club shows positive commitments towards developing local outcomes; growth in football participation and tackling inequalities across underrepresented groups. Kiveton Miners Welfare have plans to develop their site further to address off the pitch ancillary facilities such as toilet access, changing room provision, and social spaces. This will be fundamental to the club growing and providing new opportunities in the other areas such as girl's football and progression in the men's football pyramid.

8 objectors and the applicant have requested the right to speak at Planning Board

Consultations

RMBC (Highways) – No objections

RMBC (Environmental Health) – The revised lighting assessment concludes that the maximum horizontal and vertical illuminance of 5 Lux will not be exceeded at the residential receptors. Given that the lighting should comply with the above guidance and only be operated for a maximum of two evenings and one afternoon per week, the likelihood of adverse impact is reduced.

RMBC (Drainage) – No objections.

Sport England – No objections. Notes an average maintained floodlighting level of 200lux is required for match play and Football Foundation is content that the information provided shows that this can be achieved, though not a current league requirement for the club.

RMBC (Ecology) – 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 in the determination of the application are:

- Principle
- Design, scale and appearance
- Impact on the surrounding properties
- Impact upon ecology
- Other issues raised by objectors

Principle

Policy CS22 'Green Space' states that: "The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community."

SP38 'Protecting Green Space' states that: "Existing Green Space, including open space, sports and recreational land, including playing fields, as identified on the Policies Map or as subsequently provided as part of any planning permission, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location."

CS29 'Community and Social Facilities' states that: "The Council will support the retention, provision and enhancement of a range of community and social facilities."

NPPF Paragraph 92 states that: "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which....enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling."

The site is allocated for Green Space in the Local Plan and has been used historically as a sports ground. The proposal retains the existing sports pitches and provides improved facilities in the form of lighting for evening matches

It is considered acceptable to erect the 6 x 15m high floodlighting columns, thereby extending the potential use of the playing field, and the proposal would comply with the Local Plan allocation for Green Space and Policies

CS29 'Community and Social Facilities', CS 22 'Green Space' and SP 38 'Protecting Green Space'.

Design, scale and appearance

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design. In addition, paragraph of the NPPF states that: "Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people".

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

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."

The proposed lighting columns are in keeping with the setting of the sports ground and this built up area which includes similar streetlighting columns. It is noted that the applicant intends to use second hand columns with new led lighting units. The re-use of existing columns represents a sustainable use of resources and a condition has been attached to ensure that any rust is removed prior to the erection to ensure they columns have an appropriate appearance.

As such the lighting columns are considered to have an acceptable appearance in accordance with the NPPF, Core Strategy CS28 'Sustainable Design' and SP55 'Design Principles'.

Impact on the surrounding properties

Sites and Policies Document Policy SP 52 Pollution Control states that:

"Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. When determining planning applications, particular consideration will be given to..... The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect

dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”

Paragraph 185 of the NPPF states that: “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

The site is bounded to the north by residential dwellings with relatively short gardens, and as such there is potential for light spillage into neighbouring gardens and rear habitable room windows. The revised lighting assessment concludes that the maximum horizontal and vertical illuminance of 5 Lux will not be exceeded at the residential receptors. As such the lighting will comply with best practice guidance and will only be operated for a maximum of two evenings and one afternoon per week.

The resulting level of luminance to rear gardens would be similar to that emitted by a streetlight and whilst some additional noise will be generated during matches the level is considered acceptable. In addition, the scheme will help provide football provision for the local community during winter months and provide capacity at the club for younger age groups and women.

The proposed development would therefore comply with Local Plan Policy SP52 Pollution Control and the NPPF.

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”.

SP33 ‘Conserving & enhancing the natural environment’ states that: “Development should conserve and enhance existing and create new features of biodiversity ..value”. It also states that: “Planning permission will not be granted for development that is likely to, directly or indirectly, result in

the loss or deterioration of sites, habitat or features that are considered to be irreplaceable due to their age, status, connectivity, rarity or continued presence unless the need for, and benefits of, the development in that location clearly outweigh the loss”.

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

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefit”

Firstly in terms of light pollution the LED lights are designed to reduced light overspill to surrounding areas and are not positioned close to a local wildlife site.

The Council’s Ecologist has assessed the proposal that light spillage is minimal and the lights would only be on for a short period of time over winter months. The scheme therefore accords with the Bat Conservation Trust’s guidance note 08/18 “Bats and artificial lighting in the UK”.

Other issues raised by objectors

It is noted that a number of the objections relate to longstanding issues around parking, swearing during matches, and stray footballs. These longstanding issues cannot be resolved through this application and are somewhat inevitable due to the close proximity of the pitch to neighbouring dwellings. Nevertheless, the football club has produced a management plan intended to lessen the impact of the club on neighbouring residents. Finally, any unauthorised development would be investigated by Planning Enforcement, including the temporary toilet and changing facilities that have been brought to the site.

Conclusion

The principle of development is considered to be acceptable. The sports floodlighting is considered to be in keeping with the character of the area and subject to appropriate conditions restricting hours the lighting is considered acceptable to neighbouring amenity. Therefore the scheme is in accordance with both National and Local Planning Policy.

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 PL006 Rev A (Received 15 February 2023)

Amended Illuminance Levels Plans UKS16271_5 (Received 15 February 2023)

Column Foundations C201/22/1/3UK Rev D (Received 22 November 2022)

Amended Columns HL250D15/2/CH1LED Rev B (Received 22 November 2022)

Reason

To define the permission and for the avoidance of doubt.

03

The lighting columns hereby approved shall be cleaned and any rust removed prior to their installation on site.

Reason

In the interest of visual amenity.

04

The use of the floodlights hereby approved, as indicated on the Lighting Horizontal and Vertical Illuminance document dated 16/1/23 (design ref: UKS16271_5), shall be restricted to the following hours only unless agreed otherwise in writing by the Local Planning Authority.

Tuesdays from 19:00 until 22:00hrs

Thursdays from 19:00 until 22:00hrs

Saturdays from 15:00 until 18:00hrs

Use of the floodlights shall not be permitted outside of these hours.

Reason

In the interests of amenity of the surrounding area.

05

The proposed floodlighting columns shall be installed in accordance with the Lighting Horizontal and Vertical Illuminance document, dated 16/1/23 (design ref: UKS16271_5) undertaken by Abacus. The luminaires shall be suitably

angled and if necessary shielded (as determined by the Local Planning Authority) so as to prevent glare to sensitive receptors beyond the site boundary as per the guidance provided by the Institution of Lighting Professionals in their document 'Guidance Note GN01/21 The Reduction of Obtrusive Light'.

Once installed, a further lighting assessment shall be carried out, to confirm that the maximum lux levels for horizontal and vertical illuminance as detailed in the lighting assessment are not exceeded at the site boundary. The floodlighting columns shall not be brought into use until a report of the findings of the verification test has been submitted to and approved by the Local Planning Authority. The lighting shall thereafter be operated in accordance with the approved details.

Reason

In the interests of amenity of the occupiers of nearby residential properties and the surrounding area in general.

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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