

# ROTHERHAM METROPOLITAN BOROUGH COUNCIL

## PLANNING BOARD

Thursday, 31 March 2005

Start Time 9.00 a.m.

At Town Hall, Moorgate Street, Rotherham

### AGENDA

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Declarations of Interest  
*(Forms will be available for completion at the meeting)*
4. Minutes of the meeting of the Planning Regulatory Board held on 17th March, 2005 (herewith) (Pages 1 - 19)
5. Development Proposals (report herewith) (Pages 20 - 69)
6. Report of the Head of Planning and Transportation Service (herewith) (Pages 70 - 78)
7. Updates

**PLANNING BOARD  
THURSDAY, 17TH MARCH, 2005**

Present:- Councillor Walker (in the Chair); Councillors Atkin, Burton, Darby, Dodson, Hall, Kaye, Nightingale, Pickering, G. A. Russell, R. S. Russell, Turner and Wardle.

Apologies for absence:- Apologies were received from Councillors Burke, License, McNeely and S. Nuttall.

**120.       DECLARATIONS OF INTEREST**

There were no Declarations of Interest made.

**121.       MINUTES OF THE PREVIOUS MEETING**

Resolved:- That the minutes of the Planning Board held on 3<sup>rd</sup> March, 2005 be approved as a correct signature by the Chairman.

**122.       VISITS OF INSPECTION**

Before the formal meeting of the Planning Board, Members of the Board made visits of inspection to four sites (The Mayor, Ward Councillor F. Wright, being in attendance), the subjects of applications for planning permission. The decisions on these applications were recorded as follows:-

**(a) Two storey side and rear extension and new access at 53 Worksop Road, Thorpe Salvin for Mrs. M. Sheety (RB2004/1007)**

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

Mr. P. Leeming (Applicant)  
Mr. B. Whittingham (Objector)

Resolved:- That planning permission be granted, subject to the relevant conditions:-

1. Concurrently with the carrying out of the development a crossing over the footpath/verge in Worksop Road shall be constructed to the specification of the Local Planning Authority and shall be completed before the development is brought into use.
2. Before the development is brought into use the sight lines indicated on the attached plan shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

3. Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmacadam, block paving or other such material as may be agreed by the Local Planning Authority and shall thereafter be maintained in a sound condition.
4. Within the first available planting season after the commencement of the development, trees and/or shrubs shall be planted on the site in accordance with a scheme to be submitted to, and approved by, the Local Planning Authority. Such scheme to provide for species, siting, planting distances, programme of planting and maintenance to establishment and any plants dying, removed or destroyed within five years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.
5. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is first occupied.
6. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
7. The development shall only take place in accordance with the submitted details and specifications shown on the approved plans.
8. Before the development hereby approved is first brought into use the turning space indicated on the approved plans shall be provided and maintained clear for that purpose.
9. Any new boundary walls shall be constructed from coursed natural stone in accordance with details to be submitted to, and approved by, the Local Planning Authority.
10. Before the development hereby approved is first brought into use the west facing bedroom window shall be obscure glazed with non opening lights, unless otherwise agreed in writing with the Local Planning Authority.
11. When the proposed access has been brought into use, the existing access marked X on the attached plan shall be permanently closed and the verge reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.
12. No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with

British Standard 3998 (Tree Work).

If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

13. No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 1.50 metre high barrier fence in accordance with B.S.5837. This shall be positioned in accordance with details to be submitted to, and approved by, the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reasons:-

1. To avoid damage to the footway/verge.
2. To provide and maintain adequate visibility in the interests of road safety.
3. To ensure 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 road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.
4. To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.
5. In the interests of the visual amenity of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.
6. In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.
7. To enable a vehicle to enter and leave the highway in a forward gear in the interests of road safety.
8. To ensure the development is carried out in accordance with the approved plans.
9. In the interests of the character of the Conservation Area.

10. In the interests of the residential amenities of adjoining occupiers.

11. In the interests of road safety.

12. In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

13. To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

**(b) Erection of a bungalow with access from Common Road at land at 37 Worksop Road, Thorpe Salvin for Mr. F. Atkin (RB2005/0096)**

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

Ms. J. Atkin (Applicant)

Mr. Hollingsworth (Objector)

Mr. D. Walker (Objector)

Resolved:- That planning permission be granted, subject to the following conditions:-

1. Concurrently with the carrying out of the development a crossing over the verge in Worksop Road shall be constructed to the specification of the Local Planning Authority and shall be completed before the development is brought into use.

2. Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmacadam, block paving or other such material as may be agreed by the Local Planning Authority and shall thereafter be maintained in a sound condition.

3. No tree or hedgerow shall be cut down, uprooted or destroyed nor shall any tree or hedgerow be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the immediate area and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

4. Before the development hereby approved is first brought into use the turning space indicated on the approved plans shall be provided and maintained clear for that purpose.
5. The development hereby approved shall be constructed from coursed natural stone, and red clay pantiles, samples of which shall be submitted, and approved by, the Local Planning Authority prior to the commencement of development.
6. Permission hereby granted is for one single storey dwelling only.

Reasons:-

1. To avoid damage to the footway/verge.
2. To ensure 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 road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.
3. In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.
4. To enable a vehicle to enter and leave the highway in a forward gear in the interests of road safety.
5. In the interests of the character of the Conservation Area.
6. The site and access are not considered adequate to acceptably cater for more than one dwelling.

**(c) Two storey side extension and single storey front extension at first floor level at 74 Broad Bridge Close, Kiveton Park for Mr. K. Weston (RB2004/2460)**

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

Mr. K. Weston (Applicant)  
Mr. T. Meechan (Objector)  
Mrs. Pickersgill (Objector)

Resolved:- That the Planning Board declared that it was not favourably disposed towards this application, but consideration be deferred and the Head of Planning and Transportation Services, in consultation with the Chairman and Vice-Chairman of the Planning Board, be authorised to determine the reasons for refusal to be attached to this application.

**(d) Retrospective application for the erection of a single storey rear extension, canopy over existing approved external chiller and resiting of refrigeration frogbox at 15 Brinsworth Lane, Brinsworth for Tesco Stores Ltd. (RB2005/0098)**

Resolved:- That the Planning Board declare that it was minded to grant the application, but that consideration be deferred pending further discussions between the Head of Planning and Transportation Service and the applicant regarding the appropriate boundary screening from local residents, lighting direction, general amenity in the area and condition of the rear loading area.

**123. DEVELOPMENT PROPOSALS**

Resolved:- (1) That, on the development proposals now considered, decisions be recorded as set out in the schedule now submitted and the requisite notices be issued (a copy of this schedule, together with the schedule of decisions made under delegated powers, will be made available when the printed minutes are produced).

(2) That the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply to the decisions referred to at (1) above.

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

- Recontouring of land including infilling to facilitate improved drainage and alterations to access at land off Moat Lane, Wickersley for Mr. G. Vasey (RB2004/1655)

Mr. Auban (Objector)  
Mr. Leverick (Objector)

- Outline application for the erection of three storey apartments (21 units only) including details of the siting and means of access at The Canal Tavern, 17 Bridge Street, Swinton for Joseph Croft Leisure (RB2005/0126)

Mr. Ashcroft (Applicant)

3) That applications RB2004/1655, RB2004/2574, RB2005/0063, RB2005/0076, RB2005/0126, RB2005/0141, RB2005/0145 and RB2005/0161 be granted, subject to the relevant conditions listed in the report.

(4) That application RB2005/0113 be granted, subject to the relevant conditions, and that a letter be sent to the Head of Resources and Information Service asking for consideration to be given to allowing minibuses to drop off children on the site that was to be retained and

enhanced as part of the new car park area.

**124. PROPOSED DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 276 DWELLINGS AND ASSOCIATED GARAGES, PARKING AREAS, OPEN SPACE AREAS AND ALTERED ROAD LAYOUT (AMENDMENT TO RB2004/0428) AT LAND AT OUTGANG LANE/ROTHERHAM ROAD, LAUGHTON COMMON, ROTHERHAM (REF. RB2005/0054)**

Consideration was given to a report of the Head of Planning and Transportation Service concerning the above application for planning permission.

Resolved:- (1) That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of ensuring:-

- (i) Provision of a commuted sum towards the up-grading of the existing play area off Meadow Street (approximately £50,000).
- (ii) Provision of 59 affordable housing units, in the form of built units on site through a Registered Social Landlord, in the positions indicated on the approved plans, unless otherwise agreed with the Local Planning Authority.
- (iii) Provision of a management agreement for the open space areas, which shall include details of the phased implementation of the open space, funding mechanism, access to the public and future maintenance.
- (iv) Provision of a commuted sum for the provision and maintenance of a sculpture trail (approximately £45,000).
- (v) Provision of a travel pack including a one year Travel Master pass and personal journey planner for each household prior to occupation (approximately £96,800).

(2) That, consequent upon the satisfactory conclusion of such an agreement, planning permission be granted for the proposed development, subject to the following conditions:-

**Drainage**

1. Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to the discharge to any sewer or watercourse.
2. Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to, approved by, the Local Planning Authority and the development shall not

be brought into use until such approved details are implemented.

3. Unless otherwise agreed in writing with the Local Planning Authority there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

4. The development shall proceed in accordance with the approved flood risk assessment incorporating the accepted mitigation measures into the construction of the development.

5. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

6. There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within:-

(a) 8 metres of the top of any bank of watercourses, and/or

(b) 4 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

#### Highways

7. The development shall not be commenced until details of the proposed roundabout at Outgang Lane, indicated in draft form on plan reference 04-009-01 rev B, and all new vehicular accesses to Outgang Lane/Rotherham Road have been submitted to, and approved by, the Local Planning Authority and the approved details shall be implemented in accordance with a time scale to be agreed with the Local Planning Authority.

8. Prior to the commencement of development details of the siting/design of the two bus shelters and pedestrian crossing facilities for Outgang Lane shall be submitted to, and approved by, the Local Planning Authority.

9. Prior to the commencement of development, details of a prospectively adoptable vehicular turning head at the end of Meadow Street (capable of accommodating the manoeuvres of a refuse collection vehicle) shall be submitted to, and approved by, the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

10. The proposed on site road layout shall be designed and constructed in accordance with the Council's specification for prospectively adoptable

residential estate roads as outlined in the document `Better Places to Live in South Yorkshire` and its technical appendix.

11. Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmacadam, block paving or other such material as may be agreed by the Local Planning Authority.

12. When the proposed accesses have been brought into use, all redundant vehicular accesses to Outgang Lane and Rotherham Road shall be permanently closed and the kerblineline, verge, footway reinstated in accordance with details to be submitted to, and approved by, the Local Planning Authority.

13. Before the development is commenced road sections, constructional and drainage details shall be submitted to, and approved by, the Local Planning Authority.

14. Before the development is brought into use the car parking area shown on the approved layout plan shall be provided, marked out and thereafter maintained for car parking.

Noise/Dust etc

15. Effective steps shall 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 during demolition and construction works. 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.

16. The operator shall install and thereafter utilise as appropriate, wheel washing facilities on the site for the duration of the demolition and subsequent building works. Prior to its installation on site, full details of its specification and siting shall be first agreed with the Local Planning Authority.

17. Except in case of emergency or as agreed in writing with the Local Planning Authority, no operations on site or H.G.V. movements onto or off site shall take place other than between the hours of 0800-1800 Monday to Friday and between 0900-1800 on Saturdays. There shall be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

18. All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising

from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice.

19. The developer shall appoint an engineer or similarly qualified person to be responsible for investigating complaints regarding operations on site immediately such complaints are notified to him and shall inform the Local Planning Authority of such appointment and the arrangements to be employed. A log of complaints shall be kept and made available to the Local Planning Authority on request.

20. No dwelling shall be occupied unless it has been constructed in accordance with a scheme which has been submitted to, and approved by, the Local Planning Authority, so as to ensure that the building envelope provides sound attenuation against external noise, with windows shut and other means of ventilation provided, to achieve an internal noise level of no greater than:-

- (i) 35dB(A) Leq, 1 hour, measured at the mid point in any bedroom.
- (ii) 45dB(A) Leq, 1 hour measured at the mid point in any living room.

#### Trees/Landscaping

21. No trees/hedges shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work) If any tree/hedge is removed, uprooted or destroyed or dies, another tree/hedge shall be planted in the immediate area and that tree/hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

22. Within the first available planting season after the commencement of the development, trees and/or shrubs shall be planted on the site in accordance with a scheme to be submitted to, and approved by, the Local Planning Authority. The scheme shall include for the provision of tree planting in the highway verges on Rotherham Road and on both sides of Outgang Lane, details of the planting, species and maintenance of the landscape buffer on the eastern boundary and planting on the site of the proposed community centre to include provision of anti-gypsy bund. Such scheme to provide for species, siting, planting distances, programme of planting and maintenance to establishment and any plants dying, removed or destroyed within five years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.

23. No work, including site preparation work, or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 1.50 metre high barrier fence in accordance with B.S.5837. This shall be positioned in accordance with details to be submitted to, and approved by, the Local Planning Authority.

The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, including any excavations for service routes, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

24. All tree works shall be carried out in accordance with B.S.3998:1989. A schedule of all tree works shall be submitted to, and approved by, the Local Planning Authority before any work commences and no tree work shall commence until the applicant or his contractor has given at least seven days notice of the intended starting date to the Local Planning Authority.

#### General

25. Notwithstanding the submitted details, prior to the commencement of development, details of all boundary treatments on the site 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.

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

27. Details of the siting and number of bat boxes to be erected in trees on site shall be submitted to, and approved by, the Local Planning Authority and the approved details shall be implemented before the commencement of development.

28. No development shall take place on the area shaded red on the attached plan which is to be set aside for community use.

#### Reasons:-

1. To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

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

3. To ensure that the development can be properly drained.

4. To minimise the impacts of flooding.

5. To prevent the increased risk of flooding.

6. To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows
7. In the interests of highway safety
8. To ensure that the siting and design of bus shelters/pedestrian facilities are acceptable to the Local Planning Authority as no details having been submitted they are reserved for approval in accordance with UDP Policies, ENV3.1 'Development and the Environment'.
9. In the interests of highway safety and the proper planning of the area.
10. For the avoidance of doubt by ensuring that the proposed road layout is designed and constructed in accordance with the Council's specification for prospectively adoptable residential estate roads as outlined in the document 'Better Places to Live in South Yorkshire' and its technical appendix.
11. To ensure 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 road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.
12. In the interests of highway safety.
13. No details having been submitted they are reserved for approval.
14. 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.
15. In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity.
16. In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity.
17. In the interests of the amenities of neighbouring residents and in accordance with Policy ENV3.7 'Control of Pollution' of the U.D.P.
18. In the interests of the amenities of neighbouring residents and in accordance with Policy ENV3.7 'Control of Pollution' of the U.D.P.
19. In the interests of the amenities of neighbouring residents and in accordance with Policy ENV3.7 'Control of Pollution' of the U.D.P.

20. In the interests of the amenities of future residents and in accordance with Policy ENV3.7 'Control of Pollution' of the U.D.P.

21. 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.

22. In the interests of the visual amenities of the area and in accordance with U.D.P. Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

23. To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with U.D.P. Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'

24. To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with U.D.P. Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

25. In the interests of the visual amenity of the area and in accordance with U.D.P. Policies ENV3.1 'Development and the Environment'.

26. To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with U.D.P. Policy ENV3.1 'Development and the Environment'.

27. So as to protect species protected by the Wildlife and Countryside Act 1981.

28. For the avoidance of doubt and in accordance with the Laughton Common Planning Brief.

125. **OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT TO INCLUDE A2 (FINANCIAL AND PROFESSIONAL), A3 (FOOD AND DRINK), B1 (BUSINESS), B2 (GENERAL INDUSTRIAL), B8 (STORAGE AND DISTRIBUTION), C1 (HOTEL), D1 (NON - RESIDENTIAL INSTITUTION) ON PHASE 1 OF THE DEVELOPMENT EXCLUDING PLOTS 6 AND 7 (FIG. 2A). THE APPLICATION ALSO PROPOSES B1 EXCLUDING OFFICES, B2, B8 AND C2 USES ONLY ON PHASE 2 OF THE DEVELOPMENT AND PLOTS 6 AND 7 OF PHASE 1 (FIG.2A) AT FORMER DINNINGTON COLLIERY, OUTGANG LANE, DINNINGTON FO**

Consideration was given to a report of the Head of Planning and

Transportation Service concerning the above application for planning permission.

Resolved:- (1) That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- (i) A contribution of £2 million for improvements to the B6463 Todwick Road and railbridge.
- (ii) A contribution of £200,000 for the provision of a cycleway between Dinnington and Thurcroft along the former mineral railway line to the west of the site.
- (iii) The provision of 2 No. bus shelters (£6,000 approx. each) to existing bus stops within the vicinity of the site.
- (iv) A contribution of £12,500 towards the Wheels to Work Project.
- (v) Contribution in respect of the future maintenance of footpaths, cycleways and bridleways across the site and that the level of contribution be a matter to be delegated to the Head of Planning and Transportation.
- (vi) A contribution (if shown to be necessary) for mitigation in respect of junction 31 of the M1 motorway and that the level of contribution be a matter to be delegated to the Head of Planning and Transportation.

(2) That, consequent upon the satisfactory signing of such an agreement, the Council resolves to grant permission for the proposed development, subject to the following conditions, and subject to the Highway Agency concerns being satisfied:-

1. Before the commencement of the development, details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site shall be submitted to, and approved by, the Local Planning Authority and the development shall be carried out in accordance with the approved details.
2. Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to, and approved by, the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.
3. Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.
4. Nothing other than uncontaminated excavated natural materials shall be tipped on the site.

5. Prior to the commencement of the development, the developer shall submit a site investigation report for the approval of the Local Planning Authority. The investigation shall address the nature, degree and distribution of contamination on site and its implications on the health and safety of site workers and nearby persons, building structures and services, final end users of the site, landscaping schemes and environmental pollution, including ground water, and make recommendations so as to ensure the safe development and use of the site. The sampling and analytical strategy shall be approved by the Local Planning Authority prior to the start of the survey and all recommendations and remedial works contained within the approved report shall be implemented by the developer, prior to occupation of the site.

6. The existing woodland shown on fig. 1 and fig 2 of the Landscape Framework shall be retained and incorporated into future development proposals for the site.

7. Prior to commencement of any development on the site, a survey shall be submitted to Council for approval in writing identifying all trees and hedgerows on the application site, those to be retained and any to be lost.

8. Prior to the commencement of any development on the site, a scheme for the provision of hard and soft landscaping on the strategic site boundaries shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented by future developers in respect of that part of the site boundary which their development plot relates to.

9. A management plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include management proposals in respect of the following areas:-

Land north of Church Lane:-

- (i) Roundabout and approved roads.
- (ii) Balancing pond.
- (iii) Site boundaries.
- (iv) Foot/cycleways.

Land south of Church Lane:-

- (i) Site boundaries.
- (ii) Trees and hedgerows.
- (ii) Foot/cycleways.

The approved details shall be implemented.

10. Protective amphibian fencing is to be erected around the balancing

pond and Eel Mires Dyke on land to the north of Church Lane. The specification and location of fencing shall first be submitted to, and approved in writing by, the Local Planning Authority. The fencing shall remain in position until development on this part of the site has been completed and shall be maintained to the satisfaction of the Local Planning Authority during that period.

11. Prior to commencement of development, a full ecological survey shall be carried out in accordance with English Nature Guidelines, including mitigation measures. The details of the survey and any appropriate mitigation measures shall be agreed in writing by the Local Planning Authority prior to commencement of any work.

12. The detailed plan, to be submitted in accordance with the requirements of this permission, shall include a plan indicating the positions, design, materials and type of site boundary treatment to be erected. The approved details shall be implemented.

13. Prior to the commencement of any future development on the site, a scheme shall be submitted to the Council for approval in writing, indicating strategies to encourage and/or enable local people to access job opportunities arising from the development site. Before each new use is commenced a statement shall be provided to, and approved in writing by, the Local Planning Authority demonstrating how occupants have complied with the approved scheme.

14. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within (a) 8 metres of the top of any bank of watercourses and/or (b) 4 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority.

15. In accordance with the development hereby approved, prospectively adoptable footpath and bridleway links shall be incorporated into the future development of the site. The details of the routes, widths, surfaces, furniture and landscaping shall be first provided to the Local Planning Authority and approved in writing and the approved details shall be implemented concurrently with the carrying out of the development.

16. In accordance with the planning permission hereby approved a scheme shall be submitted to the Council for approval in writing, to prevent unauthorized motorcycle access to site. The approved details shall be implemented concurrently with the carrying out of the development.

17. In accordance with the permission hereby approved, development on phase 1 of the application site shall be restricted to 1,000 sqm in respect of A2, 1,000 sqm in respect of A3, A4 and A5 and 1,800 sqm in respect of C1, of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

18. The development shall not be commenced until details of the proposed signal controlled junction with B6463 Todwick Road, as indicated in draft form on plan reference D108348/TP01, have been submitted to, and approved by, the Local Planning Authority and the approved details shall be implemented.

19. The development shall not be commenced until details of the proposed access to Church Lane (to serve plot 8), also the closure of the existing highway (Old Church Lane) have been submitted to, and approved by, the Local Planning Authority and the approved details shall be implemented.

20. The development shall not be commenced until details of the proposed reopening of the junction of Old Church Lane with B6463 Monksbridge Road have been submitted to, and approved by, the Local Planning Authority and the approved details shall be implemented.

21. Before each building within the development is brought into use a Travel Plan shall have been submitted to, and approved by, the Local Planning Authority in respect of the intended occupier. The plans shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of, and give prior approval in writing, to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation.

22. Any future detailed layout shall include car parking facilities in accordance with the Council's Interim Maximum Car Parking Standards.

23. Any future detailed layout shall include cycle parking facilities in accordance with the Council's Cycle Parking Guidelines for New Developments.

24. The proposed highway network shall be designed and constructed to the Council's standards for prospectively adoptable industrial estate roads.

25. There shall be no direct, individual vehicular access to Monksbridge Road or Outgang Lane.

Reasons:-

1. No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

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

3. To prevent pollution of any watercourse in accordance with U.D.P. policies ENV3.2 'Minimising the impact of Development' and ENV3.7 'Control of Pollution'.
4. In the interests of safe redevelopment and afteruse of this site and in accordance with U.D.P. Policy 4.4 'Contaminated Land'.
5. In the interests of safe redevelopment and afteruse of this site and in accordance with U.D.P. Policy 4.4 'Contaminated Land'.
6. The trees currently provide valuable amenity and screening to neighboring residential properties and in accordance with policy of the U.D.P.
7. In the interests of ecology, biodiversity and to ensure a well established scheme of advance, strategic planting on the site boundaries, in the interests of the visual amenity of the site.
8. In the interests of biodiversity and visual amenity.
9. In the interests of the proper planning control of the development.
10. In the interests of conserving protected species.
11. In the interest of conserving protected species.
12. In the interests of visual amenity.
13. In the interests of the economic regeneration of settlements associated with the development site.
14. To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.
15. In the interests of sustainable development and ensuring the site is accessible to non car modes and to contribute towards the Borough's strategic bridleway network. Sensitive screening of the footway/bridleway will be required to promote the security and privacy of the development plots, separate any conflicting uses and promote the visual amenity of the area.
16. To prevent motor cycle misuse and in the interests of the amenity of the development and for the safety of users of the site.
17. These uses are considered to be ancillary to the main use as business park and accordingly it is necessary to restrict the floor area across phase 1 of the development site.
18. In the interests of highway safety.

19. In the interests of highway safety.
20. In the interests of sustainable development.
21. In the interests of the future control of the development.
22. In the interests of the future control of the development.
23. In the interests of the future control of the building.
24. In the interests of highway safety.
25. In the interests of highway safety.

**126. PLANNING BOARD TRAINING PROGRAMME**

Members welcomed the Training Programme circulated and appreciated the inclusion of Parish Councils in the sessions.

Resolved:- That the details of the Training Programme be noted.

**127. UPDATES**

There were no updates to report.

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 31<sup>st</sup> March 2005**

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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<p><b>RB2005/0168</b>  <b>Erection of 49no two and three storey dwellinghouses (amendment to house types approved under RB2001/1074) and erection of 12 bicycle racks at land off Fenton Road Kimberworth Park for Ackroyd &amp; Abbott Homes</b></p>	<p><i>Page 50</i></p>
<p><b>RB2005/0236</b>  <b>Erection of a three storey building comprising ground floor retail units to front and ground floor flats to rear and flats to first and second floors at 14/16 Sandygate Wath-upon-Dearne for Yorkfield Estates Ltd</b></p>	<p><i>Page 55</i></p>
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**RB2004/1099**

**Conversion of store to form one dwelling at 18, 20 and 22 Barleycroft Lane  
Dinnington for Mr J C Kennewell**

**RECOMMENDED: GRANTED CONDITIONALLY**

**Conditions Imposed:**

01

[PC51] The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

02

[PC24] Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmacadam, block paving or other such material as may be agreed by the Local Planning Authority and shall thereafter be maintained in a sound condition.

03

[PC27\*] Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

04

[PC44\*] No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is first occupied.

05

Notwithstanding the provisions of Article 3, and the Second Schedule of the Town and Country Planning (General Permitted Development) Order 1995, no further alterations, including the conversion of the garages hereby approved, shall be made to the external appearance of the buildings, neither shall any extensions or other new buildings be erected within the curtilage of the dwelling without the prior written approval of the Local Planning Authority.

**Reasons for Conditions:**

01

[PR51] In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

02

[PR24B] To ensure 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 road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

03

[PR27] 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.

04

[PR44] In the interests of the visual amenity of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

05

In the interests of the character and appearance of the building and residential amenity in accordance with Policy ENV3.1 'Development and the Environment' and ENV2.11 'Development in Conservation Areas'.

Notes for RB 2004/1099

Background

RB1984/0973 Application for established use of premises for a fish & chip shop at 18 Barleycroft Lane Dinnington  
GRANTED 18/10/84

Development Plan Allocation and Policy

Allocation:

The site is allocated for residential purposes in the Rotherham Unitary Development Plan, which was adopted in June 1999. The application site is also within the Dinnington Conservation Area.

Policies:

ENV3.1 Development and the Environment states that development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural design, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, landscaping and screening together with regard to the security of ultimate users of their property.

ENV2.11 Development in Conservation Areas states that the Council "will have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character".

SPG Environmental Guidance 3: Development in Conservation Areas states that any new development within a Conservation Area will need to respect the physical characteristics of the area. Designs that respect the traditional architectural forms within the locality will be strongly favoured, whereas those that disregard or pay insufficient regard to traditional design will be considered inappropriate".

Site Description

The store to which the application relates is sited to the east of No.20 Barleycroft Lane, along the boundary with No.16, within the curtilage of No.20 which is a detached two storey stone dwelling. The store is two storey with an attached garage and car port and has been rendered. The store appears to be in reasonable condition. Barleycroft Lane is a one way street. Residential properties surround all boundaries of the application site.

Proposal

It is proposed to convert the detached store to form one independent dwelling and utilise the attached garage and car ports to serve the proposed dwelling. In addition, the scheme includes a roof terrace garden on the flat roof of the attached garage. The scheme utilises the existing access off Barleycroft Lane.

The original proposal included the conversion of a separate garage block and car port to the rear of No.18. However, the garage was not considered to be worthy of conversion or retention and this part of the proposal would involve rebuild as opposed to conversion. Furthermore, concern was raised with regard to the amount of amenity space for three dwellings. Therefore, at my request, amended plans have been submitted which omit the conversion/rebuild of the garage to form one dwelling which addresses earlier concerns regarding the amount of amenity space per dwelling and address issues raised by the Transportation Unit with regard to site parking/manoeuvring.

Publicity

*This application has been advertised in the press, on site and by individual letters which were sent to adjacent neighbouring dwellings. One letter of representation has been received from the occupier of the adjacent dwelling, No.16 Barleycroft Lane, regarding the above proposal. They have made the following comments:*

- *Barleycroft Lane is a narrow, busy road. Access is already difficult outside No.s 16 and 20. Concern raised over increase of vehicles associated with additional dwellings.*
- *Roof garden would be within 28 feet of No.16 and all windows to No.16 face this garden therefore concern over privacy for both parties.*
- *Fence that screens roof garden from No.16 if too low could reduce privacy and if too high could reduce light into No.16.*

*The objector has requested the right to speak at the Meeting.*

*No representation have been received following submission of revised plans at the time of writing.*

Consultations

*Transportation Unit: Considered that the initial scheme was over development as the additional traffic generated would be on a substandard access onto Barleycroft Lane. With regard to the amended scheme, whilst the proposal does not satisfy all issues raised, the proposal can be supported subject to conditions being attached.*

Appraisal

*The proposal involves no major rebuilding or demolition, which would affect the character and appearance of the store or the Conservation Area. Furthermore, the existing architectural features of the building will be retained.*

*The amended scheme has utilised the existing garages and amenity space within the site and is no longer considered to be an over development of the site. Therefore no objections are raised to the proposal.*

*Concern is raised over any future extensions such as additional windows and roof lights or conservatories, which could be erected without the requirement of planning permission, and could lead to domestic paraphernalia. Additional windows and extensions of this nature would have a detrimental impact upon the character and setting of the store. To overcome and control these eventualities, it is suggested that a condition be imposed that would remove all permitted development rights so as to control the incorporation of additional windows and roof lights, and any future extensions or alterations to this building. These measures would ensure the long-term character of the store.*

*The store is now obsolete in terms of its use and is surrounded by residential/commercial development. No objections are raised given the sites allocation for residential use.*

*With regard to the concerns raised by the resident on Barleycroft Lane, the proposed screen fence is proposed to be 1.8 metres high which is considered to be of sufficient height to screen the proposed garden. The fence would be 10 metres from No.16 and it is not considered that the impact upon the level of residential amenity presently enjoyed by the occupiers of the adjacent dwelling would be significant.*

*In conclusion, the amended plans have alleviated concerns raised with regard to over development. In addition, it is not considered that the proposal would have a detrimental impact upon the character of the building or, its setting in the Conservation Area. The existing features are maintained and given the lack of an alternative use, I would recommend that the proposal be granted permission subject to conditions.*

*The publicity in respect of the revised plans expires the day after Board and it is recommended that following the 21 day publicity period and if no further letters of representation are received raising new issues after the application has been considered by Planning Board, the Head of Planning Transportation be authorised to grant planning permission subject to the relevant conditions.*

## **RB2004/1863**

**Erection of a storage building (for animal feedstuffs) at Hooton Roberts Quarry  
Kilnhurst Road Hooton Roberts for Mr J Preece**

**RECOMMENDED: GRANTED CONDITIONALLY**

### **Conditions Imposed:**

01

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

02

The storage building hereby approved shall only be used for the storage of hay and straw in connection with the existing private stable use and shall not be used for any trade or business purposes.

03

Within 3 months of the completion of the storage building, the seven unauthorised lorry backs/containers identified on the attached plan shall be removed from the site and the site restored in a manner to be agreed with the Local Planning Authority.

### **Reasons for Conditions:**

01

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

02

The Council does not consider that the site is suitable for a more commercial operation by virtue of its Green Belt location, inadequate access arrangements and the proximity of the new building to the residential unit within the quarry and in accordance with Policy ENV1'Green Belt'.

03

In the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment' and ENV1 'Green Belt'.

Notes for RB2004/1863

Background

*Members maybe aware, from previous reports to Planning Board, of the long past history of unauthorized development in this former quarry.*

*Members will be aware that Jamie Preece (the applicant on the current submission) is severely disabled as a result of Cerebral Palsy. He lives within the quarry site with his parents and two other siblings.*

*The recent planning history of the site can be summarized as follows:*

*RB1995/0628 – A Lawful Development Certificate was refused for the resumption of tipping operations in the quarry in March 1996. An Enforcement Notice was subsequently served requiring the cessation of residential and storage use and the removal of portable buildings from the site. Following a Public Inquiry, the former Secretary of State dismissed the appeal and gave six months for compliance with the Enforcement Notice. The Enforcement Notice was not complied with. Proceedings were issued against the applicant for the breach of the Enforcement Notice.*

*RB1998/1242 – Planning permission refused for a retrospective application for the erection of a temporary dwelling in connection with a proposed agricultural business (namely an “egg production Unit”). A later public inquiry into an appeal against the refusal of permission for the egg production unit was dismissed.*

*RB2002/1128 - Planning permission refused for the retention of one of the two portacabins buildings on the site to provide a day care facility for a disabled person and carer.*

*Members may recall authorizing injunction proceedings to secure compliance with the terms of the Enforcement Notice confirmed as a direct result of the Public Inquiry in 1998.*

*In March 2003 at the High Court the judge decided not to grant the injunction determining that the personal interests of Jamie Preece being allowed to live in the quarry outweighed the public interest of the letter of planning control being enforced.*

UDP allocation and policies

*Allocation: Green Belt. The site also falls within an Area of High Landscape Value.*

Policies

*ENV1 (Green Belt): Refers to the construction of new buildings in the green belt.*

*ENV1.2 (Development in Areas of High Landscape Value): Refers to development other than for agriculture being only allowed where it will not result in a significant, and permanent adverse impact on the landscape.*

Guidance Note

*Planning Policy Guidance Note 2 ‘Green Belts’.*

Site Description

*The application site lies within a parcel of land owned by the Preece family comprising of the old Hooton Roberts quarry and adjoining fields at the junction of Denaby Lane and Kilnhurst road.*

*Adjacent to the application site is a stone stable block, constructed in 1999/2000 without the benefit of planning permission, and a large exercise compound for the horses, this enclosed by heavy duty wooden fencing.*

Proposals

*Erection of a storage building, measuring approximately 20m (L) x 10m (W) x 4m (H). The building is to be constructed from metal sheeting, green in colour. The building is to be used for the storage of hay and straw (animal feedstuffs), the under cover storage essential to it's quality. The horses are used for show purposes and also as family pets. The crops are gathered from the surrounding farmland, all of which are in the control of the applicant. The building will be erected to the rear of the stable block.*

*On completion of the new building, existing unauthorised 'lorry backs/steel units' are proposed to be removed from the quarry site.*

Publicity

*Site notices were displayed adjacent to the site. No representations have been received.*

Consultations

*No objections from any of the consultees.*

Appraisal

*The site is within the green belt, wherein there is a presumption against new, non-essential or inappropriate development.*

*However, essential facilities for outdoor sport and recreation, is one of the types of uses highlighted in Policy ENVI of the UDP and in Planning Policy Guidance Note 2 'Green Belts' (PPG2) as being appropriate for new buildings.*

*In the light of the above guidance, and having regard to an additional note in the PPG that stable buildings are appropriate forms of new development, I have concluded that the erection of a not dissimilar storage building for associated recreational purposes is in accordance with both local and national policy relating to new buildings in the green belt.*

*Having regard to this guidance, and whilst accepting the unit is quite large, I have concluded that there is unlikely to be any detrimental impact on the openness of the Green Belt that would justify a refusal of this application.*

*In reaching this conclusion I have had regard to the remote location of the quarry, the siting of the storage unit between the face of the quarry and the existing stable block and the applicant's intentions to remove unauthorised units (i.e lorry backs /steel units) from the quarry site.*

*Turning to Policy ENVI.2 'Development in Areas of High Landscape Value' I am of the opinion that the proposals, particularly bearing in mind the remote location of the quarry and its position on lower ground levels to that of the immediate area, will not result in a significant and permanent adverse impact on the general landscape in this locality.*

*However to fully control the proposed use of the building I would suggest that the use be linked, by condition, to the adjacent private stable use and a restriction on any trade or business use. Furthermore a condition to facilitate the removal of unauthorised lorry backs from within the quarry, which the applicant has indicated have been used for the storage of feedstuffs, is recommended. A compliance period of three months from the completion of the storage building is recommended.*

*In these circumstances, I recommend that planning permission be granted subject to the safeguard of the above conditions.*

## **RB2004/2084**

**Demolition of existing shop and bungalow and erection of 2 no. two storey dwellings and associated garages at land site of 19 Springfield Close and 21 Gildingwells Road Woodsetts for Mr S Moody**

**RECOMMENDED: GRANTED CONDITIONALLY**

### **Conditions Imposed:**

01

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

02

[PC24] Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmacadam, block paving or other such material as may be agreed by the Local Planning Authority and shall thereafter be maintained in a sound condition.

03

[PC17\*] Before the development is brought into use the sight lines indicated on the attached plan shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 600mm above the level of the adjacent footway and the visibility thus provided shall be maintained.

04

[PC21\*] When the proposed access has been brought into use, the existing access marked X on the attached plan shall be permanently closed and the footway reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

05

Details regarding the provision of the prospectively adoptable visibility splay indicated on the submitted plan at the junction of Springfield Close and Gildingwells Road shall be submitted to and approved by the Local Planning Authority and shall be provided in accordance with the approved details.

06

[PC44\*] No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied.

07

No further windows shall be installed at first floor level on the rear elevation of the dwelling in plot 2.

**Reasons for Conditions:**

01

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

02

[PR24B] To ensure 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 road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

03

[PR17] To provide and maintain adequate visibility in the interests of road safety.

04

[PR21] In the interests of road safety.

05

[PR29] No details having been submitted they are reserved for approval.

06

[PR44] In the interests of the visual amenity of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

07

In the interests of residential amenity in accordance with Policy ENV3.1 'Development and the Environment' of the adopted Unitary Development Plan.

Notes for RB/2004/2084

Background

*KP1970/2873 Extn to form additional shop storage area  
at 21 Gildingwells Road Woodsetts  
GRANTED 12/10/70*

*KP1972/3516 Erection of garage & conservatory  
at 21 Gildingwells Road Woodsetts  
GRANTED 04/12/72*

*RB1998/1306 Change of use of premises to office accommodation  
at 21 Gildingwells Road Woodsetts  
REFUSED 04/01/99*

*RB1999/0568 Change of use from shop to form extension to existing dwelling at Woodsetts  
Stores 21 Gildingwells Road Woodsetts  
GRANTED 23/06/99*

*RB1999/1560 Alterations and use of store as extension to retail area  
at 21 Gildingwells Road Woodsetts  
GRANTED 10/02/00*

*Development Plan Allocation and Policy*

*Allocation:*

*The site is allocated residential in the Rotherham Unitary Development Plan, which was adopted in June 1999.*

*Policies:*

*ENV 3.1 Development and the Environment states “development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, screening “.*

*SPG Housing Guidance 3: Residential Infill Plots*

*Site Description*

*The application site consists of a detached bungalow (No.19) and a shop with land to the front hardsurfaced for car parking. The shop fronts onto Gildingwells Road whilst the bungalow is on Springfield Close. Adjacent on Springfield Close is a bungalow whilst adjacent on Gildingwells Road is a house.*

*Proposal*

*It is proposed to demolish the bungalow and shop and erect two detached dwellings with associated garaging.*

*Concern was raised with regard to the height, mass and scale of the proposed dwellings given they were to be sited adjacent the bungalows on Springfield Close. The dwellings were originally proposed to be two storey with rooms in the roofspace. In addition, concern was also raised with regard to the amount of overlooking created by the siting of the dwellings. Amended plans have been submitted at my request which show the dwellings in different positions and have reduced them to two storey dwellings (with no rooms in the roofspace).*

*Publicity*

*The application has been advertised by individual letters which were sent to adjacent neighbouring properties. Five letters have been received. These raise a number of concerns and objections which are summarised as follows:*

- House will spoil character and layout of cul de sac and any new dwelling should be a bungalow*
- Main sewer runs through application site*
- Lots of cars park on Springfield Close and Gildingwells Road and therefore access is a problem*
- Overbearing on No.18 Springfield Close as proposed dwelling in close proximity and reduce light into windows on side elevation*

*Following the submission of amended plans, four letters have been received which make a number of objections and concerns:*

- *Concern over loss of privacy*
- *Feel that a bungalow would be in keeping with the street as two storey house would spoil character and style of layout on Close*
- *Create a precedent*
- *Concern over new accesses onto Springfield Close and traffic congestion*
- *Overbearing to No.18 as much higher than existing bungalows*
- *No access to maintain garage to No.18*

*One of the objectors has asked to speak at the Meeting.*

#### *Consultations*

*Transportation Unit: no objections subject to conditions relating to provisions of sightlines, closure of existing access, surfacing of vehicular areas and the provision of visibility splays.*

*Woodsetts Parish Council: Commented that on the original plans the vehicular access appears to be tight. The comments received with reference to the amended plans are as follows:*

- *The house on Springfield Close should be a bungalow to stay in keeping with the existing properties on the Close.*
- *The House on Gildingwells Rd should have vehicular access from Gildingwells Rd rather than Springfield Close.*
- *The proposed height of the houses should be in keeping with the existing properties in the area.*
- *With respect to the frontage on Gildingwells Rd, the land outside of the bollards, the Parish Council seek planning gain as part of traffic management control/improvement.*

#### *Appraisal*

*In considering this proposal, I have had regard for the residential amenity of adjacent properties and the proposals impact upon the street scene. This application site is allocated for residential purposes and so no objections are raised in principle to the proposal.*

*The proposed dwelling on plot 2 would be sited at an angle to No.19 Gildingwells Road and the proposed dwelling on plot 1. Although there would be only a 5.4 metre distance from the rear boundary with No.19 Gildingwells Road and 5 metres to the side boundary with plot 1, there are no windows to habitable rooms at first floor level on the rear elevation.*

*Similarly, the dwelling on plot 1 would be sited 3 metres from the boundary with No.18 which is then a further 2.4 metres from the boundary. There are no windows on the side elevation of the proposed dwelling on plot 1 facing No.18. Consequently, it is not considered that a significant amount of overlooking would be created by the proposal. With regard to the comments about the proposed dwelling being overbearing, it is considered that the reduced scale of the dwelling and distance between the properties would be acceptable in this instance.*

*With regard to the proposals impact upon the street scene, the proposal has been amended from two storey dwellings with rooms in the roofspace to two storey dwellings. The dwellings on Gildingwells Road are all two storey and vary significantly in design, age and materials. Springfield Close consists of detached bungalows. Therefore, given that the two proposed dwellings are two storey and located on the corner of these two streets, it is not considered that they would have a detrimental impact upon the street scene.*

*With regard to the comments raised by the objectors relating to parking and congestion, there is only one proposed additional access onto Springfield Close proposed by the scheme, given that*

*one of the dwellings will replace the existing dwelling. Furthermore, the Transportation Unit have no objections to the proposal given it satisfies off street parking requirements.*

*Finally, with regards to the comments from the Parish Council, I can confirm that there are no proposals to carry out any traffic calming measures along Gildingwells Road. It is not considered appropriate to seek any planning gain in this instance, the area of land at the frontage to the site on Gildingwells Road would provide suitable visibility for the junction with Springfield Close.*

*In conclusion, the proposal is not considered to have a significant effect upon the character and appearance of the street scene to render the scheme unacceptable. In addition, the proposal has been well designed in that it does not create any significant overlooking and is therefore considered to have no significant impact upon the residential amenity presently enjoyed by occupiers of neighbouring dwellings. Therefore, I would recommend that the proposal be granted permission.*

## **RB2004/2150**

**Demolition of existing warehouse and erection of a three storey block comprising 14no flats at premises at Barleycroft Lane Dinnington for Mr K Inger**

**RECOMMENDED: GRANTED CONDITIONALLY**

### **Conditions Imposed:**

01

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

02

Prior to the commencement of development, details of the proposed materials to be used in the surfacing of vehicular areas shall be submitted to and approved by the Local Planning Authority. Before the development is brought into use that part of the site shall be properly drained and constructed in accordance with the specification agreed by the Local Planning Authority, and thereafter maintained in a sound condition.

03

[PC27\*] Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

04

Prior to the development being first occupied, a minimum of 14 No. secure cycle parking spaces shall be provided within the site unless otherwise agreed in writing with the Local Planning Authority

05

There shall be no direct vehicular access to/egress from the site to Leopold Avenue.

06

Windows to :

1. Study in Flat 9 on first floor level of the rear elevation facing Leopold Avenue,
2. Kitchen in Flat 14 on second floor level of the rear elevation facing Leopold Avenue,
3. Bedroom in Flat 10 at second floor level facing No.21 Barleycroft Lane
4. Study in Flat 5 at first floor level facing No.21 Barleycroft Lane

5. Kitchen to Flat 14 at second floor level facing Working Mens Club, and in
6. Kitchen to Flat 13 at second floor level facing Working Mens Club

shall be fitted with obscure glazing and be non-opening and shall be retained and maintained as such unless agreed otherwise in writing by the Local Planning Authority.

07

The boundary wall/railings on the northern and eastern boundaries of the site shall be constructed before the development is brought into use

08

[PC37] No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

**Reasons for Conditions:**

01

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

02

[PR24B] To ensure 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 road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

03

[PR27] 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, in accordance with UDP Policy ENV 3.2.

04

In the interests of the sustainable development of the site

05

In the interests of road safety

06

To prevent overlooking in the interests of residential amenity in accordance with Policy ENV3.1 Development and the Environment

07

In the interests of visual amenity and in accordance with Policy ENV3.1 Development and the Environment

08

[PR37] In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

*Notes for RB/2004/2150*

*Background*

*KP1966/0100 Illuminated sign  
at 7 Barleycroft Lane Dinnington*

*GRANTED 26/05/66*

*KP1973/0185 Double sided illuminated projecting sign  
at 7 Barleycroft Lane Dinnington  
GRANTED 07/05/73*

*RB1976/0088AD Illuminated single sided projecting box sign  
at 7 Barleycroft Lane Dinnington  
GRANTED 23/03/77*

*RB1979/4136 Change of use from hairdressing shop to store  
at 9 Barleycroft Lane Dinnington  
GRANTED CONDITIONALLY 24/01/80*

*RB1986/0061 Display of an illuminated fascia sign  
at 9 Barleycroft Lane Dinnington  
GRANTED CONDITIONALLY 11/08/86*

*RB1986/0785 Use of shop as an office  
at 9 Barleycroft Lane Dinnington  
GRANTED 11/08/86*

#### Development Plan Allocation and Policy

##### *Allocation:*

*The site is allocated within a Town centre/ retail use area in the Rotherham Unitary Development Plan, which was adopted in June 1999. The site is also located within the Dinnington Conservation Area.*

##### *Policies:*

*RET 1 Town Centre states that in defined town centres, proposals for dwelling houses will be acceptable where they complement the retailing function of the centre.*

*ENV3.1 Development and the Environment states that development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural design, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, landscaping and screening together with regard to the security of ultimate users of their property.*

*ENV2.11 Development in Conservation Areas states that the Council “will have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character”.*

*SPG Environmental Guidance 3: Development in Conservation Areas states that any new development within a Conservation Area will need to respect the physical characteristics of the area. Designs that respect the traditional architectural forms within the locality will be strongly favoured, whereas those that disregard or pay insufficient regard to traditional design will be considered inappropriate”.*

#### Site Description

*The site is currently occupied by a single storey warehouse building which is unattractive. The application site is enclosed by a 2 metre high palisade . fence. To the west is the Working Mens Club whilst a row of terraced properties with retail use at ground floor and flats above lie to the*

*east whilst across the road to the south are residential properties on Leopold Avenue and a public footpath runs along the eastern boundary of the site linking Leopold Avenue with Barleycroft Lane.*

*The site of the proposed development is fairly level. The application site lies on a side street off the main shopping street in Dinnington, Laughton Road. There is one vehicular access from Barleycroft Lane and a vehicular access off the end of Leopold Avenue.*

#### Proposal

*The proposal is for the demolition of the existing warehouse and the erection of a two storey building with dormer windows and rooms in the roofspace comprising 14 flats. The vehicular access will be off Barleycroft Lane and parking is accessed through the archway of the frontage building. The access from Leopold Avenue would be permanently closed.*

*Amended plans have been submitted at my request, which address earlier concerns regarding the height, scale and mass of the proposed building and concerns raised by the Transportation Unit. The applicants agent has indicated that the height cannot be reduced any further due to the requirements for lift provision within the building which is considered necessary due to the proposed occupation of the flats by elderly residents. A boundary wall/railings is proposed on the boundary of the site adjacent the footpath link.*

#### Publicity

*Individual letters, site and press notices advertised this application and informed residents that the application site is within the Dinnington Conservation Area. The amended plans have also been advertised.*

*Five letters of representation have been received. One objecting to the proposal, three citing a number of concerns and one supporting the proposal. The objections/concerns are summarised as:*

- *Serious concern over parking. Only 11 spaces for 14 dwellings*
- *No provision for visitor parking*
- *Can emergency vehicles manoeuvre in site*
- *Poor visibility onto Barleycroft Lane*
- *Where are bins to be stored*
- *Overdevelopment of site*
- *Overlook properties on other side of Barleycroft Lane*
- *Prefer two storey as more in keeping and prevent overlooking*
- *Loss of light to surrounding properties*
- *Height of development with three floors is excessive and will impact on streetscape*

*The letter of support states that the proposal will enhance the area and provides much needed residential accommodation. The letter goes on to say that the current building is an eyesore and has had a depreciating effect on other properties.*

*Generally, all the representations support the principle of the development which is to remove an "eyesore" and replace with residential development.*

*One of the concerned residents has requested the Right to Speak at the meeting.*

*No further representations have been received at the time of writing in relation to the amended plans.*

Consultations

*Transportation Unit: Following submission of amended plans, prepared to support the scheme even though it does not address all issues raised subject to a number of conditions.*

*Environmental Health: The application site adjoins a Working Mens Club which has in the past been the subject of complaints regarding noise. However, a PPG 24 assessment is not considered appropriate as any noise nuisances can be dealt with by the Environmental Health Service under provisions contained in the Environmental Protection Act and therefore no further comments are made.*

Appraisal

*In considering this proposal, I have had regard primarily for the site's allocation for retail use in the Rotherham Unitary Development Plan. In addition, I have had regard for the residential amenity of adjacent properties and the proposals impact upon the Conservation Area.*

*The applicant has submitted a supporting statement with the application addressing the sites allocation for retail use and the proposed development. "The site on Barleycroft Lane was purchased eight years ago from a company that repaired forklift trucks. This consisted of a large workshop, office and yard fifty metres away from Inger Electrical Retail shop, and so provided an ideal location for our warehouse and storage.*

*In 2001, RMBC had a plan for various one way systems and general highway layouts for roads around Dinnington main Street (i.e Laughton Road and Barleycroft Lane). This plan went ahead and was constructed from September through to December of that year. Since the new layouts were completed Inger Electrical has experienced great difficulties regarding deliveries to the warehouse (one way down Barleycroft Lane) and the delivery vehicles (in most cases articulated lorries) cannot always get down Leopold Avenue".*

*The applicant has been informed by officers of the Council that residents on Leopold Avenue have complained about being blocked in by articulated lorries delivering goods to Inger Electrical via Leopold Avenue.*

*Therefore, the applicant has decided to find an out of town location and has approached a number of estate agents as to the future of this site."They have all advised me that there are empty shops on the main shopping area, there is no need for shops in a secondary location. They have suggested a need for residential apartments for the elderly close to the amenities and which are secure".*

*Therefore, it is accepted that the principle of a residential use is not objectionable. Furthermore, the existing warehouse does little to positively contribute to the setting of the Conservation Area in accordance with Policy ENV2.11 Development in Conservation Areas.*

*The proposal has been amended at my request as initial concerns were raised with regard to the height, mass and scale of the proposed building. The frontage has been amended from 11 metres in height to 9.8 metres so that it will be 0.3 metres higher than No.19, the adjacent shops/dwelling compared to the original scheme which would have been 1.5 metres higher and 1.2 metres higher than the Working Mens Club compared to the initial scheme which would have been 2.3 metres higher. Therefore, the amended scheme is not considered to be out of scale in terms of height and mass with the surrounding dwellings and would not detract from the character of the Conservation Area. Indeed it is considered that the development would enhance the appearance of the Conservation Area.*

*The only windows on the elevation facing No.19 that are not bathrooms (which would therefore would be obscure glazed) are a bedroom window and a study. Similarly, there is a first floor study window and second floor kitchen window overlooking 21 Leopold Avenue and two kitchen windows at second floor level overlooking the existing Working Mens Club. Therefore, I would suggest that these be conditioned to be fitted with obscure glazing to prevent any loss of amenity to the occupiers of adjacent dwellings.*

*The proposed frontage building would be sited approximately 10 metres from the dwellings across Barleycroft Lane. However, the main outlook to No.16 is to the east and so the elevation facing the proposed development would only be to a side elevation. Consequently, given the above conditions, the proposed development is not considered to create any significant loss of amenity to neighbouring dwellings by the virtue of its design and therefore on balance, the scheme is supported.*

*With regards to concerns raised about overdevelopment of the site, the applicant has been requested to reduce the scale of the impact of the proposed overall but has asked that the application be considered as submitted. I have some concerns about the number of flats proposed on this relatively small site though consider that, on balance, the proposal is acceptable in this town centre location.*

*No objections in terms of highway safety are raised to the vehicular access from the Transportation Unit and the proposal meets the Council's guidance for parking.*

*In conclusion, the proposal is not considered to affect the character and appearance of the Conservation Area nor have a detrimental impact upon the residential amenity of neighbouring dwellings. Therefore, I would recommend that the proposal be granted permission.*

## **RB2004/2324**

**Single storey front, side & rear extension, formation of rooms in roofspace, install dormer windows to rear and erection of detached double garage at Woodbury Kirby Lane Wentworth for Mrs V Hartley**

**RECOMMENDED: GRANTED CONDITIONALLY**

### **Conditions Imposed:**

01

[PC51] The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

02

[PC24] Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmac, block paving or other such material as may be agreed by the Local Planning Authority and shall thereafter be maintained in a sound condition.

03

[PC21] When the proposed access has been brought into use, the existing access marked A - B on the attached plan shall be permanently closed and the footway / kerb line reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

04

Notwithstanding the provisions of Part 1 of Schedule 2, Article 3, Classes A, B, C, D & E of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order), no additional windows or openings shall be formed in any part of the northwestern elevation of the extended dwelling.

05

Prior to the construction of the 2 metre high wall and gates adjacent the highway, details of the design and materials shall be submitted to and approved in writing by the Local Planning Authority.

**Reasons for Conditions:**

01

[PR51] In order to ensure a satisfactory appearance in the interests of visual amenity.

02

[PR24B] To ensure 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 road safety and residential amenity.

03

[PR21] In the interests of road safety.

04

In the interests of the residential amenity of the adjacent occupiers.

05

In the interests of the visual amenity of the locality.

Notes for RB2004/2324

Background

*RB1979/1931 Outline application for a bungalow - Refused*

Development Plan Allocation and Policy

*The site is allocated as Green Belt in the adopted Rotherham Unitary Development Plan. UDP policies ENV1.3 Extensions to Dwellings in the Green Belt, ENV3.1 'Development and the Environment' and Supplementary Planning Guidance - Environment Guidance 1: 'Extensions to Dwellings in the Green Belt' are relevant to this proposal.*

Site Description

*The existing dwelling on the site is detached, single-storey and brick built with a hipped roof and a flat-roofed garage attached to the side. On the northeastern rear boundary is a 1 metre high hedge that separates the site from the openness of the wider Green Belt beyond. The southeastern boundary with the adjacent residential dwelling comprises of 2 - 3 metre high hedging. To the southwest of the site is a brick wall of approximately 1 metre in height. This is separated from the boundary with the highway with a grass strip approximately 5 metres in width which lies within the application site. The northwestern boundary with the adjacent dwellings comprises of 1 metre high timber fencing behind 1.5 - 3 metre high hedging. The three-storey dwelling (Hillside) has a habitable room window located on the side elevation overlooking the site. The two-storey dwelling (The Cottage), fronting the highway, has a blank side gabled elevation facing the application site.*

*In general, Kirby Lane is of a rural nature with much shrubbery and trees adjacent the highway. With the exception of the adjacent dwellings and the recently constructed double garage abutting the highway approximately 180 metres southeast of the application site, the dwellings on this*

lane tend to be set back from the highway, predominantly 2-storey, have a large footprint and have much amenity space about them. Boundaries take the form of stone or brick walls and hedges, none greater than approximately 1.5 metres in height.

#### Proposal

It is proposed that the flat-roofed garage on the side of the existing dwelling be demolished, the roof be raised 1.2 metres and three dormer windows be inserted within the rear roofline, single-storey side and front extensions be constructed in addition to the erection of a large sun lounge on the rear of the extended dwelling on the northern side of the site. All of the extensions are designed with the same hipped-roof form of the original dwelling. It is also proposed that a detached double garage be erected towards the southeastern corner of the site and a 2 metre high boundary wall and security gates which are to be recessed, erected along the highway frontage.

#### Publicity

The Parish Council and occupiers of dwellings in the locality were consulted by letter. I am in receipt of two letters of objection that do not object to the principle of the development but raise concerns over the materials and height of the proposed boundary treatment on the highway frontage. I have not received any 'Right to Speak' requests.

#### Consultations

Transportation Unit – No objections subject to recommended conditions

#### Appraisal

The proposal represents an approximate 140% increase in the total floor area of the dwelling. However, this is broken down into approximately 80% at ground floor and approximately 60% as a result of the utilisation of the extended roofspace. (According to adopted Supplementary Guidance - Environment Guidance 1: 'Extensions to dwellings in the Green Belt', the latter should be excluded from the calculations). However, where a dwelling is located within a village 'washed over' by the Green Belt, in accordance with the adopted SPG, proposed extensions are considered on their own merits subject to normal development control considerations. In these regards, this is presently a small dwelling located on a large plot of land visible only from the wider open Green Belt from the northeastern boundary which is screened in part with a hedge; the proposal covers approximately 14% of the total site area. (The site being approximately 1754sq m and the proposed footprint being approximately 235 sq m); in close proximity to the site are dwellings which have undergone numerous extensions and sit within much smaller plots; The proposal relates well to the host building and neighbouring properties, in terms of scale, massing, design and position. I therefore consider there to be no significant detriment to the visual amenity of the street-scene or the openness of the wider Green Belt from the proposed extensions.

Given the above, the proposals are considered to accord with UDP Policy ENV3.1 'Development and the Environment' and UDP Policy 'ENV1.3 Extensions to Dwellings in the Green Belt'.

I consider that the erection of a 2 metre high wall adjacent the highway will not be detrimental to the visual amenity of the street-scene as there is a brick-piered boundary wall approximately 1.5 metres in height at the southern end of Kirby Lane and stone garages recently constructed directly abut the highway half way along the lane. I am therefore of the opinion that the height of the walled frontage is justified and that the materials should reflect those used in the construction of the dwelling which in this case is brick.

I am of the opinion that existing levels of residential amenity are not significantly affected and can be retained with the imposition of condition 04 that prevent any further windows from been inserted in the side elevation of the extension facing the adjacent dwelling 'Hillside'.

*In summary, given the above, the proposal is considered to accord with the provisions of the UDP, so far as they are material, and in the absence of material considerations that would indicate otherwise, the proposal is considered acceptable and is recommended accordingly.*

## **RB2004/2392**

### **Demolition of existing dwelling and erection of dwellinghouse at Orchard House Morthen Lane Morthen for Mr P Weldon**

#### **RECOMMENDED: GRANTED CONDITIONALLY**

##### **Conditions Imposed:**

01

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

02

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, at no time will any further alterations be made to the external appearance of the building other than those shown on the approved plans; neither shall any extensions, walls or means of enclosure be constructed, nor additional building erected within the site of application without the prior written permission of the Local Planning Authority.

##### **Reasons for Conditions:**

01

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

02

In the interests of preserving the openness of the Green Belt in accordance with Policy ENV1 'Green Belt' and ENV1.3 'Extensions to dwellings in the Green Belt'.

##### **Notes for RB2004/2392**

###### **Background**

*RB1990/1055 – Planning permission granted for a double garage with games room over in 1990.*

*RB1995/0513 – First floor extension at the property granted conditionally in May 1995.*

*RB2003/0155 – New roof, alterations to windows and stonework facings to walls granted conditionally in April 2003 (this scheme was not implemented).*

###### **UDP Allocation and Policies**

*Allocation : Green Belt and an Area of High Landscape Value.*

*Policies:*

*Policy ENVI 'Green Belt' states the following:*

*“A Green Belt whose boundaries are defined on the Proposals Map will be applied within Rotherham Borough. In the Green Belt, development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area. The construction of new buildings inside the Green Belt is inappropriate unless it is for the following purposes:*

- (i) agriculture and forestry (unless permitted development rights have been withdrawn),*
- (ii) essential facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it,*
- (iii) limited extension, alteration or replacement of existing dwellings, and*
- (iv) limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG2 (Green Belts) and PPG3 (Housing).”*

*Policy ENVI.3 (Extensions to dwellings in the green belt) is also applicable.*

*Policy ENVI.2 'Development in Areas of High Landscape Value' is also relevant.*

*Planning Policy Guidance Note 2 (Green Belts) states at paragraph 3.6 that the replacement of existing dwellings need not be inappropriate providing the new dwelling is not materially larger than the dwelling it replaces.*

#### *Site Description*

*Orchard House is situated in a relatively isolated location between the villages of Wickersley and Morthen. The property is part of a small group of detached residential properties in a backland location off Morthen Lane. The site is bounded by agricultural land on three sides, with the 'White House' and other residential properties to the south on the other. The dwelling does not resemble it's original form and layout. Later additions to the property have included an attached double garage with games room over, detached garage (constructed under permitted development rights) and other minor extensions.*

#### *Proposals*

*The demolition of the existing dwelling and erection of a new four bedroom dwelling. The new dwelling will occupy a slightly smaller footprint to that of the existing dwelling, and will not result in any increase in the floorspace. The new dwelling will be constructed in virtually the exact position as the existing. The most significant revision is the reduction of the length of both the front and rear elevations, the reduction being from 27m to 19.5m. Whilst the new dwelling will extend in front of the existing building line, the width of the property will remain as existing (this is due to the existing attached garage/games room being set back on the plot). The height of the dwelling will be consistent along its full length, the existing dwelling being a mix of both single and two storey buildings.*

*The applicant's agent has submitted a letter in support of the proposals. The representation confirms that due to the requirement to substantially strengthen and upgrade the sub-standard foundations and superstructure, the applicant's preferred option is to demolish and rebuild.*

Publicity

*Adjacent residents in writing. No representations have been received.*

Consultations

*No objections from any of the consultees.*

Appraisal

*I consider, and bearing in mind no objections have been received from adjacent residential occupiers or from the Transportation Unit on highway grounds, that the relevant issues in this case are:*

- (i) taking into account the advice in Planning Policy Guidance Note 2 'Green Belts' and Policy ENVI 'Green Belt' of the Unitary Development Plan, whether the proposed new dwelling is materially larger than the one it replaces:*
- (ii) having regard to Policy ENVI.2 'Development in Areas of High Landscape Value' will the new dwelling result in a significant, and permanent adverse impact on the landscape.*

*Quite clearly the submitted floor, elevational and block plan drawings indicate that the new dwelling will occupy a smaller footprint to that of the existing dwelling. Furthermore it's design and layout will result in a building that involves less intensification and urbanisation of the site, the reduction of the length of the front elevation by some 7.5 metres is of particular note. The scheme, by virtue of it's reduced scale and massing, will also have less visual impact on the local setting and general amenity. The existing dwelling it should be noted, is of a fragmented and unbalanced design, that in my opinion results in more urbanisation and greater impact on the local setting.*

*Turning to the design of the dwelling I am also of the opinion that the new dwelling is more sympathetic in architectural design terms to other buildings in the immediate vicinity, this element of the scheme is welcomed.*

*In the above circumstances I consider the new dwelling not to be materially larger than the existing dwelling and should be supported in principle. However I do consider it of paramount importance to control, by condition, any future extensions/ new detached buildings at the property, as the existing property has previously been extended significantly such that any further extensions would clearly exceed the 33 % guidance limit.*

*With regard to the policy relating to development in Areas of High Landscape Value, Policy ENVI.2, I have concluded that the new dwelling will, and whilst accepting it's permanent nature, have a far less impact on the general landscape than that of the existing dwelling.*

*In conclusion I am satisfied that this scheme for a replacement dwelling does not conflict with the aims and objectives of green belt policy, and that the proposal is acceptable from a planning standpoint.*

*As such I recommend planning permission be granted subject to the safeguard of the above conditions.*

**RB2005/0055**

**Use of land as extension to domestic curtilage at land adjacent to 79 Amorys Holt Road Maltby for Ms Ratcliffe & Mr S Pinder**

**RECOMMENDED: REFUSED**

**Reasons for Refusal:**

01

The Council considers that this proposal is unacceptable as the site comprises an area of Incidental Urban Greenspace on the Rotherham Unitary Development Plan that was identified as a play area under the original permission relating to the site. Policy ENV5.2 of that plan states that 'development that results in the loss of small areas of Urban Greenspace not identified on the proposals map, will only be permitted in the circumstances outlined in Policy ENV5.1 'Allocated Urban Greenspace'. The Council, further, considers that the proposal to change the use to an extension to the residential curtilage does not constitute exceptional circumstances in this case and the proposal fails to meet any of the test criteria set out in Policy ENV5.1 that specifies the exceptional circumstances.

*Notes for RB2005/055*

*Background*

*MA/1368 – Outline planning permission was granted conditionally in April 1973 for residential development on the site. The application site was part of a larger comprehensive scheme on the 'north-west sector' of Maltby village.*

*Condition No.1 to this permission, amongst other things, requested the subsequent developer to define areas of public open space and children's play areas on any detailed scheme submitted for consideration by the Council.*

*R76/960 – Planning permission was granted conditionally in July 1976, being reserved matters to outline planning permission MA/1368, for residential development on this and adjacent land. The approved layout plan to this permission shows the parcel of land the subject of this current planning application as a designated 'play area'.*

*RB1978/2749 – Planning permission was granted conditionally in October 1978 for the erection of 17 dwellings on this and an adjacent parcel of land, being revised house types to an earlier approved scheme. The approved plans again indicate the current application site for 'play area' purposes.*

*UDP Allocation and Policies*

*Allocation : Residential.*

*The application site also constitutes 'Incidental Urban Greenspace'.*

*As such Policies ENV5.1 and ENV5.2 of the UDP are relevant to this application.*

*Policy ENV5.1 'Allocated Urban Greenspace' states the following:*

*"Development that results in the loss of Urban Greenspace as identified on the proposals map will only be permitted if:*

- (i) alternative provision of equivalent community benefit and accessibility is made, or*
- (ii) it would enhance the local Urban Greenspace provision, and*
- (iii) it would conform with the requirements of Policy CR2.2, and*
- (iv) it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest."*

*Policy ENV5.2 'Incidental Urban Greenspace' states the following:*

*"Development that results in the loss of small areas of Urban Greenspace not identified on the Proposals Map, will only be permitted in the same circumstances outlined in Policy ENV5.1."*

#### *Site Description*

*The application site constitutes the parcel of land between 44 and 46 Hays Road, Maltby (although also described as land adjacent to 79 Amorys Holt Road in the applicant's description). The site, designated as a 'play area' on approved planning records, was until very recently used as an amenity area by local residents. The site is bounded by residential development on three sides, with open farmland to the north on the other.*

*The land, which was purchased by the applicant from the former estate developer, has recently undergone significant site clearance works. This work has comprised grading and levelling. Fencing and signage (confirming that the land has been privately purchased from the developer) have also been erected/displayed on the land.*

#### *Proposals*

*An application for the use of the 'play/amenity' area as an extension to the domestic curtilage of No.79 Amorys Holt Road.*

*A letter of support from the applicant has been submitted. The main reasons given for purchasing the land and submitting the subsequent change of use application can be summarised as follows:*

- Dog fouling problems resulting in health risks.*
- Public safety risk from vandalism and fire attacks.*
- Infestation of rats.*
- Motor bike use increasing the risk of injury to users.*

*The applicant's also confirms in this letter that, "I have lived in Maltby for twelve years and have never known the land to be maintained or used as a public space".*

*The applicant has also requested a Right to Speak at the Board meeting.*

*A copy of the letter will be available in the Members Room before the meeting.*

Publicity

*Adjacent residential occupiers were notified of the proposals in writing and the application advertised on site by way of site notices. Six letters in objection to the proposed change of use have been received from local residents.*

*The main grounds of objection can be summarised as follows:*

*- the loss of this amenity area will result in children playing on other parts of the estate which are not designated for play area purposes. The result of which is likely to have a detrimental effect on the amenities currently enjoyed by adjacent occupiers. Such areas will also be unsafe and not as accessible as the existing site.*

*- result in the loss of a designated play area to the detriment of the locality.*

*- dog fouling will occur on footpaths adjacent due to the lack of access through the land to adjacent fields.*

*A copy of each of the letters will be available in the Members room before the meeting.*

Consultations

*No objections from any of the consultees.*

*The Landscape Unit notes that it received continual reports of misuse of this area many years ago and as a result a much reduced maintenance regime was implemented (once a year). The unit understands that this has reduced the problems and no complaints have been recorded in respect of the lack of regular maintenance of the land.*

Appraisal

*The land that is proposed to be used as an extension to the residential curtilage of No. 79 Amorys Holt Road, and whilst designated for residential purposes on the Unitary Development Plan, forms the whole of a designated 'play area' to earlier approved planning permissions for this part of the estate.*

*With this in mind I consider that this parcel of land constitutes an area of Incidental Urban Greenspace.*

*I therefore, consider that the main relevant issue in this case is:*

*(i) having regard to the adopted Unitary Development Plan whether the proposed change of use of this 'play area' to an extension to the domestic curtilage of an adjacent dwelling accords with Policies ENV5.1 'Allocated Urban Greenspace' and ENV5.2 'Incidental Urban Greenspace' of that plan.*

*In terms of the 'residential' allocation and in addition to the Urban Greenspace identified on the proposals map of the UDP, there are a number of small areas which it would be impracticable to identify, but whose retention is nevertheless important. It is often such small areas that give a town, village or residential area its distinctive character, provide safe and the most accessible recreational areas and can be as important as wildlife or non-vehicular corridors.*

*With this in mind, and in the absence of any exceptional circumstances to indicate otherwise, I am unable to support a proposal which will result in the loss of an important recreational area. Having regard to the highlighted UDP policies, the submitted scheme in my opinion offers no*

*alternative provision of equivalent community benefit and accessibility and does not clearly enhance the local Urban Greenspace provision.*

*As such, and having regard to the circumstances at which development would be allowed on Incidental Urban Greenspace, highlighted in Policies ENV5.1 and ENV5.2, I have concluded that the proposal does not meet the policy test.*

*In reaching this conclusion I have also given weight to both the arguments of the objectors and to the supporting statement of the applicant.*

*In conclusion I am of the opinion that the proposed use of this and for an extension to the domestic curtilage of No.79 Amorys Holt Road conflicts with both the approved plans for this part of the estate and with Policies ENV 5.1 and ENV.5.2 of the Unitary Development Plan.*

*I therefore have no alternative but to recommend a refusal of the application for the above reasons.*

## **RB2005/0075**

**Details of the erection of boundary walls, fences, gates and railings, formation of car park and construction of new roads (reserved by RB2002/396) (Application under Regulations 3 & 9A of the Town and Country Planning General Regulations 1992) at Wath Regeneration Area Phase 7 Gawtress Row, Keble Martin Way & Saville Road Wath-upon-Dearne for RMBC (Housing Regeneration)**

**RECOMMENDED: GRANTED CONDITIONALLY**

### **Conditions Imposed:**

01

All gates shall be hung so as not to encroach into the highway when open or being opened.

02

[PC24] Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmacadam, block paving or other such material as may be agreed by the Local Planning Authority and shall thereafter be maintained in a sound condition.

03

[PC29] Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority.

### **Reasons for Conditions:**

01

In the interests of pedestrian and road safety.

02

[PR24A] To encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of road safety.

03

[PR29] No details having been submitted they are reserved for approval.

Notes for RB2005/0075

Background

*An outline planning permission was approved in 2002 under Ref. RB2002/0396 (CC), for the erection of housing and a community centre, extension to residential cartilages, construction of roads and use of land as play areas.*

Development Plan Allocation and Policy

*The site is allocated for Residential purposes within the adopted Rotherham Unitary Development Plan. Policies ENV 3.1 'Development and the Environment' and HG5 'The Residential Environment' are relevant here.*

Site Description

*The site is that of an existing housing area in the southern area of the White Bear Estate in Wath-upon-Dearne.*

Proposal

*This application seeks full planning permission for the erection of fencing and other boundary treatments, and for the approval of details of access, roads and car parking reserved under the previous outline permission.*

Publicity

*Notifications have been sent to the surrounding neighbours, and notices were placed on site and in the local press. There were no responses to the application.*

Consultations

*Transportation Unit - No objections subject to conditions.*

Appraisal

*It is considered that in terms of the sites layout, the altered access road off Keble Martin Way and the new parking bays will enhance the quality of the environment of the area. It therefore complies with UDP Policy HG5 'The Residential Environment' which states that "The Council will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone".*

*The proposed boundary treatments are considered to be appropriate for the character of the area, and it is considered that they will approve its appearance and make a positive contribution to the environment. This is required by UDP Policy ENV 3.1 'Development and the Environment' which states amongst other things, "Development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship to the locality, scale, height, quality of materials, site features, screening and landscaping".*

*Following the submission of an amended plan, the Transportation Unit have no objections to this application in terms of highway safety.*

*In summary the proposal is considered to be in accordance with the provisions of the UDP and in the absence of material considerations that would indicate otherwise the proposal is considered to be acceptable and is recommended accordingly.*

**RB2005/0077**

**Erection of boundary fencing (Application under Regulations 3 & 9A of the Town and Country Planning General Regulations 1992) at Wath Comprehensive School Sandygate Wath-upon-Dearne for RMBC (ECALS)**

**RECOMMENDED: GRANTED CONDITIONALLY**

**Conditions Imposed:**

01

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

**Reasons for Conditions:**

01

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

*Notes for RB2005/77*

*Background*

*Members will recall that this application was deferred from the last Planning Board for further information in regards to the fencing particularly that along Fitzwilliam Avenue and Buckleigh Road.*

*UDP Allocation and Policies*

*The site is allocated as Community Facilities – Education in the Rotherham Unitary Development Plan. As such UDP policies CF CR1.2 – Educational Facilities and ENV3.1 – Development and the Environment, are relevant.*

*Site Description.*

*The site is that of Wath Comprehensive School which is currently being redeveloped. The proposed fencing relates to that along the boundaries with Fitzwilliam Avenue and Buckleigh Road which backs onto the rear gardens of dwellings, and a short length along Sandygate .*

*Proposals*

*This application seeks full planning permission for the erection of fencing: the retention of 2.4m high chain link fencing 1m behind existing fencing along the schools boundaries with Fitzwilliam Avenue and Buckleigh Road; a 2.1 m high timber palisade fencing to match the existing fencing sited along Sandygate; and, a 3m high metal fence around a play area in the centre of the campus.*

*Publicity*

*The application has been published by a notice on site and near neighbours were notified in writing. Two letters of objection have been received on the following grounds:*

- *maintenance of the area between the two fences*
- *area between the existing and proposed fence has seen a build up of rubbish*

- *no one has maintained the gap created by the temporary fencing*

*In relation to the concerns expressed my Members the applicants have been asked for further information. A full version of their response will be available in the Members Room, and this is summarised below.*

- *the fence was put 1.5m away [the fence is actually 1m away] from the existing and this was to try to be good neighbours in that the existing fences were varied, and some quite new and substantial, and others had been planted with shrubs/trees which were well established. To remove these to put up a new mesh and see through fence would, I am sure, have been very poor customer relations. There are also small copses of trees planted to soften the interface with the school and these would have had to be severely lopped or pruned. Once it was decided to avoid the existing boundary line it was important to leave a reasonable gap so that access between fences was possible to allow maintenance.*
- *The ownership of the land is not changed and the responsibility to maintain the strip is also unchanged. It is a requirement of the PFI contract to maintain this and the Payment Mechanism within the contract will incentives the contractor to carry out the work to contract specification or suffer payment deductions*
- *There are three locked gates to the strip of land between the new fence and existing properties. Any litter will be removed, but if there is any substantial dumping then application will be made to the adjacent property owner to remove it.*
- *The new fencing is of an open weld mesh construction minimising the opportunity for undesirables to hide.*

#### Consultation

*Transportation Unit – no objections.*

#### Appraisal

*UDP policy CRI.2 states that the Council will strive to ensure that development proposals arising from the educational needs of residents are met, and as such this proposal is considered to be acceptable in principle.*

*In terms of the design, scale, massing and materials of the proposed fences, the proposal is considered to make the positive contribution sought by ENV3.1.*

*Given the above response from the applicants, it is considered that the area between the two existing fences would be adequately maintained. It should be noted that the school has suffered from residents dumping rubbish on their land in the past, and this application would not lead to an increase in this activity.*

*In terms of the potential of the enclosed area to attract undesirables, it should be noted that the fences do allow a degree of visibility and the area the gates allow access to is locked, and because of this, far from encouraging undesirables to use the area, the fences would provide an additional obstacle, and as such might act as a deterrent to burglars and such like. It is not considered, therefore, that the issue of maintenance is of sufficient weight to outweigh the above considerations.*

*In summary, given the above, the proposal is considered to accord with the provisions of the UDP, so far as they are material, and in the absence of material considerations that would indicate otherwise the proposal is considered to be acceptable and is recommended accordingly.*

**RB2005/0168**

**Erection of 49no two and three storey dwellinghouses (amendment to house types approved under RB2001/1074) and erection of 12 bicycle racks at land off Fenton Road Kimberworth Park for Ackroyd & Abbott Homes**

**RECOMMENDED: GRANTED CONDITIONALLY**

**Conditions Imposed:**

01

Prior to the commencement of the development (excluding preliminary site clearance activities), the developer shall submit a full site investigation report in accordance with BS10175:2001 for the prior approval of the Local Planning authority. The investigation shall quantify;

(i) the nature, degree and distribution of soil contamination, both chemical (organic, inorganic and metals) and physical (such as asbestos and combustible material);

(ii) the ground gas regime across the site, utilising gas monitoring boreholes and measurements of gas concentrations and flow rates, over a representative time period and environmental conditions;

(iii) the risk presented to future occupiers by radon;

The information shall be used to inform a quantitative risk assessment, based on current CLEA guidance and/or other appropriate risk based assessments of site conditions. A report on the suitability of the site for the proposed development, together with proposals for remediation measures to address any unacceptable risk shall be submitted for the approval of the Local Planning Authority. The assessment shall consider not only risks to human health, but also to water resources, landscaping and building structures and services. No development shall commence until the report recommendations have been agreed with the Local Planning Authority and all such agreed recommendations shall be implemented prior to the occupation of the first dwelling.

02

[PC24] Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmacadam, block paving or other such material as may be agreed by the Local Planning Authority and shall thereafter be maintained in a sound condition.

03

The proposed garages shall only be used for purposes incidental to the enjoyment of the dwellinghouses as such and shall not be used for any trade or business purposes.

04

[PC27\*] Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

05

[PC29] Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority.

06

[PC12] Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

07

Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the

approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

08

Unless otherwise agreed in writing with the Local Planning Authority, no building or other obstruction shall be located over or within 3 metres of any sewers.

09

[PC37] No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998(Tree Work).

If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

10

[PC38] Within the first available planting season after the commencement of the development, trees and/or shrubs shall be planted on the site in accordance with a scheme to be submitted to, and approved by, the Local Planning Authority. Such scheme to provide for species, siting, planting distances, programme of planting and maintenance to establishment and any plants dying, removed or destroyed within five years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.

11

[PC40] No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 1.50 metre high barrier fence in accordance with B.S.5837. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

12

[PC41] All tree works shall be carried out in accordance with B.S.3998: 1989. A schedule of all tree works shall be submitted to and approved by the Local Planning Authority before any work commences and no tree work shall commence until the applicant or his contractor has given at least seven days notice of the intended starting date to the Local Planning Authority.

13

[PC44\*] No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the hereby approved dwellings are occupied.

14

The precise details of the boundary treatment to the SSSI shall be agreed on site with the Local Planning Authority on completion of site clearance and the formation of the capping layer. The boundary details agreed on site shall be thereafter be maintained, unless otherwise agreed in writing by the Local Planning Authority.

15

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

16

No development shall commence until details of the proposed revised highway markings to Fenton Road, the relocation of the bus stop and shelter, the closure of the existing accesses and the new footpath/cycle links have been submitted to and approved by the Local Planning Authority and the proposed works shall be implemented in accordance with the approved details, prior to the completion of the development.

17

Effective steps shall 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 during demolition and construction works. Any accidental deposition of dust, slurry, mud or other material from the site, on the public highway shall be removed immediately by the developer.

18

The operator shall install and thereafter utilise as appropriate, wheel washing facilities on the site for the duration of the demolition and subsequent building works. Prior to its installation on site, full details of its specification and siting shall first be agreed with the Local Planning Authority.

19

No development shall take place until details of the finished floor levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

20

At all times during site clearance/preparation works, best practicable means shall be employed to minimise dust generation from the site. Such measures may include damping down by bowser, sprayers, whether mobile or fixed or similar equipment.

21

Only clean, dry inert fill material of suitable engineering quality shall be imported to the site in furtherance of this permission.

22

Before the development is brought into use, the windows on the rear elevation of the dwellings located on plots 73, 85 and 60 hereby permitted shall be obscure glazed and retained as such thereafter unless approved otherwise in writing by the Local Planning Authority.

23

Notwithstanding the provisions of Part 1 of Schedule 2, Article 3, Classes A, B, C, D & E of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order), no additional windows or openings shall be formed in any part of the western side elevation of the dwellings located at plot 72 and plot 86.

24

Before the development is brought into use, the windows on the side elevation of the dwelling located on plot 86 hereby permitted shall be obscure glazed and retained as such thereafter unless approved otherwise in writing by the Local Planning Authority.

**Reasons for Conditions:**

01

[PR92] In the interests of safe redevelopment and afteruse of this site.

02

[PR24B] To encourage drivers to make use of the parking spaces and to ensure that the use of land for this purpose will not give rise to the deposit of mud and other extraneous materials on the public highway in the interests of road safety.

03

[PR82] To ensure that no adverse effect upon the amenities of the neighbourhood may arise out of the proposed development.

04

[PR27] 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.

05

[PR29] No details have been submitted they are reserved for approval.

06

[PR12] To ensure that the development can be properly drained.

07

To ensure that no foul or surface water discharge shall take place until proper provision has been made for their disposal.

08

In order to allow sufficient access for maintenance and repair work at all times.

09

[PR37] In the interests of the visual amenities of the area.

10

[PR38] To ensure there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

11

[PR40] To ensure the trees / shrubs are protected during the construction of the development in the interests of amenity.

12

[PR41] To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area.

13

[PR44] In the interests of the visual amenities of the area.

14

To protect the SSSI during and following the construction phase of the development.

15

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

16

In the interests of highway safety and the provision of appropriate links from the application site for pedestrians and cyclists.

17

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway, in the interests of general highway safety/amenity.

18

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway, in the interests of general highway safety/amenity.

19

In the interests of the visual amenity of the area and the residential amenity of local residents.

20

In the interests of local amenity/residential amenity.

21

In order to ensure that the site is treated suitable for future development and to avoid potential pollution.

22

In the interests of residential amenity.

23

In the interests of residential amenity.

24

In the interests of residential amenity.

Notes for RB2005/0168

Background

*As a former factory site the application site has much industrial history, but more recently, planning permission was granted in 2001 (RB2001/1074) for 49 houses and 72 flats.*

Development Plan Allocation and Policy

*The site is allocated for Business Use purposes on the adopted Rotherham Unitary Development Plan. Policies HG5 'The Residential Environment', ENV3.1 'Development and the Environment' and Planning Policy Guidance Note 3- 'Housing' are all relevant to the proposal.*

Site Description

*The application site is the former Whitely Read factory site, with an area of approximately 2.2 hectares. The site abuts residential properties on Dovercourt Road, Henley Way and Copley Place. Although the majority of the site is relatively level, the north and east site boundaries have steep quarry slopes. Vehicular access to the site is currently via Fenton Road in close proximity to the roundabout at the junction of New Wortley Road, although a secondary access exists off Wortley Road. Part of the site is designated as a Site of Special Scientific Interest (SSSI) and this area forms part of a larger area of SSSI to the north. The site has now been cleared of industrial buildings. The application site area also includes highway land fronting Fenton Road.*

Proposal

*It is proposed to substitute all house types in identical plot locations to those originally approved under RB2001/1074. House types Rutland, Dorset, Surrey, Walton, Waltham, Dartmouth, Dawlish and Norfolk will replace Berkshire, Dorset, Durham, Exeter, Lincoln, Norfolk, Suffolk, Surrey and Wiltshire. It is also proposed that 12 no. bike racks are constructed within the development. There are no further alterations to land levels.*

Publicity

*The application was advertised with a press and site notice as a departure from the UDP. I am not in receipt of any letters of objection or 'Right to Speak' requests.*

Consultations

*Transportation Unit – No objections subject to recommended conditions expressed in the previous application.*

Appraisal

*The principle of development is established on the site as a consequence of planning permission RB2001/1074.*

*It is considered that the substitution of house types is not detrimental to the visual amenity of the street-scene nor does it have any significant impact upon existing levels of residential amenity currently benefiting the occupiers of dwellings adjacent the site or future occupiers residing on the application site, and as such the proposal is in accordance with ENV3.1 'Development and the Environment', HG5 'The Residential Development' and PPG3.*

*In summary, given the above, the proposal is considered to be in accordance with the provisions of the UDP, so far as they are material, and in the absence of material considerations which would indicate otherwise, the proposal is considered to be acceptable and is recommended accordingly.*

## **RB2005/0236**

**Erection of a three storey building comprising ground floor retail units to front and ground floor flats to rear and flats to first and second floors at 14/16 Sandygate Wath-upon-Dearne for Yorkfield Estates Ltd**

**RECOMMENDED: GRANTED CONDITIONALLY**

### **Conditions Imposed:**

01

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

02

Prior to the first occupation of the building, the vehicular turning area shown on the approved plans, shall be provided and thereafter retained.

03

[PC24] Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmacadam, block paving or other such material as may be agreed by the Local Planning Authority and shall thereafter be maintained in a sound condition.

04

[PC27\*] Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

05

Prior to the flats hereby approved first being occupied, 9 (nine) secure cycle parking spaces shall be provided within the site, the details of which shall be submitted to and approved by the Local Planning Authority in writing, prior to the commencement of development.

06

The site shall be developed with separate systems of drainage for foul and surface water on the site.

07

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of balancing works and off site works have been submitted to and approved by the local planning authority in writing.

08

Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

09

Prior to the flats first being occupied, windows to bathrooms shall be obscure glazed in accordance with details to be submitted to and approved by the Local Planning Authority in writing.

10

Prior to the building first being occupied, bat roosts shall be provided within the building, in accordance with details to be submitted to and approved by the Local Planning Authority in writing. The bat roosts shall thereafter be permanently maintained so that bats can make use of the roosts.

11

[PC44\*] No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied.

12

Prior to the commencement of development, details of the bin store hereby approved shall be submitted to and approved by the Local Planning Authority in writing. The bin store shall thereafter be erected or carried out and maintained in accordance with the approved details.

**Reasons for Conditions:**

01

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

02

In the interests of highway safety

03

[PR24B] To ensure 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 road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

04

[PR27] 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.

05

In the interests of sustainable transport

06

In the interests of satisfactory and sustainable drainage

07

To ensure that the development can be properly drained

08

To ensure that no foul or surface water discharges take place until proper provision has been made for disposal

09

In the interests of the living conditions of adjoining occupiers

10

In order to compensate for the loss of any existing bat roosts on the site in the interests of nature conservation

11

[PR44] In the interests of the visual amenity of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

12

In the interests of the living conditions of the occupiers of the development and adjacent occupiers.

Notes for RB2005/236

Background

*The site was previously a local store/supermarket, but the operator abandoned the site some years ago. Since then there have been other uses of the site over the years, but the site has been vacant for some time and now is in a poor state.*

*Late last year an application was submitted to, “erect a three storey building comprising ground floor retail units to front and ground floor flats to rear and flats to first and second floors”. This application was subsequently withdrawn owing to Officer concerns relating to design, impact on the living conditions of nearby occupiers, and vehicular access.*

*The current application has been submitted in line with Officer advice.*

UDP Allocation and Policy

*The site is located within an area allocated for Retail Use in the Rotherham UDP. The site is also located within an area designated as Wath Conservation Area. UDP policies RET 1 – Town Centres; RET1.1 – Shopping Environment; RET1.2 – Prime Shopping Streets; RET2 – New Retail Developments; HG4.3 – Windfall Sites; ENV2.11 – Development in Conservation Areas; and ENV3.1 – Developments and the Environment, are material.*

Site Description

*The site is that of a former local store/supermarket that is of poor appearance, and contributes little to the character and appearance of the Conservation Area, that over time, has fallen into a poor state of repair and has become over grown. To the side of the existing building, towards the town centre, is a parade of two storey flat roofed shops, of little character. To the other side is a L-plan two storey stone cottage, typical of this part of Sandygate, that has principal windows to habitable room windows facing the side of the site. To the front of the site is a short stay parking area associated with the town centre, and beyond this is a group of stone buildings and the rear yard of the Red Lion Public House. To the rear of the site is an access road to the rear of the parade of shops; beyond which is a residential area, though directly to the rear of the site is an area of overgrown vacant land.*

Proposals

*This applications seeks full planning permission for the erection of a three storey building. On the ground floor, the front of the building would form two independent shop units, whilst to the rear, the floor would form two flats. The two upper floors would form a further seven flats.*

*The building has been reduced in height from 11m to 9.5m, as compared to the previous application. The two front gables have been deleted; the roof has been semi-hipped; rhythm has been added to the position of the dormers on the elevation and the dormers have been re-designed to be more sympathetic in scale and articulation; the gables have been deleted from the rear elevation and replaced with a cat-slide roof; and balconies on the rear elevations have been replaced with balustrades.*

*The building is proposed to be constructed from natural stone, bradstone roof tiles, with doors and windows to have hard wood. Vehicular access to the building is proposed to be from the rear access road.*

*Eleven parking spaces are to be provided in the rear yard area, and this is also where the shop units will be serviced from. A bin store would be provided along the boundary adjacent 26 Sandygate.*

#### Publicity

*The application has been advertised by way of notice on site and in the local press, and letters have been sent to near neighbours. Two letters of objection have been received on the following grounds:*

- *although the new plans are an improvement on the previous ones still serious concerns – particularly in relation to light*
- *the majority of our living rooms (26 Sandygate) will be facing the proposed new building. In spite of the developers reducing it is still more than twice the height of the existing building and would reduce daylight considerably. We are entitled to the right to light.*
- *Building is too tall as compared to the immediately surrounding buildings*
- *Overlooking of 26 Sandygate, and surrounding properties.*
- *Bats have been seen in the ivy growing on the existing building*
- *Building is not in keeping with the Conservation Area*
- *Poor access to the rear could lead to congestion and would lead to a considerable increase in the amount of traffic on Old Cross Lane.*

#### Consultation

*Transportation Unit – No objection subject to conditions*

*Yorkshire Water – No objection subject to conditions*

#### Appraisal

*UDP policy RET1, states that proposals within Wath town centre for use class A1 will be acceptable, subject to the requirements of UDP policy RET1.2. UDP policy RET1.2, states that in prime shopping streets (such as this) the Council will limit the ground floor use to A1. UDP policy RET2, states that the preference for new retail will be within town centres. The retail element of this proposal is, therefore, considered to be acceptable in terms of land use principle.*

*In terms of the residential element of the proposal, UDP policy HG4.3 states that the Council will determine proposals for housing development on sites not identified by the UDP, in light of their location within the existing built up area and compatibility with adjoining uses, and compatibility with other relevant policies. In these terms, the proposed flats are well located within the existing built up area, the use of upper floors above shops is encouraged in PPG3 – Housing, and the retail element of the proposal is in accordance with the provisions of the UDP.*

*UDP policy ENV2.11, amongst other things, requires developments in Conservation Areas not to adversely affect the architectural or historic character or visual amenity of Conservation areas, and requires proposals to be compatible with vernacular style, materials, scale, fenestration, etc*

*of Conservation Areas. UDP RET1.1, requires proposals for new properties to be integrated within shopping areas, in respect of design, layout and function of neighbouring properties, and requires regard to be had to the adverse impact on neighbouring properties, street form and scene, and scale and character. UDP ENV3.1, requires developments to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship with the locality, scale, height, massing, quality of materials, etc.*

*In these regards, the proposal has taken reference from the architectural style and materials of neighbouring buildings of merit within the Conservation Area. In terms of scale and massing, though the building is taller and longer than those neighbouring it, given that the building has been broken up by the horizontal and vertical rhythm of the doors and fenestration, and given that it is sited approximately 9metres back from the edge of Sandygate as compared with number 26, it is considered that the proposal would site well within the street scene and would not be detrimental to the character and appearance of the Conservation Area. In addition, the roof form has been designed so as not to preclude the redevelopment of the site adjacent, should this be proposed in the future, and this can only be welcomed. The proposal is, therefore, considered to be in accordance with UDP policies ENV2.11, ENV3.1, and RET1.2.*

*The impact of the building on the living conditions of neighbouring occupiers is material and has been carefully considered.*

*In terms of loss of light to the windows of 26 Sandygate, given the reduced mass of the building, its position in relation to number 26 in terms of its windows and amenity areas, and the orientation of the site, whilst there would be undoubtedly some loss of light and overshadowing, taking account of the existing levels of light the building currently experiences, it is not considered that the proposal would be sufficiently detrimental so as to warrant a refusal of planning permission. Other occupiers in the area are positioned considerable further away, and as such, the relationship in this respect is also considered to be acceptable.*

*In terms of loss of privacy in relation to the occupiers of 26 Sandygate, the proposal has high level windows which are to be conditioned to be of obscure glass on its end elevation, and as such the proposal is considered to be acceptable in this regard.*

*In terms of overlooking the amenity area of 26 Sandygate, it should be noted that the balconies previously proposed have been deleted, and given the position and elevation of the windows associated with the proposal, and the dense character of this part of the Conservation Area, the relationship between the two properties in this regard is considered to be acceptable. Again, the amenity areas of other properties are further away, and as such are also considered to be acceptable.*

*The proposal is also considered to be acceptable in relation to other aspects of residential amenity not raised by objectors or discussed above, such as its impact on outlook and overbearing impact, etc. In addition, the bin store proposed to be sited on the boundary adjacent to 26 Sandygate is considered to be acceptable in terms of impacts such as odour, and attraction of vermin, given that its details are to be first approved by the LPA via the imposition of a condition.*

*The impact of the proposal on highway safety is also material. In this regard the standard of the access road, the design and position of the access, and parking and manoeuvrability on site, is considered to be adequate for the needs of both the retail and residential element of the proposal, such that it is considered that the proposal would not be likely to give rise to conditions detrimental to highways safety.*

*Finally, while no evidence has been put forward to substantiate claims that bats do roost within the existing building, using the precautionary approach, it is considered necessary to impose a condition relating to the provision of bat roosts in the proposed building.*

*In summary, given the above, the proposal is considered to be in accordance with the provisions of the UDP, so far as they are material, and in the absence of material considerations that would indicate otherwise, the proposal is considered to be acceptable and is recommended accordingly.*

## **RB2005/0246**

**Retention of disabled lift and erection of fencing, and installation of handrails at Cedar House, 40 Moorgate Road Moorgate for Rethink**

**RECOMMENDED: GRANTED CONDITIONALLY**

### **Conditions Imposed:**

01

The fencing hereby approved shall be stained a colour to be submitted to and approved by the Local Planning Authority in writing, prior to the erection of the fencing.

02

The handrails hereby approved, shall be powder coated a colour to be submitted to and approved by the Local Planning Authority in writing, prior to the installation of the handrails.

### **Reasons for Conditions:**

01

In order to ensure the development preserves the character and appearance of the Conservation Area in accordance with UDP Policy ENV2.11 - Development in Conservation Areas.

02

In order to ensure the development preserves the character and appearance of the Conservation Area in accordance with UDP Policy ENV2.11 - Development in Conservation Areas.

### **Notes for RB2005/246**

#### **Background**

*Planning permission was granted last year under reference RB2003/1562, for a “Change of use to short term residential (4 residents) and community crisis centre with associated offices for people experiencing minor mental illness and erection of single storey office extension”.*

*Following a complaint in relation to how the above permission, was implemented by the Councils Building Surveying Group, a thorough investigation revealed that a disabled lift had been installed which required planning permission. This application follows Officer advise that a retrospective planning application should be made.*

*The disabled lift is required in order to ensure the premises are compliant with the terms of the Disability Discrimination Act, by allowing the possibility of disabled access. A site visit was carried out to identify alternative means of such access, that were not as intrusive on the appearance of the Conservation Area. Whilst a number of alternatives were investigated none proved practical, and as such the means of mitigating the visual impact of the lift, were discussed.*

*The proposal has been discussed at length and is submitted in accordance with Officer advice.*

*UDP Allocation and Policy.*

*The site is located within an area allocated as Residential in the UDP. The site is also located within a designated Conservation Area. UDP policies T8 – Access; ENV2.11 – Development in Conservation Areas; and, ENV3.1 – Development and the Environment, are material.*

*Site Description*

*The site is that of Cedar House located on the corner of Moorgate Road and Mountenoy Road. The site is well screened by mature trees covered by Tree Preservation Order. The condition of the road surface as recently been improved. Opposite the site is the former county Council Offices. To the south of the site is the residential property known as Cedar Cottage.*

*Proposals*

*This application seeks retrospective planning permission for the installation of a disabled lift to the front of Cedar House. It is proposed to mitigate the appearance of the lift by the erection of double lapped fencing to the sides of the lift. It is also proposed to install handrails to the stairs at the side of the disabled lift.*

*Publicity*

*The application has been advertised by way of notice in the local press and on the site, and near neighbours have been notified in writing. Two letters of objection have been received on the following grounds:*

- the enclosed plan [available in the Members room] shows that disabled people would have to travel some 230metres from the disabled parking to the lift along a congested private road and onto a busy main road. If you actually care a jot for disabled people I would expect you to argue in favour of re-siting the lift where I have indicated, this allows access to the lift within a couple of metres from the parking bay and does not involve risk to the disabled or their carer.*
- There has been no attempt to disguise the lift, and consequently it has the appearance of a giant filing cabinet standing in the garden. This is completely out of character and unsympathetic to the Conservation Area of the Street.*

*Consultation*

*Transportation Unit – no objection*

Appraisal

*The applicants' agent has been asked to look at the suggestion made by the objector, and Members will be updated orally at the meeting. Essentially the objectors' suggestion, on the face of it, if practical, would seem a more user friendly option than the current arrangement.*

*However, whatever the merits of alternatives, the application has to be determined on its own merits, as submitted.*

*UDP policy T8 states that, "the Council will seek to meet the access needs of people with mobility and sensory handicaps by promoting careful design and improved provision in both the refurbishment and development of buildings...through the development control process and in the course of public service delivery". The provision of disabled access at this public service building is, therefore, acceptable in principle.*

*UDP policy ENV2.11, amongst other things, seeks to resist development that would be detrimental the character and appearance of the Conservation Area, by having regard to the degree to which proposals are compatible with the vernacular style, material, scale, fenestration or other matters relevant to the preservation or enhancement of their character. The lift as installed appears alien in the street scene as a consequence of it relating poorly to the host building and those in close proximity in terms of scale, massing, position and materials. However, the fencing that is proposed relates well in scale, design, position and materials to the existing boundary treatment sited along the boundary with the curtilage of Cedar Cottage. Indeed the fencing has been designed to be double lapped so as to totally obscure any view of the lift itself. It is considered that this screening is not detrimental to the character or appearance of the Conservation Area and as such the development would be in accordance with UDP policies ENV2.11 and similarly ENV3.1.*

*The proposed handrails are considered to be of sympathetic scale and design, such that they would preserve the character and appearance of the Conservation Area, providing that they are painted an appropriate colour and this will be ensured by way of condition. This element of the proposal is also considered to accord with UDP policies ENV2.11 and ENV3.1.*

*For clarity, though an alternative may be more acceptable than the submitted development, and this is material to the determination of this application, should this prove to be the case, this would not be of sufficient weight as to outweigh the provisions of the above policies.*

*In summary, given the above, the proposal is considered to be in accordance with the provisions of the UDP, so far as they are material, and in the absence of material considerations that would indicate otherwise, the proposal is considered to be acceptable and is recommended accordingly.*

**RB2005/0268**

**Erection of building for use as waste transfer station at land at Waleswood Industrial Estate Mansfield Road Wales for Anytime Skips & Plant Hire Ltd**

**RECOMMENDED: GRANTED CONDITIONALLY**

**Conditions Imposed:**

General

01

The permission hereby granted shall relate to the area shown outlined in red on the approved plan No 3 Existing Plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans, Plan 1, Plan 2, Plan 3, Plan 4, Plan 5, Plan 6, Plan 7 and Plan 8, and as described in the accompanying written statement dated 3rd February 2005 except as shall be otherwise agreed in writing by the Waste Planning Authority.

02

A minimum of 7 days notice, in writing, shall be given to the Waste Planning Authority before the development is commenced.

Highways

03

Effective steps shall 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.

04

That part of the site coloured yellow on the approved plan, ref Plan 8, shall be made available at all times for the vehicular servicing/ turning and the area coloured red be made available for parking purposes.

05

[PC24] Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmac, block paving or other such material as may be agreed by the Waste Planning Authority and shall thereafter be maintained in a sound condition.

06

[MC17] All loaded lorries leaving the site shall be securely and effectively sheeted.

Hours

07

Except in case of emergency, no operations shall take place on site other than between the hours of 0600 and 1800 Monday to Sunday. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Waste Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Noise

08

[WC47] All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

09

No machinery shall be used for the sorting of waste unless otherwise agreed in writing by the Waste Planning Authority

10

All waste sorting operations, storage of delivered waste and storage of processed waste shall take place within the confines of a building or two allocated bays, as shown on Plan 8.

Dust

11

[WC45] At all times during the carrying out of operations authorised or required under this permission, 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 Waste Planning Authority in consultations with the site operator to be impracticable, then movements of waste shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

12

The height of any stockpiles of brick and soil material contained in the two identified bays shall not exceed a height of 2 metres above the general ground level of the site.

Odour

13

At all times the best practicable means shall be employed to minimise occurrence of any offensive odour, from the site or associated operations. In the event of an odorous waste or product being found on the site, the material must be immediately dealt with in submitted odour action scheme, which shall be submitted and agreed in writing prior to the commencement of operations.

Vermin

14

The site must be inspected on a daily basis for the evidence of vermin or scavenging species. In the event that vermin / scavengers or evidence thereof is identified, an appropriately qualified vermin controller must be employed to deal with the identified problem.

Pollution Prevention

15

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or indirect or via soakaways.

16

[MC52] Suitable precautions shall be employed by the developer to prevent pollution of adjacent watercourses and the underlying strata arising from leachate generation from the site. Such methods shall incorporate best practicable means to contain, manage and control leachate.

17

There shall be no incineration process carried out at the site nor any incidental burning of waste material whatsoever in furtherance of this planning permission

New Building

18

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Waste Planning Authority and the development shall be carried out in accordance with the approved details.

Investigating Complaints

19

[WC91] The developer shall nominate an engineer or similarly qualified person to be responsible for investigating complaints regarding operations on site immediately such complaints are notified to him and shall inform the Waste Planning Authority of such appointment and the arrangements to be employed. A log of complaints shall be kept and made available to the Waste Planning Authority on request.

**Reasons for Conditions:**

01

[WR02] To limit the extent of the permission and ensure that the development is carried out in a reasonable manner in the interests of local amenity and the intended afteruse of the land in accordance with Policy WM 1.3 of the adopted Unitary development Plan.

02

[WR05] To enable the Waste Planning Authority to monitor the development in the interests of local amenity, in accordance with Policy WM 1.3 of the adopted Unitary development Plan.

03

In the interests of local amenity, in accordance with Policy WM 1.3 of the adopted UDP.

04

In the interests of local amenity, in accordance with Policy WM 1.3 of the adopted UDP.

05

In the interests of local amenity, in accordance with Policy WM 1.3 of the adopted UDP.

06

[WR15] In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, in accordance with Policy WM 1.3 of the adopted UDP.

07

[WR16] In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, in accordance with Policy WM 1.3 of the adopted UDP.

08

[WR47] In the interests of local amenity, in accordance with Policy WM 1.3 of the adopted UDP.

09

[WR47] In the interests of local amenity, in accordance with Policy WM 1.3 of the adopted UDP.

10

[WR47] In the interests of local amenity, in accordance with Policy WM 1.3 of the adopted UDP.

11

[WR45] In the interests of local amenity, in accordance with Policy WM 1.3 of the adopted UDP.

12

[WR45] In the interests of local amenity, in accordance with Policy WM 1.3 of the adopted UDP.

13

In the interests of local amenity, in accordance with Policy WM 1.3 of the adopted UDP.

14

In the interests of local amenity, in accordance with Policy WM 1.3 of the adopted UDP.

15

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, further to Policies WM 1.3 and WM 1.8 of the adopted UDP.

16

[WR52] To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, further to Policies WM 1.3 and WM 1.8 of the adopted UDP.

17

In the interests of local amenity, in accordance with Policy WM 1.3 of the adopted UDP.

18

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

19

[WR91] In the interests of local amenity, and to give effect to Policy WM 1.3 of the adopted Unitary Development Plan.

Notes for RB2005/268

Background

*This application relates to a proposal by Anytime Skips & Plant Hire to use land as a waste treatment, transfer and recycling facility, including the construction of a steel sorting shed at Waleswood Industrial Estate, Mansfield Road Wales. The site was granted planning permission for a similar scheme in 2003 (RB2003/105), however this permission was never implemented.*

UDP Allocation and Policies

*The site is situated within an area of Industrial and Business Use as allocated in the UDP.*

*Policies, EC 3.1 (Land Identified for Industrial and Business Uses), EC 3.5 (Other Development in Industrial and Business Area), ENV3.2 ( Minimising the Impact of Development), WM1 (Waste Management Strategy) WM1.2 (Assessment of Waste Management Proposals), WM1.3 (Waste Management Site Control) WM1.6 (Waste Transfer, Handling and Storage), of the adopted Rotherham Unitary Development Plan are the relevant policies to address the proposed development against. Policies WM1.2, WM1.3 and WM1.6 lay down the criteria for assessing proposals for waste transfer, handling and storage.*

Site Description

*The site is situated wholly within the industrial estate at Waleswood and is approximately 0.1Ha in area. The site was formally a British Coal Slurry Pond , as such it is situated below approximately 2meters the surrounding ground level, within concrete walls and a sealed concrete base. The access point is at the north east corner of the site. There is no vegetation within the site and it is screened from view due to its low ground level. Access to the site would be from the A618. The site is approximately 600 metres from the closest residential properties.*

The Proposal

*The applicant is seeking planning permission for the use of the site as a waste recycling transfer facility and erection of associated buildings. Where waste would be sorted, processed and redistributed. Waste would be brought in to the site by road then segregated, and processed. .*

*The site would accept a maximum of 25,000 tonnes of material per year. There would be an average of 18 skip loads delivered each day.*

*A portal-framed works building would be constructed on the site. The building would be utilized for the sorting of waste. It would be rectangular in shape, and would have four large roller shutter doors to allow for the direct unloading of material and movement of loads in and out of the building. The building would be divided internally into bays for segregation of different materials. There would be two bays outside the building one for storage of soil and one for storage of brick material, the maximum height of the storage bays would be 2 metres. A portacabin building would be located to the southeast of the access and used for the purpose of housing the staff office. The whole site would be contained on an impervious concrete base.*

*The proposed operating hours are specified as 0600 hours to 1800 Monday to Sunday.*

*The operations at the site would support six workers, including two HGV drivers and four waste sorting operatives.*

Publicity

*The application has been advertised in the local press and by site notices. One objection from Wales Parish Council has been received as a result of the notification exercise.*

Consultations

*All appropriate internal and external consultations have been carried out. Responses are summarised below.*

Environment Agency

*No objection, although conditions have been recommended with regard to groundwater protection.*

Environmental Health (RMBC)

*The Environmental Health Officer advises that there is little risk of disamenity, as the development is located in an industrial estate.*

Transportation Unit (RMBC)

*No objections although concern was raised regarding the size of the area available for manoeuvring vehicles on site and parking for staff and visitors. A plan (Plan 8) has been produced to show adequate parking provision it is recommended that a condition would be attached to any subsequent permission, to ensure parking spaces are provided.*

Wales Parish Council

*Wales Parish Council strongly objects to the application on grounds of health and safety, and environmental issues, such as increased potential of accidents as vehicles enter and exit the site, unacceptable increase in volume of traffic on Mansfield Road, and dirt and pollution created by the proposal.*

Aston Parish Council

*No comments have been received, at the time of writing this report.*

Appraisal

*The proposal is within an existing industrial area, which is remote from sensitive development, and as such would not have an adverse effect on neighbouring developments or local amenity, in accordance with UDP Policy EC3.1. The details of operational mitigation procedures, site management and site location combine to reduce environmentally adverse effects required by policy ENV3.2.*

*The proposal has been assessed against the criteria set out in Policy WM1.2. The main issues identified through assessment of the proposal and consultations have been identified as traffic, and pollution prevention. However it is considered that any potential disamenity can be successfully controlled through the implementation of conditions.*

*The recycling of waste is consistent with national and local minerals and waste policy and waste transfer stations contribute to meeting the targets for provision of recycled materials in line with Policy WM1.3. The site is well located to accept waste from both Rotherham and Sheffield areas. The transportation unit are satisfied that the local highway network contains enough capacity for the predicted associated traffic flows, in accordance to policies WM1.2 and WM1.6 of the UDP.*

*The environmental impact of the operation is reduced due to its distance from residential properties and acceptable location, low nature conservation interest and the mitigation measures suggested reducing any possible environmentally adverse effects as required in policy ENV3.2.*

*Waste stored on site would be contained within separate storage bays, on a hard standing base; there would be a fully enclosed drainage system in place to prevent pollution of water courses. The facility would require a waste management licence, which would be authorised by the Environment Agency, and would provide additional environmental conditions and controls should planning permission be granted.*

*Through the application of outlined site management procedures and proposed site conditions the proposed development fulfils the criteria set out in policies WM1.6 and WM1.2 and WM1.3.*

Summary

*In view of the above I am satisfied that, subject to the imposition of appropriate conditions to protect the environment and local amenity, the proposed development would not have an adverse impact while operations were in progress and would conform to the established UDP policies. The site is currently an unused piece of land, the scheme before Members would return the land to a productive use, ready to contribute to the continuing economic regeneration of the Borough. In arriving at this recommendation, I have had full regard to the environmental information contained in the submitted supporting statement, and to the consultation responses received. It is therefore recommended that the planning permission be granted subject to the conditions set out above.*

To the Chairman and Members of the  
PLANNING REGULATORY BOARD

31 March 2005

Report of the Head of Planning and Transportation Service

ITEM NO.

SUBJECT

1

Removal of remains of cottage and agricultural buildings, erection of dwelling house, conversion of outbuilding to garage and viewing room and alteration to tractor shed on site at 203 Meadowhall Road, Kimberworth - Ref. RB2004/1207.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

DEPARTMENT OF PLANNING AND TRANSPORTATION SERVICE

REPORT TO COMMITTEE  
31 MARCH 2005

<b>Item 1</b>	<b>Removal of remains of cottage and agricultural buildings, erection of dwelling house, conversion of outbuilding to garage and viewing room and alteration to tractor shed on site at 203 Meadowhall Road, Kimberworth - Ref. RB2004/1207</b>
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Recommendation

- A. That the Borough Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:
- (i) The industrial archaeology and associated artefacts and archival material on the site are to be advertised as a site of public interest and for public access by the following means:
    - (a) Signage in a prominent position, the size, design and location of which are to be first agreed in writing by the LPA
    - (b) By leaflet at the Tourist Information Bureau
    - (c) Within the Borough Events Magazine
  - (ii) Access to the application site by Members of the General Public to view industrial archaeology and associated artefacts and archival material on 6 weekends a year, between the hours of 10 am and 6pm, May to September.
  - (iii) Access to the site at any time, by prior appointment, by interest groups, school parties or other societies, between May and September, during the hours of 10am and 6 pm.
  - (iv) That the dwelling and industrial archaeology comprising the application site are to remain as one single planning unit, and are not to be sold off separately.
- B. Consequent upon the satisfactory signing of such an agreement the Borough Council resolves to grant permission for the proposed development subject to the following conditions:

Conditions

1. [PC38] Within the first available planting season after the commencement of the development, trees and/or shrubs shall be planted on the site in accordance with a scheme to be submitted to, and approved by, the Local Planning Authority. Such scheme to provide for species, siting, planting distances, programme of planting and maintenance to establishment and any plants dying, removed or destroyed within five years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.
2. No development shall take place within the proposed development area until the applicant, their agent, or their successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to, and approved in writing by, the Local Planning Authority.
3. [PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
4. [PC12] Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.
5. [PC24] Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmacadam, block paving or other such material as may be agreed by the Local Planning Authority and shall thereafter be maintained in a sound condition.
6. [PC67] No part of the land other than that occupied by buildings shall be used for the storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.
7. Notwithstanding the provision of Article 3, and the Second Schedule of the Town and Country Planning (General Permitted Development) Order, 1995, no further alterations, including walls, fences and other means of enclosure and the conversion of the garages hereby approved, shall be made to the external appearance of the buildings, neither shall any extensions or other new buildings be erected within the curtilages of the dwellings without the prior written approval of the Local Planning Authority.

Reasons

1. [PR38] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.
2. [PR03] To ensure that any archaeological remains are recorded or preserved in accordance with UDP policies ENV2 'Conserving the Environment', ENV 2.2 'Interest Outside Statutorily Protected Sites' and ENV2.3 'Maintaining the Character and Quality of the Environment'.
3. [PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

4. [PR12] To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.
5. [PR24A] To encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of road safety.
6. [PR67] To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.
7. In the interest of the green belt setting.

### Background

Members will recall that this application was presented to Planning Board on 11 November 2004 following a site visit, with a recommendation for refusal. Members were supportive of the application as they considered that the restoration of the mining archaeology and the environmental improvements together constituted the very special circumstances required to justify residential development in the Green Belt.

In coming to this resolution they recognised the need for a residential presence on the site to secure these aims.

However Members needed to be satisfied that the above could be delivered and asked that we report back to the Board with a recommendation including an appropriate legal agreement and conditions.

In the intervening period, since the resolution, one further representation has been received which questions the resolution on the basis that the circumstances do not amount to very special circumstances.

A copy of this letter and the previous report are appended.

**APPENDIX 1**

**SITE VISIT NO. 4 (Approximate time on site - 11.20 a.m.)**

**RB2004/1207**

**Removal of remains of cottage and agricultural buildings, erection of a dwellinghouse, conversion of outbuilding to garage and alterations to tractor shed (amendment to RB2002/1965) at site of 203 Meadowhall Road, Kimberworth for Mr. D. Broomhead.**

RECOMMENDED: REFUSED

Reasons for Refusal:

01

The proposed development site is within an area allocated for green belt in the adopted Rotherham Unitary Development Plan. Policy ENV1, Green belt, of that plan states that development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area.

The Council consider that the preservation and enhancement of the remains of the former Jordan Colliery do not constitute very special circumstances to justify the erection of a dwelling to improve the security of the site for that purpose. The proposal is also therefore considered to be contrary to planning policy guidance 2, Green belts.

Notes for RB2004/1207

Background

*RC68/752 Outline planning permission for a replacement dwelling was granted in 1968. This was never implemented.*

*R78/3276P The use of the land as a coach depot and extension of a garage to store coaches was refused in 1978.*

*R96/1545P More recently an application to erect a dwelling on site in connection with a proposed small holding use of the land was refused in 1996. The site is within the Green Belt and it was considered that there were no exceptional circumstances to justify the erection of a permanent dwelling.*

*An appeal against the refusal of this latter application was subsequently dismissed. The appellant argued that the existing cottage on the site had not been abandoned, and that the proposed dwelling merely replaced that existing.*

*The Inspector dealing with the appeal noted that the deterioration of the cottage had been rapid such that the building resembled a ruin more than an unused residence.*

*He further noted that a significant length of time had elapsed since the cottage had been used for residential purposes and that there appeared to be an intervening use for storage purposes.*

*He finally noted that the proposed bungalow approved in 1968 was to replace the cottage. He concluded that the residential use of the building had been abandoned and that the development of a new dwelling in the Green Belt would be inappropriate as it should only be considered if it supports existing agricultural activities on well-established units.*

*With regard to the effect of the proposed dwelling on the character and appearance of the surrounding area the Inspector noted the presence of other buildings on site which would be used for garaging and considered that the proposed dwelling would not be unacceptably intrusive, subject to the use of appropriate materials. However, he concluded that this would not provide adequate reason for allowing development which is inappropriate.*

*2002/1965 Planning permission for the erection of a dwelling and garage, 6 livery stables, formation of horse ménage/exercise area, and conversion of existing outbuildings to form tack room and tractor shed was refused on 5 June 2003.*

#### UDP Allocation and Policies

*The site is within the Green Belt. Policy ENV1 'Green Belt' and advice in PPG2 'Green Belts' would be applicable in this instance.*

#### Site Description

*The site is located between Meadowhall Road to the north and Meadowbank Road to the south. There are residential properties on Thornton Terrace to the east. Existing buildings and structures on site include old livestock pens and remains of a former cottage and tractor store. There are also a number of partial structures on the site, remaining from its former use as a colliery. These include a former motor room, engine mountings, miner's cottages, coking ovens and shafts. These are in a vandalised and poor state of repair, and the site in generally of poor visual appearance.*

#### Proposals

*The proposal includes the erection of a two storey dwelling, in a similar position to that of the site of the former cottage. Also included within the application is the conversion of the former colliery motor room to garage and display room, and reduction in height of the existing tractor store.*

*The intention is to reveal structures relating to the former Jordan colliery use, and provide archival material within the display room. The site would be made available by appointment for viewing by individuals or groups.*

*The applicant has referred to the fact that the colliery remains are valuable industrial artefacts and the provision of a permanent dwelling would enable the preservation of the ruins and allow greater archaeological investigation.*

### Publicity

*The application has been advertised in the press and on site as a departure. Letters of objection and numerous letters in support of the proposals have been received from residents.*

*The letters of objection raise the following concerns:-*

- *The Green Belt should be protected from unnecessary development.*
- *The proposal would set a precedent for similar proposals.*
- *Residential accommodation is available nearby if required for supervision of the site.*
- *No change from previous application when application was refused.*

*The letters in support note that:-*

- *The archaeological/colliery remains should be preserved and enhanced for future generations to enjoy.*
- *The development would allow the visual appearance of the area to be improved and reduce instances of crime.*
- *Using the land is better than leaving it derelict.*
- *Site is constantly subject to dumping and any cost incurred by the Council in clearing rubbish would be a waste of resources.*
- *Residential accommodation is required to ensure that security is provided.*
- *Applicant has attempted to run a smallholding on site but due to remote nature of site and vandalism etc this has not been practical.*

*Letters of support include letters from the following people and interest groups*

- *Trevor Lodge – Specialist in the history and technology of the UK's basic industries( Coal, Iron, Steel) and heavy engineering.*
- *Rotherham Civic Society.*
- *K. J. Barron M.P.*
- *People and Mining.*
- *Rotherham Metropolitan District Local History Council.*
- *South Yorkshire Industrial History Society.*
- *Rotherham Libraries, Museums and Arts.*
- *Rotherham Archaeological Society.*

### Consultations

*Transportation – no objections subject to conditions being imposed requiring a turning area for a fire appliance and vehicular areas to be surfaced.*

*The C.P.R.E. indicates that it supports the proposal as it would bring about major improvements to the visual appearance of this part of the Green Belt and would not compromise any of the five purposes of the Green Belt (discussed further below). It would fulfill three of the six positive roles which land in the Green Belt is supposed to serve.*

*The South Yorkshire Industrial History Society supports the application and has asked the question as to whether the restoration of the historical interest of the site could be conditioned or be part of a Section 106 agreement relating to the permission for the dwelling.*

*The South Yorkshire Mining Advisory Service notes that the site is stable from deep mining though that it may be prudent to carry out a limited borehole investigation in respect of shallow workings in the area. Grouting and capping of mineshafts on site may also be required. Steps should also be taken to strengthen foundations where affected by geological faulting on site and to address any mines gas migration and possible contamination associated with colliery spoil.*

*The South Yorkshire Archaeology Service notes that the site may have archaeological features that are as yet unrecorded and recommends that the appropriate condition be attached.*

*The Coal Authority has not raised any objections.*

*Environmental Health – no objections subject to a condition being imposed requiring a contamination report.*

*Yorkshire Water – no concerns*

*Forward Planning – supportive of the proposal as it will tidy up the site.*

### Appraisal

*Policy ENV1 of the UDP, 'Green Belt' states that in the Green Belt development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area.*

*This advice is reiterated in PPG2, Green belts, which states that there is a general presumption against inappropriate development within them, and that inappropriate development is, by definition harmful to the Green Belt.*

*The construction of new buildings that are considered acceptable in the Green Belt includes the replacement of existing dwellings. A previous appeal decision concluded that the former dwelling on the site had been abandoned*

*and that the new dwelling proposed did not constitute a replacement. This situation still applies.*

*Although the applicant claims that the development would result in the removal of unsightly buildings and structures, and would reduce instances of crime, vandalism and fly tipping, I am concerned that the proposal is contrary to the spirit of policy ENV1 and guidance contained in PPG2 (Green Belts).*

*The applicant is keen to reveal and display features and structures remaining from the sites historic past use as Jordan Colliery. A display room for archival material would also be developed. The intention is to open the site, by appointment to members of the public. The applicant claims that a dwelling is necessary to provide on site supervision on a 24 hour basis to make the venture viable. Without the dwelling it would not be feasible to invest time and money into the site.*

*Whilst I appreciate the predicament of the applicant I do not consider that the need for security on the site or the presence of remains in respect of the former Jordan Colliery constitute "very special circumstances" to justify the development of a dwelling in this Green Belt location.*

*I consider that the site could be cleared and made available for members of the public to view remains without the need for a dwelling. Artefacts and archival material could be displayed in a local library or public building. Alternatively the applicant could give talks to local interest groups or schools and make the material available on these occasions. There may be money available from charitable trusts or historic interest groups to fund the cost of clearing the site, providing interpretation panels and improving security through better fencing.*

*There are sites across the country providing examples of our industrial heritage, and it is not always essential for these to be associated with a dwelling for their survival. Many remains survive preserved in situ or if threatened by development are recorded for future generations to enjoy.*

*In view of the above, and the comments from the Inspector in respect of the previous appeal who noted that development of a new dwelling should only be considered if it supports agricultural activities on well established units, and the recent refusal in June 2003, where the application also proposed the preservation of the sites industrial heritage, I remain of the opinion that a new dwelling is inappropriate development and recommend that the application be refused.*