

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

Thursday, 7 July 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. Visits/Deferrals.
5. Minutes of the meeting of the Planning Regulatory Board held on 23rd June, 2005 (herewith) (Pages 3 - 9)
6. Visits of Inspection (report herewith) (Pages 10 - 45)
7. Development Proposals (report herewith) (Pages 46 - 55)
8. Report of the Head of Planning and Transportation Service (herewith) (Pages 56 - 61)
9. Updates

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING REGULATORY BOARD**Site Visits

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Head of Planning and Transportation Service.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within two weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chairman and Vice Chairman will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open,

impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.

- At the conclusion of the visit the Chairman should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their “Right to Speak” as appropriate.

**PLANNING BOARD
THURSDAY, 23RD JUNE, 2005**

Present:- Councillor Walker (in the Chair); Councillors Burton, Cutts, Dodson, Hall, Kaye, License, McNeely, Nightingale, S. Nuttall, Pickering and Robinson.

Apologies for absence:- Apologies were received from Councillors Littleboy, G. A. Russell, Smith, Turner and Vines.

15. DEVELOPMENT CONTROL MANAGER

The Planning Board were introduced to the new Development Control Manager, Steven Moralee, who was now in post and would be working within the Development Control Section.

16. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

17. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the meeting of the Planning Board held on 9th June, 2005, be approved as a correct record for signature by the Chairman.

18. 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:-

- Change of use from office to hot food takeaway at 79 Wales Road, Kiveton Park for Mrs. J. Tang (RB2005/0251)

Mr. K. Meese (Objector)

- Conversion of existing barns to form two dwellings and erection of 13 dwellinghouses at Rectory Farm, High Street, Laughton-en-le-Morthen for Rectory Farm (Laughton) Ltd. (RB2005/0491)

Miss A. Allen (Objector)

Ms. G. Liggins (Objector)

Mr. Stanway (Objector)

- Demolition of existing dwelling and erection of 2 No. three storey blocks comprising 16 No. Apartments at 84 Sandygate, Wath upon Dearne for P. Y. Developments (RB2005/0703)

Mr. M. Norton (Objector)

(3) That applications RB2004/0822, RB2004/0823, RB2004/2322, RB2004/2556, RB2005/0195, RB2005/0407, RB2005/0492, RB2005/0664 and RB2005/0931 be granted, subject to the relevant conditions listed in the report.

(4) That applications RB2004/1082 and RB2005/0703 be refused for the reasons listed in the report.

(5) That consideration of application RB2004/2394 be deferred, pending a visit of inspection, requested by Councillor Pickering, for Members to consider the concerns of residents and be better informed of the various locations considered for the location of this mast, the Chairman and Vice-Chairman approving arrangements.

(6) That planning permission be granted for application RB2005/0098, subject to the relevant conditions and that this be monitored by the relevant officers.

(7) That planning permission be granted for application RB2004/0194, subject to two additional conditions relating to the erection of a screen to the roof terrace and the provision of Travel Master Passes for the occupiers of the dwellings.

(8) That planning permission be refused for application RB2005/0251 subject to an amendment to the reason for refusal to change the use class from A3 to A5 use.

(9) That consideration of application RB2005/0407 be deferred, pending a visit of inspection, requested by Councillor Nightingale, to give Members a better understanding and view of this development and the impact on local residents, the Chairman and Vice-Chairman approving arrangements.

(10) That planning permission be granted for application RB2005/0416, subject to an amendment to Condition No. 1 (to now read "The permission shall only relate to the use of the stable block for the housing of rescued horses, ponies and donkeys and shall not be used for general animal sanctuary use, livery purposes, the giving of riding lessons or the commercial sale/hire of horses for hacking purposes, or the holding of gymkhanas.")

(11) That planning permission be granted for application RB2005/0491, subject to an amendment to Condition No. 10 to remove the last sentence and two additional conditions relating to a bat survey and the provision of Travel Master Passes for the occupiers of the dwellings. In addition a letter should be sent to the applicant regarding limits to the number of dwellings to be included on this site.

(12) That consideration of application RB2005/0856 be deferred, pending a visit of inspection, requested by Councillor Hall, in view of the number of objections and comments raised by local residents, the Chairman and Vice-Chairman approving arrangements.

(13) That planning permission for application RB2005/0903 be refused with the inclusion of an additional reason for refusal relating to the impact of this development on the ancient monument in the locality.

19. CONVERSION OF OFFICES TO FORM 26 APARTMENTS AND ERECTION OF THREE STOREY BUILDING COMPRISING 11 APARTMENTS AT MOORGATE HOUSE, MOORGATE ROAD, MOORGATE (RB2005/0269)

Consideration was given to a report of the Head of Planning and Transportation Service providing details of 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 provision of affordable housing on the site comprising of a two bed roomed unit for shared equity arrangements.

(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:-

1. 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.

2. Before the development is brought into use, the existing access marked at Moorgate Road, marked X on the attached plan, shall be permanently closed to vehicles and the kerbline/footway be reinstated in accordance with details to be submitted and approved by the Local Planning Authority.

3. Before the development is brought into use, the existing vehicular access at Hollowgate shall be clearly signed or marked "ENTRY ONLY and NO EXIT" and shall be used for ingress only in accordance with details to be submitted to, and approved by, the Local Planning Authority.

4. Prior to the commencement of the development 26 No. secure cycle parking spaces shall be provided within the vicinity of the existing building and 11 No. provided within the vicinity of the proposed building in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking shall, thereafter, be provided prior to the developments first occupation.

5. 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.

6. Not later than seven days after the completion of the sale of each dwelling, the developer shall procure from the S.Y.P.T.E. a Travel Master Pass and Journey Planner, valid for one year, on behalf of each household who shall be the first occupants of such a dwelling and the developer shall give details of the application and the date upon which it was made to the Council. If the developer shall fail to comply with his/her obligations he/she hereby irrevocably authorises the Council, or any person nominated by it, to make application for the said Travel Master Pack and Journey Planner and shall within seven days of a written demand reimburse the cost of the same to the Council or its nominee.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

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

13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to, and approved by, the Local Planning Authority before development commences.

14. 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 completion of the approved foul drainage works.

15. Surface water from vehicle parking and hardstanding area shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

16. 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 brought into use.

Reasons:-

1. 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'.

2. In the interests of road safety.

3. In the interests of road safety.

4. To ensure cycle parking is available in the interests of sustainable

development.

5. 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.

6. To promote sustainable modes of travel.

7. 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', ENV 3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

8. 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'.

9. 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 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'.

10. 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'.

11. 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'.

12. In the interest of satisfactory and sustainable drainage.

13. To ensure the site is properly drained and surface water is not discharged to the foul sewage system which will prevent overloading.

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

15. In the interest of satisfactory drainage.

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

20. ERECTION OF FOUR AND FIVE STOREY BUILDING COMPRISING 94

FLATS WITH GROUND FLOOR RETAIL (USE CLASS A1) AND PARKING, AT LAND AT 128-130 WELLGATE, ROTHERHAM TOWN CENTRE (RB2005/0255)

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

Resolved:- That consideration of this application be deferred, pending a visit of inspection, requested by Councillor Kaye, to allow Members to view the impact of this development on the street scene and how it would appear in relation to the adjacent listed building, the Chairman and Vice-Chairman approving arrangements.

21. UPDATES

The Head of Planning and Transportation drew Members' attention to the following update information:-

(a) Site Visits/Deferrals

A suggestion was made to include Site Visits/Deferrals on the agenda to allow Members to move such requests early and to prevent any unnecessary delay and waiting time for any persons attending with a right to speak.

Resolved:- That appropriate action be taken by Democratic Services for this item to be included on all future agendas.

(b) Planning Board Training

Members were reminded about the training session scheduled to take place in the afternoon of 23rd June, 2005 on Legal Agreements.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING REGULATORY BOARD****VISITS OF INSPECTION - Thursday, 7th July, 2005**

1. **RB2005/0255 - Erection of four and five storey building comprising 94 flats with ground floor retail (Use Class A1) and parking, at land at 128-130 Wellgate, Rotherham Town Centre.**

Agent:- Freecartwright LLP, Cumberland Court, 80 Mount Street, Nottingham. NG1 6HH

Requested By:- Councillor Kaye

Reason:- To allow Members to view the impact of this development on the street scene and how it would appear in relation to the adjacent listed building.

2. **RB2004/2394 - Erection of a 20 m telecommunications mast with 3 antennas and 2 dishes and six associated equipment cabinets at land at Hollings Lane, Thrybergh for Orange Personal Communications Services Ltd.**

Agent:- Commpro Telecommunications Ltd., Unit 4, Wentworth Business Park, Maple Court, Tankersley. S75 3DP

Requested By:- Councillor Pickering

Reason:- For Members to consider the concerns of residents and be better informed of the various locations considered for the location of this mast.

3. **RB2005/0407 - Erection of residential development comprising 1 No. two storey detached dwellinghouse, 3 No. two storey town houses with rear dormer windows and a pair of semi detached bungalows at land at St. Simon and St. Jude's Church, Church Street, Thurcroft for Jab Short Ltd.**

Agent:- Self Architects, Unit 11, Southwest Centre, Troutbeck Road, Sheffield. S7 2QA

Requested By:- Councillor Nightingale

Reason: To give Members a better understanding and view of this development and the impact on local residents.

4. RB2005/0856 - Erection of a detached dwellinghouse at land at Vorden Lodge, Slaypit Lane, Thorpe Salvin for Mr. Sommers.

Agent:- Robin Ashley Architects LLP, Unit, R8B Riverside Block, Sheaf Bank Business Park, Prospect Road, Sheffield. S2 3EN

Requested By:- Councillor Hall

Reason:- In view of the number of objections and comments raised by local residents.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2005/0255	Wellgate	9.05 a.m.	9.45 a.m.
2.	RB2004/2394	Thrybergh	9.55 a.m.	10.15 a.m.
3.	RB2005/407	Thurcroft	10.35 a.m.	10.55 a.m.
4.	RB2005/0856	Thorpe Salvin	11.15 a.m.	11.35 a.m.

Return to Town Hall at approximately 12.00 Noon

SITE VISIT NO. 1 (Approximate time on site – 9.05 a.m.)

RB2005/0255

Erection of four and five storey building comprising 94 flats with ground floor retail (Use Class A1) and parking, at land at 128-130 Wellgate, Rotherham Town Centre.

Recommendation:-

A That the Borough Council resolves to enter into a legal agreement with the applicant and other parties, under the provisions of section 106 of the Town and Country Planning Act 1990, for the purposes of ensuring:

- 1 The provision on affordable housing on site in the form of a two bedroom unit under shared equity arrangements; with a fallback position setting out that should this not be achievable a two bedroom unit would be made available for sale to person(s) in housing need at a discount of £35, 788., and secured thereafter in perpetuity; and if this is not achievable the developer be required to pay a commuted sum in lieu of the provision of affordable housing in the locality to the value of £35, 788.
- 2 The provision of a management agreement to ensure that the communal areas and open space within the development are maintained

B That consequent upon the satisfactory signing of such an agreement, planning permission be granted for the purposes of the development, subject to the following conditions:

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

[PC16*] Concurrently with the carrying out of the development a crossing over the footpath/verge in Wellgate shall be constructed to the specification of the Local Planning Authority and shall be completed before the development is brought into use.

03

Before the proposed access has been brought into use, the existing accesses marked "X" on the attached plan shall be permanently closed and the kerbline/footway reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

04

[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.

05

[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.

06

The development shall not be commenced until details of the proposed lay by and replacement footway in Hollowgate, indicated on the submitted plan, have been submitted to and approved by the Local Planning Authority in writing. The approved details shall thereafter be implemented before the development is brought into use.

07

The development shall not be commenced until details of the replacement bus shelter and bus stop fronting Wellgate have been submitted to and approved by the Local Planning Authority in writing. The approved details shall thereafter be implemented before the development is first brought into use.

08

Notwithstanding the detail shown on the approved plan, the footway adjacent the internal access road shall be extended as indicated on the attached plan, before the development is first used.

09

Prior to the first residential unit been occupied, secure cycle parking provision shall be made within the site in accordance with details to be submitted and approved by the Local Planning Authority in writing, prior to the commencement of development.

10

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a 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.

11

Not later than 7 days after the completion of the sale of each dwelling, the developer shall procure from the SYPTA a Travel Master Pass and Journey Planner valid for one year on behalf of each household who shall be the first occupants of such a dwelling and the developer shall give details of the application and the date upon which it was made to the Council. If the developer shall fail to comply with his/her obligations he/she hereby irrevocably authorises the Council or any person nominated by it to make application for the said Travel Master Pack and Journey Planner and shall within 7 days of a written demand reimburse the cost of the same to the Council or its nominee.

12

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

13

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of the proposed means of any balancing works and off site works, have been submitted to and approved by the LPA

14

Unless otherwise approved in writing by the LPA, 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 completion of the approved foul drainage works.

15

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

16

[PC92]

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.

17

[WC15]

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.

18

[WC16]

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

19

[WC31*]

Except in case of emergency, no operations shall take place on site other than between the hours of 08:00 and 18:00hrs Monday to Saturday and 09:00 and 13:00hrs 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.

20

[WC32*]

Heavy goods vehicles shall only enter or leave the site between the hours of 08:00 and 18:00 hrs on weekdays and 08:00 and 1800hrs on Saturdays and 09:00 and 13:00 hrs on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

21

[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 bowsters, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

22

[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'.

23

[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.

24

[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 any part of the development hereby approved is brought into use.

Reasons:

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

[PR16]

To avoid damage to the footway/verge.

03

[PR21]

In the interests of road safety.

04

[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'.

05

[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.

06

[PR21]

In the interests of road safety.

07

In the interests of sustainable transport in accordance with PPG13

08

[PR21] In the interests of road safety.

09

In the interests of sustainable transport in accordance with PPG13

10

To encourage the use of means of transport other than the private car, in accordance with PPG13

11

To encourage the use of means of transport other than the private car, in accordance with PPG13

12

In the interest of satisfactory and sustainable drainage

13

To ensure that the development can be properly drained

14

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

15

In the interests of satisfactory drainage

16

[PR92] In the interests of safe redevelopment and afteruse of this site and in accordance with UDP Policy 4.4 'Contaminated Land'

17

[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.

18

[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.

19

In the interests of local amenity

20

In the interests of local amenity

21

In the interests of local amenity

22

In the interests of local amenity

23

In the interests of local amenity

24

[PR44]

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

Background

In 2004 an application was received seeking outline planning permission for the redevelopment of the site for retail use (Use Class A1), including details of the siting and means of access. The application is held in abeyance.

The illustrative elevations were of two storey proportions and would have underused the sites potential at this key gateway site. Given this Officers entered into pre-application discussions lasting nine months, and ultimately leading to an application in the form of the current application.

In addition, an application was received in 2004, seeking a Certificate of Proposed Use relating to the lawful development of the site for retail sales with ancillary storage. The application is held in abeyance.

UDP Allocation and Policies

The site is allocated within Mixed Use Area 23, and as such UDP policy EC5 – Mixed Use Areas is material. The proposal is a departure from the provisions of the UDP; however, given that the proposal is for less than 150 residential units, in accordance with The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, the proposal is not required to be referred to the First Secretary of State.

Adjacent to the site is a Listed Building, and as such UDP policy ENV2.8 – Settings and Curtilages of Listed Buildings is material.

UDP policies HG4.3 – Windfall Sites, HG4.7 – Affordable Housing, HG5 – The Residential Environment, RET3.2 – New Retail development, and, ENV3.1 – Development and the Environment, are also material.

In addition the advice contained within Planning Policy Guidance 3 – Housing, PPG13 – Transport, and Planning Policy Statement 6 – Retail, are also material.

Site Description

The site is that of the former Vauxhall car dealership showroom and workshops located on the corner of Wellgate and Hollowgate. The site been vacant for a number of years and has fallen into a poor state of repair. Notwithstanding this, the buildings are of poor architectural quality, and detract from the character of the locality significantly. In particular, it should be noted that Wellgate Old Hall, a Grade II Listed building, is located outside the site along the Wellgate frontage. The poor quality of buildings on the site are considered to be detrimental to its setting, considering that the position of the buildings effectively screens views of the Listed building from the south-east, and the buildings on site relate poorly in terms of architectural style and materials.

To the south-west of the site is a footpath known as “narrow tritchell” beyond which are the terrace houses located along Whybourne Grove and Whybourne Terrace. To the east of Whybourne Grove, adjacent to “narrow Tritchell” is a play area. The application site is approximately 3 metres lower than Whybourne Terrace. The site of Wellgate Old Hall is approximately 1.7 metres lower than the application site. The application site itself slopes upwards gently from Wellgate towards Whybourne Terrace. The road level of Whybourne Terrace is approximately 6 meters higher than the site level of the Wellgate Old Hall.

The site is bounded by commercial premises on Wellgate, a combination of residential and commercial premises on Hollowgate and Office buildings to the north-west on Mansfield Road.

The site is approximately 0.62 ha in area.

Proposals

This application seeks full planning permission for the erection of a mixed use development. The form of the development is that of three, four and five storey buildings, erected on a footprint that is an irregular U-shape, given that it is inset from the sites boundaries. The buildings side elevations facing towards Mansfield Road and Hollowgate are primarily four storeys, falling to three storeys as they approach Wellgate. The sites rear elevation (facing towards Whybourne Terrace and “Narrow Tritchell”) is four storey, rising to five storey in the centre. This essentially creates a courtyard to the front elevation which is utilised by parking provision, and landscaping. A key feature of the sites layout is that the Hollowgate elevation is set back from Wellgate, allowing more open views of the Listed Building. This area is also landscaped, and is the position of the sites access. To the other side of the Listed Building the proposal maintains the prevailing building line of Wellgate.

The buildings themselves have been designed so as to keep the height to a minimum, by utilising curved roofs, and using modern roofing materials. The building has also been designed so that its mass is effectively broken up. This has been done utilising a number of features; including the shape and position of the buildings, glass especially on the centre of the rear elevation with the inclusion of a glazed atrium, the use of different coloured block work, and, the position and rhythm of the fenestration.

The buildings would create 94 flats and two areas of retail use (Use Class A1); one located on the ground floor of the Hollowgate wing (437m²), and one located on the ground floor adjacent to Westgate (152m²). The retail unit adjacent Hollowgate would be serviced from a lay-by on Hollowgate. The development would have 94 parking spaces for residents, of which 61 would be on the ground floor of the building; and, 17 parking spaces for the retail development.

Publicity

The application has been publicised by way of notice given in the local press and on the site, and near neighbours have been notified in writing. One letter of objection has been received on the following grounds:

- *The photographic interpretation of the site is a misinterpretation in that Wellgate Old Hall has been moved forward towards the road, has increased in size, has been raised and is a misleading representation*
- *The architecture is a poor example of what can be achieved and shows a lack of imagination*
- *The Listed Building would be completely engulfed by the proposed buildings and lost below a towering monstrosity*
- *Future generation would look upon their legacy as an example of overdeveloped eyesore from this era*

The objector requests his “right to speak”.

Consultation

Transportation Unit – The traffic generated by the proposal would be likely to have a material impact on existing conditions. The proposal is also located in an excellent location to benefit from sustainable travel modes. Therefore, no objection subject to conditions relating to drop curbs; closure of existing accesses; drainage; details of the proposed lay-by; provision of a bus shelter; provision of cycle parking; provision Travelmaster passes and journey planner.

Rotherham Housing Market Renewal Team comment as follows:-

Strategic Fit

We are in overall support for the residential development of 94 flats and can confirm it meets the 3 strategic the objectives of Transform South Yorkshire in terms of ;

- Greater housing choice*
- Improved quality*
- Improved character and diversity of neighbourhoods.*

In addition it helps meet the aim within the town centre Housing Market Renewal, Area Development Framework by providing greater choice of housing and helping to repopulate the Town Centre.

Section 106 Affordable Housing

- Strong preference for on site affordable housing provision*
- Utilise the developers affordable housing financial contribution as determined by Rotherham's Supplementary Planning Policy Guidance on Affordable Housing to secure shared equity housing.*
- A rental charge should not become a part of financing shared equity properties.*
- A Registered Social Landlord should manage the shared equity housing*
- Numbers and mix of shared equity housing to be agreed through negotiation with developer, RSL and Housing Market Renewal Team*

Housing Market Renewal Funding

- Explore the opportunity with the developers to use Housing Market Renewal grant funding to increase the number of shared equity housing and raise residential quality beyond that attainable under current market conditions.*

Environment Agency – No objections

Yorkshire Water – no objection subject to conditions relating to drainage and repair

Drainage Maintenance- No objections subject to conditions relating to surface water drainage.

South Yorkshire Archaeology Service – No objections

Environmental Health – No objections subject to conditions relating to Remediation Strategy; construction times; and dust, mud, etc prevention

South Yorkshire Passenger Transport Executive – No objections, but would welcome the further reduction of car parking provision in this location. Travelmaster bus passes should be provided.

Rotherham Civic Society – Object, as they believe the scale of the proposed development, ranging up to five storeys in height, is quite disproportionate on the site adjacent to a Listed building; The Listed Building is one of the oldest secular buildings in the town, if not the oldest and would be completely overwhelmed by the proposal; it would not be difficult to devise a scheme without adversely affecting the listed building; concerned with regard to the volume of traffic that the residential and retail properties would generate at a busy junction; Wellgate and Hollowgate are not adequate to accept significant increases in traffic at peak times.

Rotherham Archaeological Society – Makes the following object because the scale of the proposal, particularly its intensity and height is inappropriate in close proximity to a Grade II Listed Building; the proposal would be visually buried beneath a high rise development which will detract from the Halls pleasing aesthetic appearance and historical importance; a great deal of history is attached to Wellgate Old hall and the application site and archaeological artefacts have previously been discovered; do not object to the development of the site in principal and acknowledge the Renaissance strategy put forward for the town, but this should not be at the expense of the towns heritage; archaeological investigations should take place before the site is developed as a medieval Inn was present at the corner of Mansfield Rd and Wellgate; request a copy of a report on Wellgate Old Hall be placed in the Members Room prior to the Board.

South Yorkshire Police – The design of the building could do more to prevent crime.

Access Officer – A lift should be provided and dedicated parking spaces do not meet section 1 of the regulations

Appraisal

Land Use

Mixed Use Development

The proposal complies with the mixed use aspirations of PPG3, where mixed use development in Town centres is strongly encouraged, especially with retail uses on the ground floor and residential use on the upper floors.

The provisions of the UDP pre-dates the publication of PPG3, and as such, although the site is located within a Mixed Use Area, its provisions do not allow for residential development on the site. UDP policy EC5 states that:

“Within Mixed Use Areas shown on the Proposals Map, a variety of land uses will be acceptable; the particular uses appropriate to each area and any limitations or requirements pertaining to these uses or their location being set out in Chapter 7 of this Written Statement”

The site is located within Mixed Use Area 23, where uses identified as being appropriate are A1, A2, A3, and B1 of the Town and Country Planning (Use Classes Order) 1987, in principle. The ground floor retail (A1) element of the proposal is, therefore, in accordance with the provisions of UDP policy EC5 – Mixed Use.

However, as residential accommodation (Use Class C3) is not identified within the mix of appropriate uses, this element of the proposal is a departure from the UDP.

Retail Development

In addition to UDP policy EC5, UDP policy RET2 and the provisions of PPS6 are also material considerations.

UDP policy RET2 states, amongst other things, that:

“The Council will promote and support retail developments of appropriate type and scale within or immediately adjoining defined town centres, and will apply a sequential test to proposals for new retail development. The first preference will be for sites in defined town centres followed by edge of centre sites and only then out of centre sites.....”

The provisions of PPS6 post date the adoption of the UDP, and dictate that proposals for edge of centre sites [such as this] should be able to demonstrate a need for the development and demonstrate that sites located within the defined town centre could not accommodate the retail need, and that in allowing the development, the proposals would not have an unacceptable impact on the vitality and viability of the town centre. In addition, to this the regeneration merits of proposed developments are also identified as being material considerations.

In these regards the proposal would only introduce a total of 589m² of gross retail floor space, and whilst this level of floor space could undoubtedly be provided on sequentially preferable sites in the defined town centre, this would probably mean dis-aggregation, and on balance, considering the small scale of the retail proposal (especially given the existing lawful retail development on the site is in excess of that proposed), its location within the development and its close proximity to the defined town centre, the sites allocation within the UDP, the desirable mixed use nature of the sites development, the weight that is to be attached to the regeneration merits associated with the sites’ development, and the limited impact the proposal would have on the vitality and viability of Rotherham Town Centre, the proposal is considered to be in accordance with both the provisions of UDP policy RET2 and PPS6.

Residential Development

In addition to the provisions of UDP policy EC5, UDP policy HG4.3 – Windfall sites, and the provisions of PPG3 which post dates the adoption of the UDP, are also material considerations.

UDP policy HG4.3 states that the Council will determine proposals for residential development on land not identified for such a purpose, in light of the sites location within the existing built up area, its compatibility with adjoining land uses, and the proposals compatibility with other relevant policies and guidance.

PPG3, provides that where UDP's are out of date, regard is to be had to the provisions of PPG3; confirms the governments commitment to maximising the re-use of previously developed land; states that LPA's should follow a search sequence starting with urban areas; and should determine planning applications in light of the provisions of paragraph 31, which reads:

"In deciding which sites to allocate for housing in local plans and UDPs, local planning authorities should assess their potential and suitability for development against each of the following criteria:

*the **availability of previously-developed sites** and empty or under-used buildings and their suitability for housing use;*

*the **location and accessibility** of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;*

*the **capacity of existing and potential infrastructure**, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;*

*the **ability to build communities** to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities; and*

*the **physical and environmental constraints on development of land**, including, for example, the level of contamination, stability and flood risk, taking into account that such risk may increase as a result of climate change."*

In these regards, the site is, a previously developed site located within a built up area and just outside the town centre; within a locality where the character of the area is that of a mixed use - residential and commercial nature; and as a consequence of these inherent features, is located in a highly sustainable and accessible location being well served by road, rail, and bus; is located in close proximity to social infrastructure and local services found with in the town centre such as retail, leisure, entertainment, library, education, etc; and is relatively uncontaminated, etc. Indeed, in terms of the criteria outlined by paragraph 31, the site compares favourably in relation to all other known potential residential sites.

Given this, it is considered that the proposal is in accordance with the provisions of UDP policy HG4.3, and the provisions of PPG3 as outlined above.

Making the best use of land

PPG3 requires that development proposals make the best use of land through imaginative layouts. In particular PPG3 states that LPA's should:

- 1 avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net - see definitions at Annex C);*
- 2 encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and*
- 3 seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.*

In this regard, given that the proposed development would have a density of approximately 156 units per hectare, its location adjacent to the defined town centre, its proximity to major transport nodes, the aspirations for a mixed use development, and the constraints to the sites' development have been appropriately dealt with through an imaginative design and layout, without compromising the quality of the environment, the proposal is considered to make the most efficient use of the site.

Layout and Appearance.

Setting of the Listed Building

UDP policy 2.8, states that the Council will resist development proposals which detrimentally affect the setting of a Listed building.

In this regard the proposal undoubtedly has an impact on the setting of the adjacent Wellgate Old Hall, in that it would introduce a building of considerable scale, and mass in close proximity to it.

However, this has to be considered against the current setting of the Listed building. The current setting of the Listed building is that of an abandoned car dealership, which whilst the buildings are of a smaller scale to those proposed, relate very poorly in terms of their position, architectural style and condition, such that the listed building is seen against a backdrop of untidy and awkward utilitarian buildings, that do little, and in fact detract from the setting of the Listed building.

In addition, it should be noted that in architectural terms, the Listed building being of a common vernacular design and materials, is less significant than in it is in historical terms. This is largely, because, since the time the building was Listed, the buildings architectural interest has been severely eroded, in

that its distinctive chimneys have been removed, its windows crudely replaced, its roof has been unsympathetically replaced with modern concrete roof tiles, and its boundary wall and soft landscaping have all been removed. The buildings historical significance is now the main reason for it retaining its Listed status.

Furthermore, although originally the building would have had a large open curtilage, with only domestic scale barns and buildings associated with the hall, its curtilage has been drastically reduced over years following the sale of the land, and as such, given the application sites subsequent development, it would be unreasonable to expect the Listed buildings setting to be returned to its original appearance.

In this context, the proposed development is considered to be of a scale, and massing which would relate well to the Listed building, given its position and footprint, which would also allow the building to be seen against the backdrop of a courtyard, with more open and landscaped views, especially from the east. The proposal in its own right is not considered to be detrimental to the setting of the Listed Building, but given the listed buildings existing setting, the proposal is considered to be an enhancement.

Given this, the proposal is considered to accord with the provisions of UDP policy ENV2.8.

Streetscene

UDP policy ENV3.1, 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 style, relationship to the locality, density, massing, quality of materials and landscaping, etc.

Further to this, PPG3 has added additional emphasis to this approach, as one of its fundamental objectives is to ensure that residential development enhances the quality of the built environment. In particular, it encourages residential developments not to compromise the quality of the environment, stating that developments should be informed by the wider context in which they will be seen, and urges development solutions to be imaginative, so as to achieve a quality built environment, whilst at the same time making the most efficient use of the land.

In this regard, the proposal is considered to be an imaginative solution, given that it has utilised the sites constraints to achieve the most efficient use of the site without compromising the appearance of the building in the context in which it will be seen. In particular the development makes the most of the sites shape, differing levels, and the need to respect the setting of the listed building abutting the site and the proximity and scale of the other surrounding buildings. The inspiration of the proposed footprint was to open up views of the listed building and to position the bulk of its built form away from the listed building, with the exception of the gap between the listed building and the existing property along Wellgate, where it is considered that the development

should fill the gap, so as to maintain the rhythm of development along that part of Wellgate.

From this basic footprint, the context in which the building would be seen is that of a prime positioned and substantial sized “gateway” site. In this context, whilst the setting of the listed building needs to be respected in terms of scale and mass, the site itself also demands a building of considerable scale and massing to make a positive statement in the locality.

The proposed development has dealt with the issue of scale by utilising the sites differing levels and relationship with surrounding buildings, to ensure that the development does not unduly dominate these buildings, whilst also ensuring that the proposed building itself does not appear squat in the streetscene, but at the same time ensuring the development makes the most efficient use of land possible given these constraints.

Given the position of the main mass of the buildings built form is positioned approximately 32m to the rear of the listed building, and the listed building itself is approximately 1.7m lower than the application site, it is considered that the proposed development will not unduly dominate it. This relationship has to be considered in the context in which the relationship between the two buildings will be seen. In this respect, given the width of Wellgate, when people pass along it they would seldom view the buildings directly in front of each other, but more likely will see the building lined up at acute angles. This is considered to make the juxtaposition in which the two buildings will seen, more acceptable, especially as the two wings of the proposed building will also be seen in these views, and thus reduce the impact that might otherwise be appreciable. Wider views of these two buildings being directly in front of one another, will only be possible from Sherwood Crescent on the other side of Wellgate. This road is at an angle to Wellgate, and rises considerably from it, thus limiting the view of this direct juxtaposition. In addition, given the limitations of this view, and the fact that the listed building is set down from the application site by approximately 1.7 metres, whatever the backdrop to the listed building, it would to some extent appear subservient. Given this, and the distance between the listed building and the main mass of the building, it is considered that the proposal is acceptable in terms of scale and mass, such that this relationship would not adversely affect the listed buildings setting or the appearance of the streetscene.

In addition to this, the breaking up of the buildings’ mass by the use of the different materials, different colours of the block work, and the shape of the buildings footprint, will all ensure that the proposed development will not appear incongruous in the Wellgate streetscene, and particular its relationship with the listed building.

In terms of the linear relationship of the proposed buildings two wings and the listed building along Wellgate, given that the buildings are at those points of a similar scale to that of the listed building, and sensitively sited, the contrast in architectural styles and the form of the proposed roof is not considered to be detrimental to the streetscene.

In terms of the proposals visual relationship with the dwellings to the rear of the site, along Whybourne Terrace and Whybourne Grove, the proposal would appear of domestic scale, given the difference in site levels and the reduced scale of the development utilised as a consequence of the proposals curved roof. Again the shape of the proposed footprint, and the utilisation of different materials, would break up the appearance of the buildings mass, ensuring that the proposal would remain visually interesting and not detrimental to the appearance of the streetscene.

In terms of how the building would appear in the Hollowgate streetscene, the proposal is considered to be of an appropriate appearance, given its position in relation to the existing dwellings on Hollowgate and their scale, and taking account of the proposed buildings scale and broken up mass, and the rising nature of Hollowgate.

In terms of architectural style, there is no prevailing style which dominates the locality, and it is not considered appropriate to mimic the style of the listed building which is essentially vernacular, given the importance of the site in terms of its size, shape, and position at the corner of Hollowgate and Wellgate. It is considered, therefore, that the site could utilise a more modern style, such as that proposed, using the curved roof, different coloured blocks, and glass features, without appearing neither incongruous in the streetscene, nor disrespectful to the setting of the listed building. In deed, given the scale and massing of the proposed building, if it were to adopt the architectural style of the listed building, it would compete with listed building itself, and thus detract from its setting. At the same time, the scale of the building would need to be drastically reduced to achieve the traditional style of roof, and this would lead to a reduction in the number of residential units that could be achieved.

Given this, as the proposed building is considered to be acceptable in terms of its impact on the visual appearance of the locality, there is considered to be no justification for a building of similar architectural style and scale, to that of the listed building.

The proposal is, therefore, considered to accord with the provisions of UDP policy ENV3.1 and the provisions of PPG3 as outlined above.

Living conditions and general amenity.

Physical Impact

The nearest residential occupiers to the site are those found along Whybourne Terrace and Whybourne Grove. The proposed building taking account of the difference in levels and the shape of the roof would have the proportions of a two storey building along Whybourne Terrace, whilst that part of the building visible would serve three floors of accommodation. The window relationship would be primarily that of primary habitable room to primary habitable room. The distance between the properties would be approximately 18meters with a highway intervening. It should be noted that whilst the

Councils adopted SPG states that the minimum window distance between such windows should be 21meters, PPG3 advises that LPAs should avoid inflexible development control standards that would prevent residential developments making the most efficient use of land.

Given this relationship and the orientation of the development, the proposal is not considered to be detrimental to the living conditions of the occupiers of Whybourne Terrace and Whybourne Grove, by reason of loss of privacy, overlooking, overbearing/dominant impact, over shadowing, loss of light, nor loss of outlook, etc.

Any other residential occupier would benefit from a relationship at least equivalent to that outlined above and as such the proposal is considered to be acceptable.

General Disturbance

The proposal when in use will give rise to comings and goings to the site from both residents and shoppers. However, given the proposed layout, all such movements will be along the main roads which are already experiencing such movements and the extent to which the development will lead to any increase in the frequency and timings of such movements, particularly given the sites access onto Wellgate, should not significantly alter the nature of the area or adversely impact on the living conditions that nearby occupiers could legitimately expect.

During Construction

The construction of the development will take a considerable period of time to complete, during which construction noise, dust, the movements of construction traffic, and the deposition of mud will impact on the living conditions that nearby occupiers currently enjoy. However, conditions will ensure that construction is restricted to take place during reasonable hours and provision of dust, noise, and mud mitigation measures that should ensure that the development does not impact on the living conditions beyond that which residents could legitimately expect.

Overall the proposal is considered to be acceptable in terms of its impact on living conditions and general amenity.

Transportation

Sustainability

As outlined above, PPG3 encourages residential developments in locations that can offer alternative modes of transport to car use. This approach is also supported by PPG13. In this respect the site is considered to be excellent given its location along existing bus routes, and its proximity to the facilities on offer in the town centre, including the bus and train stations. The developer has also agreed to provide Travel Master passes to each occupant, so as to encourage use of public transport as an alternative to that of the private car.

Traffic Flow and Highway safety

The impact of the proposal on the existing road network in terms of traffic generation and the impact of that traffic on highway safety and flow, are material considerations.

In these respects the proposed development is not considered to be likely to generate a significant increase in the overall amount of traffic, as compared to the sites current lawful use, and the existing road network is considered to be adequate in its current form to accommodate the predicted traffic generation at all times. There should be no significant alterations to the flow of traffic in the vicinity as a consequence of the proposed development.

In terms of highway safety, providing the alterations required to the sites proposed access (as required by way condition) are implemented, the proposal is not considered to be detrimental.

Parking provision

Both PPG3 and PPG13, encourage as little parking provision as possible for residential developments, especially those located close to town centres. PPG13 even goes as far as stating that LPA's should not seek more parking provision than the developer is willing to provide, unless there are exceptional circumstances.

The proposed development would provide one space per resident, and 17 parking spaces for the retail development. This provision is within the limits of the Councils Adopted Maximum parking Standards, and in the absence of any circumstances that would indicate more spaces were necessary, the proposal is considered to acceptable in this respect.

Affordable Housing

UDP policy HG4.7, requires residential developments of more than 25 units to make a provision of affordable housing. The Councils adopted SPG works on the basis of a formula approach which equates to an amount of money that the developer should provide for this purpose. The advice of Neighbourhood Services is that the money should be used to secure two bed roomed units on site utilising the shared equity arrangement.

However, the amount of money due from the developer as derived by the formula outlined in the SPG is just £35, 788 and experience would suggest that this is insufficient to deliver any unit on site in shared equity. Given this, it is proposed that whilst the s106 legal agreement be worded in such a way that the aspirations of the Neighbourhood Service is the first priority, should that not be achievable, a fall back position be written into the agreement. The fallback position proposed is, that should it transpire that it is not possible to achieve the provision of a two bed roomed unit on site, the developer would be required to discount a property to be sold by the same amount of money to a household in housing need, but should this discount prove unable to deliver

affordable housing to a household in housing need, the developer would be required to pay a commuted sum equivalent to the money derived under the terms of the SPG, in lieu of the provision of affordable housing in the locality.

The applicant is agreeable to the provision of affordable housing in this way, and as such the proposal is considered to be acceptable in this respect also.

Other material considerations

Archaeology

The impact of proposed developments on archaeology is a material consideration, and UDP policy ENV2.2, states that proposals which would adversely affect, directly or indirectly any archaeological feature, will only be permitted where it has been demonstrated that the overall benefits of the development clearly outweigh the need to safeguard the interest of the feature.

Whilst it is noted that concern has been raised by an amenity society as to the potential for the destruction of archaeology, there concern seems to be for archaeology in the general locality, rather than the site itself. Using the precautionary principle, conditions should only be imposed where there is a reasonable suspicion that significant archaeology does exist on the site. Given that the South Yorkshire Archaeology Service, do not share the concerns of the amenity society, it is considered to be unreasonable to impose any conditions in this respect.

Public Open Space (POS)

Whilst the UDP does not make provision for the requirement of Public Open space as a consequence of residential developments, its provision is material to the determination of this application. The provision of open space should only be required where the locality in which the development is situated is deficient in such provision, and any such requirement has to be proportionate to the scale and nature of the proposed development. In the case of the proposed development, given the sites proximity to the POS serving the town centre, that the site is bounded by an area of play space and recreation along Hollowgate, and given the nature of the proposed apartments is such that there is unlikely to be significant levels of children occupying the development, it is considered that the provision of POS should not be required in this instance.

Crime Prevention

The suggestions made by South Yorkshire Police as to the developments crime prevention potential, can be achieved within the proposed development without material amendments to the submitted scheme should the applicants choose to incorporate them. However, the weight that could be attached to the need to implement the alterations, would not be such as to warrant a

refusal of planning permission, and as such they are not to be imposed as planning conditions, but rather by way of an informative.

Summary

In summary, although the application in respect of its allocation is a departure, given that residential development is not identified as being appropriate on the site, the provisions of the more recent PPG3 would support the provision of residential development on the site. In this respect, PPG3 dictates that in the absence of an up to date UDP, proposals for housing should be determined in accordance with the provisions of PPG3. In all other respects, for the reasons outlined above, the proposal is considered to accord with the provisions of the UDP. On balance, therefore, in the absence of other material considerations that would indicate otherwise, although the proposal does not fully accord with provisions of the UDP, it is considered to be acceptable and is recommended accordingly.

SITE VISIT NO. 2 (Approximate time on site – 9.55 a.m.)

RB2004/2394

Erection of a 20 m telecommunications mast with 3 antennas and 2 dishes and six associated equipment cabinets at land at Hollings Lane, Thrybergh for Orange Personal Communications Services Ltd.

RECOMMENDED: GRANTED CONDITIONALLY

Conditions Imposed:

01

Within three months of the date of this permission the telecommunications mast hereby granted shall be painted Nato Green (BS Ref No. 381c285) and shall thereafter be maintained as such unless otherwise agreed in writing with the Local Planning Authority.

Reasons for Conditions:

01

[PR66] In the interests of the visual amenities of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

Notes for RB2004/2394

Background

The existing mast on the site, which has generated numerous representations in objection, was erected under emergency planning powers as a result of the removal at short notice of an installation at the St Gerard's Roman Catholic School.

At my request, the applicant's agent was recently instructed to submit a planning application for the retention of the existing mast, the current mast only being allowed to be erected for a period of 6 months under the emergency powers legislation.

UDP Allocation and Policies

Allocation : Green Belt

Policy UTL3.2 of the UDP is relevant to this application.

Policy UTL3.2 'Telecommunications Development' states that "The Council will normally grant planning permission for telecommunications development where no satisfactory alternative exists and there is no reasonable possibility of sharing existing facilities, provided that they satisfy relevant planning and highway criteria and do not seriously detract from the character of the surrounding area. Any development will need to be sited and designed so as

to minimise its visual impact, subject to technical and operational considerations”.

The following national planning policy guidance notes (PPG's) are also relevant to this planning application.

PPG2 'Green Belts', in paragraph 3.15 Visual Amenity, states that “The visual amenity of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt, although they would not prejudice the purpose of including land in green belts, might be visually detrimental by reason of their siting, materials or design”.

PPG8 'Telecommunications': Acknowledges the benefits of modern telecommunications, and seeks to encourage such development as being essential to a modern economy and contributing to sustainable objectives.

Site Description

The application site is located on the former scrap yard off Hollings Lane, close to the disused railway line, to the south east of Thrybergh. Access to the site is obtained via the existing entrance off Holling's Lane. The application site is bounded by a mixture of residential, industrial and commercial uses. The nearest residential properties are some 50m away on the opposite side of the railway embankment.

The site has a number of trees and bushes, both of which providing a natural screen boundary to the adjacent highway and public areas.

Proposals

The development consists of an 18m lattice mast with 3 antennas attached to a head frame, giving an overall height of 20 metres. Two 600mm transmission dishes are proposed at 17.5m. At a ground level there will be 6 No. equipment cabins, of maximum dimensions of 0.79m by 0.77m by 2.07m, located on a steel grillage and enclosed by a 1.8m high fence with three strands of barbed wire.

The existing temporary mast is finished in galvanise steel, although a recommendation of the applicant's agent is to paint the structure green. This existing structure, the subject of this application, is located between trees and bushes in a central location in the former scrap yard.

The information submitted with the planning application includes a declaration that the installation will meet ICNIRP guidelines.

A letter of support from the applicant's agent has been submitted with the planning application. The statement highlights that an area of search was carried out to consider alternative sites. The survey concluded the following:

Steel Chimney on Warreners Drive – Structure is not capable of supporting the necessary equipment. Close to housing.

Silverwood Test Centre – Considered replacing lighting column, but located too far from coverage area.

Old Sewage Works – This was initially the preferred option. However Ogden Group owns the land and will not permit a telecommunication installation at this location.

Roundwood – Located in a more exposed location and a 25m mast would be required to clear the trees. Not as well screened as the scrap yard.

The supporting documentation concludes by stating that the proposed development conforms to all current legislation and that the applicants have sought to minimise the impact on the environment in terms of its siting and appearance with the introduction of a slim-line mast instead of a standard lattice mast.

A copy of the letter, and supporting documentation, 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. Nine letters and two petitions (containing six hundred and ninety nine signatures) in objection to the proposals have been received. Members should note that the two petitions were also submitted at the time of the initial mast erection and subsequently later as part of the current application.

The main grounds of objection in each of the representations can be summarised as follows:

- (i) Health and Safety concerns -There remains conflicting evidence about the safety of masts with regard to radiation emissions.*
- (ii) Visual amenity - The mast would dominate the locality and would introduce a 'monstrosity' to the landscape A devaluation of the surrounding properties would result.*
- (ii) No publicity carried out on the initial plan to erect a mast on this site.*

Thrybergh Parish Council object to the proposal on the following grounds:-

- Alternative sites more suitable in the area.

- The mast would dominate the landscape as people enter Thrybergh from Ravenfield.

- Too near residential properties with concern over effects on health and T.V.

Three of the objectors have requested a Right to Speak at the Board meeting.

A copy of all of the letters and the petitions will be available in the Members Room before the meeting.

Consultations

No objections from any of the consultees.

Appraisal

By their nature, modern telecommunication masts will often appear conspicuous or obtrusive when located in rural or indeed semi-rural areas. Policy UTL3.2 of the UDP is designed to allow such development to take place in acceptable locations with the proviso that realistic alternatives have been fully considered.

In this instance, the applicant's agents have submitted evidence to the effect that the proposed site is in an area with a coverage deficiency which will be resolved by the proposed development. This it should be noted is also as a result of the removal of an installation at a local school. Furthermore, the applicant has attempted to reduce the visual impact of the pole on the landscape by locating the mast adjacent to trees and bushes within a central position in a former scrap yard.

As such, It is my view that a degree of natural screening will be available from the nearest residential properties. The railway embankment between the site and residential properties will also result in the site being further screened from public view. However to further reduce the visual impact on the surrounding area, I would recommend in this case that the existing galvanised steel structure be painted green in colour. 'Nato Green' or 'Sherwood Green' are two suggested colours for consultation with the applicant's agent.

It is my opinion, therefore, that the mast proposed with its ultra slim line lattice design is the optimum solution to the development requirement in order to accommodate demand and the existing coverage deficiency in this locality. In view of these comments, I am of the opinion that the mast would comply with Policy UTL3.2.

With regards to the position of the proposed mast in a Green Belt location, the applicant has in my view carefully selected the mast position to maximise the screening capabilities of the adjacent trees and bushes within and adjacent to the application site. With this in mind and after consideration of its secluded location adjacent to a line of mature trees and bushes, I am of the opinion that the proposed mast would not significantly infringe on the openness of the landscape in this Green Belt location.

In conclusion I am satisfied that the applicant have undertaken sufficient tests to pinpoint this site as one offering all the technical health and safety requirements while achieving a good standard of screening. I am also satisfied that the recent search survey has not identified any suitable alternative sites in the locality to the one now before Members.

In recommending this application for approval, I have given careful consideration to all of the individual representations and petitions received in objection to the mast proposal and to the highlighted current Government Guidance which is also embodied in the adopted Rotherham Unitary Development Plan.

I therefore recommend that planning permission be granted subject to the safeguard of the above conditions.

SITE VISIT NO. 3 (Approximate time on site – 10.35 a.m.)

RB2005/0407

Erection of residential development comprising 1no two storey detached dwellinghouse, 3 No. two storey town houses with rear dormer windows and a pair of semi detached bungalows at land at St. Simon and St. Jude's Church, Church Street, Thurcroft for Jab Short Ltd.

RECOMMENDED: GRANTED CONDITIONALLY

Conditions Imposed:

01

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

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.

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.

04

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.

05

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

06

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

07

[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.

08

(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.

09

Before the commencement of the development a bat survey shall be carried out and submitted to the Local Planning Authority. The survey shall include details of any measures necessary to accommodate any protected species and no site clearance shall commence until approved measures are implemented.

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

[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'

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

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

05

[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.

06

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

07

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

08

[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'.

09

In order to protect the habitats of any protected species on the site in accordance with Policy ENV2 Conserving the Environment.

Notes for RB2005/407

Background

RB1974/0480 Toilet block
at Parish Church Street Thurgroft
GRANTED 09/08/74

RB1991/0701 Outline for the erection of five terraced houses
at Land East Of St Simon & St Judes Church Street Thurgroft
GRANTED CONDITIONALLY 19/12/91

Development Plan Allocation and Policy

Allocation:

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

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 style, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, screening and landscaping.

SPG Housing Guidance 3: Residential Infill Plots

Site Description

The application site comprises land to the east of St Simon and St Judes Church which is currently a grassed area with a footpath (not definitive linking Church Street with West Street). Access is proposed via the existing access to the church.

The dwellings on Church Street and West Street are two storey red bricked dwellings.

The sites topography is fairly flat and has no particular features except for a large shrub and tree which are not particularly worthy of retention.

Proposal

This is a detailed application for the erection of one, two storey detached dwelling, three two storey town houses with rear dormer windows and a pair of semi-detached bungalows.

The existing vehicle access off Church Street is proposed to be altered to form an adoptable road off which two dwellings would be served whilst a

private drive arrangement would serve the remainder of the proposed dwellings.

Publicity

The application has been advertised on site and individual letters were sent to adjacent neighbouring properties. Five letters of objection have been received in connection with this application. Two of these are from residents on Church and West Street, which are summarised as follows:

- *Creating through traffic instead of existing cul de sac and so have concerns for child safety*
- *Will not be able to park car outside No. 13 Church Street*
- *Road not wide enough at present and reduce size of car park to church adding to problems of parking.*
- *The path linking West Street and South Street has been used since 1936 and is used on a daily basis. The plans show the path to be removed and a new one created. The current layout should be retained.*
- *Bats currently reside in and around the churchyard and proposal will disturb wildlife protected under Countryside and Wildlife Act*
- *The proposal will create a lack of privacy as living room is on first floor of townhouses and so will overlook back gardens. Only 23 metre separation between proposed town houses and West Street.*
- *There are no other dormer windows on West Street, Church Street or South Street and so the proposal will be an eyesore*
- *Bricks used in the construction of existing dwellings very hard to match up and so concern over use of unsympathetic materials*
- *Create overshadowing onto existing properties on West Street*

Two objectors have requested the right to speak at the meeting.

Consultations

Transportation Unit: No objections are raised to the proposal following the submission of revised access details, subject to a number of conditions being attached to any permission granted.

Public Rights of Way Officer: Have commented that this not a definitive route and as not, as yet, been claimed as a Public Right of Way. There is potential for the proposed replacement path to be adopted and any claim can be dealt with under Section 257.

Ecologist: Consulted due to comments received from objectors about bats and suggested a vegetation survey be undertaken.

Trees and Woodland Section: No comments received at time of writing.

Environmental Health: No comments received at time of writing.

Appraisal

In considering this proposal, I have had regard primarily for the residential amenity of adjacent properties, and the proposals impact upon the existing street scene, given that the site is allocated for residential use and has been granted outline planning permission for five terraced dwellings in 1991 (RB1991/0701).

With regards to residential amenity, I am satisfied that the erection of these dwellings within this application site, would not have an adverse impact on amenities of neighbouring residents given that there is a distance of between 23 and 24 metres from the rear elevation of the proposed two storey dwellings and the rear elevation of dwellings on West Street. The comments made by objectors referring to overshadowing are considered to be unsubstantiated given the siting of the proposed dwellings.

The proposed dwellings are to be sited between the existing church which is constructed from stone whilst the dwellings are constructed from red brick. The proposed dormers are on the rear elevation and the design of the dwellings are considered to be 'in keeping' and would not detract from the existing street scene. I would consider that the proposal would enhance the street scene.

The existing footpath is not definitive and would not be removed but just re-sited around the proposed dwellings and the church. Therefore, I would concur with the Public Rights of Way Officer who has no objections to the proposal.

With regard to the likely habitats of bats, the Councils Ecologist has not made reference to their likely presence however I would recommend that to satisfy these concerns a condition be attached requesting a bat survey be undertaken.

In conclusion, the proposal is not considered to have a detrimental impact upon the residential amenity of neighbouring dwellings nor the existing street scene. Therefore, I would recommend that the proposal be granted permission.

SITE VISIT NO. 4 (Approximate time on site – 11.15 a.m.)

RB2005/0856

Erection of a detached dwellinghouse at land at Vorden Lodge, Slaypit Lane, Thorpe Salvin for Mr. Sommers.

RECOMMENDED: GRANTED CONDITIONALLY

Conditions Imposed:

01

PC18*] Detailed plans to be submitted in accordance with the requirements of this permission shall include a vehicular turning space for a typical family car to be provided within the site curtilage and the development shall not be brought into use until such turning space has been provided.

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

[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).

04

The development hereby approved shall be constructed from natural coursed stone and red clay pantiles, the details of which shall be submitted to and approved by the Local Planning Authority, before work is commenced on site.

05

Notwithstanding Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no extensions or changes to the development hereby approved without the prior written permission of the Local Planning Authority.

Reasons for Conditions:

01

[PR18] To enable a vehicle to enter and leave the highway in a forward gear in the interests of road safety.

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

[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'.

04

In the interests of the character of the Conservation Area.

05

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

Notes for RB2005/856

Background

Planning permission for extensions to the host property was granted permission in January 2005 subject to conditions (RB2004/2016).

Permission for a detached dwelling within the garden was refused permission in 1989 for reasons of the size of the site, effect on amenities of adjoining occupiers, close proximity of other dwellings and the effect on the character of the character of the Conservation Area.

Development Plan Allocation and Policy

The site is allocated Green Belt and is within Thorpe Salvin Conservation Area, on the statutory Unitary Development Plan.

Policies:

Policy ENV 1 GREEN Belts states that only development which is essential for the use of agriculture forestry or recreation will be allowed unless there are exceptional circumstances.

Policy ENV1.5 Infilling within Green Belt Villages

"In those Green Belt villages and other building groups listed below, limited residential infilling may be appropriate, notwithstanding the general presumption against residential development. 'Infilling' means the filling of a small gap in an otherwise built-up frontage. Generally, it will be limited to a single dwelling and each will be considered on merits with due regard to Policy ENV3.2."

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.

Policy ENV3.2 Minimising the Impact of Development

"In considering the scale, appearance, nature and location of development and infrastructure proposals, the Council will seek to minimise adverse impact on the environment, including water resources, and to conserve and improve its quality. It will permit development which results in a significant loss of trees, woodlands, hedgerows or field boundary walls only when there is

compelling justification for doing so.”

ENV2.10 Conservation Areas, states that the Council will seek to promote and enhance the character of such areas.

ENV2.11 Development in Conservation Areas, states that development which adversely affect the character of such areas, will not determine applications on the basis of outline proposals and will have regard for the vernacular style of existing development, when considering development proposals.

Policy HG4.4 Backland and Tandem Development

“The Council will resist the development of dwellings in tandem except in cases of low density where further development would not be detrimental to the amenities and character of the area. In these exceptional circumstances, the Council will impose criteria relating to building height, space around the building, privacy, safety and vehicular access.”

Site Description

The site of application forms part of the garden to Vorden Lodge, an existing ‘L’ shaped split level bungalow located on the edge of Thorpe Salvin village. The site is elevated in relation to Slaypit Lane and properties fronting Harthill Road to the north east, and at the same level as the open countryside to the south west. To the south east is existing low density residential development. The site is bounded on all sides by mature hedges. The portion of garden which forms the application site is between the existing bungalow and Thorpe Salvin Parish Garden which is at a lower level and fronts Harthill Road.

Proposals

The application is for a three bedroom detached house to be constructed from natural stone and clay pantiles.

Publicity

The original proposal was advertised on site and in the press and local residents notified in writing. Two letters of representation objection have been received, from the occupiers of adjacent properties. Points raised are:

- . Previous refusal,*
- . Loss of privacy and overlooking,*
- . Loss of amenity,*
- . Loss of outlook,*
- . Proximity of new house,*
- . Out of character,*
- . Overshadowing,*
- . Loss of trees,*
- . Effect on Parish Garden,*
- . Request that Members visit the site.*

Both have requested to speak at the meeting.

Consultations

Transportation Unit:

No objection subject to the provision of a turning space for a family car.

Appraisal

The site of application is washed over Green Belt but is within Thorpe Salvin village and Conservation Area. The proposal will have no material impact on the character or openness of the green belt and constitutes infill development. The proposal can therefore be determined on its merits, having regard for the effect on the character of the Conservation Area, and amenities of adjoining occupiers.

With regard to the representation received, the proposal will, by way of its size and location, have some effect on the amenities of the occupiers of adjacent dwellings but given the size, and orientation of the dwelling, along with the site levels and distances involved I am of the opinion that the effect will be at an acceptable level. The proposal is also in accordance with policy HG4.4 Backland and Tandem Development. In this respect the proposal is in accordance with criteria normally applied to new dwellings and will not prejudice comprehensive development of any other potential backland sites.

With regard to the effect on the character of the conservation area, I am of the opinion that it is sympathetic in terms of its scale design and materials reflecting the vernacular style of the village. I am therefore of the opinion that there will be no detriment to the character of the conservation area.

The development will result in the loss of two mature trees which will have some effect on the visual amenities of the area. However the site has a substantial amount of mature landscaping which will remain, and consequently I am of the opinion that the effect will not be sufficient to warrant the refusal of permission in this instance.

The previous decision to refuse permission on the site was before the above referred to policies and advice in the current UDP, were formulated. I am of the opinion that the proposal is generally in accordance with those policies and advice and that there has consequently been a change in the Planning circumstances relating to the proposal.

Having regard for all the above I am of the opinion that UDP Policies will not be prejudiced by a favourable decision in this instance.

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
7th JULY 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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**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
7th JULY 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.

RB2004/2416

Outline application for erection of two detached bungalows & garages at land rear of 48-52 Brinsworth Road, Catcliffe for Messrs. P. I., H. B. & A. R. Cable.

RECOMMENDED: GRANTED CONDITIONALLY

Conditions Imposed:

01

[PC00] 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.

02

Before the commencement of the development, a noise assessment shall be submitted to and approved by the Local Planning Authority detailing any mitigating effects to be carried out in respect of noise levels from local transport routes.

03

Detailed plans to be submitted in accordance with this permission shall include for provision of a vehicular access to the land to the east (rear of 34-40 Brinsworth Road).

Reasons for Conditions:

01

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

02

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

03

To ensure that a comprehensive development on the land to the rear of 32-50 Brinsworth Road in accordance with Supplementary Housing Guidance 2 'Backland and Tandem Development'.

Notes for RB2004/2416 (OUT)

Background

Previous applications submitted:

RB1991/173 – Outline application for the erection of two attached bungalows & garages – granted conditionally.

UDP Allocation and Policies

UDP Allocation: Residential.

Policies:

HG4.4 Back land and Tandem Development states that the council will resist the development of dwellings in tandem “except in cases of low density where further development would not be detrimental to the amenities and character of the area”. The policy goes on to state that “in these exceptional circumstances, the Council will impose criteria relating to building height, space around the building, privacy, safety and vehicular access”.

SPG Housing Guidance 2:Back Land and Tandem Development notes that the Council considers that the amalgamation of plots to form sites long enough to provide two or more dwellings served by a separate adoptable road or a shared private drive generally the most appropriate means of developing Back Land. Such a solution provides for efficient use of land. The Guidance adds the Council will not favourably upon proposals for the subdivision of individual residential plots where such development would, amongst other things, have an adverse effect of access arrangements by virtue of increased density and multiplicity of access provision. It also refers to the precedent that would be created by such development.

Site Description

The site relates to an area of land located to the rear of 48-52 Brinsworth Road. The A630 (Sheffield Parkway) is located adjacent to the south. Either side of the site are rear gardens areas of adjacent properties. There is a narrow highway access (not adopted) to the south of the plot which provides access to the rear garden areas of properties on Brinsworth Road. There is also a prominent embankment to the south with the Sheffield Parkway beyond this.

Proposals

The outline application relates to the erection of two detached bungalows and garages on the land to the rear of 48-52 Brinsworth Road, Catcliffe, with all matters reserved for consideration at the detailed stage

Publicity

All relevant neighbours were informed by letter. No representations received.

The applicant’s agent has written a letter in support of the application summarising that:

The site is ‘back land’ and is essentially different in character to the land at the rear of 54-80 Brinsworth Road as it is not rear garden land.

A larger more comprehensive scheme of development is beyond the applicant’s control and not relevant to this application

Planning permission has previously been granted on the site.

The applicant has requested the Right to Speak at the meeting

Consultations

Transportation Unit consulted 13 December 2004: In transportation terms a comprehensive development with a single point of access is desirable.

Yorkshire Water consulted 13 December 2004. No objections subject to relevant conditions.

Environmental Health Service note that a PPG24 Noise Assessment should be submitted due to the proximity of the Parkway, though is satisfied that this could be dealt with by condition.

Appraisal

I note the suggestion that the land to the rear of 48-52 Brinsworth Road is essentially different in character to 54-80 Brinsworth Road and accept that this may be the case. In addition, the rear gardens on properties nos. 32-52 are significantly shorter in length than those further to the west. While there is no distinct geographical or physical boundary to separate the application site from the wider site area, it is clear that the triangular area of land to the east has poorer prospects for future development than the more regularly shaped area to the west.

Ideally a scheme for more a comprehensive development with an adoptable road would be preferred, but I consider that the proposal will not compromise the future development potential for the land further to the west. The private drive proposed could provide access to the land to the east to serve a total of up to 5 dwellings.

I consider that the site itself is capable of accommodating two single storey bungalows without detrimental effects on neighbouring amenities. Taking into account the irregular shape of this part of the plot, the limited volume of extra traffic that the eastern end of Brinsworth Road could accommodate and the limited potential of this part of the site for housing development, on balance I consider the proposal to be acceptable and recommend approval subject to conditions.

RB2005/0423

Conversion of outbuilding to one bedroom flat with garage at Premises rear of 21 Station Road, Kiveton Park for Mr. P. Cooksey.

RECOMMENDED: GRANTED CONDITIONALLY

Conditions Imposed:

01

Before the development hereby approved is first brought into use, the first floor south facing bedroom windows shall be obscure glazed.

02

Before the development is first brought into use a 1m high wall, the details of which shall be submitted to and approved by the Local Planning Authority, shall be constructed between points A and B, and C, D and E, and F and G on the attached plan.

03

Notwithstanding article 3 of the Town and Country Planning (General Permitted Development) Order 1995 no extension or alterations to the building, shall be carried out without the prior written approval of the Local Planning Authority.

04

[PC92] 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.

Reasons for Conditions:

01

In the interests of the residential amenities of the future occupants.

02

In the interests of the residential amenities of the future occupants.

03

The site is not considered large enough to accommodate additional buildings.

04

[PR92] In the interests of safe redevelopment and afteruse of this site and in accordance with UDP Policy 4.4 'Contaminated Land'.

Notes for RB2005/0423

Background

Planning permission for conversion of the building to a house was refused permission in February 2005 for the following reasons:

It is considered that the proposal constitutes over development of the site by way of lack of private amenity space and poor aspect to habitable rooms, in conflict with Policy ENV 3.1 Development and the Environment of the adopted Unitary Development Plan.

The current application has been held in abeyance pending the submission of amended plans.

Development Plan Allocation and Policy

The site of application is allocated residential on the adopted Unitary Development Plan. Policy ENV 3.1 Development and the Environment states that development shall make a positive contribution to the environment by achieving an appropriate standard of design, and having regard to relationship to the locality and density.

Site Description

The site of application is a two storey storage building formerly used in connection with the host property as business premises located at the junction of Station Road and Wesley Road. The host property is currently disused and boarded up though there are flats at first floor level which are occupied. The building, subject to the current application, has a footprint of 5 m by 7.7 m, with a yard area approximately 7 m with an average depth of 3 m.

Proposal

The application was originally to convert the building to a two storey house. The amended proposal is for a one bedroom maisonette with a bedroom and lounge at the first floor level with a kitchen and garage below. The attached outbuildings at the front of the building are to be demolished to afford access to the garage and leave the remainder of the curtilage for open space.

Publicity

Adjoining occupiers were notified. Two representations have been received from the owner of the adjacent shop (Mr. Akers) which has two flats above, and one of the flat occupiers (Mr. Duffield). No objections have been raised in principle subject to the existing access to the rear of the shop and flats, being maintained. In this respect Mr Akers owns a strip of land 2.1m wide he suggests that access 2.8m wide be left.

Consultations

Transportation Unit:

No objections.

Wales Parish Council (comments received in relation to previous application):

No objections but points out that there are problems of parking and visibility at the nearby road junction.

Appraisal

The proposal is for the conversion of a storage building to a modest dwelling with a single off road car parking space. The land is allocated residential on the adopted Unitary Development Plan and consequently the proposal is acceptable in principle. The proposals as now submitted differ from the previous proposal insofar as the dwelling is to be a more modest one bedroom maisonette with a ground floor kitchen and garage, leaving more of the curtilage area for private open space.

The proposal is still less than ideal, given the modest open space attached to the property and some overlooking from adjacent flats above the adjoining shop. However the alternative would appear to be the commercial storage existing storage use which may not be appropriate to the residential area, or further deterioration of the building.

I am therefore of the opinion that provided the side facing first floor windows are obscure glazed and permitted development rights are removed the proposal may on balance, be acceptable.

RB2005/0734

Erection of seven dwellings comprising of 2 No. detached, two storey dwellings with rooms in roof space, 1 No. detached two storey dwelling and a terrace of 4 No. three storey town houses with associated garages and garage to existing dwelling at 149 Rotherham Road, Laughton Common for Kingsbury Homes (UK) Ltd.

RECOMMENDED: GRANTED CONDITIONALLY

Conditions Imposed:

01

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.

03

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

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 dwellings are first occupied.

05

[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.

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

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

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

[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'.

Notes for RB/2005/0734

Background

*RH1962/3653 Bungalow
at land at Rotherham Road Laughton Common
GRANTED - NOT KNOWN IF COND 02/07/62*

*RH1964/4482 Asbestos garage
at land at Rotherham Road Laughton Common
GRANTED - NOT KNOWN IF COND 07/12/64*

*RH1965/4676 3 brick garages
at 149 Rotherham Road Laughton Common
GRANTED - NOT KNOWN IF COND 05/07/65*

*RH1968/5615 Instln of petrol pump & tank
at 149 Rotherham Road Laughton Common
GRANTED CONDITIONALLY 10/06/68*

*RB1989/1183 Extension to existing bungalow
at 149 Rotherham Road Laughton Common
GRANTED 22/09/89*

Development Plan Allocation and Policy

Allocation:

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

Policies:

HG4.4 Back Land and Tandem Development states that the Council believes strongly that the development of dwellings in tandem is generally unsatisfactory and that such development should be resisted other than in exceptional circumstances.

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 style, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, screening and landscaping.

SPG Housing Guidance 2: Back Land and Tandem development notes that the Council considers that the amalgamation of plots to form sites long enough to provide two or more dwellings served by a separate adoptable road or a shared private drive generally the most appropriate means of developing Back Land. Such a solution provides for the efficient use of land. The Guidance adds that the Council will not look favourably upon proposals for the subdivision of individual residential plots where such development would, amongst other things, have an adverse effect of access arrangements by virtue of increased density and multiplicity of access provision. It also refers to the precedent that would be created by such development.

SPG Housing Guidance 3: Residential Infill Plots

Site Description

No.149 Rotherham Road is a detached, red bricked bungalow located within a large plot sited along the frontage of Rotherham Road. At the rear and within the site is a large an unsightly workshop type building which I understand has a long established use of a Coach and minibus storage and repair yard. The boundaries of the site are enclosed by a mix of corrugated tin sheeting, shrubs, and brick walls.

To the south and east of the application site is a residential scheme currently under construction by Westbury and Persimmon Homes. To the west, across Rotherham Road, is another residential site nearing completion by Barratts. To the north is unused land, which has outline planning consent for a mixed use development comprising retail at ground floor with residential above.

Proposal

It is proposed to erect a block of four, three storey dwellings, two detached two storey dwellings with rooms in the roofspace, and a two storey dwelling with associated

garages and a garage to serve the existing bungalow. The development would be served by an adopted access road.

Following concerns raised by the Transportation Unit, the scheme has been amended which has resulted in a change of the house type proposed to plot 2.

Publicity

The application has been advertised on site and individual letters were sent to adjacent neighbouring properties. No representations have been received.

Consultations

Transportation Unit: no objections subject to amended plans which satisfy earlier concerns with regard to width of carriageway, turning head, forward visibility, on site parking, length of driveways and the provision of a radius access in lieu of a dropped crossing facility. Recommend conditions should be attached to any permission with regard to surfacing of vehicular areas and details of road sections, including constructional and drainage details to be submitted.

Thurcroft Parish Council: No representations received at time of writing.

Appraisal

In considering this proposal, I have had regard primarily for the residential amenity of adjacent properties, given that the site is allocated for residential use.

The proposal has been well designed in that it does not create any overlooking into the neighbouring dwellings garden areas (approved under a separate permission). The proposed dwellings would be sited between eleven and fourteen metres from the eastern boundary with the approved dwellings located on the former White City estate. There is one first floor window on the rear elevation on the proposed dwelling in plot 2, which would be sited approximately eight metres from the boundary with the approved dwellings sited within the former White City estate. However, this overlooks the bottom of gardens, being approximately 13-15 metres in length.

Furthermore, the scheme has been designed to minimise overlooking within the site between the proposed dwellings and meets the Councils recommended distances with regard to spacing. Consequently, on balance, the proposed dwellings are not considered to cause any significant loss of amenity to neighbouring dwellings by the virtue of their design.

With regard to the proposals impact on the street scene, the Barratt estate across Rotherham Road and the adjacent Persimmon site, comprise of a mixture of three storey and two storey with rooms in the roofspace. Given the existing bungalow and the mix of three storey and two storey with rooms in the roofspace, no objections are raised with regard to the proposals impact upon the street scene.

Consequently, the application is recommended for approval.

To the Chairman and Members of the
PLANNING REGULATORY BOARD

7th July, 2005

Report of the Head of Planning and Transportation Service

<u>ITEM NO.</u>	<u>SUBJECT</u>
1	Ref. RB2004/781 Town and Country Planning Act 1990 – Appeal by Homes by Strata - Site at 77 Blueman's Way, Catcliffe, Rotherham
2	Ref. (RB2004/993) Appeal Decision: Erection of conservatory to rear at Forest Edge, Falconer Lane, Fence.
3	Ref. RB2004/1204 Appeal Decision: Conversion of a bungalow into a two storey dormer bungalow at 2 Well Lane, Aughton.
4	Ref. RB2004/1434 Town and Country Planning Act 1990 – Appeal by Aston Park Fisheries - Site at Aston Park Fisheries, Mansfield Road, Aston
5	Ref. RB2004/1545 Appeal Decision: Conversion of garage block to dwelling at 78-80 Kiveton Lane, Todwick

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY
BOARD

DEPARTMENT OF PLANNING AND
TRANSPORTATION SERVICE

REPORT TO COMMITTEE
7TH JULY, 2005

Item 1

Ref. RB2004/781

**Town and Country Planning Act 1990 – Appeal by Homes by Strata
Site at 77 Blueman’s Way, Catcliffe, Rotherham**

Recommendation:-

That the decision to dismiss the appeal be noted.

Background

Retrospective permission for erection of a detached double garage with storage above was refused in September 2004, and enforcement action authorised.

A subsequent appeal has now been dismissed. The appointed inspector was of the opinion that the building is dominant and overbearing, having an unacceptable effect on the residential amenities of adjoining occupiers. He was also of the opinion that the first floor window results in overlooking adjacent properties further aggravating the detriment to amenity, and that for the reasons identified the development is in direct conflict with policies of the Development Plan and Supplementary Planning Guidance.

An enforcement notice has been served on the applicant and an appeal has been lodged with the Planning Inspectorate.

Item 2

Ref. (RB2004/993)

Appeal Decision: Erection of conservatory to rear at Forest Edge, Falconer Lane, Fence.

Recommendation:-

That the decision to DISMISS the appeal be noted.

Background

Planning permission for the conversion of farm buildings on the site to residential use was granted in 1992. A condition attached removed permitted development rights to ensure that future extensions were in keeping with the barn conversion. Planning permission for the conservatory, which had already been partially constructed, was refused in July 2004 as it was considered that it was detrimental to the character of the converted barn and contrary to Policy ENV3.5 'Alternative Uses for Rural Buildings and Buildings in the Green Belt'. A subsequent appeal was lodged in October 2004.

The Inspector dealing with the appeal gave a lot of weight to the UDP Policy and related Environment Guidance 4 relating to conversions of farm buildings. He was particularly concerned with the amount of glazing proposed which would be completely out of character with the surrounding buildings, particularly in respect of the proposed roof glazing which would be domestic in appearance. He noted the comments from the appellant about other similar extensions and developments in the area though notes that each application should be considered on its own merits.

Item 3

Ref. RB2004/1204

Appeal Decision: Conversion of a bungalow into a two storey dormer bungalow at 2 Well Lane, Aughton.

Recommendation:-

That the decision to DISMISS the appeal be noted.

Background

Planning permission for the conversion of the bungalow into a two storey dormer bungalow was refused in July 2004 as it was considered that it would constitute an unacceptable incongruous element in the locality to the detriment of the character and visual amenities of the area, and would have an unacceptable overbearing effect on adjoining occupiers. A subsequent appeal was lodged in November 2004.

The Inspector dealing with the appeal considers that when viewed in the wider context the proposed dormer bungalow is not considered to be “so visually intrusive save for its dormer bungalow format. To my mind the harm that would be caused by the visual impact of the proposed development would not be sufficient reason to reject this proposal when considered in isolation”. However, the Inspector concludes that the proposal would “have a significant impact on the bungalow to the east because the roof and ridge of that dwelling is set at a much lower level than the roof structure of the appeal property and so it is already dominated to some extent by the appeal property. He considers that the increase in height would also reduce direct light to the garden areas of the adjacent properties.

Item 4

Ref. RB2004/1434

**Town and Country Planning Act 1990 – Appeal by Aston Park Fisheries
Site at Aston Park Fisheries, Mansfield Road, Aston**

Recommendation:-

That the decision to dismiss the appeal to be noted.

Background

Planning permission for erection of a single storey building to provide shop, diner, toilets and staff accommodation was refused in September 2004 on Green Belt grounds. A subsequent appeal has now been dismissed. The appointed Inspector was of the opinion that the proposal does not amount to a small building essential for the use of open recreation, that it would be inappropriate development in the green belt and that there are no very special circumstances to warrant the granting of permission. He indicates a building comprising a small office for site management, toilets and probably a small dining area could qualify as essential facilities for an outdoor recreational use.

With regard to access, the Inspector was of the opinion that it was substandard and concurs with Council's view that if the development generated a significant amount of additional traffic, the access would be unacceptable on the grounds of safety. However, he is not convinced that the proposal would generate a significant amount of additional traffic.

Item 5

Ref. RB2004/1545

Appeal Decision: Conversion of garage block to dwelling at 78-80 Kiveton Lane, Todwick

Recommendation:-

That the decision to DISMISS the appeal be noted.

Background

Planning permission for the conversion of the garage block building to a dwelling was refused in September 2004 as it was considered that it would constitute an overdevelopment of the site and is an inappropriate form of back land development lacking private garden space and directly overlooked from existing dwellings. A subsequent appeal was lodged in November 2004.

The Inspector dealing with the appeal considers that considers that the proposal pays little regard to the existing pattern of development in the area and concludes that it would be an unacceptably cramped form of back land development which would seriously detract from the character and appearance of the area. He also concludes that the proposal would lead to a lack of amenity space for the future occupiers of the proposed apartment and reduce the amount of amenity space currently afforded to the occupiers of the existing flats.