

# ROTHERHAM METROPOLITAN BOROUGH COUNCIL

## PLANNING BOARD

Thursday, 12 October 2006  
Start Time 9.00 a.m. for Site Visit  
9.50 a.m. for Meeting  
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 (Page 1)  
*(A form is attached and spares will be available at the meeting)*
4. Minutes of the meeting of the Planning Regulatory Board held on 28<sup>th</sup> September, 2006 (herewith) (Pages 2 - 12)
5. Deferments/Site Visits (information attached) (Pages 13 - 14)
6. Visit of Inspection (report herewith) (Pages 15 - 19)
7. Development Proposals (report herewith) (Pages 20 - 72)
8. Report of the Head of Planning and Transportation Service (herewith) (Pages 73 - 96)
9. Updates

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**PLANNING REGULATORY BOARD**

**MEMBERS' DECLARATION OF INTEREST**

Your Name (Please PRINT):

Meeting at which declaration made:

Item/Application in which you have an interest:

Date of Meeting:

Time Meeting Started:

Please tick ( / ) which type of interest you have in the appropriate box below:

**1. Personal**

**You may stay in the room.**

**2. Personal/Prejudicial**

**You will usually need to withdraw from the meeting room whilst the item is under discussion.**

Please give your reason(s) for you Declaring an Interest:-

*(Please continue overleaf if necessary)*

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Representative/Committee Clerk prior to the meeting.

Signed:- .....

*(When you have completed this form, please hand it to the Committee Clerk.)*

**PLANNING BOARD  
THURSDAY, 28TH SEPTEMBER, 2006**

Present:- Councillor Walker (in the Chair); Councillors Akhtar, Atkin, Burton, Hall, License, Littleboy, McNeely, Nightingale, Pickering, Robinson, G. A. Russell, R. S. Russell, Smith, Turner and Wardle.

Apologies for absence:- Apologies were received from Councillors Billington, Burke, Dodson and Kaye.

**84. DECLARATIONS OF INTEREST**

Councillor Turner declared a prejudicial interest (and left the meeting) in relation to application RB2006/1330 (outline application for demolition of existing dwelling and erection of three detached dwellings at Cedar Cottage, Morthen Lane, Morthen) on the grounds that the applicant is a friend.

Councillor McNeely declared a prejudicial interest (and left the meeting) in relation to application RB2006/0953 (erection of 2.4 m high replacement boundary fence at Unit 1, Wath West Industrial Estate, Derwent Way, Wath) on the grounds that the company was previously owned by herself, but had since been sold to a friend, the current applicant.

Councillor Smith declared a personal interest in application RB2006/1509 in relation to application RB2006/1509 (details of the erection of a six story building comprising basement car park, ground floor commercial use and residential at land at former car park, Market Street, Rotherham) on the grounds that he chaired the meeting which agreed the current application as the preferred developer.

**85. MINUTES OF THE MEETING OF THE PLANNING REGULATORY BOARD HELD ON 14TH SEPTEMBER, 2006**

Resolved:- That the minutes of the meeting of the Planning Regulatory Board held on 14<sup>th</sup> September, 2006 be approved as a correct record for signature by the Chairman.

**86. DEFERMENTS/SITE VISITS**

There were no site visits or deferrals recommended at the meeting.

**87. VISITS OF INSPECTION**

Before the formal meeting of the Planning Board, Members of the Board made visits of inspection to three sites of the following applications (Ward representatives Councillors Rushforth and Slade being in attendance at certain sites visited) and the decisions recorded are set out below:-

**(a) RB2006/1250 - Erection of 32 No. two and three storey dwellinghouses and garages at land at Hamilton Road/ Muglet Lane, Maltby for Ben Bailey Homes Ltd. (RB2006/1250)**

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

Ms. J. Hodgson (Applicant)  
Mr. C. McMahon (Objector)

Resolved:- That planning permission be refused for the following reasons:-

1. The site is allocated for Business purposes in the Rotherham Unitary Development Plan, and the Council consider that the loss of this business site to residential development would be in conflict with Policies EC1 'Existing Industrial and Business Areas' and 'EC 1.1 Safeguarding Existing Industrial and Business Areas' of the Unitary Development Plan, which supports only proposals that will safeguard the viability of business and industrial areas.

2. The Council consider that the site provides valuable employment opportunities with the potential to contribute towards the range and quality of employment land in the area. As such the proposal is therefore in conflict with Policies EC 3.2 'Land Identified for Business Use' and Policy EC 3.3 'Other Development within Industrial and Business Areas' in the Unitary Development Plan, which seek to provide business sites which are situated within or close to residential areas.

**(b) Outline application for demolition of existing dwelling and erection of three detached dwellings including details of the siting and means of access at Cedar Cottage, Morthen Lane, Morthen for Straightset Ltd. (RB2006/1330)**

In accordance with the right to speak procedures, Mr. P. Bates (Applicant) attended the meeting and spoke about the application.

Resolved:- That planning permission be refused for the following reasons:-

1. The site lies within the Green Belt in the Rotherham Unitary Development Plan wherein it is the policy of the Council to resist inappropriate development except in very special circumstances. No such very special circumstances have been demonstrated in this instance and the proposal would, therefore, be contrary to Policy ENV1 of the Rotherham Unitary Development Plan and the guidance contained in PPG2: Green Belts.

2. The proposed dwellings in this location would detract from the open character and visual amenity of this Area of High Landscape Value and

would, therefore, be contrary to Policy ENV1.2: Development in Areas of High Landscape Value of the Rotherham Unitary Development Plan.

3. The Council considers that the development would generate additional vehicular traffic via an access which is substandard in terms of width and visibility to the detriment of road safety.

4. The proposed site, by virtue of its location, is considered to fall outside of the defined settlement. The replacement of the existing dwelling with three dwellings would result in an intensification of use, on a site which is not well served by public transport and is lacking in pedestrian facilities. It is, therefore, considered that the redevelopment of the site would not promote sustainable and accessible development, contrary to the guidance contained in PPS7: Sustainable Development in Rural Areas.

**(c) Change of use of agricultural building to display and sale of garden ornaments at premises adjacent to Throapham Farmhouse, Oldcotes Road, Dinnington for Arkwrights of Dinnington (Reclamation) (RB2006/1087)**

In accordance with the right to speak procedures, Mr. Denny (Applicant) attended the meeting and spoke about the application.

Members having visited this site were sympathetic to the applicant's request and considered the alternative use to be acceptable in the green belt and a good use of agricultural dwellings. The access to the site was also considered suitable to cater for the limited traffic to be generated by this use.

Resolved:- That the Planning Board declare that it was favourably disposed to grant this application, on the grounds that innovative use was being made of agricultural buildings that would otherwise lie derelict, in accordance with Policy EC3.6 Rural Diversification, and that the Head of Planning and Transportation Service, in consultation with the Chairman and Vice-Chairman of the Planning Board, be authorised to determine the conditions to be attached to this application.

**88. 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:-

- Erection of 2.4 m high replacement boundary fence at Unit 1, Wath West Industrial Estate, Derwent Way, Wath upon Dearne for R. Sanson. (RB2006/0953)

Mr. Sanson (Applicant)

- Variation of Condition 3 (operating hours) imposed by RB2005/2004 and Condition 7 (operating hours) imposed by RB2006/0145 to allow opening hours of 06:30 hrs to 22:30 hrs Mondays to Saturdays and 06:30 hrs to 20:00 hrs Sundays at 23-25 Station Road, Kiveton Park for Mr. K. Chauhan (RB2006/1237)

Mr. Chauhan (Applicant)

- Use of Unit 4 as sandwich shop (use class A1) with variation to Condition 6 (opening hours) of RB2006/0740 to allow opening hours of 07:30-23:00 Mondays to Thursdays, 07:30-0000 Fridays and Saturdays and 09:00-23:00 Sundays at Unit 4, 246-256 Bawtry Road, Wickersley for Mallinder Catering Ltd. T/A Subway (RB2006/1552)

- Mr. M. Mallinder (Applicant)

(3) That application RB2006/0953 be deferred pending further investigation and discussion between the Head of Planning and Transportation Service and the applicant regarding the use of paladin fencing on the Pontefract Road frontage, with consideration as to examples of other fencing within the borough to ensure consistency.

(4) That application RB2006/1135 be refused for the reasons listed in the report.

(5) That applications RB2006/1237, RB2006/1420, RB2006/1475 and RB2006/1552 be granted for the reasons adopted by Members at the meeting and appended to the minutes and subject to the relevant conditions listed in the report.

(6) That application RB2006/1296 be granted for the reasons adopted by Members at the meeting, appended to the minutes and subject to amendment to Condition No. 4 to remove the words "or for deliveries" and for an additional condition relating to permitted delivery hours.

(7) That the Planning Board declare that it was favourably disposed to grant application RB2006/1509, subject to no objections being raised by the Environment Agency and for the Head of Planning and Transportation Service to release the permission for the reasons agreed by Members at the meeting, which would be appended to the minutes, and subject to the relevant conditions listed in the report.

**89. APPEAL DECISION - FORMATION OF REAR BALCONIES AT FIRST FLOOR LEVEL AT 27 WOODFOOT ROAD, MOORGATE, ROTHERHAM (RB2005/2335)**

Consideration was given to a report of the Head of Planning and Transportation Service concerning the above application for the formation of rear balconies at first floor level at Woodfoot Road, Moorgate.

The Inspector allowed the appeal and stated that "views of next door would be oblique and limited to a small area of the end of the rear garden. In his opinion, overlooking from the development would be little more harmful than that from the existing first floor windows". The inspector concluded that the balconies "would cause no unacceptable harm to the living conditions of the adjoining occupiers".

The inspector indicated that full details of the screen would need to be approved by the Council within three months of the erection of the balcony.

Resolved:- That the decision be noted.

**90. APPEAL DECISION - ERECTION OF 17 FLATS ON LAND AT STATION WAY, LAUGHTON COMMON, FOR OAKSBURY HOMES (RB2005/2410)**

Consideration was given to a report of the Head of Planning and Transportation Service concerning the above application for the erection of seventeen flats on land at Station Way, Laughton Common.

The Inspector dealing with the appeal dismissed it due to the effect on highway safety from the use of the Station Way/Station Road junction. He concluded that the estimated twenty net additional arrivals each day, generated by the proposed development, was a material daily increase in relation to the current extremely limited flows apparent along Station Way.

He further concluded that visibility requirements would be greater than that predicted by the appellant (90 m was required within a 30 mph limit where it could not be shown that vehicle speeds were contained within the 30 mph limit, which he considered to be the case here). At the application site the Inspector concluded that only 45 m visibility was attainable, half that required.

With regards to the other reasons for refusal set out by the Council, the Inspector concluded that none were sufficient to justify a refusal of planning permission. Regarding the parking levels, the Inspector considered that the site was in a sustainable location for new housing and that, on this basis, the level of parking proposed (16 spaces for 17 flats) was acceptable. He also noted that on-street parking could take place in the vicinity of the site without detriment to highway safety.

The third issue the Inspector considered was the impact of the development of flats on the character and appearance of the area. He concluded that within the general area there were modern three storey residential properties of a comparable scale and that the step from the two storey element proposed to the existing bungalows on Glaisdale Close was not unusual. The loss of trees on site would not, in his opinion, be significant and there would be adequate space, including communal amenity areas, around the proposed building to prevent it appearing cramped or overdeveloped. He further stated that:- "The scheme would accord with Government policy to increase housing densities, taking the opportunity to make the most efficient use of previously developed land in a sustainable location in an appropriate manner".

Finally, with regards to the impact of the development on neighbouring residents the Inspector concluded that the development would comply with the Council's guidance on separation distances and that disturbance from the new access could be prevented by the use of intervening acoustic fencing.

It was important to note that the appeal had only been dismissed on the grounds of the suitability of the access from Station Road and that, if the appellant could overcome this issue, the development would otherwise be acceptable.

The appellant had put forward an application for costs in respect of information included in the Council's Statement of Case, which was not included in any of the reasons for refusal and in respect of the consideration that the Council failed to justify Reason 1 (impact of scale/mass/form/position of proposed building on local residents and impact of development on character and appearance of the area) and failed to justify Reasons 2 and 3 (suitability of access from Station Road and insufficient level of parking provision). As a result the appellant claimed that the Council behaved unreasonably and caused the appellant to incur or waste expense unnecessarily.

The Inspector made no comments in respect of the additional information included in the Statement of Case (which was in response to comments raised by appellant in their Statement) and considered that Reason 2 (suitability of access from Station Road) was wholly justified. He also considered that the Council put forward a sufficiently reasonable case in respect of the impact of the development on the character and appearance of the area (part of Reason 1).

However, with regards to the other part of Reason 1 (impact of development on local residents) the Inspector concluded that the Council behaved unreasonably in failing to provide a complete, precise and specific objection within the refusal reason, and as such behaved unreasonably.

Finally, with regards to Reason 3 (insufficient parking) he considered that

the Council failed to have sufficient regard to advice in PPG3 and PPG13. In addition, the Council failed to present substantial evidence that the level of parking provision was other than adequate having regard to the availability of public transport, or that there would be resulting harm to road safety on Station Way. As such, he considered that the Council behaved unreasonably in pursuing the objection under Reason 3.

Costs were awarded, therefore, in relation to part of Reason 1 (impact of built development on neighbouring residents) and Reason 3 (insufficient parking). The appellant was to be invited to submit details of costs incurred in respect of these issues.

Resolved:- That the decision and partial award of costs be noted.

**91. ERECTION OF A FOUR STOREY HOTEL (USE CLASS C1) WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT LAND AT EUROPA LINK, CATCLIFFE FOR ASTON VENTURES (SHEFFIELD LTD) (RB2006/1308)**

Consideration was given to a report of the Head of Planning and Transportation Service providing details on the above application for the erection of a four storey hotel with associated car parking and landscaping at land at Europa Link, Catcliffe.

Members raised concerns about bus services in the area, including those benefiting from the Section 106 monies, which were believed should serve the existing communities of Catcliffe, Brinsworth and the town centre.

Resolved:- (1) That the Council enter into a legal agreement with the applicant under the provisions of Section 106 of the Town and Country Planning Act 1990 for the purposes of ensuring a contribution of £1,835 towards the A1 bus service .

(2) That planning permission be granted for the relevant reasons listed in the report and subject to compliance with 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. 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 development is first occupied.

3. 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.

4. 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.

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. 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.

7. Before the development is brought into use, sight lines 2.4 metres x 60 metres shall be provided and maintained at the proposed access to the estate road and shall be rendered effective by removing or reducing the height of anything existing on the land between the sight lines and the highway which obstructs visibility at any height greater than 900 mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

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

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

10. 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.

11. Surface water from areas likely to receive petrol/oil contamination

(e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

12. Prior to the use being commenced, a scheme shall be submitted to, and agreed by, the Council, in writing, indicating strategies to encourage and/or enable local people to access job opportunities arising from the development site. Within twelve months of the use being commenced a statement shall be provided to, in writing, the Local Planning Authority demonstrating how occupants have complied with the approved scheme.

13. Prior to the commencement of development, a noise impact assessment including details of appropriate mitigation measures shall be submitted to, and approved by, the Local Planning Authority. The assessment shall include the details of the noise impact and any mitigation measures from both the Sheffield Parkway and Sheffield Airport. The development shall not be brought into use until such approved mitigation measures have been implemented

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

3. 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'.

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

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. In order to promote sustainable transport choices.

7. To provide and maintain adequate visibility in the interests of road safety.

8. In the interest of satisfactory and sustainable drainage.

9. To ensure that no foul or surface water discharges take place until

proper provision has been made for their disposal.

10. 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'.

11. In the interest of satisfactory and sustainable drainage.

12. In the interests of economic regeneration of settlements associated with the development site.

13. In the interests of the future occupiers of the development in accordance with UDP policy ENV3.7 'Control of Pollution'.

**92. DISPLAY OF THREE ADVERTISEMENT HOARDINGS AT LAND FRONTING SHEFFIELD PARKWAY, CATCLIFFE, FOR SHEFFIELD BUSINESS PARK (RB2006/1308)**

Consideration was given to a report of the Head of Planning and Transportation Service, which detailed an application for planning consent for the display of three advertisement hoardings at land fronting Sheffield Parkway, Catcliffe.

Resolved:- (1) That planning consent be refused for the following reasons:-

1. The site of application is within the Green Belt and the Council considers that the advertisements, by way of their size number and prominent location would have a detrimental visual impact contrary to Policy ENV 3.8 Advertisement Hoardings, Supplementary Planning Environment Guidance 5: Advertisement Hoardings, and to advice in PPG 19 Outdoor Advertisement Control and Circular 5/92 Town and Country Planning (Control of Advertisement) Regulations 1992.

2. The Council considers that by way of their size, number and siting in proximity to the busy A630 Sheffield Parkway and its junction with the B6533, the hoardings constitute a distraction to motorists travelling along the A630 to the detriment of the free and safe flow of traffic, in conflict with Policy ENV 3.8 Advertisement Hoardings, advice in Supplementary Planning Environment Guidance 5: Advertisement Hoardings, and advice in PPG 19 Outdoor Advertisement Control and Circular 5/92 Town and Country Planning (Control of Advertisement) Regulations 1992.

(2) That the developer be instructed to remove the three signs within one month of the decision and that enforcement proceedings be authorised, pursuant to Section 224 of the Town and Country Planning Act, should the signs remain in situ after that period.

**93. UPDATES**

Members' attention was drawn to the following update information:-

(a) Stadium Judicial Review

The Head of Legal Services informed Members that the Authority had now received notification that the High Court would consider Stadium City Limited's application for permission for Judicial Review of the Local Planning Authority's decision to grant Henry Boot planning permission on 28th April, 2006. The hearing was listed for 3rd October, 2006.

The outcomes would be reported to the Planning Board in due course.

(b) Falconer Farm – Refusal of Consent

The Head of Legal Services reported that the Authority had been served with papers relating to a claim for judicial review. The claim had been submitted by Mr. Crump following the Inspector's dismissal of an appeal by Mr. Crump of Falconer Farm to convert a Dutch barn to a residential dwelling.

Papers had been served and the Authority cited as a defendant. The claim was made against the Secretary of State's decision and the Authority would be an interested party. Limited time was available for a response and Members were asked to authorise the Heads of Planning and Transportation and Legal Services to take all necessary steps to defend the proceedings.

Resolved:- That the Heads of Planning and Transportation and Legal Services be authorised to take all necessary steps to defend the proceedings.

(c) Development Control – Contact Details

The Chairman had circulated to all Members a copy of all contact details for officers in Development Control and their respective areas to ease any enquiries.

Concerns that some parts of wards were split would be taken into account.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL****PLANNING REGULATORY BOARD****DEFERMENTS**

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
  - (a) Members may require further information which has not previously been obtained.
  - (b) Members may require further discussions between the applicant and officers over a specific issue.
  - (c) Members may require a visit to the site.
  - (d) Members may delegate to the Head of Service the detailed wording of a reason for refusal or a planning condition.
  - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Head of Planning and Transportation Service or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

## **SITE VISITS**

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the 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.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL****PLANNING REGULATORY BOARD****VISIT OF INSPECTION - Thursday, 12<sup>th</sup> October, 2006**

1. **RB2006/1456 - Change of use for annexe to beauty salon at 154 East Bawtry Road, Broom for Mr. M. & Dr. C. Kelly.**

*Agent:- N/A*

**Requested By:-** Councillor Walker (Chairman) and Councillor Pickering (Vice-Chairman).

**Reason:-** To allow Members to fully view and consider the circumstances of the site and the health of the beauty therapist.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2006/1456	Broom	9.10 a.m.	9.40 a.m.

***Return to Town Hall at approximately 9.50 a.m.***

**SITE VISIT NO. 1 (Approximate time on site - 9.10 a.m.)**

**RB2006/1456**

**Change of use for annexe to beauty salon at 154 East Bawtry Road, Broom for Mr. M. & Dr. C. Kelly.**

**Recommendation: That Members visit the site prior to debate and subsequently, that the Planning Regulatory Board has taken into account and agrees with the reasons for grant as set out below in this report and resolves to grant planning permission subject to the following conditions:-**

**REASONS FOR DECISION TO GRANT PLANNING PERMISSION**

The Local Planning Authority has decided to grant planning permission:-

Having regard to the policies and proposals in the Rotherham Unitary Development Plan, and all relevant material planning considerations, as set out below:

UDP Policies

HG1 "Existing Housing Areas"

For the following reasons:

The applicants' illness limits the intensity of the use to such an extent that comings and goings to the site from customers would be of an acceptable level in terms of the noise and disturbance nearby occupiers could legitimately expect. In addition, the level of on street parking that would result would be acceptable in terms of highway safety. The character of the area would not be significantly altered owing to the nature and intensity of the use and that existing mixed, albeit predominantly residential, character of the area.

Conditions:-

- 01 The use hereby permitted shall be carried out only by Anne Wood
- 02 No persons shall work at the premises other than Anne Wood
- 03 The use hereby permitted shall only be open to customers or for deliveries between the hours of 1000 and 1600 Monday to Saturday and not at all on Sundays or Bank Holidays.
- 04 No more than four persons shall be treated at the site in anyone day.

Reasons:-

- 01 Permission for this development would not have been granted but for the special circumstances of the applicant.

02 Permission for this development would not have been granted but for the special circumstances of the applicant.

03 In the interests of the amenities of the occupiers of nearby dwellings.

04 In the interests of the amenities of the occupiers of nearby dwellings.

### Background

*The annexe was previously used as a doctor's surgery for a number of years, though this use is said to have been abandoned some 40 years or so ago.*

### UDP Allocation and Policies

*The land is located within an area allocated as Residential in the Rotherham UDP. As such, UDP policy HG1 'Existing Housing Areas', is material to the determination of this application.*

### Site Description

*The application site is that of an annexe within the curtilage of 154 East Bawtry Rd, which is located at the junction with Bent Laithes Avenue. 154 East Bawtry Road is a relatively large house within a larger than average garden area for this location. The annexe is single storey and of a size slightly larger in footprint than an average sized double garage, and has the appearance of a "granny" annexe. It is sited adjacent to the boundary with 1 Bent Laithes Avenue, and is separated from Bent Laithes Avenue with a boundary treatment. The annexe is accessed via a pedestrian access off Bent Laithes Avenue, and from within the curtilage via a gate.*

### Proposals

*This application seeks full planning permission for a change of use of a domestic annexe to beauty salon.*

### Publicity

*Neighbouring properties were notified of the proposals in writing, 30 letters of objection have been received from local residents on grounds which can be summarised as follows;*

- *A business development is an inappropriate use within a residential area*
- *Potential risks to highway safety as a result of clients parking at the junction of Bent Lathes Avenue/East Bawtry Road*
- *The area is already adequately served with established beauty salons within the area.*
- *The proposal would be more appropriately located within a designated town centre*
- *Devaluation of property*

### Consultations

*Highways: No objections*

*Access officer: - No Comments*

*Appraisal*

*Ordinarily, the use of this annexe would not be in accordance with UDP policy HG1, as it would be detrimental to the living conditions of nearby residents from the noise and disturbance emanating from the comings and goings of customers to the site. However, it is not proposed that business would be operated in the ordinary way a beauty salon would be operated owing to the personal circumstances of the beauty therapist; as she suffers from Crohn's disease.*

*The disease has meant that she has previously had to resign from her former employment, and set up her own mobile business, which it is understood is successful. However, owing to the degeneration of her condition, she has been advised by her Doctor and specialist nurse to give up this business, as the stress of driving is aggravating the condition and adds to the chronic fatigue experienced, and because the frequent use of her clients' toilets in their own homes is not convenient.*

*Given her condition, which requires an organised and frequent rest regime in order to manage the chronic fatigue, the beauty therapist is not physically capable of treating more than four customers in any one working day. This effectively means that she is not capable of generating enough custom to run a viable business from commercial premises. This would mean relying on state benefit, which at the age of 22, she is reluctant to consider, as it would affect her own self respect and could make the condition worse.*

*The annexe is the property of the beauty therapists' sister, has its own toilet, and would allow a rest regime close by in the dwelling, and as such, provide all the conditions required to allow the beauty therapist to operate a viable business.*

*Should planning permission be granted, no more than four additional cars would visit the curtilage, and these would be between 1000 and 1600, which would mean that no more than one car should visit the property for this purpose per hour, on average. At this level of activity, it should be noted that should the beauty therapist have been resident at the property, as a matter of fact and degree, no change of use would have taken place, and as such no planning permission would have been required.*

*Under these circumstances, the level of comings and goings to the property, as limited by the imposition of the recommended conditions, would not be detrimental to the living conditions that nearby residents could legitimately expect.*

*In terms of highway safety, the Transportation Unit are satisfied that the level of on-street parking generated in the vicinity of the site and the junction of*

*Bent Laithes Avenue with East Bawtry Road, taking into account the prevailing highway conditions, would not be detrimental to the highway safety of the locality.*

*In terms of the character of the area, though predominantly residential, St Cuthbert's Church is located at the north of Bent Laithes Avenue, and given the limitations of this proposed use, it would not be so out of keeping with that character, as to warrant a refusal of planning permission.*

*Given the above considerations, the proposal is considered to be in accordance with the provisions of UDP policy HG1.*

*The proposal is, therefore, in accordance with the provisions of the UDP, so far as they are material, and in the absence of material considerations that would indicate otherwise, the proposal is acceptable and is recommended for approval.*

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
12<sup>TH</sup> OCTOBER 2006**

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  
12<sup>TH</sup> OCTOBER 2006**

**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.**

**RB2006/0412**

**Retrospective application for the change of use to class A5 (hot food takeaway) at 48 High Street, Maltby for Park Property (World) Ltd.**

**RECOMMENDED: GRANTED CONDITIONALLY**

That the Planning Regulatory Board has taken into account and agrees with the reasons for grant as set out below in this report and resolves to grant planning permission subject to the following conditions:

**STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION**

The Local Planning Authority has decided to grant planning permission:

1. Having regard to the policies and proposals in the Rotherham Unitary Development Plan and the advice set out in government guidance, all as set out below, and all relevant material planning considerations:

Unitary Development Plan

Policy RET1: Town Centres  
Policy RET1.2: Prime Shopping Streets  
Policy ENV3.7: Control of Pollution

Government Guidance

Planning Policy Statement 6: Planning for Town Centres

2. For the following reasons:

Although the preferred use of the premises would be as A1, due to the nature and function of other properties surrounding this site, it is considered in this case a change of use to A5 would be acceptable and would not undermine the retail character of the area or have a detrimental impact on local residents subject to the relevant conditions.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officers Report and the application case file and associated documents.

**Conditions Imposed:**

01

All cooking fumes shall be exhausted from the building via a suitable extraction and/or filtration system, details of which shall be submitted to and approved in writing to the Local Planning Authority within one month of the date of this permission. This shall include discharges at a point not less than one metre above the highest point of the ridge of the building or any such position as may be agreed in writing by the Local Planning Authority. The extraction/filtration system shall be maintained and operated in accordance with the manufacturer's specifications, and it shall thereafter be operated effectively during cooking. All systems shall take into account the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA January 2005. The approved details shall be implemented within three months of the date of this permission.

02

Within one month of the date of this permission, a litter bin shall be provided on the forecourt to/within the said building for use by the customers of the said premises.

03

The use hereby permitted shall only be open to customers between the hours of 0830 to 0100 Mondays to Saturdays and 0830 to 0000 Sundays and Bank Holidays.

04

The use hereby permitted shall only be open for deliveries to the premises between the hours of 0830 to 1800 Mondays to Sundays.

05

The use hereby permitted shall be open for home deliveries only between the hours of 0100 to 0200 Fridays and Saturdays.

**Reasons for Conditions:**

01

[PR56] So as to ensure correct dispersion of cooking odours to avoid disamenity to the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

02

[PR57] In the interests of visual amenity and to reduce the problem of litter and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

03

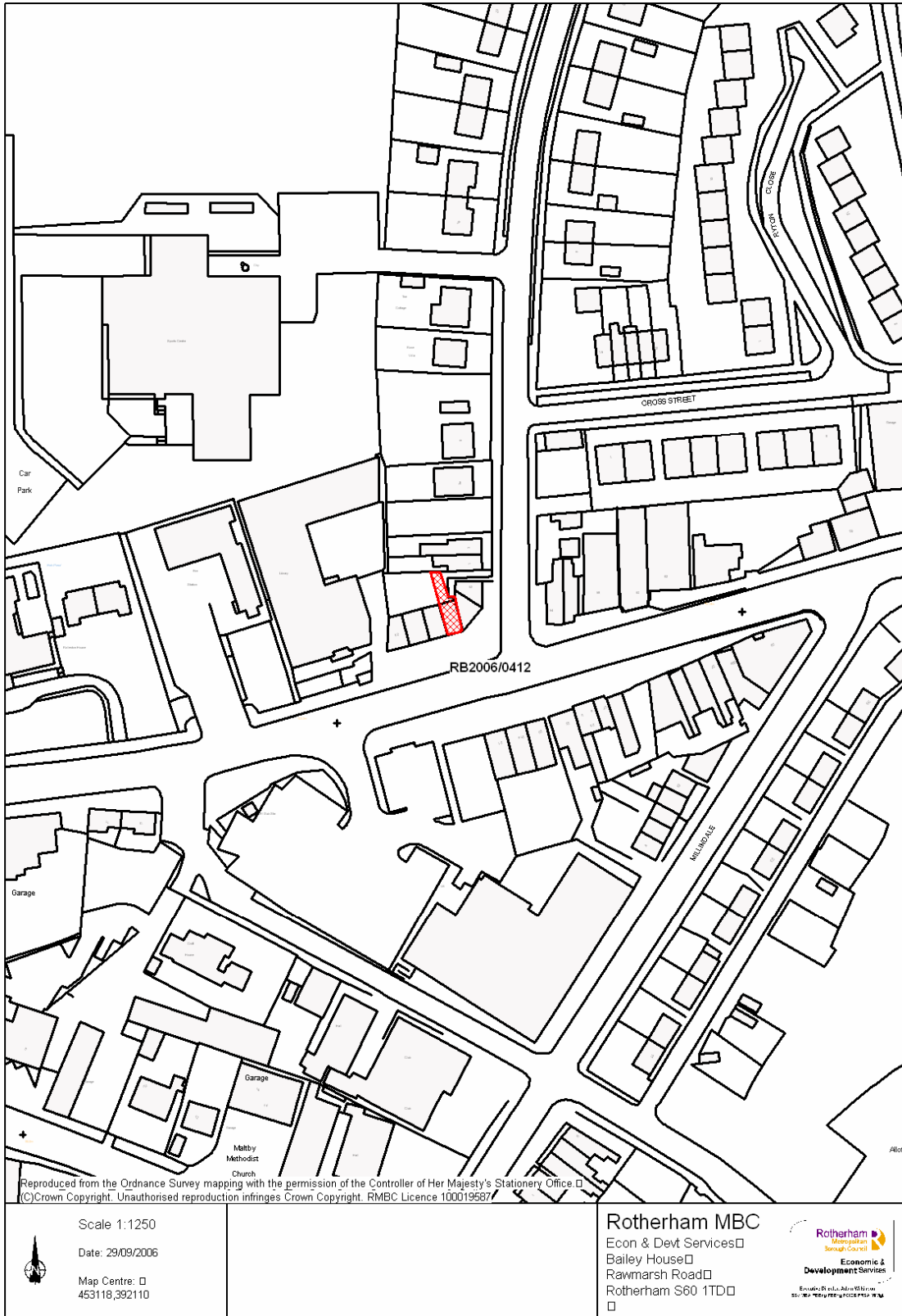
[PR73] In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

04

[PR73] In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

05

[PR73] In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.



NOTES FOR RB2006/412 (FUL)

Background

*An application was approved for this site for a change of use to hot food takeaway in 1990 (RB1990/291). This permission was not implemented.*

*The property has been granted a Licence to open to 0200 Friday and Saturday, 0000 Sunday and 0100 Monday to Thursday.*

UDP Allocation and Policies

*The site is allocated for retail purposes (Town Centre) in the Unitary Development Plan and is located on a prime shopping street. Policies RET1: Town Centres, RET 1.2: Prime Shopping Streets and ENV3.7: Control of Pollution are applicable in this instance.*

*Planning Policy Statement 6: Planning for Town Centres (PPS6) also provides guidance for this application.*

Site Description

*The site is located on a main shopping street in Maltby. Adjacent to and surrounding the property is a parade of shops containing a variety of uses including A1, A2 and A5.*

Proposals

*This application is a retrospective application for the change of use to Hot Food Takeaway (Use Class A5).*

Publicity

*The application was publicised by neighbour notification and by site notice. No letters of comment or representation have been received.*

Consultations

*The Transportation Unit, Access Officer and Environmental Health were consulted on this application. The Transportation Unit have no objections to the granting of planning permission at this site in a highways context. Environmental Health have suggested conditions regarding the placement of a litter bin outside the property and the installation of a suitable extraction and/or filtration system.*

*The Access Officer has asked for parking space for blue badge holders, a low counter, signage/menus in clear contrast and a home service as an alternative. These comments have been forwarded to the applicant for information.*

Appraisal

*Planning Policy Statement (PPS) 6: Planning for Town Centres states that the key objective for town centres is to promote their vitality and viability, a point which is reflected in Policy RET1 of the Rotherham Unitary Development Plan which states that*

*the Council will sustain and enhance the vitality and viability and regeneration of town centres. Policy RET1 also indicates that Food and Drink uses are acceptable in principle in Town Centre locations.*

*Policy RET1.2: Prime Shopping Streets states that “In prime shopping streets, the Council will limit ground floor use to Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless a proposed use contributes to the vitality and viability of the centre and does not undermine its retail character and function”.*

*The site is located in the middle of a row of shops. Of the units within the vicinity of this site, the predominant use is A1 retail with 12 units as retail, five units used for A2 (financial and professional services), one takeaway (A5), a Fitness Centre (D2), a café (A3) and a taxi booking office (Sui Generis – does not fall within any specific Class).*

*The property the subject of this application is currently being used as a hot food takeaway without the benefit of planning permission. Although planning permission was granted for the change of use to takeaway in 1990, this permission was not implemented within five years of the date of the approval. The predominant use of the surrounding properties is A1 with a small number of A2 and taxi booking office uses. There are two other units within A3 and A5 use in the vicinity. Although the preferred use of the premises would be as A1, it is considered in this case a change of use to A5, would not undermine the retail character of the area. It is therefore considered that the change of use of this property would be in accordance with Policy RET1.2 of the Rotherham Unitary Development Plan and PPS6: Planning for Town Centres.*

*With regards to the impacts of noise and disturbance to nearby residential properties, it is noted that the site is close to other premises with late night opening hours. Given that the surrounding properties are predominantly commercial, not residential, it is not considered that the addition of a hot food takeaway would result in a detrimental increase in noise and disturbance than presently exists. The unit has been granted a licence to open up to 0100 hours on Mondays to Thursdays, 0200 hours on Fridays and Saturdays, and up to 0000 hours on Sundays. To mitigate any increase in noise from this late night use, it is considered that the use should be limited to home deliveries only between 0100 and 0200 hours on Fridays and Saturdays and not open to the public. It is recommended that this be a condition of any approval.*

*The Council's Transportation Unit was consulted on this application and has stated that there are no objections to the proposals and as such it is considered that the proposal would not result in an increase in traffic or cause harm to road safety significantly more than existing.*

*In view of the above it is recommended that permission is granted subject to conditions.*

**RB2006/0734**

**Erection of two storey dwellinghouse at rear of 6 Clifton Bank fronting Wellgate Rotherham Town Centre for Mr. A. Wright.**

**RECOMMENDED: GRANTED CONDITIONALLY**

That the Planning Regulatory Board has taken into account and agrees with the reasons for grant as set out below in this report and resolves to grant planning permission subject to the following conditions:

**STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION**

The Local Planning Authority has decided to grant planning permission:

1. Having regard to the policies and proposals in the Rotherham Unitary Development Plan and Supplementary Planning Guidance and the advice set out in government guidance, all as set out below, and all relevant material planning considerations:

UDP Policies

ENV3.1 'Development and the Environment'  
ENV2.12 'Development adjacent a Conservation Area'

The Supplementary Planning Guidance

Housing Guidance 3: Residential infill plots

2. For the following reasons:

The proposal relates well to the existing building, in terms of its style, scale, mass, and position, such that it is not considered to be detrimental to the visual amenity of the area and complies with UDP policy ENV3.1 and SPG Housing Guidance 1.

In terms of the impact on the living conditions of the neighbouring occupiers, given the scale, and position of the extension, the proposal would not result in any detriment, and as such is acceptable.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officers Report and the application case file and associated documents.

**Conditions Imposed:**

01

The dwelling shall be constructed in coursed natural stone, details of which shall be submitted to and agreed by the Local Planning Authority before works commences.

02

[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.

03

[PC96] Notwithstanding the provisions of the second schedule Parts 1 and 2 of the Town and Country Planning (General Permitted Development) Order 1995, no additional windows , extensions, alterations, gates, walls, fences or other means of enclosure, other than those shown on the approved plans , shall be made to the property without the prior written approval of the Local Planning Authority.

04

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

05

The window in the side elevation at first floor level facing the boundary with no. 7 Clifton Bank shall be glazed with obscure glass, which shall thereafter be retained unless otherwise agreed by the Local Planning Authority.

06

[PC94] Not later than 7 days after the completion of the sale or lease of each dwelling, the developer shall procure from the SYPTTE 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.

**Reasons for Conditions:**

01

To ensure that the appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Policy ENV3.1

02

[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'.

03

[PR96] In the interests of the amenities of the occupiers of adjoining properties.

04

[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'.

05

To avoid the possibility of overlooking in the interests of preserving the amenity of surrounding occupiers and to comply with Policy ENV3.1 'Development and the Environment'.

06

[PR94] In order to promote sustainable transport choices.



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Notes for B2006/734

Background

*There have been no previous planning applications relating to 6 Clifton Bank or the land to the rear of the property to which this application relates.*

*In 2005 full planning permission for the erection of a new dwelling was granted to the rear of no. 18 Clifton Bank (2005/0412).*

UDP Allocation & Policies

*The application site is located just outside Rotherham's Town Centre Conservation Area. The Conservation Area includes all of the properties on Clifton Bank, although not all of the land in their rear curtilages.*

*The site is situated within an area allocated as residential in the Rotherham Unitary Development Plan.*

*Relevant policies: UDP Policy ENV3.1 (Development and the Environment), ENV2.12 (Development adjacent to Conservation Areas) and SPG Housing Guidance 1.*

Site Description

*The properties along Clifton Bank are typically terraced, with long narrow rear gardens which front to Wellgate Mount. Within the Wellgate Mount streetscene prominent buildings include the Hall and dwellings at 26 and 27 and several garages within the curtilages of the properties on Clifton Bank.*

*The application site lies within the curtilage of no. 6 Clifton Bank and forms part of its rear garden. There are other examples of dwellings located to the rear of Clifton Bank with a block of semi-detached properties at 26 & 27 Wellgate Mount. The land levels on Wellgate Mount are several metres higher than the levels on Clifton Bank.*

Proposals

*The proposal is for the erection of a two storey dwellinghouse at land to the rear of 6 Clifton Bank, fronting Wellgate Mount, Rotherham Town Centre.*

*A lilac tree would be removed as a consequence of this development. No parking is proposed.*

Publicity

*Neighbours consulted by letter and site notice erected. A total of 18 written representations objecting to the application were received from residents on the following points:*

*The increase in housing density would reduce the amount of green space and affect the nature of the conservation area.*

*The development would not be in keeping with the surrounding area, and would be detrimental to the conservation area as a whole.*

*Residential development in this location would lead to increased traffic and greater congestion on Wellgate Mount and Clifton Bank.*

*No. 7 – concerned about overlooking and loss of privacy to their property.*

*No.7 – object on grounds that their garden would be overshadowed, causing a loss of residential amenity.*

*Four Right to Speak forms have been received.*

### Consultations

*Highways: no objections, subject to condition PC 94 (TravelMaster) is recommended.*

*Yorkshire Water: no observations.*

### Appraisal

*The site lies within an area allocated for residential use, and adjacent to the Rotherham Town Centre Conservation Area. The siting of the proposed dwelling on site is approximately 13 metres from the boundary with no.7 Clifton Bank and 20 metres from the boundary with no. 5 Clifton Bank. The rear elevation of the property will be approximately 20 metres from the rear elevations of the dwellings on Clifton Bank.*

*SPG Housing Guidance 3: Residential infill plots states that “The Council will have regard to the following criteria relevant to the application in question, normal inter-house spacing should be observed (that is, 20 metres minimum between principal elevations), any elevation which is situated less than 10 metres from a boundary with another residential curtilage should contain no habitable room windows at first floor level, nor should it contain a window or door to any habitable room or kitchen at ground floor level unless there is any habitable room or kitchen at ground floor level unless there is adequate screening to prevent loss of privacy, and the maximum height of the dwelling shall relate to the height of the adjacent dwellings, to minimise the impact of overlooking and impact on adjacent dwellings.*

*In these respects the proposals rear elevation is 20 metres from those on Clifton Bank; the first floor side window is to be an ensuite bathroom and is therefore conditioned as such; and the height of the proposal is not materially higher than the adjacent dwellings at 26 and 27 Wellgate which are sited closer to the dwellings on Clifton bank.*

*Policy ENV2.12 (Development adjacent to Conservation Areas) states that “In considering proposals for developments adjacent to Conservation Areas, special regard will be had to their affect on the Conservation Areas”. The policy subtext states that “Primarily, a new development should respect, in matters such as materials, scale, form and height, the character of the area rather than be designed as a separate entity.” Therefore, taking into account that the applicant has agreed to construct the new dwelling in materials to those used in the surrounding area, and the scale and mass of the proposal preserves the setting of the Conservation Area.*

*Policy 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”. It is considered that due to the design, the positioning of the proposed dwelling on the site and the materials to be used, that this application complies with the above policy.*

*In Transportation terms, it is considered that as the houses in this area are subject to parking permits, on-street parking at this location is acceptable, in this highly sustainable location.*

*Given the above, the proposal complies with the provisions of the UDP, so far as they are material, and the absence of material considerations that would indicate otherwise, the proposal is acceptable and is recommended accordingly.*

**RB2006/1145**

**Retrospective application for formation of rooms in roofspace with rear dormer window at 298 Wickersley Road, Broom for Ibrahim Hussain.**

**RECOMMENDED: GRANTED**

That the Planning Regulatory Board has taken into account and agrees with the reasons for grant as set out below in this report and resolves to grant planning permission.

Reasons For Decision To Grant Planning Permission

The Local Planning Authority has decided to grant planning permission:

1. Having regard to the policies and proposal in the Rotherham Unitary Development Plan, and all relevant material planning considerations, as set out below:

UDP Policy

- ENV 3.1 ‘Development and the Environment’

In terms of overlooking/loss of privacy to neighbouring properties, it is considered that the development would be little more harmful to neighbouring occupier’s amenity, than that from the existing first floor windows of the applicant premises. Furthermore the fenestration of the dormer window is considered to be acceptable and will not detract from the visual amenity of the street scene from which it will be seen.



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Notes for RB2006/1145

Background

*RB 2003/0293 – Application for lawful development certificate re: existing use of premises as dental surgery – Granted.*

UDP Allocation and Policies

*The site is located within an area allocated as residential in the Rotherham Unitary Development Plan.*

*As such, UDP Policy ENV3.1 'Development and the Environment' and Supplementary Planning Guidance 1: Householder development are material to the determination of the application.*

Site Description

*The applicant property is a semi detached of the interwar period, the property had previously been residential, but is presently used as a dental surgery. The premises are served with a large garden, the majority of which to the front and side has been hard surfaced to accommodate both staff and patient parking at the premises.*

*The rear garden is well proportioned to the property and measures approximately 15m in length and 12m in width. Within the roof there has been a large dormer window constructed which is not of a conventional appearance. As apposed to a standard window frame 'French style' doors have been installed and a small unfenced balcony created.*

Proposals

*The application is retrospective for the formation of a rear dormer window with patio doors and guard rail at 298 Wickersley Road Broom. The property was originally residential but was granted a lawful certificate of use as a dental surgery in 2003.*

Publicity

*Neighbouring properties were notified of the proposals in writing, 1 letter of objection has been received from the occupants of no. 2 East Bawtry Road which is located to the rear of the applicant property.*

*The following is a summary of their objections;*

*The proposal infringes on their privacy, as a result of overlooking to their bedrooms, kitchen and rear garden.  
Will devalue their property*

Consultations

*Highways: - No objections*

Appraisal

*The supplementary planning guidance is particularly critical of proposals for dormer windows which would result in significant overlooking of a neighbouring property. It also stipulates that dormer windows should be sited a minimum distance of 1m from the eaves. In these regards the proposal does not adhere to the supplementary planning guidance.*

*However, had the property not been granted a lawful development certificate for use as a dental surgery, the proposal would be permitted development, and notwithstanding the guidance in the Supplementary Planning Guidance, the proposal is not considered to be detrimental to the visual amenity of the locality by virtue of its design and fenestration. As such the proposal complies with UDP policy ENV3.1, 'Development and the Environment'.*

*With respect to the design of the dormer it is acknowledged that the installation of the 'French windows' is not conventional, however given that the dormer is screened from the vistas of the surrounding streets it is not considered that it detracts from the appearance of the property within the setting of the street scene, equally the fenestration of the window is also considered to be appropriate and not overbearing.*

*The objection raised to the application has been received from the neighbouring property, which is located to the rear of the dental surgery. The dormer window is larger than those which are typically installed within properties, but on balance, it is not considered that the window materially increases the levels of overlooking above those to neighbouring properties than already exists. The applicant and adjoining neighbouring property both have large bay windows sited on their rear elevations which 'overlook' the property to the rear, in this context the addition of the rear dormer window is not considered to increase the levels of overlooking above the threshold than what currently exists.*

*In this respect, it is noted that the objectors property is located approximately 22m away from the applicant, and occupies an orientation which is juxtaposed to the applicant. The properties are also separated by a privet hedge along the respective shared boundary which is in excess of 2m in height. These factors are considered to further mitigate issues of overlooking from the proposal, as it reduces the outlook from the window. In addition, the proposal is no more detrimental to the living conditions that the objector could legitimately expect, than if the property was residential and benefited from permitted development rights to carry out the offending dormer.*

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

**RB2006/1195**

**Use as hot food takeaway with variation of Condition 3 (opening hours) imposed by R87/972P to allow opening hours of 0900 hrs to 0130 hrs at 36 Woodhouse Green, Thurcroft for Mr. Atif Ayoub.**

**RECOMMENDED: REFUSED**

**Reasons for Refusal:**

01

The Council considers that the extension of opening hours would be detrimental to the amenities of the occupiers of nearby residential properties by reason of noise nuisance, general disturbance and traffic attraction at unsocial hours. As such, the proposal would be contrary to Policies HG1: 'Existing Housing Areas' and ENV3.7: 'Control of Pollution' of the adopted Rotherham UDP.



NOTES FOR RB2006/1195 (VC)

Background

*An application for the Change of use from bookmakers to a fish and chip shop was refused planning permission on 28 September 1987 but allowed on appeal on 17 June 1988.*

*A licence has been granted for the proposed extended hours of opening.*

UDP Allocation and Policies

*The site is allocated as residential in the Rotherham Unitary Development Plan. Policy HG1: Existing Housing Areas is applicable to this proposal as well as ENV3.7: Control of Pollution.*

Site Description

*The site is an existing hot food takeaway in a primarily residential area. The takeaway was allowed on appeal in 1988. To the east of the site is a Working Mens Club. To the west of the site is a Tyre Centre. To the north and south of the site are residential properties.*

Proposals

*This proposal is for the continuation of use of as hot food takeaway with variation of condition 3 (opening hours) imposed by R87/972 to allow opening hours of 0900 hrs to 0130 hrs.*

Publicity

*The application was advertised by neighbour notification and by site notice. No comments or representations have been received.*

Consultations

*The Council's Transportation Unit and Environmental Health Services were consulted for this application. The Transportation Unit have no objections to make to the proposals. Environmental Health Services have stated that they have no objections subject to a litter bin being provided outside the site.*

Appraisal

*The principle of the use of the unit as a takeaway was established under the granting of planning permission for the takeaway on appeal in 1987 and cannot be revisited in this application. At the time of the granting of that permission, the Planning Inspectorate imposed a condition stating that the premises shall only be open between the hours of 1100 to 2300 Sundays to Thursdays and 1100 to 2330 Friday and Saturdays.*

*This application is to vary this condition to increase opening hours to 0900 hours to 0130 hours Mondays to Sundays including Bank Holidays. The main consideration in whether to allow an increase in opening hours is the impact on amenity, with regards to*

*noise nuisance and general disturbance. Policy ENV3.7 states that “planning permission will not be granted for development which gives rise to noise...beyond acceptable standards”. It is noted that properties to the north and south of the site are predominantly residential. To the east of the site is a Tyre shop which is largely a day time activity with little or no associated night time use. To the west of the site is a Working Mens Club which does not have any planning conditions restricting hours of opening although has a licence to open between 11:00 and 01:00.*

*Policy HG1: Existing Housing Areas states that proposals in residential areas will only be permitted if they have no adverse effect on the character of the area or residential amenity. Whilst it is noted that the Working Mens Club to the side of the site has a licence to open until 01:00, it is considered that any noise and general disturbance from the Club could be exacerbated with the increase in opening hours of the takeaway to 01:30. This would result in an increase in harm to neighbouring residential amenity, contrary to policies ENV3.7 and HG1.*

*As such, it is recommended that the application to vary the opening hours be refused.*

**RB2006/1243**

**Change of use to children’s indoor play centre (D2) with ancillary café at premises at Bookers Way, Dinnington for Mr. H. K. Cooper.**

**RECOMMENDED: REFUSED**

**Reasons for Refusal:**

01

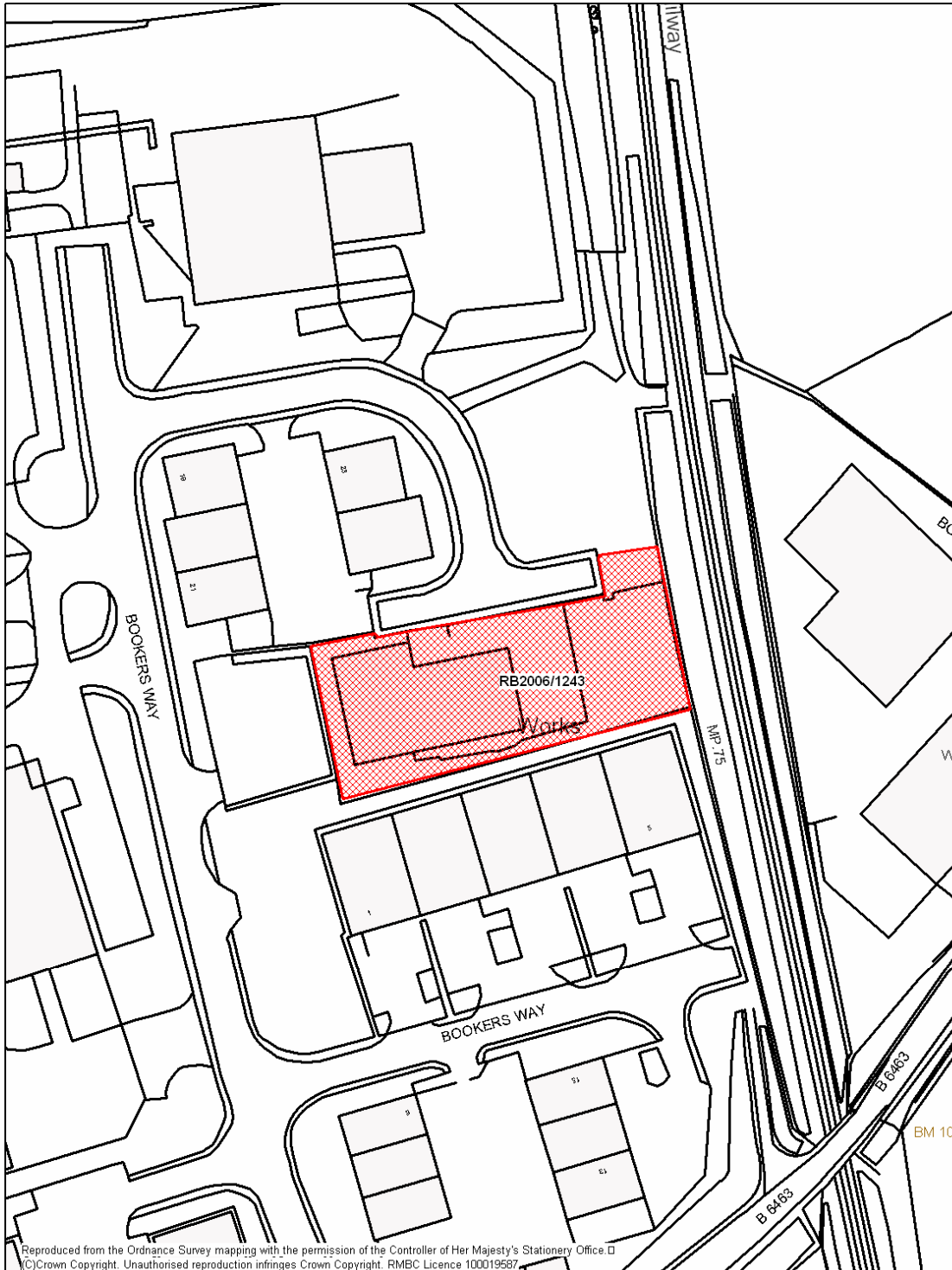
The Council considers that this proposal is unacceptable as the site is allocated for Industrial and Business Use purposes in the Rotherham Unitary Development Plan and does not satisfy the requirements of Unitary Development Plan Policy EC3.3 ‘Other development within Industrial and Business Areas’.

02

The Council also considers that the occupation of an Industrial/Business Unit for leisure development on an industrial site is prejudicial to the aims and objectives in Policies EC1 and EC1.1 of the Rotherham Unitary Development Plan to secure and safeguard established industrial and business areas through the central theme of a regeneration strategy highlighted in the adopted Rotherham Unitary Development Plan.

03

The Council also considers that the proposal represents an unsuitable form of development, being contrary to the objectives of PPS6 and PPG13 which seek to promote more sustainable development and sustainable transport choices and reduce the need to travel, especially by car.



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Notes for RB2006/1243

Background

*The previous history for this site refers to its use as an Industrial Building and is not considered to be relevant to this application.*

UDP Allocation and Policies

*The site is allocated as Industrial and Business in the Rotherham Unitary Development Plan. Policies EC1: Existing Industrial and Business Areas, EC3: Industrial and Business Development, EC3.1: Land Identified for Industrial and Business Use and EC3.3: Other Development within Industrial and Business Areas are applicable to this application.*

*Planning Policy Statement (PPS) 6: Planning for Town Centres and Planning Policy Guidance Note (PPG) 13; Transport are also applicable to this proposal.*

Site Description

*The site is an existing industrial unit which is currently vacant. The building is situated within an existing industrial estate off Todwick Road, Dinnington. Security fencing approx. 2 metres in height surrounds the boundary of the site. There is existing parking provision within the site boundary.*

Proposals

*This application is for a change of use of the building to a Children's Indoor Play Centre (D2 – Assembly and Leisure). The proposal also includes external alterations to the building and car park with 45no. parking spaces proposed.*

*In support of the proposals the applicants have submitted a Planning Policy Statement (PPS6 Assessment), a report explaining the background to the proposals for this site and the aspirations of the applicant, and a further statement justifying the proposals.*

*The PPS6 statement can be summarised as follows:*

*Significant research has been carried out to consider matters of location, giving due regard to sustainability, employment and the impact of the development on pedestrian and vehicular traffic*

*The report on the background to the proposal and the further statement justifying the proposals can be summarised as follows:*

*Children's Play Centre – The two main objectives of the Children's Play Centre are to satisfy the demand for family orientated leisure facilities and to provide safe and imaginative play areas within a controlled environment.*

*Employment – The applicants indicated in their original PPS6 Statement that 4no full time and 9no part time employees were anticipated. However in the latest statement received, it is anticipated that there would be 17 full time employees which could rise to 30 if it was felt that the positions should be part time.*

*Marketing – No other suitable properties have been identified in the Dinnington area.*

*Location – Dinnington and the surrounding area has no such facility at present. The applicants have estimated that some 3,000 children and their parents in the area would benefit from this business. The site can be accessed by pedestrians and cyclists, as well as being close to a bus route (0.6 miles from nearest bus stop), accessible from Kiveton Park train station and close to the newly opened Mineral Line, which is a newly developed environmental public pathway linking Thurcroft with the Todwick Road Industrial Estate. The site is also within easy reach of the M1 motorway at Junction 31.*

*Equipment – The play area is contained within a steel frame on several levels with netted walls. It is designed for easy access and multi-sensory stimulation for children aged 0-12. A café will be provided for the parents, offering a range of healthy food options, whilst the children play.*

*Opening Hours –*

*Monday to Friday 0900 to 1900 with private parties 1900 to 2100.*

*Saturdays 1000 to 1900 with private parties 1900 to 2100.*

*Sunday 1000 to 1800 with private parties 1800 to 2000.*

### *Publicity*

*The application was publicised by press advertisement and by site notice as a departure from the development plan, as well as by neighbour notification. No comments or representations have been received.*

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

### *Consultations*

*The Council's Transportation Unit have commented on the application and have objected to the proposal on sustainable transport terms. The unit considers that the proposal would be better suited in close proximity to the town centre with access to more sustainable forms of transport.*

*Environmental Health have provided comments regarding the former use of the site. Concern has been raised that the building and surrounding land is likely to be contaminated because of the previous use, a testing regime would have to be agreed upon and any necessary remediation carried out to ensure that the building is fit for the purpose as a children's play centre.*

*The Access Officer has asked for works to be carried out to improve access including equipment for disabled children, café to have a variety of seating, car parking marked out for disabled motorists etc.*

### *Appraisal*

*The central issue in relation to this application is whether the proposal is in accordance with the Council's own policies in the Unitary Development Plan (UDP) and, if not, whether other material considerations are so important as to justify granting permission. Alongside this, because development plan policies should not conflict with Central Government guidance unless there are special circumstances, is whether the proposal meets the aims and objectives of PPS6 – Planning for Town Centres, including the "sequential test" and of PPG 13 'Transport'.*

*The following section will consider the proposal in terms of the relevant UDP policies and the implications of PPS6 and PPG13 on the development proposal for a leisure facility.*

### UDP Policies

*The site of this application is allocated for industrial and business purposes on the Rotherham Unitary Development Plan. Within these policy areas there is a presumption in favour of appropriate development, proposals which compliment the area's industrial and commercial role and character. Therefore the criteria in Policy EC3.3 of the UDP which outlines when other development would be allowed in industrial /business areas needs to be examined.*

*Policy EC3.3: Other Development within Industrial and Business Areas states that other development will be accepted, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses, where such development can be shown to be ancillary to the primary use of the area, or would provide significant employment and it can be shown that:*

*there are no suitable alternative locations available for the proposed development;  
no land use conflicts are likely to arise from the proposed development, and  
the proposal significantly increases the range and quality of employment opportunities in the area.*

#### *(i) Suitable Alternative Locations*

*The purpose of this requirement is to make it clear that non-industrial development on industrially allocated land will have to be of an exceptional nature. That is, to be important to the public interest but not capable of being built elsewhere.*

*It can also be seen as broadly reflecting the concerns of PPS6 (that the vitality and viability of town centres should not be undermined by new out of town development) and PPG13 (that new development should aim to reduce reliance on private car transport and to encourage alternative means of transport which have less environmental impact).*

*The proposed development, from the PPS6 Assessment, requires a unit of approximately 8,000 square feet with a height of approximately 6 metres. Car parking provision and safe and easy access are also desirable.*

*The applicants in their submitted PPS6 Assessment state they have considered nearby units in the surrounding area and have concluded that none of them are a feasible*

*alternative to the present application site due to inadequate parking, safe and easy access, cost and required space.*

*Whilst it is considered that this type of development would be more appropriate in a town centre location, Council records indicate that there are no suitable existing units available in the Dinnington town centre within the applicant's required size categories. Council records do appear to indicate that there are a large number of units of the size required within the Rotherham area as a whole. However, the majority of these units are found within industrial estates as they usually contain units of a larger size than those found in town centre and edge of town centre sites. It can therefore be argued that there are no suitable existing units available within Dinnington town centre for such a leisure proposal.*

*It is noted that there is an area on the edge of Dinnington town centre which is allocated for Leisure Use within the Rotherham Unitary Development Plan which has yet to be developed. Under the sequential approach set out in PPS6, if there are no appropriate town centre sites, suitable edge of centre sites should be given preference over out of centre sites as long as they meet the relevant policies and guidance. Whilst it is considered that this may be the most appropriate site to locate leisure proposals in Dinnington, it is acknowledged that the site is undeveloped and so any proposals would require the erection of a building. This would increase the cost of the development, which may discourage small businesses who prefer to occupy existing units to keep costs down. As already seen from the applicant's PPS6 statement, a number of existing units were discounted due to cost.*

*To support the argument that an out of centre site is appropriate for this type of proposal, the applicants have also provided information from the Estate Agents marketing this site stating that the building has been empty for 3 years and although sporadic enquiries have been made in that time, no meaningful interests or offers have been made. The applicants contend that the site is not viable to be used as an industrial unit due to the newer units available in Dinnington and that the change of use will bring a vacant unit back into use. Whilst it is evident that there is a large amount of activity in Dinnington with the colliery re-development providing higher quality development, it is considered that there is still a need to ensure that land and units of all qualities are available, which this unit can contribute towards. As such it is not considered that planning permission should be granted for this proposal just on the grounds of bringing a vacant unit back into use where it is not considered to be acceptable in all other respects, and where other areas may be more suitable for this type of development.*

*(ii) Land Use Conflicts*

*The property occupies a unit in the heart of the Industrial Estate. It seems likely, given the nature of the use (largely children between 0 and 12) that many users will be brought by parents and the location will favour visits by car rather than by bus. Indeed, an informal survey carried out by the applicants and submitted as part of their statement indicates that 90 percent of people surveyed would travel to such a use by car.*

*Industrial traffic through the estate may, therefore, conflict with traffic generated by the proposed use, especially if the use develops to a point where on-street parking becomes common. Those that do access the site via the bus or on foot will have to pass through much of the industrial estate to reach the application site.*

*It is therefore considered that land uses conflicts could arise out of this development and therefore it is concluded that the development does not fully satisfy the requirements of this part of Policy EC3.3.*

*(iii) Range and quality of employment opportunities in the area*

*In their latest statement to justify the proposals, the applicants have indicated that the development would provide a staffing level of approximately 17 jobs full time, although this could rise to 30 if it was felt these should be provided on a part time basis.*

*Although job descriptions have not been provided by the applicant for the jobs to be created, it is considered that this would be a reasonable employment level for a unit of this size. However, it should be noted that these levels cannot be controlled under this planning application. As such it is concluded that the development is acceptable with regards to part (iii) of Policy EC3.3 in terms of the employment generated by the proposed development.*

#### *PPS6 and PPG:13*

*With regards to matters of Central Government guidance, there is considerable overlap with the matters already discussed and therefore it is considered that PPS6 and PPG13 should be considered together.*

*The Government's key objective in PPS6 is to promote the vitality and viability of town centres. In assessing proposed developments the Council requires the developer to demonstrate the following:*

- the need for the development;*
- that the development is of an appropriate scale;*
- that there are no more central sites for the development;*
- that there are no unacceptable impacts on existing centres;*
- that locations are accessible*

*The site is clearly "out of centre" in terms of PPS6. PPG13 stresses the role of land use planning in promoting more sustainable development and with regard to leisure development. Local Authorities are encouraged to "ensure that major new attractions are readily available by a range of means of transport and where possible use sites in existing urban areas".*

*The implications of the likely harm to the development plan strategy have been dealt with earlier in considering the requirement of Policy EC3.3.*

*In terms of the remaining issues within PPS6, the following points should be noted:*

#### *Need for the development*

*In terms of the need for the development it is evident from the market research of the applicant that there is a need for this type of indoor play centre. With this in mind it is concluded that the applicant has demonstrated a need for this leisure facility.*

#### *That the development is of an appropriate scale*

*This refers mainly to a town centre use. Bearing in mind that this is an existing unit, it is not considered that the scale of the project is out of character with the adjacent buildings/uses.*

*That there are no more central sites for the development*

*Having considered the Council records it is clear there are other existing units available, although these are mainly within other industrial estates due to the size required. It is also clear that there is an area allocated for leisure within the Rotherham Unitary Development Plan on the edge of the town centre which is likely to be a more appropriate site for this use. As raised previously, this would require the erection of a unit which could discourage small businesses who are unable to afford to erect a building specifically for the purpose required.*

*That there are no unacceptable impacts on existing centres.*

*It is the agents conclusion, regarding existing Town Centres, that they would be little affected because the use is specific and that there are no comparable facilities in such centres.*

*As such it is considered that this development, in isolation, would not inhibit future leisure development in the town centre. However, the concentration of other entertainment/leisure facilities on out-of-town sites may, of course, have a more serious impact on the vitality and viability of the town centre.*

*Furthermore, it can be argued that the location of such a leisure facility, albeit in a smaller available town centre unit, would further expand the range of leisure facilities in the town centre which may further support the evening economy and the role of that particular town centre.*

*That locations are accessible*

*The site is located approximately one and a half miles outside of Dinnington Town Centre. The applicants have provided information regarding bus and train services which run close to the site. They state that the number 19B bus runs between Dinnington/Rotherham and Dinnington/Worksop with a bus stop approximately 0.6 miles walk from the site. This service operates every 30 minutes. The applicants also state that connections can be made to all surrounding villages in addition to Sheffield, Doncaster and Rotherham Town Centres from Dinnington Interchange. The applicants have also provided details with regards to train services, stating that Kiveton Park station can be reached through the use of the 23A bus from Dinnington Interchange which runs every hour. They also contend that the site can be accessed by pedestrian traffic via Todwick Road and the use of the newly opened Mineral Line public pathway which runs from Thurcroft to Todwick Industrial Estate.*

*Whilst these options have been explored by the applicants, taking into account the car parking provision provided it is likely that the majority of visitors to the play area will visit by car. As the informal survey of Dinnington residents carried out by the applicants suggests, 90 percent of those surveyed would choose to travel to such a use by car. Of those that do choose to use public transport, the services are infrequent and they will have to pass through much of the industrial estate on foot to reach the application site. It is also noted that the access along Todwick Road from the no. 19B bus stop involves*

walking along a stretch of road which does not have a public footpath and could therefore have the potential to be harmful to pedestrian/vehicular safety.

It is acknowledged that such a leisure development may have the potential for shared trips, which could reduce the total number of car journeys to the development. However, it is likely that a location with a greater choice for other modes of transport (e.g. more frequent bus services, access to rail services) such as a town centre would help to reduce travel patterns by car.

It is therefore concluded that after taking into account the comments of the Transportation Unit, the proposal will not promote more sustainable transport choices and will ultimately not reduce car borne travel.

Having taken the above factors into account, it is considered that this proposal does not meet the full requirements of PPS6 and PPG13 by actually reducing reliance on the private car and encouraging alternative means of transport which have less environmental impact. It is likely that the development would result in an increase in overall travel patterns and car use in the Rotherham area.

### Conclusions

In conclusion, it is considered that this development will:-

- not be in accordance with Unitary Development Plan Policy or Central Government advise;
- not significantly increase the range and quality of employment opportunities in the area;
- not reduce reliance on the private car or encourage alternative modes of transport which have less environmental impact;

In favour are the arguments that the development would:-

- create the opportunity for the provision of a leisure facility in the Dinnington area which currently does not exist;
- will bring a long term vacant industrial unit back into use;
- will have a negligible impact on existing leisure uses within the town adjacent town centres.

In determining this application, Members should give thought to the above Policies/guidance notes and to whether this proposed leisure/play area development provides significant employment and meets the three-part test in Policy EC3.3; also, whether it offers a facility to the Borough such as would justify a departure from the Policies of the UDP and Government Guidance outlined.

In conclusion, it is considered that this proposal to utilise the site for leisure purpose is unacceptable in terms of Policy and conflicts with both the Council's Policies and Government Guidance with regard to leisure development on land allocated for industrial and business purposes and in an out-of-centre location.

*It is not considered that appropriate material considerations have been demonstrated to justify a departure from the Unitary Development Plan. As such, it is recommended that planning permission be refused for the reasons stated above and that the Council continue to ensure that the Dinnington Industrial Estate remains in industrial and business use.*

**RB2006/1305**

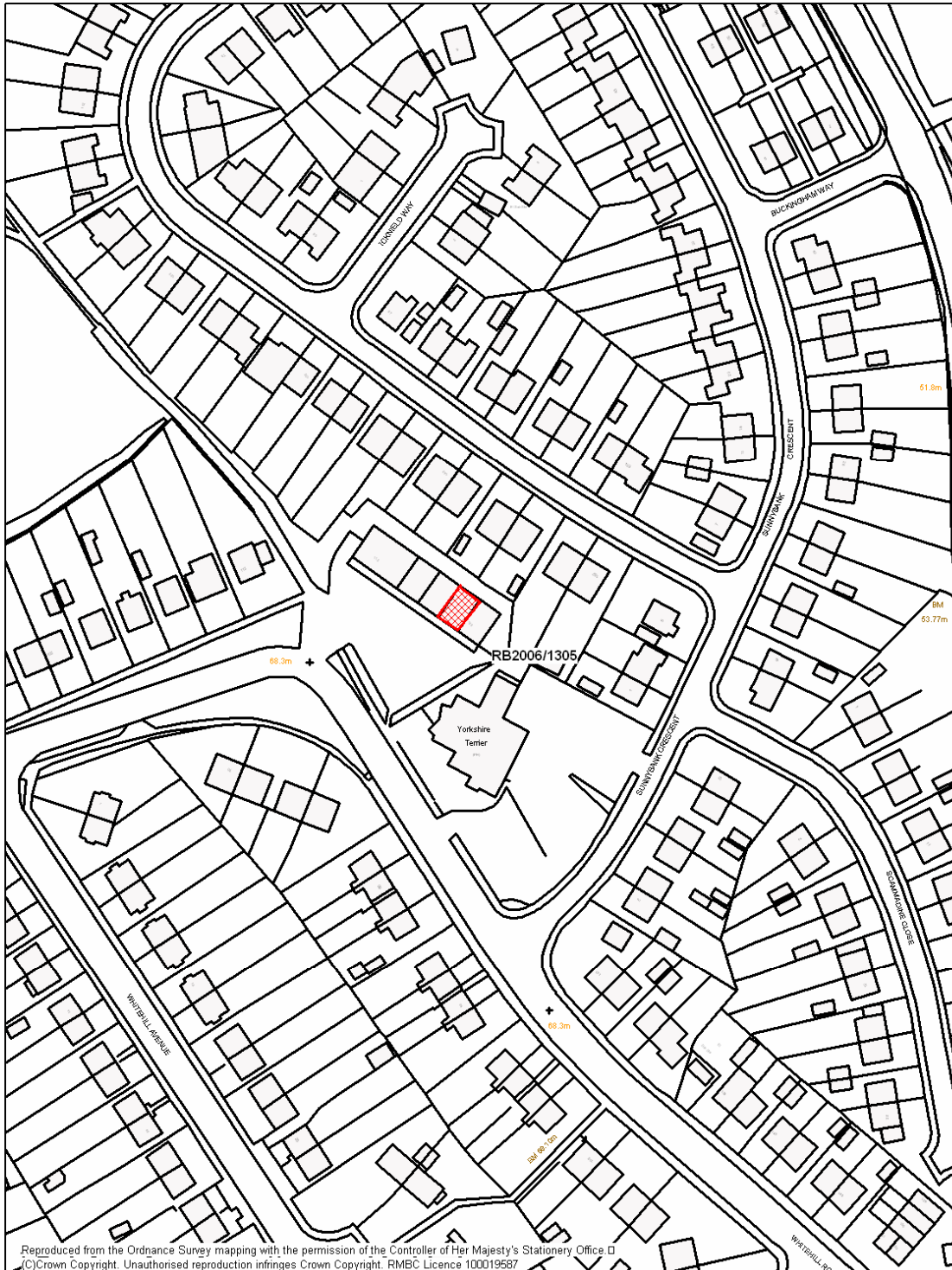
**Use as hot food takeaway with variation to Condition 2 (opening hours) imposed by R96/0036P to allow opening hours of 08:00 hrs to 00:00 hrs Sundays to Thursdays and 08:00 hrs to 01:00 hrs Fridays and Saturdays at Unit 121 Whitehill Road, Brinsworth for Ali Eren.**

**RECOMMENDED: REFUSED**

**Reasons for Refusal:**

01


The Council consider that the extension of opening hours would be detrimental to the amenities of the occupiers of nearby residential properties by reason of noise nuisance, general disturbance and traffic attraction at unsocial hours. As such, the proposal would be contrary to Policy HG1 'Existing Housing Areas' and ENV3.7 'Control of Pollution' of the Rotherham Unitary Development Plan 1999.



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Notes for RB2006/1305 (VC)

Background

RB1996/0036 – Change of use from vacant fruit and vegetable shop to hot food takeaway – granted conditionally with condition 02 Restricted hours of opening. The premises shall only be open between the hours of 0800 to 2330 Mondays to Saturdays and 0900 to 2300 hours on Sundays.

There have been no applications to extend the licensing hours of the premises.

UDP Allocation and Policies  
UDP Allocation: Residential

Policy

HG1 'Existing Housing Areas'  
ENV3.7 'Control of Pollution'

Site Description

Unit 121 Whitehill Road lies within a parade of single storey shops detached from nearby residential dwellings. Directly to the south of the site is another A5 (Hot Food Takeaway) use with the remaining shops being A1 uses. The Yorkshire Terrier Pub is located approximately 20m to the south of the site. There are residential properties located 13m away from the back of the site and residential properties along Whitehill Road approximately 50m from the entrance of the takeaway.

Proposals

The application is to vary Condition 2 of RB1996/0036 The premises shall only be open between the hours of 0800 to 2330 Mondays to Saturdays and 0900 to 2300 hours on Sundays to operate the business from 0800 to 0000 Sundays to Thursdays and 0800 to 0100 Fridays and Saturdays.

Publicity

All relevant neighbours were informed by letter and a site notice was erected. Three letters of objection received on that grounds that:

Noise should be kept to a minimum  
Increased level of anti-social behaviour  
Increased noise, litter and traffic  
Is there a need for more takeaways?

Consultations

Transportation Unit consulted July 2006 – no objections from a highway safety aspect  
Environmental Health consulted July 2006 – no objections subject to conditions

Appraisal

*The main issues relating to the determination of this application to extend opening hours are in relation to the impact on residential amenity.*

*As such, Policy HG1 is material and states that:*

*The Council will ensure that predominantly residential areas are retained primarily for residential use by permitting only those proposals which:*

- (i) have no adverse effect on the character of the area or on residential amenity,*
- (ii) are in keeping with the character of the area in terms of scale, layout and intensity of use,*
- (iii) make adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development, or*
- (iv) are ancillary to the residential nature and function of the area and which also satisfy the above requirements.*

*The Yorkshire Terrier pub has opening hours of 1000 – 0130 Monday – Sunday. However, planning has no control of the operating hours at this pub owing to its lawfulness.*

*Policy ENV3.7 'Control of Pollution' states that: "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport". As such the application is not considered to comply with the above policy and in the absence of material considerations that indicate otherwise, refusal is recommended accordingly.*

*However, the surrounding area comprises predominantly of residential dwellings with the nearest properties located 20-50m from the existing facility. It is considered that the increase in opening hours of 90 minutes to 0100 on a Friday and Saturday and 60 minutes at all other times at this location would have the potential to materially increase the number of customers using the facility and thereby having an adverse impact on residential amenity, from noise and disturbance.*

**RB2006/1355**

**Use of ground floor as take-away with variation to Condition 2 (Opening Hours) imposed by RB1983/596 to allow opening hours of 08.30 hrs to 01.00 hrs Sundays to Thursdays and 08.30 hrs to 02.00 hrs on Fridays and Saturdays at 37 High Street, Maltby for Mohammed Reza Abniki.**

**RECOMMENDED: GRANTED CONDITIONALLY**

That the Planning Regulatory Board has taken into account and agrees with the reasons for grant as set out below in this report and resolves to grant planning permission subject to the following conditions:

**STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION**

The Local Planning Authority has decided to grant planning permission:

1. Having regard to the policies and proposals in the Rotherham Unitary Development Plan, all as set out below, and all relevant material planning considerations:

Unitary Development Plan

Policy ENV3.7: Control of Pollution

2. For the following reasons:

As there are other takeaways in the vicinity which have no restrictions over opening hours, it is considered that the impact of increasing opening hours until 01:00 on weekdays and 02:00 on weekends would not result in a significant increase in noise and general disturbance to the detriment of residential amenity such that the application should be refused.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officers Report and the application case file and associated documents.

**Conditions Imposed:**

01

The use hereby permitted shall only be open to customers between the hours of 08:30hrs to 01:00hrs Mondays to Sundays.

02

The use hereby permitted shall be open for home deliveries only between the hours of 0100 to 0200 Fridays and Saturdays.

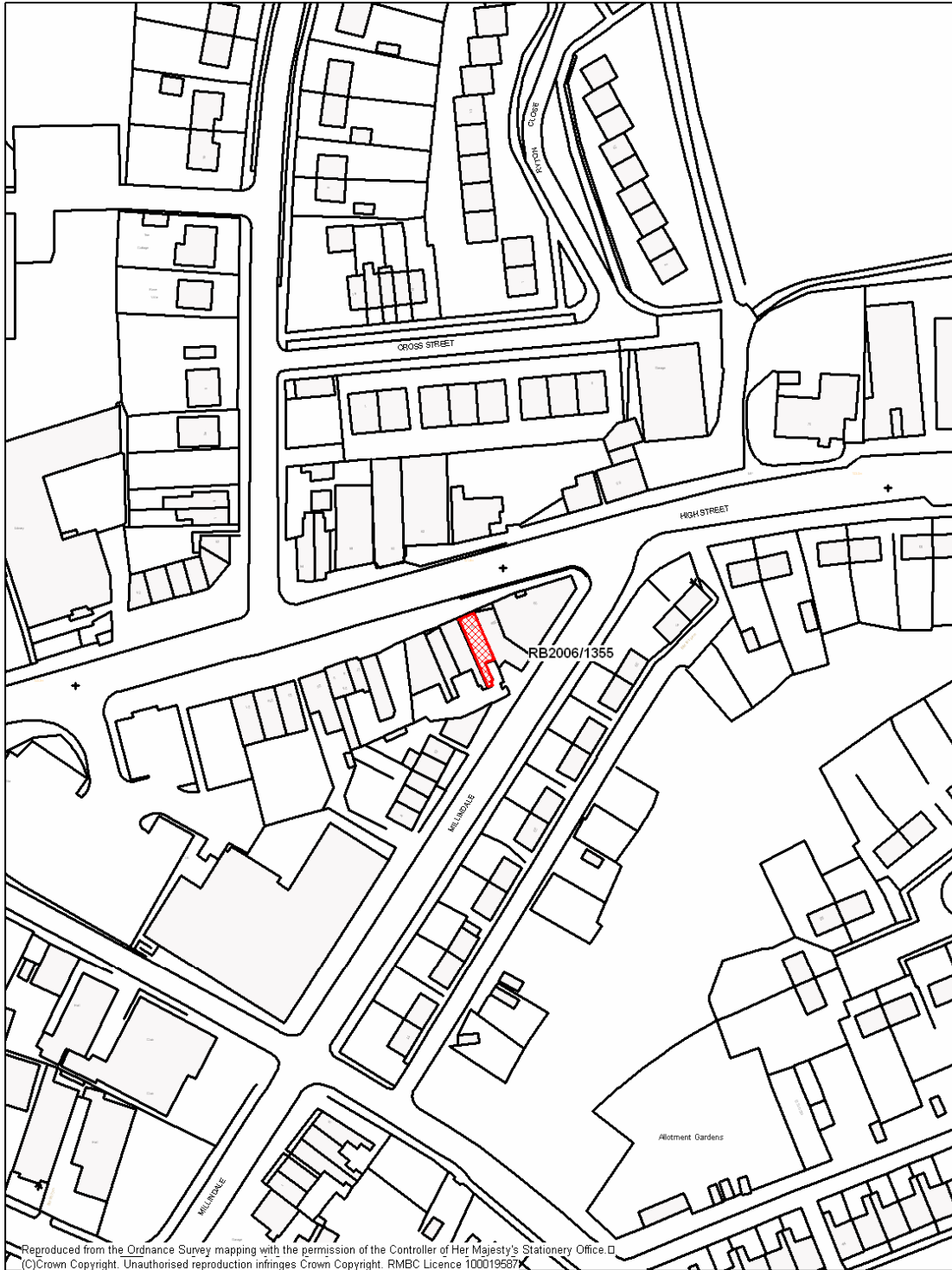
**Reasons for Conditions:**

01

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Unitary Development Plan Policy ENV3.7 'Control of Pollution'.

02

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Unitary Development Plan Policy ENV3.7 'Control of Pollution'.



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Notes For RB2006/1355 (VC)

Background

*An application was granted conditionally in 1983 for the change of use of ground floor only to bistro for food & wine (R83/596). Condition 2 of this permission restricted opening times to 0830 to 2230 Sundays to Thursdays and 0830 to 2300 on Fridays and Saturdays.*

UDP Allocation and Policies

*The site is allocated as Retail (Town Centre) in the Rotherham Unitary Development Plan adopted in 1999. ENV3.7: Control of Pollution is applicable in this instance.*

*ENV3.7: Control of Pollution states that "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which is likely to give rise, either immediately or in the future, to noise ... where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative measures at the time the development takes place"*

Site Description

*The site is an existing hot food takeaway on a Prime Shopping Street on the High Street, Maltby. The use of shop unit as a hot food takeaway was granted in 1983.*

Proposals

*This proposal is for the continuation of use of premises with variation of condition 2 (opening hours) imposed by RB1983/596 to allow opening hours of 0830hrs to 0100hrs Sundays to Thursdays and 0830hrs to 0200hrs on Fridays and Saturdays.*

Publicity

*The application was advertised by neighbour notification and by site notice. No objections or comments have been received.*

Consultations

*The Council's Transportation Unit and Environmental Health Services were consulted for this application. The Transportation Unit have no objections to make to the proposals. Environmental Health Services have stated that there are other commercial premises in the vicinity amongst residential properties and that no recent noise complaints have been received regarding this site, and as such they have no objections to the proposals.*

Appraisal

*The principle of the use of the unit as a takeaway was established under the granting of planning permission for the takeaway in 1983 and cannot be revisited in this application. At the time of the granting of that permission, a condition of the approval was that the premises shall only be open between the hours of 0830 to 2230 Sundays to Thursdays and 0830 to 2300 on Saturdays and Sundays.*

*This application is to vary this condition to increase opening hours to 0830 hours to 0100 hours Sundays to Thursdays and until 0200 hours on Fridays and Saturdays. The main consideration in whether to allow an increase in opening hours is the impact on amenity, with regards to noise nuisance and general disturbance. Policy ENV3.7 states that "planning permission will not be granted for development which gives rise to noise...beyond acceptable standards". It is noted that whilst the property is within a retail area properties to the south on Millindale are predominantly residential. There are also flats above the retail units of No's 25 – 39 High Street.*

*However, it is considered that the impacts on these residential properties would be minimal due to their location in relation to the site which fronts High Street, and given that there are other night time uses in the immediate vicinity including an existing A5 takeaway opposite this site which was granted planning permission in 1964 with no planning conditions limiting opening hours. Given that there are other takeaways which open late night in the immediate vicinity it is considered that the impact of increasing opening hours would not result in a significant increase in noise and general disturbance in this instance and would not be detrimental to residential amenity such that the application should be refused. To further mitigate any increase in noise from this late night use, it is considered that the use should be limited to home deliveries only between 0100 and 0200 hours on Fridays and Saturdays and not open to the public. It is recommended that this be a condition of any approval.*

*As such, it is recommended that the application to vary the opening hours be approved with conditions.*

**RB2006/1430**

**Use as hot food takeaway with variation to Condition 1 (opening hours) imposed by RB2000/0540 to allow opening hours of 0900 hrs to 0000 hrs Mondays to Saturdays and 0900 hrs to 2300 hrs on Sundays at 95 Flanderwell Lane, Sunnyside for Mr. Davut Demirkiran.**

**RECOMMENDED: GRANTED CONDITIONALLY**

That the Planning Regulatory Board has taken into account and agrees with the reasons for grant as set out below in this report and resolves to grant planning permission subject to the following conditions:

**STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION**

The Local Planning Authority has decided to grant planning permission:

1. Having regard to the policies and proposals in the Rotherham Unitary Development Plan, all as set out below, and all relevant material planning considerations:

Unitary Development Plan

Policy ENV3.7: Control of Pollution

2. For the following reasons:

As there is another takeaway in the vicinity which has no restrictions over opening hours, it is considered that the impact of increasing opening hours until 0000 hours Mondays to Saturdays and 2330 on Sundays would not result in a significant increase in noise and general disturbance to the detriment of residential amenity.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officers Report and the application case file and associated documents.

**Conditions Imposed:**

01

The use hereby permitted shall only be open to customers between the hours of 0900hrs to 0000hrs Mondays to Saturdays and 0900hrs to 2330hrs on Sundays.

**Reasons for Conditions:**

01

[PR73] In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.



Notes for RB2006/1430

Background

An application was granted conditionally in 2001 for the conversion of ground floor retail unit to form hot food takeaway. Condition 1 of this permission restricted opening times from 0900 hours to 2330 hours on Mondays to Saturdays and 0900 hours to 2300 hours on Sundays.

A licence has been granted for the hours currently proposed.

UDP Allocation and Policies

The site is allocated as Retail (Local Centre) in the Rotherham Unitary Development Plan adopted in 1999. ENV3.7: Control of Pollution is applicable in this instance.

ENV3.7: Control of Pollution states that "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which is likely to give rise, either immediately or in the future, to noise ... where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative measures at the time the development takes place"

Site Description

The site is an existing hot food takeaway. The use of shop unit as a hot food takeaway was granted in 2001.

Proposals

This proposal is for the continuation of use of premises with variation of condition 1 (opening hours) imposed by RB2000/540 which allowed opening hours of 0900hrs to 2330hrs Mondays to Saturdays and 0900hrs to 2300hrs on Sundays. The proposal is to change these opening hours to 0900hrs to 0000hrs on Mondays to Saturdays and 0900hrs to 2330hrs on Sundays.

Publicity

The application was advertised by neighbour notification and by site notice. No objections or comments have been received.

Consultations

The Council's Transportation Unit and Environmental Health Services were consulted for this application. The Transportation Unit have no objections to make to the proposals. Environmental Health Services have stated that no recent noise complaints have been received regarding this site and have no objections to the proposals.

Appraisal

*The principle of the use of the unit as a takeaway was established under the granting of planning permission for the takeaway in 2001 and cannot be revisited in this application. At the time of the granting of that permission, a condition of the approval was that the premises shall only be open between the hours of 0900hrs to 2330hrs Mondays to Saturdays and 0900hrs to 2300hrs on Sundays.*

*This application is to vary this condition to extend opening hours by half an hour in the evening periods. The main consideration in whether to allow an increase in opening hours is the impact on amenity, with regards to noise nuisance and general disturbance. Policy ENV3.7 states that "planning permission will not be granted for development which gives rise to noise...beyond acceptable standards". It is noted that the site is in a predominantly residential area.*

*However, it is considered that as the proposal only involves the extension to opening hours by half an hour, it is considered that the impacts on these residential properties would be minimal. Given that there are other night time uses in the immediate vicinity including an existing A5 takeaway opposite this site which was granted planning permission in 1980 with no planning conditions limiting opening hours, it is considered that the impact of increasing opening hours by half an hour would not result in a significant increase in noise and general disturbance in this instance and would not be detrimental to residential amenity such that the application should be refused.*

*It is recommended that the application to vary the opening hours be approved.*

**RB2006/1450**

**Erection of 2 two storey blocks comprising 14 flats at land at Midland Road/Devonshire Street Holmes for Birkdale Properties Ltd.**

**RECOMMENDED: REFUSED**

**Reasons for Refusal:**

01

The Council considers that the development of this site which has now returned to a Greenfield status, conflicts with the advice contained in the report approved by Cabinet on 07 June 2006 which upheld the need for a presumption against development on Greenfield sites in the interests of sustainability and the requirement to meet Regional and National regeneration targets. Furthermore, no information has been submitted that justifies the release of this Greenfield site in preference to other more sustainable brownfield sites, to the detriment of long-term strategic sustainable development within the Borough.

02

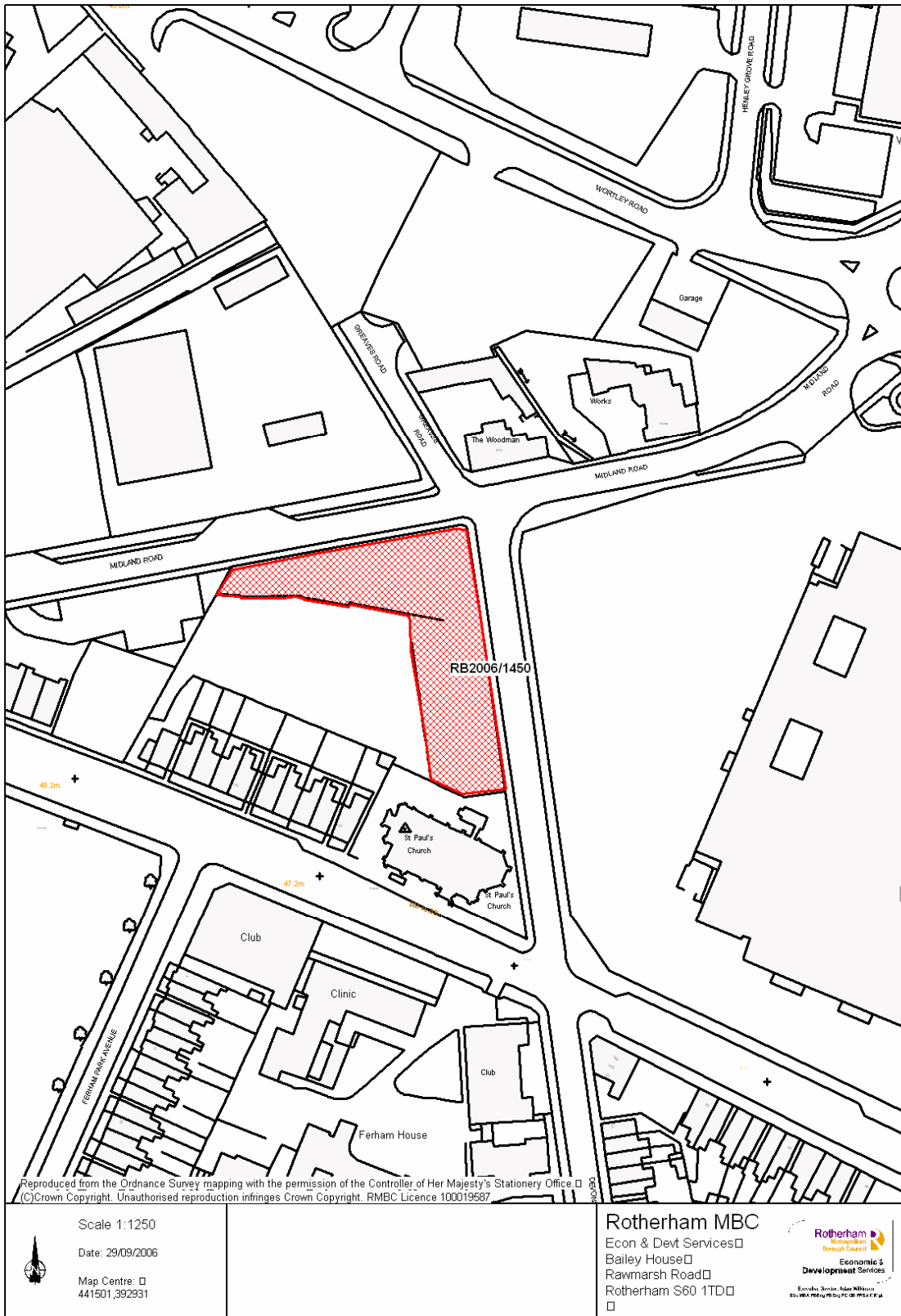
The Council considers that it is important to retain the land as incidental urban greenspace as it provides a break from urban form in an area of predominantly industrial development. Its development would thereby conflict with UDP Policy ENV5.2 'Incidental Urban Greenspace'.

03

The Council considers that the proposal constitutes unsustainable piecemeal development by virtue of the sterilisation of the future development of brownfield land at the rear, through the lack of provision of an adoptable access into that site, thereby conflicting with UDP Policy ENV3.1 'Development and the Environment' which requires development to make a positive contribution to the environment by achieving an appropriate standard of design having regard to its relationship with the locality.

04

The Council considers that the development, if implemented would lead to a loss of mature trees that at present enhance the visual amenity of the locality, thereby conflicting with UDP Policy ENV3.4 'Trees, Woodlands and Hedgerows', and ENV3.2 'Minimising the Impact of Development'.



Notes for RB2006/1450

Background

The Council's historical maps indicate that as recently as 1972, dwellings were present on the application site. There have been no other applications, other than a refusal for a part of the current application site to be used for pedestrian access to land at the rear (RB1980/3003).

Development Plan Allocation and Policy

The site is allocated as a Residential Area in the adopted Rotherham Unitary Development Plan. UDP Policies ENV5.2 'Incidental Urban Greenspace', HG5 'The Residential Environment', ENV3.4 'Trees, Woodlands and Hedgerows', ENV3.2 'Minimising the Impact of Development' and the report to and ratified by Cabinet on 07 June 2006 "A presumption against the granting of planning permission for residential developments on Greenfield sites" are material to this proposal.

Site Description

The site is located at the junction of Midland Road and Devonshire Street and has a bus depot to the east, a church to the south, an overgrown unused site to the west and industrial premises to the north. At present it is a pleasant, grassed area that benefits from mature trees in the northeastern corner. There is a 1.8 metre high brick wall to the rear boundary of the site with an inserted gated access into the overgrown site at the rear. The site at the rear also has a narrow entrance off Kimberworth Road of less than 3 metres. The application site has an approximate area of 0.16 hectares.

Proposal

This application seeks full planning permission for the erection of 2 No. 2-storey buildings to form 14 flats. One building fronts Devonshire Street and the other fronts Midland Road and hugs the bend. Parking bays are provided adjacent each building.

Publicity

The application was advertised with a site and press notice and by way of letters to the occupiers of dwellings surrounding the site. Five representations have been received. They relate to:-

- Lack of access to the landlocked site at the rear
- Insufficient information
- Civil issue of land ownership inaccuracies
- Loss of mature trees
- Exposure to noise for future occupants of the development from the adjacent bus depot
- Noise assessment submitted insufficient
- Harmful to wildlife
- Road safety issues
- Over-development of a small site
- Inappropriate design
- Contrary to the UDP

Consultations

*Transportation Unit – No objections subject to the recommended conditions, but raises concerns over accessibility to the land at the rear.*

*Drainage - No objections subject to the recommended conditions.*

*Yorkshire Water – No objections subject to the recommended conditions.*

*Environmental Health – Given the adjacent bus depot and light industrial uses in the immediate locality, there is potential for disamenity from noise if the development is adequately controlled. No objections subject to recommended conditions.*

*Trees and Woodlands – No response*

Appraisal

*Although historically this site had been used for housing purposes, it has long since been landscaped and returned to a Greenfield state. It is now used as incidental urban greenspace and its retention is important as it provides a break from urban form in an area of predominantly industrial development, thereby conflicting with UDP Policy ENV5.2 'Incidental Urban Greenspace'. In land use terms the development of the site for residential purposes, is unacceptable given the Council's current stance on the presumption against the granting of planning permission for residential use on Greenfield sites as dictated by Government policy, thereby forming a material consideration and conflicting with the Council's Greenfield Moratorium. It is considered that there are many other more sustainable brownfield sites in the Borough that have come forward for development which emphasises the justification not to release any Greenfield sites.*

*It is considered that development in this locality should be on a comprehensive basis and not in the piecemeal form that this application takes. By allowing the development of this site, the land at the rear will be landlocked with inadequate adoptable vehicular access from both Kimberworth Road and Devonshire Street. Thereby sterilising a viable brownfield plot of land and conflicting with UDP Policy ENV3.1 'Development and the Environment' which requires development to make a positive contribution to the environment by achieving an appropriate standard of design having regard to its relationship with the locality.*

*The mature trees that lie on the prominent northeastern corner of the site would be lost if the development was implemented. These contribute significantly to the visual amenity of the locality whereby the general form is of an industrial, built nature, thereby leading to a reduction in visual amenity levels and having a detrimental impact upon the visual amenity of the street-scene and conflicting with UDP Policy ENV3.4 'Trees, Woodlands and Hedgerows' and ENV3.2 'Minimising the Impact of Development'.*

*Given the above, the proposal is not considered to be in accordance with the provisions of the UDP, so far as they are material, and given those material considerations the proposal is considered to be unacceptable.*

**RB2006/1510**

**Access road and car parking (amendment to RB2000/0335) at land at Meadowbank Road, Kimberworth for Mr. J. Noble.**

**RECOMMENDED: GRANTED CONDITIONALLY**

That the Planning Regulatory Board has taken into account and agrees with the reasons for grant as set out below in this report and resolves to grant planning permission subject to the following conditions:

**STATEMENT OF REASONS FOR DECISIONS TO GRANT PLANNING PERMISSION**

The Local Planning Authority has decided to grant planning permission:

1. Having regard to the policies and proposals in the Rotherham Unitary Development Plan including interim planning statements and the advice set out in government guidance, and all relevant material planning considerations set out below:

UDP Policies

T6 'Location and Layout of Development

2. For the following reasons:

The proposed amended road layout and additional parking areas are acceptable in transportation terms as it forms part of a private road within the internal layout of a previously approved scheme. It is considered that this amendment will not have any significant impact upon either visual or residential amenity for residents in close proximity to the site or impact further upon those entering Rotherham from the motorway network.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officers Report and the application case file and associated documents.

**Conditions Imposed:**

01

Upon completion of construction works, the existing vehicular access to Meadowbank Road must be permanently closed and the kerblines/footway/verge/central reservation reinstated.

02

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

03

[PC26] Effective steps shall be taken by the developer to prevent the deposition of mud and other material on the adjoining public highway caused by vehicles entering and leaving the site during the construction of the development.

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 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

05

The proposed internal access roads shall be constructed at a gradient not exceeding 1 in 20 unless otherwise agreed in writing with the Local Planning Authority.

06

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

**Reasons for Conditions:**

01

In the interests of highway safety

02

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

03

[PR26] In order to ensure the development does not give rise to problems of mud/material deposit on the adjoining public highway in the interests of road safety.

04

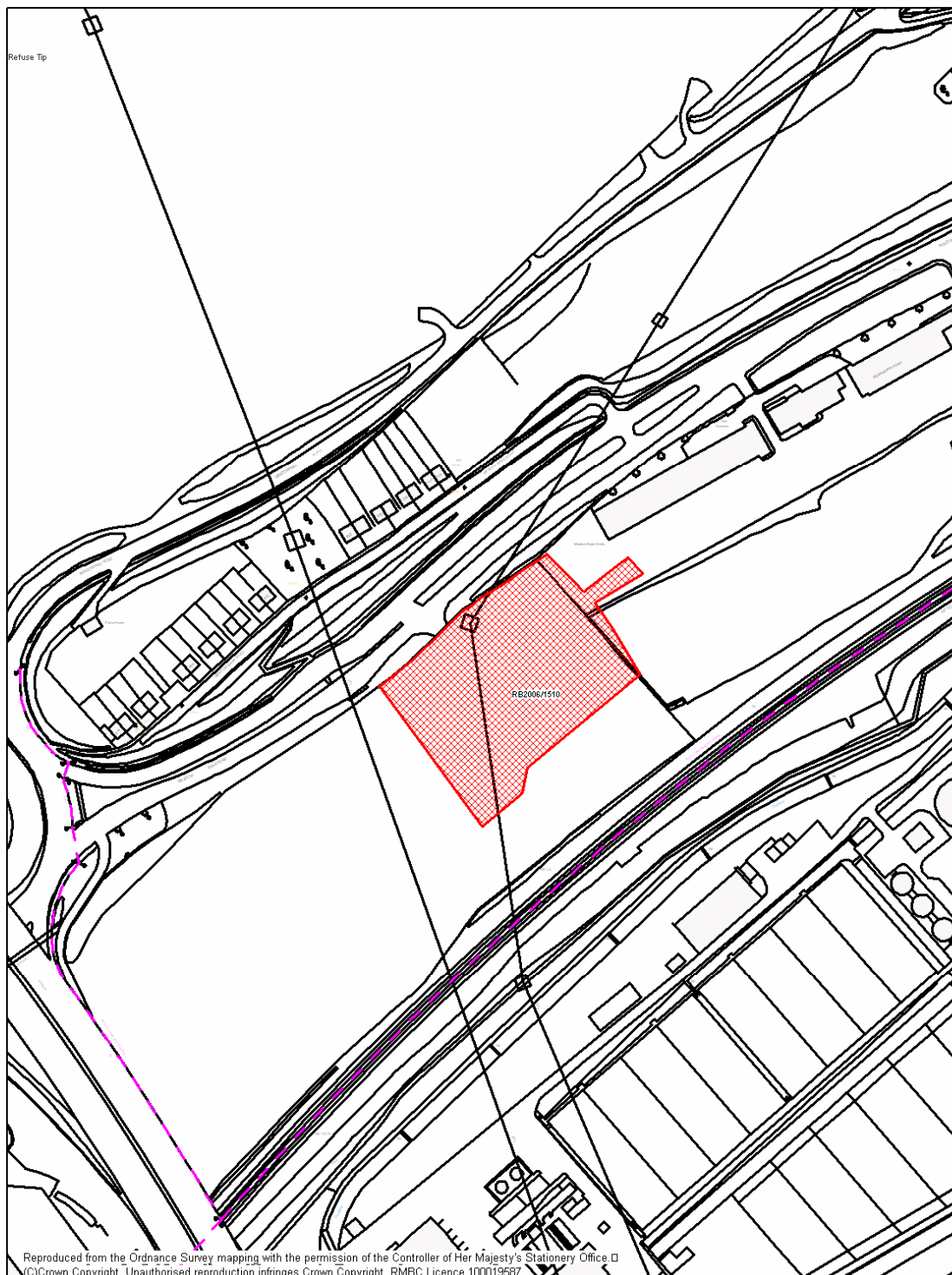
[PR17] To provide and maintain adequate visibility in the interests of road safety

05

In the interests of road safety

06

[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.



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 <p>Scale 1:2500 Date: 29/09/2006 Map Centre: □ 439540,391908</p>		<p><b>Rotherham MBC</b> Econ &amp; Devt Services □ Bailey House □ Rawmarsh Road □ Rotherham S60 1TD □ □</p>  <p><b>Rotherham</b> Metropolitan Borough Council Economic &amp; Development Services Economic &amp; Development Services 0114 202 4000 www.rotherham.gov.uk</p>
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Notes for RB2006/1510(FUL)

Background

*Planning permission for a non food retail unit, restaurant and hotel has been previously granted in outline (RB1994/1287) with details approved at the Reserved Matters stage (RB2000/0335).*

Development Plan Allocation and Policy

*The site is located within an area allocated for Mixed - Use purposes (MU37) in the adopted Rotherham Unitary Development Plan. Policy T6 'Location and Layout of Development is relevant to this proposal.*

Site Description

*The site lies on the southern side of Meadowbank Road adjacent J34 of the M1, which is a gateway corridor into Rotherham. Currently the site is in a state of neglect suffering from fly-tipping and is generally overgrown. This is a prominent location which can be viewed from some distance particularly from the motorway.*

*The application site has an approximate area of 0.7 hectares.*

Proposal

*This application seeks to amend the original internal road alignment to that of a straighter design for ease of access, a reorientation (on the same axis) of the 56 space car parking area and the addition of a 21 space car parking area adjacent the family restaurant within the site. This amended proposal will correct an anomaly between the original consent and the S106 agreement.*

*The proposed development falls within the description contained at paragraph 10(b), 'Urban Development Projects' of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and meets the criteria set out in column 2 of the table in that schedule. However the Borough Council as the relevant Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 1999 Regulations, is of the opinion that the development would not be likely to have significant effect on the environment by virtue of factors such as its nature, size or location. Accordingly the Authority has adopted the opinion that the development is not EIA development as defined in the 1999 Regulations.*

Publicity

*The application was advertised with a site notice. No representations or Right to Speak requests have been received.*

Consultations

*Transportation Unit – No objections subject to recommended conditions.*

Appraisal

*The amendment to the internal road layout is considered to be of a minor nature in terms of the wider development, however it is necessary for this application due to the material alteration from the original. The alteration to the internal road layout will not be able to be viewed from outside the site and is not considered to have any detrimental impact upon the wider road network thereby according with UDP Policy T6 'Location and Layout of Development'*

*It is considered that there is no significant detrimental impact upon existing levels of residential amenity arising from the development proposed thereby having minimal impact upon existing living conditions for occupiers in the locality.*

*Given the above, the proposal is considered to be in accordance with the provisions of the UDP, so far as they are material, and given those material considerations the proposal is considered to be acceptable.*

**RB2006/1564**

**Outline application for erection of new dwelling at land adjacent to High Ash, Kirby Lane, Wentworth for Mr. Keith Bailey.**

**RECOMMENDED: REFUSED**

**Reasons for Refusal:**

01

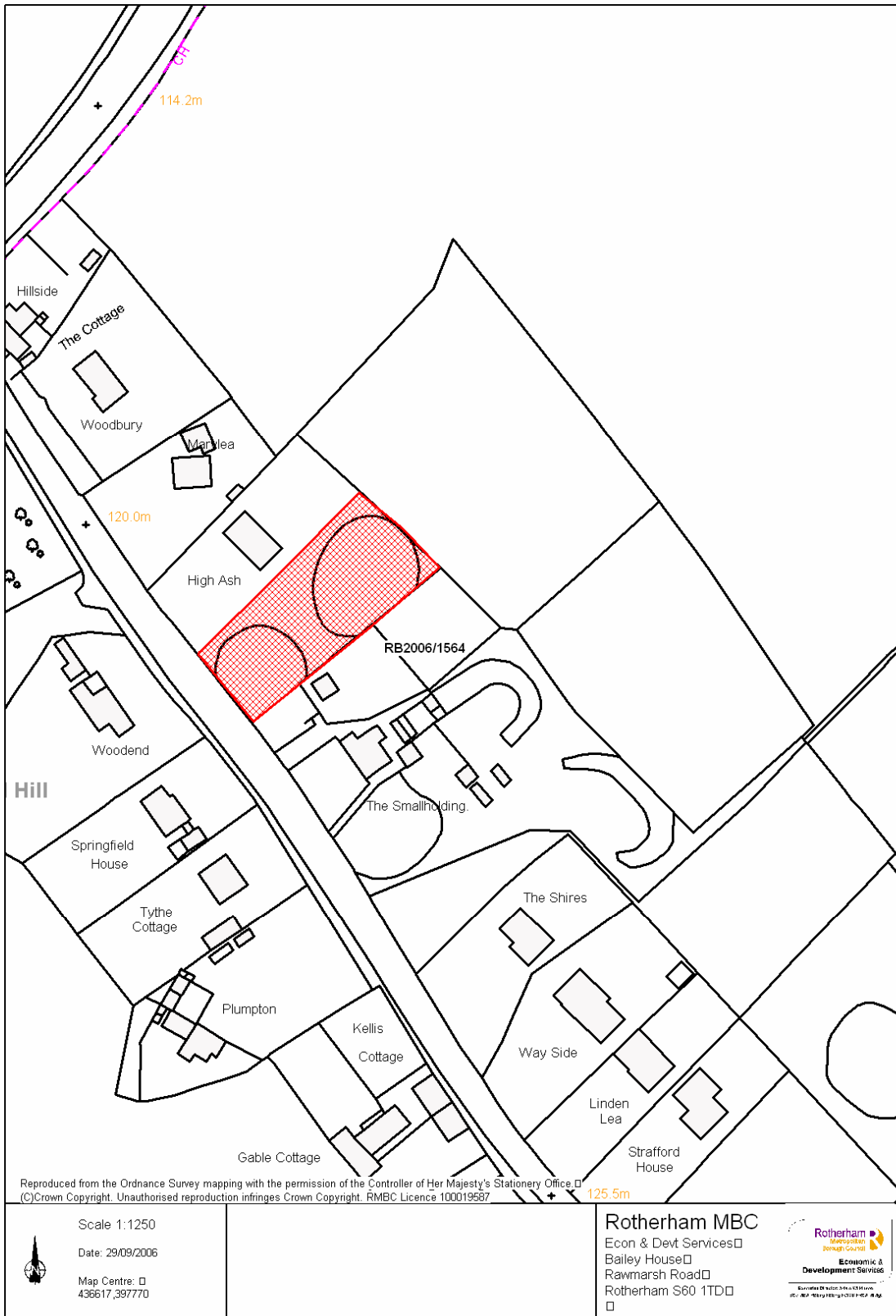
The site is within the Green Belt as defined by the Rotherham Unitary Development Plan and development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area. Consequently the proposed dwelling would constitute an inappropriate development in the Green Belt and the Council is not aware of any special circumstances to justify a departure from this policy. Accordingly, the proposal is contrary to adopted UDP Policy ENV1 'Green Belt'.

02

The Council considers that the proposal would lead to the short and long-term loss of mature trees that positively contribute to the visual amenity of the locality and no tree survey has been submitted to justify their removal, thereby conflicting with adopted UDP Policy ENV3.3 'Trees, Woodlands and Hedgerows' that seeks to promote and enhance tree coverage in the borough not to reduce it.

03

The Council considers that given the limited frontage with the highway, the application site has restrictive visibility in both directions and cannot achieve the desirable sightline of 2 metres x 90 metres that would be expected from a new dwelling. According the development if implemented, may lead to issues of road safety.



Notes for RB2006/1564

Background

*There is no planning history on the Council's database for this site.*

Development Plan Allocation and Policy

*The site is allocated as Green Belt in the adopted Rotherham Unitary Development Plan. UDP Policies ENV1 'Green Belt', ENV1.6 'Villages in the Green Belt', ENV3.1 Development and the Environment' ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' are relevant to this proposal as is national Planning Policy Guidance Note 2 – 'Green Belts'. It is noted that there is a Scheduled Ancient Monument approximately 150 metres east of the site.*

Site Description

*The site lies within the grassed curtilage of High Ash, which is a single-storey bungalow set in spacious grounds on Kirby Lane. The lane is a linear residential development having larger detached properties that generally benefit from generous curtilages both to the front and rear. There are a number of trees on the southeastern and northeastern boundaries screening the site from a smallholding adjacent to the east and open countryside to the north.*

Proposal

*This application seeks outline planning permission for a dwelling with all matters reserved for the detailed stage (although the plans submitted show an indicative layout including a detached garage, scale and means of access). A supporting statement has been submitted that promotes the development as limited infilling in an existing Green Belt Village, it cites a dense residential development close to the application site and discusses how the site constitutes Brownfield development and as such its development is an efficient use of land.*

Publicity

*The application has been advertised with a press and site notice as a departure from the development plan. Local residents have been consulted by letter as has the Parish Council. Two letters of objection have been received which discuss many issues on the site, but those which are material to this application are as follows:-*

*The erection of a dwelling is contrary to local and national Green Belt policies.*

*The proposal will result in the removal of 2 bell pits that lie within the High Ash curtilage thus interfering with the archaeological and historic landscape of Hoodhill.*

*The proposed layout is not in keeping with the general style and layout of dwellings on Kirby Lane and will create a built up frontage in a wooded area.*

*Hoodhill is not an area within the Borough that has been identified for infilling.*

*Kirby Lane is not a built up area and therefore the development cannot be regarded as infill.*

*Hoodhill cannot be compared with Harley which is a much larger village with a development boundary not a hamlet like Hoodhill.*

*The indicative plans would enable a development that stands forward of the building line of other properties on Kirby Lane thereby creating an incongruous feature that is out of character with the lane.*

*The development would result in the loss of mature trees. This would further disturb the bell pits and detract from the wooded feel as at present.*

*There is 1 No. 'Right to Speak' request.*

### Consultations

*Transportation Unit – It is unlikely that adequate visibility can be achieved within the boundary of the application site, which would equate to a sightline of 2 metres x 90 metres being desirable.*

*Yorkshire Water – Observations not required.*

*Trees and Woodlands – No response.*

*CPRE – No response.*

*English Heritage – No response.*

### Appraisal

*The principle of development in the Green Belt is unacceptable unless it is for the purpose of agriculture, forestry, recreation or there are other special circumstances. This application for a residential dwelling fails to meet this criteria and the applicant has not demonstrated any compelling justification. Consequently the proposed dwelling would constitute an inappropriate development in the Green Belt and is contrary to adopted UDP Policy ENV1 'Green Belt' and National Planning Policy Guidance Note 2 'Green Belts'.*

*The agent has submitted a supporting statement which discusses the possibility of limited infilling within Green Belt Villages as identified in UDP Policy ENV1.5 'Infilling within Green Belt Villages'. However, UDP Policy ENV1.6 'Villages in the Green Belt' lists villages where such infilling may be appropriate and Hoodhill is not classified as one of those villages.*

*Furthermore, infilling as defined in UDP Policy ENV1.5 'Infilling in Green Belt Villages' is regarded as the filling of a small gap in an otherwise built up frontage. The built environment along Kirby Lane comprises of large detached dwellings. These buildings were designed to be located in large relatively open spaces and the generous curtilages reflect that. Therefore, the highway frontage cannot be considered to be 'built-up'. The application site has a front boundary of approximately 20 metres and therefore is not*

considered to constitute a 'small gap' and is contrary to UDP Policy ENV1.5 'Infilling in Green Belt Villages'.

*The agent attempts to make the link with the residential allocation at Occupation Road, Harley, but that site is located approximately 270 metres north of the application site and is separated by open countryside. Two of the purposes of Green Belts are to assist in safeguarding the countryside from encroachment and prevent conurbations from merging. Therefore it is considered that the strength of the Green Belt policies in this location are enhanced.*

*The application does not account for a significant number of existing mature trees on site that would be prematurely lost as a consequence of the proposal. Without a detailed tree survey the true extent of this is unknown, but it is considered that the detrimental impact upon the visual amenity of the locality would be significant, thereby conflicting with UDP Policies ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.*

*Although having a substantive highway frontage, the application site has restrictive visibility in both directions due to the positioning of a large hedge on the highway boundary. This hedge stretches beyond the application site area and out of the control of the applicant, thereby restricting the desirable sightline of 2 metres x 90 metres that would provide adequate visibility for a development of this nature, thereby potentially leading to issues of road safety.*

*At present, proposals for other similar developments in this locality have been resisted for the reasons cited. Should the proposal be permitted, it would act as a precedent for other dwellings on Kirby Lane and within the Green Belt to the detriment of the character of the countryside within Hoodhill and the wider Borough, contrary to UDP Policies ENV1 'Green Belt', ENV1.6 'Villages in the Green Belt', ENV3.1 'Development and the Environment' and National Planning Policy Guidance Note 2 'Green Belts'.*

*In summary, given the above, the proposal is not considered to be in accordance with the provisions of the UDP or national planning guidance, so far as they are material, and in view of the material considerations presented, the proposal is considered to be unacceptable and refusal is recommended.*

To the Chairman and Members of the  
PLANNING REGULATORY BOARD

12 October 2006

Report of the Head of Planning and Transportation

<u>ITEM NO.</u>	<u>SUBJECT</u>
1.	RB2006/987(FUL) Demolition of existing dwelling and erection of 13 No. two and three storey dwelling houses at 187 Moorgate Road, Moorgate, Rotherham.
2.	Ref: RB2006/1398(OUT) Outline application for residential development at Bradgate Motors, Wortley Road, Kimberworth, Rotherham for Mr. Alan Craven.
3.	Ref. RB2004/1967 Appeal Decision – Allowed. Refusal of planning permission for the change of use of industrial unit from Class B2 to Class D1 (non-residential education) at the Gear Works, Rother Way, Hellaby for Target Learning Trust .
4.	File Reference RB2006/629 Appeal Decision – Dismissed. Retrospective application for the display of an illuminated wall mounted shop sign at 12 Hangsman Lane Laughton Common, for Mr. N. B. Turver, refused on 22 <sup>nd</sup> May, 2006.
5.	File Reference RB2006/67 Use of land for siting of storage container at land at Common Side Farm, Laughton Common Road, Laughton Common for Mr. J. Selby.
6.	Enforcement Notice appeal Appeal Decision – Dismissed and Enforcement Notice upheld with a compliance period of three months. Brookes Haulage appeal against Enforcement Notice to secure the removal of all plant and machinery associated with the use of the sewage works area as a waste transfer station at land adjacent to Aven Industrial Estate, Scotch Spring Lane, Maltby.
7.	File Ref. RB2005/1799 Appeal Decision - Appeal Dismissed Erection of detached dwellinghouse (Amendment to house approved under RB2004/1207).

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

DEPARTMENT OF PLANNING AND TRANSPORTATION SERVICE

REPORT TO COMMITTEE  
12 OCTOBER 2006

**Item 1**

**RB2006/987(FUL)**

**Demolition of existing dwelling and erection of 13 No. two and three storey dwelling houses at 187 Moorgate Road, Moorgate, Rotherham.**

**Recommendation:-**

That the Planning Regulatory Board has taken into account and agrees with the reasons for grant as set out below at (B) in this report and resolves to grant planning permission subject to the following conditions set out below at (C):

**(B) STATEMENT OF REASON FOR DECISION TO GRANT PLANNING PERMISSION**

The Local Planning Authority has decided to grant planning permission:

1. Having regard to the policies and proposals in the Rotherham Unitary Development Plan and all relevant material planning considerations , as set out below.

**Government Policy**

PPS1 – Planning Delivering Sustainable Development  
PPG3 – Housing  
Draft PPS3 - Housing  
PPG13 - Transportation

**UDP Policy**

- HG4.3 – Windfall Sites
- ENV3.1 – Development and the Environment,
- ENV3.2 – Minimising the Impact of Development.

For the following reasons:

The proposal is a brownfield site located within a predominantly residential area that compares favourably with the site selection criteria detailed within PPG3, and on

which the principle of residential development is well established. The range of dwellings proposed is in-keeping with the aspirations of the Borough's stakeholders, and the character and density of the area surrounding the site. In terms of density, although the proposal is less than 30 units to the hectare there are exceptional planning reasons for allowing the proposed density of development, and although the proposal does not make the most efficient use of the land, the site is considered to be an appropriate site for the house types proposed. The form and layout of the development is such that it respects the street scene and the protected trees, and would not be detrimental to the living conditions of existing occupiers or the future occupants of the site. In terms of highway safety the proposed access onto Sitwell Grove is acceptable, and in transportation terms the site is located in an excellent location well served by public transport.

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

[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.

03

The trees to be planted along the site's boundary with Sitwell Grove as replacements for trees to be removed shall be advanced nursery stock, the details of which shall be submitted to and approved by the Local Planning Authority in writing, before the commencement of development. The trees shall thereafter be planted in accordance with the approved details prior to the first occupation of the site. 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.

04

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 2.3 metre high barrier fence in accordance with B.S.5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with the Arboricultural Impact Assessment and Method Statement and drawing, JBA (N) 05/72D-02/Rev D from James Blake Associates. 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.

05

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

immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

06

Prior to the commencement of development, details of a parking strategy during the site's development shall be submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details.

07

Prior to the development first being occupied, the existing access on to Moorgate Road shall be permanently closed, and the kerblines, footway and verge reinstated in accordance with details to be submitted to and approved by the Local Planning Authority in writing.

08.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no vehicular accesses shall be formed onto Sitwell Grove, other than the access shown on the approved plans.

09

[PC94] Not later than 7 days after the completion of the sale or lease of each dwelling, the developer shall procure from the SYPTC 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.

10

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

11

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

12

[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.

13

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

14

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

15

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

16

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

brought into use prior to the completion of the approved foul drainage works

17

[PC26] Effective steps shall be taken by the developer to prevent the deposition of mud and other material on the adjoining public highway caused by vehicles entering and leaving the site during the construction of the development.

18

Development shall only take place on site between 08:00hrs and 18:00hrs Monday to Friday; 08:00hrs and 14:00hrs on Saturdays; and not at all on Sundays and Public holidays.

19

[PC17] Before the development is brought into use the sight lines indicated on the approved site layout plan shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

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

[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'.

03

[PR40]

To ensure the trees are planted as adequate replacement for the loss of protected trees 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'.

04

[PR41]

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

05

[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'.

06

In the interest of the living conditions of local residents

07

[PR21] In the interests of road safety.

08

[PR21] In the interests of road safety.

09

[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'.

10

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

11

[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'.

12

[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.

13

In the interests of satisfactory and sustainable drainage.

14

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

15

To ensure that the development can be properly drained.

16

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

17

[PR26] In order to ensure the development does not give rise to problems of mud/material deposit on the adjoining public highway in the interests of road safety.

18

In the interests of the living conditions of nearby occupiers

19

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

### Background

*Members will recall resolving to grant planning permission for the demolition of the existing dwelling and the erection of 2 No. three storey blocks comprising 18 apartments; 3 No. three storey dwelling houses; 5 No. two storey dwelling houses with dormer windows; and garage block with flat over in January, of which 4 of the units were to be provided on site as affordable housing.*

*In addition, planning permission for residential development on the site has been granted six times in the past, albeit at a much smaller scale than proposed here. The most recent permission was for the erection of 2 dwellings and garages (Ref RB2002/558).*

*Members should also be aware that a "screening opinion" under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, has been*

carried out to determine the need for an Environmental Statement (ES) to accompany this application. In this regard, the proposal is considered to fall within the description contained within paragraph 10 (b) of Schedule 2 of the Regulations, and meets the applicable thresholds set out in Column 2 of that schedule, in that the application site is greater in area than 0.5 Ha in area. However, having had regard to the indicative thresholds set out in Schedule 3, the LPA determined that the proposed development would not be likely to have significant affect on the environment by virtue of factors such as its nature, size or location. It was, therefore, determined that an ES would not need to accompany the application.

### UDP Allocation and Policies

The site is located within an area allocated as Residential in the Rotherham Unitary Development Plan. UDP policy HG4.3 – Windfall Sites is material.

Other material policies include ENV3.1 – Development and the Environment, and ENV3.2 – Minimising the Impact of Development.

The advice contained in PPS1 – Planning Delivering Sustainable Development, PPG3 – Housing, PPG13 – Transport are also material.

### Site Description

The site is that of a large dwelling set in large grounds, located at the junction between Moorgate Road and Sitwell Grove. The site is approximately 0.55 hectares in area.

The site itself slopes slightly towards Sitwell Grove. There are substantial trees and other vegetation on the boundaries of the site with 185 Moorgate Road, Moorgate Road (itself) and Sitwell Grove. In addition there are a few mature trees on the boundary to Old Quarry, Sitwell Grove and within the site itself. Most of these trees are covered by a Tree Preservation Order.

The character of the surrounding residential area is predominantly large dwellings with large mostly leafy gardens and is predominantly but not exclusively two storeys. The building style of the dwellings is predominantly vernacular, but with a variety that reflects the periods in which they have been built - largely post war to the present day. The general line of this development runs parallel to roads from which they are served, with principle elevation facing these roads, and well set back from those roads.

### Proposals

This application seeks full planning permission for the erection of 13 dwelling houses in the following configuration:-

- 3 five bedroom detached; two storey dwellings with rooms within the roof space
- 2 five bedroom detached; two storey dwellings
- 6 four bedroom townhouses (two blocks); three storey dwellings

- 1 four bedroom detached; two storey dwelling with rooms within the roof space
- 1 four bedroom detached; two story dwelling.

### Publicity

The application has been advertised by way of notice on site and in the local newspaper; letters have been sent to neighbouring residents. Four letters of objection have been received on the following grounds:-

- too high a density
- loss of family home and garden
- height of the block of flats
- effect on wildlife
- felling of protected trees
- increase of traffic and limited access
- effect on character of area
- lack of parking
- access for emergency vehicles
- number of block of flats and the number flats per block
- one size fits all design
- air pollution
- lack of concern for local residents
- the developers are profit motivated
- Access should be onto Moorgate Road not Sitwell Grove

One Right to Speak request has also been received.

### Consultation

Transportation Unit: No objection subject to conditions

Streetpride (Drainage): No objections

Yorkshire Water: No objection subject to conditions

### Appraisal

The site is located within an area allocated as residential in the UDP and is a brownfield site for the purposes of PPG3. The site relates well to the selection criteria for non-allocated sites as set out by PPG3, and bearing in mind the site's planning history and particularly the recent resolution to grant planning permission, the principle of residential development on the site is well established.

The key consideration in determining this application is therefore the principle of accepting a development of the site at a lower density than the one Members have already resolved to grant, bearing in mind the Local Planning Authority's duty in accordance with both PPG3 and draft PPS3, to ensure any development makes the most efficient use of the site. In this regard although the site could be developed for a higher number of units, as established with the above resolution, what constitutes the most efficient use of the land has to take into account the constraints of the site, the need to provide a broad range of house types to cater for the Borough's housing

*needs, and the aspirations of the housing market, at the time the application is determined.*

*In these respects, the site's two most salient characteristics are those of dense tree cover along the boundaries especially along Moorgate Road and Sitwell Grove, and its lower level in relation to Moorgate Road. The consequence of this, given the site's size and shape, means that it could be developed at a high density, greater than 50 dwellings to hectare, and this borne out in the above resolution. However, the duty placed on the LPA by PPG3 and draft PPS3 is not solely to maximise the use of the site, but to also ensure a supply of a range of house types to meet the aspirations of the Borough's various stakeholders. In this regard, it is considered that there is a large supply of flats/apartments available within the locality of Moorgate and the nearby town centre, and that given the LPA's duty to provide a range of houses, it be more prudent to provide larger detached dwellings in areas of similarly lower density character, and where it is the aspiration of stakeholders to buy such dwellings. In terms of this application, bearing in mind the LPA's duty to provide such house types, given the above, the character of the surrounding area is considered to be an appropriate location in principle. The previous resolution of the Planning Regulatory Board to grant permission for a development making a better use of the land, is not, therefore, considered to prevent the granting of planning permission for this development, in this case.*

*However, the government's advice in relation to density, is that developments of less than 30 residential units per hectare should be avoided. In terms of this development, using the government's methodology for defining density, the proposed development would be just 24 residential units per hectare. Having said this, however, this presumption against developments of less than 30 units per hectare, can be overcome where there are exceptional planning circumstances. In the case of this development, the scale and density of the trees is such that the developable area of the site is severely curtailed, and owing to this the applicants have demonstrated that the same proposal could be acceptably developed by excluding the trees from the application site. This would mean the density of the development would be 33 dwellings per hectare and as such within the acceptable density range. However, this would mean that the responsibility for the maintenance of the highly prominent trees would rest with a maintenance company rather than with occupiers. As a matter of principle, it is considered that the occupiers living on the site, would take more care in maintaining the trees should they be within their curtilage, than such a company. It is, therefore, considered that for the reasons discussed above, the scale, density, prominence, and amenity value of the protected trees justifies the density of the proposed development.*

*In terms of the form of the proposed development, as amended, the siting of the dwellings is such that the proposals comply with the Council's inter-space standards, and it would not be detrimental to the living conditions of, either, the proposed occupants or existing residents, in terms of loss of light, overshadowing, overlooking, loss of privacy, overbearing impact, or outlook, etc, given the orientation of the site, the relationship of the elevations and the intervening landscape.*

*In addition, given the lower level of the site in relation to Moorgate Road, and the dense intervening landscaping, the scale, mass, position, and style of the proposed dwellings, would be such that they would blend in acceptably in to the street scene,*

*such that they would not be detrimental to the visual amenity of the area. Given this, the proposal is considered to represent the positive contribution to the environment sought by UDP policy ENV3.1 – Development and the Environment.*

*In terms of the impact on the site's trees, as amended, the position of the proposed dwellings is considered to be such that all the trees worthy of retention are secured in the long term and should not lead to pressure from the future occupant of the development for the removal of any of the protected trees. As such the proposal is considered to be in accordance with UDP policy ENV3.2 – Minimising the Impact of Development. However, it should be noted that in addition to the trees to be removed to allow for the access on Sitwell Grove, a further three trees along Sitwell Grove are now of a condition that they are no longer worthy of retention, and as such they are to be replaced.*

*In terms of transportation, the proposal would have less impact on the capacity of the highway network than the scheme Members previously resolved to grant, would have a similarly safe access on to Sitwell Grove and then on to Moorgate Road, and would of course benefit from the same excellent location in sustainability terms. The proposed parking complies with the Council's maximum parking standards and would not lead to on-street parking that would be detrimental to highway safety.*

*Finally, as a direct consequence of the reduction in the number of dwellings to be provided on the site, the proposed development is not of a scale that would justify the requirement for the provision of affordable housing, and as such none is now to be provided.*

*Given the above, the proposal is considered to be in accordance with the provisions of the UDP, so far as they are material, and in the absence of material considerations (including government policy guidance and statements) that would indicate otherwise, the proposal is considered to be acceptable and is recommended accordingly.*

Item 2

Ref: RB2006/1398(OUT)

Outline application for residential development at Bradgate Motors, Wortley Road, Kimberworth, Rotherham for Mr. Alan Craven.

**RECOMMENDATION: GRANTED CONDITIONALLY**

**A** That the Council resolves to enter into a legal agreement with the applicant under the provisions of Section 106 of the Town and Country Planning Act 1990 for the purposes of ensuring:

(i) Provision of affordable units, the affordable units to be provided by the Developer on site will be 7.5% of the total number of units (total number to be approved at the reserved matters stage) to be offered on a shared-equity basis to qualifying persons on the Key Choices list to meet local affordable housing need in the form of built units on site.

**B** That consequent upon the satisfactory conclusion of such an agreement, planning permission be granted for the proposed development, subject to the following statement of reasons to grant permission (B) and relevant conditions(C):-

**(B)  
STATEMENT OF REASONS FOR DECISIONS TO GRANT PLANNING PERMISSION**

The Local Planning Authority has decided to grant planning permission:

1. Having regard to the policies and proposals in the Rotherham Unitary Development Plan including interim planning statements and the advice set out in government guidance, and all relevant material planning considerations set out below:

UDP Policies

T6 'Location and Layout of Development'  
HG4.3 'Windfall Sites'  
HG4.7 'Affordable Housing'

2. For the following reasons:

The proposed residential development is acceptable in principle in land use terms as it is proposed on a site that is seen as acceptable for such a use given the current policies of the UDP. The proposal also shows compliance with sustainable development in terms of location and the discouragement of private modes of

transport and would not be detrimental to the amenities of neighbouring residents by way of detriment to the visual character/appearance of the area

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officers Report and the application case file and associated documents.

#### (C) Conditions Imposed

##### General

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.

##### Transportation

02

The development shall not be commenced until details of a 1.8 metre wide footway, constructed to adoptable standards between points A – B indicated on the attached plan, have been submitted to and approved in writing by the Council and the approved details shall be implemented before the development is occupied.

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, tarmac, block paving or other such material as may be agreed by the Local Planning Authority and shall thereafter be maintained in a sound condition.

04

[PC94] Not later than 7 days after the completion of the sale or lease 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.

05

Secure cycle parking facilities shall be provided within the site in accordance with the Council's Cycle Parking Guidelines for New Developments before the development is occupied

##### Drainage

06

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

07

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

08

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 in writing by the Local Planning Authority prior to the commencement of development.

#### Environmental Health

09

[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.

10

[PC26] Effective steps shall be taken by the developer to prevent the deposition of mud and other material on the adjoining public highway caused by vehicles entering and leaving the site during the construction of the development.

#### Landscape

11

[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.

#### Miscellaneous

12

[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

13

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

14

Prior to the occupation of the residential units details of bin store and refuse collection shall be submitted to and approved in writing by the Local Planning Authority and such approved details shall be implemented prior to occupation.

15

Land levels shall not be raised above the existing levels on site, the details of which should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development

16

Any construction/demolition work necessary to carry out the development hereby granted shall only be permitted between the following hours, Monday - Friday inclusive 0800 - 1800, Saturday 0800 - 1300 and not at all on Sundays/Bank Holidays.

17

Prior to the use being commenced, a scheme shall be submitted to the Council for approval in writing, indicating strategies to be implemented to enable local people access to job opportunities arising from the development site. Within 12 months of the use being commenced a statement shall be provided to and approved in writing by the Local Planning Authority demonstrating how occupants have complied with the approved scheme.

### Reasons

01

[PR00] No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

02

To enable the provision of a complete pedestrian link between the site and the existing signalled controlled pedestrian crossing of A629 Wortley Road to the southeast, in the interests of road safety

03

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

04

[PR94] In order to promote sustainable transport choices.

05

In order to promote sustainable transport choices.

06

[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'.

07

In the interests of satisfactory and sustainable drainage

08

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

09

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

10

[PR26] In order to ensure the development does not give rise to problems of mud/material deposit on the adjoining public highway in the interests of road safety.

11

[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'.

12

[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'.

13

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

14

In the interests of the visual amenity of the locality and the residential amenity of the future occupiers of the development in accordance with UDP Policy ENV3.1 'Development and the Environment'

15

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

16

In the interests of the residential amenity of the adjacent occupiers

17

In the interests of economic regeneration of settlements associated with the development site

### Informatives

As the site is located within a Housing Market Renewal 'Pathfinder' area, it is requested that the applicant seeks the advice of the Transform South Yorkshire Design Enabling Panel at the Reserved Matters stage to address the schemes integration within the wider regeneration of Kimberworth (Peter O'Brien, Tel; 0114 2735401).

### Notes for RB2006/1398

### Background

*This former quarry site has operated as a dismantling yard for a number of decades and has had minor applications associated with that use, such as an office, fencing, signage.*

### Development Plan Allocation and Policy

*The site is located within an area allocated for Residential Use in the adopted Rotherham Unitary Development Plan. Policies T6 'Location and Layout of Development, HG4.3 'Windfall Sites', HG4.7 'Affordable Housing' are relevant to the proposal.*

### Site Description

*This brownfield site is currently occupied by many scrapped cars that are stacked in an orderly fashion. There are a number of associated buildings on the site such as an office and a depolluting depot that are relatively low-lying with the backdrop of a sheer embankment to the north and east on top of which lie residential dwellings. To the west is an area allocated as Urban Greenspace that has some attractive shrubbery. The site fronts Wortley Road which is a busy classified highway linking*

Rotherham with the M1. The sole access to the site lies off Wortley Road to the south. The application site has an approximate area of 1.13 hectares.

### Proposal

*This outline application seeks permission for the principle of residential development with all matters reserved.*

*The proposed development falls within the description contained at paragraph 10(b), 'Urban Development Projects' of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and meets the criteria set out in column 2 of the table in that schedule. However the Borough Council as the relevant Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 1999 Regulations, is of the opinion that the development would not be likely to have significant affect on the environment by virtue of factors such as its nature, size or location. Accordingly the Authority has adopted the opinion that the development is not EIA development as defined in the 1999 Regulations.*

### Publicity

*The application was advertised with a press and site notice and occupiers in close proximity to the site were notified by letter. No representations or Right to Speak requests have been received.*

### Consultations

*Transportation Unit – No objections subject to recommended conditions.*

*Environmental Health – No objections subject to recommended conditions.*

*Environment Agency – No response.*

*Drainage –No objections subject to recommended conditions.*

*Yorkshire Water – No objections subject to recommended conditions.*

*Housing – 7.5% on-site affordable housing provision requirement. Details given of the need in this locality.*

*Trees and Woodlands – No response.*

*SYPYE – No response.*

*National Grid – No objections.*

### Appraisal

*The beneficial reuse of this brownfield site, which was not previously utilised for housing purposes and located in this predominantly residential area, accords with UDP Policy HG4.3 'Windfall Sites' and is considered to be compatible with adjacent residential land uses. It is considered that this is a sustainable location on good public transport links with good social infrastructure and service corridors and will not*

*create an unacceptable level of private traffic generation. A safe and acceptable means of access for pedestrians, cyclists and people with disabilities is achievable thereby meeting the criteria sought from UDP Policy T6 'Location and Layout of Development'. The principle of the proposal is therefore acceptable.*

*As the proposed development exceeds 1 hectare in area, UDP Policy HG4.7 'Affordable Housing' is applicable. The identified need in the locality is for 2 and 3 bedroomed units on a shared-equity basis to be offered to people on the Borough's Key Choices List. Given that the site lies within a Housing Market Renewal Pathfinder area, the provision will be based upon 7.5% of the total number of units able to be achieved on the site at the reserved matters stage - this is reflected in the S106.*

*It is considered that with the imposition of conditions, the proposal is able to achieve adequate arrangements for the parking and manoeuvring of vehicles without creating a detrimental impact upon the existing road network. Thereby the level of residential amenity currently enjoyed by nearby residents is maintained and any issues of disturbance from additional traffic movements and parking in the classified highway is avoided. Furthermore, existing levels of residential amenity will not be significantly affected as the dwellings closest to the site are located on top of the quarry face (approx 30 metres higher land level) at the rear of the site thereby avoiding any overlooking / privacy loss. In addition, the minimisation of mud on the highway and restrictive times for constructional operations are also to be secured by conditions, thereby maintaining existing levels of amenity and having no significant impact upon living conditions for existing occupiers adjacent to the site.*

*It is considered that the proposal will enhance the visual amenity of the street-scene through the 'tidying-up' of this industrial site. This coupled with the general enhancement of the locality in both visual and residential amenity terms from a heavy industrial use will contribute to the Borough's sustainable pattern of brownfield regeneration and is considered to be acceptable in land-use terms.*

*Given the above, the proposal is considered to be in accordance with the provisions of the UDP, so far as they are material, and given those material considerations the proposal is considered to be acceptable.*

Item 3

Ref. RB2004/1967

**Appeal Decision – Allowed**

**Refusal of planning permission for the change of use of industrial unit from Class B2 to Class D1 (non-residential education) at the gear Works, Rother Way, Hellaby for Target Learning Trust**

**Recommendation:**

**That the decision to allow the appeal be noted.**

*Background*

*Planning permission for the change of use was recommended for a temporary permission of 3 years though was refused by Planning Board on 11 November 2004.*

*An appeal against the refusal was considered at a Hearing and the Inspector notes in his appeal decision that the appeal site is small scale and is in a far from prominent location. He further notes that the school has been operating for approximately 2 years and that there is no evidence that it inhibits the operations of other commercial uses in the area or makes it less attractive to potential industrial uses. He states that “The Council’s concern that this could lead to a precedent for the loss of other B2 uses appears unfounded; had it been a larger or more prominent site, or had there been other examples of such changes of use, the concern might be more understandable”.*

*The Inspector is satisfied that the level of staff employed at the school is sufficient such that the proposal does not harm the economic or regeneration objectives of the industrial estate. In addition, the school’s commitment to transporting its 40 pupils by minibus helps to minimise the use of private car travel. The Inspector notes that there is a substantial area of wildlife and wetland that runs adjacent to the site which the school makes use of. He concludes that, although this appears to be an unusual location for a school, it appears to function well and to meet the needs of its member community without detriment to the industrial estate within which it is located. He therefore finds that the proposal complies with the provisions of the development plan.*

*As the development has been completed, no conditions are attached to the permission.*

Item 4

File Reference RB2006/629

**Appeal decision: Dismissed**

**Appeal decision regarding retrospective application for the display of an illuminated wall mounted shop sign at 12 Hangsman Lane, Laughton Common, for Mr. N. B. Turver, refused on 22<sup>nd</sup> May, 2006.**

**Recommendation:**

- (a) That the Inspector's decision to dismiss the appeal be noted.**
- (b) That Members authorise prosecution of the appellant should the sign not be removed within 1 month of the date of this report.**

*Background*

*Express Consent in respect of the above application was refused under delegated powers on 22<sup>nd</sup> May 2006, for the following reasons:*

*"The Council considers that the illuminated sign by virtue of its position and location on the flank wall of the property constitutes an unduly prominent and intrusive feature in the street scene contrary to Policy RET 1.1 – Shopping Environment of the Rotherham UDP"*

*The applicant subsequently submitted an appeal to the Secretary of State against that refusal, and I have now received the appointed Inspector's decision.*

*The Inspector confirmed the Council's view and dismissed the appeal. He concluded that "In my view the appeal sign is an incongruous addition to the already high level of advertising on the front of the building. I consider the sign spoils the plain wall of the side elevation. Moreover when seen in conjunction with the existing advertisements it overburdens the property with signage to the detriment of the host building and the street scene as a whole."*

*I have now written to the owner of the premises to request the removal of the sign.*

**Item 5**

**File Reference RB2006/67**

**Use of land for siting of storage container at land at Common Side Farm, Laughton Common Road, Laughton Common, for Mr. J. Selby.**

**Recommendation:-**

**That Members note this report.**

*Background*

*Planning permission was refused for the above use of land on 9 March 2006 for the following reason:*

*“The proposal by reason of its size, siting, appearance and colour results in an unacceptable impact on the openness of the Green Belt contrary to Unitary Development Plan Policy ENV1 Green Belt and ENV 3.1 Development and the Environment.”*

*An Enforcement Notice was subsequently served on the owner of the site, on 6 April, which took effect on 11 May subject to any appeal and allowed a period of three months for compliance.*

*The site was visited after the completion of the compliance period when it was noted that the storage container had been removed.*

**Item 6**

**Enforcement Notice Appeal**

**Appeal Decision – Dismissed and Enforcement Notice upheld with a compliance period of 3 months.**

**Brookes Haulage appeal against Enforcement Notice to secure the removal of all plant and machinery associated with the use of the sewage works area as a waste transfer station at land adjacent to Aven Industrial Estate, Scotch Spring Lane, Maltby.**

**Recommendation:-**

- 1. That the decision to dismiss the Enforcement Notice appeal be noted.**
- 2. That the site be monitored to ensure compliance with the Enforcement Notice.**

**Background**

*A retrospective application for use of land as an extension to the existing waste transfer and recycling facility located on Aven Industrial Estate, Scotch Spring Lane, Maltby was refused by Planning Board on 12 May 2005 (RB2004/1692) for the following reasons:-*

- 1. The proposal represents an inappropriate development in the Green Belt and no exceptional circumstances have been advanced to justify overriding the presumption against such forms of development. Such forms of development would adversely impact on the appearance and undermine the function of the Green Belt and as such conflicts with Policy ENV1 (Green Belt) and EC1.2 (Inappropriately Located Industry or Business), of Rotherham Unitary Development Plan and PPG 2 "Green Belt".*
- 2. The effects of the open storage of waste material would have a detrimental effect on the visual amenity of the surrounding area, and as such would conflict with Policy WM1.2 (Assessment of Waste Management Proposals).*
- 3. The application is lacking in detail and provides inadequate information to be properly determined, particularly as part of the site is on a former sewage works and has the potential to have ground contamination issues and special consideration is required to assess the potential contamination factors, and the potential impact on local highway network.*

*It was also recommended that an enforcement notice under Section 171 of the Town and Country Planning Act 1990 be served on Brookes Haulage Ltd to secure the removal of all plant and machinery associated with the use as a waste transfer station, and the reinstatement of the former sewage works, with a compliance period of three months.*

*An appeal against the Enforcement Notice under ground (a) (that planning permission should be granted) was subsequently lodged. No appeal against the refusal of planning permission was lodged.*

*The Inspector determined the appeal by written representation and concluded that the harm to the Green Belt by reason of inappropriateness is not outweighed by any other considerations. He noted that there was a substantial mound of waste some 10-15m high over a sizeable part of the site, which is located adjacent to open fields where the countryside is fairly flat. He concludes that "the large mounds of waste looks very out-of-place in such a landscape. Furthermore the small piles of waste and items of derelict plant give the land a cluttered appearance and detract from its openness. The processing activities with their associated machinery also contribute to the erosion of openness".*

*The Inspector notes comments from the appellant that the site was formally in an overgrown and untidy state but does not consider that this would justify the current proposal, and that to do so "...would be tantamount to encouraging dereliction".*

*The Inspector concludes that the appeal on ground (a) should not succeed and that planning permission will not be granted on this deemed application.*

Item 7

File Ref. RB2005/1799

**Appeal Decision - Erection of detached dwellinghouse (amendment to house approved under RB2004/1207) at 203 Meadowhall Road, Kimberworth.**

**APPEAL DISMISSED**

**Recommendation:-**

**That the decision to dismiss the appeal be noted.**

Background

*In June 2004 an application for the removal of the remains of a cottage and agricultural buildings, the erection of a dwellinghouse, the conversion of an outbuilding to a garage and viewing room and alteration to tractor shed on site was submitted. In August 2005 the house was granted planning permission subject to the signing of a Section 106 Agreement to ensure that the industrial archaeology and associated artefacts and archival material on the site are advertised as a site of public interest and for public access by the various means.*

*In December 2005 an application for the erection of a detached dwellinghouse (amendment to house approved under RB2004/1207) was submitted. The proposed changes surmounted to the following:*

- the repositioning of the chimney stack,*
- the garage and display room being attached to the main dwelling,*
- the introduction of new windows,*
- the 'squaring off' of the corner of the viewing room and increasing the width of the dwelling to 8 metres (6.8 metres was originally approved).*

*The application was subsequently refused for the following reason: - "The Local Planning Authority consider that the proposed amendment to increase the size of the dwellinghouse (approved under RB2004/1207) is inappropriate development in the Green Belt under the terms of Policy ENV1 of the Unitary Development Plan and which would cause harm to the openness of the Green Belt in this location. In the absence of further special circumstances to justify a departure from the provisions of the adopted plan, the Local Planning Authority consider that the proposal is contrary to Policy ENV1 and to Government Guidance contained in Planning Policy Guidance Note 2 (Green Belts)."*

*The Inspector dealing with the appeal stated that; "Taking the increase in width and height and the re-siting together, along with various other minor adjustments to the design, I consider that there would be little to choose between the two proposals in terms of their impact on the openness of the Green Belt". The Inspector then goes on to note what benefits connected with the mining archaeology and environmental improvements the Council had previously considered (at least in part) secured by the*

*Section 106 Agreement tied to the original permission, which was considered to represent the 'special circumstances' required to justify inappropriate development in the Green Belt.*

*The Inspector was concerned that there was no Section 106 Agreement in front of him for this appeal, and it would not be protected were he to allow the appeal.*

*Given this, the Inspector concluded that there were no very special circumstances before him that would outweigh the harm that would be caused by reason of inappropriateness and harm to the openness of the Green Belt.*

*The Inspector's conclusion was to dismiss the appeal.*