

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

Thursday, 21 December 2006

Start Time 9.00 a.m.

At Town Hall, Moorgate Street, Rotherham

AGENDA

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Declarations of Interest (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 7th December, 2006 (herewith) (Pages 2 - 23)
5. Deferments/Site Visits (information attached) (Pages 24 - 25)
6. Development Proposals (report herewith) (Pages 26 - 139)
7. Report of the Head of Planning and Transportation Service (herewith) (Pages 140 - 178)
8. 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, 7th December, 2006

Present:- Councillor Walker (in the Chair); Councillors Akhtar, Billington, Burton, Dodson, Hall, Kaye, License, McNeely, Nightingale, Pickering, G. A. Russell, Smith, Turner and Wardle.

Apologies for absence:- Apologies were received from Councillors Burke, Littleboy, Robinson and R. S. Russell.

128. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

129. MINUTES OF THE MEETING OF THE PLANNING REGULATORY BOARD HELD ON 23RD NOVEMBER, 2006

Resolved:- That the minutes of the meeting of the Planning Regulatory Board held on 23rd November, 2006 be approved as a correct record for signature by the Chairman.

130. DEFERMENTS/SITE VISITS

Resolved:- That it be noted that the following application has been withdrawn by the applicant:-

RB2006/1742 – an amended application is to be submitted.

131. VISITS OF INSPECTION

Before the formal meeting of the Planning Board, Members of the Board made visits of inspection to the sites of the following applications (Ward Representative Councillor Whysall being in attendance at one of the site visits) and the decisions recorded are set out below:-

(a) Outline application for the erection of 4 No. two storey townhouses at land to rear of 80-86 Laughton Road, Dinnington for Glaybrook Properties Ltd (RB2006/1851)

Resolved:- That consideration of this application be deferred to enable further discussions to take place with the applicant, with a view to a fresh application being submitted which will include a mix of retail development with residential accommodation above.

(b) Outline application for demolition of existing office and warehouse and erection of residential development at Bretton Court, Manor Road, Wales for Moorfield Developments Ltd. (RB2006/1798)

In accordance with the right to speak procedures, the following people

attended the meeting and spoke about this application:-

Dr. Alsop (Supporter)

Mr. J. H. Joynes (Supporter)

Resolved:- That the Planning Board declares that it is disposed to grant planning permission in respect of this proposed development and the Head of Planning and Transportation Service be authorised to determine the application, in consultation with the Chairman and the Vice-Chairman of the Planning Board; the reasons for deciding to grant planning permission are:-

- the site has been marketed for sale for industrial use, over a considerable period of time, but there have been no expressions of interest received; therefore the industrial use of the site is no longer deemed appropriate and the site should be released for residential development;
- an alternative industrial site is located nearby;
- the residential development of this site is in keeping with the village/residential nature of the immediate surrounding area;
- any planning approval granted must include appropriate conditions to ensure that the existing mature hedges and trees are retained as part of any proposed residential development.

132. 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:-

- Details of the erection of sports centre including swimming pools, sports hall and fitness suite (reserved by outline RB2004/760) at Aston Comprehensive School, Aughton Road, Swallownest for DC Leisure Management Ltd. (RB2006/1689)

Mr. J. Bates (Applicant)

- Details of the erection of sports centre (comprising swimming pools, sports hall & fitness suite), health centre and public service office

(reserved by outline RB2004/761) at land at Braithwell Road, Maltby for DC Leisure Management Ltd. (RB2006/1690)

Mr. J. Bates (Applicant)

- Erection of sports centre including swimming pools and fitness suite at land at Wath Comprehensive School, Festival Road, Wath upon Dearne for DC Leisure Management Ltd. (RB2006/1793)

Mr. J. Bates (Applicant)

(3) That applications RB2006/0135, RB2006/1689, RB2006/1690, RB2006/1793 and RB2006/1858 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.

(4) That application RB2006/1858 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, along with an additional condition relating to the protective fencing around the trees on site.

(5) That it be noted that application RB2006/1742 has been withdrawn by the applicant and a fresh application is to be submitted.

133. OUTLINE APPLICATION FOR B1 (BUSINESS), B2 (GENERAL INDUSTRIAL), B8 (STORAGE & DISTRIBUTION), HOTEL, RAILWAY STATION AND ANCILLARY LEISURE & RETAIL DEVELOPMENT INCLUDING DETAILS OF THE MEANS OF ACCESS AT LAND OFF HIGH FIELD SPRING, CATCLIFFE FOR UK COAL MINING LTD. (RB2004/1571)

Consideration was given to a report of the Head of Planning and Transportation Service, which detailed the above application for outline planning permission.

In accordance with the right to speak procedures, Mr. D. Armstrong-Payne (Applicant) attended the meeting and spoke about this application.

Resolved:- (1) That, consequent upon the applicant entering into a legal agreement with the Council under the provisions of Section 106 of the Town and Country Planning Act 1990 for the purposes of ensuring the provision of:-

- A commuted sum to provide 10% of the total cost of the Waverley Link Road. This is estimated to be £813,000 at present, however, the total amount of contributions shall be capped at £1 million and payment will not be required until 1st April, 2009.
- Reserve area of land, for five years, within UK Coal ownership for potential park and ride scheme with a minimum of 500 car parking

spaces, but potential for 1000 spaces in the vicinity of the high wall.

- Provide a suitable access to the park and ride scheme through the application site in accordance with a detailed scheme to be submitted to, and approved by, the Local Planning Authority
- Provide transport hub for park and ride facility (estimated to cost to be confirmed by SYPTE)
- Provide 2 bus stops for local services at cost of approximately £20,000 (£10,000 for each bus stop to include shelter, raised kerb etc)
- Reserve land for railway station platform, drop off point and car park with no more than 50 spaces until the sooner of: (1) elapse of five years from grant of this planning permission, (2) provision of viable business plan for railway station and services to Strategic Rail Authority, (3) provision of park and ride facility at Waverley
- Should the Park and Ride scheme not be operational when the buildings connected to this application be first occupied, contributions to the A1, A132 and A3 bus service will be provided for five years. This is estimated to cost £1.5 million (£300,000 per year)
- Prior to the first occupation of development, the submission of a strategy to enable local people to access subsequent job opportunities arising from the development of this site

planning permission be granted, for the reasons listed in the report and subject to the following conditions:-

General

1. Before the commencement of the development, details of the siting, design, external appearance of the building(s) and the landscaping of the site shall be submitted to, and approved by, the Local Planning Authority and the development shall be carried out in accordance with the approved details.
2. No more than 10,000 square metres of gross floor area of the site shall be B1(a) office development, unless otherwise agreed in writing by the Local Planning Authority.
3. No more than 2000 square metres of gross floor area of the site shall be used as a hotel, unless agreed otherwise, in writing, by the Local Planning Authority.
4. No more than 2000 square metres of gross floor area of the site shall be used as ancillary retail and leisure combined, and no individual retail unit shall be larger than 500 square metres gross and no individual leisure

unit shall be larger than 1000 square metres gross, unless agreed otherwise, in writing, by the Local Planning Authority.

5. Within the first 24,125 square metres of gross floor area of commercial development occupied on site, no more than 5,000 square metres gross floor space shall be B1 (a) office development unless agreed otherwise in writing by the Local Planning Authority.

6. The hotel shall not be first open to trade until the first 12,000 square metres of commercial development is occupied on site unless agreed otherwise in writing by the Local Planning Authority.

7. The retail and leisure development, hereby approved, shall not be open to trade until the first 12,000 square metres of gross floor area of commercial development occupied on site, unless agreed otherwise in writing by the Local Planning Authority.

8. 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.

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

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

Landscaping

11. All applications for the approval of reserved matters shall include the submission of a landscape masterplan. This masterplan shall illustrate the application of the Highfield Commercial Development Landscape Design Code in the form of a plan to an appropriate scale (1:500) and representative cross sections. The masterplan shall define through supplementary drawings as necessary:

- Advanced structure planting and works to be carried out associated with site infrastructure development, habitat creation and boundaries.
- Positions, designs, materials and types of boundary treatment to be erected.

The scheme shall thereafter be implemented in accordance with the

approved landscape masterplan within a timescale agreed, in writing, by the Local Planning Authority.

12. All applications for the approval of reserved matters shall include the submission of a planting plan and schedule detailing the species, planting distances, siting, programme of planting and maintenance to establishment in accordance with the approved landscape masterplan. The site's landscaping shall thereafter be implemented in accordance with the approved planting scheme prior to the first occupation of the development. Any plants or trees dying, removed or destroyed within 5 years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.

13. Prior to commencement of development, a detailed scheme and recommendations for future management and maintenance of all landscaped areas, open space and associated features shall be submitted to, and approved, in writing by, the Local Planning Authority. The management shall thereafter be carried out in accordance with the agreed management scheme.

Highways

14. The development shall not be commenced until details of the proposed realignment of Highfield Spring and resiting of the existing roundabout to the south east of the site, to align with the proposed Waverley Link Road, have been submitted to, and approved by, the Local Planning Authority and the approved details shall be implemented in accordance with a phasing programme to be agreed.

15. The development shall not be commenced until details of the proposed alterations to the existing roundabout in Highfield Spring, indicated in draft form on Figure 27 of the TA, have been submitted to and approved by the Local Planning Authority and the details shall be implemented in accordance with a phasing programme to be agreed.

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

17. The development shall not be commenced until details of the proposed new roundabout in Highfield Spring, indicated in draft form on Figure 28 of the TA, have been submitted to, and approved by, the Local Planning Authority and the approved details shall be implemented in accordance with a phasing programme to be agreed, in writing, by the Local Planning Authority.

18. 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.

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

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

Drainage

21. The development shall be carried out in strict accordance with the "Waverly Development Site Flood Detention Reservoir Outline Design Report" November 2006 prepared by Jacob Babbie.

22. Before the commencement of development, the proposed surface water and land drainage works as detailed in drawing number B0467000/LD/001 Rev 2 shall be completed unless agreed otherwise in writing by the Local Planning Authority.

23. Before the commencement of development, details of Lakes 1, 2 and 3 shall be submitted to and approved in writing by the Local Planning Authority. These details shall include all proposed wetland areas, operational details of each Lake including connecting pipes, outfall and emergency spill/overflow, and details of discharge from Lakes into the River Rother. The Lakes shall be constructed in accordance with the approved details.

24. Before the commencement of development, details of Handsworth Beck diversion and pumping arrangements shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

25. Before the commencement of development, details of SUDS techniques shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

26. There must be no buildings, structures (including gates, fences and walls) within 8 metres of the top of any bank of the River Rother unless agreed otherwise in writing by the Local Planning Authority.

27. 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.

28. Before the commencement of development, a programme of works shall be submitted to and approved in writing by the Local Planning Authority. This shall detail all on-site and off-site works. The development shall be carried out in accordance with the approved programme.

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

30. Details of the proposed means of disposal of foul 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.

31. No buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works unless agreed otherwise in writing by the Local Planning Authority.

Other

32. 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.

33. Before the commencement of development, the method for piling foundations shall be submitted to, and approved in writing by, the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

34. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vent, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

35. Except in case of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0800 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays. Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

36. All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities.

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

38. All vehicles reversing warning alarm systems shall be operated in accordance with a specification submitted to and agreed by the Local Planning Authority prior to commencement of development. At all times, effective means shall be employed to prevent and counteract the effects of audible warning alarms to nearby noise sensitive receptors. No audible warning alarm shall exceed the ambient noise level in the working location by more than 5dBA.

39. Prior to the commencement of site operations the operator shall nominate a qualified person to be responsible for immediate investigation of complaints. Prior to the commencement of the operations the Local Planning Authority shall be informed of the appointment, and the arrangements to be employed shall be agreed. A log of all complaints shall be kept and made available on request to the Local Planning Authority.

40. Prior to the commencement of site operations the operator shall submit a scheme to control dust emissions, and their effect on surrounding residential premises, for the approval of the Local Planning Authority. This scheme shall include for routine visual assessments, specify those staff able to make decisions as to the obtaining of any plant or equipment required for dust suppression, and a protocol to investigate complaints.

41. At all times during the carrying out of operations authorised or required under this permission, effective means shall be employed to minimise dust. Such measures shall include water bowsers, sprayers

whether mobile or fixed, or similar equipment, upward pointing exhausts, wind fences, landscaping bunds, stockpile dampening, aerodynamic shaping of stockpiles to prevent dust lift off, regulating the speed of vehicles, hard covering of roadways and other steps as are appropriate.

42. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils, overburden and other dust raising materials shall be temporarily curtailed until such time as the site/weather conditions improve such as to permit a resumption of the operations.

43. No part of the land other than that occupied by buildings shall be used for the storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

44. Prior to the commencement of development, an assessment of current nature conservation value of the application site shall be undertaken and submitted to the Local Planning Authority in accordance with current best practise guidelines. The results of the assessment, including recommendations for necessary mitigation and biodiversity enhancement, must be submitted to, and agreed in writing by, the Local Planning Authority. Proposals for mitigation and biodiversity enhancement should reflect the wider Waverley development scheme's capacity to incorporate sustainable development and biodiversity gain.

Reasons:-

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

2. To ensure that the site is not developed for more than 10,000 square metres of office use which was proposed and assessed in the application in relation to the relevant Government Guidance contained Planning Policy Statement 6 'Planning for Town Centres: 2005'.

3. To ensure that the site is not developed for more than 3000 square metres to be used as a hotel which was proposed and assessed in the application in relation to the relevant Government Guidance contained Planning Policy Statement 6 'Planning for Town Centre:2005'.

4. To ensure that the site is not developed for more than 3000 square metres of ancillary retail and leisure use which was proposed and assessed in the application in relation to the relevant Government Guidance contained Planning Policy Statement 6 'Planning for Town Centre:2005'.

5. To ensure that the development is phased properly to allow the site to be developed for a mixture of B1 Business, B2 General Industrial and B8

Storage and Distribution.

6. To ensure that the development is phased properly to allow the site to be developed for a mixture of B1 Business, B2 General Industrial and B8 Storage and Distribution.

7. To ensure that the development is phased properly to allow the site to be developed for a mixture of B1 Business, B2 General Industrial and B8 Storage and Distribution.

8. 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'.

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

10. In the interests of promoting sustainable development.

11. In the interests of proper planning control of development and the visual amenity and bio-diversity of the site.

12. In the interests of proper planning control of development and the visual amenity and bio-diversity of the site.

13. In the interests of proper planning control of development

14. No details having been submitted they are reserved for approval.

15. No details having been submitted they are reserved for approval.

16. In order to promote sustainable transport choices.

17. No details having been submitted they are reserved for approval.

18. In order to promote sustainable transport choices.

19. In the interests of promoting sustainable development.

20. In the interests of proper planning control of development.

21. In the interest of satisfactory and sustainable drainage, and to ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

22. In the interest of satisfactory and sustainable drainage, and to ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with UDP

policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

23. In the interest of satisfactory and sustainable drainage, and to ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

24. In the interest of satisfactory and sustainable drainage, and to ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

25. In the interest of satisfactory and sustainable drainage, and to ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

26. To allow for sufficient access for maintenance.

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

28. In order to promote sustainable transport choices.

29. 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'.

30. 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'.

31. 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'.

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

33. The site is contaminated/potentially contaminated and piling could lead to the contamination of ground water in accordance with UDP Policy 4.4 'Contaminated Land'.

34. To prevent pollution of the water environment.

35. In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.
36. In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.
37. In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.
38. 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.
39. In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.
40. In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.
41. In the interests of minimising dust intrusion in accordance with UDP Policy ENV3.7 Control of Pollution.
42. In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.
43. To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.
44. The ecological assessment submitted with the application is out of date and up to date details of the site's current ecological value and appropriate mitigation needs to be addressed.

134. ERECTION OF 36 DWELLINGS AND ASSOCIATED GARAGES COMPRISING 10 NO. DORMER BUNGALOWS, 3 NO. DORMER BUNGALOWS, 6 NO. TWO STOREY DWELLINGS WITH ROOMS IN THE ROOF SPACE AND 9 NO. THREE STOREY DWELLINGS AT LAND OFF BRAITHWELL ROAD, RAVENFIELD, ROTHERHAM FOR STRATA HOMES LTD. (RB2006/1100)

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

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:-

- Provision of affordable units, comprising 4 No. social rented units, at plots 22, 23, 131 and 132 (2 No. three bedroomed dwellings and two

bungalows), to qualifying persons on the key choices list to meet local affordable housing need in the form of built units on site.

(2) That consequent upon the satisfactory signing of the agreement, planning permission be granted for the reasons listed in the report, subject to the following conditions:-

1. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development, hereby permitted, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
2. Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to, and approved by, the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.
3. Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmacadam, block paving or other such material as may be agreed by the Local Planning Authority and shall thereafter be maintained in a sound condition.
4. Before the development is commenced road sections, constructional and drainage details shall be submitted to, and approved by, the Local Planning Authority.
5. Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site during construction works. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.
6. The operator shall install and thereafter utilise as appropriate, wheel washing facilities on the site for the duration of the building works. Prior to its installation on site, full details of its specification and siting shall be first agreed with the Local Planning Authority.
7. Heavy goods vehicles shall only enter or leave the site between the hours of 0800 and 1800 on weekdays and 0900 and 1800 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).
8. 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.

9. 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. This shall include a boundary wall along the eastern site boundary with Gorse Close (plot 132) and the boundary of properties with any highway abutting it's curtilage. The boundary treatment shall be completed before the dwellings are first occupied.

10. The trees/hedgerows along the boundaries of the site shall be retained except where required for access purposes in accordance with the approved layout drawing hereby approved. No tree/hedge 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/hedgerow is removed, uprooted or destroyed or dies, another tree/hedge shall be planted in the immediate area and that tree/hedge shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

12. Not later than seven days after the completion of the sale of each dwelling, the developer shall procure from the SYPTA a Travel Master Pass and Journey Planner valid for one year on behalf of each household who shall be the first occupants of such dwelling and the developer shall give details of the application and the date upon which it was made to the Council.

13. The proposed vehicular turning area within plot 113 (serving 'Springside') shall be provided before any of the dwellings are first occupied.

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. To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.
3. To ensure that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.
4. No details having been submitted they are reserved for approval.
5. 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.
6. 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.
7. To ensure that no adverse effect upon the amenities of the neighbourhood may arise out of the proposed development and in accordance with UDP Policy ENV3.7 'Control of Pollution'.
8. 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'.
9. In the interests of the visual amenity of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.
10. In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.
11. To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.
12. To encourage the use of alternative sustainable modes of travel to the private motor car.
13. In the interests of road safety.

135. ERECTION OF CAR SALES BUILDING WITH ASSOCIATED SALES

AREA, CANOPY, GATEHOUSE, CUSTOMER, PARKING AND LANDSCAPING AT LAND AT EUROPA LINK, CATCLIFFE (RB2006/1458)

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

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

- Contribution of £8,363 towards the A1 bus service.

(2) That consequent upon the satisfactory signing of the agreement, planning permission be granted for the reasons listed in the report and subject to the following conditions:-

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

2. 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. Landscaping of the site as shown on the attached plan shall be carried out during the first available planting season after commencement of the development and plants dying within five years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.

4. The proposed footpath/cycle link to Europa Way indicated on the submitted plan shall be provided in accordance with details which shall be submitted to, and approved by, the Local Planning Authority before the development is first occupied.

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

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

7. 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.

8. The development shall not be first occupied until improvements to pedestrian/cycling facilities in Wood Lane between Europa Link and Brinsworth Road have been carried out in accordance with a scheme to be submitted to, and approved by, the Local Planning Authority.

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

10. 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.

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

12. 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.

13. No buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works unless agreed otherwise in writing by the Local Planning Authority.

14. 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 12 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.

15. The use hereby permitted shall only be open for deliveries between the hours of 8 a.m. and 6 p.m.

16. The use hereby permitted shall only be open to customers between the hours of 9am to 8pm Mondays to Fridays, 9am to 6pm on Saturdays and 11 a.m. to 5 p.m. on Sundays.

17. The use of the workshop area (within the car sales building) shall be solely ancillary to the use of the land for car sales hereby approved involving the preparation of cars for sale. The site shall not be used for car repairs and servicing unrelated to the car sales on the site with the exception of MOT's.

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. In order to promote sustainable transport choices.
5. To encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of road safety.
6. 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.
7. In order to promote sustainable transport choices.
8. In order to promote sustainable transport choices.
9. In the interest of satisfactory and sustainable drainage.
10. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
11. To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.
12. In the interest of satisfactory and sustainable drainage.
13. To ensure that no foul water discharges take place until proper provision has been made for its disposal.

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

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

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

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

136. APPEAL DECISION - AGAINST ENFORCEMENT NOTICE RELATING TO THE CHANGE OF USE OF PREMISES TO FORM A TANNING/TONING SHOP AND CHANGE OF USE OF LAND AT REAR TO FORM A PARKING AREA FOR THE SHOP AT 17 WORKSOP ROAD, ASTON, FOR MRS HUNTER (RB2004/0487)

Consideration was given to a report of the Head of Planning and Transportation Service providing details of a decision of an appeal against an enforcement notice for the change of use of premises to form a tanning/toning shop.

The Inspector accepted the appellant's argument that the tanning shop provided a service and employment benefits, but considered that this did not outweigh the negative impacts of the additional traffic generated at the junction of Piper Lane and Worksop Road, for that reason he upheld the Council's decision and dismissed the appeal.

Resolved:- (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.

137. APPEAL DECISION - APPLICATION TO FELL A SYCAMORE TREE PROTECTED BY THE ROTHERHAM METROPOLITAN BOROUGH COUNCIL TREE PRESERVATION ORDER NO.15, 1989 AT 148 MOORGATE ROAD, MOORGATE (RB2005/1531)

Consideration was given to a report of the Head of Planning and Transportation Service providing details of a decision of an appeal against an application to fell a sycamore tree protected by a Tree Preservation Order.

The Inspector dealing with the appeal stated, amongst other things, that "... removal of the appeal tree would have only a negligible impact on the amenity of the area. The Inspector noted that the tree was neither too large for the garden or that of the neighbour at 150 Moorgate Road, nor

was it unsuitable and agreed with the Inspecting Officer that debris from the tree could be dealt with in the routine course of household maintenance. However, the Inspector noted that the tree would cast a large shadow onto the rear of the house for significant periods and that, while this could be improved by pruning, the limited amenity value of the tree meant that its removal would be acceptable”.

The inspector's conclusion was to allow the felling of the Sycamore tree without a replacement tree, as there was adequate tree provision in the rear garden and that of the neighbour.

Resolved:- That the decision to uphold the appeal be noted.

138. APPEAL DECISION - AGAINST ENFORCEMENT NOTICE FOR THE USE OF OUTBUILDINGS FOR THE KEEPING OF DOGS AT 41 BRECK LANE, DINNINGTON (RB2006/0251)

Consideration was given to a report of the Head of Planning and Transportation Service providing details of a decision of an appeal against an enforcement notice against the use of outbuildings for the keeping of dogs.

The Inspector dealing with the appeal considered that the night time noise environment of the locality immediately around the dwelling of 41 Breck Lane was punctuated by occasional loud noises easily sufficient to disturb sleep and whilst there may be no regularity in these instances, they arose in sufficient frequency to be harmful. The Inspector noted that the appellant's compliance with an Abatement Order served in March, 2006 under other legislation did not mean that harm could not arise under planning criteria, which in essence in this case boiled down to a requirement for good neighbourliness. Whilst there may be some adverse effect on neighbours during the day in relation to the full enjoyment of the neighbour's gardens, the Inspector believed that this alone would not warrant a conclusion against the appellants and the main concern is primarily over night time noise.

As such the Inspector upheld the enforcement notice and refused to grant planning permission on the deemed planning application. The compliance period was three months and the site would be inspected once this period had elapsed.

Resolved:- (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.

139. APPEAL DECISION - AGAINST REFUSAL OF PLANNING PERMISSION FOR CONVERSION OF EXISTING BARN TO A DWELLING AND THE ERECTION OF 3 NO HOUSES AT 6 UNION

STREET HARTHILL, BY HARTHILL ESTATES LTD. (RB2006/1559)

Consideration was given to a report of the Head of Planning and Transportation Service providing details of a decision of an appeal against the refusal of planning permission for the conversion of an existing barn to a dwelling and the erection of three houses.

The Inspector concurred in all respects with the Council's reasons for refusing permission with the exception of the effect on the character of the Green Belt and the effect on the residential amenities of adjoining occupiers by way of overbearing effect. He, therefore, concluded that the development would have a materially adverse effect on the historic and visual character of the Conservation Area.

Resolved:- That the decision to dismiss the appeal be noted.

140. UPDATES

The following information was reported:-

(1) The Inspector's decision on the appeal against refusal of application RB2004/067(OUT), for development at Westgate and Main Street, Rotherham, was expected to be published before the end of this month; a report would be submitted to a future meeting of the Planning Board;

(2) Details of the new PPS3 (Housing), which will replace the existing Planning Policy Guidance Note 3 (Housing);

(3) The Head of Planning and Transportation Service reported summary information of the review, led by Kate Barker, into housing supply; a detailed report would be submitted to a future meeting of the Planning Board.

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.

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
21ST DECEMBER 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
21ST DECEMBER 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.

RB2006/1364

Details of the erection of residential development and open space provision comprising 292 dwellings of which 88 are apartments(reserved by outline RB2003/1284) at Fitzwilliam Fields, Manvers Way Manvers for Ben Bailey Homes Limited.

RECOMMENDED: GRANTED CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO APPROVE RESERVED MATTERS

The Local Planning Authority has decided to approve reserved matters:

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:

HG4.7 'Affordable Housing'
HG5 'The Residential Environment'
ENV2 'Conserving the Environment'
ENV2.2 'Interest outside Statutory Protected Sites'
ENV2.3 'Maintaining the Character and Quality of the Environment'
ENV3.1 'Development and the Environment'
T2 'Road Schemes and Highway Improvements'
T3 'Public Transport'
CR2.1 'Outdoor Playing Space Standards'

National Planning Policy

Planning Policy Statement 1 – Planning for sustainable communities
Planning Policy Guidance 3 – Housing
Planning Policy Statement 9 – Nature Conservation
Planning Policy Statement 13 – Transport

2. For the following reasons:

The overall layout of the scheme is considered to provide a satisfactory housing density throughout the site while maintaining an acceptable level of Public Open Space. The outlook provided for the dwellings is satisfactory and in accordance with the recommended distances and is considered to provide an overall scheme that reflects a modern design. The revised ecological mitigation scheme is considered to be of a

superior quality than the previously approved on-site mitigation and is considered to enhance the ecological provision of the wider 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.

Conditions Imposed:

01

Secure cycle parking shall be provided in the vicinity of the entrance to each apartment block on the ratio of 1 space per apartment and shall be agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

02

[PC24] Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, 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

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

03

No development shall take place until precise details of the treatment of the gateways to the parking courtyards has been submitted to and approved in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

05

A detailed scheme showing suitable off-road motor vehicle prevention measures on all pathways leading out of the estate and certain pathways within the layout shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

06

[PC40]

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

07

Notwithstanding the submitted details 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 shall be carried out within the first available planting season after the commencement of the development and shall provide for species, siting, planting distances, programme of planting and maintenance to establishment and any plants dying, removed or destroyed within five years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.

Reasons for Conditions:

01

To promote the use of sustainable means of transport

02

[PR24B] To ensure that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

03

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

04

In the interests of crime prevention.

05

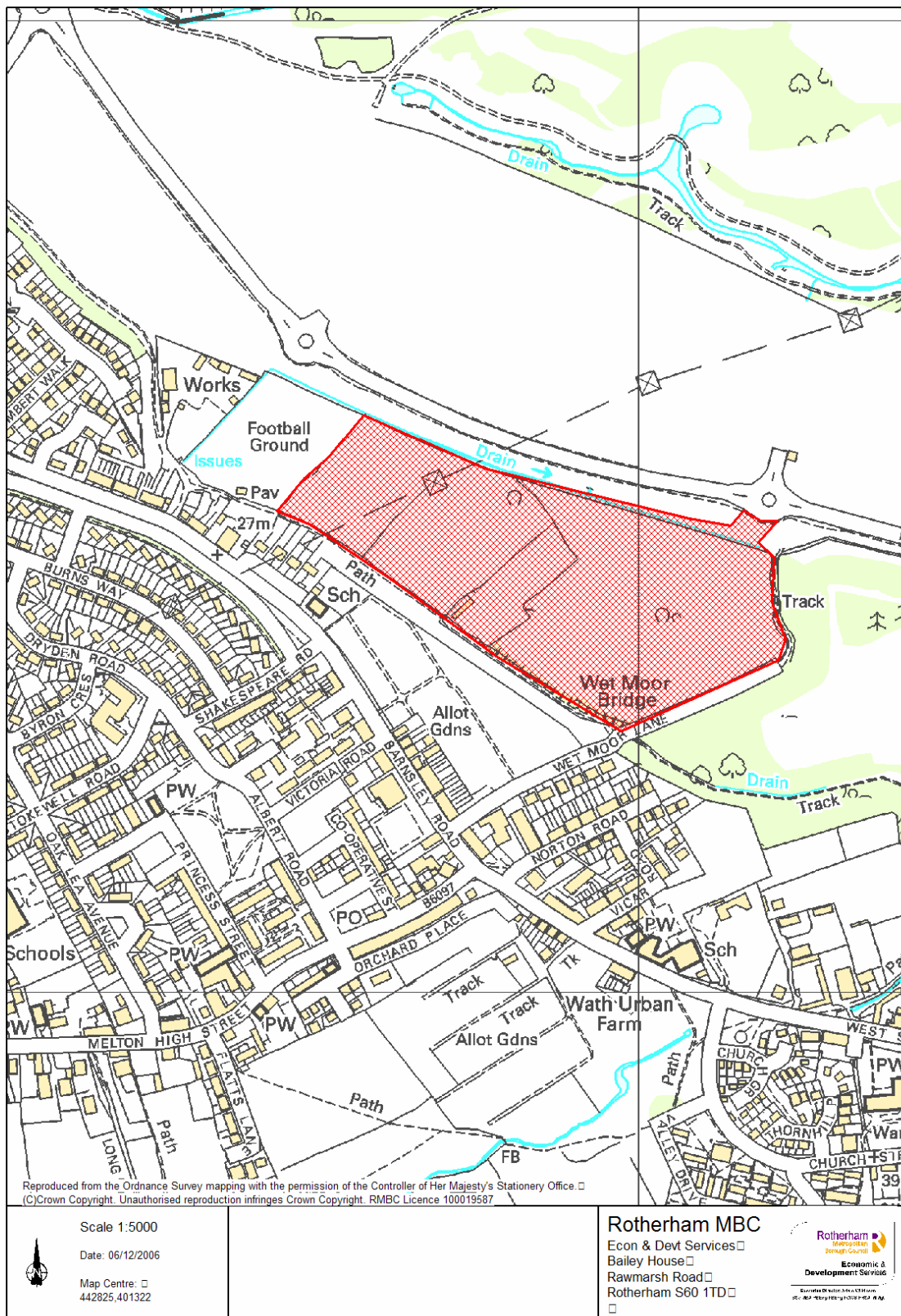
To prevent the use of off-road motor vehicles within the area.

06

[PR40] To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

07

[PR38] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.



Notes for RB2006/1364

Background

Previous applications submitted include:

RB2006/907 – Erection of residential development with variation to condition No. 20 (scheme of habitats for nature conservation) imposed by RB2003/1284 to allow off-site provision of habitats – granted conditionally

RB2005/250 – Reserved Matters Application for Residential Development and open space provision comprising 261 dwellings of which 88 are apartments (reserved by RB2003/1284) – granted conditionally

RB2003/1284 – Outline application for the erection of residential development and open space including raising of site ground levels – granted conditionally

UDP Allocation and Policies

UDP Allocation: the application site is defined as a Development Site within a Mixed Use Area as allocated in the Unitary Development Plan, adopted June 1999. The mixed use area includes potential for employment (E4) and residential developments (E40).

The following UDP Policies are also relevant:-

HG5 'The Residential Environment'

ENV2 'Conserving the Environment'

ENV2.2 'Interest outside Statutory Protected Sites'

ENV2.3 'Maintaining the Character and Quality of the Environment'

ENV3.1 'Development and the Environment'

SPG Housing: 4 Requirements for Greenspace in New Housing Areas.

SPG Housing: 5 Landscape Design in New Housing Areas.

SPG Housing: 7 Security

PPS 1: Planning for Sustainable Development, PPG3 Housing, PPS9 Nature Conservation and PPG13 Transport.

Site Description

The site is known as Fitzwilliam Fields, and is located between Manvers Way to the North and the Dearne and Dove canal Walk Public Footpath to the South. The site is approximately 7.2Ha in area.

Between the northern boundary of the site and Manvers Way is a highway embankment with a difference in land levels of approximately 5.5m.

Along the length of the southern boundary of the site is a belt of dense hedgerow and trees. Beyond this is a public footpath and an area of allotments. To the south west corner of the site, gardens belonging to properties along Barnsley Road abut this footpath. To the west of the site is an enclosed football pitch at a recently raised higher level. To the east is the narrow Wet Moor lane and is currently used as an informal open space area.

The site itself is in a varied condition. From the north west corner of the site to the centre of the site is waterlogged and colonised with bulrushes/reeds. Electricity Pylons cross the site on the western fringe and the main road access into the site is in its initial phase of construction. The site is currently being remediated in accordance with the outline permission.

Proposals

This is a Reserved Matters application for Residential Development and open space provision comprising 292 units of which 88 are apartments (reserved by RB2003/1284). The application is an amendment to the previous reserved matters approval RB2005/250, granted last year.

The previous outline consent established the vehicular access into the site only and this application seeks to determine the remaining reserved matters: landscaping, siting and design. The scheme provides 292 units at a mixture of 2, 3, 4 bedrooms and apartment blocks. The ecological area, agreed under RB2005/250, to the west of the site is now to be provided off site as permitted under the variation of condition 20 (RB2006/907). The area previously approved as ecological land is primarily retained as open space, but also allows 21 additional units to be built.

Publicity

All relevant neighbours were informed by letter on 1 August 2006 and a site notice was erected on 1 August 2006. No representations received.

Consultations

Transportation Unit – no objections subject to relevant conditions.

Drainage – no objections subject to conditions

Trees and Woodlands – no comments

Countryside Officer – support application

Environmental Health – no objections subject to conditions

Housing Services – no reply

Landscape design – no reply

Yorkshire Water – no objections subject to conditions

South Yorkshire Archeology – no objections

South Yorkshire Passenger Transport Authority – no objection subject to improvement to existing network

South Yorkshire Police – concerns regarding number of rear alleyways

Education – no objections

National Grid – no objections

Ecologist – support application

RSPB – support application

Appraisal

Density and layout

The 5 apartment blocks along the northern boundary help increase the overall density of the development whilst enabling a reasonable level of public open space to be made

throughout the site, and a sufficient degree of amenity space to both the apartments and the individual dwellings. The development of 292 dwellings on this site would equate to a density that would accord with the aspirations of Planning Policy Guidance Note 3, which requires developments at densities between 30 and 50 dwellings per hectare. The application site is approximately 7.2 hectares, which means the density is equivalent to 41 units.

The outlook to the vast majority of dwellings within the scheme, as with the previous reserved matters approval, is in accordance with the Council's Guidance Note on Housing which suggests a distance of 10metres between the main elevation and the boundary. Additionally the required distance between dwellings is achieved. As such it is considered that the proposal achieves in excess of the required minimum density, yet provides suitable living conditions for the potential inhabitants and makes a positive contribution to the environment, required by Policy ENV3.1 'Development and the Environment'. In addition, it should be noted that the vast majority of the area set aside for wetland in the application RB2005/250 is to be retained as public open space with a slight increase in housing density.

The site is separated from existing dwellings to the south by Urban Greenspace in the form of a public footpath. As such it is considered that the proposed dwellings do not adversely impact on the living conditions of existing properties and this is reflected by the lack of objections from neighbouring occupiers.

Overall it is considered that the scheme reflects best practice in terms of residential layout and design and will provide a residential environment that is accessible to all and is conducive to a high quality of life, such that the proposal complies with UDP Policy HG5.

Highways, Access and Parking

The outline consent has already established the main vehicular access into the site and as such only the precise layout details within the scheme can now be considered.

After several amendments to the scheme the transportation section are now generally satisfied that the juxtaposition of the buildings and their relationship with highway junctions and access points and the general layout of the proposal is acceptable subject to standard conditions.

The Transportation Assessment considered at the outline application stage showed that the development would be devoid of adequate public transport infrastructure and pedestrian and cycle links. However the applicants agreed to make a commuted sum towards a bus service and the provision of two bus shelters. Further to this, given that the existing footpath/cycle links are in poor condition, the applicants have also agreed to improve the condition to an acceptable standard, the details of which have been tied up in a 106 Agreement. As such the proposal is considered to be acceptable in terms of highway safety and transportation.

Ecological Issues

Members may recall that the approved reserved matters application retained an area on site for an on-site ecological mitigation scheme. However, Members will recall that condition 20 has recently been varied to allow the possibility of this provision off site.

The applicants have submitted a unilateral undertaking comprising a copy of the agreed contract of works between Ben Bailey Homes and the RSPB. The document indicates the excavation, removal and movement of 205 800 cubic metres of soils for the creation of a new wetland and reedbed habitat at RSPB Bolton Ings, located approximately 900metres north-east of the site.

It is considered that the scheme is acceptable and the ecological issues have been satisfactorily addressed. In summary, given the above, the proposal is considered to be in accordance with the provisions of the UDP, so far as they are material, and in the absence of material considerations that would indicate otherwise, the proposal is considered to be acceptable and is recommended accordingly.

RB2006/1498

Demolition of existing dwelling and erection of three 2 storey blocks to form 18 apartments, garage block and associated car parking and landscaping at site of 2 and land to rear of 4 - 18 Church View, Wickersley for Kilnbridge Developments Ltd.

RECOMMENDED: GRANTED CONDITIONALLY

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 all relevant Guidance, as set out below, along with all other relevant material planning considerations:

Relevant UDP Policies/Guidance are as follows:

- 1 : HG5 'The residential Environment'.
- 2 : HG4.3 'Windfall Sites'.
- 3 : ENV3.1 'Development and the Environment'.
- 4 : HG4.4 'Backland and Tandem Development'
- 5 : ENV2.11 'Development in Conservation Areas'
- 6 : ENV2.8 'Settings and Curtilages of Listed Buildings'
- 7 : ENV3.3 'Tree Preservation Orders'

National Policies:

1. Planning Policy Guidance Note 3 "Housing" (PPG3), which recommends higher density housing layouts, with a variety of housing types and the use of reclaimed land wherever possible.
2. Planning Policy Guidance Note 13 "Transport" (PPG13), which aims to reduce growth in the length of motorised journeys, encourages alternative means of travel

which will have less environmental impact and hence to reduce reliance on the private car.

2. For the following reasons:

The Greenfield site is allocated for residential purposes though bearing in mind that the agricultural buildings are redundant, that separate proposals have been submitted for the conversion of the adjacent stone farm buildings, and the fact that the site is surrounded by residential development and is relatively close to Wickersley town centre, it is considered that development in this instance would be justified.

The general layout, design principles and access arrangements are considered to be acceptable and the proposed parking provision accords with the Council's standards. Having regard to the design and layout of the proposals, it is considered that this two storey residential scheme will not adversely affect the character or appearance of this part of the Wickersley Conservation Area or the adjacent Listed Building, and that the demolition of the large agricultural buildings on site would enhance the appearance of the area. Protected trees lying adjacent to the site can be safeguarded by the imposition of appropriate conditions.

With regard to the impact of the development on residential amenity, it is not considered that any of the three blocks would involve any loss of amenity to adjacent residents and that the scheme is in accordance with normal spacing standards between existing and proposed units.

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 Officer's Report and the application case file and associated documents.

Conditions Imposed:

01

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

02

[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.

03

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

04

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

05

Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site during construction works. Any accidental deposition of dust, slurry, mud or any

other material from the site, on the public highway shall be removed immediately by the developer.

06

Heavy goods vehicles shall only enter or leave the site between the hours of 0800 and 1800 on weekdays and 0900 and 1300 Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

07

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 details of existing and proposed land levels, 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.

08

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. This shall include a boundary wall along the western site boundary with Church View and the boundary of properties with any highway abutting it's curtilage. The boundary treatment shall be completed before the dwellings/apartments are first occupied.

09

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 2.30 metre high barrier fence in accordance with BS 5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with details as shown on the attached plan. 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, unless otherwise agreed in writing with the Local Planning Authority.

10

[PC 41] All tree works shall be carried out in accordance with B.S.3998: 1989. The schedule of all tree works shall be approved by the Local Planning Authority before any work commences and no tree work shall commence until the applicant or his contractor has given at least seven days notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

11

[PC94] Not later than 7 days after the completion of the sale of each dwelling, the developer shall procure from the SYPTA a Travel Master Pass and Journey Planner valid for one year on behalf of each household who shall be the first occupants of such dwelling and the developer shall give details of the application and the date upon which it was made to the Council.

12

Notwithstanding the submitted information, prior to the commencement of development details of a pedestrian route from the application site to Morthen Road (via Grange Farm) shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the development is brought into use and the pedestrian access shall thereafter be retained.

13

Before the development hereby approved is commenced, the applicant shall carry out a bat/owl survey on site and provide the Local Planning Authority with a programme of measures necessary to identify and accommodate any existing bat/owl roost within the site. The approved measures shall be implemented before the development is brought into use.

14

Before the development is commenced the applicant shall carry out a survey of vegetation on site to determine whether there are any breeding bird nests, and if such nests are identified, all works to the site shall be carried out outside the breeding bird season, unless otherwise agreed in writing with the Local Planning Authority.

Reasons for Conditions:

01

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

02

[PR12] To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

03

[PR27] To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

04

[PR24B] To ensure that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

05

[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.

06

[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.

07

To ensure that no adverse effect upon the amenities of the neighbourhood may arise out of the proposed development and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

08

[PR38] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

09

[PR40] To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

10

[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'.

11

To encourage the use of alternative sustainable modes of travel to the private motor car.

12

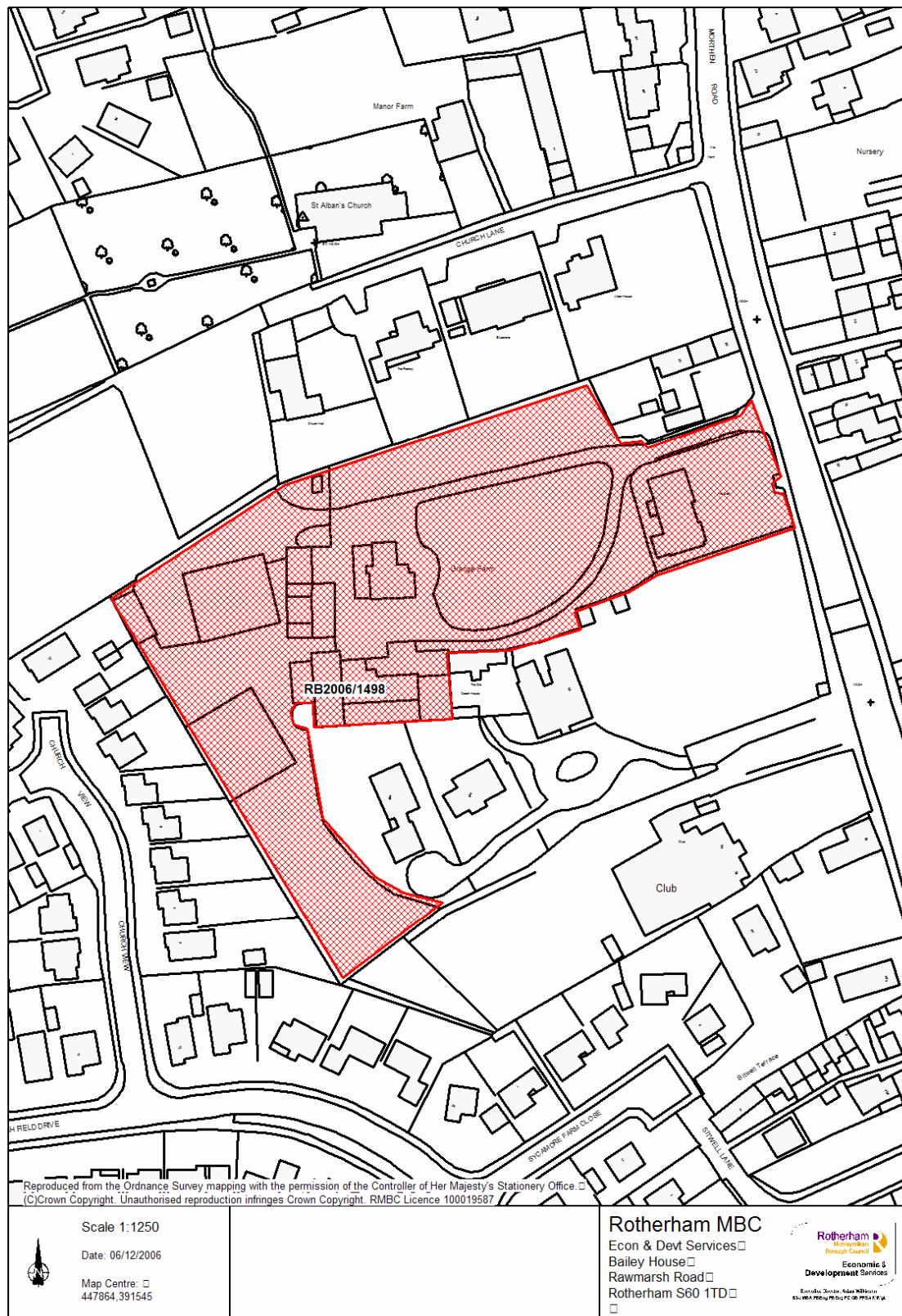
To encourage the use of alternative sustainable modes of travel to the private motor car.

13

In the interests of the ecology of the site and in accordance with Policy ENV2.2 Interests outside Statutorily Protected Sites.

14

In the interests of the ecology of the site and in accordance with Policy ENV2.2 Interests outside Statutorily Protected Sites.



Notes for RB2006/1498

Background

A planning application for 24 No. apartments on the same site was withdrawn at my request by the applicant's agent in July 2006 (RB2006/0857).

A planning application for three detached dwellings and conversion of outbuildings to form a dwelling by the same applicant on an adjoining parcel of land (RB2006/0482) remains undetermined. A related Listed Building consent application for the conversion works has also been submitted (RB2006/0491). These will be reported to Members in due course.

UDP Allocation and Policies

Allocation : Residential.

Part of the site lies within the Wickersley Conservation Area, one of the site boundaries also abutting the curtilage of a Listed Building (Wickersley Grange Farm).

Relevant UDP Policies/Guidance are as follows:

- 1 : HG5 'The residential Environment'.*
- 2 : HG4.3 'Windfall Sites'.*
- 3 : ENV3.1 'Development and the Environment'.*
- 4 : HG4.4 'Backland and Tandem Development'*
- 5 : ENV2.11 'Development in Conservation Areas'*
- 6 : ENV2.8 'Settings and Curtilages of Listed Buildings'*
- 7 : ENV3.3 'Tree Preservation Orders'*

In the sub-text to Policy HG4.4 it states that the Council considers that the amalgamation of plots to form sites large enough to provide two or more dwellings served by a separate adoptable road or a shared private drive is generally the most appropriate means of developing back land and that this solution provides for the efficient use of the land and an acceptable standard of amenity for residents, both existing and new. The guidance note concludes by stating that this form of development will remain the Council's normal approach to the development of residential back land.

Housing Guidance Note 2 'Backland and Tandem Development' contained in the adopted Supplementary Planning Guidance (SPG) is also relevant.

In addition, the Council adopted an interim policy in June 2006 which resolved that there be a presumption against granting permission for residential development on Greenfield sites. This policy will be reviewed early in 2007. The definition of 'Previously-developed land' is set out in Annex C of PPG3. The definition excludes, amongst other things, land and buildings that which are or were occupied by agricultural buildings and, as such, this land would be defined as Greenfield.

National Policies:

- 1. Planning Policy Guidance Note 3 "Housing" (PPG3), which strongly recommends higher density housing layouts, with a variety of housing types and the use of*

reclaimed land wherever possible.

- 2. Planning Policy Guidance Note 13 "Transport" (PPG13), which aims to reduce growth in the length of motorised journeys, encourages alternative means of travel which will have less environmental impact and hence to reduce reliance on the private car.*

Site Description

The application site comprises part of the former Wickersley Grange Farm complex, now vacant, which is located towards the northern end of Morthen Road. The site, irregular in shape, is generally flat and measures approximately 0.45 hectares in size.

The site is dominated by two modern agricultural buildings, currently vacant and last used for agricultural storage purposes. The site is bounded on three sides by residential development (Church View, Wickersley Grange and Sycamore Farm Close) and by a cemetery on the other. The residential properties which bound the site are in the main two storey units.

Stone boundary and hedgerows are a common feature on each of the site boundaries, along with a group of trees protected by Tree Preservation Order (TPO) adjacent to the site boundary within No.40a Wickersley Grange.

Proposals

A full application for the erection of 18 apartments, comprising three 2 storey blocks. Two of the buildings would contain 4 two bedroom flats each, the remaining larger 'L' shaped building containing 10 two bed flats. In addition, the development would include an open fronted garage block (8 spaces) and associated parking areas with 15 spaces (total 23 car parking spaces). The density of the development equates to approximately 36 dwellings per hectare.

Amended plans have been submitted to address comments from the Transportation Unit with regards to parking provision/garaging, the introduction of designated footpath areas, the re-alignment of the access road and a footpath link (gated) to Morthen Road.

A 2m high stone boundary wall is proposed on the eastern elevation (facing Wickersley Grange) and western elevation (boundary of the site with residential properties in Church View). The two agricultural buildings on the site are to be demolished.

Vehicular access is to be derived via Church View, No. 2 Church View being demolished to allow for the construction of the access and private drive. The two large agricultural buildings would also be demolished along with a lean-to structure attached to the adjacent Listed farm outbuilding.

Publicity

The planning application was advertised on site and in the local press as affecting the character and appearance of the Wickersley Conservation Area and the setting of an adjacent listed building (Wickersley Grange Farm). Neighbouring residents were also notified of the proposals in writing.

One hundred and forty four letters have been received objecting to the plans.

The main concerns expressed in these representations can be summarised as follows:

- Over density of the site - the scheme is over dominant and totally out of character for the area.*
- Traffic problems – increase traffic as a result of the development on Sorby Way, Churchfield Drive and Church View to the detriment of road safety.*
- Proposal not in keeping with the surrounding area – low density stone built detached properties preferred.*
- Parking issues – Parking provision inadequate and will overspill into Church View.*

Two residents have also requested to speak at the Board meeting.

Wickersley Parish Council has no objections to the actual design of the three two storey blocks, but does highlight concern in respect of the proximity of the units to mature trees on the site and that the access to the site should be to an adoptable standard. A further issue is raised in respect of the low cost housing threshold and that this and the adjoining site should merge and be considered as one site.

A copy of each of the letters of objection will be available in the Member's Room prior to the meeting.

Consultations

Transportation Unit – Confirm that the revised proposals, which have addressed each of the highway related concerns with regard to footpath provision, the re-alignment of the private road and the introduction of a footpath link to Morthen Road, are acceptable from a highway aspect.

Trees and Woodland Section – Is satisfied that there are no trees on the site itself that are worthy of retention or protection. Considers that the future prospects of trees adjacent to the site, within the curtilage of 40a Wickersley Grange (protected by TPO) and within the adjacent cemetery (protected as they are within the Conservation Area), could be safeguarded by the imposition of appropriate conditions. This would include protective fencing to be erected on the edge of the recommended root protection areas (identified on the submitted plans) and the assurance that any landscaping that subsequently takes place within these areas does not vary ground levels significantly.

The Head of Environmental Health Service – Has no objections subject to relevant conditions.

Council Ecologist – Notes that the buildings on site may contain bats or barn owls which are protected species and that ground vegetation may support nesting birds The applicant should ensure that appropriate mitigation measures are undertaken should it be established that there are bats/owls on site and that any disturbance to nesting birds takes place outside of the breeding bird season (March – July).

Appraisal

I consider there to be six main issues so far as the determination of this planning application is concerned:

- 1. The principle of the development on this Greenfield site*
- 2. The layout, design and density of the development*
- 3. The impact of the proposal on the local highway network*
- 4. The impact of the development on adjacent trees protected by TPO*
- 5. The impact of the development on the Conservation and adjacent Listed Building*
- 6. The impact of the development on local residents.*

1. Principle of the development:

The site of application is allocated for residential purposes on the adopted Rotherham Unitary Development Plan, though it contains two redundant agricultural buildings and by definition would constitute a Greenfield site under the definition of Previously Developed Land set out in PPG3. However, bearing in mind that the agricultural buildings are redundant, and the fact that the site is surrounded by residential development and relatively close to Wickersley town centre, I consider that development in this instance would be justified. The inclusion of agricultural buildings within the definition of Previously Developed Land is considered to relate more to such buildings in the open countryside than those in the heart of the built environment.

Therefore, it is considered that exceptional circumstances arise that would justify development in this instance and there are no objections in principle to this residential scheme in terms of actual land use, particularly bearing in mind the Government's aims and objectives for additional housing to be concentrated in and around existing towns and cities.

2. Layout, density and design:

The density of approximately 36 dwellings per hectare is considered appropriate in this instance. A higher density could be justified in this urban location, relatively close to the Wickersley retail centre, though it is considered that this would have a greater impact on the adjacent Listed Building and would not reflect the character or form of the existing development in the area.

With regard to the general layout, design principles and the access arrangements, it is noted that Housing Guidance 2 of the U.D.P 'Backland and Tandem Development' states that the amalgamation of plots to form sites large enough to provide two or more dwellings served by a separate adoptable road or a shared private drive is generally the most appropriate means of developing back land. The dwelling to be demolished is outside the Conservation Area and of little architectural merit and its loss is accepted without any significant detrimental impact on the visual amenities of the immediate area.

With the guidance in mind, the creation of a private road to cater for eighteen apartments, resulting in a comprehensive form of residential development, is considered to be acceptable in planning terms and meets fully the advocated aims and objectives of Policy HG4.4 and the supplementary guidance note.

It may also be argued that the scheme proposed, by virtue of its two bedroomed

apartment form, meets the Government's aims and objectives to create mixed and balanced communities by offering a smaller unit to the area. The detached properties suggested by residents in their objection would be unlikely to meet Government density standards and would introduce a standard detached family home.

3. Impact of traffic on Church View and the local highway network:

Turning to the amount of parking to be provided and the traffic volumes that will result, a major concern raised by local residents, I note that the site is located in an urban area, is readily accessible on foot and is close to a good transport network. The parking provision (23 spaces for 18 units) accords with the Council's parking standards.

Turning to the introduction of the footpath link from the site, through the adjacent development (same applicant) and to Morthen Road beyond, I consider this to be an important measure. This link will provide a quick and direct pedestrian access to local services and to the bus routes on Morthen Road and the town centre. Such a facility will assist in promoting other modes of transport to the motor car, and will encourage walking/cycling to the existing centre.

Accordingly, on sustainable transport grounds, the scheme is acceptable.

With the above in mind, I am of the opinion that in road safety terms the proposals, in their amended form, are acceptable and will be unlikely to have any detrimental impact on Church View itself or the surrounding network in terms of the free and safe flow of traffic.

4. The effect of the proposal on the character and appearance of the Wickersley Conservation Area/ setting of the adjacent Listed Building:

Having regard to the design and layout of the proposals, it is considered that this two storey residential scheme will not adversely affect the character or appearance of this part of the Wickersley Conservation Area. Each of the three residential blocks and garage block has been designed to reflect this part of the Conservation Area and the former use of the site as a working farm. The units have a cottage style and converted barn theme to the external elevations, the garage block also replicating an open cart shed that would have been seen on such a site. The inclusion of 'kneelers' to the roof elevations, stone boundary walls and window positions of a local vernacular form are particularly welcomed.

Indeed, it is considered that the loss of two large and dominant modern industrial type agricultural buildings will enhance the appearance of the Conservation Area. This demolition will also improve the setting of the adjacent Listed Building. It should also be noted that the main front elevation to the Listed Building to Morthen Road and the garden of Wickersley Grange Farm will not be affected by these proposals.

5. The impact on the protected trees

In terms of the protected trees which overhang part of the site, and after taking into account the comments of the Trees and Woodland Section, I am of the opinion that their long term prospects will be safeguarded by the amended positions of the blocks outside the designated tree protection zones and recommended planning conditions in respect of the erection of a protective fence during construction and the requirement for any tree

related works in such areas are carried out in accordance with the British Standard.

Turning to the concerns of the Parish Council, it is clear that the few trees on the site itself are not worthy of protection and that those adjacent to the site are already under protected status or lie within the Conservation Area and its associated tree regulations. As such, I do not consider it necessary to duplicate this legal protection.

6. The impact on residential amenity

With regard to the impact of the development on residential amenity, I would note that the development respects relevant spacing standards and the original use of the land as an urban farm. The three blocks are positioned within the development and not adjacent to existing properties. It is not considered that either of the three blocks would involve any loss of amenity to adjacent residents and that the scheme is in accordance with normal spacing standards between existing and proposed units.

Turning to the demolition of the two agricultural buildings, and whilst these may have provided a degree screening to the private rear gardens of properties in Church View, I am of the opinion that the outlook from the rear private garden areas will be enhanced and less overbearing.

On issues raised in respect of the boundary wall between existing properties on Church View and the application site, and whilst noting the stone boundary proposal to parts of the site boundary, I have recommended that a condition be imposed requiring a scheme to be submitted to and approved by the Local Planning Authority.

Finally, with regards to the comments raised about affordable housing provision, I would note that even if combined with the adjacent land, the overall number of dwellings proposed (including the conversion of the agricultural barn) would only be 22, and below the threshold of 25 required.

In conclusion I do not, therefore, consider that there is any evidence to suggest that the proposed scheme, in its amended form, would result in demonstrable harm to any interests of acknowledged importance.

Taking all matters into account I consider that this proposed residential development is in accordance with the advocated guidance for proposals of this nature as set out in Housing Guidance Note 2 of the U.D.P and that 18 apartments in this location can be accommodated without any adverse impact upon the amenities currently enjoyed by the occupiers of adjacent dwellings, the character of the Conservation Area, the setting of the adjacent Listed Building, the protected trees on the site or the free and safe flow of traffic on the adjacent highway network.

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

RB2006/1547

Details of the erection of residential care home (reserved by outline RB2005/2136) (application under regulations 3 & 9A of The Town and Country Planning General Regulations 1992) at land at Coronation Avenue, Dinnington for RMBC Adult Social Services.

RECOMMENDED: GRANTED CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO APPROVE RESERVED MATTERS

The Local Planning Authority has decided to approve reserved matters:

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

Unitary Development Plan

Policy ENV3.1: Development and the Environment
Policy ENV5.1: Allocated Urban Greenspace

Government Guidance

Planning Policy Guidance Note 3: Housing
Planning Policy Guidance Note 13: Transport

2. For the following reasons:

Although the building is of a design which is unusual in this area, it is considered that it would not be harmful to the visual amenity of the area due to its style and design. It is also considered that due to the proposed siting, and layout the building would not result in any significant harm to the amenity of the occupiers of the dwellings on Laughton Road or Plantation Court. The means of access, proposed parking provision and landscaping of the site is considered to be acceptable, complying with the above guidance.

3. The forgoing statement is a summary of the main considerations leading to the decision to approve reserved matters. More detailed information may be obtained from the Planning Officer's Report and the application case file and associated documents.

Conditions Imposed:

01

[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 development.

02

Prior to the occupation of the development, 2no cycle parking spaces shall be provided in the vicinity of the entrance to the Care Home.

03

[PC39*] Landscaping of the site as shown on the approved plan shall be carried out during the first available planting season after commencement of the development and plants dying within five years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.

04

[PC40*] No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

05

[PC93*] The windows on the elevation of the care home marked X on the attached plan shall be non openable and glazed with obscure glass as agreed with the Local Planning Authority and shall not at any time be glazed with clear glass without the prior written agreement of the Local Planning Authority.

Reasons for Conditions:

01

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

02

In order to promote sustainable transport choices.

03

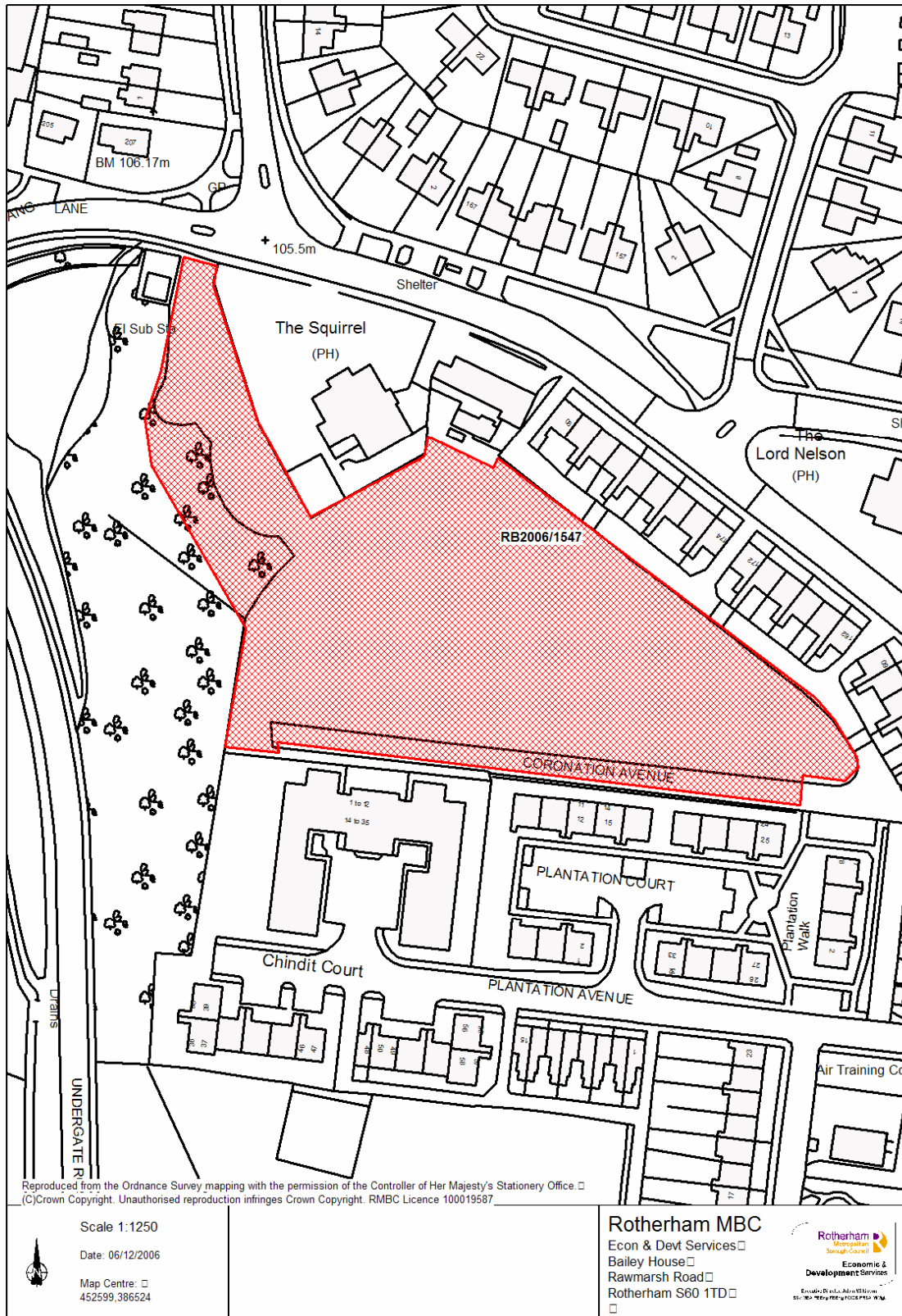
[PR39] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

04

[PR40] To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

05

[PR93] In the interests of the amenities of the occupiers of adjoining properties.



NOTES FOR RB2006/1547

Background

An outline application for the erection of an aged persons residential care home and ancillary accommodation (application under regulations 3 & 9A of the Town & Country Planning General Regulations 1992) was granted conditionally on this site in December 2005 (RB2005/2136)

UDP Allocation and Policies

The application site is located within an area allocated for residential within the Rotherham Unitary Development Plan which was adopted in 1999. A small part of the application site is allocated as Urban Greenspace. Policy ENV3.1 of the Rotherham Unitary Development Plan is applicable to this application, as well as ENV5.1: Allocated Greenspace. Planning Policy Guidance Note 3: Housing (PPG3) and Planning Policy Guidance Note 13: Transport (PPG13) are also applicable to this proposal.

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"

Policy ENV5.1 "Allocated Urban Greenspace" states "development that results in the loss of Urban Greenspace as identified on the Proposals Map will only be permitted if:

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

Site Description

The application site is a fairly level piece of land which is currently grassed, located within a predominantly residential area. To the north is the Squirrel Public House and terraced houses facing onto Laughton Road. To the south are blocks of two storey flats which are a development of sheltered housing. To the west are dense trees which screen the application site from Undergate Road.

Proposals

This is a reserved matters application for details of the erection of a residential care home reserved under the outline permission (RB2005/2136). The building has 60 beds for high dependency users who benefit from 24 hour care. As the principle of the development has been established, the applicant now seeks approval of all reserved matters, including siting, design, external appearance, means of access and landscaping. It was concluded under the outline permission that whilst the site was Greenfield and on land partly allocated as Urban Greenspace, the applicant addressed the relevant criteria set out in Paragraph 31 of Planning Policy Guidance Note 3: Housing with regards to the potential and suitability of the site to be developed.

Supporting information submitted with the application advises that the scheme will be the major site serving the south of the borough in terms of care for the elderly. The scale of the provision is such that a building of more than domestic scale is needed to fulfil the requirements of Social Services to provide the standard of care required. However, the brief for the building included the requirements that the project be welcoming, approachable and non-institutional in character, providing an attractive and homely environment for residents and be interesting and innovative in appearance to enhance the local community's identity and contribute to the creation of a sense of place.

The design of the building is such that it has four wings, designed as pavilions for the residential accommodation, each with accommodation on two floors arranged around a central lounge. The aim of this is to create a homely environment avoiding rooms located off long institutional type corridors. The central/gallery space of each of the pavilions incorporates a natural ventilation system which promotes the sustainable running of the building. The external materials are to be brick, timber and render with climbing plants to be grown up the timber wall cladding and balconies. The proposal also incorporates a green roof. The appearance of the development will be further softened by planting in the grounds.

An original proposal to erect a small wind turbine at the site to serve the development has been removed from the proposals due to concerns over its impact on adjoining residents.

The proposed development falls within the description contained at Paragraph 10 (b) (Urban Development project) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 1999 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the area of the development exceeds 0.5 hectare. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

Publicity

The application was advertised by press advertisement, site notice and letters were sent to adjacent neighbouring properties. No comments or representations have been received.

Consultations

The Council's Transportation Unit have commented on the application and have no objections to the proposals subject to a Stopping Up Order regarding the remainder of Coronation Avenue and for on site car parking/cycle parking to be in accordance with the Council's Standards.

The Mains Drainage section have stated that the area is known to have land drainage systems present and have no objections to the proposal subject to conditions.

Trees and Woodlands have no objections to the proposals subject to suitable replacement planting.

Environmental Health were consulted on the application and have recommended conditions regarding noise attenuation during the construction phase.

Appraisal

The important issues to be considered in the assessment of this application are the design, external appearance and siting of the building, the means of access, the landscaping of the site, and the impact on the Urban Greenspace.

Urban Greenspace

The application site boundary was amended under the outline application to omit land adjacent to Undergate Road which is covered by dense trees. The siting of the care home to the north of Coronation Avenue allows for the retention of the planting adjacent to Undergate Road. The built form of the care home is to the north of the Sheltered Accommodation on Plantation Court, and to the south of the properties on Laughton Road. The entrance to the care home is off Coronation Avenue with the car parking adjacent to the entrance off Coronation Avenue.

Although part of the building and the car park is sited on the land allocated for Urban Greenspace, suitable alternative provision will be provided within the land edged in blue on the submitted plans adjacent to Undergate Road and allocated for residential purposes, which is land within their ownership but not within the application site. As such, as part of the land adjacent to Undergate Lane will be used as a substitution for the allocated Urban Greenspace, the proposal is considered to be in compliance with Policy ENV5.1: Allocated Urban Greenspace relating to the alternative provision of such land.

Siting, Design and External Appearance

The external appearance of the building is of a contemporary design and will appear in contrast to the character of the area which comprises a variety of ages of housing, all conforming to a more traditional design and layout. In addition, the scale of the building, with two storey accommodation with central towers rising to a maximum of 8.6 metres high, and its massing will appear in contrast to the domestic scale of the residential properties located adjacent the boundaries of the site to the north on Laughton Road and to the south on Plantation Court.

It is considered that the size of the site in relation to the scale of building proposed is such that the building will be seen as a stand alone development set in its own landscaped grounds. Although in contrast to surrounding residential properties, with a larger scale and massing and being contemporary in design, due to the visual quality of the scheme, it is considered that the proposals meet the requirements of the brief to enhance the sense of place for the local community. It is therefore considered that the building will enhance the appearance of the area rather than detract from it. As such it is considered that the proposal complies with the guidance as set out in Policy ENV3.1 of the Rotherham Unitary Development Plan.

With regards to the siting of the Care Home, there are four rooms on the annexe to the rear of the houses on Laughton Road which are approximately 17 – 19 metres from these dwellings. Whilst the Council's guidelines set out a distance of 20 metres between principal elevations in order to protect residential amenity, the ground floor can be screened with the aid of sufficient boundary treatment. The two rooms on the first floor have been re-designed in such a way that the principal windows are to be obscure glazed with clear glazed side windows facing away from the rear of the houses on Laughton Road, with non accessible balconies. As such it is considered that the proposals would not result in a loss of privacy and therefore harm to the residential amenity of the properties on Laughton Road and the proposal is therefore considered to be acceptable in this instance.

The distance between the front elevation of the central single storey building and the rear of the residential units on Plantation Court is approximately 14 metres. Whilst this is less than the recommended 20 metres, as the use of the rooms to the front of the Care Home including a Therapy room, Activity rooms, and Meeting rooms, are not considered to be habitable rooms in continuous use, and this part of the building is single storey only, it is considered that the reduced distance would not be significantly detrimental to the residential amenity of the occupiers of the dwellings on Plantation Avenue.

Means of Access

With regards to the means of access to the site, the Transportation Unit have stated that the proposals are acceptable, and have no objections to the proposals subject to a Stopping Up Order regarding the remainder of Coronation Avenue and for on site car parking/cycle parking to be in accordance with the Council's Standards. There are 20 parking spaces proposed close to the entrance to the building with a further 2 disabled spaces to the front of the building. The Council's Standards for this type of proposal would include 1 space per 4 beds and an additional 5% for disabled which equates to approximately 16 spaces. Given that the home will be used by a number of staff also, it is considered that the proposed number of spaces would be acceptable. There are no cycle parking racks proposed, although it is considered that at least 2 should be provided in order that sustainable modes of transport are offered for the staff and it is recommended that this be a condition of any approval.

Landscaping

With regards to the landscaping of the site, the Agent's have provided a plan illustrating the hard and soft landscaping for the site including focal points, amenity areas and planting. A significant amount of tree planting is proposed at the entrance to integrate and soften the access road and car park provision. Any loss of existing trees and hedges will be replaced with appropriate species. As such it is considered that the landscaping scheme as submitted is acceptable.

Given the details set out above, it is considered that the proposed residential care home is in accordance with the aims of the Council's Unitary Development Plan Policies and Guidance and the relevant Government Guidance and as such is recommended for approval with conditions.

RB2006/1688

Details of the erection of a sports centre including swimming pools, sports hall, squash courts, climbing centre and fitness suite (reserved by outline RB2003/0862) at St Ann's Development Site, Effingham Street, Northfield for D.C. Leisure Management Ltd.

RECOMMENDED: GRANTED CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO APPROVE RESERVED MATTERS

The Local Planning Authority has decided to approve the reserved matters:

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

Policies

Policy CR1 'Community and Social Provision'

Policy ENV3.2 'Minimising the impact of development'

Policy T6 'Location and Layout of Development'

Government Guidance

'Secured by Design' – Provides guidance for developers and Planning Authorities on best practice in terms of producing attractive and well managed environments.

2. For the following reasons:

The principle of the development on this site for the erection of a public swimming pool and fitness suite was established by the granting of the outline permission for the development in October 2003 (Ref No. RB2003/0862).

The design and shape of the new building is a reflection of its function, the rock shaped climbing area, the flume within the leisure pool and the large areas of glazing being key features. The climbing centre feature will introduce an attractive focal point to the site, whilst the flume will provide a message which emphasizes the functions of leisure and activity to the public.

The site is well located to benefit from sustainable modes of travel. The 175 car parking spaces, whilst over and above the Council's Maximum Parking Standards by some 35 spaces, complies with government guidance in PPG13 'Transport' for this type of leisure facility.

After taking into account the applicant's comments in respect of the proposal fulfilling a wider role as a strategic location for Rotherham and its hinterland and that it will provide a diverse range of attractions over and above those provided at the other leisure facilities in the Borough, it is considered that the development is acceptable in highway and sustainability terms.

With regard to landscaping the revised layout shows the retention of the majority of trees on the site and some additional planting in the area of the 'Urban Park'. This is welcomed, and will soften the impact of the development and further improve the setting of the building.

It is considered that the submitted reserved matters will have no adverse effect on the amenities of adjoining occupiers or the visual amenities of the area by way of their scale, design, massing and appearance and will make a positive contribution to the environment. It is further considered that the proposed additional quantity and quality of community facilities will help cater for the recreational fitness, health and social needs of the community in accordance with Policy CR1 'Community and Social Provision'

3. The forgoing statement is a summary of the main considerations leading to the decision to approve reserved matters. More detailed information may be obtained from the Planning Officer's Report and the application case file and associated documents.

Conditions Imposed:

01

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

02

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

03

[PC17*] Before the development is brought into use the sight lines indicated on the approved 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.

04

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

05

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

06

The proposed vehicular access/egress at Grafton Way shall be gated and utilised on an occasional basis only by vehicles servicing the premises.

07

The premises shall not be brought into use until signs directing pedestrians between the site and Rotherham Town Centre have been erected in locations which shall have been agreed in writing with the Local Planning Authority. The approved signs shall be erected within one month of the development being brought into use.

08

Before the development is brought into use details of a scheme for low level lighting to all internal pedestrian links shall be submitted to and approved by the Local Planning

Authority. The lighting shall be provided in accordance with any subsequent approved scheme.

09

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

10

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

11

[PC40*] No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

12

[PC41] All tree works shall be carried out in accordance with B.S.3998: 1989. The schedule of all tree works shall be approved by the Local Planning Authority before any work commences and no tree work shall commence until the applicant or his contractor has given at least seven days notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

Reasons for Conditions:

01

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

02

[PR24B] To ensure that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

03

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

04

[PR21] In the interests of road safety.

05

[PR27] To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

06

In the interests of road safety.

07

[PR95] In order to promote sustainable transport choices.

08

In the interests of security and pedestrian safety

09

[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'.

10

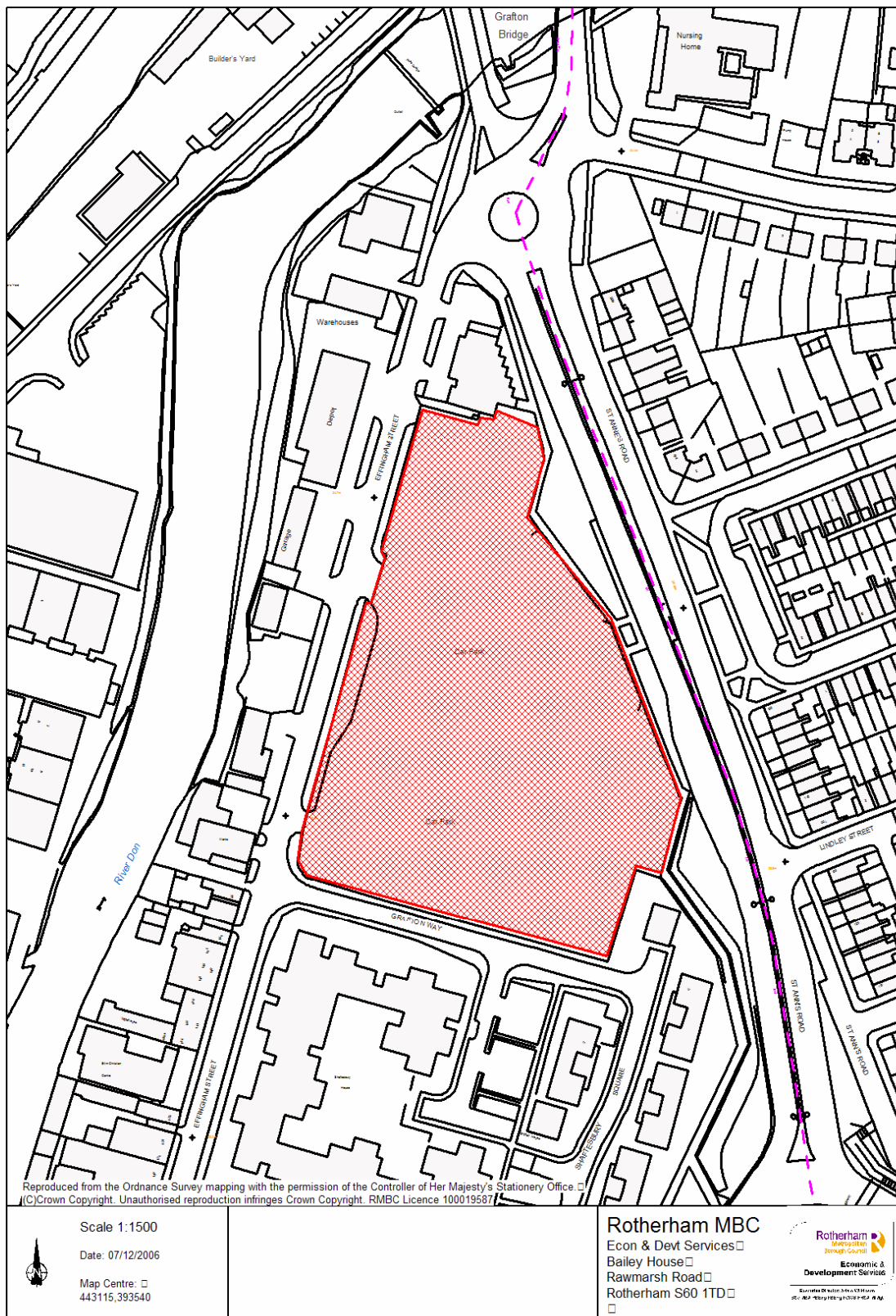
[PR38] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

11

[PR40] To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

12

[PR41] To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.



Notes for RB2006/1688

Background

Outline planning permission for a public swimming pool, fitness suite and ancillary facilities, with associated parking, was granted conditionally in October 2003 (RB20003/0862).

The indoor sports facilities regeneration programme aims to replace the present network of ageing, unplanned, run-down sports facilities with a strategically planned and sustainable network of modern sports facilities. By the end of 2009 the Council aims to have closed its full network of eight swimming pools and replaced them with four new strategically sited pools which meet 21st century needs and are fully accessible to all sections of the community. On all four sites fitness facilities will be provided, on three of the sites dry sports halls are also to be provided, on the fourth site a dry sports hall has already been provided under the schools PFI project.

The programme will replace the major 1970s Dry Sports Centre at Herringthorpe with a new Dry Sports Centre at St Ann's on the same site as the new town centre pool to compliment new wet and dry sports facilities strategically located at Aston, Maltby and Wath. This new streamlined network will be under single management and will be sustainable within existing budgets.

A screening opinion was carried out to determine whether an Environmental Statement should accompany the application. The proposed development falls within the description contained in paragraph 10 (b) of the 1999 Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares. However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Statement was not required to accompany the application.

The planning system has recently undergone a number of changes that were introduced by the new Planning and Compulsory Purchase Act 2004. The main changes involve the way in which the community should be able to have more meaningful involvement in planning. The development control process is required to further encourage the public to get involved in the decision making process by the requirement for the applicants of certain major applications, such as those that may give rise to local controversy, those that are in sensitive locations or those of significant scale, to submit a Statement of Community Involvement. This indicates what consultations have taken place with the public prior to the formal application being submitted.

This planning application includes a Statement of Community Involvement, and is discussed in the main report and appraisal.

UDP Allocation and Policies

The site is allocated partly as a mixed use area (MU24) and partly for residential purposes on the Rotherham Unitary Development Plan.

Policies

Policy CR1 'Community and Social Provision'.

Policy T6 'Location and layout of development'.

Policy ENV3.2 'Minimising the impact of development' states that the Council will seek to minimise any adverse impact on the environment.

National Guidance

'Secured by Design' – Provides guidance for developers and Planning Authorities on best practice in terms of producing attractive and well managed environments.

PPG13 'Transport'.

Site Description

A flat open site, used as a public car park, but not formally laid out and surfaced. The site, triangular in shape, is bounded by Effingham Street, St Anne's Road and Grafton Way.

Opposite the site to the east on St Anne's Road are dwelling houses, to the west on Effingham Street are commercial premises, there is sheltered housing to the south, whilst the former Comedian Public House (now a mobility centre) lies to the north.

There are 24 main trees on the site together with several groups of low amenity self set trees and regrowth from stumps of previously cut trees.

Proposals

A reserved matters application, including the details of the siting, design, external appearance, the means of access and landscaping, for the erection of a sports centre, including swimming pools, a sports hall, squash courts, climbing centre and fitness suite.

The development comprises the following:

Ground floor:

- (i) Five lane 25m swimming pool, a smaller learner/leisure pool and a 70m flume.*
- (ii) A spectator area/parents viewing platform.*
- (iii) Sports hall providing 4 No. squash courts.*
- (iv) Changing Village (changing and toilet facilities includes group change).*
- (v) Entrance foyer and café.*
- (vi) Six No. sports courts*
- (vii) Climbing centre.*

First floor:

- (i) Fitness suite.*

- (ii) Dance studio.
- (iii) Changing and toilet facilities.

The landscape proposals include the provision of an 'Urban Park', this to be located in front of the entrance area.

The building will be located on the south side of the triangular shaped site, towards existing groups of buildings to the south of the site (sheltered housing scheme).

The proposal is of a two storey design with a mixture of sloping, curved and flat roofs at varying heights. The building is to be constructed out of mainly a mixture of glazing and metal panels (samples to be approved before works commence). A graphic/artwork is proposed on the western elevation (facing Effingham Street).

A key feature of the design is a Climbing Centre to the entrance, with a climbing structure to be placed in a 15 metre semi-transparent cone which is to be lit up in the evenings. Café areas are to be located in the public part of the foyer and overlooks the urban park. The cafe also includes views into the pool area.

Disabled access to the first floor is via an elevator from the ground floor reception area. The proposal provided disable changing areas and the centre will comply with the Disability Discrimination Act.

A flume within the leisure pool area and its tower, connected by a curved frontage, will provide a further design feature. The building includes different roof forms and large areas of transparency, this offered by glazed areas into the main leisure pool area.

Main elements to the design and specification of the building include:

- *Enhanced insulation in accordance with Part L of the Building Regulations.*
- *Energy conservation is in the form of heater exchangers on exhausted air, typically this achieves 80 to 85% efficiency.*
- *Access to full DDA standards.*
- *Building will meet the enhanced Part L design (which is actually challenging for Leisure buildings and will incorporate heat exchangers on the ventilation which typically has a 85% to 95% heat recovery (depends on variable conditions). Also UV water treatment reduces chlorine requirements.*

The revised proposal provides a revised total of 175 car parking spaces within the site boundary, nine of which are dedicated for wheelchair users close to the main entrance to the building. A bicycle area/shed is also proposed, for some 30 cycles, again located close to the entrance for convenience. The car parking area will be secure, controlled by barriers at all points of access.

A car parking need statement has been submitted by the applicant's agent.

The statement highlights the following:

- *that the proposal will fulfil a wider role as a strategic location for Rotherham and its hinterland between the M1 and M18.*

- the additional mix of facilities to be provided will ensure it has a diverse range of attractions in excess of those provided at the other leisure facilities in the Borough.
- the proposal will attract families and individual enthusiasts from a much wider catchment to this prestigious town centre attraction.
- the range of leisure and specialist facilities will help to maintain the vitality and viability of the town centre.
- that the company believe that it is essential for the parking in order to attract and retain its future customers.

A Design and Access statement, Statement of Community Involvement, and a Community Use Agreement, have been submitted as part of the planning application.

The Statement of Community involvement highlighted that both building and site plans from two bidders (DC Leisure Management and Leisure Connection Ltd) were placed on display for two weeks in January 2006 on two sites, the Art Gallery in Rotherham and the Wesley Centre in Maltby.

Around 900 visited the Art Gallery during this consultation period, whilst 200 people visited the Wesley Centre. 40 consultation responses were received and analysed. One of the days at the Art Gallery was staffed in order to be able to answer questions from visiting members of the public.

Publicity

The application has been advertised in the press, on site and by letter to adjacent residents.

No representations have been received.

Consultations

The Transportation Unit : The parking provision now proposed (175 No. spaces) is over and above the Council's Maximum Parking Standard for a D2 use of the scale intended (140 spaces). However, I note the applicant's statement that this facility is intended to "...fulfil a wider role as a strategic location for Rotherham and its hinterland...". Furthermore, I would point out that the level of parking proposed accords with P.P.G.13 'Transport' guidelines. Accordingly, I consider the development to be acceptable in highway and sustainability terms subject to a number of planning conditions being imposed.

Trees and Woodland (Arboriculturist Landscape Group) – The deletion of a number of parking spaces will result in the retention of a number of the mature Lime trees on site, concern initially highlighted in respect of their possible loss.

A number of conditions in respect of protective fencing, surface treatment to the urban park and details of the construction of the footpath link from Effingham Street are recommended.

Sport England : Supports the proposal subject to the imposition of conditions to address a community use agreement. On this basis, they raise no objection to the proposals.

The Head of Environmental Health Service: Requests a number of conditions in respect construction activities.

Yorkshire Water: Highlight that part of the Urban Park will be sited over a 450mm sewer and request further drainage details.

The Access Officer has no objections to the proposals.

South Yorkshire Police – Request that they are involved at a later date in the approval by condition of final boundary treatment and any low level lighting proposals.

Appraisal

The principle of the development on this site for the erection of a public swimming pool and fitness suite was established by the granting of the outline planning permission in October 2003 (Ref No. RB2003/0862).

Consequently the main issues in relation to this reserved matters application are:

- (i) The scale, form and design of the building in relation to the impact on the street scene and the effect on the amenities of adjoining occupiers.*
- (ii) The highway implications of the development (including parking provision and access).*
- (iii) The impact of the proposal on the existing trees on the site.*

(i) The scale and design of the development

The new leisure building will be positioned on the south side of the site, towards the existing groups of buildings to the south of the site. This has enabled the creation of an open front to the north, which will welcome and attract visitors who approach the town centre.

The design and shape of the new building is a reflection of its function, the rock shaped climbing area, the flume within the leisure pool and the large areas of glazing being key features. The climbing centre feature will introduce an attractive focal point to the site, whilst the flume will provide a message which emphasizes the functions of leisure and activity to the public.

The proposed 'urban park' underlines the importance of the location and the public function of the building, and this is welcomed. The revised elevational treatment, in particular the artwork/graphic proposed on the western elevation, will provide an improved street scene to Effingham Street to the benefit of the visual amenities of the area.

The retention of the Lime trees, as a result of the deletion of a number of car parking spaces, will also soften the visual impact of the new building and will give a mature frontage to the main public elevations.

With regard to the above design elements, this new leisure building will in my opinion be able to satisfactorily co-exist with the adjacent landscape and building forms without any damaging impact on the visual amenities of the area.

As such, and having regard to its modern design and specification, the building is considered to be of an appropriate form and scale for this town centre site. The introduction of energy conservation measures and the internal access arrangements for all end users welcomed.

Turning to issues of 'Secured by design', I can confirm that design features of the new building and associated outside urban park have addressed issues of crime prevention and the need to produce attractive and well managed environments.

However, a recommended planning condition to introduce low level external lighting is proposed, along with improved boundary treatment. The final details of these key design elements will be considered and approved in consultation with South Yorkshire Police and their architectural liaison officer.

With regard to Yorkshire Water's concern in respect of the site containing a public sewer, it should be noted that this will not be in the area on which the building is to be erected, and is in an area of car parking close to the Urban Park. Consequently, there is no objection to the scheme on grounds of maintaining access to this sewer.

Having regard for all of the above, it is considered that the design of the building is of a high modern standard and will have no detrimental impact on the visual amenities of the area and will thereby be in accordance with Policy ENV 3.1 'Development and the Environment'.

(ii) The impact on the highway network (including parking provision and access):

The site is well located to benefit from sustainable modes of travel. The 175 car parking spaces, and whilst over and above the Council's Maximum Parking Standards by some 35 spaces, complies with government guidance in PPG13 'Transport' for this type of leisure facility.

With this in mind, and after taking into account the applicant's comments in respect of the proposal fulfilling a wider role as a strategic location for Rotherham and its hinterland and that it will provide a diverse range of attractions in excess of those provided at the other leisure facilities in the Borough, I consider that the development is acceptable in highway and sustainability terms. However a number of highway related conditions are proposed.

In the above circumstances, it is considered that the site is within a sustainable location and that the reserved matters in respect of highway related issues are acceptable in principle and is in accordance with UDP Policy T6 'Location and Layout of Development' and the objectives of PPG13 'Transport'.

(iv) Landscaping and tree impact.

With regard to landscaping the revised proposal now includes the retention of the best of the existing trees on the site, the retention of a number of mature Lime trees particularly important in the interests of visual amenity. Collectively these trees provide valuable and important amenity to the area and they will soften the visual impact of the building and provide a mature frontage to the main public areas (Effingham Street and St Anne's Road).

Accordingly, it is considered that the proposal is in accordance with Policy ENV3.2 'Minimising the Impact of Development'.

In conclusion, I am satisfied that the proposal in terms of the reserved matters submitted complies fully with UDP policies CR1 'Community and Social Provision', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and T6 'Location and Layout of Development'

I therefore recommend that the reserved matters be approved subject to the safeguard of the recommended conditions, as well as all outstanding conditions on the earlier outline permission.

RB2006/1824

Erection of 6no. B1 (Business)/B8 (Storage & Distribution) workshop units without compliance with condition 6 (Rother Crescent to be widened prior to commencement of development) imposed by RB2005/1950 at Rotherham Enterprise Agency, Rother Crescent, Treeton for Rotherham Chamber of Commerce Ltd.

RECOMMENDED: GRANTED CONDITIONALLY

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 all relevant guidance, as set out below, and all relevant material planning considerations:

- (i) ENV 3.7 Control of Pollution.
- (ii) EC4.3 Small Businesses.

2. For the following reasons:

It is considered that the variation of condition in this instance will result in a reduction in future disruption and pollution, by way of repetitive engineering works, and will thereby be in accordance with ENV 3.7 Control of Pollution, and will assist in the provision of small business units in accordance with Policy EC3.4 Small Businesses.

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 Officer's report and the application case file and associated documents.

Conditions Imposed:

01

[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.

02

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

03

The use hereby permitted shall only be open to staff or for deliveries between the hours of 0800 and 1800 Mondays to Saturdays and not at all on Sundays/Bank Holidays.

04

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. Particular attention shall be paid to the boundary of the site with 28 Rother Crescent.

05

[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.

06

Before the development is first brought into use, Rother Crescent shall be widened as indicated on plan reference 081/1/01/1/TT1 and shall have a tarmac surfaced carriageway.

07

Notwithstanding the submitted details, the existing private access drive shall be increased in width to 4.8 metres between the end of Rother Crescent and the site entrance before the development is brought into use.

08

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

09

[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.

10

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

11

Before the development is brought into use a turning facility suitable for delivery vehicles shall be provided within the site, details of which shall be submitted to and agreed by the Local Planning Authority.

12

Before the development is brought into use, short and long stay cycle parking facilities shall be provided on site in accordance with the Council's Cycle Parking guidelines.

13

[PC95] 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.

14

All construction work on site shall be carried out between 0915 and 1730 hours Monday to Friday and 0800 and 1200 hours on Saturdays and no construction work shall be carried out on Sundays or Bank Holidays.

Reasons for Conditions:

01

[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'.

02

[PR12] To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

03

In the interests of the amenities of the occupiers of neighbouring properties and in accordance with Policy ENV3.7 Control Of Pollution.

04

[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'.

05

[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'.

06

In the interests of highway safety.

07

In the interests of highway safety.

08

[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.

09

[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.

10

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

11

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

12

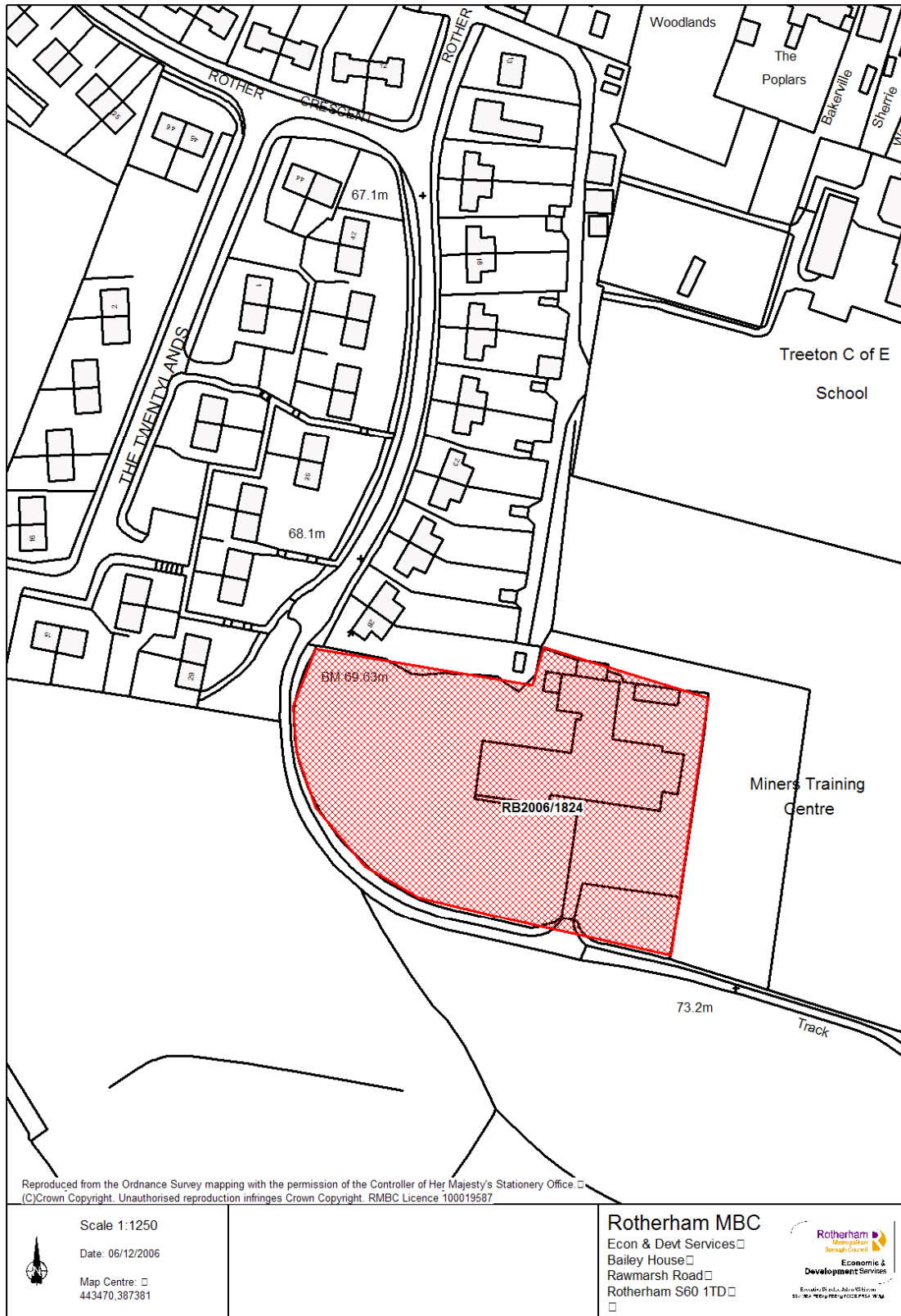
In order to promote sustainable transport choices.

13

[PR95] In order to promote sustainable transport choices.

14

In the interests of pedestrian safety and residential amenity and in accordance with UDP Policy ENV3.7 Control of Pollution.



Notes for RB2006/1824

Background

The site has been the subject of one previous application for the erection of six light industrial/storage units (B1/B8) each with a floor area of approximately 95 sq m. Permission was granted subject to a number of conditions, one to ensure the widening of Rother Crescent, before the development is commenced on site. This application is for variation of that condition.

Development Plan Allocation and Policy

The site is allocated Residential on the adopted Unitary Development Plan. Relevant policies in respect of the application to vary the condition are:

Policy EC3.4 Small Businesses

“The Council will support the expansion of small firms and the development of new enterprises including community businesses particularly by:

- (i) assisting the provision of small sites and managed workspace and permitting the conversion of suitable buildings, and*
- (ii) permitting the conversion of rural buildings for business use, to facilitate the diversification of the Borough’s rural economy.*

In both cases, 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.”

Policy ENV3.7 Control of Pollution

“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:

- (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place, or*
- (ii) would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects arising from existing industries, utility installations, major communication routes or other major sources.*

The Council will employ all its available powers and where appropriate will co-operate with and support other agencies, to seek a reduction in existing levels of pollution within the Borough in terms of air, water, noise, light, waste, litter and graffiti. Where concerns arise, the Council will in appropriate cases monitor or require the monitoring of levels of

pollution within the Borough in terms of air, water, noise, light, waste, litter and graffiti, in furtherance of this Policy objective.”

Site Description

The development site is located adjacent 28 Rother Crescent at the end of the street. To the south is open Green Belt land, whilst to the east is the former Miners training centre, which is currently used for business use. Planning permission for an Autism care centre was granted recently on land to the south west. That permission was also subject to a condition for improvements to Rother Crescent before the development is commenced on site.

Proposals

This application is for variation of condition 6 attached to the planning permission which requires highway improvements in Rother Crescent before the development is commenced on site.

The applicants have submitted a letter in support indicating that for financial reasons, the development has to be completed by April 2007. The road is to be jointly financed by the applicants and Autism Care, who, according to the Rotherham Chamber will have the road works completed by the end of this year. In the meantime the applicants wish to commence some site clearance and the foundation works, prior to the completion of the road. In this respect the applicants anticipate vehicles at the site will be 1 JCB and 1 Drott, with not more than 4 movements per day. All spoil will be re-used within the site.

The applicants have also indicated that if they construct the road immediately, it will have to be re-excavated for Autism care to install their services, leading to unnecessary and repetitive work and an associated increase in costs and disruption.

Publicity

The application was advertised on site, and nearby residents notified.

One letter of objection has been received. Points raised are:

- (i) Number of large lorries, already serving the existing development on site, causing traffic problems.*
- (ii) Rother Crescent not wide enough.*
- (iii) Lorries serving the site coincide with time when road is busy with other traffic.*
- (iv) Conflict between parked cars and lorries.*
- (v) Unacceptable precedent.*

The objector wishes to speak at the meeting.

Consultations

Transportation Unit:

No objections to the proposal.

Head of Environmental Health:

No objections subject to conditions.

Treeton Parish Council:

Remains of the opinion that the improvements to Rother Crescent should be completed before development is allowed to start.

Appraisal

The application is for the erection of six B1/B8 (light industrial/storage) units without compliance with a condition for road improvements to be carried out before development commences on site.

The applicants have indicated that the proposed variation is to enable work to progress on site in accordance with the time schedules of their financial commitments and to prevent any repetitive work with associated increase in costs and adverse effect on residential amenity.

In determining this application I consider the main issues to be, the effect on residential amenity, highway safety, and the bringing forward of much needed starter industrial units in the Borough.

- (i) Residential amenity: In this respect if the applicants construct the highway to the approved adoptable standard before work commences on site, when Autism Care carry out their development, the highway will need to be re-excavated to install their services. I consider that such an event would result in additional disruption to the detriment of residential amenity.*
- (ii) Highway Safety: Improvements to Rother Cescent will no doubt have a positive effect on highway safety, however given the limited additional traffic movements indicated, for a short period of time, I consider that there will be no materially adverse effect on highway safety. The Transportation Unit concurs with this view.*
- (iii) Regard to the benefits of the development: The proposed development will provide local job opportunities and help make Treeton a more sustainable settlement. I consider that the delay and additional expenditure which would result from repetitive works within the access road would have a negative effect on the timing and provision of the units.*

I am therefore of the opinion that the proposed variation of the condition will reduce the adverse effect on residential amenity by way of repetitive infrastructure provision, will have no materially adverse effect on highway safety and will enable the bringing forward of sustainable jobs in Treeton. I have considered the objection raised by the local resident but consider that the advantages outweigh the issues raised in this instance.

Having regard for all the above I would recommend that permission be granted to vary the Condition.

RB2006/1836

Demolition of bungalow and erection of a two storey office building (A2 Financial and Professional Services) at land at Cross Street, Bramley for Habbin Builders.

RECOMMENDED: GRANTED CONDITIONALLY

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 all relevant Guidance, as set out below, along with all other relevant material planning considerations:

Policies

- (i) Policy RET1 'Town Centres'
- (ii) Policy T6 'Location and Layout of Development'
- (iii) ENV3.1 'Development and the Environment'.

Government Guidance

PPS6 'Planning for Town Centres'.

2. For the following reasons:

The site of application is allocated for retail purposes (Town Centre) on the adopted Unitary Development Plan. The proposed use of the building for A2 use, having regard to the acceptable uses for Town Centres highlighted in Policy RET1 'Town Centre' and PPS6, is consequently acceptable in principle, and there are no objections on land use grounds to the proposal.

Having regard to the lower ground levels of the application site to Cross Street, the retention of the stone boundary wall and the revised lower roof pitch/design, the proposal is considered not to have any adverse effect on the street scene in this part of Cross Street. Additionally the building is well designed, the fully glazed full height central entrance and the revised window design key elements to the front elevation.

Accordingly, and subject to the use of appropriate materials, it is considered that the building will not have an adverse impact on the street scene or on the visual amenities of the area and will satisfactorily co-exist with the building form in the immediate area.

In terms of the effect on residential amenity, and having regard to the distance of approximately 40 metres between the main elevation of the residential properties in Cross Street and the new building, it is considered that no loss of amenity from overlooking or privacy loss will result.

Turning to the highway issues highlighted by local residents, and having taken into account the views of the Transportation Unit, there are no objections from a highway context to this office development

Taking all matters into account, it is considered that this proposed two storey office building is in accordance with the advocated guidance for proposals of this nature in both the UDP and in National Planning Guidance in terms of the aims and objective of promoting a range of services in a good town centre environment and to promote sustainable transport choices.

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 Officer's Report and the application case file and associated documents.

Conditions Imposed:

01

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

02

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

03

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

04

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

05

[PC95] 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.

06

Notwithstanding the submitted details, details of short and long term cycle parking facilities shall be submitted to and approved by the Local Planning Authority in accordance with the Council's Cycle Parking guidelines, and the approved details shall be implemented before the development is brought into use.

07

The stone boundary wall along the site frontage (Cross Street) shall be retained at a minimum height of 1.2m except where required for access purposes (including visibility splays) in accordance with the approved site layout drawing.

08

[PC38] Within the first available planting season after the commencement of the development, trees and/or shrubs shall be planted on the site in accordance with a scheme to be submitted to, and approved by, the Local Planning Authority. Such

scheme to provide for species, siting, planting distances, programme of planting and maintenance to establishment and any plants dying, removed or destroyed within five years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.

09

[PC19] The vehicular access drive shall not exceed a gradient of 5% (1 in 20) for the initial 2.5m measured from the highway boundary and 10% (1 in 10) thereafter.

Reasons for Conditions:

01

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

02

[PR17] To provide and maintain adequate visibility 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

[PR27] To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

05

[PR95] In order to promote sustainable transport choices.

06

[PR94] In order to promote sustainable transport choices.

07

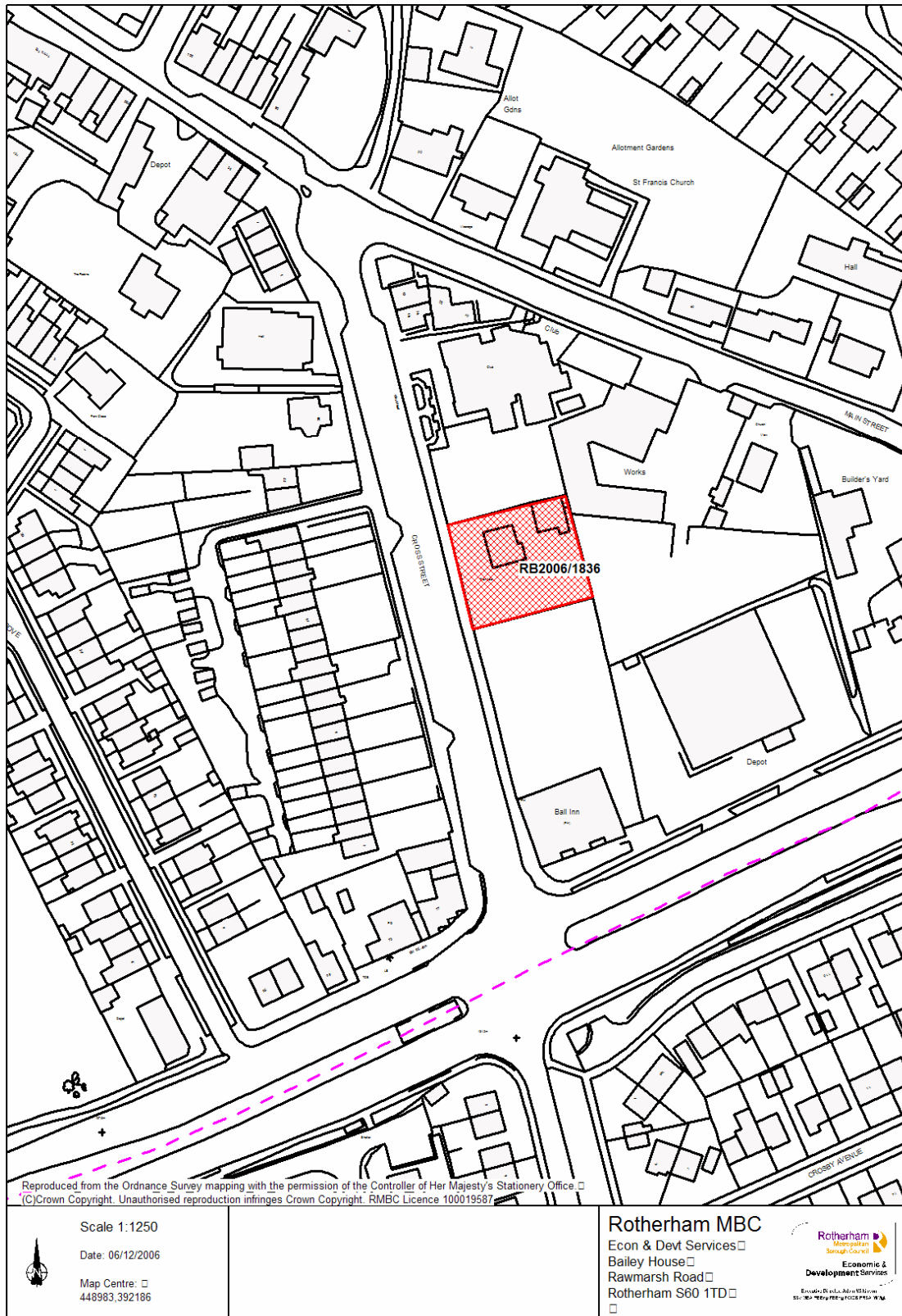
[PR66] In the interests of the visual amenities of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

08

[PR38] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

09

[PR19] In the interests of road safety.



NOTES FOR RB2006/1836

Background

There is no planning history for this site.

UDP Allocation and Policies

Policy RET1 'Town Centres' states that:

"The Council will sustain and enhance the vitality, viability and regeneration of defined town centres including those at Rotherham, Wath-upon-Deane, Swinton, Rawmarsh-Parkgate, Bramley-Wickersley, Maltby, Thurcroft, Aston-cum-Aughton, Dinnington and Wales-Kiveton Park, in order to optimise the scale and range of goods and services, residential, entertainment and leisure facilities, within an attractive, convenient and safe environment.

In defined town centres in the Borough, the following Use Classes will be acceptable, subject to the requirements of Policy RET1.2:

A1 Shops

A2 Financial and Professional Services

A3 Food and Drink

and, where they complement the retailing function of the centres:

B1 Business Uses

C1 Hotels and Hostels

C2 Residential Institutions

C3 Dwelling Houses (above ground floor level)

D1 Non-Residential Institutions

D2 Assembly and Leisure

Car Parks

Development proposals for uses not listed above, will be decided on their individual merits."

Policy T6 'Location and Layout of Development' states the following:

"In considering the location of new development, the Council will have regard to the increasing desirability of reducing travel demand by ensuring that:

- (i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure,*
- (ii) major trip generating land-uses, such as major employment, leisure, retail and high density residential developments, are located in close proximity to public transport interchanges and service corridors,*
- (iii) the development of sites which cause unacceptable traffic congestion on motorways, and local approach roads and trunk roads is avoided,*
- (iv) development patterns, where appropriate, provide opportunities for living close to places of work, and*
- (v) a range of services and facilities are available in villages and local centres*

with safe and convenient access for pedestrians, cyclists and people with disabilities.

In addition, the detailed layout of development should have regard to accessibility by private car, public transport, service vehicles, pedestrians and cyclists and people with disabilities.”

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 the architectural style, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, screening and landscaping, together with regard to the security of ultimate users and their property.

PPS6 ‘Planning for Town Centres’.

Site Description

The application site is the property boundary to ‘Thornfield’, a detached bungalow on Cross Street, Bramley. The site slopes gently from Cross Street to the eastern site boundary.

A stone boundary wall, approximately 2m in height, provides a secure boundary to Cross Street.

The site is bounded by a mixture of residential and commercial uses.

Proposals

This application is for the erection of a two storey office building for use within the A2 Use Class (Financial and Professional Services). The proposal includes the demolition of the residential bungalow on the site and the lowering of the stone boundary wall to 1.2 metres. The existing access would be widened to allow two way traffic and provide appropriate visibility.

Revised plans, submitted at my request, reduce the roof pitch to 30 degrees, incorporate alteration to the first floor window design and indicate visibility splays and the gradient to the access.

16 No, parking spaces are to be provided to the rear of the office building, two of which are for disabled users. The layout drawing also includes cycle parking provision and a bin store. The building is to be constructed of a red brick with a grey tiled roof. Four A2 office units are proposed, two on each floor.

A Design and Access statement was submitted with the application.

Publicity

The application was advertised by neighbour notification (original and revised scheme) and by way of a site notice. Twelve letters of objection have been received, two residents also requesting the Right to Speak at the Board meeting.

The main concerns can be summarised as follows:

- Not in keeping with the street scene.*
- Loss of privacy due the building's two storey form.*
- Additional traffic would be generated to the detriment of road safety.*

Bramley Parish Council have made some observations, and request that the materials to be used match with other buildings in the local area and that the stone boundary wall to the highway be retained.

A copy of each of the letters will be available in the Member's Room prior to the meeting.

Consultations

The Council's Transportation Unit have been consulted on this application and have no objections to the revised proposals. A number of conditions in respect of the access gradient, visibility spays, parking provision and a travel plan are recommended.

Appraisal

This is a full application for the redevelopment of this residential site with a two storey office building for A2 use (Financial and Professional Services).

The site of application is allocated for retail purposes (Town Centre) on the adopted Unitary Development Plan. The proposed use of the building for A2 use, having regard to the acceptable uses for Town Centres highlighted in Policy RET1 'Town Centre' and PPS6 , is consequently acceptable in principle, and there are no objections on land use grounds to the proposal.

I therefore consider the main issues in relation to this application are whether the design and scale of the building is acceptable in terms of the general street scene and the amenities of adjacent residents, and the impact of the proposal on the highway network.

(i) Design and Scale of the Building in terms of the street scene and residential amenity:

Whilst the site is currently occupied by a single storey bungalow, the majority of buildings in the vicinity are of a two storey form (6 to 20 Cross Street and the two public houses adjacent).

Consequently, I have no objections to the introduction of a two storey building on this particular site. Having regard to the lower ground levels of the application site to Cross Street, the retention of the stone boundary wall and the revised lower roof pitch/design, the proposal will in my opinion have no adverse effect on the street scene in this part of Cross Street.

Additionally the building is well designed, the fully glazed full height central entrance and the revised window design key elements to the front elevation.

Accordingly, and subject to the use of appropriate materials, it is considered that the building will not have an adverse impact on the street scene or on the visual amenities of the area and will satisfactorily co-exist with the building form in the immediate area.

The proposal, is therefore, in accordance with Policy ENV 3.1 'Development and the Environment'.

In terms of the effect on residential amenity, and having regard to the distance of approximately 40 metres between the main elevation of the residential properties in Cross Street and the new building, I have concluded that no loss of amenity from overlooking or privacy loss will result.

(ii) The impact on the local highway network:

UDP Policy T6 'Location and layout of development' highlights the need to promote accessibility, particularly for pedestrians and cyclists.

The proposed condition to request the submission of a travel plan and the introduction of short and long stay cycle parking facilities will assist in linking the site to a wide variety of services available in the town centre. This will clearly offer other alternative modes of transport to the private motor car.

Turning to the highway issues highlighted by local residents, and having taken into account the views of the Transportation Unit, I have no objections from a highway context to this office development and consider the adjacent highway network capable of accommodating the proposal.

However, I do consider it necessary to impose a number of conditions to address some minor outstanding highway issues.

Taking all matters into account I consider that this proposed two storey office building is in accordance with the advocated guidance for proposals of this nature in both the UDP and in National Planning Guidance in terms of the aims and objective of promoting a range of services in a good town centre environment and to promote sustainable transport choices.

Having regard for all the above I am of the opinion that the proposal is acceptable, and recommend that planning permission be granted subject to the safeguard of the above conditions.

RB2006/1935

Remediation of site to form development platform (application under Regulations 3 & 9A of the Town & Country Planning General Regulations 1992) at land at Stubbin Lane, Rawmarsh for RMBC (Adult Social Services).

RECOMMENDED: GRANTED CONDITIONALLY

STATEMENT OF THE REASONS FOR GRANTING 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.

UDP planning policies: UDP Policy ENV3.2: Minimising the Impact of Development, ENV3.7: Control of Pollution, ENV4: Environmental Improvement, ENV4.4 Contaminated Land. The advice within Planning Policy Statement 23: Planning and Pollution Control, Annex 2 Development on Land Affected by Contamination.

For the following reasons:

It is considered that subject to the safeguard of the recommended conditions, the proposal will have no significant short term impacts on the amenities of the area and will be beneficial in the longer term, due to the remediation proposed, which will allow the site to be developed for a community use.

The above 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 Officer's Report and the application case file and associated documents.

Conditions Imposed:

01

Unless otherwise agreed in writing by the local planning authority, the remediation works hereby approved shall be carried out strictly in accordance with the following documents forming part of the planning application:

Enabling works outline method statement.

Specification for grout treatment of old mine shaft

Specification for grout treatment of shallow mine workings

02

In the event that development works are unable to proceed in accordance with the above documents or underground tanks/obstructions are identified, or unexpectedly significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any revisions to the works programme shall be submitted to and approved in writing by the local planning authority. Works thereafter shall be carried out in accordance with the approved revised strategy.

03

Any hotspot refuse encountered during the works shall be removed from site to a suitably licensed waste disposal facility.

04

Areas where elevated levels of arsenic and cadmium are detected shall be capped with a 500mm layer of clean inert sub soil/top soil. All imported material to be used as a capping layer shall be tested at a rate of one sample per 250 cubic metres to ensure no chemical contamination is imported into the site. The results of the chemical analysis shall be submitted to and approved in writing by the local planning authority prior to the site being brought into use.

05

Following the completion of the remediation works hereby approved, the site shall not be brought into use until such time as all the validation data/chemical analysis results have been approved in writing by the local planning authority.

06

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsters, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the local planning authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

07

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

08

No works shall take place in furtherance of this permission until that part of the site shown on the approved plan which is to be used by vehicles has been properly laid out, surfaced, drained and sealed in a manner to be approved by the local planning authority. The land shall thereafter be retained for that purpose and suitably maintained for the duration of the development.

09

Any material stored on site shall be stockpiled no more than 3 metres high.

10

[PC40*] No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

11

[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.

Reasons for Conditions:

01

For the avoidance of doubt and to ensure satisfactory remediation, in accordance with UDP policy ENV4.4.

02

To ensure that the site shall be suitable for use and that identified contamination will not present significant environmental risks, in accordance with UDP policy ENV4.4.

03

To ensure that the site shall be suitable for use and that identified contamination will not present significant environmental risks, in accordance with UDP policy ENV4.4.

04

To ensure that the site shall be suitable for use and that identified contamination will not present significant environmental risks, in accordance with UDP policy ENV4.4.

05

To ensure that the site shall be suitable for use and that identified contamination will not present significant environmental risks, in accordance with UDP policy ENV4.4.

06

In the interests of local amenity, in accordance with UDP policy ENV3.2.

07

In the interests of local amenity, in accordance with UDP policy ENV3.2.

08

In the interests of local amenity, in accordance with UDP policy ENV3.2.

09

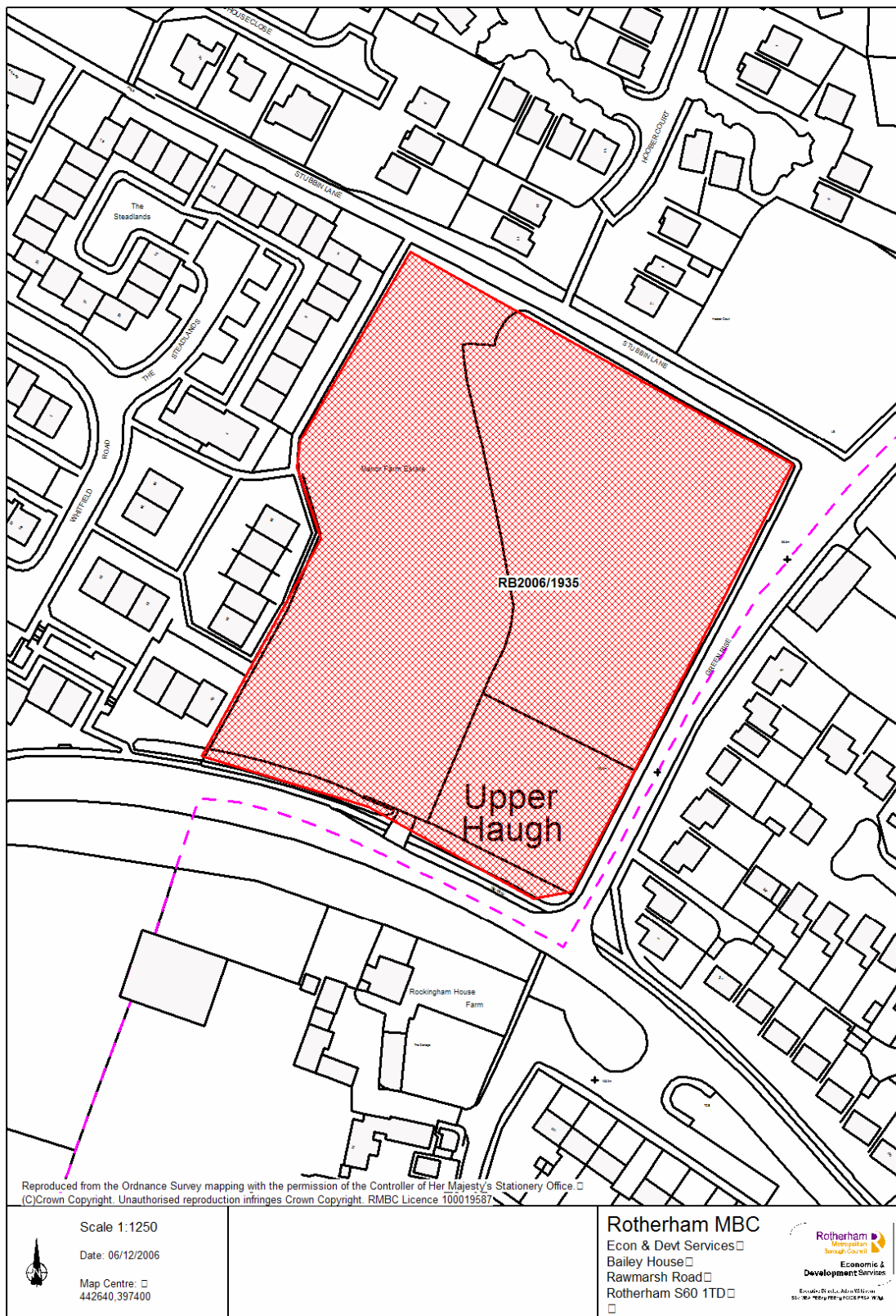
In the interests of local amenity, in accordance with UDP policy ENV3.2.

10

[PR40] To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

11

[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.



Notes for RB2006/1935

Background

RB2005/2137: Outline planning permission for an aged persons residential home. Granted conditionally 22/12/05.

UDP Allocation and Policies

The application site is allocated within a residential area in the Rotherham Unitary Development Plan (adopted June 1999).

Planning Policy Statement 23: Planning and Pollution Control Annex 2: Development of Land Affected by Contamination advises: that the standard of remediation to be achieved through the grant of planning permission for new development (including permission for land remediation activities) is the removal of unacceptable risk and making the site suitable for its new use, including the removal of existing pollutant linkages. All receptors relevant to the site should be protected to an appropriate standard. As a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land.

UDP Policy ENV3.2: Minimising the Impact of Development states: in considering proposals for development, the Council will seek to minimise adverse impact on the environment. ENV3.7: Control of Pollution states: the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development. ENV4: Environmental Improvement states: High priority will be given to reclamation and other environmental improvements. ENV4.4: Contaminated Land states: where land is contaminated by previous uses, the applicant should establish the extent of contamination and provided details of remediation measures which shall be required by conditions.

Site Description

The application site is a relatively level piece of land which is currently grassed over, with a number of trees and shrubs, including a group of mature trees to the boundary with Stubbin Lane. To the west of the site is sheltered housing. To the north and east are residential properties and to the north east is land allocated as urban green space.

Japanese knotweed has colonised the site. The area has recently been fenced off. The mine shaft is adjacent the north boundary (Stubbin Lane) of the site. Shallow mine workings have taken place across the site.

Proposal

The proposal is for remediation of the site in order to prepare it for development of a 60 bedroom care home. An accompanying application (reference RB2006/1936) for the development of the home has been submitted and is also included in this agenda for consideration.

The scope of the works proposed by the remediation application are:

- *Treatment of the Japanese knotweed infestation which includes the excavation of a pit in which to bury the plants adjacent properties on Whitfield Road.*
- *Site establishment works*
- *Site surface clearance works*
- *Grout treatment to disused mine shaft*
- *Grout treatment to shallow mine workings.*
- *Cut and fill works to provide a development platform.*

The works are timetabled to take 2-3 weeks for the treatment of the Japanese knotweed and 8-10 weeks for the enabling works. The hours of operation proposed are 8am-6pm Monday to Friday and 8am to 1pm Saturday.

Publicity

The application has been advertised in the local press and on site. Additionally, individual letters were sent to adjacent neighbouring properties.

Four letters have been received from neighbouring residents regarding the development of the site as a care home. One of these letters from a resident of Whitfield Road specifically refers to the remediation works proposed. The comments are summarised below:

- *The location of the borrow pit is to be put within a short distance of the boundary fence which is a short distance from the back doors of nos 34-38. Residents are senior in age and not in the best of health and need peace and quiet.*
- *An alternative location would be to site the borrow pit parallel with Hague Road or bury the viable Japanese Knotweed material beneath the proposed car park.*

Consultations

Transportation Unit:

Assuming that the works take 8-10 weeks as indicated by the applicant, no objections are raised subject to standard condition to prevent mud on road.

Environmental Health:

No objections to the proposals subject to conditions requiring:

- *Works to be carried out in accordance with the submitted documents*
- *Notification of the local planning authority of any unexpected structures or contamination*
- *Hot spot refuse to be removed from site to a suitably licensed waste disposal facility.*
- *Areas with elevated levels of arsenic and cadmium to be capped with clean inert soil.*
- *Suitable foundations to prevent chemical attack.*
- *Adherence to the gas protection measures*
- *Production of a validation report.*

Environment Agency:

No comments received.

Yorkshire Water:

No objections.

SYMAS:

The general method statement for carrying out the works complies with good working practices, however it is noted that the site should be monitored for fugitive gases during all site works and investigations, particularly deep excavations.

South Yorkshire Archaeology Society:

No comments received.

Minerals and Waste Officer:

Any impact on amenity to the local area will be limited by the short term nature of the remediation. Some dust/noise/vibration may occur by breaking up material and crushing it on site. It may be advisable for a bund to be temporarily formed to the rear of the bungalows to reduce any effects and particularly during excavation/filling of the cell. Conditions are recommended to cover: timescales, surfacing the area to be used by vehicles, restriction on the height of stockpiles and submission of a validation report to prove that the land is fit for purpose.

Appraisal

Principle

The principle of development of the site has been established by the grant of outline planning permission in 2005 for the erection of a residential home. This application seeks, in accordance with PPS23 that the site is rendered suitable for its end use. It is considered that the measures proposed, suitably conditioned with safeguarding conditions, should any unexpected levels of contamination or subterranean structure be discovered, are acceptable in principal and will allow the development of the site with a care home.

Impact on neighbouring residents and concerns raised by local residents

The remediation works are likely to result in some disturbance to local residents. The applicant has been asked to consider the points raised by local residents and advises that the nature of the works will create some disturbance, but it will be the contractor's responsibility to ensure that any disruption is kept to a minimum. The position of the borrow pit due to the position of mine shafts and old mine workings, make the proposed location for burying the Japanese knotweed the best available. This position will ensure that it will remain permanently undisturbed.

Whilst the disturbance to residents in the adjacent bungalows is regrettable, the creation of a bund or erection of additional screening would in its own right create noise and disturbance. Given the very short term nature of the works in this area (2-3 weeks), it is

considered that the works required should be kept to a minimum to minimise any nuisance created. It is not considered that the disruption which will be caused will be sufficient to warrant the refusal of planning permission.

The remediation works will allow the site to be brought into productive use by the development of a care home which is required to meet the enhanced standards for accommodation which will be required when the Commission for Social Care Inspection Standards are enforced in 2007.

It is considered that the proposals meet the requirements of UDP policies ENV3.2: Minimising the Impact of Development, ENV3.7: Control of Pollution, ENV4: Environmental Improvement, ENV4.4 Contaminated Land and the advice within Planning Policy Statement 23: Planning and Pollution Control, Annex 2 Development on Land Affected by Contamination so far as they are material and in the absence of material considerations that would indicate otherwise, the proposals are considered to be acceptable and approval is therefore recommended.

RB2006/1936

Full planning application for the erection of 60 bed residential care home (application under Regulations 3 & 9A of The Town & Country Planning General Regulations 1992) at land off Stubbin Lane, Rawmarsh for RMBC (Adult Social Services).

RECOMMENDED: GRANTED CONDITIONALLY

STATEMENT OF THE REASONS FOR GRANTING 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 Supplementary Planning Guidance set out below, and all relevant material planning considerations:

UDP Policy HG5: The Residential Environment, HG4.6: Sheltered and Supportive Housing, ENV3.1: Development and the Environment. The advice within PPG3 Housing is also material.

For the following reasons:

The site is allocated for housing development in the UDP and specifically mentioned as being suitable for special needs housing to cater for the elderly, single-persons, people with disabilities and ethnic minorities. The development will have no significant impact on the amenities of the locality in terms of impacts to neighbouring residents, visual amenity, landscaping and access and parking.

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 Officer's Report and the application case file and associated documents.

Conditions Imposed:

01

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsters, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

02

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

03

Prior to first occupation of the development hereby approved, the existing footway on the site frontage to Green Rise shall be increased in width to 1.8 metres.

04

During the lifetime of the development, the proposed vehicular access from Stubbin Lane shall only be used for emergency vehicles.

05

Prior to first occupation of the development hereby approved, the existing vehicular access to Haugh Road shall be closed and the footway/kerbline reinstated.

06

Prior to first occupation of the development hereby approved, sight lines of 2.4 metres x 60 metres in a southern direction and 2.4 metres x the site boundary in the northern direction shall be provided before the development is brought into use. These shall be rendered effective by removing or reducing the height of anything existing on the land between the sightline 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.

07

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

08

[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.

09

[PC95] 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.

10

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

11

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.

12

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.

13

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

14

[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.

15

[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.

16

[PC40*] No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

17

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 approved boundary treatment shall be completed before first occupation of the development and thereafter maintained and retained as such.

18

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

19

[PC56] All cooking fumes shall be exhausted from the building via a suitable extraction and/or filtration system. 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 prior to the commencement of the development. The extraction/filtration system shall be maintained and operated in accordance with the manufacturer's specifications, details of which shall be submitted to and approved by the Local Planning Authority prior to installation 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.

20

[PC67] No part of the land other than that occupied by buildings shall be used for the storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

21

No building works to construct the care home hereby approved shall be commenced until the remediation works outlined in planning permission reference RB2006/1935 have been completed in accordance with the enabling works outline method statement submitted with that application and a validation report indicating that the site is suitable for use has been submitted to an approved in writing by the Local Planning Authority.

22

The construction of the care home shall incorporate the proposed concrete design class of DS-1 and ACEC class AC-1 and the gas protection measures outlined in the site investigation report, unless otherwise agreed in writing by the local planning authority and shall thereafter be retained and maintained as such.

Reasons for Conditions:

01

In the interests of local amenity in accordance with UDP policy ENV3.7 Control of Pollution.

02

In the interests of local amenity in accordance with UDP Policy ENV3.7 Control of Pollution.

03

To ensure the provision of adequate pedestrian facilities in accordance with UDP Policy T6: Location and Layout of Development.

04

In the interests of road safety.

05

In the interests of road safety.

06

In the interests of road safety.

07

[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.

08

[PR27] To ensure the provision of satisfactory parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

09

[PR95] In order to promote sustainable transport choices.

10

In the interests of satisfactory and sustainable drainage.

11

To ensure that the development can be properly drained.

12

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

13

In the interests of satisfactory drainage.

14

[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'.

15

[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'.

16

[PR40] To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

17

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

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

19[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'.

20

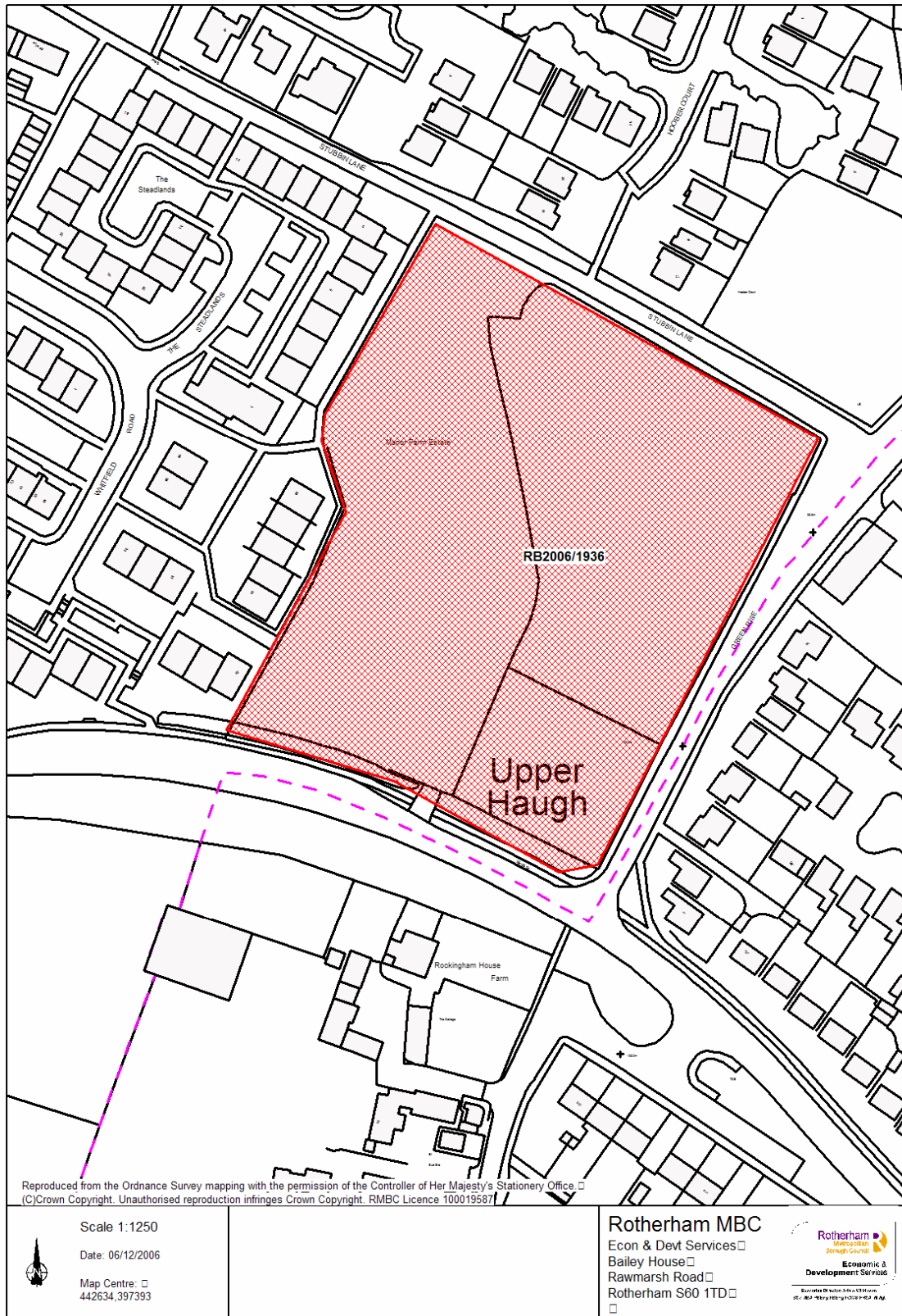
[PR67] To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

21

To ensure that the site is adequately remediated before development of the care home commences, in accordance with UDP policy ENV4.4.

22

To ensure protection against residual contaminates, in accordance with UDP policy ENV4.4.



Notes for RB2006/1936

Background

RB2005/2137: Outline planning permission for an aged persons residential home. Granted conditionally 22/12/05.

UDP Allocation and Policies

The application site is allocated as a development site for Housing in the UDP in accordance UDP policy HG4.1 – Existing Housing Sites.

HG5: The Residential Environment states: the Council will encourage best practice in housing layout and design.

HG4.6: Sheltered and Supportive Housing states: care homes and nursing homes will be permitted provided that: a concentration of provision does not seriously interfere with the amenities of existing residents, adequate off-street parking is provided, adequate provision is made for the laying out of open space and landscaped areas for the enjoyment of the residents.

ENV3.1: Development and the Environment states: Development will be required to make a positive contribution to the environment.

Site Description

The application site is a relatively level piece of land which is currently grassed over, with a number of trees and shrubs, including a group of mature trees to the boundary with Stubbin Lane. To the west of the site is sheltered housing. To the north and east are residential properties and to the north east is land allocated as urban green space.

Proposal

The proposal is for a two storey building, providing accommodation for 60 elderly people. The building is required to maintain the provision of residential care for the elderly in the borough in order to meet the enhanced standards for accommodation which will be required when the Commission for Social Care Inspection Standards are enforced in 2007.

The building is of contemporary design with 4 hexagonal clusters of bedrooms positioned around their own lounge, and linked to a main service core. The site is served by 22 parking spaces, which includes 2 disabled parking spaces and will be provided with landscaped gardens. An accompanying application has been submitted for remediation of the site (reference RB2006/1935) and is also included in this agenda for consideration.

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 1999 and meets the criteria set out in column 2 of the table in that schedule as the site area exceeds 0.5 hectares in area.. However, the Borough Council as the relevant Local Planning Authority have taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the

development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

Publicity

The application has been advertised in the local press and on site. Additionally, individual letters were sent to adjacent neighbouring properties.

Four letters have been received from neighbouring residents. Their comments are summarised below:

- The size of car park is insufficient and will lead to on-street parking on Green Rise which will be detrimental to highway safety.*
- The stone wall along Green Rise adds character to the area and the stone reused to rebuild the wall. This would add to the privacy of residents of Green Rise and residents of the home.*
- Loss of trees shrubs especially along Green Rise is a concern. These should be retained to provide privacy and as many trees as possible planted along the boundaries of the site.*
- Loss of privacy will result due to the proposed position of the building and the fact that it is two storey accommodation. The home could be resited towards Haugh Road where there are fewer houses. The building should be located more centrally on the plot.*
- The service yard/ kitchen area should be properly screened with trees and shrubs.*
- Can the lighting levels be low level and will the noise levels from the heating/catering be restricted?*
- Can the site be secured to prevent nuisance/deter crime with a boundary treatment which does not create a hostile appearance?*
- The height of the building at nearly three storeys is of concern.*
- Can the development be named 'The Chestnuts Residential Care Home ' in reference to the Horse Chestnut Trees which are to be retained.*

Consultations

Transportation Unit:

No objections subject to conditions including:

- The width of the footway along Green Rise shall be increased to 1.8 metres in width.*
- The vehicular access to Stubbin Lane shall be used by emergency vehicles only.*
- The existing vehicle access to Haugh Road shall be closed.*
- Specified sightlines to be provided.*

Mains Drainage: further details required for approval. This can be controlled by condition.

Streetpride (Trees and Woodland Section):

No objections in principle. No detailed comments received.

Environmental Health: No objections subject to conditions to control nuisance caused during construction due to the close proximity of neighbouring residents.

Access Officer:

No objection.

Yorkshire Water: no objections subject to conditions.

SYLTE:

No comments received.

Appraisal

Principle

The principle of development of the site has been established by the grant of outline planning permission in 2005 for the erection of a residential home. There has been no material change in circumstances since the grant of outline planning permission which would undermine this already established principle.

It should be noted that the Councils current policy presumption against the development of greenfield sites for dwelling houses (Use class C3) does not apply to this proposal as it is proposed to build a residential institution (Use class C2).

It is therefore considered that the principle of the proposed development on the site is acceptable in land use policy terms.

Appearance and impact on visual and residential amenity

The external appearance of the building and its layout is contemporary and will appear in contrast to the character of the area which comprises a variety of ages of housing, all conforming to a more traditional design and layout. In addition, the scale of the building, with two storey accommodation with central towers rising to a maximum of 8.6 metres high, and its massing will appear in contrast to the domestic scale of the single and two storey residential properties located adjacent the boundaries of the site to the north on Whitworth Road and to the south of Green Rise.

Supporting information submitted with the application advises that the scheme will be the major site serving the north of the borough in terms of care for the elderly. The scale of the provision is such that a building of more than domestic scale is needed to fulfil the requirements of Social Services to provide the standard of care required. However, the brief for the building included the requirements that the project be welcoming, approachable and non-institutional in character, providing an attractive and homely environment for residents and be interesting and innovative in appearance to enhance the local community's identity and contribute to the creation of a sense of place.

The design of the building is such that it has four wings, designed as pavilions for the residential accommodation, each with accommodation on two floors arranged around a central lounge. The aim of this is to create a homely environment avoiding rooms

located off long institutional type corridors. The central/gallery space of each of the pavilions incorporates a natural ventilation system which promotes the sustainable running of the building. The external materials are to be brick, timber and render with climbing plants to be grown up the timber wall cladding and balconies. The proposal also incorporates a green roof. The appearance of the development will be further softened by planting in the grounds.

It is considered that the size of the site in relation to the scale of building proposed is such that the building will be seen as a stand alone development set in its own landscaped grounds. Although in contrast to surrounding residential properties, with a larger scale and massing and being contemporary in design, due to the visual quality of the scheme, it is considered that the proposals meet the requirements of the brief to enhance the sense of place for the local community. It is concluded that the building will enhance the appearance of the area rather than detract from it.

The building is considered to be located so as to avoid any significant impact on neighbouring residents in terms of overlooking or overshadowing.

Trees/Landscaping/Boundary Treatment

In support of the application, a survey of the trees on site has also been undertaken. Those worthy of retention, namely the horse chestnut trees lining Stubbin Lane, are to be retained. Part of the site will be cleared of shrubs and trees to enable the development of the building, however, it is considered that there will be no specimens lost of such worth as to justify the refusal of planning permission. Approximately 1/3 of the site will be retained in its existing condition with native shrub and trees transplants to be introduced to compliment the existing habitat. The remainder of site is to be landscaped to a high quality to enable its use by residents of the home. It is considered that the combination of natural and more formal landscaping will enhance the visual amenity of the area and create a new habitat for wildlife.

Some level changes will be required to enable the development of the site, namely cut and fill, however this will result in a level change along Green Rise, which is currently retained by a stone wall, referred to by local residents in their letters. The existing stone wall is in extremely poor condition, with large gaps where the stone has been removed/is missing. Vertical bar railings are proposed for this part of the boundary of the site. Ornamental railings and weld mesh fencing are proposed elsewhere around the site. The appearance of the boundary treatment can be controlled by condition.

Access and parking

The position of the access point was specified by condition in the outline and is considered to be acceptable. An alternative access point from Stubbin Lane for emergency vehicles is also to be provided and it is considered that access for vehicles is appropriate. Access to the site and within the grounds will be to a high standard due to the use proposed.

Twenty two parking spaces are to be provided which exceeds the number required by the Council's Parking Standards. The number of parking spaces has been identified by the applicant as being required to meet operational needs. Given the nature of the use and the requirement for parking close to the building, the over provision is considered to be acceptable in this instance.

Concerns raised by local residents

Each of the points raised is considered below:

The size of car park proposed is insufficient and will lead to on-street parking on Green Rise, which would be detrimental to road safety.

The size of the car park is addressed above. Given that there has been no objection from the Transportation Unit and that the car parking provided exceeds that specified by the Council's parking standards, it is considered that it would be unreasonable and unsustainable to require further spaces. In addition, the Transportation Unit has recommended that a travel plan be required, which would reduce the need to travel to and from the site by private car. Condition 9 of the recommendation would be imposed.

The stone wall along Green Rise adds character to the area and the stone reused to rebuild the wall. This would add to the privacy of residents of Green Rise and residents of the home.

The existing stone wall is badly damaged. The applicant has advised that the levelling work for the building platform will extend to the stone retaining wall to avoid steep unmanageable and unusable slopes. This removes the need for a retaining wall in this area. The wall will be rebuilt at a low level, with a railing located on or adjacent the wall with planting to create an attractive boundary. The wall does not currently add to privacy as it retains only the soil behind it. It is considered that the separation distances between the proposed building and neighbouring residencies is such that there will be no significant impact on privacy.

Loss of trees shrubs especially along Green Rise is a concern. These should be retained to provide privacy and as many trees as possible planted along the boundaries of the site.

The existing scrub to Green Rise will be removed as part of the preparation works for the development. Elsewhere on site, existing vegetation, not affected by the development will be retained. A large quantity of native shrub and tree planting is proposed for the southern and western areas of the care home landscape to compensate for the loss elsewhere. The impact on privacy is considered above.

Loss of privacy will result due to the proposed position of the building and the fact that it is two storey accommodation. The home could be resited towards Haugh Road where there are fewer houses. The building should be located more centrally on the plot.

Again, this has been considered above. Planting will be used throughout the landscaped areas to provide privacy where appropriate, but allow an outlook for residents.

The service yard/ kitchen area should be properly screened with trees and shrubs. The service yard is to be screened by climbing plants, ornamental shrub planting and trees. The parking area will also be softened by bulbs, low level shrubs and trees to retain natural surveillance of the area.

Can the lighting levels be low level and will the noise levels from the heating/catering be restricted?

Lighting and noise generation is governed by the operational needs of the development, however, it is not considered that the use as a care home will create any significant nuisance for surrounding residents.

Can the site be secured to prevent nuisance/deter crime with a boundary treatment which does not create a hostile appearance?

The need for a secure environment is important for the residents and care home workers. The proposed railings are intended to be of high quality, but simple in appearance. Where fencing is less visually prominent, for example in the native planting area a weld mesh is proposed. The appearance of the boundary treatment is proposed to be controlled by Condition 17.

The height of the building at nearly three storeys is of concern.

The building is of varying heights, which breaks up its massing and provides visual interest. Given the position on the site and distance from neighbouring properties, it is considered that the development will not significantly affect residential amenity. At certain points along Green Rise, the platform level of the building will be below pavement level to reduce the impact of the building.

Can the development be named 'The Chestnuts Residential Care Home ' with reference to the Horse Chestnut Trees which are to be retained.

This matter, whilst not material to the determination of this application, has been referred to the relevant department for their consideration.

It is considered that the proposals meet the requirements of UDP policies H4.1, H4.6, HG5, and ENV3.1, so far as they are material and in the absence of material considerations that would indicate otherwise, the proposals are considered to be acceptable and approval is therefore recommended.

RB2006/1975

Demolition of existing dormer bungalow and erection of detached dormer bungalow at Greendale Cottage, Gildingwells Road, Letwell for Mr. & Mrs. Ferris.

RECOMMENDED: GRANTED CONDITIONALLY

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 all relevant Guidance, as set out below, along with all other relevant material planning considerations:

Unitary Development Plan.

Policy ENV1 'Green Belt'

Policy ENV1.2 'Areas of High Landscape Value'

Policy ENV3.1 'Development and the Environment'

Supplementary Planning Guidance

Environment Guidance 1: Extensions to dwellings in the Green Belt (as modified)

Government Guidance

Planning Policy Guidance Note 2: Green Belts

2. For the following reasons:

The increase in floor area from the existing dwelling to the proposed dwelling is approximately 3%. Therefore it appears that the increase in floor area does not exceed the 33% that would be acceptable should the existing property be extended to the same degree. As such the proposed replacement dwelling of a similar size to that to be demolished is considered to form acceptable development in the Green Belt in accordance with the above policies. With regards to the appearance of the dwelling and the impact on the Green Belt, it is considered that the dwelling has been designed such that the scale, mass, and siting and the materials to be used would not result in a detrimental impact on the open character and visual amenity of the Green Belt 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 Officer's Report and the application case file and associated documents.

Conditions Imposed:

01

[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.

02

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

03

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

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.

04

[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.

05

[PC40] No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

06

[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.

07

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B, C, D, E, F of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reasons for Conditions:

01

[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'.

02

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

03

[PR37] In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment',

ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

04

[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'.

05

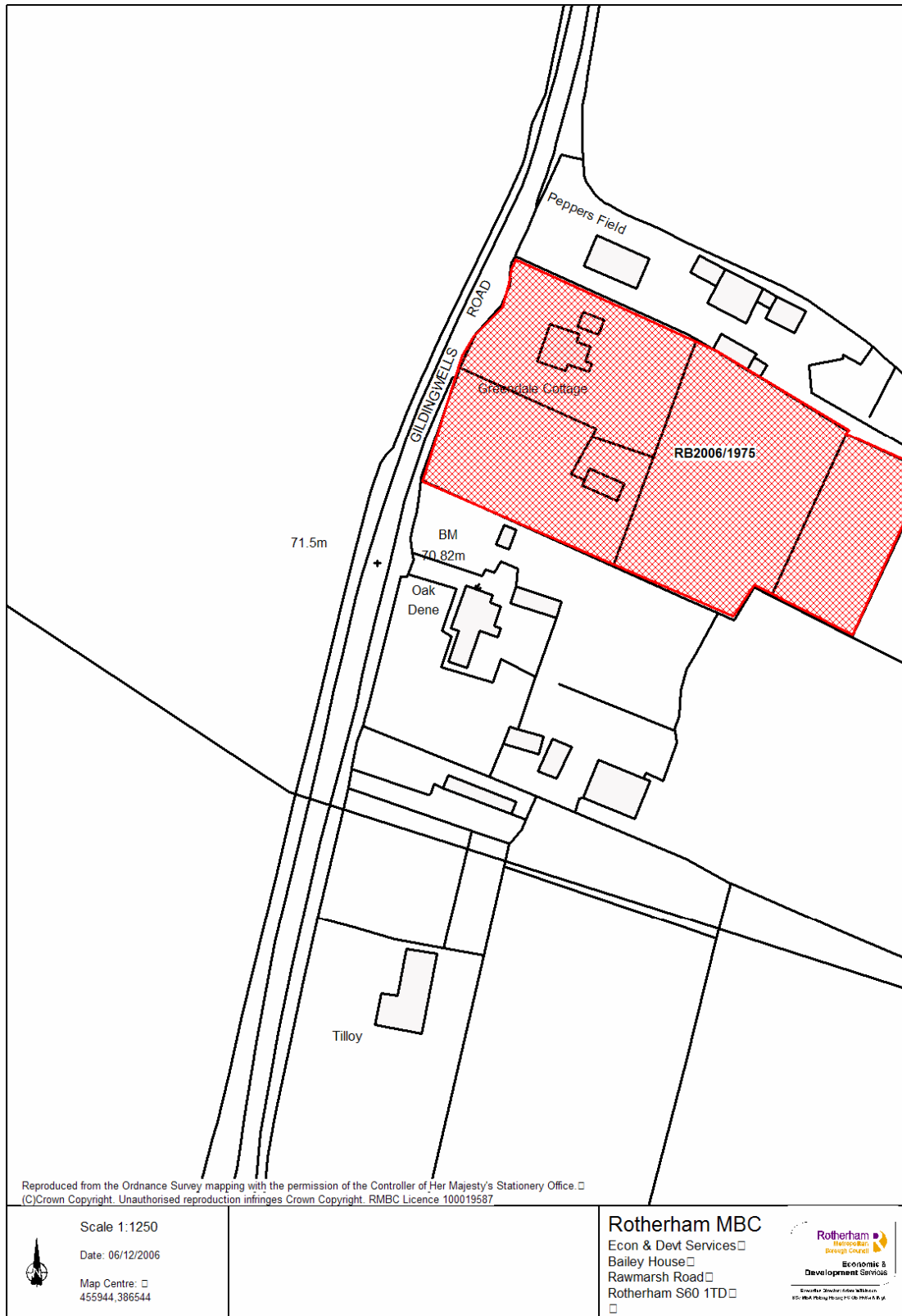
[PR40] To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

06

[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'.

07

To protect the open character and visual amenity of the Green Belt and Area of High Landscape Value in accordance with Policies ENV1 and ENV1.2 of the Rotherham Unitary Development Plan.



NOTES FOR RB2006/1975

Background

RB2006/0990 Side extensions to both sides of dormer bungalow, new enlarged roof and front porch WITHDRAWN 11/07/06

RB2006/1543 Demolition of existing garage, extensions to both sides & alteration to roof including replacement of front dormer window WITHDRAWN 11/09/06

UDP Allocation and Policies

The site is allocated as Green Belt and an Area of High Landscape Value in the Rotherham Unitary Development Plan. Policies ENV1 'Green Belt', ENV1.2 'Development in Areas of High Landscape Value' and ENV3.1 'Development and the Environment' are applicable to this proposal as well as the guidance contained in Environment Guidance 1: Extensions to dwellings in the Green Belt (as modified).

Policy ENV1: Green Belt states "In the Green Belt, development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area. The construction of new buildings inside the Green Belt is inappropriate unless it is for the following purposes:

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

Policy ENV1.2: Development in Areas of High Landscape Value states "In Areas of High Landscape Value, development other than for agriculture will only be allowed where it will not result in a significant and permanent adverse impact on the landscape. New agricultural buildings and ancillary development requiring planning permission will normally be allowed, provided they are not detrimental to the local environment, as will agricultural dwellings where a genuine agricultural need for them is demonstrated. Strict control will be exercised over any development that does take place to ensure that the visual character of these areas is not affected".

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"

Supplementary Planning Guidance (As modified March 2001):

Extensions to houses in the Green Belt will need to satisfy the following criteria:

- A. *For a dwelling or small group of dwellings relatively isolated from other dwellings, or for a dwelling in a prominent position on the edge of a village washed over Green Belt, extensions shall be no more than 33% of the floor space area of the original dwelling excluding the loft;*
- B. *For a dwelling within a village washed over Green Belt, where there is no impact on the openness or character of the green belt: will be considered on its merits.*

Planning Policy Guidance Note 2: Green Belts is also applicable to this proposal as well as Planning Policy Guidance Note 3: Housing.

Site Description

The dwelling is located on the eastern side of Gildingwells Road, and forms one of a small group of dwellings to the south of Letwell village. The site currently comprises a dormer bungalow. A garage and utility room has recently been demolished. The site is relatively flat in contour around the dwelling, with a number of trees on the site.

Proposals

The application is for the demolition of the existing dormer bungalow and replacement with a new dormer bungalow in the same location on the site.

Publicity

The application was publicised by press advertisement, site notice and by neighbour notification. No comments or representations have been received.

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

Consultations

The Transportation Unit were consulted on the proposal and whilst they have no objections to the proposals from a highways aspect, bearing in mind that visibility at the existing vehicular access to the highway is restricted in the southerly direction by a boundary hedge, a turning area within the site would prove beneficial in road safety terms. Suggests conditions regarding this.

The Trees and Woodlands Section were consulted on the proposals but no response has as yet been received. It should be noted that the applicant has indicated that no trees would be felled as a result of the development.

Appraisal

Planning Policy Guidance Note 2: Green Belts states that “the replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces”. In relation to this, Policy ENV1 of the Rotherham Unitary Development Plan allows for “limited extension, alteration or replacement of existing dwellings” in the Green Belt.

To enable an assessment of whether a proposal is an acceptable replacement, the increase in floor area from the original property to the replacement dwelling is a useful indicator. The Council’s Supplementary Planning Guidance Environment Guidance 1

(as amended) sets out guidance on extensions to dwellings in the Green Belt and is also useful guidance for replacement dwellings. This states that “for a dwelling or small group of dwellings in the countryside which are relatively isolated from other dwellings, or for a dwelling in a prominent position of the edge of a village “washed over” by the Green Belt [extensions] be no more than 33% of the total floor area of the existing dwelling, excluding the loft, measured externally. This measurement will be of the original structure at the time of construction or that reasonable assumed to be the original structure excluding extensions allowed under the General Development Order”.

It is unclear whether the garage and utility room (recently demolished due to their unsafe nature) were originally erected with the dwelling. They were constructed of the same material as the dwelling which was erected in approximately 1946. From the information on the submitted plans (which do not include the existing first floor), it appears that the property had a floor area (ground floor only including the detached garage) of approximately 138sq. m. The proposed dwelling has a ground floor area of approximately 142sq. m, and if it is assumed that the first floor area is not increased, this equates to an increase in floor area of approximately 3%. Therefore it appears that the increase in floor area does not exceed the 33% that would be acceptable should the existing property be extended to the same degree. As such the proposed replacement dwelling of a similar size that to be demolished is considered to form acceptable development in the Green Belt in accordance with Policy ENV1 and Supplementary Planning Guidance Environment Guidance 1 (as modified) of the Rotherham Unitary Development Plan and the guidance contained in PPG2: Green Belts.

With regards to the appearance of the dwelling and the impact on the Green Belt, it is considered that the dwelling has been designed such that the scale, mass, and siting and the materials to be used would not result in a detrimental impact on the open character and visual amenity of the Green Belt area in accordance with Policy ENV1 ‘Green Belt’ of the Rotherham Unitary Development Plan and Planning Policy Guidance Note 2: Green Belts.

It is therefore recommended that the application be approved subject to conditions limiting further extension or alteration to the replacement dwelling.

RB2006/1977

Conservation area consent for lowering and partial demolition of boundary wall at land off Brampton Road, Brampton-en-le-Morthen for P. P. Thickett & Sons.

RECOMMENDED: REFUSED

Reasons for Refusal:

01

The proposal is considered to be contrary to Policy ENV2.11 of the Rotherham UDP relating to development in Conservation Areas which states that the Council will not permit development, or demolition which would adversely affect the historic or visual amenity of the Conservation Area except in exceptional circumstances when compelling justification exists and there is an acceptable redevelopment scheme. It is considered that no such justification exists in this case.



Notes for RB2006/1977

Background

RB1978/1544 Dwelling house GRANTED CONDITIONALLY 16/08/78

RB2006/1511 Six weeks notice of intent to fell one tree within Brampton-en-le-Morthen conservation area NO OBJECTIONS 15/09/06

A related application for planning permission on this site for the erection of a detached dwellinghouse with two detached outbuildings to form garages with rooms over and alterations/partial demolition of boundary wall is also considered on this Agenda (RB2006/1978).

UDP Allocation and Policies

The site is allocated as Green Belt within the Rotherham Unitary Development Plan and within the designated Brampton-en-le-Morthen Conservation Area. Policies ENV2.11 'Development in Conservation Areas' is applicable to this proposal, as well as Environment Guidance 3: Development in Conservation Areas.

Policy ENV2.11 "Development in Conservation Areas" states that "In respect of designated Conservation Areas, the Council:

- (i) will not permit development (including changes of use, alterations and advertisement display), demolition and work to trees which would adversely affect their architectural or historic character or visual amenity, except that very limited exceptions to this policy may be accepted when compelling justification exists;
- (ii) will not grant permission to demolish buildings which make a positive contribution to them unless every possible alternative course of action has been satisfactorily discounted and, if for the purposes of redevelopment, only when the development has been granted planning permission and is subject to a legally agreed commitment and timing;
- (iii) will not grant planning permission on the basis of outline applications unless, having considered such details of the proposal as may have been required to be submitted, it is satisfied that the impact of the proposal on their character can be properly assessed on that basis;
- (iv) will have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character".

Supplementary Planning Guidance Environment Guidance 3: Development in Conservation Areas states that garden walls can form an integral part of the Conservation Area's character.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Planning Policy Guidance Note 15: Planning and the Historic Environment is also applicable to this proposal.

Site Description

The application site is an area of land adjacent to the existing dwellings on Brampton Road adjacent to the dwellings of Grange Cottages. To the rear of the site are a small number of typical 1960's bungalows. Part of this site is within the Brampton-en-le-Morthen Conservation Area. The stone wall the subject to this application runs adjacent to the boundary with the highway and is approximately 1.2 metres in height.

Proposals

This application is for Conservation Area consent for lowering and partial demolition of boundary wall. The works are required to form an access and related visibility in respect of the related planning application on the site.

Publicity

The application has been publicised by press advertisement, site notice and by neighbour notification. No comments or representations have been received. The applicant has requested the right to speak.

Consultations

The Conservation Officer has commented on the redevelopment of the site stating that it will add interest to the street scene and not be detrimental to the character of the village Conservation Area, or the setting of the adjacent listed buildings (Old Hall and Brampton Grange – that it is set between).

Appraisal

Policy ENV2.11 'Development in Conservation Areas' gives a strong presumption against the demolition of buildings and structures unless accompanied by justified proposals tied to an acceptable redevelopment scheme. PPG15 states that "account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole". As stated in Supplementary Planning Guidance Environment Guidance 3: Development in Conservation Areas, garden walls can form an integral part of the Conservation Area's character.

In this instance, the boundary wall is considered to be an important part of this Conservation Area. There are other boundary walls within the vicinity of the site adjacent to the highway, all which add value to the appearance of the Conservation Area. It is considered that the removal of part of this wall and its lowering would not be considered acceptable without a suitable redevelopment scheme. An application for the redevelopment of this site has been submitted (RB2006/1978) for the erection of a detached dwelling and two detached garages. Whilst the redevelopment proposal is acceptable with regard to its impact on the character of the Conservation Area, as the proposed redevelopment of the site is not considered to form limited infill in an existing built up frontage, it is therefore not considered to form an acceptable scheme. As such the lowering and partial demolition of the wall without the redevelopment scheme, in this Conservation Area, is not considered to be justified in this instance.

The proposal is therefore considered to be contrary to Policy ENV2.11 of the Rotherham Unitary Development Plan and the guidance contained in Supplementary Planning Guidance Environment Guidance 3 and PPG15.

It is recommended that the application be refused for the above reasons.

RB2006/1978

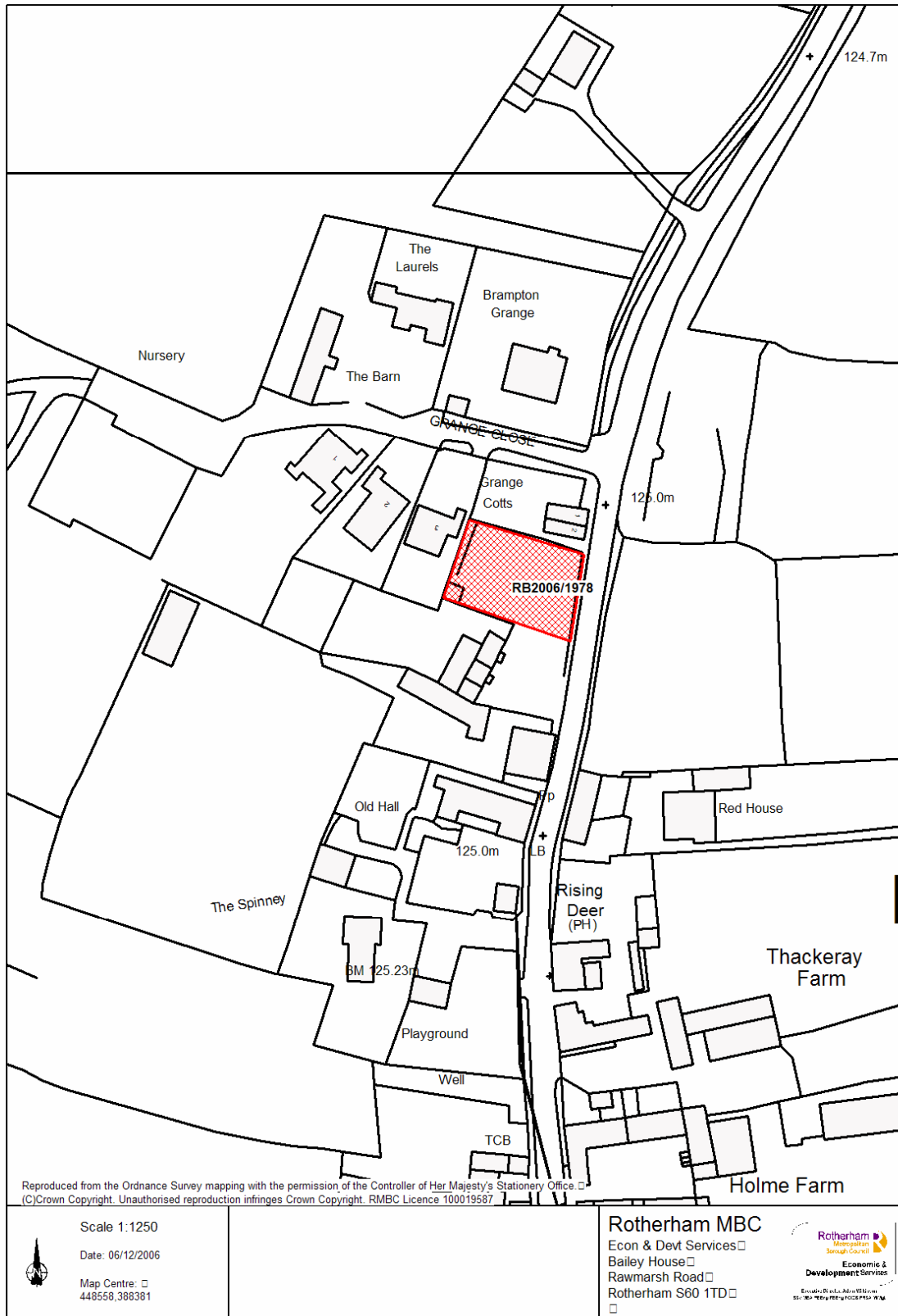
Erection of a detached dwellinghouse with two detached outbuildings to form garages with rooms over, formation of a vehicular access and alterations/partial demolition of boundary wall at land off Brampton Road, Brampton-en-le-Morthen for P. P. Thickett & Sons.

RECOMMENDED: REFUSED

Reasons for Refusal:

01

The site is not considered to constitute infill development as it does not result in the filling of a small gap in an otherwise built-up frontage. As such the proposal is considered to constitute inappropriate development in the Green Belt, which should only be allowed in very special circumstances which are not considered to arise in this case. As such the development is contrary to Policy ENV1 'Green Belt' and ENV1.5 'Infilling within Green Belt Villages' of the Rotherham Unitary Development Plan and Planning Policy Guidance Note 2: Green Belts (revised).



Notes for RB2006/1978

Background

An application was granted for the erection of a dwellinghouse on this land in 1978.

A related application for Conservation Area Consent for the lowering and partial demolition of the existing boundary wall on this site is also considered on this Agenda (RB2006/1977).

UDP Allocation and Policies

The site is located within the Green Belt as allocated in the Rotherham Unitary Development Plan and within the designated Brampton-en-le-Morthen Conservation Area. Policies ENV1 'Green Belt', ENV1.5 'Infilling within Green Belt Villages', ENV2.11 'Development in Conservation Areas', ENV3.1 'Development and the Environment', and ENV3.2 'Minimising the Impact of Development' are applicable to this proposal as well as Supplementary Planning Guidance Environment Guidance 3: Development in Conservation Areas.

Policy ENV1: Green Belt states "In the Green Belt, development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area. The construction of new buildings inside the Green Belt is inappropriate unless it is for the following purposes:

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

Policy ENV1.5 'Infilling within Green Belt Villages' states "In those Green Belt Villages and other building groups listed below, limited residential infilling may be appropriate, notwithstanding the general presumption against residential development. 'Infilling' means the filling of a small gap in an otherwise built-up frontage. Generally it will be limited to a single dwelling and each will be considered on merits with due regard to Policy ENV3.2".

Policy ENV2.11 "Development in Conservation Areas" states that "In respect of designated Conservation Areas, the Council:

- (v) will not permit development (including changes of use, alterations and advertisement display), demolition and work to trees which would adversely affect their architectural or historic character or visual amenity, except that very limited exceptions to this policy may be accepted when compelling justification exists;

- (vi) *will not grant permission to demolish buildings which make a positive contribution to them unless every possible alternative course of action has been satisfactorily discounted and, if for the purposes of redevelopment, only when the development has been granted planning permission and is subject to a legally agreed commitment and timing;*
- (vii) *will not grant planning permission on the basis of outline applications unless, having considered such details of the proposal as may have been required to be submitted, it is satisfied that the impact of the proposal on their character can be properly assessed on that basis;*
- (viii) *will have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character”.*

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”

Policy ENV3.2 “Minimising the Impact of Development” states “In considering the scale, appearance, nature and location of development and infrastructure proposals, the Council will seek to minimise adverse impact on the environment, including water resources, and to conserve and improve its quality. It will permit development which results in a significant loss of trees, woodlands, hedgerows or field boundary walls only when there is compelling justification for doing so”.

The guidance contained in Planning Policy Guidance Note 2: Green Belts, and Planning Policy Guidance Note 15: Planning and the Historic Environment are also applicable to this proposal.

PPG2 states that the construction of new buildings inside the Green Belt is inappropriate unless it is for certain purposes, of which includes limited infilling in existing villages and that the local plan should include policies to ensure that any infill does not have an adverse effect on the character of the village concerned.

PPG15 states “Many Conservation Areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own”.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Site Description

The application site is an open area of land between existing buildings on Brampton Road. To the west of the site are a small number of 1960’s style bungalows on Grange Close. To the north of the site are 1 and 2 Grange Cottages with the listed building of

Brampton Grange beyond. Whilst to the east across Brampton Road are open fields. To the south is a terrace of three properties set back from the highway, with Old Hall Farm beyond. The site is adjacent to the highway and on the eastern boundary is a stone wall approximately 1.2 metres in height.

Proposals

The application is for the erection of a detached dwellinghouse with two detached outbuildings to the front to form double garages with rooms over. Alterations and partial demolition of the boundary wall at the front are also proposed to provide for a vehicular access.

Amended plans have been received during the course of this application reducing the height of the boundary wall from 1.1 metres to 0.9 metres in order to satisfy the Transportation Unit's comments relating to visibility provision.

Publicity

The application has been publicised by press advertisement, site notice and by neighbour notification. No comments or representations have been received.

The applicant has requested the right to speak.

Consultations

The Transportation Unit were consulted on the proposals and have stated that sight lines should be a maximum 900mm above the height of the nearside road channel and have requested amendments to be made to the proposals.

Severn Trent Water were consulted on the proposals and have no objections to the proposals subject to recommended conditions.

The Conservation Officer considers that "this proposed design is in the style of a formal Georgian Palladian farmhouse and outbuilding, based on examples both within the Borough and in the region. The triple arcade of recessed arches with a unifying plat-band imposes an elegant rhythm and symmetry. The choice of stone for the walling and the ashlar for the bands and arches is a key detail and will need a condition on any approval, as will the roof covering.

This proposal cleverly follows two building lines: the pavilions on the street frontage that tie the development in to the adjacent cottage to the east fronting Brampton Road, and the house itself set back but in line with the adjacent taller farmhouse. The formal design of the new build also ties in to Brampton Grange just a short step away, a fine listed early 18th century Classical-styled house to the east that is in line with the new house; so it is in keeping with the style of the building. Originally the Grange had an extensive group of farm buildings, mostly demolished when the bungalows were built on Grange Close. I am willing to support this application as I feel it will add interest to the street scene and not be detrimental to the character of the village Conservation Area, or the setting of the adjacent listed buildings (Old Hall and Brampton Grange – that it is set between). The building of the two small pavilions helps to fill in this gap site by satisfying the frontage element, but with the new house set back but in line with the adjacent farmhouse, as stated above; therefore I do not think that this proposal is

contrary to Policy ENV2.11 'Development in Conservation Areas'. Brampton Conservation Area is full of diverse styled buildings that are robust enough to take this new and interesting development".

Appraisal

In dealing with this application, it is considered that there are four main issues to consider. These are the principle of development, highway considerations, the design and associated impact on the Conservation Area and the impact on neighbouring residents.

1. The principle of the development
- 2.

The site is allocated as Green Belt in the Rotherham Unitary Development Plan, wherein Policy ENV1.5 states that "In those Green Belt Villages and other building grounds listed below, limited residential infilling may be appropriate, notwithstanding the general presumption against residential development. 'Infilling' means the filling of a small gap in an otherwise built-up frontage. Generally it will be limited to a single dwelling"

The Village of Brampton-en-le-Morthen is set out in ENV1.5 as a village where limited infilling is acceptable. The width of the site proposed is approximately 23 metres with the dwellings of Grange Cottages adjacent to the highway to the north of the site. To the south of the site are cottages and Blacksmiths yard for which current access to the application site is taken. These cottages are set back from the roadside by approximately 17 metres at the closest point, with off road parking provided to the front. As such, it is considered that the site is not surrounded by a 'built up' frontage. Given the width of the site in excess of 20 metres, it is considered that the proposed development in this instance does not constitute the filing of a small gap in an otherwise built-up frontage and as such would constitute inappropriate development in the Green Belt in accordance with the guidance set out in PPG2.

PPG2 states that there is a general presumption against inappropriate development in the Green Belt which should not be approved, except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations and it is for the applicant to show why permission should be granted.

The Agent for this proposal has provided a letter to justify the development stating that Brampton-en-le-Morthen is an exceptional village which has evolved over a long period of time in a particular way. The resulting rhythm is sometimes broken by missing buildings where a sense of enclosure has been lost. Blacksmiths Yard is a case in question having lost the 'Smithy' building – a barn, gable onto the road, with outshot to the north. Had the 'Smithy' survived, the resulting enclosure – the land in question – would form a gap in an otherwise built-up frontage in accordance with the policy definition. The Agent also believes that the granting of planning permission for the erection of one dwelling in 1978 (RB1978/1544) which may have lapsed, is still a material consideration for the current application. The Agent contends that the Green Belt policy with regards to infilling in 1978 was worded similar to that of today, the only changes between this proposal and the approved dwelling in 1978 is the designation of the site as a Conservation Area in 1986.

Notwithstanding the above and the historic buildings on site that have since been demolished, it is considered that presently, this site does not constitute a small gap in an otherwise built up frontage, and although the approval of a dwelling on this site in 1978 should be taken into account, the guidance set out in PPG2 (amended March 2001) is a material consideration. As it is considered that the applicant has not demonstrated very special circumstances to justify the development, the proposal is considered to be contrary to Policies ENV1 and ENV1.5 of the Rotherham Unitary Development Plan and the guidance contained in PPG2.

2. Highway Considerations

The Council's Transportation Unit have no objections to the proposals due to the reduction of the height of the boundary wall to 0.9 metres and it is considered that the proposal would not exceed the capacity of existing or committed infrastructure and community facilities and services.

3. Conservation Area

With regards to the design of the proposals and the impact on the Conservation Area, the comments of the Conservation Officer are noted and it is considered that the proposal would comply with the guidance set out in Policy ENV2.11 of the Rotherham Unitary Development Plan and PPG15: Planning and the Historic Environment.

With regards to the partial demolition of the wall to form appropriate access and visibility, the boundary wall is considered to be an important part of this Conservation Area. There are other boundary walls within the vicinity of the site adjacent to the highway, all which add value to the appearance of the Conservation Area. It is considered that the removal of part of this wall and its lowering to improve visibility may be acceptable if the proposed development as a whole is considered to be acceptable with regards to its impact on the Conservation Area, which is the instance in this case. Regard should be paid to the fact that the detailing in the existing wall is to be replicated in the lowered wall. As such the partial removal and lowering of the wall is considered to be acceptable in this instance.

4. Impact on Neighbouring Residents

In terms of the impact on residential amenity and on neighbouring properties, the distance between the proposed dwelling and the boundary with the bungalow of 3 Grange Close, to the rear of the site, is approximately 11.5 metres with an additional 1.2 metres to the dwelling. As this is the side elevation of the bungalow, it is considered that the impact of a two storey dwelling on this bungalow will not be detrimental to their residential amenity. The two detached garages to the front of the site are not considered to be out of character with the existing street scene, due to the closeness of the existing buildings of Grange Cottages to the highway. Although these buildings are two storey, given their juxtaposition and distance from the neighbouring properties, it is not considered that there would be a significant impact on residential amenity of the neighbouring properties. Finally, it is considered that the proposal provides sufficient amenity space for the proposed dwelling, subject to landscaping and boundary treatment, which would be a condition of any approval.

Notwithstanding the above, given that the proposal is considered to form inappropriate development in the Green Belt, it is recommended that the application be refused.

RB2006/1991

Demolition of existing dwelling and erection of a two storey building with rooms in roofspace and dormer windows to front and rear to form 6 No. apartments at 58A Station Road, Kiveton Park for Mr. P. Wright.

RECOMMENDED: GRANTED CONDITIONALLY

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 all relevant Guidance, as set out below, along with all other relevant material planning considerations:

- (i) ENV 3.1 Development and the Environment.
- (ii) HG 4 Variety and Location of New Housing.
- (iii) HG 4.8 Flats, Bed-sitting Rooms and Houses in Multiple Occupation.

2. For the following reasons:

It is considered that subject to the safeguard of the recommended conditions, the proposal will have no adverse effect on the residential amenities of nearby residents, by way of overlooking or overshadowing and will have no material effect on the character or visual amenities of the area by way of the scale massing and design of the building, or the type of accommodation to be provided.

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 Officer's Report and the application case file and associated documents.

Conditions Imposed:

01

[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.

02

[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.

03

[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.

04

[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.

05

[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 relevant dwelling is first occupied.

06

[PC91*] The development shall only take place in accordance with the submitted details and specifications shown on the approved plans.

07

[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.

08

[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.

09

[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.

10

Before the commencement of development, details of cycle parking facilities shall be submitted to and approved by the local Planning Authority and the approved details shall be provided before the development is brought into use.

Reasons for Conditions:

01

[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'.

02

[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.

03

[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'.

04

[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'.

05

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

06

[PR91] To ensure the development is carried out in accordance with the approved plans.

07

[PR94] In order to promote sustainable transport choices.

08

[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'.

09

[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.

10

In order to promote sustainable transport choices.



Notes for RB2006/1991

Background

The site has been the subject of two previous planning applications, these can be summarised as follows:

- (i) (RB1978/2368) - Conversion of a former telephone exchange to a dwelling was granted in October 1978.*
- (ii) (RB1987/1378) - Application for the erection of a two storey extension was granted in January 1988.*

Development Plan Allocation and Policies

The site is allocated for residential purposes on the adopted Unitary Development Plan. Relevant policies are:

Policy ENV3.1 'Development and the Environment' amongst other things 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, together with regard to the security of ultimate users and their property."

Policy HG4 'Variety and Location of New Housing' states that the "Council, through its land allocations, will seek to achieve a variety of dwelling types on sites well distributed throughout the Borough in order to meet future housing needs."

Policy HG4.8 'Flats, Bed-sitting Rooms and Houses in Multiple Occupation' states the following:

"The Council will permit the creation of flats, bed-sitting rooms and houses in multiple-occupation, provided that a concentration of these forms of accommodation does not seriously interfere with the amenities of existing residents and adequate provision is incorporated into any development to accommodate off-street parking for residents."

Policy HG5 "The Residential Environment" states that:

"The Council will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone."

Policy T6 'Location and layout of development' highlights Central Government Guidance in respect of the need to promote accessibility, particularly for pedestrians and cyclists, and to offer other alternative modes of transport to the private motor car.

PPG3 'Housing' strongly advocates a variety of housing types in sustainable locations at a density of between 30 and 50 dwellings per hectare and higher in the most sustainable locations and town centres.

Site Description

The site is a square piece of land, fronting Station Road, and currently contains a semi-derelict detached house. The site falls away sharply from the road level, resulting in the developable area being approximately 1.8m lower. To the north and south is residential development, to the west is a church, whilst to the east is a hairdresser's salon.

Proposals

The application is for a three storey block comprising six one bedroom flats. The building would have a mansard type roof with dormer windows to the front and rear. Access is to be shared with the existing hairdressers. Three car parking spaces are to be provided to the rear of the site, whilst two further car spaces and landscaping are to be provided at the road level to the front of the building. Pedestrian access to the building is gained via the rear of the site. The plans have been amended so that the better of the two main elevations fronts the highway.

The proposal includes the demolition of the existing semi-derelict house on the site. A tree at the front of the site would not be affected by the proposed development.

A Design and Access statement has been submitted with the application.

Publicity

Neighbouring occupiers have been notified about the original and the amended proposals. Three letters of objection have been received in relation to the original submission, including one from Wales Parish Council. The main concerns in these representations can be summarised as follows:

- (i) Possible car parking in the highway.*
- (ii) Objection to any felling of the tree fronting the site.*
- (iii) Additional traffic and parking issues adjacent a busy highway.*
- (iv) Road safety concerns from increased traffic.*
- (v) Development out of keeping with the area and comprises overdevelopment.*

No representations in relation to the amended proposals had been received at the time of writing this report. A copy of the letters will be on deposit in the Members' Room prior to the meeting.

Consultations

Transportation Unit: No objections. The site has good access to public transport, and is close to the town centre. Recommends conditions in respect of the surfacing of vehicular areas, the provision of car parking on the approved plans, the issuing of travel master passes and provision of cycle parking facilities in accordance with the Council's Cycle Parking Guidelines.

Yorkshire Water: No objections, water supply available.

Appraisal

The site of application is allocated for residential purposes on the adopted Unitary Development Plan. The proposal is consequently acceptable in principle, and there are no objections on land use grounds.

I therefore consider the main issues in relation to this application to be whether the design and scale of the building is acceptable in terms of the general street scene and the general environment and the impact of the development on the highway network.

(i) Design and Scale of the Building:

The majority of buildings in the vicinity are two storey, and the proposal is for a three storey apartment block. However, the difference in levels between the highway and the portion of the site to be developed mitigates the scale and potential impact of the development so that it will in my opinion have no adverse effect on the street scene. The applicant has submitted a cross section which indicates that the roof ridge of the proposed flats would be almost identical to that of the adjacent church and hairdressers either side. Additionally the new building is well designed with a Mansard style roof and dormer windows. I consider that subject to the use of appropriate materials, the building will be acceptable and have a positive effect on the environment and the visual amenities of the area, in accordance with Policy ENV 3.1 'Development and the Environment'.

(ii) Effect on the environment.

The proposal will result in the demolition of a semi-derelict house, and the erection of a well designed building, which will provide small starter homes for single or two person households. The existing building is of no architectural merit, and its subsequent loss will not have any detrimental impact on the visual amenities of the area. The proposal is generally in accordance with the design and spacing criteria normally applied for this type of development, and will not result in a proliferation of this type of development in the area. The existing tree at the front of the site would not be affected.

I, therefore, consider that the proposal will have a positive effect on the environment in accordance with ENV 3.1 'Development and the Environment' and ENV4.8 'Flats, Bed Sitting Rooms and Houses in Multiple Occupation' of the Unitary Development Plan.

(iii) The impact on the highway network.

Turning to the highway issues highlighted by both a local resident and Wales Parish Council, and having taken into account the views of the Transportation Unit, I have no objections from a highway context to this small scale residential development. However I do consider it necessary to impose a number of conditions to address some minor outstanding highway issues. Accordingly, I consider the adjacent highway network capable of accommodating the proposals outlined and will accord with UDP Policy T6 'Location and layout of Development'.

Taking all matters into account I consider that this proposed residential development for six No. flats is in accordance with the advocated guidance for proposals of this nature in both the UDP and in National Planning Guidance in terms of the aims and objective to produce a variety of dwelling types, to produce balanced communities and to promote sustainable transport choices.

Having regard for all the above I am of the opinion that the proposal is acceptable, and recommend that planning permission be granted subject to the safeguard of the above conditions.

RB2006/2064

Erection of 2 No. two storey apartment blocks (8 apartments in total) (amendment to dwellings previously approved under RB2006/0566) at 1-4 and 7-9A The Farm, Main Street, Swallownest for Belgray Properties Ltd.

RECOMMENDED: GRANTED CONDITIONALLY

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 and all relevant guidance as set out below, and all relevant material planning considerations:

- (i) Policy ENV 3.1 Development and the Environment.
- (ii) Policy ENV 2 Conserving the Environment.
- (iii) Policy ENV 3.4 Trees and Woodland.
- (iv) Policy ENV 3.7 Control of Pollution.

2. For the following reasons:

The proposed development is acceptable in terms of the scale massing and design of the buildings, which generally meet the criteria normally applicable to new residential development, on a layout which will not have an adverse effect on the residential amenities of adjoining occupiers and enable future landscaping of the site to visually soften the development.

The housing density is slightly above that recommended in PPG 3 Housing at 51 per hectare, but having regard for the foregoing and the sustainable location of the site, close to bus routes the town centre and other services it is considered that the proposal 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 Officer's report and the application case file and associated documents.

Conditions Imposed:

01

[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.

02

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

03

[PC24] Before the development is brought into use, that part of the site to be used by vehicles shall be properly drained and constructed in concrete, tarmacadam, block

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

04

[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.

05

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

06

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

07

[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.

08

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

09

[PC40*] No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

10

[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.

11

[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.

12

No dwelling shall be occupied unless it has been constructed in accordance with the sound attenuation measures required by the noise survey report Ref PMP/18050035.20050249 submitted with this application.

13

Any development, which affects any nesting sites within the site of application, shall not be carried out during the months of March to September of any year.

14

Before the development hereby granted permission is commenced on site the mitigating measures for the protection of bats and nesting birds identified in the Bat Survey Ref 472.S-July 2005 submitted with this application shall be implemented.

15

During the removal of trees in connection with the development hereby approved, the protocols for the felling and lopping of trees included in the Bat Survey Ref 472.S-July 2005 submitted with this application shall be implemented to the reasonable satisfaction of the Local Planning Authority.

16

Before the flats hereby approved are first brought into use, short and long stay cycling facilities shall be provided in accordance with the Council's Cycle parking guidelines, and with a scheme to be submitted to and approved by the Local Planning Authority.

Reasons for Conditions:

01

[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'.

02

[PR21] In the interests of road safety.

03

[PR24B] To ensure that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

04

[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.

05

[PR27] To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

06

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

07

[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'.

08

[PR38] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

09

[PR40] To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

10

[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'.

11

[PR94] In order to promote sustainable transport choices.

12

In the interests of the residential amenities of the proposed occupiers and in accordance with Policy ENV 3.7 Control of Pollution of the Unitary Development Plan.

13

In the interests of the wildlife within the site and in accordance with Policy ENV 2 Conserving the Environment of the Unitary Development Plan.

14

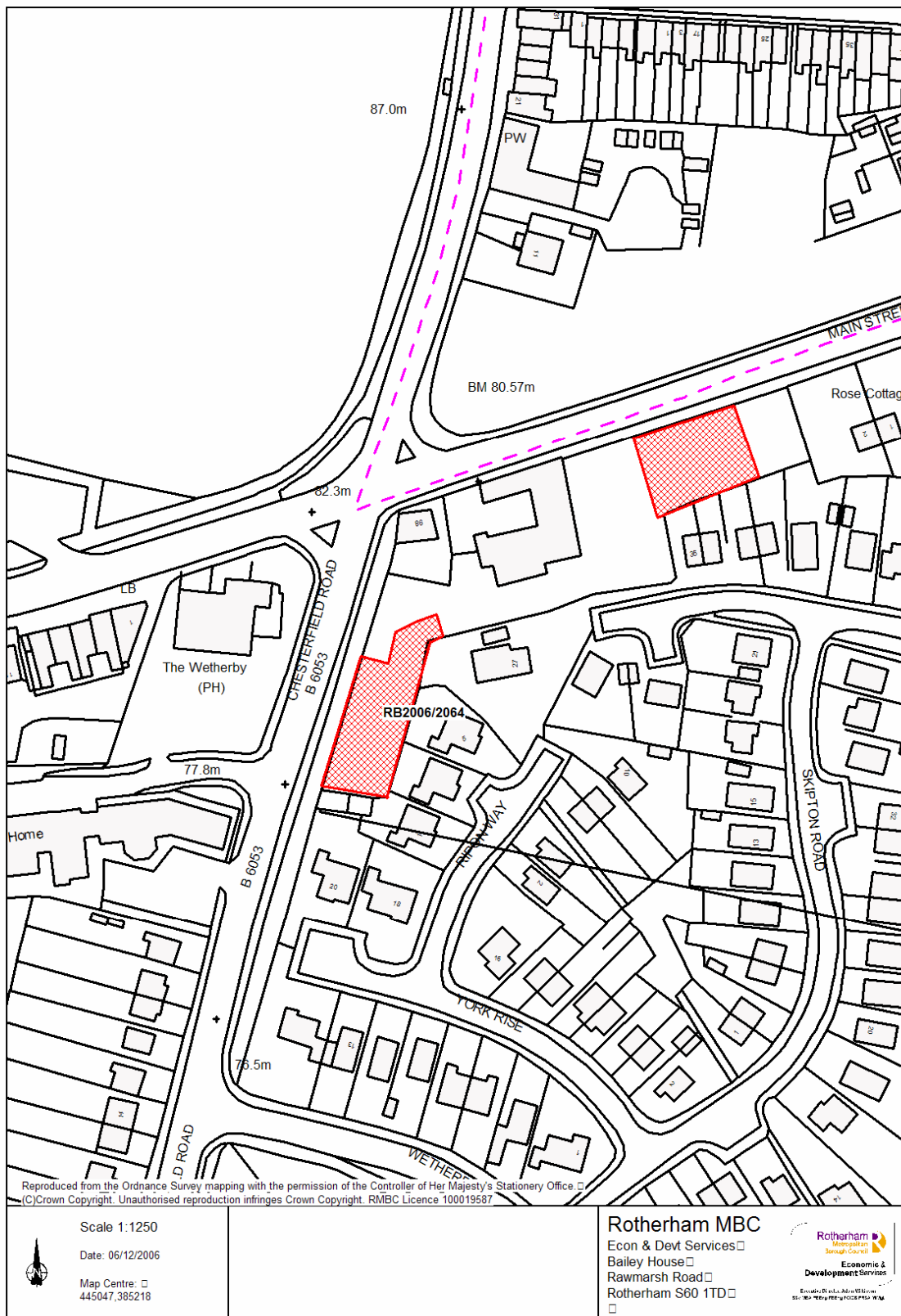
In the interests of the wildlife within the site and in accordance with Policy ENV 2 Conserving the Environment of the Unitary Development Plan.

15

In the interests of the wildlife within the site and in accordance with Policy ENV 2 Conserving the Environment of the Unitary Development Plan.

16

In the interests of promoting alternative mean of travel other than the car in the interests of sustainable development in accordance with PPG 3 Housing and PPG 13 Transport.



Notes for RB2006/2064

Background

The site forms part of an area of land which has been the subject of three previous planning applications.

- (i) Outline application for residential development (RB2004/742). Permission was granted in September 2004 subject to all matters being reserved, other than means of access.*
- (ii) Approval of details of 32 No 2 bedroom apartments in two and three storey blocks, and was withdrawn in October 2005.*
- (iii) Approval of reserved matters for the erection of 21 dwelling units in the form of 12 two bedroom apartments in two three storey blocks, 4 two bedroom apartments in a two storey block with an attached house and 4 two storey semi-detached houses.*

The applicant has recently discovered that some of the original application site is in a different ownership, and the current application is for amended details on two areas of the site.

UDP Allocation and Policy

The site is allocated for residential purposes on the adopted Unitary Development Plan.

Policy ENV 3.1 Development and the Environment:

“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, together with regard to the security of ultimate users and their property. Developers will be required to supply details of design and landscaping for approval by the Council.

Policy ENV2 Conserving the Environment:

“In considering any development, the Council will ensure that the effects on the wildlife, historic and geological resources of the Borough are fully taken into account. In consultation with the relevant national agencies and local interest groups, the Council will ensure the protection of these resources while supporting appropriate development which safeguards, enhances, protects or otherwise improves the conservation of heritage interests.

The Council will only permit development where it can be shown that:

- (i) development will not adversely affect any key environmental resources,*
- (ii) development will not harm the character or quality of the wider environment, and*
- (iii) where development will cause environmental losses, these are reduced to a minimum and outweighed by other enhancements in compensation for the loss.”*

Policy ENV3.4 Trees, Woodlands and Hedgerows

“The Council will seek to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.”

Policy ENV3.7 Control of Pollution

“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:

- (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place, or*
- (ii) would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects arising from existing industries, utility installations, major communication routes or other major sources.*

The Council will employ all its available powers and where appropriate will co-operate with and support other agencies, to seek a reduction in existing levels of pollution within the Borough in terms of air, water, noise, light, waste, litter and graffiti. Where concerns arise, the Council will in appropriate cases monitor or require the monitoring of levels of pollution within the Borough in terms of air, water, noise, light, waste, litter and graffiti, in furtherance of this Policy objective.”

PPG 3 Housing advocates a variety of housing types in sustainable locations on reused land, types at densities between 30 and 50 dwellings per hectare, and higher in more sustainable locations.

Site Description

The overall site is located on the corner of Chesterfield Road and Main Street Swallownest, with long frontages to both roads (75m and 105m respectively). To the south are residential properties on Skipton Road and Ripon Way, whilst across Chesterfield Road to the west is the Wetherby public house. To the north of the site is an area of open space, whilst to the north west is open farm land.

The current application relates to two portions of the original site area.

Proposals

The application is in two parts comprising amendments to the previously approved scheme. Firstly the erection of a two storey block of four flats on the north east portion of the overall site, fronting Main Street. The original proposal included an additional area of land which allowed for the inclusion of a three bedroom dwelling attached to the flats. The second part fronts Chesterfield Road and is for the erection of four two bedroom apartments on that part of the site which under the previous proposals contained two semi-detached three bedroom houses.

The previously approved application was accompanied by tree, bat and noise surveys. The tree survey indicated that there are 20 trees on or immediately adjacent the site though concluded that most of these trees are not worthy of protection, and nearly all have suffered from intentional or accidental abuse. It further concluded that "the best thing that can be done with regard to this site contributing to the tree stock of the Swallownest area is for all the trees to be felled and replaced".

The bat survey concluded that the trees and buildings on site did not support bat roosts and that demolition and tree felling can take place legally. However bats were found to be foraging in the area and it was recommended that 15 bat boxes and 10 bird boxes should be erected on site.

The noise survey concluded that double glazing with acoustic ventilators should be incorporated in the design with an enhanced glazing specification required for windows on the Main Street elevations.

Publicity

The application was advertised on site and adjoining residents notified.

One letter of objection has been received from the Church of England, Diocese of Sheffield. Points raised are:

- (i) Infringement on privacy of the family, and sensitive meeting which take place at the adjacent vicarage.*

Consultations

Transportation Unit:

No objections subject to conditions for surfacing of vehicular areas, provision of car parking, issuing of Travel Master Passes, details of road construction and the provision of cycle parking facilities.

Streetpride (Trees and Woodland)

No comments on the amended scheme at the time of writing this report but had no objections to the original submission. Notes that none of the trees on site are worthy of protection by a Tree Preservation Order, and recommends that the trees to be retained be protected by fencing during the construction period and that any tree work be carried out in accordance with details to be submitted.

Head of Environmental Health:

Has no objections subject to the relevant conditions.

Aston Parish Council:

Object to the proposal on the basis that insufficient car parking is provided for the overall scheme of 21 dwellings and that any additional dwellings will increase the number of residents, with the consequent increase in traffic and adverse effect on road safety.

Appraisal

The proposal is for the erection of 8, two storey 2 bedroom flats, on a site previously granted permission for 4 flats and 3 houses. The principle of the development is therefore acceptable. The site is re-used land and located close to local shops and facilities and on a bus corridor. I consider therefore that the proposal is sustainable development. I have considered the Parish Council's objection in this respect but consider that the addition of one unit will have no material effect on highway safety. Additionally no objection has been received from the Transportation Unit.

The current proposal brings the site density as a whole to approximately 55 dwellings per hectare which is considered to be acceptable in this sustainable location. Additionally I consider that the massing design and location of the buildings is acceptable, and will not have any additional adverse effect on the amenities of adjoining occupiers.

Having regard for all the above I am of the opinion that the proposal is acceptable and subject to the safeguard of the recommended conditions, there will be no material conflict with the relevant policies and guidance.

RB2006/2069

Erection of 3no. three storey apartment buildings (24 apartments in total) (amendment to RB2005/1851) at Prospect House & Parkgate Annexe, Rawmarsh Hill, Parkgate for Amberdale Developments Ltd.

RECOMMENDED: GRANTED CONDITIONALLY

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:

EC5 'Mixed Use Areas'

HG4.3 'Windfall Sites'

ENV3.1 'Development and the Environment'

2. For the following reasons:

The raising of the roofline on Block C does not represent a significant increase in height relative to the surrounding houses and is not considered to have any significant detrimental impact on the living conditions of surrounding occupiers. The development is not considered to have a significant impact on the street scene from a visual amenity perspective and retains the high-quality development approved in the previous scheme.

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

[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

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

03

[PC21*] When the proposed access has been brought into use, the existing accesses (to Rawmarsh Hill) shall be permanently closed and the kerbway reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

04

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

05

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

06

[MC16] The operator shall install and thereafter utilise as appropriate, wheel washing facilities on the site for the duration of the operation. Prior to its installation on site, full details of its specification and siting shall be first agreed with the Local Planning Authority.

07

[MC31*] Except in case of emergency, no operations shall take place on site other than between the hours of 08:00 and 18:00 Monday to Friday and between 08:00 and 18:00 on Saturdays. There shall be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

08

[MC45] At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such

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

09

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

10

[WC83] Within the first available planting season after the commencement of the development, works shall be undertaken on the site in accordance with a landscaping scheme which shall have received the prior written approval of the Local Planning Authority. The scheme shall provide for tree/shrub species and grass seed mixtures; sizes of planting materials; planting positions/distances and provision of hedgerows as appropriate - together with a programme of maintenance and establishment. Plants dying, removed, destroyed or severely damaged/diseased within five years of planting shall be replaced in a manner to be approved by the Local Planning Authority.

11

[PC93] The windows on the first floor of the elevation of the 2 storey block facing Broome Avenue shall be non openable and glazed with obscure glass as agreed with the Local Planning Authority and shall not at any time be glazed with clear glass without the prior written agreement of the Local Planning Authority.

12

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.

13

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

14

No security lighting shall be installed at the site or to the exterior of the buildings without the prior written consent of the Local Planning Authority.

15

The existing footway on Terrace Road shall be increased in width to 1.8 metres prior to the occupation of the development.

16

The proposed vehicular access to Terrace Road shall be constructed as indicated on the attached copy extract plan.

17

[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 buildings are occupied.

18

No later than 7 days after the completion of the sale of each dwelling, the developer shall procure from the SYPTA a Travel Master Pass and journey planner valid for one year on behalf of each household who shall be 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

[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

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

03

[PR21] In the interests of road safety.

04

[PR24B] To ensure that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of road safety and residential amenity and in accordance with Policy HG5 'The Residential Environment'.

05

[PR27] To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

06

[MR16] In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

07

[MR31] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

08

[MR45] In the interests of local amenity, to give effect to the requirement of Policy MIN 6.1 of the adopted Unitary Development Plan.

09

In the interests of satisfactory and suitable drainage.

10

[WR83] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity, in accordance with Policy WM 1.8 of the adopted Unitary Development Plan.

11

[PR93] In the interests of the amenities of adjoining property and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

12

To ensure that the development can be properly drained.

13

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

14

PR58] In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'

15

[PR21] In the interests of road safety.

16

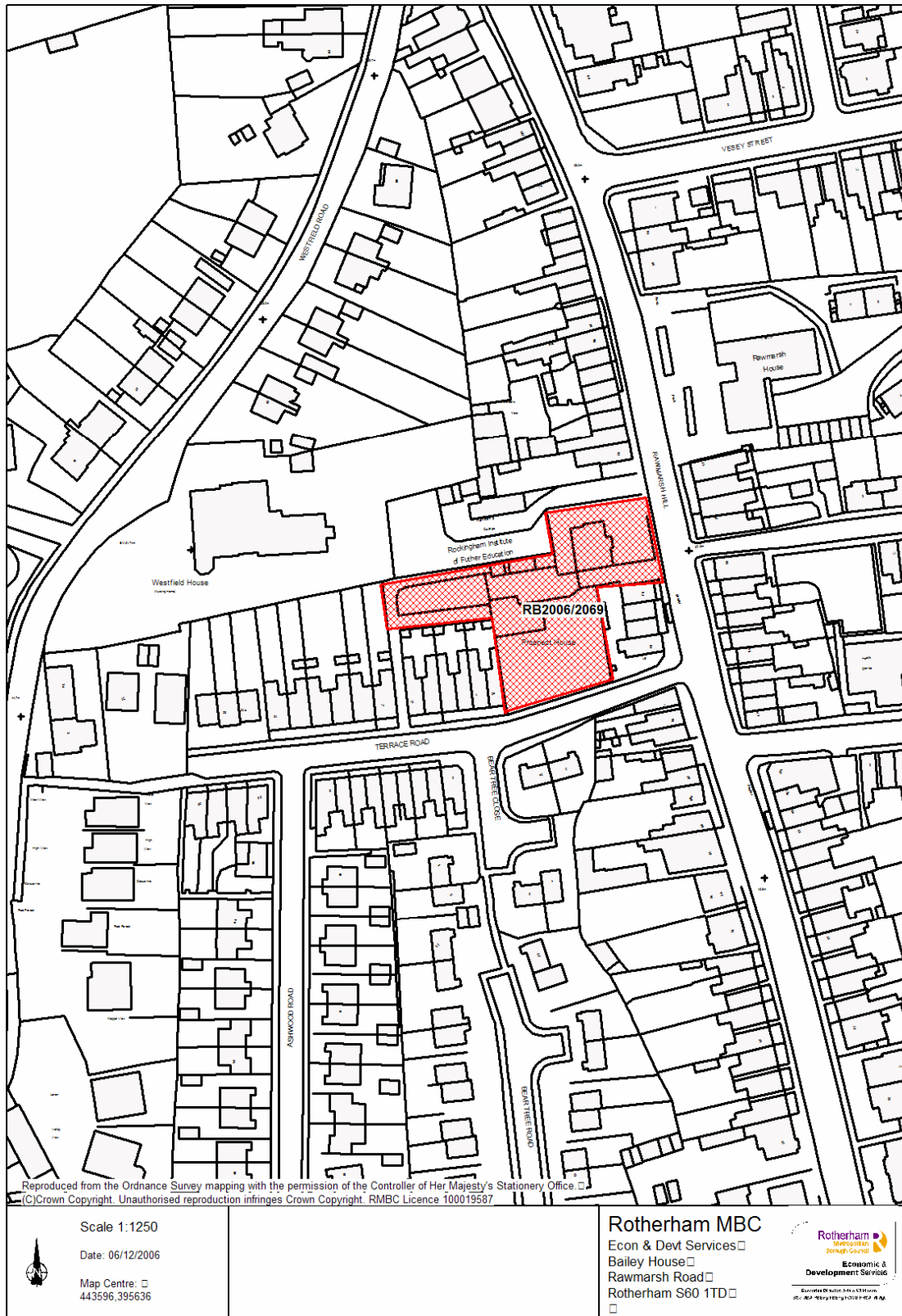
[PR21] In the interests of road safety.

17

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

18

To promote sustainable modes of transport.



Notes for RB2006/2069

Background

The proposed site has been the subject of a number of previous applications. Members may recall the granting of application RB2005/1851 for the erection of 3 three-storey apartments in December 2005.

UDP Allocation and Policies

The site is located within an area allocated within Mixed Use Area 10. In accordance with UDP Policy EC5 residential development is acceptable within this allocation.

UDP policies HG4.3 'Windfall Sites' and ENV3.1 'Development and the Environment are also relevant in this application.

Site Description

The proposed site measures approximately 0.17ha, the majority of which is taken up by two existing buildings, the former police house, which fronts onto Rawmarsh Hill and Prospect House, which is a mock Tudor designed property and fronts onto Terrace Road. To the south east corner of the site (and excluded from this development), is a row of terraced properties that front onto Rawmarsh Hill and are predominantly residential. The west and north of the site are also neighboured by residential properties formed of a row of terraces on Terrace Road and a single detached property, known as West Riding Cottage to the north. This is a two storey building that looks directly toward the site and is approximately 11 metres away from the boundary. The boundary to the site is made up primarily of a substantial brick wall some 2m in height which provides a significant amount of screening to the proposed development. To the south west of the site are a number of privately owned garages. The majority of the site is currently used as private amenity space for Prospect House, although as most of this is laid to the front of the property and overlooked by the existing properties on Rawmarsh Hill it offers little in private amenity value.

Proposals

This is a full planning application for the provision of 3, three storey blocks to provide a total of 24 apartments (12 x 1 bedroomed and 12 x 2 bedroomed). The proposal also includes the provision of 13 dedicated off street parking spaces and 24 cycle parking spaces. To the west part of the site is a dedicated lawned area with planting and seating to provide communal private amenity space for the residents.

The design and footprint of the proposal is very similar to the previously granted application RB2005/1851, with the only difference proposed being that the height of the eaves would be approximately 1m higher on block C facing Terrace Road. Work has already begun on implementing the existing permission.

Publicity

In addition to letters sent to occupiers of neighbouring properties, this application has been advertised in the press and on site by way of a site notice. No objections have been received so far.

Consultations

All appropriate consultations have been carried out and the comments are summarised below:

- *Transportation Unit – No objections, subject to the imposition of conditions in RB2005/1851.*
- *Trees and Woodlands No comments*
- *Yorkshire Water No comments.*

Appraisal

Work has already started on the implementation of the previous application RB2005/1851 for 24 apartments. As in the previous application this equates to 141 dwellings per hectare and therefore represents an efficient use of land in accordance with the principles advocated in PPG3 and in accordance with UDP policy HG4.3.

As it is located within 117m of Rawmarsh Town Centre and adjacent the Rotherham Dearne Quality Bus Corridor, it is also considered that this is a good sustainable location.

The neighbouring properties are made up primarily of terraced residential dwellinghouses with the detached West Riding Cottage some 11 metres away from the northern boundary. The increase in height of Block C is approximately 1m in higher than the previous application and it is not considered that such an increase would have any significant impact on the living conditions of the existing residential properties along Terrace Road. The revised scheme is considered to step up the eaves level in a natural way and is not considered to have any detrimental impact on the street scene. The revised proposal reflects the architectural features approved in the previous scheme and would have a slightly shallower roof pitch in relation to the granted scheme.

No other differences are proposed.

It is therefore considered that this development would also be in accordance with the provisions of Government policy contained within PPS3 and the policies contained within the adopted Unitary Development Plan and in the absence of material considerations that would indicate otherwise, the proposal is recommended for approval subject to conditions.

To the Chairman and Members of the
PLANNING REGULATORY BOARD

21 December 2006

Report of the Head of Planning and Transportation Service

<u>ITEM NO.</u>	<u>SUBJECT</u>
1.	Appeal Decision – Outline application for erection of a detached dwellinghouse a land at Old School Yard, School Hill, Whiston for Mr. P. Wright RB2006/0395(FUL) APPEAL DISMISSED.
2.	Ref: RB2006/0434(FUL) Appeal Decision – Two Storey Side Extension at 33 Flat Lane, Whiston for Mr. I. R. Bulmar. APPEAL ALLOWED
3.	RB2006/1707 Use of land as temporary car park (application under Regulations 3 & 9A of the Town & Country Planning General Regulations 1992) at land at St Ann's Road, Eastwood for RMBC (Streetpride).
4.	RB2006/1708 Use of land as temporary car park (application under regulations 3 & 9A of the Town & Country Planning General Regulations 1992) at Highway Verge Adjacent to Fitzwilliam Road, Eastwood for RMBC (Streetpride).
5.	RB2006/1709 Use of land as temporary car park (application under Regulations 3 & 9A of the Town and Country Planning General Regulations 1992) at highway verge adjacent to Fitzwilliam Road, Eastwood for RMBC (Streetpride).
6.	RB2006/1710 Use of land as temporary car park (application under regulations 3 & 9A of the Town & Country Planning General Regulations 1992) at highway verge adjacent to Fitzwilliam Road, Eastwood for RMBC (Streetpride).

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY
BOARD

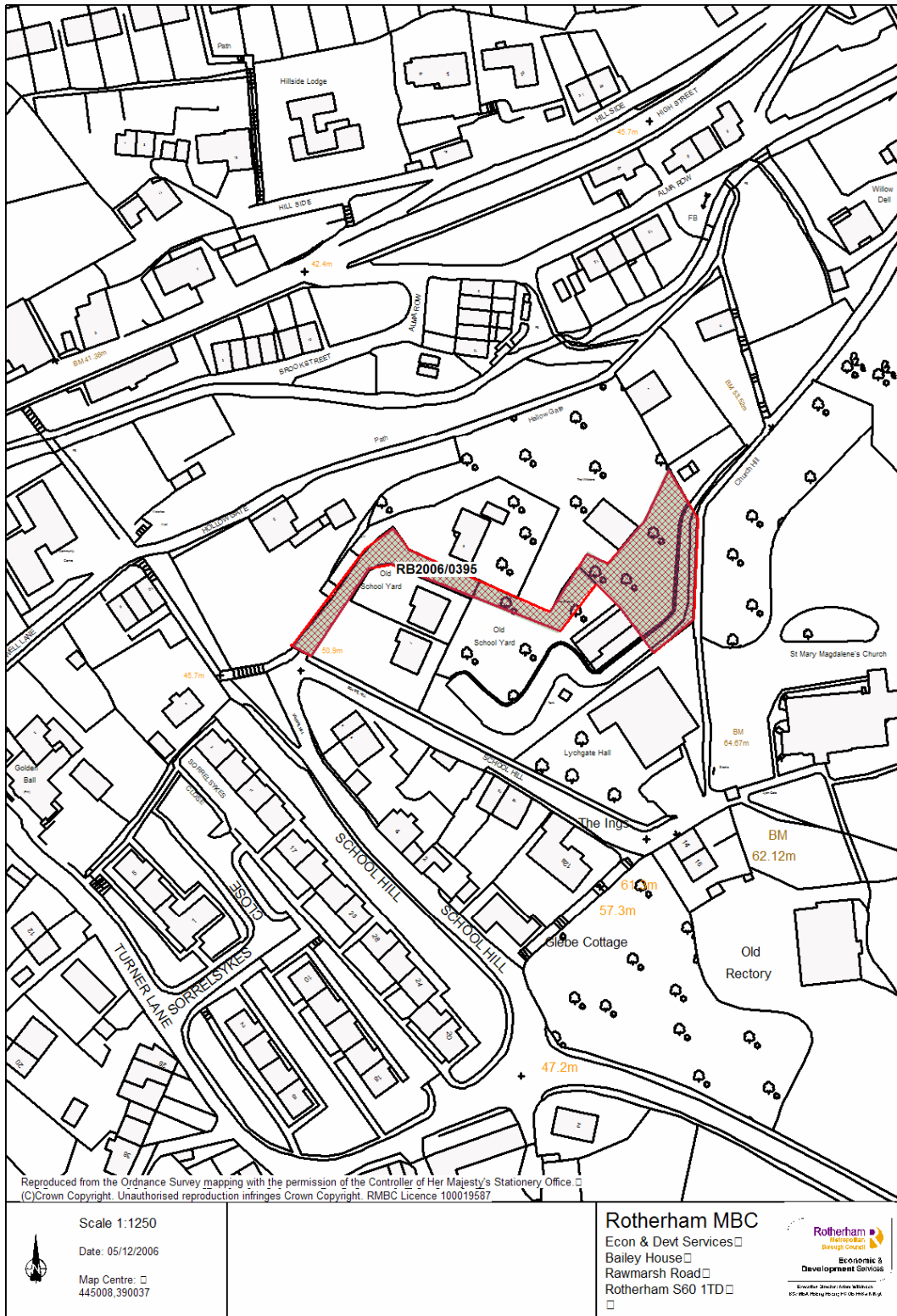
DEPARTMENT OF PLANNING AND
TRANSPORTATION SERVICE

REPORT TO COMMITTEE
21 DECEMBER 2006

Item 1

**Appeal Decision – Outline application for erection of a detached dwellinghouse
a land at Old School Yard, School Hill, Whiston for Mr. P. Wright/**

**RB2006/0395(FUL)
APPEAL DISMISSED**



Recommendation

That the decision to dismiss the appeal be noted.

Background

The application was refused in April 2006, as it was considered that the proposal would not preserve or enhance the character or appearance of the Whiston Conservation Area by virtue of the over-development of the site and potential future losses to trees protected by Tree Preservation Orders. As such, the proposal would be contrary to UDP Policies ENV2.10 'Conservation Areas', ENV3.4 'Trees Woodlands and Hedgerows', ENV2.11 'Development in Conservation Areas' and Supplementary Planning Guidance : Environment Guidance 3- 'Development in Conservation Areas' creating a negative impact upon the visual amenity of the locality.

The Council also considers that an application for outline planning permission on this site located within the Whiston Conservation Area is unacceptable and contrary to UDP Policy ENV2.11 'Development in Conservation Areas' which clearly states that the Council will not grant planning permission on the basis of outline applications unless, having considered such details of the proposal as may have been required to be submitted.

The existing unadopted access to the site is capable of accommodating one-way traffic only, by virtue of its restricted width (3.3 metres in part) and adverse alignment. The introduction of additional vehicular/pedestrian traffic generated by new development would increase the potential for conflict, particularly at the junction with School Hill, to the detriment of road safety.

The development, if approved, could encourage the submission of other applications of a similar nature for adjacent land served from the private drive. Such applications would become progressively more difficult to resist and would further increase the potential for vehicular/pedestrian conflict. If implemented the proposal would result in 6 No. dwellings being served from a private drive which is contrary to the Council's usual practice.

The Council considers that the proposal is contrary to UDP Policy ENV2 'Conserving the Environment', EN2.2 'Interests Outside Statutorily Protected Sites' and ENV2.3 'Maintaining the Character and Quality of the Environment' by virtue of the failure to safeguard the bats on site and submit survey details accordingly, to the detriment of the long term prospects of the protected species.

Inspector's Decision

I have now been informed that the Inspector has allowed the appeal.

He notes the lack of detail with regard to the location of a proposed dwelling and in the absence of this concludes that given the contrived shape of the site, a dwelling would be likely to have a cramped and poor relationship with its surroundings.

He is of the opinion that the proposal conflicts with UDP Policy ENV2.12 which prohibits outline applications in Conservation Areas and reemphasises this with National Planning Policy Guidance Note 15.

The Inspectors concurs that the protected trees overhanging the appeal site would be under pressure to be removed on safety grounds should the appeal be allowed. He considers that the trees enhance the visual amenity of the locality and that their removal would detract from the character of the Whiston Conservation Area and be contrary to UDP Policies ENV2.10, ENV2.11 and ENV2 and PPG15.

With regard to Highway Safety, the Inspector points out the lack of policy grounds for the limiting of 5 dwellings maximum to be served from a private drive, however, he is of the opinion that due to the alignment and restricted width a further dwelling has the potential to be hazardous for both pedestrians and drivers.

He notes the possibility of bats roosting in trees within the area, and as a protected species they may be affected by the development. Therefore, the onus is on the Developer to provide information in the form of a survey along with the application. This information has not been provided.

Item 2

Ref: RB2006/0434(FUL)

Appeal Decision – Two Storey Side Extension at 33 Flat Lane, Whiston for Mr. I. R. Bulmar.

APPEAL ALLOWED



Recommendation

That the decision to allow the appeal be noted.

Background

The application was refused in April 2006, as it was considered that the proposal was contrary to adopted Unitary Development Plan 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. It was considered that the proposal does not meet this standard by virtue of the architectural design of the gabled roofline and its relationship to the predominance of other dwellings in the locality which have roofs of hipped form. Additionally it was considered that the construction of a gabled extension on one of 2 semi-detached dwellings would create an imbalance in appearance. Thereby it was considered that the development if implemented would have a consequential detrimental effect upon the visual amenity of the street-scene.

It was also considered that the proposal was contrary to Unitary Development Plan Supplementary Planning guidance 'Housing Guidance 1, Householder Development; Adding a two-storey side extension', which requires that either one metre is left alongside the extension or the first floor of the extension is set back by 0.5 metres to minimise any terracing effect. It was considered that the proposal does not meet this standard by virtue of its alignment with the existing front elevation and its close proximity to no. 31 which creates a terracing effect.

Furthermore, it was considered that the development, if approved, could encourage the submission of other applications of a similar nature for imbalanced gabled extensions in areas dominated by hipped rooflines. Such applications would become progressively more difficult to resist and would further increase the detrimental impact upon the street-scene which is contrary to the Council's usual practice.

Inspector's Decision

I have now been informed that the Inspector has allowed the appeal.

He notes that there is a predominance of hipped rooflines in the locality, however, at the bottom of Flat Lane, there is less conformity in the character due to the jumble of front and rear elevations and outbuildings and garages associated with newer bungalows close by. It is also noted that there is a 2 storey side extension at no.31 which was approved by the Council under the same set of policies that were relied upon to refuse what is a very similar proposal at no.33.

It is acknowledged that the design of the proposal will not respect the general character of the wider area and would not therefore accord with ENV3.1 of the UDP in terms of a compatible design to the locality. It is also agreed that the proposal would imbalance the appearance of no's 33 and 35 and a terracing effect created between no's 31 and 33, thereby conflicting with the advice given in SPG 'Housing

Guidance 1, Householder Development; Adding a two-storey side extension' and attracts significant weight.

The Inspector concludes; given the location at the bottom of Flat Lane where the character and appearance has already been substantially altered, the extension would not be visible from higher up the hill thereby minimising the impact upon the visual amenity of the street-scene and the sense of balance restored given the similar extension at the adjacent dwelling formulate other material considerations that warrant the allowing of the appeal.

Item 3

RB2006/1707

Use of land as temporary car park (application under Regulations 3 & 9A of the Town & Country Planning General Regulations 1992) at land at St Ann's Road, Eastwood for RMBC (Streetpride).

RECOMMENDATION:

A

That the application be referred to the Government Office for Yorkshire and the Humber (GOYH) for consideration as a departure from the Rotherham Unitary Development Plan under the Town and Country Planning (Development Plans and Consultation) (departures) direction 1999.

B

That consequent upon GOYH deciding not to intervene on this application, planning permission be granted subject to the following conditions:

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

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

UDP Policy ENV3.1 Development and the Environment.

UDP Policy ENV3.2 Minimising the Impact of Development.

UDP Policy ENV3.7 Control of Pollution.

UDP Policy ENV3.3 Tree Preservation Orders.

UDP ENV5.1 Allocated urban greenspace.

UDP ENV2.11 Development in Conservation Areas.

UDP ENV2.8 Settings and curtilages of listed buildings.

2. For the following reasons:

The proposed temporary car park is required to mitigate against the loss of approximately 500 car parking spaces from the St Ann's car park, which is proposed to be redeveloped as a swimming pool and leisure facility.

The current parking area on the St Ann's site has a maximum capacity of 500 spaces, and consideration of replacement sites have been carried out on the basis of trying to match, as far as possible, this potential loss. A number of suitably sized areas of land within reasonable walking distance of the town centre were considered, two of which were dismissed for various reasons (see report).

After the temporary planning permissions have expired it is envisaged that car parking needs will be met on alternative permanent sites within the town centre as part of a wider scheme of investment and improvements in this part of the borough. It is envisaged that a rolling programme of improvements on the sites will commence with the development of a quality bus corridor, followed by housing market renewal investment.

It is important to recognise that some temporary facilities close to the town centre are required in order to provide for loss of the St. Ann's car park on St Ann's Road, which on occasions operates above capacity. Without some replacements the implications would be that the vitality and viability of the town may well be adversely affected and the loss of visitor parking spaces could result in greater parking problems.

It must also be noted that the use for car parking is only required on a temporary basis for a period of three years whilst other permanent parking facilities in the town are investigated, after which time the site will be restored back to its current use. This can be adequately conditioned by planning condition. It is important to note that other sites, as addressed above, have been investigated and there are no other identified realistic sites available for the purpose of temporary car parking facilities.

The level of tree loss is not considered to be significant and is outweighed by the wider benefit of providing town centre parking such that it equates to the compelling justification required to satisfy UDP Policy ENV3.2, and to outweigh the provisions of UDP Policy ENV3.3 'Tree Preservation Orders'.

In terms of ENV2.11 Development in Conservation Areas and ENV2.8 Settings and Curtilages of Listed Buildings the proposal will have minimum impact on the character of the conservation area or the setting of the listed building, given the built up nature of the area generally, the busy St. Ann's Road separating the application site from the listed building and due to a landscaping scheme proposed along the St. Ann's Road frontage. In addition, it should be noted that once the permission has expired the site will be reinstated back to its currently green nature and may well even be enhanced by a greater and more sustainable landscaping scheme.

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

Prior to the commencement of the development hereby approved a specification and programme of works shall be provided to the Local Planning Authority for approval in writing. This shall include the following details:

1:200 scale drawing showing trees to be retained and those to be lost, protective fencing to be erected during construction works. All shrubs to be retained should be detailed.

Details of the proposed surfacing which should be a grass create type construction.

Details of any boundary treatments.

Details of position of exact car parking spaces.

Details of how the site will be reinstated after the expiry of the permission.

The approved document shall be implemented prior to the first use of the site.

02

The permission hereby approved is valid for 3 years only, after which the site shall be reinstated in accordance with approved details to be provided to the Local Planning Authority as detailed in condition 1 above.

03

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.

04

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

05

The area shaded dark green on the submitted plan shall remain clear of all obstructions to visibility in excess of 900mm in height measured above the nearside road channel.

06

[PC40*] No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with details as shown on the attached plan. 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.

07

[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.

08

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

09

[PC41] All tree works shall be carried out in accordance with B.S.3998: 1989. The schedule of all tree works shall be approved by the Local Planning Authority before any work commences and no tree work shall commence until the applicant or his contractor has given at least seven days notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

Reasons for Conditions:

01

In the interest of the visual amenity of the site and in accordance with policies ENV3.1 Development and the Environment.

02

The car parking is required for a temporary period only and the site should be reinstated after this period.

03

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'.

04

[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.

05

In the interests of highway safety.

06

[PR40] To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

07

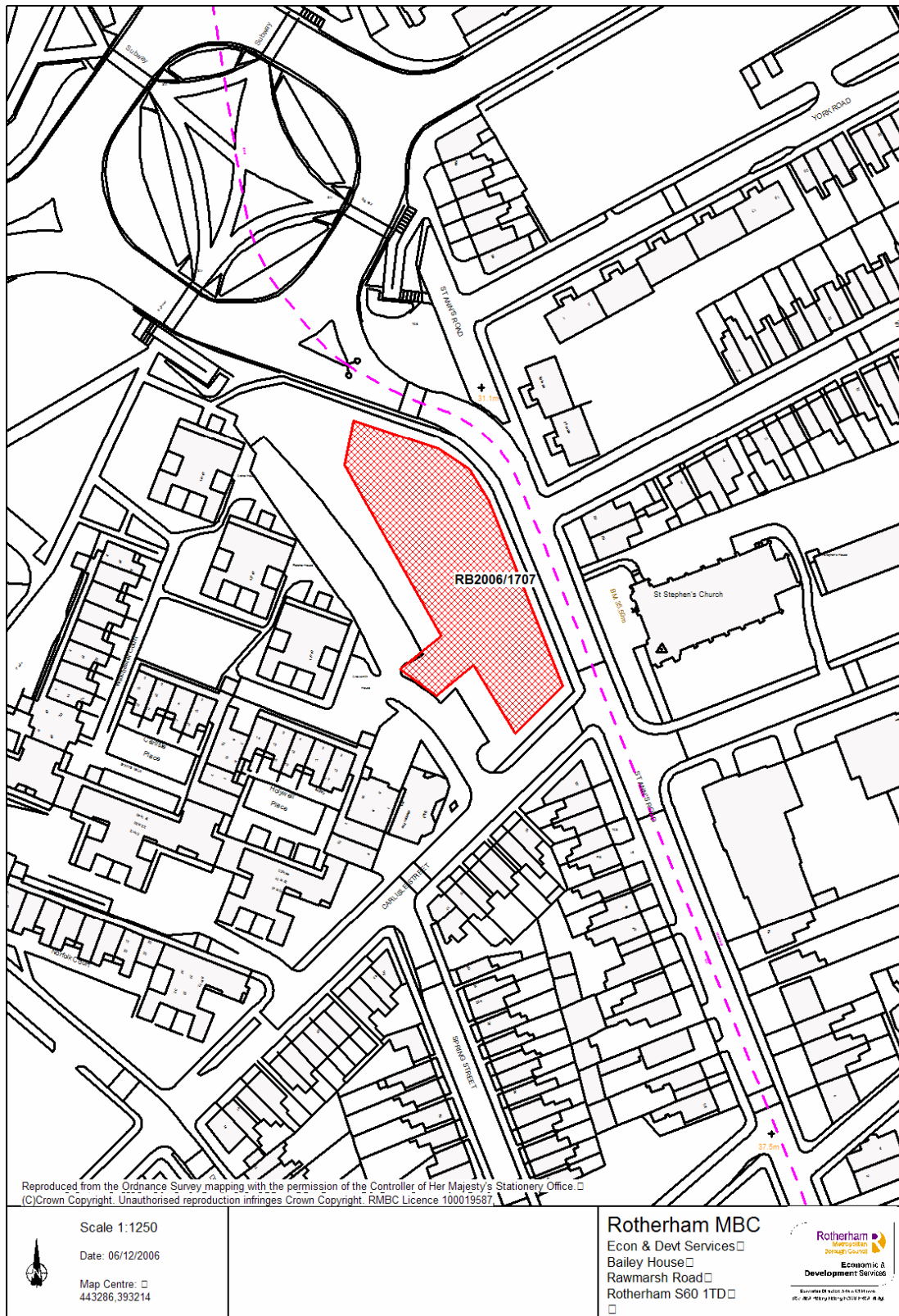
[PR38] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

08

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

09

[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'.



NOTES FOR RB/2006/1707

Background

RB/2006/1148 - Erection of boundary walls and gates and erection of entrance features and new lighting columns (Application under Regulations 3 & 9A of The Town & Country Planning General Regulations 1992) – granted conditionally. This scheme is part of the proposed regeneration of the Wharncliffe flats amenity area and lies directly to the west side of this application for temporary car parking.

UDP Allocation and Policies

The site is situated within an area allocated in UDP as urban green space. The southern half of the site is within the Eastwood Conservation area and St Stephens Church opposite the site is a grade II listed building.

Relevant policies:

*UDP Policy ENV3.1 Development and the Environment.
UDP Policy ENV3.2 Minimising the Impact of Development.
UDP Policy ENV3.7 Control of Pollution.
UDP Policy ENV3.3 Tree Preservation Orders.
UDP ENV5.1 Allocated urban greenspace.
UDP ENV2.11 Development in Conservation Areas.
UDP ENV2.8 Settings and curtilages of listed buildings.*

Site Description

The site currently forms a green wedge off St Ann's roundabout providing valuable amenity in the street scene, for residents at Wharncliffe Flats and the setting for Listed St. Stephen's Church.

The site is mainly grassed with fingers of shrub planting extending into the site from the west side. To the west side of the site there are mature trees that are proposed to be retained. Some trees may be lost as part of the proposal to provide access to the site off Carlisle Street.

Proposals

The scheme submitted with the application proposes the provision of 40 car parking spaces plus 3 spaces for use by the disabled.

There are three other car parking sites under consideration by the council which are subject of discussion at this board meeting.

Publicity

Neighbouring residents were notified in writing and a site notice was erected. The application was also advertised in the press as a departure from the Unitary Development Plan.

One objection has been received along with a petition signed by 68 local residents. Two 'Rights to Speak' has been received from the applicant and an objector. The objections received are summarised as follows:

- *Loss of valuable habitats;*
- *Increase in pollution;*
- *Loss of residential amenity through noise and disturbance;*
- *Increased congestion in the vicinity;*
- *Security problem and opportunity for anti social behaviour.*

Consultations

Transportation – No objections subject to conditions.

Drainage - No objections subject to a condition.

Trees and Woodlands – Cannot support the application due to loss of urban greenspace and valuable amenity provided by the mature trees which are worthy of a preservation order.

Environmental Health – No objections.

Appraisal

The proposed temporary car park is required to mitigate against the loss of car parking spaces from the St Ann's car park, which is proposed to be redeveloped as a swimming pool and leisure facility. This application forms one of four proposals for temporary car parks under consideration on this agenda.

The current parking area on the St Ann's site has a maximum capacity of 500 spaces, and consideration of replacement sites have been carried out on the basis of trying to match, as far as possible, this potential loss. The applicants have stated that a number of suitably sized areas of land within reasonable walking distance of the town centre were considered. These included:-

- ☐ *Thornhill recreation ground (adjacent to New Wortley Road)*
- ☐ *Former "Bestobells" site (adjacent to Bailey House)*
- ☐ *Highway verges adjacent to Fitzwilliam Road (on the southern side of)*
- ☐ *Grassed area adjacent to St Ann's Road (south)*

The first two of the sites identified above were dismissed by the applicants for the following reasons:-

Thornhill recreation ground.

The area is currently allocated as urban greenspace, bounded on two sides by major arterial roads. There is concern that any permission for car parking on this site will be perceived as "changing" it to a brownfield site, which will subsequently attract a large number of development enquiries. In any case the development of land allocated as urban greenspace, for whatever reason, is not generally viewed favourably. Previous development proposals have been resisted on this site and it

would be difficult to rebuff future requests if the Council granted itself planning permission for car parking. Due to its location directly adjacent to main roads, there were also road safety concerns relating to access arrangements. Bearing in mind these considerations and comments, which were supplied by the Council's Planning and Transportation Service, this site was not considered further.

Former "Bestobells" site.

The site has been committed for a significant development, and is therefore no longer available.

Three Sites along Fitzwilliam Rd.

Consequently three sites adjacent to, and to the south of, Fitzwilliam Road and the grassed area adjacent to St. Ann's Road (all to be considered on this agenda) were chosen for the temporary parking. The grassed areas fronting Fitzwilliam road were acquired many years ago for possible road widening. However, it is not now considered that a road widening scheme is appropriate in the medium to long term. These areas of land, currently grassed, could be utilised as car parking as the responsibility for the land lies with the Economic & Development Services Programme Area. There are a small number of individual lessees on small portions of the areas of land and to be able to implement this proposal appropriate notice to vacate the land will be required. The appropriate notices have been served on the lessees, and the land should be available, if required.

UDP Policy ENV5.1 'Allocated Urban Greenspace', only allows development resulting in a loss of urban greenspace, only where alternative provision of equivalent community benefit and accessibility is made or it would enhance the local urban greenspace provision. Clearly this proposal will not meet these criteria, and the proposal is therefore, contrary to the policy. However, the proposal will have the wider benefit of providing town centre car parking and is of a temporary nature, after which the site would be reinstated. In addition, the sensitive use of grass crete would also allow the site to maintain a green appearance whilst in temporary use for car parking. Overall it is considered that these material considerations outweigh the non compliance with the objectives of UDP Policy ENV5.1.

UDP Policy ENV3.2 'Minimising the Impact of Development' only allows for the significant removal of trees where there is compelling justification. There is a band of 21 trees directly abutting the western edge of the application site boundary, three of which will be lost to form the vehicular access into the proposed parking area. This belt of trees collectively provides valuable amenity to the area and a good screen between the adjacent Wharncliffe Flats and the proposed car park. An approximately 2 metre high boundary wall granted planning permission under application RB/2006/1148 will help protect the remaining trees just outside the application site. The Trees and Woodlands Officer has indicated that these three trees and the rest of this band meet the criteria for the formation of individual TPOs.

In addition, there are 8 other semi-mature trees and shrub beds within the application site that will be removed to make way for the area of car park. These trees also contribute to the amenity of the area and appear to be in good health. However, these trees are not mature and there is space within the site to ensure a

few replacement trees are planted as part of the development and, once the site is reinstated after a 3 year temporary period, further replacement semi mature trees should be planted as part of reinstating the site to its current use.

On balance, this level of tree loss is regrettable in officer's opinion but is outweighed by the wider benefit of providing town centre parking such that it equates to the compelling justification required to satisfy UDP Policy ENV3.2, and to outweigh the provisions of UDP Policy ENV3.3 'Tree Preservation Orders'.

The objections received partially relate to the potential increase in pollution as a result of this proposal, however, there is a busy road (St. Ann's Road) in between the site and the residential properties to the east and the flats to the west are separated from the site by the band of mature trees and a 2 metre high wall is currently under construction. As such, for a site of this size in this particular situation it is not considered that the impact on air quality will be significant to warrant a refusal of planning permission.

Temporary facilities close to the town centre are required in order to help provide for loss of the St. Ann's car park on St Ann's Road. Without some replacements the implications would be that the vitality and viability of the town may well be adversely affected due to the loss of visitor spaces and greater parking problems in the general area are likely to prevail. It is important to note that other sites, as addressed above, have been investigated and there are no other identified realistic sites available for the purpose of temporary car parking facilities.

It must also be noted that the use for car parking is only required on a temporary basis for a period of three years whilst other permanent parking facilities in the town are investigated, after which time the site will be restored back to its current use. This can be adequately conditioned by planning condition.

The southern half of the planning application site is designated as part of the Doncaster Road Conservation Area and St. Stephen's Church, which is Grade II Listed, is located to the east on the opposite side of St. Ann's Road.

In terms of ENV2.11 Development in Conservation Areas and ENV2.8 Settings and Curtilages of Listed Buildings the proposal will have minimum impact on the character of the conservation area or the setting of the listed building, given the built up nature of the area generally, the busy St. Ann's Road separating the application site from the listed building and due to a landscaping scheme proposed along the St. Ann's Road frontage. In addition, it should be noted that once the permission has expired the site will be reinstated back to its currently green nature and may well even be enhanced by a greater and more sustainable landscaping scheme.

The Transportation Assessment (TA) submitted in support of the proposal has been audited and its conclusion that there will be no material increase in traffic at St. Ann's Roundabout as a consequence of this particular proposal is accepted. The Transportation section is satisfied with the proposal subject to the provision of necessary sight lines out of the site itself onto Carlisle Street and then again when exiting onto St. Ann's Road.

In summary, although the proposal is not in accordance with provisions of the UDP in that the proposal is contrary to UDP Policy ENV5.1, the reasons given in the report outweigh those provisions, and in all other respects the proposal is in accordance with the provisions of the UDP, and is recommended for permission on a temporary basis.

However, as the proposal represents a departure from the Unitary Development Plan, being also on Council owned land, the application will require referral to the Government Office for Yorkshire and the Humber (GOYH).

Item 4

RB2006/1708

Use of land as temporary car park (application under regulations 3 & 9A of the Town & Country Planning General Regulations 1992) at Highway Verge Adjacent to Fitzwilliam Road, Eastwood for RMBC (Streetpride).

RECOMMENDATION:

A

That the application be referred to the Government Office for Yorkshire and the Humber (GOYH) for consideration as a departure from the Rotherham Unitary Development Plan under the Town and Country Planning (Development Plans and Consultation) (departures) direction 1999.

B

That consequent upon GOYH deciding not to intervene on this application, planning permission be granted 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 set out below, and all relevant material planning considerations:

Policy ENV3.1 Development and the Environment.

Policy ENV3.7 Control of Pollution.

Policy ENV3.2 Minimising the Impact of Development.

2. For the following reasons:

The proposed temporary car park is required to mitigate against the loss of approximately 500 car parking spaces from the St Ann's car park, which is proposed to be redeveloped as a swimming pool and leisure facility.

The current parking area on the St Ann's site has a maximum capacity of 500 spaces, and consideration of replacement sites have been carried out on the basis of trying to match, as far as possible, this potential loss. A number of suitably sized areas of land within reasonable walking distance of the town centre were considered, two of which were dismissed for various reasons (see report).

After the temporary planning permissions have expired it is envisaged that car parking needs will be met on alternative permanent sites within the town centre as part of a wider scheme of investment and improvements in this part of the borough. It is envisaged that a rolling programme of improvements on the sites will commence with the development of a quality bus corridor, followed by housing market renewal investment.

Although this site is located within an air quality management area and that the use of this site for the parking of vehicles is likely to increase the levels of pollution, a pragmatic view of the overall situation needs to be taken in this instance.

It is important to recognise that some temporary facilities close to the town centre are required in order to provide for loss of the St. Ann's car park on St Ann's Road, which on occasions operates above capacity. Without some replacements the implications would be that the vitality and viability of the town may well be adversely affected due to the loss of visitor spaces.

It must also be noted that the use for car parking is only required on a temporary basis for a period of three years whilst other permanent parking facilities in the town are investigated, after which time the site will be restored back to its current use. This can be adequately conditioned by planning condition.

Although it is inevitable that the use of the site for the parking of vehicles will lead to an increase in air pollution, the site lies adjacent to a busy arterial road from the east of Rotherham towards the town centre. As such, for a site of this size in this particular situation it is not considered that the impact on air quality will be significant to warrant a refusal of planning permission. It is important to note that other sites, as addressed above, have been investigated and there are no other identified realistic sites available for the purpose of temporary car parking facilities.

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

Prior to the commencement of the development hereby approved a specification and programme of works shall be provided to the Local Planning Authority for approval in writing. This shall include the following details:

1:200 scale drawing showing trees to be retained and those to be lost, protective fencing to be erected during construction works. All shrubs to be retained should be detailed.

Details of the proposed surfacing (which should be a grass create type construction).

Details of any boundary treatments.

Details of position of exact car parking spaces.

Details of how the site will be reinstated after the expiry of the permission.

The approved document shall be implemented prior to the first use of the site.

02

The permission hereby approved is valid for 3 years only, after which the site shall be reinstated in accordance with approved details to be provided to the council as detailed in condition 1 above.

03

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.

04

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

05

The area shaded dark green on the submitted plan shall remain clear of all obstructions to visibility in excess of 900mm in height measured above the nearside road channel.

06

The areas shaded red on the submitted plan shall remain clear of all obstructions to visibility in excess of 600mm in height measured above the footway.

Reasons for Conditions:

01

In the interest of the visual amenity of the site and in accordance with policies ENV3.1 Development and the Environment.

02

The car parking is required for a temporary period only and the site should be reinstated after this period.

03

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'.

04

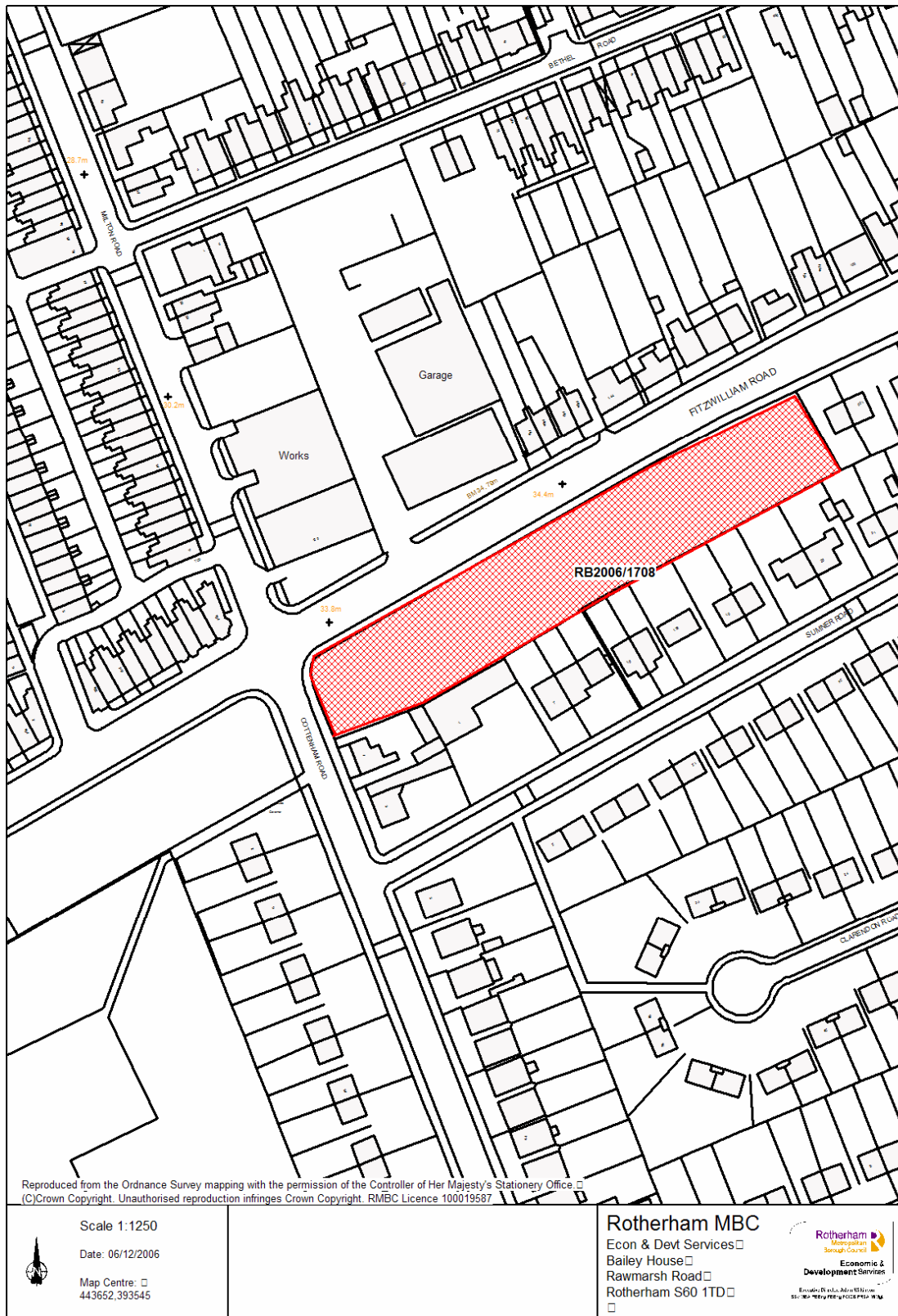
[PR24A] To encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of road safety.

05

In the interests of highway safety.

06

In the interests of highway and pedestrian safety.



NOTES FOR RB/2006/1708

Background

RB/1999/0063 – Use of land for car park – granted conditionally. This proposal is currently in operation and occupies approximately 25% of the site area for this application. The permission was granted on a 3 year temporary basis for a business premises on the opposite site of Fitzwilliam Road. The permission expired on the 1st March 2002 and no other application has been submitted to renew it. The development is therefore unauthorised.

UDP Allocation and Policies

The site is located within an area allocated as Residential in the RUDP.

Relevant policies:

*UDP Policy ENV3.1 Development and the Environment.
UDP Policy ENV3.2 Minimising the Impact of Development.
UDP Policy ENV3.7 Control of Pollution.*

Site Description

The site is located on the south side of Fitzwilliam Road and to the east side of Cottenham Road. The majority of the site is currently a grassed area that contains a group of semi mature trees in the middle of the site towards the southern boundary.

There is currently a car park in place occupying approximately 25% of the overall application site area. This existing car park is accessed off Cottenham Road where it is also proposed to access the temporary car park subject to this application.

There are residential properties abutting the southern boundary of the application site on Summer Road and a single residential property abuts the eastern boundary which fronts onto Fitzwilliam Road.

Proposals

The car park is required for a temporary period of three years to help to mitigate for the impact of the loss of town centre car parking spaces resulting from the development of St Ann's car Park. The scheme submitted with the application proposes the provision of 93 car parking spaces plus 6 spaces for use by the disabled and an area set aside for cycle parking.

There are three other car parking sites under consideration by the council which are subject of discussion at this board meeting.

Publicity

Neighbouring residents were notified in writing and a site notice was erected. The application was also advertised in the press as a departure from the Unitary Development Plan.

Two objections, including one right to speak, have been received. One 'Right to Speak' has also been received from the applicant. The objections are summarised as follows:-

- Reduction in air quality;*
- Increased traffic congestion;*
- Reduction in general environmental quality;*
- Reduction in road safety;*
- Potential for anti social behaviour.*

Consultations

Transportation – No objections subject to conditions.

Drainage - No objections subject to condition.

Environmental Health - Recommend refusal as the site is within one of Rotherham Metropolitan Borough Council's Air Quality Management Areas (AQMA) and the proposal will increase air pollution in the area.

Appraisal

The proposed temporary car park is required to mitigate against the loss of car parking spaces from the St Ann's car park, which is proposed to be redeveloped as a swimming pool and leisure facility. This application forms one of four proposals for temporary car parks under consideration on this agenda.

The applicant has stated that a number of suitably sized areas of land within reasonable walking distance of the town centre were considered. These included:-

- ☐ *Thornhill recreation ground (adjacent to New Wortley Road)*
- ☐ *Former "Bestobells" site (adjacent to Bailey House)*
- ☐ *Highway verges adjacent to Fitzwilliam Road (on the southern side of)*
- ☐ *Grassed area adjacent to St Ann's Road (south)*

The first two of the sites identified above were dismissed by the applicants for the following reasons:-

Thornhill recreation ground.

The area is currently allocated as urban greenspace, bounded on two sides by major arterial roads. There is concern that any permission for car parking on this site will be perceived as "changing" it to a brownfield site, which will subsequently attract a large number of development enquiries. In any case the development of land allocated as urban greenspace, for whatever reason, is not generally viewed favourably. Previous development proposals have been resisted on this site and it would be difficult to rebuff future requests if the Council granted itself planning

permission for car parking. Due to its location directly adjacent to main roads, there were also road safety concerns relating to access arrangements. Bearing in mind these considerations and comments, which were supplied by the Council's Planning and Transportation Service, this site was not considered further.

Former "Bestobells" site.

The site has now been committed for a significant development, and is therefore no longer available.

Three Sites along Fitzwilliam Road

Consequently three sites adjacent to, and to the south of, Fitzwilliam Road and the grassed area adjacent to St. Ann's Road (all to be considered on this agenda) were chosen for the temporary parking. The grassed areas fronting Fitzwilliam road were acquired many years ago for possible road widening. However, it is not now considered that a road widening scheme is appropriate in the medium to long term. These areas of land, currently grassed, could be utilised as car parking as the responsibility for the land lies with the Economic & Development Services Programme Area. There are a small number of individual lessees on small portions of the areas of land and to be able to implement this proposal appropriate notice to vacate the land will be required. The appropriate notices have been served on the lessees, and the land should be available, if required.

After the temporary planning permissions have expired the applicants envisage that car parking needs will be met on alternative permanent sites within the town centre as part of a wider scheme of investment and improvements in this part of the borough. It is envisaged that a rolling programme of improvements on the sites will commence with the development of a quality bus corridor, followed by housing market renewal investment.

This particular site is located within an 'air quality management area' within which it is the aim of the Council to reduce air pollution. As such, the Council's Environmental Health section is unable to support the application. Indeed, UDP 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."

However, although this site is located within an air quality management area and that the use of this site for the parking of vehicles is likely to increase the levels of pollution, a pragmatic view of the overall situation needs to be taken in this instance.

In terms of policy ENV3.1 Development and the Environment, the site will be surfaced in a suitable temporary material which will have minimum visual impact. Existing vegetation and shrubs will be retained where possible and further planting will take place as appropriate along the Fitzwilliam Road frontage. The site will be reinstated in accordance with a scheme to be agreed in writing with the Council at the expiry of the planning permission.

The Transportation Assessment (TA) submitted in support of the proposal has been audited and its conclusion that there will be no material increase in traffic at St. Anns

Roundabout as a consequence of this particular proposal is accepted. The Transportation section is satisfied with the proposal subject to the provision of necessary sight lines out of the site itself and on the exit from Cottenham Road onto Fitzwilliam Road.

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

However, as the proposal represents a departure from the Unitary Development Plan, being also on Council owned land, the application will require referral to the Government Office for Yorkshire and the Humber (GOYH).

Item 5

RB2006/1709

Use of land as temporary car park (application under Regulations 3 & 9A of the Town and Country Planning General Regulations 1992) at highway verge adjacent to Fitzwilliam Road Eastwood for RMBC (Streetpride)

RECOMMENDATION:

A

That the application be referred to the Government Office for Yorkshire and the Humber (GOYH) for consideration as a departure from the Rotherham Unitary Development Plan under the Town and Country Planning (Development Plans and Consultation) (departures) direction 1999.

B

That consequent upon GOYH deciding not to intervene on this application, planning permission be granted 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 set out below, and all relevant material planning considerations:

Policy ENV3.1 Development and the Environment.

Policy ENV3.7 Control of Pollution.

Policy ENV3.2 Minimising the Impact of Development.

2. For the following reasons:

The proposed temporary car park is required to mitigate against the loss of approximately 500 car parking spaces from the St Ann's car park, which is proposed to be redeveloped as a swimming pool and leisure facility.

The current parking area on the St Ann's site has a maximum capacity of 500 spaces, and consideration of replacement sites have been carried out on the basis of trying to match, as far as possible, this potential loss. A number of suitably sized areas of land within reasonable walking distance of the town centre were considered, two of which were dismissed for various reasons (see report).

After the temporary planning permissions have expired it is envisaged that car parking needs will be met on alternative permanent sites within the town centre as part of a wider scheme of investment and improvements in this part of the borough. It is envisaged that a rolling programme of improvements on the sites will commence with the development of a quality bus corridor, followed by housing market renewal investment.

Although this site is located within an air quality management area and that the use of this site for the parking of vehicles is likely to increase the levels of pollution, a pragmatic view of the overall situation needs to be taken in this instance.

It is important to recognise that some temporary facilities close to the town centre are required in order to provide for loss of the St. Ann's car park on St Ann's Road, which on occasions operates above capacity. Without some replacements the implications would be that the vitality and viability of the town may well be adversely affected due to the loss of visitor spaces.

It must also be noted that the use for car parking is only required on a temporary basis for a period of three years whilst other permanent parking facilities in the town are investigated, after which time the site will be restored back to its current use. This can be adequately conditioned by planning condition.

Although it is inevitable that the use of the site for the parking of vehicles will lead to an increase in air pollution, the site lies adjacent to a busy arterial road from the east of Rotherham towards the town centre. As such, for a site of this size in this particular situation it is not considered that the impact on air quality will be significant to warrant a refusal of planning permission. It is important to note that other sites, as addressed above, have been investigated and there are no other identified realistic sites available for the purpose of temporary car parking facilities.

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

Prior to the commencement of the development hereby approved a specification and programme of works shall be provided to the Local Planning Authority for approval in writing. This shall include the following details:

1:200 scale drawing showing trees to be retained and those to be lost, protective fencing to be erected during construction works. All shrubs to be retained should be detailed.

Details of the proposed surfacing which should be a grass create type construction.

Details of any boundary treatments.

Details of position of exact car parking spaces.

Details of how the site will be reinstated after the expiry of the permission.

The approved document shall be implemented prior to the first use of the site.

02

The permission hereby approved is valid for 3 years only, after which the site shall be reinstated in accordance with approved details to be provided to the Local Planning Authority as detailed in condition 1 above.

03

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.

04

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

05

The area shaded dark green on the submitted plan shall remain clear of all obstructions to visibility in excess of 900mm in height measured above the nearside road channel.

06

The areas shaded red on the submitted plan shall remain clear of all obstructions to visibility in excess of 600mm in height measured above the footway.

Reasons for Conditions:

01

In the interest of the visual amenity of the site and in accordance with policies ENV3.1 Development and the Environment.

02

The car parking is required for a temporary period only and the site should be reinstated after this period.

03

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'.

04

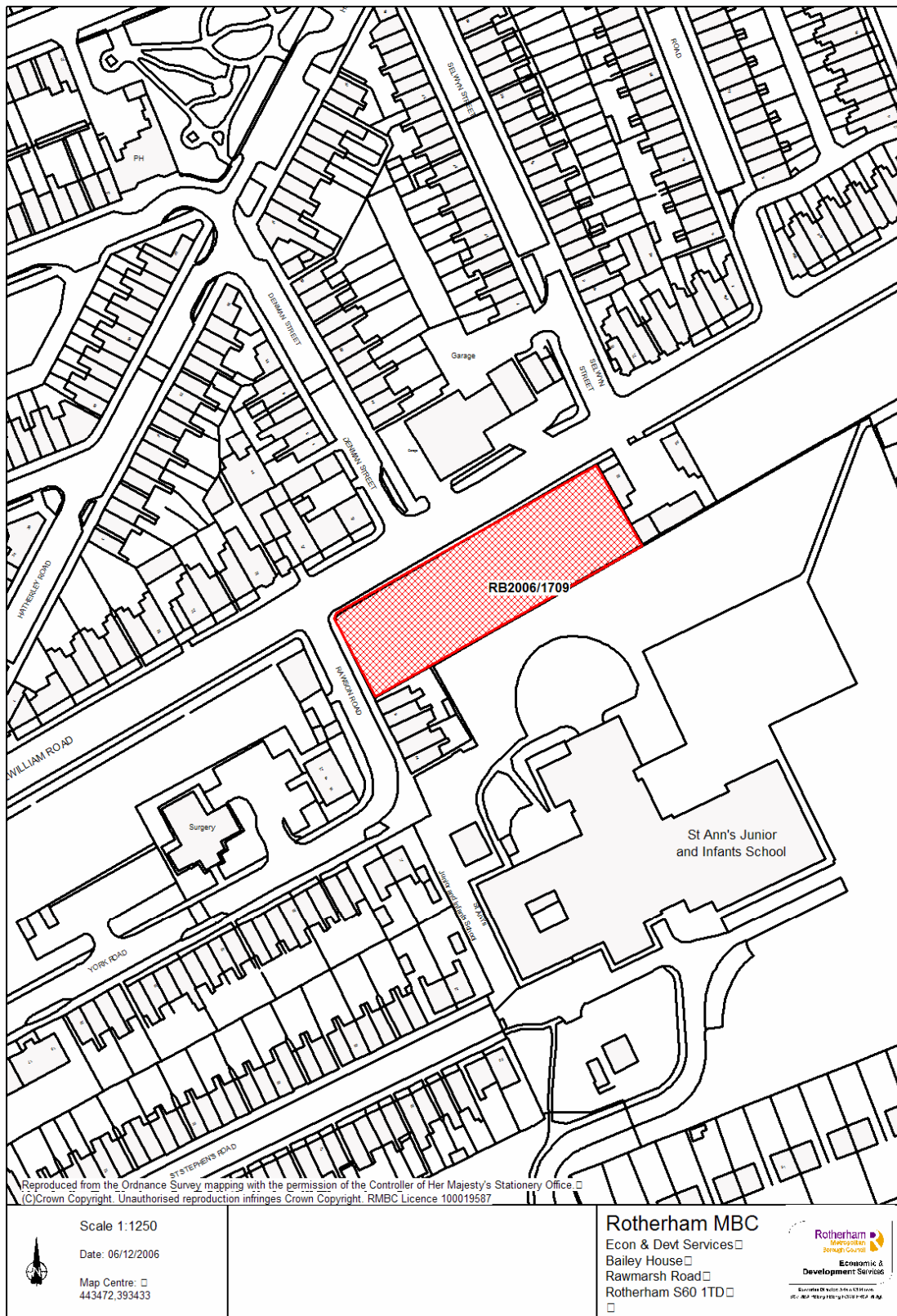
[PR24A] To encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of road safety.

05

In the interests of highway safety.

06

In the interests of highway and pedestrian safety.



NOTES FOR RB/2006/1709

Background

There is no relevant planning history.

UDP Allocation and Policies

The site is located within an area allocated as Residential in the RUDP.

Relevant policies:

UDP Policy ENV3.1 Development and the Environment.

UDP Policy ENV3.2 Minimising the Impact of Development.

UDP Policy ENV3.7 Control of Pollution.

Site Description

The site is located on the south side of Fitzwilliam Road and to the east side of Rawson Road. The site is currently a grassed area that contains established narrow shrub beds along its southern boundary.

The proposed access into the site is off Rawson Road where it is proposed to drop the kerb line.

Proposals

The car park is required for a temporary period of three years to help to mitigate for the impact of the loss of town centre car parking spaces resulting from the development of St Ann's car Park. The scheme submitted with the application proposes the provision of 49 car parking spaces plus 4 spaces for use by the disabled and an area set aside for cycle parking.

There are three other car parking sites under consideration by the council which are subject of discussion at this board meeting.

Publicity

Neighbouring residents were notified in writing and a site notice was erected. The application was also advertised in the press as a departure from the Unitary Development Plan.

No objections have been received. One 'Right to Speak' has been received from the applicant.

Consultations

Transportation – No objections subject to conditions.

Drainage - No objections subject to condition.

Environmental Health - Recommend refusal as the site is within one of Rotherham Metropolitan Borough Council's Air Quality Management Areas (AQMA) and the proposal will increase air pollution in the area.

Appraisal

The proposed temporary car park is required to mitigate against the loss of car parking spaces from the St Ann's car park, which is proposed to be redeveloped as a swimming pool and leisure facility. This application forms one of four proposals for temporary car parks under consideration on this agenda.

The applicants have stated that a number of suitably sized areas of land within reasonable walking distance of the town centre were considered. These included:-

- ☐ *Thornhill recreation ground (adjacent to New Wortley Road)*
- ☐ *Former "Bestobells" site (adjacent to Bailey House)*
- ☐ *Highway verges adjacent to Fitzwilliam Road (on the southern side of)*
- ☐ *Grassed area adjacent to St Ann's Road (south)*

The first two of the sites identified above were dismissed by the applicants for the following reasons:-

Thornhill recreation ground.

The area is currently allocated as urban greenspace, bounded on two sides by major arterial roads. There is concern that any permission for car parking on this site will be perceived as "changing" it to a brownfield site, which will subsequently attract a large number of development enquiries. In any case the development of land allocated as urban greenspace, for whatever reason, is not generally viewed favourably. Previous development proposals have been resisted on this site and it would be difficult to rebuff future requests if the Council granted itself planning permission for car parking. Due to its location directly adjacent to main roads, there were also road safety concerns relating to access arrangements. Bearing in mind these considerations and comments, which were supplied by the Council's Planning and Transportation Service, this site was not considered further.

Former "Bestobells" site.

The site has been committed for a significant development, and is therefore no longer available.

Three Sites along Fitzwilliam Road.

Consequently three sites adjacent to, and to the south of, Fitzwilliam Road and the grassed area adjacent to St. Ann's Road (all to be considered on this agenda) were chosen for the temporary parking. The grassed areas fronting Fitzwilliam road were acquired many years ago for possible road widening. However, it is not now considered that a road widening scheme is appropriate in the medium to long term. These areas of land, currently grassed, could be utilised as car parking as the responsibility for the land lies with the Economic & Development Services Programme Area. There are a small number of individual lessees on small portions

of the areas of land and to be able to implement this proposal appropriate notice to vacate the land will be required. The appropriate notices have been served on the lessees, and the land should be available, if required.

After the temporary planning permissions have expired the applicants envisage that car parking needs will be met on alternative permanent sites within the town centre as part of a wider scheme of investment and improvements in this part of the borough. It is envisaged that a rolling programme of improvements on the sites will commence with the development of a quality of a quality bus corridor, followed by housing market renewal investment.

This particular site is located within an 'air quality management area' within which it is the aim of the Council to reduce air pollution. As such, the Council's Environmental Health section is unable to support the application. Indeed, UDP 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."

However, although this site is located within an air quality management area and that the use of this site for the parking of vehicles is likely to increase the levels of pollution, a pragmatic view of the overall situation needs to be taken in this instance.

In terms of policy ENV3.1 Development and the Environment, the site will be surfaced in a suitable temporary material which will have minimum visual impact. Existing vegetation and shrubs will be retained where possible and further planting will take place as appropriate along the Fitzwilliam Road frontage. The site will be reinstated in accordance with a scheme to be agreed in writing with the Council at the expiry of the planning permission.

The Transportation Assessment (TA) submitted in support of the proposal has been audited and its conclusion that there will be no material increase in traffic at St. Anns Roundabout as a consequence of this particular proposal is accepted. The Transportation section is satisfied with the proposal subject to the provision of necessary sight lines out of the site itself and on the exit from Rawson Road onto Fitzwilliam Road.

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

However, as the proposal represents a departure from the Unitary Development Plan, being also on Council owned land, the application will require referral to the Government Office for Yorkshire and the Humber (GOYH).

Item 6

RB2006/1710

Use of land as temporary car park (application under regulations 3 & 9A of the Town & Country Planning General Regulations 1992) at highway verge adjacent to Fitzwilliam Road Eastwood for RMBC (Streetpride)

RECOMMENDATION:

A

That the application be referred to the Government Office for Yorkshire and the Humber (GOYH) for consideration as a departure from the Rotherham Unitary Development Plan under the Town and Country Planning (Development Plans and Consultation) (departures) direction 1999.

B

That consequent upon GOYH deciding not to intervene on this application, planning permission be granted 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 set out below, and all relevant material planning considerations:

Policy ENV3.1 Development and the Environment.

Policy ENV3.7 Control of Pollution.

Policy ENV3.2 Minimising the Impact of Development.

2. For the following reasons:

The proposed temporary car park is required to mitigate against the loss of approximately 500 car parking spaces from the St Ann's car park, which is proposed to be redeveloped as a swimming pool and leisure facility.

The current parking area on the St Ann's site has a maximum capacity of 500 spaces, and consideration of replacement sites have been carried out on the basis of trying to match, as far as possible, this potential loss. A number of suitably sized areas of land within reasonable walking distance of the town centre were considered, two of which were dismissed for various reasons (see report).

After the temporary planning permissions have expired it is envisaged that car parking needs will be met on alternative permanent sites within the town centre as part of a wider scheme of investment and improvements in this part of the borough.

It is envisaged that a rolling programme of improvements on the sites will commence with the development of a quality bus corridor, followed by housing market renewal investment.

Although this site is located within an air quality management area and that the use of this site for the parking of vehicles is likely to increase the levels of pollution, a pragmatic view of the overall situation needs to be taken in this instance.

It is important to recognise that some temporary facilities close to the town centre are required in order to provide for loss of the St. Ann's car park on St Ann's Road, which on occasions operates above capacity. Without some replacements the implications would be that the vitality and viability of the town may well be adversely affected due to the loss of visitor spaces.

It must also be noted that the use for car parking is only required on a temporary basis for a period of three years whilst other permanent parking facilities in the town are investigated, after which time the site will be restored back to its current use. This can be adequately conditioned by planning condition.

Although it is inevitable that the use of the site for the parking of vehicles will lead to an increase in air pollution, the site lies adjacent to a busy arterial road from the east of Rotherham towards the town centre. It is important to note that other sites, as addressed above, have been investigated and there are no other identified realistic sites available for the purpose of temporary car parking facilities.

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

Prior to the commencement of the development hereby approved a specification and programme of works shall be provided to the Local Planning Authority for approval in writing. This shall include the following details:

1:200 scale drawing showing trees to be retained and those to be lost, protective fencing to be erected during construction works. All shrubs to be retained should be detailed.

Details of the proposed surfacing which should be a grass create type construction.

Details of any boundary treatments.

Details of position of exact car parking spaces.

Details of how the site will be reinstated after the expiry of the permission.

The approved document shall be implemented prior to the first use of the site.

02

The permission hereby approved is valid for 3 years only, after which the site shall be reinstated in accordance with approved details to be provided to the Local Planning Authority as detailed in condition 1 above.

03

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.

04

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

05

The area shaded dark green on the submitted plan shall remain clear of all obstructions to visibility in excess of 900mm in height measured above the nearside road channel.

06

The areas shaded red on the submitted plan shall remain clear of all obstructions to visibility in excess of 600mm in height measured above the footway.

Reasons for Conditions:

01

In the interest of the visual amenity of the site and in accordance with policies ENV3.1 Development and the Environment.

02

The car parking is required for a temporary period only and the site should be reinstated after this period.

03

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'.

04

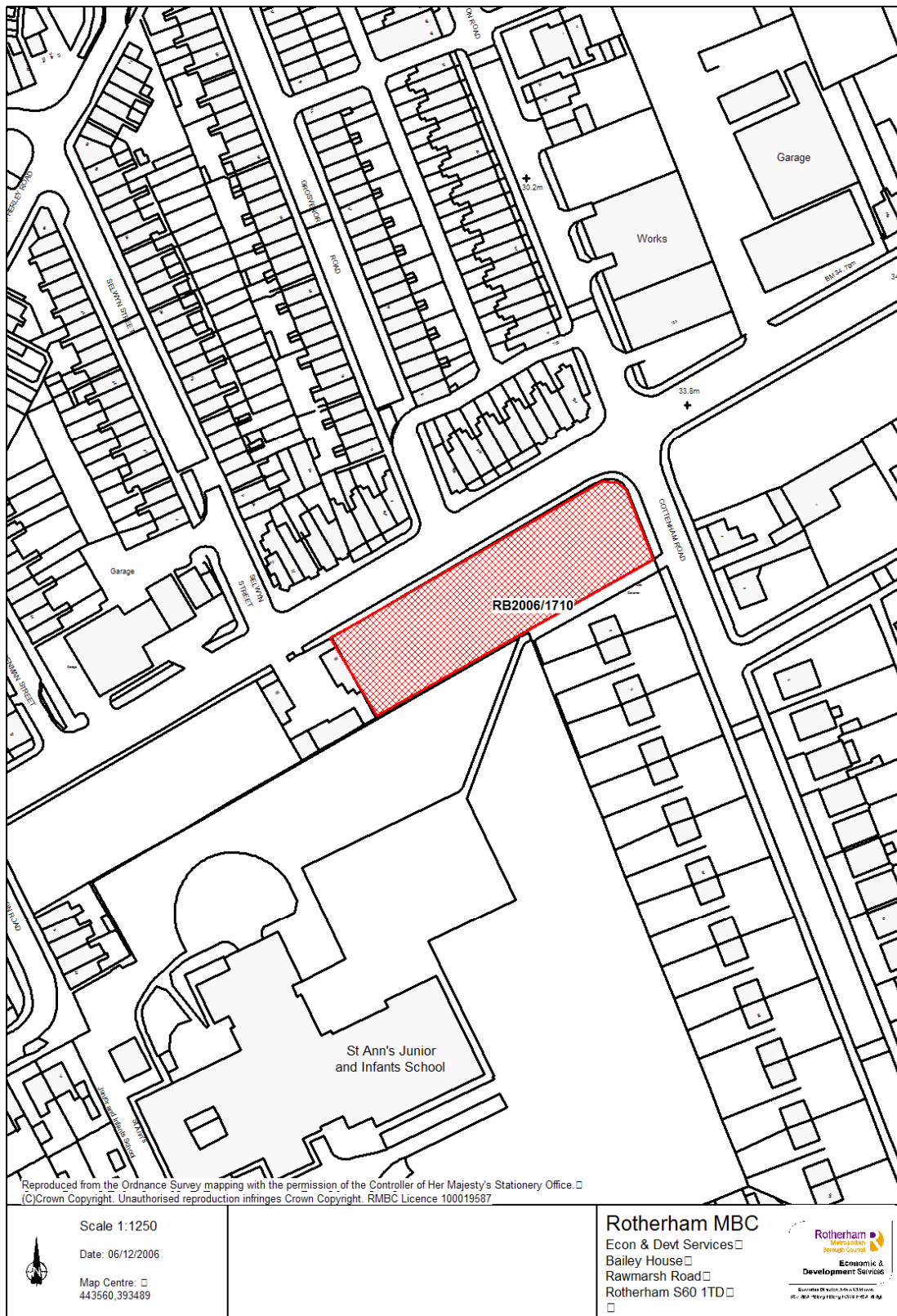
[PR24A] To encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of road safety.

05

In the interests of highway safety.

06

In the interests of highway and pedestrian safety.



NOTES FOR RB/2006/1710

Background

There is no relevant planning history.

UDP Allocation and Policies

The site is located within an area allocated as Residential in the RUDP.

Relevant policies:

UDP Policy ENV3.1 Development and the Environment.

UDP Policy ENV3.2 Minimising the Impact of Development.

UDP Policy ENV3.7 Control of Pollution.

Site Description

The site is located on the south side of Fitzwilliam Road and to the west side of Cottenham Road. The site is currently a grassed area that contains a narrow established shrub bed running along its southern boundary.

The proposed access into the site is off Cottenham Road where it is proposed to drop the kerb line.

Proposals

The car park is required for a temporary period of three years to help to mitigate for the impact of the loss of town centre car parking spaces resulting from the development of St Ann's car Park.

There are three other car parking sites under consideration by the council which are subject of discussion at this board meeting.

Publicity

Neighbouring residents were notified in writing and a site notice was erected. The application was also advertised in the press as a departure from the Unitary Development Plan.

No objections have been received. One 'Right to Speak' has been received from the applicant.

Consultations

Transportation – no objections subject to conditions.

Access – Would prefer it if bollards are not used.

Drainage - No objections subject to condition.

Environmental Health - Recommend refusal as the site is within one of Rotherham Metropolitan Borough Council's Air Quality Management Areas (AQMA) and the proposal will increase air pollution in the area.

Appraisal

The proposed temporary car park is required to mitigate against the loss of car parking spaces from the St Ann's car park, which is proposed to be redeveloped as a swimming pool and leisure facility. This application forms one of four proposals for temporary car parks under consideration on this agenda.

The applicants have stated that a number of suitably sized areas of land within reasonable walking distance of the town centre were considered. These included:-

- ☐ *Thornhill recreation ground (adjacent to New Wortley Road)*
- ☐ *Former "Bestobells" site (adjacent to Bailey House)*
- ☐ *Highway verges adjacent to Fitzwilliam Road (on the southern side of)*
- ☐ *Grassed area adjacent to St Ann's Road (south)*

The first two of the sites identified above were dismissed by the applicants for the following reasons:-

Thornhill recreation ground.

The area is currently allocated as urban greenspace, bounded on two sides by major arterial roads. There is concern that any permission for car parking on this site will be perceived as "changing" it to a brownfield site, which will subsequently attract a large number of development enquiries. In any case the development of land allocated as urban greenspace, for whatever reason, is not generally viewed favourably. Previous development proposals have been resisted on this site and it would be difficult to rebuff future requests if the Council granted itself planning permission for car parking. Due to its location directly adjacent to main roads, there were also road safety concerns relating to access arrangements. Bearing in mind these considerations and comments, which were supplied by the Council's Planning and Transportation Service, this site was not considered further.

Former "Bestobells" site.

The site has been committed for a significant development, and is therefore no longer available.

Three Sites along Fitzwilliam Road

Consequently three sites adjacent to, and to the south of, Fitzwilliam Road and the grassed area adjacent to St. Ann's Road (all to be considered on this agenda) were chosen for the temporary parking. The grassed areas fronting Fitzwilliam road were acquired many years ago for possible road widening. However, it is not now considered that a road widening scheme is appropriate in the medium to long term. These areas of land, currently grassed, could be utilised as car parking as the responsibility for the land lies with the Economic & Development Services Programme Area. There are a small number of individual lessees on small portions

of the areas of land and to be able to implement this proposal appropriate notice to vacate the land will be required. The appropriate notices have been served on the lessees, and the land should be available, if required.

After the temporary planning permissions have expired the applicants envisage that car parking needs will be met on alternative permanent sites within the town centre as part of a wider scheme of investment and improvements in this part of the borough. It is envisaged that a rolling programme of improvements on the sites will commence with the development of a quality of a quality bus corridor, followed by housing market renewal investment.

This particular site is located within an 'air quality management area' within which it is the aim of the Council to reduce air pollution. As such, the Council's Environmental Health section is unable to support the application. Indeed, UDP 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."

However, although this site is located within an air quality management area and that the use of this site for the parking of vehicles is likely to increase the levels of pollution, a pragmatic view of the overall situation needs to be taken in this instance.

In terms of policy ENV3.1 Development and the Environment, the site will be surfaced in a suitable temporary material which will have minimum visual impact. Existing vegetation and shrubs will be retained where possible and further planting will take place as appropriate along the Fitzwilliam Road frontage. The site will be reinstated in accordance with a scheme to be agreed in writing with the Council at the expiry of the planning permission.

The Transportation Assessment (TA) submitted in support of the proposal has been audited and its conclusion that there will be no material increase in traffic at St. Anns Roundabout as a consequence of this particular proposal is accepted. The Transportation section is satisfied with the proposal subject to the provision of necessary sight lines out of the site itself and on the exit from Cottenham Road onto Fitzwilliam Road.

In terms of the Access officer's comments in respect of bollards it is noted that the bollards are already in place and do not form part of this application.

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

However, as the proposal represents a departure from the Unitary Development Plan, being also on Council owned land, the application will require referral to the Government Office for Yorkshire and the Humber (GOYH).