

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

Thursday, 19 March 2009
Start Time:- 9.00 a.m. for Visits
Start Time:- 10.45 a.m. for Meeting
At Town Hall, Moorgate Street, Rotherham

AGENDA

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Declarations of Interest (Pages 1 - 2)
(A form is attached and spares will be available at the meeting)
4. Minutes of the meetings of the Planning Regulatory Board held on 23rd and 26th February, 2009 (herewith) (Pages 3 - 26)
5. Deferments/Site Visits (information attached) (Pages 27 - 28)
6. Visits of Inspection (report herewith) (Pages 29 - 46)
7. Development Proposals (report herewith) (Pages 47 - 156)
8. Report of the Director of Planning and Regeneration Service (herewith) (Pages 157 - 174)
9. Three Week Board Review (report herewith) (Pages 175 - 180)
10. 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 | <input style="width: 30px; height: 30px;" type="checkbox"/> | You may stay in the room. |
| 2. | Personal/Prejudicial | <input style="width: 30px; height: 30px;" type="checkbox"/> | You may stay in the room (public allowed to attend meeting for same purpose) for the purpose of making representations, answering questions or giving evidence. You may not take part in the discussion or observe the vote. |
| 3. | Personal/Prejudicial | <input style="width: 30px; height: 30px;" type="checkbox"/> | You must leave the room (where ordinary member of the public not allowed to speak on the matter e.g. exempt item) |

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

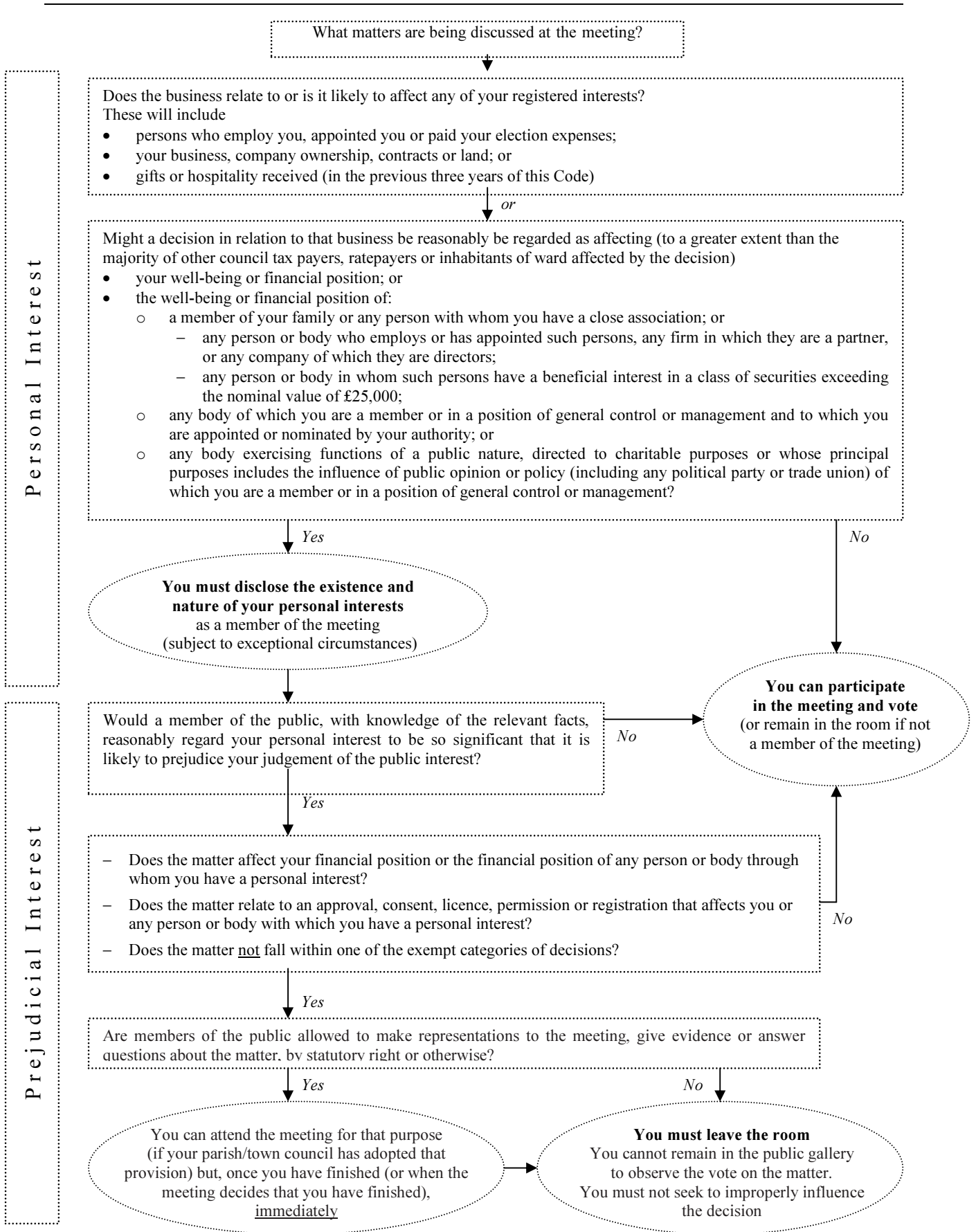
(Please continue overleaf if necessary)

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.)

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



**PLANNING BOARD
23rd February, 2009**

Present:- Councillor Pickering (in the Chair); Councillors Akhtar, Ali, Atkin, Austen, Dodson, Kaye, McNeely, Nightingale and Tweed.

Apologies for absence were received from Councillors Burton, Littleboy, Smith, Turner, Walker and Whysall.

169. DECLARATIONS OF INTEREST

Councillor Austen declared a personal interest in application RB2006/2066 (application for a Lawful Development Certificate at Hillbrook Works, Ulley Lane, Aston for Sims Group UK Ltd.) on the grounds that she was a member of Aston-cum-Aughton Parish Council.

170. MINUTES OF THE MEETING OF THE PLANNING REGULATORY BOARD HELD ON 5TH FEBRUARY, 2009

Resolved:- That the minutes of the meeting of the Planning Regulatory Board held on 5th February, 2009, be approved as a correct record for signature by the Chairman.

171. VISITS OF INSPECTION

Before the formal meeting of the Planning Board, Members of the Board made visits of inspection (Ward Representatives Barron, Swift and Wyatt were present) to the sites of the following applications and the decisions recorded were set out below:-

(a) Erection of a three storey building with rooms in roofspace and dormer windows comprising ground floor car park with apartments over (5 apartments in total) and a two storey (apartment block) with rooms in roofspace and dormer windows comprising (5 apartments in total) (amendment to previously approved under RB2006/2015) at land adjacent to St Thomas' Church, Church Street, Kimberworth for Mr. N. Aslam (RB2008/1710)

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

Mrs. J. Exley (Objector)
Reverend A. Wood (Objector)

Resolved:- That planning permission be granted for the reasons adopted by Members at the meeting and appended to the minutes and subject to the following conditions:-

1. The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take

place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority (Drawing numbers 0040/SE rev B, 0040/009 rev C, 0040/006 rev C, 0040/003, 0040/004 rev A and 0040/007 received 24th October, 2008 and the site layout plan, received 27th October, 2008)

2. Before the development is brought into use the sight lines indicated on the submitted 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 600 mm above the level of the adjacent footway and the visibility thus provided shall be maintained.

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

(a) a permeable surface and associated water retention/collection drainage, or;

(b) an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

4. 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.

5. Prior to the commencement of development, hereby approved, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

6. Cycle parking facilities shall be provided in line with the Council's Cycle Parking Guidelines.

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

8. 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.

9. Unless otherwise agreed 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 drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

10. All rooflights shall be Conservation style rooflights filled flush with the roofspace.

11. A scheme for the retention of the existing stone boundary wall between No. 134 Peters Yard, Peter Street and No. 156 Church Street shall include the height and location and shall be submitted to, and approved by, the Local Planning Authority. Any approved scheme shall be completed prior to the first unit being occupied.

Reasons:-

1. To ensure that the development is carried out in accordance with the approved/amended plans.
2. To provide and maintain adequate visibility in the interests of road safety.
3. To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.
4. 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.
5. In order to promote sustainable transport choices.
6. In order to promote sustainable transport modes.
7. In the interests of satisfactory and sustainable drainage.
8. To ensure that the development can be properly drained.
9. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
10. To ensure that appropriate materials are used in keeping with the character and appearance of the building and surrounding area in accordance with UDP Policy ENV3.1 'Development and the Environment'.
11. In the interests of the visual amenity of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

(b) Erection of retail unit with associated parking at former site of Rockingham Car Sales, Rockingham Road, Swinton for MSSR (RB2008/1849)

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

Mrs. N. Pashley (Objector)
Mrs. H. Smith (Objector)
Mr. D. Corby (Objector)
Mr. Cristinacce (Objector)

Resolved:- That planning permission be granted for the reasons adopted by Members at the meeting and appended to the minutes and subject to the following conditions:-

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

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

The area shall thereafter be maintained in a working condition.

2. 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.

3. The development shall not be commenced until details of a pedestrian refuge in A6022 Rockingham Road in the vicinity of the site have been submitted to, and approved by, the Local Planning Authority and the proposed development shall not be brought into use until the approved details have been implemented.

4. The southernmost vehicular access shall be signed "IN ONLY" and "NO EXIT" and the northernmost vehicular access signed "NO ENTRY" and "EXIT ONLY" before the development is brought into use.

5. Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:-

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.

- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

6. Any plants or trees which within a period of five years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

7. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is brought into use.

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 use hereby permitted shall only be open to customers or for deliveries between the hours of 0700-2200 Mondays to Sundays.

10. 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.

11. Prior to the commencement of development, hereby approved, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

12. The permission, hereby granted, shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority. (Drawing numbers 08-0882/01A, ROC/0001, 0003) (received 14th November and 18th December, 2008)

13. Notwithstanding the submitted plans and permission hereby granted there shall be no vehicular or pedestrian access to the development site from the private access road on the western site boundary (leading to Racecourse Road).

Reasons:-

1. To ensure that surface water can adequately be drained and 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 the adequate drainage of the site and road safety.

2. 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.

3. In the interests of road safety and in order to aid pedestrian accessibility to the site.

4. In the interests of road safety.

5. 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'.

6. 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'.

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

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

10. In the interests of safe redevelopment and afteruse of this site and in accordance with UDP Policy ENV4.4 'Contaminated Land'.

11. In order to promote sustainable transport choices.

12. To ensure that the development is carried out in accordance with the approved/amended plans.

13. In order to protect the amenities of local residents and in the interests of road safety.

(c) Demolition of existing store and 3 No. dwellinghouses and erection of replacement foodstore with associated car parking at 107-119 High Street, Wath upon Dearne for Netto Foodstores Ltd. (RB2008/1864)

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

Mr. W. Smith (Applicant)
Mrs. I. Coe (Objector)
Mrs. G. Picker (Objector)
Mrs. A. Cahill (Objector)
Mrs. A. Wacker (Objector)

Resolved:- That planning permission be granted for the reasons adopted by Members at the meeting and appended to the minutes and subject to the following conditions:-

1. The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority (Drawing numbers 03 Rev E, 06, 07, 05 Rev E, 01 04 Rev E, and 08) (received 11th December, 2008).

2. The materials to be used in the construction of the store shall be Stanton Moor Pitched face Natural Stone, Anstone Pitched Olde Heather Gold Artificial stone and Kingspan KS1000 Optimo composite flat panel metallic cladding, colour silver (RAL 9006), as detailed in the submitted information.

3. Prior to the installation of any refrigeration unit or mechanical fans located externally to the supermarket a noise assessment for the equipment must be submitted to, and approved in writing by, the Local Planning Authority. The equipment must then be installed in accordance with the noise assessment.

4. The use hereby permitted shall only be open for deliveries between the hours of 08.00 to 18.00 Mondays to Saturdays and 10.00 to 17.00 on Sundays and Bank Holidays.

5. The use hereby permitted shall only be open to customers between the hours of 08.00 to 22.00 Mondays to Saturdays and 10.00 to 17.00 on Sundays.

6. The development shall not be commenced until details of the proposed rekerbing/reinstatement of the footway on the site frontage to High Street have been submitted to, and approved by, the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

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

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

The area shall thereafter be maintained in a working condition.

8. 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.

9. The lighting of the store and car park shall be carried out in accordance with the Horizontal Luminance levels plan ref. LS17238. The lights shall only be illuminated between the hours of 07.00-23.00 Monday to Saturdays and 09.00 to 18.00 on Sundays.

10. Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary

drawings where necessary:-

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

11. Any plants or trees which within a period of five years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

12. Prior to the commencement of development full details of all boundary treatment including that along the boundary between the proposed store and 101 High Street, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatment shall be completed in accordance with the approved details prior to the first occupation of the building.

Reasons:-

1. To ensure that the development is carried out in accordance with the approved/amended plans.
2. 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'.
3. In the interest of residential amenity of neighbouring properties and in

accordance with Policy ENV3.7 'Control of Pollution'.

4. In the interest of residential amenity of neighbouring properties and in accordance with Policy ENV3.7 'Control of Pollution'.

5. In the interest of residential amenity of neighbouring properties and in accordance with Policy ENV3.7 'Control of Pollution'.

6. In the interest of highway safety and to ensure that the kerb and footway are reinstated.

7. To ensure that surface water can adequately be drained and 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 the adequate drainage of the site and road safety.

8. 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.

9. In the interest of amenity of local residents and to prevent light pollution.

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

12. In the interest of visual and residential amenity.

(d) Application for Lawful Development Certificate re Existing Use of Premises for Processing and Recycling of Scrap Metal at Hillbrook Works, Ulley Lane, Aston, For Sims Group U.K. Ltd. (RB2006/2066)

Resolved:- That a Certificate of Lawfulness be granted as it was considered that the applicants had shown, on the balance of probability, that the use of the site as a metal recycling facility has been carried out at the current level of activity (up to 40,000 tonnes per year) for a period of ten years prior to the 27th October, 2006.

(e) Erection of 92 Dwellings (15 No. 2 storey 2 bedroom dwelling houses 38 No 2 storey 3 bedroom dwelling houses and 39 No. two

storey 4 bedroom detached dwelling houses) and associated garages at land at Rother Crescent, Treeton, for Jones Homes Northern Ltd and the Most Noble Edward William Duke of Norfolk (RB2008/0528)

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

Mr. A. Marshall (Objector)
 Mr. P. Burgan (Objector)
 Mrs. N. Finney (Objector)
 Councillor Swift (Objector)

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

(i) The provision of 14 affordable housing units (10 for rent and 4 shared ownership) comprising:-

- 7 No. 2 bed properties for rent (3 No. Martons and 4 No. Cranfords).
- 3 No. 2 bed properties for shared equity (2 No. Martons and 1 No. Cranford)
- 3 No. 4 Bed properties for rent (3 No. Burfords).
- 1 No. 4 bed property for shared equity (1 No. Burford).

To be provided on the following basis: On completion of the sale of 25% of the properties to be sold - 4 No two bedroom houses (2 Cranfords and 2 Martons) for rent, on plots 19 to 22 inclusive.

On the completion of the sale of 50% of the properties to be sold - 3 No. two bedroom properties (1 Marton and 2 Cranfords) for rent on plots 78 to 80 inclusive and 3 No. 2 bedroom shared equity properties (2 Martons and 1 Cranford) on plots 9, 10 and 26.

On the completion of the sale of 80% of the properties to be sold – 3 No. 4 bedroom properties for rent (Burfords) on plots 42, 60 and 61 and 1 No. 4 bedroom property (Burford) on plot 44 for shared equity.

(ii) Details of the management and maintenance scheme for the proposed public open space areas to be provided on site.

(iii) The dedication of approximately 0.4 hectares of land to the Treeton Junior and Infants School.

(iv) The securing of £75 000 for the provision of car parking spaces free of the highway in Rother Crescent.

(2) That upon the satisfactory conclusion of such an agreement the Council grant permission for the reasons adopted by Members at the

meeting and appended to the minutes and subject to the following conditions:-

1. No development shall take place within the area indicated red on the plan attached to this permission until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
2. The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority. "Ref Nos. 4760-03 G received on the 19th June 2008, Plan Ref Nos. 2131/31/010D, 2131/31/001Q, and JHN/971/509, received on the 24th December, 2008 and the 1:1250 scale site plan submitted on the 2nd June, 2008".
3. Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.
4. Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to, and approved by, the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.
5. 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.
6. Before the development is commenced road sections, constructional and drainage details shall be submitted to, and approved by, the Local Planning Authority.
7. No tree or hedgerow shall be cut down, uprooted or destroyed nor shall any tree or hedgerow be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the immediate area and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
8. Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a

minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:-

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

9. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

10. No work or storage on the site shall commence until all the trees/shrubs or hedgerows 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. 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.

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

(a) a permeable surface and associated water retention/collection drainage, or;

(b) an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

13. No development shall take place on site until there has been submitted to, and approved by, the Local Planning Authority a plan indicating the positions design materials and type of boundary treatment to be erected, including details of treatment to the front boundary with the highway. The approved boundary treatment shall be erected on a phased basis as the building works progress and relevant treatment implemented for the dwelling it serves is brought into use.

14. Before the development hereby approved is commenced on site details of any key wildlife species or habitats, or ecological interests, along with details of mitigation to safeguard any interests identified shall be submitted to, and approved by, the Local Planning Authority and the approved mitigating measures shall be implemented before the development is brought into use.

15. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

16. All loaded lorries leaving the site shall be securely and effectively sheeted.

17. Heavy goods vehicles shall only enter or leave the site between the hours of 08:00 to 18:00 hours on weekdays and 09:00 to 13:00 hours 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).

18. The development hereby granted permission shall be carried out in accordance with the approved Flood Risk Assessment by ARP Associates Ref 351/14 and shall incorporate all the mitigating measures detailed in that Flood Risk Assessment.

19. The development shall not be commenced until details of the proposed alterations to Rother Crescent, as indicated in draft form on the submitted plan reference 4760 - 03 Revision G, have been submitted to,

and approved by, the Local Planning Authority and the approved details shall be implemented in accordance with a timetable to be agreed.

Reasons:

1. To ensure that any archaeological remains are recorded or preserved in accordance with UDP policies ENV2 'Conserving the Environment', ENV 2.2 'Interest Outside Statutorily Protected Sites' and ENV2.3 'Maintaining the Character and Quality of the Environment'.
2. To ensure that the development is carried out in accordance with the approved/amended plans.
3. To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.
4. To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.
5. 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. No details having been submitted they are reserved for approval.
7. 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'.
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. 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'.
10. 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. 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'.

12. To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

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

14. In the interests of good practice for sustainable development in accordance with PPS 3 Housing and PPG 13 Transport.

15. In the interests of good building practice and the amenities of future residents.

16. In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

17. In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

18. To reduce risk to property in the event of flooding in accordance with PPS 25 Development and Flood Risk.

19. To ensure the highway improvements are carried out in the interests of highway safety.

(f) Retrospective application for extension to canopy to front extension and formation of vehicular access to Worry Goose Lane at 19 Worry Goose Lane, Whiston for Mr. Sabir (RB2008/1823)

Consideration was given to a report by the Director of Planning and Regeneration Services, which detailed the above application for retrospective planning permission.

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

Mr. Sabir (Applicant – cousin spoke on his behalf)

Mrs. D. Ledger (Objector)

Mr. Tonks (Objector)

The Planning Board discussed the current application at length and

considered all four elements in some detail. However, some Members were not adversely against the developments of the front extension, despite its size, but were not altogether happy with the vehicular access or the area of hardstanding.

Resolved:- That in light of the recommendation not being carried this application be deferred pending the submission of a further report to the Planning Board separating out the various elements of contention.

172. UPDATES

The following update information was provided:-

- (a) Planning Applications to be considered by the Planning Board - 19th March, 2009

A list of planning applications was circulated to all Members of the Planning Board for the next meeting to be held on 19th March, 2009, with a specific request that if any Member or the other Ward Members had any specific issues or comments that required addressing in the report or that a site visit was justified then contact should be made with Development Control Section identifying the reference number for the planning application and clearly setting out the issue required or reasons for a visit.

PLANNING BOARD
26th February, 2009

Present:- Councillor Pickering (in the Chair); Councillors The Mayor (Councillor G. A. Russell), Ali, Atkin, Austen, Burton, Dodson, License, McNeely, Nightingale, Smith, Turner, Tweed and Whysall.

Apologies for absence were received from Councillors Akhtar, Kaye, Littleboy and Walker.

173. DECLARATIONS OF INTEREST

Councillors Austen and Smith declared personal interests in application RB2008/1837 (erection of a three storey building with basement parking and surface parking to form library, health centre and council offices at land at Mill Stone Hill, Worksop Road, Swallownest) on the grounds that they were members of Aston-cum-Aughton Parish Council.

Councillors McNeely and Pickering declared personal interests in application RB2009/0052 (details of young persons fish farming and horticulture training centre on land adjacent Ickles Lock, Brinsworth Street, Masbrough) on the grounds that they were members of the Able Project Steering Group.

Councillor Burton declared a personal and prejudicial interest in Tree Preservation Order No. 8 2008 (trees within the curtilage of New Grange, Anston Hall, Quarry Lane, North Anston) on the grounds that she lived adjacent to where the Tree Preservation Order was proposed. Councillor Burton made her representation then left the meeting during the debate.

174. DEFERMENTS/SITE VISITS

Resolved:- (1) That consideration of the following applications (contained within the Development Proposals reports) be deferred pending a visit of inspection to the site, the Chairman and Vice-Chairman approving arrangements:-

RB2008/1254 - Requested by Councillor Tweed to allow Members to view this Green Belt site and to consider the objections raised by local residents.

(2) That application RB2009/0028 be withdrawn from the agenda at the applicant's request.

175. 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:-

- Retrospective application for erection of an agricultural building for storage and for the housing of livestock (amendment to previously approved on appeal under RB2007/0658) at land off Dalton Lane, Dalton for Mr. Gary Thacker. (RB2008/1698)

Mr. S. Elliot (on behalf of Applicant)

Mr. Brown (Objector)

Mr. J. Wright (Objector)

Dr. G. Musson (Objector)

Mrs. Guest (Objector)

- Demolition of existing building and erection of 2 No. two storey dwellinghouses with rooms in roofspace and dormer windows to front, 12 No. two storey dwellinghouses and associated garages at Ernest Bennett (Sheffield) Ltd., Main Street, North Anston for Moorfield Homes Ltd. (RB2008/1896)

Mr. A. J. Rigby (Objector)

Mr. Twigg (Objector)

A letter was read out on behalf of Julie A. Kenny (Objector)

- Details of young persons' fish farming and horticulture training centre (Reserved by Outline RB2008/1714) (Application under Regulations 3 & 9A of the Town and Country Planning General Regulations 1992) at land adjacent Ickles Lock, Brinsworth Street, Masbrough for Rotherham MBC. (RB2009/0052)

Mrs. S. Budby (Applicant)

(3) That application RB2008/1254 be deferred pending a visit of inspection to the site, the Chairman and Vice-Chairman approving arrangements, which was requested by Councillor Tweed to allow Members to view this Green Belt site and to consider the objections raised by local residents.

(4) That the Planning Board declare that it was not favourably disposed towards application RB2008/1698 on the grounds that this development impacted on the openness of the Green Belt, due its scale and design and the impact on highway safety as a result of its proximity to the highway, visibility and pedestrian safety and that the Director of Planning and Regeneration Service, in consultation with the Chairman and Vice-Chairman of the Planning Board, be authorised to determine the reasons

for refusal for this application.

(5) That application RB2008/1837 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, in addition to an extra condition relating to replacement planting of trees and shrubs should they die.

(6) That applications RB2008/1876 and RB2009/0052 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.

(7) That consideration of applications RB2008/1896 and RB2008/1897 be deferred pending further negotiations by the Director of Planning and Regeneration with the applicant with regards to an increase in the distance between the proposed properties and No. 68 Main Street. In addition, the stone from the existing cottage on site should be re-used and incorporated into the development.

(8) That application RB2009/0028 be withdrawn from the agenda at the applicant's request.

(9) That application RB2009/0071 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. The relevant Cabinet Member will also take forward the comments and issues raised by Members at the meeting.

(10) That application RB2009/0072 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. Development Control were also tasked with inserting informatives onto applications where retrospective permission was being requested.

176. TREE PRESERVATION ORDER NO 8 2008 – TREES WITHIN THE CURTILAGE OF NEW GRANGE, ANSTON HALL, QUARRY LANE, NORTH ANSTON

Consideration was given to a report submitted by the Director of Planning and Regeneration, which detailed the proposal for a Tree Preservation Order for 35 No. trees situated in the grounds of New Grange, Anston Hall, North Anston.

Resolved:- That the making of Tree Preservation Order No. 8 (2008) be confirmed with regard to the 35 trees the subject of this report, situated on land within the curtilage of New Grange, Anston Hall, North Anston under Section 198 and 201 of the Town and Country Planning Act, 1990.

177. COURTESY CONSULTATION FROM DONCASTER MBC REGARDING OUTLINE APPLICATION FOR DEVELOPMENT OF MIXED USE, CIVIL AND CULTURAL QUARTER ON APPROX. 11.2HA OF LAND

(COMPRISING OF NEW PERFORMANCE VENUE, PUBLIC LIBRARY, CIVIL OFFICES, A1/A2/A3/A4 RETAIL, B1 OFFICES, D2 LEISURE USES, C1 HOTELS, C3 RESIDENTIAL, PUBLIC OPEN SPACE) AT LAND AT WATERDALE, DONCASTER FOR MUSE DEVELOPMENTS (RB2008/EN09)

Consideration was given to a report by the Director of Planning and Regeneration Services, which detailed a courtesy consultation from Doncaster Metropolitan Borough Council for the development of a mixed use, civil and cultural quarter on land at Waterdale, Doncaster.

Resolved:- (1) That Doncaster Metropolitan Borough Council be thanked for the opportunity to comment on this application.

(2) That Doncaster Metropolitan Borough Council be informed that this Council did not wish to object to the above proposal.

178. APPEAL DECISIONS - AGAINST PLANNING PERMISSION AT THORPE FIELD FARM, THORPE STREET, THORPE HESLEY, ROTHERHAM (RB2007/2339, RB2007/2388 AND RB2007/2389)

Consideration was given to a report by the Director of Planning and Regeneration Services, which detailed appeals (a), (b) and (c) relating to the Thorpe Field Farm complex in Thorpe Hesley. The farm, located off Thorpe Street, immediately adjacent to Kirkcroft Farm within Thorpe Hesley Conservation Area covered an area of 0.8 ha.

The Inspector dealing with all three appeals allowed them and considered that the level of affordable housing in this case would be acceptable and that the executed Section 106 agreement that had been provided would secure its provision. Moreover, the Inspector considered that the schemes were well designed and of sufficient architectural merit to warrant the demolition of the existing dwellings. As such it was concluded that the proposed schemes would preserve the character and appearance of Thorpe Hesley Conservation Area.

Resolved:- That the decision to allow all the appeals be noted.

179. APPEAL DECISION - AGAINST FIRST FLOOR SIDE EXTENSION OVER EXISTING SINGLE STOREY AT WOODLANDS FARM, ROTHERHAM BAULK, GILDINGWELLS FOR MR. & MRS. SIMPSON (RB2008/0422)

Consideration was given to a report by the Director of Planning and Regeneration Services, against a decision to refuse planning permission for a first floor side extension over existing single storey at Woodlands Farm, Rotherham Baulk, Gildingwells.

The Inspector dealing with the appeal dismissed it on the grounds that the proposal represented inappropriate development in the Green Belt and

would harm its openness. There were no other matters that outweigh the harm by reason of inappropriateness and other harm. For the reasons given above and having regard to all other matters raised the Inspector concluded that the appeal should fail.

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

180. APPEAL DECISION - AGAINST REFUSAL OF PLANNING PERMISSION FOR A FIRST FLOOR SIDE AND REAR EXTENSION, INCLUDING A NEW GABLE ROOF TO REPLACE EXISTING HIPPED ROOF, FORMATION OF ROOMS IN ROOFSPACE AND INSTALL DORMER WINDOW TO REAR AT 69 WICKERSLEY ROAD, ROTHERHAM (RB2008/0450)

Consideration was given to a report by the Director of Planning and Regeneration Services, against a decision to refuse planning permission for a first floor side and rear extension, including a new gable roof to replace existing hipped roof, formation of rooms in roofspace and install dormer window to rear at 69 Wickersley Road, Rotherham.

The Inspector dealing with the appeal dismissed it on the grounds of the effect of the proposed development on the character and appearance of the area and the street scene in Wickersley Road.

The Inspector stated that the proposed extension in particular the proposal to replace the hipped roof with a gable roof would unbalance the pair of semis to which the dwelling was part. The Inspector commented that it would appear as an intrusive and incongruous element, materially harmful to the character and appearance of the area and the streetscene. It would also make it difficult for the Council to resist similar proposals on Wickersley Road which would further exacerbate this harm.

The Inspector indicated that to allow the appeal would be to permit a development that would be contrary to Policy ENV3.1 of the Rotherham Unitary Development Plan and the Council's Supplementary Planning Guidance: Housing Guidance 1, Householder Development which advises that the roof of a two storey side extension should match the roof on the existing dwelling.

Finally, the Inspector accepted that the dwelling was set back from the road and was staggered in relation to the pair of semis to the west. However, the Inspector did not consider that these reasons to be sufficient to allow a development that would conflict with the objectives of a policy which aimed to ensure that development would make a positive contribution to the environment by, amongst other things, achieving an appropriate standard of design.

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

181. APPEAL DECISION - AGAINST REFUSAL OF PLANNING PERMISSION FOR THE CONVERSION OF A FARM BUILDING TO FORM A DWELLING AT LAND AT NETHERFOLD FARM, SCHOLES LANE, SCHOLES (RB2008/1214)

Consideration was given to a report by the Director of Planning and Regeneration Services, against a decision to refuse planning permission for the conversion of a farm building to form a dwelling at land at Netherfold Farm, Scholes Lane, Scholes.

The Inspector dealing with the appeal dismissed the appeal on the grounds that the proposal represented inappropriate development in the Green Belt and would harm its openness and character. The Inspector further stated that there were no other matters that outweighed the harm by reason of inappropriateness and other harm and as such the appeal failed.

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

182. PLANNING ACT 2008

Consideration was given to a briefing note by the Assistant Chief Executive, Legal and Democratic Services, which updated Members on the Planning Act, 2008 which received Royal Assent on 26th November, 2008, specifically drawing attention to:-

- 242 sections and 13 Schedules.
- Commencement of the Act - contingent upon commencement orders.
- Regulations and guidance (which are to follow).

The briefing note provided information relating to the key provisions of the Act: Nationally Significant Infrastructure Projects, the Infrastructure Planning Commission (IPC), National Policy Statements (NPPs), the Community Infrastructure Levy (CIL), Compulsory Purchase and changes to Development Control Systems.

Resolved:- That the contents of the report be noted.

183. UPDATES

The following update information was provided:-

(a) On-line Householder Appeals

Further information was provided on the appeal process for householder extension appeals, which now had to be submitted electronically. No further information, other than the report on which the decision was made, could be submitted for consideration.

Rotherham had been involved in a pilot of the scheme, but this would be compulsory from April, 2009.

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

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY BOARD

VISITS OF INSPECTION – THURSDAY, 19TH MARCH, 2009

1. **RB2008/1254 - Temporary siting of mobile home for use as agricultural workers dwelling in connection with pullet rearing business at Woodsetts Poultry Farm, Owday Lane, Woodsetts for W. Potter & Sons (Holdings) Ltd.**

Agen:- N/A

Requested By:- Councillor Tweed

Reason:- To allow Members to view this Green Belt site and to consider the objections raised by local residents.

2. **RB2009/0112 - Conversion of bungalow to two storey dwelling house including rear extension and attached garage to side at 180 Wickersley Road, Broom.**

Agent:- N/A

Requested By:- Chair and Vice-Chair of the Planning Board

Reason:- To allow members to consider the objections received and the impact of the development on the amenities of neighbouring residents and the visual amenities of the area.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2008/1254	Woodsetts	9.30 a.m.	9.50 a.m.
2.	RB2009/0112	Broom	10.15 a.m.	10.35 a.m.

Return to Town Hall at approximately 10.45 a.m.

SITE VISIT NO. 1 (Approximate time on site - 9.30 a.m.)

RB2008/1254

Temporary siting of mobile home for use as agricultural workers dwelling in connection with pullet rearing business at Woodsetts Poultry Farm, Owday Lane, Woodsetts for W. Potter & Sons (Holdings) Ltd.

RECOMMENDATION: GRANT CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

1. Having regard to the Development Plan and all other relevant material considerations as set out below:

UDP Policies

ENV1 'Green Belt'

ENV3.1 'Development and the Environment'

And guidance contained in PPG2 'Green Belts' and PPS7 'Sustainable Development in Rural Areas'

2. For the following reasons:

The Council considers that this proposal for temporary planning permission for a dwelling for an agricultural worker represents inappropriate development within the Green Belt but it is considered that very special circumstance have been demonstrated by way of the requirement to provide adequate care for the birds in cases of emergency and for operational reasons for running the farm. A condition would be attached to ensure that the dwelling is only occupied by a person employed at this farm. It is also considered that the scale of the mobile home is suitable and commensurate for the needs of a single agricultural worker. The Council further considers that the severance of the original farm house and the agricultural worker's dwelling known as the 'Chiltern' from the farm unit and the fact that the owners of these dwellings is unwilling to sell to the applicants, reinforces the need for an agricultural worker's dwelling at this farm.

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; the application case files and associated documents.

Conditions Imposed:

01

This permission shall be valid for a period of 3 years only and at the end of that period (unless further permission be granted by the Local Planning Authority prior to the end of that period) or earlier if the agricultural use of the site for pullet rearing ceases, the building shall be wholly removed and the site restored in a manner to be agreed with the Local Planning Authority.

02

The occupation of the mobile home shall be limited to a person carrying out operations on the farm for pullet rearing and a widow or widower of such a person and to any resident dependents.

03

[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.

04

Notwithstanding the approved plans, prior to the commencement of development a plan shall be submitted to and approved in writing by the Local Planning Authority showing a visibility splay of 2.4m x 215m on Owday Lane. The development shall proceed in accordance with the approved details with this level of visibility being maintained throughout the lifetime of the development.

05

[PC24] Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site, the area shall thereafter be maintained in a working condition.

06

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

Reasons for Conditions:

01

In order to assess the viability of the agricultural use of the site and the effect of the development on the area and in accordance with UDP Policies ENV1 'Green Belts' and ENV3.1 'Development and the Environment'

02

The site of the proposed dwelling forms part of an area where it is not the policy of the Local Planning Authority to permit the erection of dwellings for general occupation, in accordance with Policy ENV1 'Green Belts'.

03

(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'.

04

In the interests of highway safety.

05


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

06

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



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 <p>Scale 1:2500 Date: 11/02/2009 Map Centre: □ 456398,382419</p>		<p>Rotherham MBC Envt & Devt Services □ Bailey House □ Rawmarsh Road □ Rotherham S60 1TD □ □</p>  <p>Rotherham Metropolitan Borough Council Where Everyone Matters</p>
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Background

KP1962/1401: Intensive unit at The Homestead Worksop Road Woodsetts - GRANTED 19/11/62

KP1964/1733: Outline to erect workers bungalow - GRANTED 14/12/64

KP1965/1733A: Erect detached agricultural workers bungalow - GRANTED CONDITIONALLY 05/04/65

A condition was attached to the permission stating that the dwelling should be occupied by a person or persons whose employment, or latest employment was in agriculture. This property is known as 'The Chiltern', on Worksop Road. No permission has been granted to remove this condition.

RB1977/2198: Broiler house - GRANTED CONDITIONALLY 23/11/77

RB1983/0219: Outline app for dwellinghouse for farm manager at land off Worksop Road Woodsetts - REFUSED 21/04/83
Appeal: DISMISSED 10/04/84

RB1983/0509: Erection of a shaving store (70ft x 52 ft) - GRANTED CONDITIONALLY 24/06/83

RB1987/1413: Erection of one broiler house - GRANTED 30/11/87

RB1995/1136: Outline application for farm workers bungalow - REFUSED 16/11/95

RB1995/1137: Outline application for erection of broiler shed - GRANTED CONDITIONALLY 16/11/95

RB1996/1278: Outline application for the erection of a farm managers dwelling and siting of a temporary mobile home - REFUSED 12/12/96
Appeal: 21/02/97 DISMISSED 15/10/97

Reason for refusal:

01

The site is within the Green Belt as defined by the Rotherham Green Belt Local Plan. Within areas of Green Belt the erection of dwellings for persons engaged in agriculture should only be permitted where a case of need can be justified on agricultural grounds. In this case, the Council does not consider that such a justification of need has been established.

RB2002/0578: Outline application for a dwelling for farm manager - REFUSED 01/08/02

Reason for refusal:

01

The site lies within the Green Belt as defined by the Rotherham Unitary Development Plan. Within areas of Green Belt, the erection of dwellings for persons engaged in agriculture should only be permitted where a case of need can be justified on agricultural grounds. In this case, the Council does not consider that such a justification of need has been established and the proposal is inappropriate development in the Green Belt being contrary to Policy ENV1 of the Rotherham Unitary Development Plan.

RB2004/0594: Outline application for the erection of a dwelling including details of the means of access - WITHDRAWN 26/04/04

RB2004/1663: Outline application for the erection of an agricultural workers dwelling including details of the means of access (Resubmission of RB2004/0594) - REFUSED 14/10/04

Reason for refusal:

01

The site within the Green Belt as defined by the Rotherham Unitary Development Plan (Adopted June 1999). Within areas of Green Belt, the erection of dwellings for persons engaged in agriculture should only be permitted in a case of need, which can be justified on present agricultural needs. In this case the Council does not consider that such a justification of need has been established and the proposal is inappropriate development in the Green Belt and being contrary to Policy ENV 1 of the Rotherham UDP.

Site Description & Location

The site of application is adjacent to the farm access and close to the livestock buildings on the site, which comprise of 8 no. large poultry sheds. The site is fairly flat and exposed with any new dwelling being clearly visible from Owday Lane. The surrounding area comprises of open countryside. Two dwellings, one of which was previously granted as an agricultural worker's dwelling related to the farm, are located to the north west of the site.

The agricultural worker's dwelling that was previously associated with the farm was severed from it approximately 12 years ago. This dwelling known as The Chiltern is currently being lived in by a retired farm worker who worked at the farm, in compliance with the condition attached to the original planning permission for this dwelling granted in 1965.

Proposal

The applicant is the owner of the farm W Potter & Sons (Holdings) LTD who operates the site.

The proposals are for the siting of a mobile home for use as a temporary

agricultural worker's dwelling at Woodsetts Poultry Farm, Woodsetts. The site is within the open countryside and is situated at a distance of approximately half a mile from Woodsetts village. The farm is an intensive agricultural unit specialising in rearing pullets for the egg laying industry.

The temporary dwelling would be approximately 12.2m x 6m. The external materials of the mobile home would be polyester coated profile sheeting, with the colour not specified by the applicants. The mobile home would be of a utilitarian design with a pitched roof. A gravel parking area is proposed to the front of the mobile home with a post and rail fence enclosing the garden area of the temporary dwelling. The plans show that the drainage of the site would be in the form of soakaways for surface water run off with a septic tank for foul waste.

The applicant has submitted an Agricultural Appraisal and Planning Statement which sets out in detail the justification for the need for an agricultural worker's dwelling in this location. The submitted details justifying the requirement for a new dwelling will be set out and analysed in the Appraisal section of this report.

Development Plan Allocation and Policy

The site is located within the Green Belt as identified in the Rotherham Unitary Development Plan. Policies and guidance which relate to this proposal include ENV1 'Green Belt'.

Policy ENV1 'Green Belt'

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

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

Policy 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”.

Other Material Considerations

Planning Policy Guidance Note 2: Green Belts (PPG2) Paragraph 3.2 states that “Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. 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. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning applications or appeal concerning such development”.

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) gives advice on the acceptability of new dwellings in the countryside in Annex A, including criteria which proposals for agricultural dwellings need to be assessed against. Paragraph 10 of PPS7 goes on to state that “Isolated new houses in the Countryside will require special justification for planning permission to be granted. Where the special justification for an isolated house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A to this PPS”.

Publicity

The application was publicised by press advertisement, site notice and by neighbour notification. One letter of representation has been received from a neighbouring resident objecting to the proposals. The comments raised shall be summarised below:

- *The previous owner of the site was involved in pullet rearing from the site and managed without an agricultural worker’s dwelling.*
- *Since 1995 there have been five applications for a farm worker’s dwelling on the site which have all been refused, there have been no changes in circumstances since the previous applications and the proposals should be refused.*

Consultations

The Council’s Transportation Unit – The road Owday Lane, which the site is to be accessed from, is within Bassetlaw District Council. As such, the Local Planning Authority for Nottinghamshire was consulted on the proposals and their comments are summarised below:

“There appears to be some growth of the bushes which is restricting visibility, we would normally require 2.4m by 215m for a derestricted road. This is an existing access which appears to be used on a regular basis in connection with the Poultry business. The proposed development in isolation would

intensify the use of the access. As the occupier of the mobile home will work on site this will reduce such intensification. In general we have no highway objections to the proposal subject to visibility at the junction being improved."

Appraisal

The site is within the Green Belt and the provision of residential development represents inappropriate development.

The main issues to be considered are whether or not the applicant has established that there is a functional need for an agricultural worker to live on the site, and whether or not it has been demonstrated that it is essential for someone to live on the site to enable the running of the farm, therefore demonstrating very special circumstances to justify a new dwelling in the Green Belt. It is considered that the siting of the mobile home is sufficiently distant from neighbouring properties, such that the amenity of neighbouring residents would not be affected by the proposals. Other relevant issues are the design and appearance of the mobile home and the impact on highway safety.

1. Very Special Circumstances

Occupational dwellings should be assessed against the criteria and principles for new dwellings for an agricultural purpose as set out in Annex A of PPS7 'Sustainable Development in Rural Areas'. Annex A of PPS7 clearly sets out when new permanent dwellings should be allowed to support existing agricultural activities on well established agricultural units. It notes a number of tests that need to be met in order to justify an agricultural workers dwelling in the countryside. These criteria are set out and assessed below and contain the evidence provided by the applicant to justify an agricultural workers dwelling in this location. PPS7 makes it clear that the same tests should apply to a temporary dwelling. These tests are set out below:

(i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);

The unit has been established for many years with planning applications relating to the site going back to the 1960s. The present owners of the site purchased the farm in October 2007 to use the site for pullet rearing. The site was previously used for broiler chickens, which are livestock reared specifically for meat production. The applicant has an established pullet rearing business with units in the Midlands and Lincolnshire. The applicants have stated that this unit is an expansion to this existing business, which they state is thriving and financially sound. The applicants have not submitted management accounts for consideration by the Local Planning Authority though have offered to do so if it is required.

It is considered that the applicants have demonstrated that they have a clear intention and ability to continue running the site albeit adopting a different form of farming from broiler chickens that was previously operated from the site to pullet rearing. It is also considered that if the business were to fail, as this application is for the temporary siting of a dwelling, the building could be easily removed.

(ii) there is a clearly established existing functional need

The applicant has stated that the pullet rearing unit requires labour outside of normal working hours, which includes supervision of the livestock and provision of corrective action in livestock emergencies and the monitoring of the heating, ventilation and temperature of the units and monitoring of the feeding. The purpose of this is to ensure the welfare of the animals along with the functioning of the farm.

Though previous applications for agricultural worker's dwellings have been refused on the site, these related to the operation of the holding as a farm raising broiler chickens. Though this is an intensive form of chicken farming the welfare issues and operations of the farm are considerably different from pullet rearing which is currently being operated from the site, where it is accepted that greater supervision is required.

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;

The applicants have given significant details of the running of the business in the submitted Agricultural Appraisal and Planning Statement, including details of the labour requirements of the farm which relates to two full time workers, one Unit Manager whose responsibilities include management of the business, poultry stockmanship and out of hours supervision of the poultry unit. The second agricultural worker is a full time stockman whose role is poultry stockmanship.

It is considered that from the submitted details the applicants have demonstrated that the business is planned on a sound financial basis.

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned;

The agricultural worker's dwelling which was associated with this farm was severed from this unit approximately 13 years ago and subsequent planning applications in the intervening time in 1996, 2002 and 2004 for agricultural workers' dwellings were refused planning permission. The reasons for refusal related to the fact that the applicants had not demonstrated the very special circumstances necessary to justify an agricultural worker's dwelling. It is therefore necessary to assess the information submitted by the applicant and to determine whether or not they have demonstrated the very special circumstances to justify a new dwelling in this location, which the previous applications had failed to do.

The applicant has stated that an agricultural worker has to live on the site to ensure the supervision required for the monitoring of the automatic ventilation, feed and lighting systems and secondarily for animal welfare. The applicant has gone on to state that this automated system can be alarmed and linked to a mobile phone, which would alert the Unit Manager if there is a problem with an incident occurring at the farm. The applicant has stated that the response to any incident should be very rapid, with large scale losses of the stock within 10 minutes likely to occur. The applicant has gone on to state that birds housed on the floor of the sheds, are prone

to panic and crowding, resulting in smothering if disturbed by vermin, foxes, dogs or badgers or wild birds entering the unit. In an incident of panic the birds flock and crowd in a corner of the shed, which results in large numbers of birds climbing on top of each other. A panic incident can lead to large scale losses of the birds through smothering, which can be mitigated against by the intervention of a stockman. These emergencies such as a panic and smothering incident amongst the birds can not be alarmed against, but are audible outside the unit. The applicant goes on to conclude that this requires a resident worker to be on the site to be able to respond to an incident.

It is considered that as the use of the site is for the free range rearing of pullets, chicks to be sold on to be hens for egg laying, the nature of the business and the vulnerability of the birds to panic incidents is greater than chickens reared in cages. Though the chicks are kept in sheds they are free to roam within the shed and it is considered that this creates different and more intensive requirements for their welfare by the stockmen.

Though Woodsetts village is less than a mile from the site, it is considered that the particular intensive operational requirements of the site require that it is essential for the efficient running of the business and to enable adequate welfare of the birds for a worker to be living on the site. Though an agricultural worker living in Woodsetts village could respond to an incident, if it was alerted to them through the automated systems to their mobile phone, the time it would take to respond to such an incident could still be critical. Therefore during the time it would take for the worker to respond to the incident large scale losses of the stock could have occurred. It is considered that this is a very special circumstance to justify an agricultural worker in this location.

The original farmhouse has been separated functionally from the operation of the farm, and is occupied by the original operators of the farm. As such, it is not available to the current applicants. In addition the agricultural worker's dwelling approved in 1965 (now known as 'The Chiltern' on Worksop Road) is occupied by a former agricultural worker who previously worked at the farm prior to her retirement. Therefore this dwelling is also no longer available to be used by the applicants.

2. Design and Appearance of the Development:

Advice contained in PPG2 states that the visual amenities of the Green Belt should not be injured by development which might be visually detrimental by reason of its siting, materials or design. In this instance as the proposals are for the temporary siting of a caravan at the site it is considered that long term impact on the Green Belt would not be harmed by the proposals and any future proposals for a dwelling would be controlled through a separate planning application. In any event, the mobile home is modest in size and would be viewed against the backdrop of large poultry sheds, such that its impact would not be harmful on the openness of the Green Belt in this location.

3. Impact on Highway Safety:

With regard to highway safety, Nottinghamshire County Council, which is the Local

Highway Authority for Owday Lane where the site is accessed from, raised no objections subject to a condition improving visibility from the access.

Conclusion

The Council considers that this proposal for temporary planning permission for a mobile home for an agricultural worker represents inappropriate development within the Green Belt but it is considered that very special circumstances have been demonstrated by way of the requirement to provide adequate care for the birds in cases of emergency and for operational reasons for running the farm. It is also considered that the scale of the mobile home is suitable and commensurate for the needs of a single agricultural worker. The Council further considers that the severance of the original farm house and the agricultural worker's dwelling known as the 'Chiltern' from the farm unit and the fact that the owners of these dwellings is unwilling to sell to the applicants, reinforces the need for an agricultural worker's dwelling at this farm.

It is therefore recommended that permission be granted.

SITE VISIT NO. 2 (Approximate time on site - 10.15 a.m.)

RB2009/0112

Conversion of bungalow to two storey dwelling house including rear extension and attached garage to side at 180 Wickersley Road, Broom.

RECOMMENDATION: REFUSED

Reasons for Refusal:

01

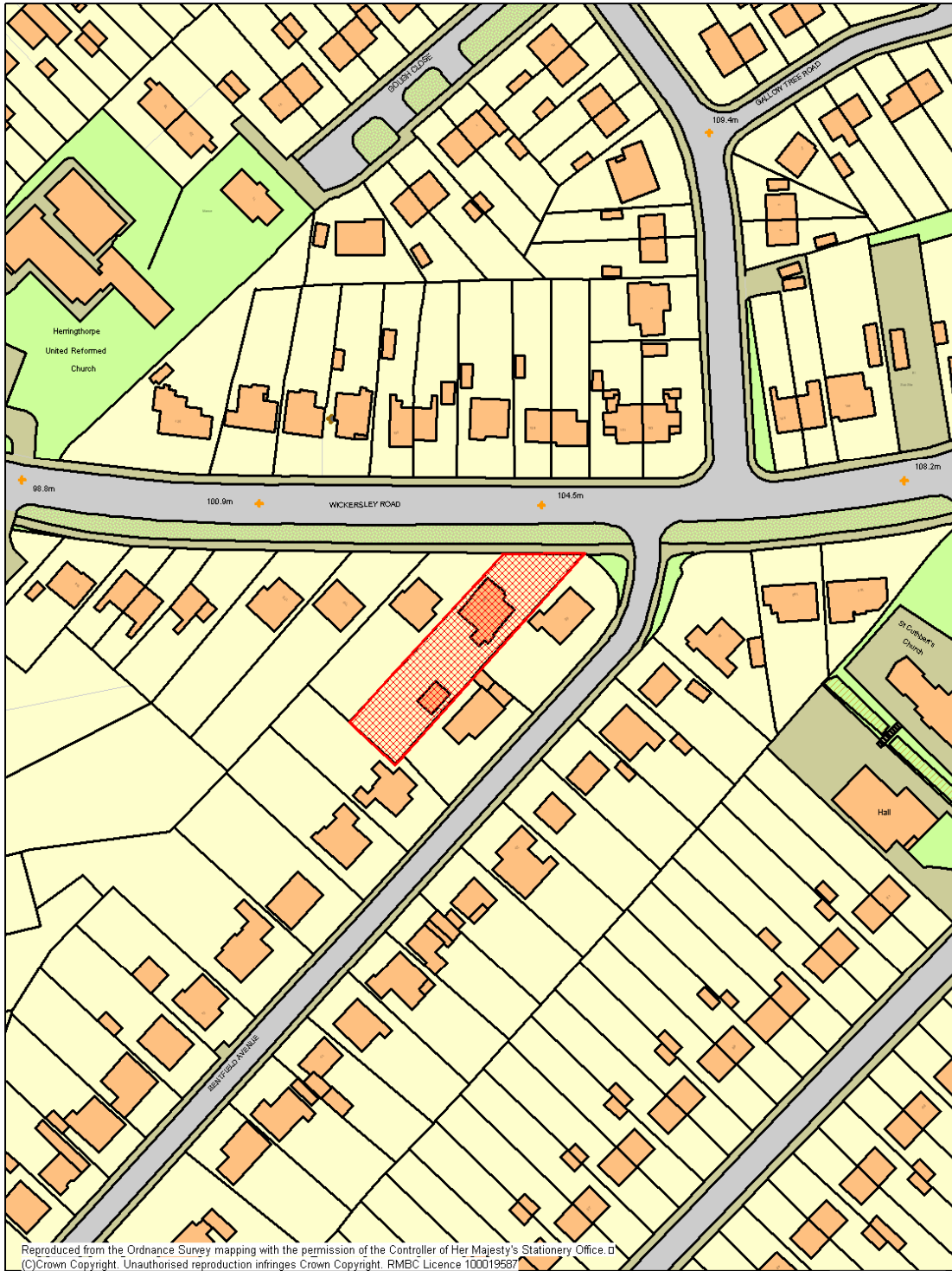
The Council considers that the proposed development by virtue of its size, scale, mass, position and design would alter the appearance of the property creating an incongruous and over dominant feature in the streetscene to the detriment of visual character and appearance of area. As such it is contrary to UDP Policy ENV 3.1 - Development and the Environment and Supplementary Planning Guidance 1 - Householder Development.

02

The Council considers that the increase in roof height would result in the loss of stepped roof heights in a row of bungalows to the detriment of visual amenity in the streetscene therefore contrary to the provisions of the UDP Policy ENV3.1 'Development and the Environment' and Supplementary Planning Guidance 1- Householder Development.

03

The Council further considers that the conversion of a bungalow to a two storey house would have an unacceptable effect on the amenities of neighbouring properties by way of overshadowing, loss of privacy and overbearing impact contrary to Supplementary Planning Guidance 1 - Householder Development.



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Rotherham S60 1TD □
□

Rotherham
Metropolitan
Borough Council
Where Everyone Matters

Background

There is no recent planning history for this site.

Site Description & Location

The application site is located on Wickersley Road Rotherham to the south east of the Town Centre. The site is located within a predominately residential area where the properties are detached bungalows and are regularly set down due to a change in land levels.

The property comprises a double bay fronted single storey bungalow with a relatively large stepped rear garden area. A detached garage occupies part of the rear garden. The land slopes to the west and south of the site due to the change in land levels. The residential properties on the boundaries to the application site consist of a varied design of bungalows.

Proposal

The applicant is seeking to convert the bungalow to a two storey dwelling including a rear extension and an attached garage.

The design has a hipped roof with dormer windows to the front elevation and Juliet balconies to the rear.

Development Plan Allocation and Policy

The application site is located within an area allocated within the Unitary Development Plan (UDP) for residential.

The proposed development shall be assessed against the requirements of UDP Policy ENV3.1 'Development and the Environment' and the guidance contained within Supplementary Planning Guidance (SPG) 'Housing Guidance 1: Householder development.

UDP 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, height, quality of materials, site features."

SPG 'Housing Guidance 1: Householder development, making a bungalow into a two storey house states that "It is not the Council's usual practice to support bungalows being altered to two storey houses, as in most cases this would have a serious effect on neighbours amenity and on the appearance of residential areas. The Council will consider such proposals for "upward extensions" very carefully, having regard to the following guidelines:"

Planning permission may be granted for an upward extension on a detached bungalow in certain circumstances:

- *Where the dwellings in an area are of varied types, with little uniformity of design and layout, and there is already a mix of single storey and two storey dwellings, and*
- *Where no new habitable room windows at first floor level would be less than 20 metres from habitable room windows of existing dwellings to the front, side or rear. A habitable room is a living room, dining room, kitchen or bedroom.*
- *Where an upward extension is considered acceptable in principle, it is essential that it be designed to minimise the effect on neighbour's properties by overshadowing and overlooking.*

Publicity

Neighbouring properties abutting the site and directly opposite have been notified of the proposal. Twenty five letters of objection have been received; the issues raised are detailed below:

- *Out of character with other properties in the area.*
- *All adjacent properties show a well defined symmetry with particular reference to the roof line.*
- *The development would dominate Wickersley Road.*
- *Loss of privacy to the garden areas to the bungalows on Bentfield Avenue.*
- *Loss of light and overshadowing to adjacent properties on Bentfield Avenue.*
- *Set a precedent.*

Three right to speak requests have been received from the applicant and two objectors.

Also a request has been received from an objector for Board members to visit the site.

A copy of all letters of representation will be available in the Member's Room prior to the Meeting.

Consultations

The Council's Transportation Unit have no objection to the proposal in a highway context subject to a standard planning condition.

Appraisal

The main considerations in the determination of this application are:-

- *The principle of the development.*
- *The impact the development would have on the streetscene and surrounding area and*
- *The impact the proposal would have on the residential amenity of the adjacent neighbouring properties.*

The principle of the development.

The site is allocated residential and the principle of extending this residential property is acceptable subject to it meeting the relevant policy criteria set out ENV3.1 Development and the Environment' and Supplementary Planning Guidance 1- Householder Development.

The impact the proposed development would have on the streetscene and surrounding area.

The application proposes to increase the roof height at the front of the property by approximately 1.6 metres and 2.7 metres at the rear to create first floor living accommodation. It is considered that the proposal by virtue of its size, scale, mass, position and design would alter the appearance of the property creating an incongruous over dominant feature in the streetscene. The proposed increase in roof height would also result in the loss of stepped roof heights in a row of bungalows that are regularly stepped down due to reflect the change in land levels to the detriment of visual amenity in the streetscene.

Accordingly it is considered that the proposal is contrary to the requirements of UDP Policy ENV 3.1 - Development and the Environment which aims to ensure that development makes a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship to the locality, scale, height and SPG 'Housing Guidance 1: Householder development, making a bungalow into a two storey house which seeks to minimise the effect on the streetscene and surrounding area.

The impact the proposal would have on residential amenity.

The Council's adopted SPG 'Housing Guidance 1: Householder development' recognises that bungalows being altered to two storey houses in most cases would have a serious effect on neighbours amenity and it is essential that it be designed to minimise the effect on neighbour's properties by overshadowing and overlooking. With this in mind it is considered that development would by virtue of its size, height and position have an unacceptable effect on neighbouring residential amenity by way of overshadowing, overlooking and overbearing impact, of particular concern are the Juliet balconies which have the potential to overlook private rear garden areas.

Therefore, with the aforementioned guidance in mind and with regard to the comments received in the letters of representation the proposal is in conflict with the guidance by having an unacceptable effect on the amenities of neighbouring properties

Conclusion

With the above in mind it is considered the proposal by virtue of its size, scale, mass, position and design would have a detrimental effect on the streetscene, surrounding area and neighbouring properties. Therefore the proposal is in conflict with the requirements detailed within UDP Policy ENV3.1 'Development and the Environment' and SPG 'Housing Guidance 1: Householder Development', as such the proposal is recommended for refusal for the reasons outlined above.

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 19TH MARCH, 2009

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 19TH MARCH, 2009

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.

RB2002/1292

Outline application for the erection of five dwellings including details of siting, means of access and landscaping at land at Wickersley Grange, Morthen Road, Wickersley for R. Bird.

RECOMMENDATION: REFUSE

Reasons for Refusal:

01

It is considered that the proposed dwellings would by way of their form number and location, result in an unacceptable adverse effect on the character and appearance of the Conservation Area and the setting of the Grade II listed Gazebo in conflict with Policies ENV 2.8 Settings and Curtilages of Listed Buildings, and ENV 2.11 Development in Conservation Areas, of the Unitary Development Plan and advice in PPG 15 Planning and the Historic Environment

02

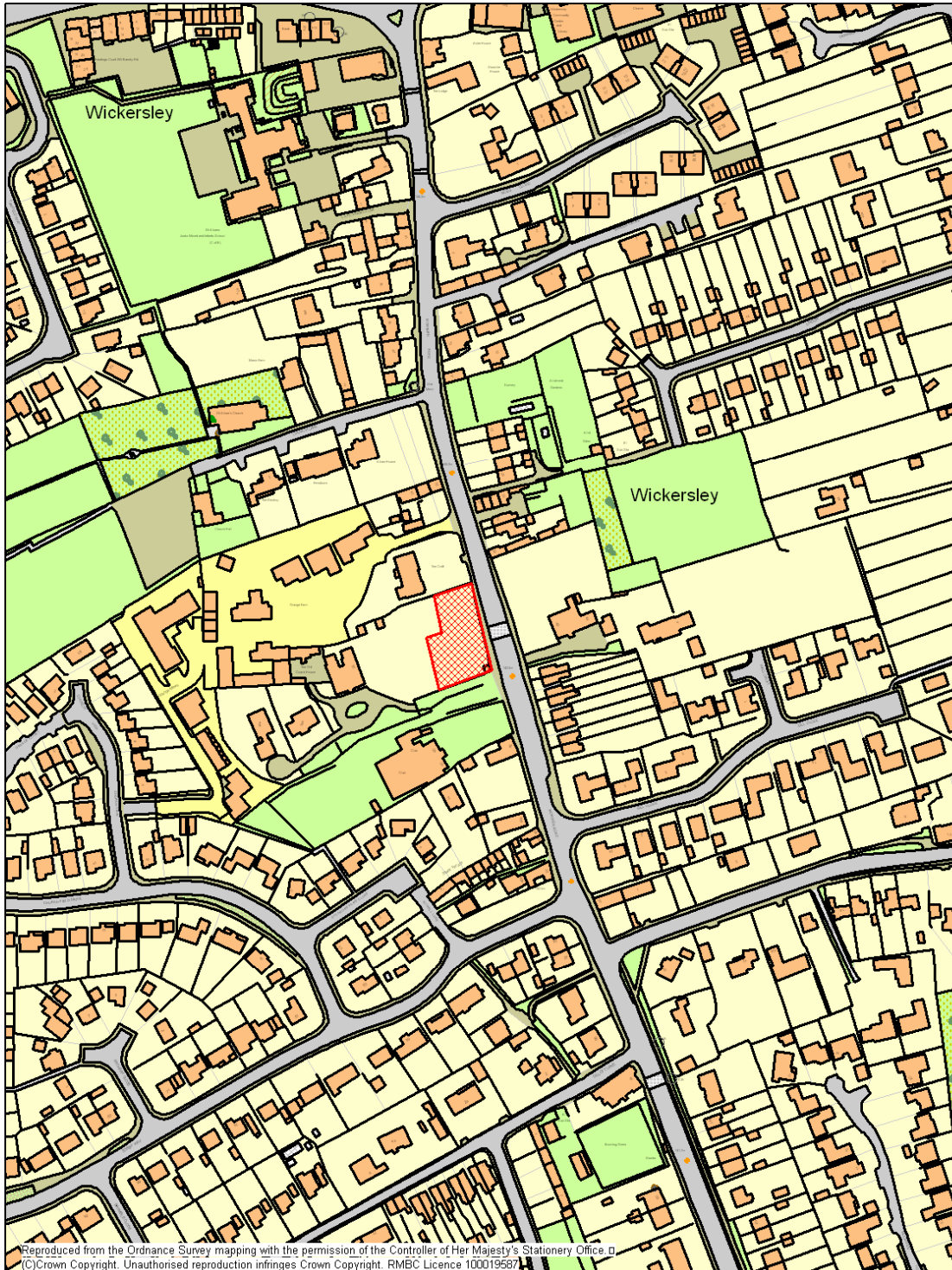
The proposals as submitted would constitute over development of the site by way of the number and location of the dwellings and substandard private open space provision. The proposals would thereby constitute a cramped and poor form of development, and would be in conflict with Policy ENV 3.1 Development and the Environment, of the Unitary Development Plan and advice in PPS 1 Delivering Sustainable Development and PPS 3 Housing.

03

It is considered that the proposed development would have an adverse effect on the future prospects of existing protected trees within the site and the resulting loss would have a materially adverse effect on the visual amenities and character of the Conservation Area in conflict with Policies ENV 3.4 Trees Woodlands and Hedgerows, and ENV 2.11 Development in Conservation Areas.

04

Insufficient landscaping details have been submitted to determine whether any adverse effect on existing trees and the character and visual amenities of the Conservation Area can be mitigated to an acceptable degree, in conflict with Policies ENV 2.11 Development in Conservation Areas, ENV 3.1 Development and the Environment, and ENV 3.4 Trees, Woodland and Hedgerows.



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Background

The application has been held in abeyance pending submission of satisfactory amended details from the applicant. No such amendments have been received.

Relevant Planning History

The site has been the subject of four other applications:-

RB1989/951:

Erection of three dwelling houses. Permission was refused for reasons of adverse effect on the setting of Wickersley Grange, and its Grade II listed Gazebo, the loss of trees and the consequent effect on the character of the Conservation Area.

A subsequent appeal was dismissed.

RB92/1274P:

Erection of a dental surgery with flat above. Permission was refused for reasons of adverse effect on the character of the area and loss of trees.

RB1992/1586P:

Erection of a detached two storey dwelling. Permission was granted.

RB2007/1869:

Proposal to fell two Beech trees protected by TPO No. 8 1975. Consent was granted.

Site Description & Location

The site of application is a rectangular piece of land forming part of the curtilage to Wickersley Grange, fronting Morthen Road in the Wickersley Conservation Area, and measures approximately 0.12 hectares. To the north is residential development, whilst to the west is Wickersley Grange and further residential development. To the south is Wickersley Working Mens' Club, and to the east is Morthen Road. The site is well screened around its boundaries by a stone wall and a variety of mature trees. There is a Grade II Listed Gazebo in the south eastern corner of the site.

Proposal

The outline application is for a decision in principle to erect five dwelling units within the site with details of the siting, means of access, and landscaping to be considered at the outline stage. The access to Morthen Road will require demolition of approximately 9m length of stone wall fronting the site. The five dwellings with linked garages would be constructed in two blocks, one of three and the other of two properties, arranged around an "L" shaped access driveway.

The application is accompanied by a tree survey.

The applicant has had lengthy discussions with the Case Officer about possible alternative proposals, but now wishes the application to be considered as originally submitted.

The applicant has requested to speak at the meeting and argues that the proposal would constitute an improvement to the scheme already granted permission and commenced on site.

Development Plan Allocation and Policy

The site is allocated for residential purposes, and is within the Wickersley Conservation Area, on the adopted Unitary Development Plan. Relevant policies are:

01

Regional Spatial Strategy (RSS):

Policies S3 (Urban and Rural Renaissance) and P1 (Strategic Patterns of Development) in relation to new development focus on reused land, directing new development towards existing urban centres wherever possible, accessible by a range of modes of transport particularly public transport.

Policy H2 (Sequential Approach to the Allocation of Housing Land) takes a similar approach to the location of new residential development.

02

Unitary Development Plan Policies(UDP):

HG 4.3 Windfall Sites states that the Council will determine proposals for housing development not identified in Policies HG 4.1 and HG 4.2 in the light of their:-

- 1. Location within the built up area and their compatibility with adjoining uses, and*
- 2. compatibility with other relevant policies and guidance.*

Policy ENV2.8 Settings and Curtilages of Listed Buildings “The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context.”

ENV2.11: Development in Conservation Areas, states that development will not be allowed which adversely affects, trees, the historic character, or visual amenities of such areas, that consent will not be granted for demolition of buildings which make a positive contribution to the character of such areas, and that permission will not be granted on the basis of outline applications unless the effect of the development can be properly assessed on that basis.

Policy ENV3.1 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 ENV3.4 Trees, Woodlands and Hedgerows

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

Other Material Considerations

Supplementary Planning Guidance:

Development in Conservation areas states that new development should have respect for the physical characteristics of the area and that any development will need to protect mature trees during and after the development.

National Planning Guidance:

PPS1 Delivering Sustainable Development states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

PPS 3 Housing reinforces the message from PPS 1. It states that development should create or enhance a distinctive character that relates well to and complements neighbouring buildings and the local area in terms of scale, density, layout and access. It also emphasizes the need for the efficient use of land and the re-use of vacant or derelict land and buildings, at a minimum density of 30 dwellings per hectare, in sustainable locations.

PPG 13 Transport strongly advocates sustainable development patterns, facilities accessible by a range of transport modes, a reduction in the need to travel, and the length and frequency of car journey, and reduced car parking provision with maximum recommended levels of provision.

PPG 15 Planning and the Historic Environment: Amongst other things states in relation to new building in Conservation Areas, "What is important is not that the 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".

It also states in relation to Listed Buildings that the Local Planning Authority should have regard for the setting of the listed building, and the local scene.

Publicity

The application was advertised on site and in the press and adjoining occupiers notified.

One letter of objection has been received, from a local resident who raised the following comments.

- (i) Loss of trees.*
- (ii) Adverse effect on the setting of listed Grade II Gazebo on the site and the Grade II Listed Old Hall across Morthen Road.*
- (iii) Adverse effect on character of the Conservation Area.*

In addition, Wickersley Parish Council has objected raising the following concern:-

- (i) Development inappropriate in the Conservation Area.*
- (ii) Grade II Listed Gazebo should not be removed.*

- (iii) *Access not suitable due to the congestion in the area caused by users of the adjacent Wickersley Club.*

All representations will be on deposit in the Members' Room, prior to the meeting.

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

Wickersley Parish Council have requested that Members visit the site.

Consultations

Trees and Woodlands:

Objects to the proposal on the basis that insufficient information has been submitted to assess the effect on the important protected trees.

Yorkshire Water:

No comments required.

Transportation Unit:

No objections subject to provision of car parking, a bin store and surfacing of vehicular areas.

The Coal Authority:

No adverse comments. Ground movements from past workings should have ceased. Developer should seek appropriate technical advice before commencing work on site.

Appraisal

The site is allocated residential on the Unitary Development Plan and within the Wickersley Conservation Area. The proposal is therefore acceptable in principle. The other considerations are:-

- (i) *The effect on the character and appearance of the Conservation Area, and the Grade II Gazebo on site.*
- (ii) *The density and design of the development, and impact on the Wickersley Conservation Area.*
- (iii) *The effect on the protected trees on site.*
- (iv) *Landscaping.*

- (i) *The effect on the character and appearance of the Conservation Area, setting of the Listed Buildings:-*

It is considered that the proposed dwellings would by way of their form number and location, result in an unacceptable adverse effect on the character and appearance of the Conservation Area and the setting of the listed "Gazebo" in conflict with Policies ENV 2.8 Settings and Curtilages of Listed Buildings, and ENV 2.11 Development in Conservation Areas, of the Unitary Development Plan and advice in PPG 15 Planning and the Historic Environment.

- (ii) *The outline proposal is for five dwellings with linked garages in two blocks one of three units and one of two, a short access road, and seven visitor car parking spaces. It is considered that the proposals as submitted would constitute over development of the site by way of the number and location of the dwellings and substandard private open space provision. The proposal would thereby constitute a cramped and poor form of development, which fails to take the opportunity to improve and enhance the character and appearance of the area and would thereby be in conflict with Policy ENV 3.1 Development and the Environment, of the Unitary Development Plan and advice in PPS 1 Delivering Sustainable Development, and PPS 3 Housing. In a previous appeal against refusal of permission for three dwellings on the site, the appointed Inspector concluded that the character of the area would... “be disrupted if three dwellings are to be permitted by reason of their cramped appearance”.*
- (iii) *The effect on the protected trees.*
It is considered that the proposal would result in the loss of 16 protected trees to the material detriment of the character of the Conservation Area in conflict with ENV 2.11 Development in Conservation Areas, and ENV 3.4 Trees Woodlands and Hedgerows of the Unitary Development Plan. In respect of the previous appeal, referred to above the appointed Inspector stated that, “The loss of mature trees could not fail in my opinion to affect the contribution that they make to the character and appearance of the Conservation Area”.
- (iv) *Landscaping:*
Insufficient landscaping details have been submitted to assess the effect on the important trees within the site and no replacement proposals to mitigate any adverse effect on the visual amenities of the area have been submitted. It is therefore considered that the proposals would be in conflict with Policies ENV 2.11 Development in Conservation Areas, ENV 3.1 Development and the Environment, and ENV 3.4 Trees, Woodlands and Hedgerows of the Unitary Development Plan.

Conclusion

The proposed development would constitute overdevelopment of the site, have an unacceptable adverse effect on the character and appearance of the Conservation Area and setting of the listed Gazebo, by way of overdevelopment of the site and loss of mature trees and does not provide sufficient landscaping details, all to the material detriment of the visual amenities of the area.

RB2007/1738

Retrospective application for the formation of spoil mound at Aston Comprehensive School, Aughton Road, Swallownest for D.C. Leisure Management Ltd.

RECOMMENDATION: GRANT CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

1. Having regard to the Development Plan and all other relevant material considerations as set out below:
 - a) Development Plan
UDP Policy:
Policy ENV1 Green Belt
Policy CR2.2 Safeguarding Recreation Areas
 - b) Other relevant material planning considerations
PPG2 Green Belts
PPG17 Planning for Open Space, Sport and Recreation
2. For the following reasons:

The spoil mound was formed during the construction of the new leisure centre at the School and is a temporary measure whilst proposals for the re-development of the School itself are finalised. The mound will be removed from its current site and the inert material either used as part of the landscaping/remodelling of the land as part of the re-development of the School, or removed from the overall site. It is considered that a temporary permission would be acceptable and would allow the land to be re-instated and subsequently used for potential playing pitch purposes.

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; the application case files and associated documents.

Conditions Imposed:

01

The permission shall be valid for 3 years and within that period the spoil mound hereby permitted shall be removed from the site. Within 3 months of removal (or in the first planting season following removal of the spoil mound) the playing field land shall be reinstated to a playing field to a quality at least equivalent (or better) than the previous quality (or a condition fit for use as a playing field or in accordance with 'Natural Turf for Sport' Sport England 2000).

02

[PC97] The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority.

(Drawing number AW-007 Revision A.received 9 June 2008)

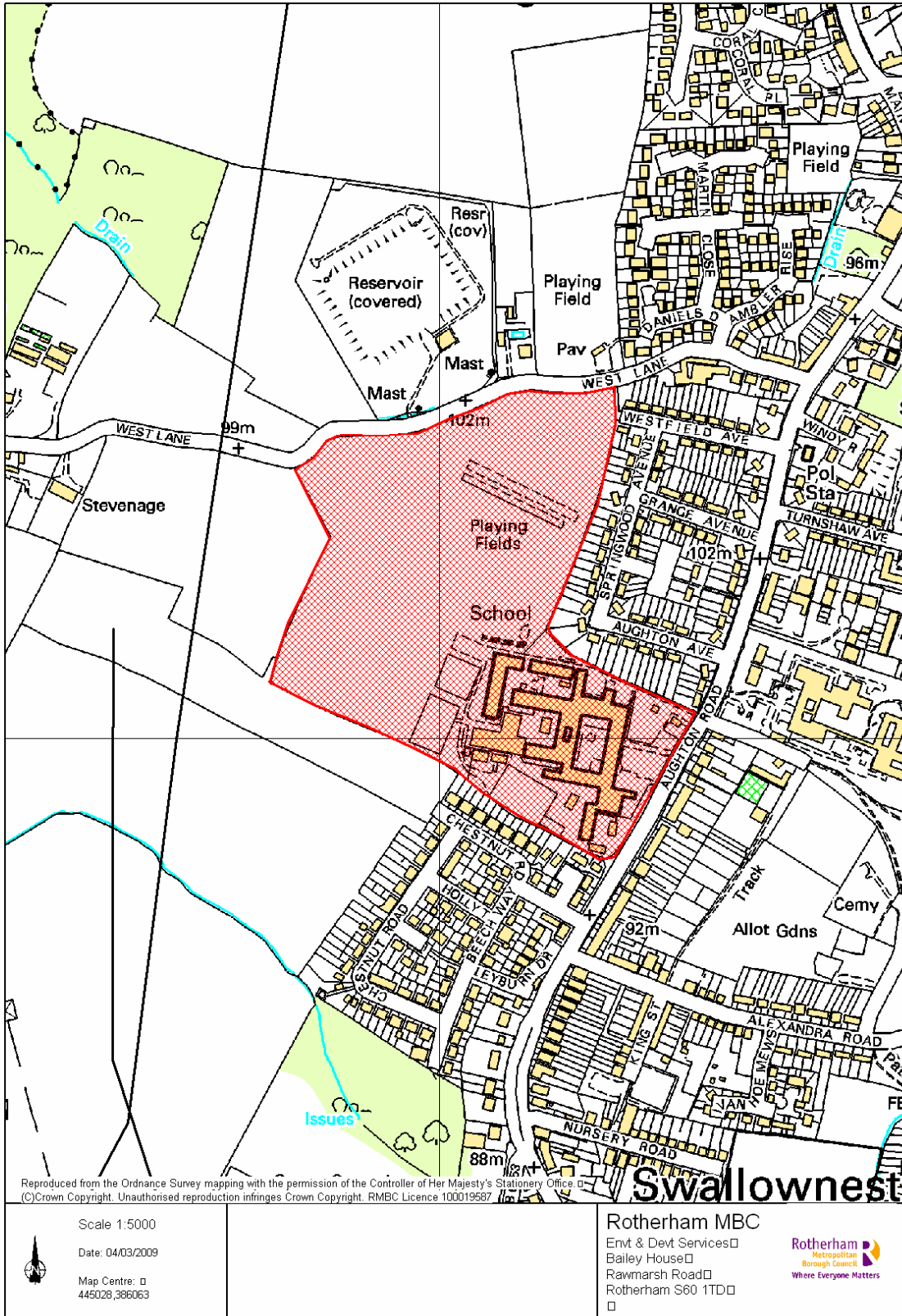
Reasons for Conditions:

01

To ensure the site is restored to a condition fit for purpose and to accord with UDP Policy 2.2 Safeguarding Recreation Areas.

02

PR97 To define the permission and for the avoidance of doubt.



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Background

Planning permission for the new Leisure Centre at the Aston Comprehensive School site was granted in 2006 (RB2006/1689). The Leisure Centre development has subsequently been constructed.

Site Description & Location

The site is located adjacent to the western boundary of the overall Aston Comprehensive School site and forms part of the overall playing field facility at the School.

Proposal

This is a retrospective application for the formation of the spoil mound. It is located along the western boundary of the overall site and is between 22-40m in width and is approximately 155m long. It contains approximately 6,500 cubic metres of material consisting of approximately 1,000 cubic metres of broken out material, such as tarmac and concrete, and approximately 5,500 cubic metres of spoil/earth, all of which was moved from elsewhere on the site when the Leisure Centre was developed. The mound has been grassed over to soften its visual impact.

A playing pitch has been re-located clear of the mound.

Development Plan Allocation and Policy

The site is located within the Green Belt as identified in the Rotherham Unitary Development Plan. Policies and guidance which relate to this proposal include ENV1 'Green Belt'.

Policy ENV1 'Green Belt'

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

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

Policy CR2.2 Safeguarding Recreation Areas states:-

Land presently used or last used for sports grounds, playing fields or allotment gardens, will be retained for this purpose during the plan period except where:

(i) it can be demonstrated that the land is surplus to the requirements of the local community, or

(ii) alternative provision of equivalent community benefit is made, and

(iii) the land has no other Urban Greenspace value”.

Other Material Considerations

Planning Policy Guidance Note 2: Green Belts (PPG2) states that “Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. 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. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning applications or appeal concerning such development”.

PPG17 Planning for Open Space, Sport and Recreation notes at paragraph 15 that:

“In advance of an assessment of need, local authorities should give very careful consideration to any planning applications involving development on playing fields. Where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such developments should not be allowed unless:

i. the proposed development is ancillary to the use of the site as a playing field (eg new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;

ii. the proposed development only affects land which is incapable of forming a playing pitch (or part of one);

iii. the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location; or

iv. the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field”.

Publicity

The application was advertised in the press and on site as a departure and nearby residents were notified. One letter of representation has been received from a nearby resident who does not specifically object to the proposals, though notes that problems for residents on Chestnut Road to the south of the site have been experienced in the past from children throwing stones etc over the fence onto the roofs of the residential properties (which are at a lower level).

Consultations

Transportation Unit – No objections.

Environmental Health – No objections.

Sport England – Originally objected to the proposal as it would result in the loss of part of the overall area used as sports pitches for Aston Comprehensive School. However, the objection has been removed on the basis that the mound will only be in situ for a temporary period, and that at the end of that period the material would be removed and the land re-instated so that it could once again potentially be used for playing pitch provision.

Appraisal

The site is within the Green Belt and the main consideration in this instance is the principle of the development and if inappropriate, whether any very special circumstances have been demonstrated to justify the development.

The spoil mound was formed during the construction of the new leisure centre at the School and is a temporary measure whilst proposals for the re-development of the School itself are finalised. It is not considered that the formation of the mound is appropriate development in the Green Belt and as such, very special circumstances have to be demonstrated to justify the development. However, as the mound will be removed from its current site and the inert material either used as part of the landscaping/remodelling of the land as part of the re-development of the School, or removed from the overall site, this would overcome the fact that the development is in itself inappropriate. No planning permission has been granted for the re-development of the School itself and this would be subject to a separate planning application which would be considered on its own merits.

It is considered that it would be unreasonable to insist that the material is removed immediately as it could be re-used as part of the landscaping/remodelling of the land when the School is re-developed. This would be a more sustainable option than removing from the site and transporting elsewhere. It is considered that a temporary permission would be acceptable and would allow the land to be re-instated and subsequently used for potential playing pitch purposes. As such the proposals would comply with Policy CR2.2 Safeguarding Recreation Areas and PPG17.

Conclusion

The formation of the mound represents inappropriate development in the green Belt and no very special circumstances have been demonstrated to justify its retention on a permanent basis. However, a temporary permission will allow the material to potentially be used as part of the landscaping/remodelling when the School itself is re-developed. In view of the above it is recommended that planning permission be granted for a temporary 3 year period.

RB2007/2078

Details of the erection of a detached dwelling house with detached garage at land at Broom Riddings, Greasbrough for Mr. S. Milnes.

RECOMMENDATION: GRANT 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 Development Plan and all other relevant material considerations as set out below:
 - a) Development Plan
 - (i) ENV3.1 'Development and the Environment'
 - HG4.3 'Windfall Sites'
 - HG4.4 'Back Land and Tandem Development'
 - b) Supplementary Planning Guidance
Housing Guidance 3: Residential infill plots
2. For the following reasons:

The new dwelling is considered to have a satisfactory appearance on the street scene with a layout that is reflective of the size of the site area. The design of the proposal is contemporary and incorporates a-hipped style of roof that is reflected in the immediately adjacent properties. The scale and height of the dwelling is considered to be comparable to the heights of the existing two storey properties in the locality. In terms of overshadowing, the new house is sited a sufficient distance away from the properties located to the east and is sited north of the boundary with no. 32 Broom Riddings in order to prevent any significant loss of light. In terms of overlooking, the new house is located in accordance with the Council's spacing standards to principal windows and there are to be no windows at first floor level on the south-eastern elevation. In terms of highway safety, the amended access into the site is considered satisfactory and the level of increase in the number of vehicles using this access is not considered to be a material increase relative to the existing uses.

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; the application case files 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

[PC 24] Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;-

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

The area shall thereafter be maintained in a working condition.

03

[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 first dwelling.

04

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

05

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.

06

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 the completion of the approved foul drainage works.

07

[PC97] The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority.

(Drawing numbers Steve Milnes)(received 2 March 2009)

08

Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) the dwelling hereby permitted shall not be enlarged or altered externally unless planning permission has first been granted by the Local Planning Authority.

Reasons for Conditions:

01

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

02

[PR24] In the interests of road safety.

03

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

04

In the interests of satisfactory drainage.

05

To ensure that the development can be properly drained.

06

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

07

[PR97] To ensure that the development is carried out in accordance with the approved/amended plans.

08

To enable the Local Planning Authority to control any subsequent development of the site.

Informative

The applicant should note that a 225mm diameter public foul sewer runs across the site and this matter will need to be controlled by Requirement H4 of the building regulations



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Rotherham S60 1TDD
□



Background

Members will recall that an outline application for a single dwelling was previously approved in 2005 under RB2005/1433 and as such the principle of erecting a residential dwelling on this land has been accepted under this application.

Site Description and Location

The site comprises of an irregular shaped parcel of land with a land area of approximately 440 square metres and is currently used as an overspill side garden area to no. 34 Broom Riddings, the host property. The site has a shared boundary with 4 other plots including the host property. Broom Riddings comprises predominantly of semi-detached and detached properties that have a range of different styles and designs.

Proposals

Reserved matters application to erect a detached dwelling in the rear garden area of the existing curtilage at no. 34 Broom Riddings. The vehicular access into the site and the principle of residential development has been previously approved under Outline application RB2005/1433. This application seeks to determine the acceptability of the design, scale and appearance of any matters reserved along with any landscaping.

The proposal comprises a two storey detached house with roof lights in the front and rear elevations that would be approximately 9 metres in width, and 8 metres in length. The proposal is set in from the boundary with no. 32 Broom Riddings by 3 metres at the front elevation and 5 metres to the rear. The rear outlook to the proposal is in the order of 10 metres.

The amendments to the proposal can be summarised as follows:-

- The floor area of the property has been reduced from approximately 81 Square metres to 72 square metres.
- The half-gable sides have been removed and replaced with full hipped sides.
- The floor area of the garage has been reduced.
- The property has been taken in from the boundary with no. 32 from 0.6 metres to 2-3 metres.
- The property has been re-orientated to lie on a different angle.
- The front and rear rooflights have been removed from the plans.

Development Plan Allocation and Policies

The site is allocated for residential purposes in the adopted UDP.

HG4.3 'Windfall Sites' states that "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their: (i) location within the existing built-up area and compatibility with adjoining uses, and (ii) compatibility with other relevant policies and guidance."

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, together with regard to the security of ultimate users and their property”.

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

Other Material Considerations

Supplementary Planning Guidance: Residential infill plots is also relevant in the determination of this application. This guidance indicates that the Council will have regard to normal inter-house spacing of 20 metres between principal elevations.

Publicity

All relevant neighbours were informed by letter on and subsequently re-notified of the amended plans. A total of 6 objections have been received. These objections have been summarised as follows:-

- *A main sewer crosses the site.*
- *Vehicular access is inadequate.*
- *Proposal would exacerbate existing parking problems.*
- *Reduction in sunlight to surrounding properties.*
- *The planning application to no. 34 Broom Riddings will further restrict access.*

In addition a petition of 30 signatures has been received.

There are 3 Right to Speak requests at the Planning Board meeting, including the applicant.

Consultations

Transportation Unit – no objections subject to conditions
Yorkshire Water – no objections subject to conditions

Appraisal

The principle of splitting the rear garden area of no. 34 and subsequent residential development has previously been approved under outline application RB2005/1433 and as such only the details of the proposal can be considered at the Reserved Matters stage. The main considerations are as follows:-

- *The size and scale of the proposed building.*
- *Potential loss of privacy to the surrounding properties.*
- *Design and appearance of the proposal.*
- *Highway safety implications.*

The size and scale of the proposed building.

The size of the floor area of the proposed bungalow is small in relation to the size of the plot and is in the order of 20% of the site area, significantly beneath the recommended 33% as indicated in Housing Guidance 3: Residential Infill Plots of the Supplementary Planning Guidance. Bearing in mind that the character of the surrounding area comprises of quite high densities, the proposed footprint of the dwelling is considered to have a satisfactory relationship with the surrounding locality.

In terms of any dominant impact the proposal would have on the surrounding properties the gable of the south-eastern elevation would be located a minimum distance of 3 metres from the boundary with no. 32 and is located approximately 10 metres to the north of the position of the existing neighbouring property. Taking this into consideration it is considered that the proposal would not have a significant dominant impact on no. 32.

Potential loss of privacy to the surrounding properties.

In terms of loss of privacy to the surrounding properties, the windows on the southern elevation facing 32 Broom Riddings have been omitted on the revisions and a condition has been recommended to prevent any future windows on this elevation. Distances between first floor windows on the rear elevation of the proposal and principal elevations on properties along Coppice Gardens is in excess of 20 metres and therefore in accordance with the Council's guidance on spacing standards. In addition the rear elevation of the proposal would lie on a different orientation to the properties along Coppice Gardens. The outlook from the proposal to the boundary with 35 Fenton Way is approximately 10 metres and the most westerly facing rear window has been reduced in size. Accordingly the proposal is not considered to materially increase the level of overlooking to the surrounding properties.

Design and appearance of the proposal.

In terms of the design of the proposal the plans indicate that the style of roof would have a hipped-style on both elevations. The immediately adjoining properties at 34 and 32 Broom Riddings have full hipped-style roofs, there are a number of differing roof types and styles along Broom Riddings. The properties directly to the north of the site comprise of gable-style roofs and a number of the properties on Broom Riddings have a mix of hipped and gable roof styles. It is therefore considered that the proposal would have a satisfactory impact on the street scene of Broom Riddings.

Although the proposed residential unit is on a different orientation to the surrounding properties and is set back approximately 19 metres from Broom Riddings, the proposal is considered to have a satisfactory impact on the visual amenity of the street scene and thereby be in accordance with Policy ENV3.1 'Development and the Environment'.

Highway safety implications.

The Transportation Unit have indicated that the proposed vehicular access from Broom Riddings is satisfactory in width to accommodate vehicular traffic. The amended plans indicate that the proposed access into the site is in accordance with the access previously agreed under outline application RB2005/1433. A turning area has been provided within the site to allow vehicles exiting the site to leave in a forward gear.

Any public sewer that may cross the site is a matter that would be controlled under Building Regulations.

Taking the above considerations into account, the application is recommended for approval, subject to the safeguard of the above conditions.

Conclusion

The proposal is considered to have a satisfactory appearance on the street scene with a layout that is reflective of the size of the site area. The design of the proposal is contemporary and incorporates a-hipped style of roof that is reflected in the immediately adjacent properties. The scale and height of the dwelling is considered to be comparable to the heights of the existing two storey properties in the locality. In terms of overshadowing, the new house is sited a sufficient distance away from the properties located to the east and is sited north of the boundary with no. 32 Broom Riddings in order to prevent any significant loss of light. In terms of overlooking, the new house is located in accordance with the Council's spacing standards to principal windows and there are to be no windows at first floor level on the south-eastern elevation. In terms of highway safety, the amended access into the site is considered satisfactory and the level of increase in the number of vehicles using this access is not considered to be a material increase relative to the existing uses.

RB2008/1806

Erection of 8 No. three storey and 1 No. two storey office buildings with associated car parking, landscaping and drainage at land off Rotherham Road, Maltby for Boulby Davison Developments.

RECOMMENDATION: REFUSE

Reasons for Refusal:

01

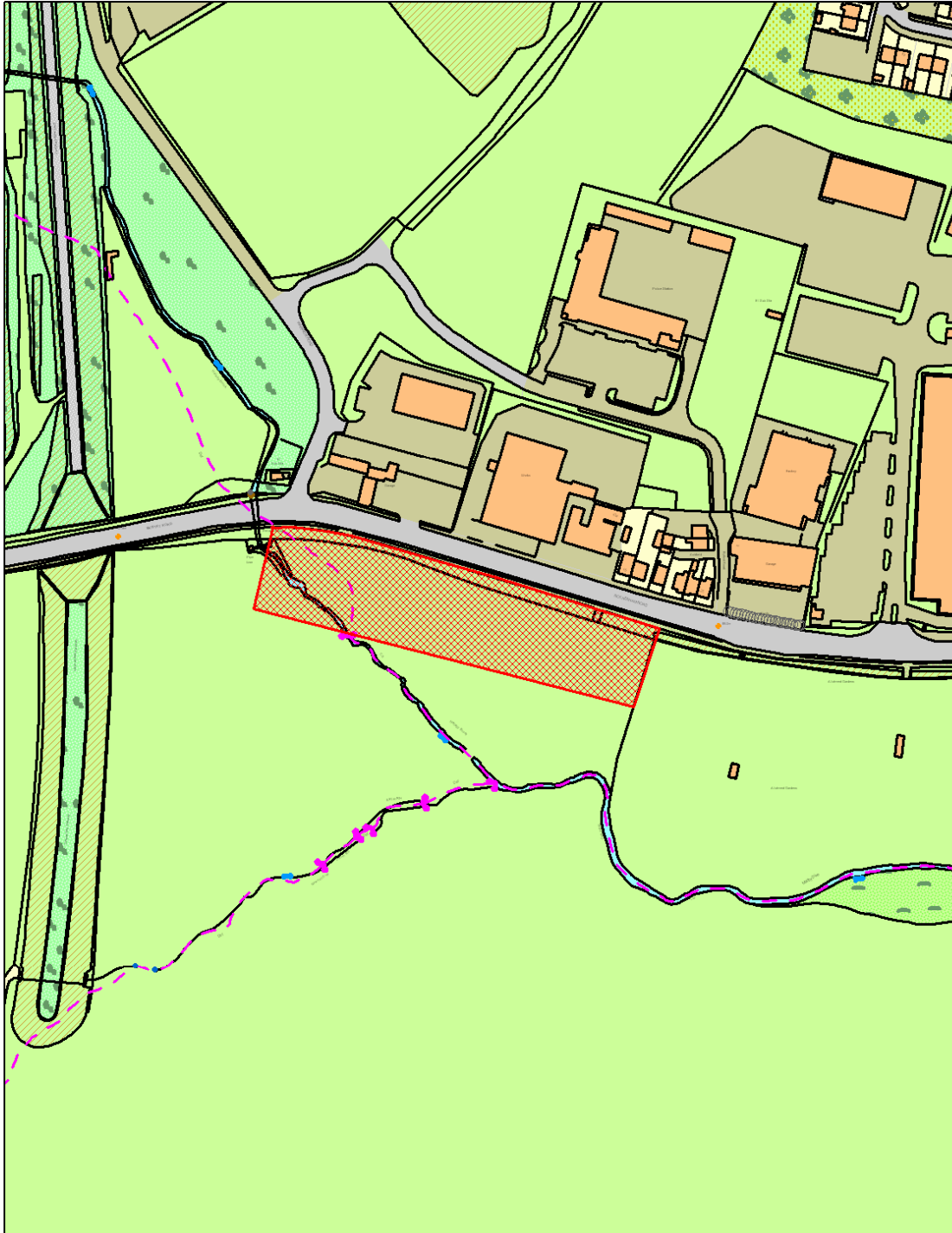
Insufficient information has been submitted to demonstrate that the vehicular traffic likely to be generated by the development will have no material adverse impact on the strategic road network in particular the junction of the A631 with the M18 motorway, contrary to Policy T6 'Location and Layout of Development'.

02

It is considered that due to the level of parking on site and the provisions within the Transportation Assessment submitted with the application, the proposed development would lead to additional parking on the A631 Rotherham Road and on the proposed adopted highway within the site itself to the detriment of the free and safe flow of other traffic and on the success of the measures proposed in the Travel Plan.

02

The proposed design and layout of development does not provide for adequate landscaping to be accommodated at the front of the site and therefore the proposal does not make a positive contribution to the surrounding environment contrary to UDP Policy ENV3.1 'Development and the Environment' and Planning Policy Statement 1 'Delivering Sustainable Development'.



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Background

Members may recall that planning permission was refused for an office development on the site in 2007 (ref: RB2007/1706) for the following reasons:

01

It is considered that inadequate justification has been provided in terms of need and impact on town centres and if approved the proposal would be contrary to the requirements contained within Planning Policy Statement 6 (PPS6) resulting in development having a detrimental impact on the viability and vitality of Rotherham Town Centre.

02

Should the proposal to abandon the road scheme be approved and in the absence of a permanent Green Belt boundary, the development if granted would result in an isolated, incongruous tongue of development in an open countryside setting which would undoubtedly increase pressure for the release of adjoining sites for development, resulting in the merging of Hellaby and Maltby, contrary to one of the main aims of both National (PPG2) and local Green Belt Policy (ENV1). It would also result in development that would be unsympathetic to the visual amenity and environmental quality of the Green Belt contrary to UDP Policy ENV1.4.

03

Inadequate information has been provided to assess the ecological and environmental impact of the proposal and appropriate mitigation measures and if approved the proposal may result in development having a detrimental effect on the environment contrary to Policies ENV2 and ENV3 of the adopted UDP and contrary to Government Statement PPS9.

04

Insufficient information has been submitted to demonstrate that the vehicular traffic likely to be generated by the development will have no material adverse impact on the surrounding highway network.

05

Insufficient information has been submitted with regard to proposed measures to promote non car modes of travel such that the proposal cannot be considered to be sustainable in transport terms, contrary to the provisions of Planning Policy Guidance 13 (PPG 13).

Prior to that, permission was refused in 1962 under ref RH1962/3721 for Housing and in 1977 under ref RB1977/1433 for a Garden Centre both on the grounds that the uses proposed would conflict with the lands' allocation at that time as 'Green Belt'. The reallocation of the land from Green Belt to Business Use was made at the time of the adoption of the UDP in 1999 in anticipation of the proposed realignment of the A631 Rotherham Road.

Environmental Impact Assessment

It is considered the development falls within paragraph 10 (a), Industrial Estate Development Projects, of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. With regard to Column 2, the site exceeds the 0.5 hectare area threshold therefore consideration has been given as to whether this particular development would be likely to have significant effects on

the environment. Consideration has been given to the proposal under Schedule 3 of the Regulations and it is felt that the development would be of no more than local importance in terms of environmental effects; it is not located in a particularly sensitive or vulnerable location and would not have any unusually complex or potentially hazardous effects. The Council accordingly adopted the opinion that the development is not EIA development as defined in the 1999 Regulations as it would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Site Description

The application site comprises vacant land to the south of the A631, between Hellaby and Maltby approximately 8km east of Rotherham Town Centre. The site is rectangular in shape and has a site area of approximately 0.8Ha. To the east of the site are allotments with housing beyond, open fields lie to the south and west, whilst to the north across Rotherham Road is an existing business/industrial area, a garage and a small number of residential properties. Hellaby Brook crosses the western end of the site.

To the front of the site is a 7-9 metre wide strip of land between the A631 carriageway and the stone wall that forms the front boundary of the land under the applicant's ownership. This strip of land is included within the application site though forms part of the public highway.

Proposals

The scheme is a revision of the office scheme refused permission in November 2007. Some of the main aspects of the scheme either remain the same or very similar and include:-

- *Siting and layout of development (although gaps between buildings have been slightly widened also resulting in development slightly closer to east boundary of site)*
- *The number of three and two storey buildings*
- *The total floorspace of each building (total for the development would be 4626 sq.m – gross and 3595 sq.m - net)*
- *The site boundaries and shape and size of site.*

One of the main changes includes the design of the buildings which have been switched from traditional brick and tile buildings with pitched roofs to modern flat-roofed buildings finished with profile cladding/ceramic tiles with white/grey and green colours. The applicant's aim for a more environmentally-friendly design incorporating features such as green roofs, solar panels, rainwater harvesting, ground source heat pumps and increased glazing. The parking spaces would comprise grass-crete and cycle storage would be provided.

As a result of the removal of pitched roofs from the scheme, the heights of the buildings have been reduced from 9.7m (2-storey) and 12.7m (3-storey) to 8.1m and 11.3m respectively.

The main change to the layout includes the insertion of a 12m wide belt of tree planting at the rear of the site occupying the strip previously allocated for a proposed new section of the A631 road. However, since the previous application was refused, the proposed new section of road has been officially abandoned by the Council and in its place, the applicants have added a tree planting zone as a buffer between the development and the Green Belt to the south of the site.

Other changes to the scheme include:

- the increase in parking spaces from 102 (inc. 14 disabled) to 106 (inc. 9 disabled)
- more dispersed tree planting in the highway verge and the addition of tree planting in the verge to the west side of the access road
- the addition of a hedgerow at the west boundary
- the allocation of one of the units solely for flexible starter business accommodation

The application is accompanied by:

- Planning Statement which addresses the previous reasons for refusal and which outlines the environmental and economic advantages of the scheme
- Design, Sustainability and Access Statement
- Drainage and Water Search
- Flood Risk Assessment
- Community Consultation Document (including 200 signatures of support from local residents)
- Site Contamination Report
- "Sequential Test" assessment of alternative sites document – revised February 2009 and supersedes January 2009 document originally submitted with the application (this is to overcome Reason for Refusal 1 of the previous application)
- Ecology Information including a Protected Fauna Survey and Mitigation Strategy Document (to overcome Reason for Refusal 3)
- A Transport Assessment (to overcome Reason for Refusal 4)
- Travel Plan (to overcome Reason for Refusal 5)

The applicants have also offered to enter into a Section 106 Agreement to set up a management company to ensure the maintenance and upkeep of the planting and landscaped areas and shared surface/parking areas, in perpetuity and to contribute a commuted sum to provide bus shelters at the two nearest bus stops to the site. The applicants have also agreed to contribute to a Traffic Regulation Order to address any overspill parking onto surrounding roads as a result of the development.

Development Plan Allocation and Policy

The development plan for the Borough comprises the Regional Spatial Strategy (RSS) for Yorkshire and Humber (adopted 2008) and the Rotherham Unitary Development Plan (UDP) adopted in 1999. The site is allocated in the UDP for Business Use.

01 RSS Policies:

YH6 'Local Service Centres and Rural and Coastal Areas'. Maltby is classed as a Local Service Centre in the RSS and the policy looks to protect and enhance these centres as attractive and vibrant places and communities, providing quality of place and excellent environmental, economic and social resource.

E2 'Town Centres and Major Facilities' states that The centres of "Regional Cities" and "Sub Regional Cities and Towns" should be the focus for a number of uses which include offices.

E3 'Land and Premises for Economic Development' aims to make use of appropriately located previously developed land and current allocations for employment development which would include offices.

02 UDP policies:

EC3.2 'Land Identified for Business Use' states that no development other than "Use Class B1" offices should be permitted in these areas subject to there being no adverse effect on the character of the area or residential amenity and parking provision being adequate.

ENV1.4 'Land Adjacent to Green Belt' states that in areas adjacent to the Green Belt, development should be sympathetic to the visual amenity and environmental quality of the Green Belt.

ENV2 'Conserving the Environment' aims to ensure, amongst other things, that development does not harm the character and quality of the environment and that wildlife and historic interests are taken into account, and that any environmental losses are outweighed by other enhancements.

ENV2.3 'Maintaining the Character and Quality of Environment' states, amongst other things, that any environmental interest that is retained should be enhanced and that any significant losses should be compensated through landscaping, habitat creation or other environmental enhancement.

ENV3.1 'Development and the Environment' aims to ensure that development is not to be at the expense of the local environment and the character and appearance of the area. The policy aims to achieve environmental improvements through an appropriate standard of design and layout and landscaping.

ENV3.2 'Minimising the Impact of Development' seeks to minimise the impact of development on the environment and look to protect it from, for example, pollution or flooding. It also states that development leading to a significant loss of trees will be permitted only where there is a compelling justification for doing so.

T3 'Public Transport' supports the development and improvement of facilities for users of public transport.

T6 'Location and Layout of Development' aims to locate development close to public transport, discourage development which causes traffic congestion and promote safe and convenient access for pedestrians, cyclists and people with disabilities, as well as ensuring highway safety for car and public transport users.

Other Material Considerations

Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development', was published in 2005 and encourages a high quality design and layout of development and amongst the key principles it states that "Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted".

PPS6 'Planning for Town Centres' aims to ensure that a range of uses, including offices, are located in town centres and not more peripheral areas in the interests of the vitality and viability of town centres.

PPS9 'Biodiversity and Geological Conservation', aims to protect flora and fauna interests and seek the enhancement of the level of biodiversity on a development site.

PPG13 'Transport' aims to increase the use of modes of transport other than the car, increase accessibility to jobs and services and reduce road traffic in the interests of sustainability and the environment.

PPS25 'Development and Flood Risk' aims to ensure that development does not increase the risk of flooding.

Publicity

The proposal was advertised in the press, on site and via letters sent to local households/occupiers of nearby properties.

Over 70 letters of objection and over 270 tear-off objection slips have been received from local residents. Six objectors have asked to speak at the Planning Board.

The main points raised in the letters are outlined as follows:-

- Harm to Green Belt land and loss of views across Green Belt land*
- Erosion of the gap separating Maltby and Hellaby*
- There are nearby unoccupied industrial sites with potential for redevelopment*
- Exacerbate traffic levels and impact on highway safety*
- Increase in traffic would disrupt nearby emergency services*
- Poor road access*
- Insufficient infrastructure to support development*
- Will not create employment for local residents*
- Will impact negatively on renewal of Maltby town centre*
- Proposed trees will block light to nearby dwellings*
- Would lead to excess car parking on surrounding roads*
- Detriment to wildlife*
- Increase in flood risk*
- Increase pollution*
- Would attract criminals affecting security of nearby dwellings*

Maltby Town Council objected on the following grounds:

- Site should be reallocated as Green Belt land following the abandonment of the road scheme*
- Would exacerbate high levels of traffic on A631*

Letters of objection have also been received from Maltby Environment Group who oppose the application due to the impact on the Green Belt and question who will benefit from employment creation on this site.

A letter has also been received from Campaign to Protect Rural England which considers the application should be refused on the grounds of the visual impact on the adjacent Green Belt.

Consultations

Transportation Unit:

1. Traffic Impact

The TA has concluded that the proposed development is likely to result in traffic flow increases of some 6% and 4% on A631 Rotherham Road in the vicinity of the site in the AM and PM peaks respectively. The anticipated distribution is 80% to and from the M18 and 20% to and from Maltby. Traffic models should be validated to ensure that they are sufficiently accurate to predict the impact of additional development traffic, which has not been done in this case. However, in this case, validation will not change our overall conclusion that the traffic impact of the development will be marginal. In addition, although validation has not been carried out as part of the TA, the models do seem to reasonably reflect the current traffic conditions in the area.

An assessment of the junction of A631 with Addison Road indicates that the impact of the development will be marginal in terms of increased delay and queue length in 2020. The assessment of the A631 junction with Denby Way concludes that this will be over capacity in 2020 although the impact due to the development is not shown to be significant. The site access with A631 is also shown to be over capacity in 2020, particularly in respect of vehicles turning right out of the site. The Highways Agency will wish to comment on the impact of the development on the M18/A631 junction. Indeed, the TA indicates that by 2020 demand flows on some entry arms of the roundabout will exceed design capacity.

2. Sustainability

Land uses such as offices which have the potential to generate high levels of trips should ideally be in centres near to major public transport interchanges. However, this site fronts A631 Rotherham Road which is a high frequency bus route. Furthermore, the Council has agreed in principle a bus priority scheme along this part of A631 (including bus lane on the site frontage). Cycle parking is to be provided although not in the vicinity of every building. The site is not particularly well located, however, to promote walking to work although the walking distance to bus stops is within the recommended distance. An Interim Travel Plan has been submitted which does not include targets for modal share etc. although these can be submitted at a later date in compliance with the recommended condition.

3. Road safety

The TA has considered 66 recorded personal injury accidents in the vicinity of the site but found no discernable pattern. The Transportation Unit considers that congestion is contributing to the accident risk and further development traffic will add to the problem. However, it would be difficult to show that the proposed development would have a significant impact on road safety.

4/= Site layout

The proposed access road is intended to be designed and constructed for subsequent adoption. The proposed car parking accommodation, 102 No. spaces, is below the maximum permitted under the Council's Maximum Parking Standards. These Standards suggest a maximum of 139. In addition, PPG13 Transport suggests a maximum of approximately 160 for a development of this nature. I note that some 190 No. employees are likely to be employed at this site which may result in overspill car parking in the proposed estate road and the surrounding highway network, including the A631. Measures to address such an occurrence are desirable."

Highways Agency: "The Highways Agency does not have sufficient information to assess the impact of this development on the operation, safety and environment of the strategic road network. Therefore, please find enclosed a TR110 form which directs against grant of permission until the issues raised in this letter have been addressed to the satisfaction of the Highways Agency."

South Yorkshire Passenger Transport Executive: Encourages key employment sites in locations which are accessible by public transport. The site is located adjacent to Rotherham Road, which forms a Quality Bus Corridor (QBC) and is served by a range of frequent bus services. To protect the benefits of the QBC it is important that car trips to and from the site are minimised through a restrictive approach to parking. In addition measures should be implemented to facilitate and encourage the use of public transport amongst site employees and visitors.

As a result a number of measures are suggested to enhance the attractiveness of public transport, including the provision of bus shelters, to be acquired via a S106 agreement with the developers.

Council Landscape Officer: The applicant's proposed inclusion of substantial landscaping, including tree planting along the road frontage, and a substantial 12m wide landscape buffer along the Green Belt boundary, together with green roofs on each unit is welcomed. The landscape masterplan provided (Weddle Landscape Design drawing no. 299/BRM01) demonstrates this and provides indicative details of species, sizes and planting density.

However, the officer also stated that if the road verge was in highways ownership then further discussion with the Council would be required to determine if planting is possible on Council land under licence.

Conditions are recommended to require finalised information on species, sizes and planting densities.

Council Trees and Woodlands Section: "At present I am unable to support the application as it stands. This is due to concerns and reservations regarding the future maintenance of the proposed planting within the highway verge unless the planting is done under licence and the applicants remain responsible for all future maintenance.

The site contains a large mature Crack Willow, together with numerous self set trees adjacent to Hellaby Brook, and a hedge along the eastern boundary. Of these the Willow is the most significant in amenity terms being clearly visible from the highway. However, it is not considered to meet all the criteria for inclusion within a new Tree

Preservation Order to ensure it is retained due to its condition and limited future prospects.”

The Council, as highways authority, do not have any objection to the principle of planting trees in the highway verge but advise it may not be possible if mains and services lie underneath the verge and that this would need to be investigated.

Council Ecologist: No objection provided that the recommended mitigation measures are fully incorporated into the scheme and the agreement of a long-term future management of the site.

Council Environmental Health: No objection is raised in terms of the potential for disamenity for neighbouring residents. Conditions and informatives recommended to control hours of work and spread of mud and dust on the highways during construction.

Council Mains Drains Officer: A condition is recommended in the event of planning permission being granted to show how equipment and vehicles can access the brook in order to maintain it. No plantation should take place within the highway verge without the agreement of the highway authority. In general there are sewers and services position in most highway verges. The applicant must contact the Council's highway management unit to discuss and agree the matter further.

Council Access Officer: Questions are asked regarding the ability of the development to comply with building and fire safety regulations and disabled user requirements.

Council Public Rights of Way Officer: There are no definitive rights of way affected by the development.

Environment Agency: Part of the proposed development site falls within high-risk flood zone 3 and as such the proposed development will only be acceptable if the measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission. You should ensure that the applicant has taken a Sequential Approach to the layout of the site. The applicant should demonstrate that the least vulnerable uses, such as car parking, are located in those areas at risk of flooding ahead of more vulnerable uses such as offices.

With regard to contaminated land, the information does not identify previous contaminative uses of the site and therefore a condition is recommended to be attached to any planning permission. This would require the developer to submit an amendment to the remediation strategy to show how any unsuspected contamination is dealt with, before any further works continue.

Yorkshire Water: A water supply can be provided under the terms of the Water Industry Act, 1991. Severn Trent Water should be contacted, as sewerage undertaker, for comments on waste water.

Severn Trent Water: No objection providing that conditions are added requiring that the drainage plans are submitted to the Council for approval and that no buildings and trees should be placed within 5 metres of the sewer running through the site. The letter also states the applicant may wish to apply to Severn Water to divert the sewer.

South Yorkshire Archaeological Service: They have enclosed a one-page report which outlines that there is some archaeological interest in the general area and for the reasons stated on the enclosed report, they recommend that the following condition be attached, should planning permission be granted: 'No development shall take place until the applicant, their agent, or their successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to, and approved in writing by, the Local Planning Authority.'

National Grid: They consider the principle of developing the site would place a negligible risk to the National Grid gas and electricity networks. However, they require an 8-metre wide exclusion zone either side of the gas pipe which runs underneath the highway verge to the front of the site, where semi-mature trees should not be planted.

South Yorkshire Police Architectural Liaison Officer: Recommends measures that could be incorporated into the proposal to reduce the opportunities for crime.

Appraisal

The main issues with the application include whether the Green Belt reason for refusal of the previous application can be sustained and whether enough information has been submitted to overcome the highways, transport, ecology/environment and out-of-centre location reasons for refusal.

ACCEPTABILITY OF THE SCHEME IN VIEW OF THE UDP BUSINESS ALLOCATION OF LAND AND ADJOINING GREEN BELT

The site is in an open gap of countryside separating Maltby from Hellaby, although there is adjacent commercial/industrial development on the opposite side of the road from the site. The land was allocated for business development in the UDP (therefore allowing an office development in accordance with Policy EC3.2 of the UDP) in anticipation of a proposed new road (re-alignment of A631) to be built to the south of the site which would separate it from the Green Belt land to the south and form a logical boundary for the Green Belt.

The previous application was refused because of concerns over the impact on the Green Belt should the proposed new road to the south of the site be abandoned. The new road has now been officially abandoned and therefore this places more pressure to resist the development on the grounds of impact on the adjoining Green Belt.

However, since the previous application was refused, an opinion from the Council's Legal Services has been received stating that, despite the abandonment of the road scheme, the allocation of land for business development in the UDP is still valid. The determination of planning applications must be made in accordance with the Development Plan under Section S.38 (6) of the Planning and Compensation Act 2004. There is nothing in the UDP to state that the land could become Green Belt if the proposed road scheme had become abandoned.

There is a current review of the Development Plan for the Borough - the "Local Development Framework". However, at this stage, the review of the Green Belt has not been undertaken and been approved by the government. Despite the concerns over the impact of the development on the Green Belt in the absence of the proposed road link, for the above legislative and policy reasons, the Green Belt reason for refusal

attached to the previous planning application should not be repeated for this current planning application.

IMPACT OF PROPOSAL ON VITALITY AND VIABILITY OF TOWN CENTRES

'Planning Policy Statement 6 – Town Centres' (PPS6) aims to ensure that certain uses, including retail and offices, are located in town centres in order to protect their vitality and viability. As the site is not in a town centre, PPS6 therefore requires applicants to submit a "Sequential Test" document to assess alternative sites within, or closer to, town centres in order to justify if an office development could be allowed outside of the centres.

It is important to note that PPS6 was published after the UDP was adopted and despite land being allocated in the UDP for business, there is still a requirement for the applicants to demonstrate that no more suitable sites exist closer to the centres. Also, the Regional Spatial Strategy for Yorks and the Humber (RSS) was adopted in 2008 and Policy E2 "Town Centres and Major Facilities" states that the centres of regional, sub-regional and principal towns should be the focus for office development. As the site is not within these centres, this further supports the need for an adequate assessment of centres.

The information in the document submitted with the previous application was considered insufficient to convince the Council that no more suitable sites exist closer to the centres, and in particular, there was no information relating to the main centre of the Borough, Rotherham town centre. Therefore the application was refused for this reason. The document was updated for this current application but was also deemed deficient due to the absence of the assessment of Rotherham town centre, instead concentrating on other more minor centres in the Borough. A revised document, dated February 2009, was eventually submitted with the required information included.

The document has concluded that there are no realistic alternatives that would be suitable or are available within, or closer to, the main centres within the Borough. Particular emphasis was placed on the sites at New York Riverside in Rotherham Town Centre. However, it is conceded that the on-site infrastructure is not at a stage of advancement that could accommodate a proposal of this scale and therefore the site is not seen as a realistic alternative.

Looking in closer proximity to the Maltby site, specifically within the Bramley, Wickersley and Maltby centres and edge of centres, although these sites would by reason of their location be preferable in PPS6 terms, they do not present opportunities to accommodate the nature of development proposed.

It is therefore considered that the application can no longer be refused on the basis of being an inappropriate location for offices, due to the demonstration by the applicants of the absence of more suitable sites closer to the centres.

In terms of other policies in the RSS relating to economic-related development, Maltby is designated in the RSS as a "Local Service Centre" and one of the aims for such centres, as outlined in Policy YH6 'Local Service Centres' is to "support economic diversification". It is considered that the office development is in line with this aim. Policy E3 'Land and Premises for Economic Development' also states that use should be made of current land allocations for economic development.

IMPACT ON HIGHWAYS AND TRAFFIC

The previous application was refused due to insufficient information to demonstrate the impact of the development on the surrounding road network. There are concerns over current traffic levels on Rotherham Road. More information assessing the impact on traffic has been submitted with this new application.

The Council's Transportation Unit is satisfied with the level of information and has concluded that although the development would lead to some increase in the number of vehicles using the road, the increase in traffic would not be so high as to cause significant additional problems on the road network.

However, the Highways Agency remain unsatisfied with the level of information to demonstrate the impact of traffic on the strategic highway network, including the nearby M18 motorway and its junction with the A631. Therefore this current application should be refused for this reason. Policy T6 of the UDP, 'Location and Layout of Development', seeks to avoid the development of sites which cause unacceptable traffic congestion on motorways and local approach roads and therefore, due to the absence of information in which to assess this, the proposal is considered to be contrary to this policy.

SUSTAINABILITY OF PROPOSAL

The amount of parking spaces is considered to be acceptable. The Council's Interim Parking Standards require one space per 35 sq.m of office floorspace for a B1 office development of this size. This is a maximum figure and is consistent with advice in PPG13 which requires restricted parking in the interests of encouraging the use of more environmentally-friendly modes of transport. The current scheme would warrant a maximum number of parking spaces of 139 under the Council's Parking Standards, 154 under the Regional Spatial Strategy and approximately 160 under PPG13. The proposed development would provide 102 spaces which equates to 1 space per 45 sq.m. This would be considered acceptable if the supporting Travel Plan demonstrated that the other steps taken by the developer to encourage alternative modes of transport to the site were clearly set out.

In this instance it is noted that the applicant has offered a financial contribution towards possible future Traffic Regulation Orders in the vicinity of the site, such as the requirement for double yellow lining within the site itself (on the adopted section of road), and on the A631 at the front of the site so as to prevent parking. However, it is not considered that such a contribution could be requested as part of a S106 legal agreement as it is subject to separate legal controls. For example, an objection to any TRO would lead to a public inquiry held by the Department of Transport which could ultimately lead to the TRO being rejected. This is out of the control of both the applicant and the Council. As such, the development should be assessed on the basis of the development taking place without such a contribution and without such TROs taking place. It is noted that Rotherham Road is a high frequency bus route and the Council has agreed in principle a bus priority scheme along this part of the A631 (including bus lane on the site frontage). Cycle parking is to be provided by the developer along with a contribution for the provision of bus shelters at the nearby bus stops.

However, based on the information submitted with the Transportation Assessment the Transportation Unit considers that the development would lead to indiscriminate parking

and manoeuvring in the A631 at the front of the site and on the access road within the site itself which in turn would have an adverse effect on the free and safe flow of other traffic and on the success of the measures proposed in the Travel Plan.

THE ECOLOGICAL AND ENVIRONMENTAL IMPACT OF THE PROPOSAL

There is some ecological value within the site due to the presence of the brook which supports water voles (a protected species) and priority wetland habitats. The previous application was refused because the ecology assessment, despite being deemed acceptable, did not contain a "mitigation strategy" to outline how the recommendations from the protected species survey report will be implemented. There were also no details of landscaping and therefore the scheme was refused on both ecological and environmental grounds.

With regard to ecology, this current application now includes a range of mitigation measures and these are considered acceptable. These include the retention of a 3m wide corridor either side of the brook in the interests of the water voles. In addition to this, other measures include the retention of the side hedgerow and the creation of a new boundary hedgerow. A long-term management plan is advised to ensure the ecological interest of the site is maintained and this would be achieved via the S106 agreement that the applicants are prepared to enter into.

A landscaping scheme has been submitted and includes a 12m wide tree-planting buffer separating the Green Belt from the development and which would provide screening of the development from the Green Belt. This is a welcome addition to the scheme and ensures that the proposal would comply with UDP Policy ENV1.4 which seeks to protect the character of adjacent Green Belt land. There is also hedgerow and tree planting within the site which would also compensate for the loss of the only significant tree within the site, a crack willow, which is not worthy of protecting due to its condition and limited future prospects. This therefore accords with the aims of policies ENV2 and ENV2.3 of the UDP.

The main concern with the environmental measures is the inability to include necessary tree planting at the front of the site to help provide some greenery and screening of development when viewed from the road. This is especially important due to the edge-of-town location characterised by the proximity to open countryside, and also the visibility of the site from Rotherham Road, a primary route.

Overall, the ecological aspects of the proposal and most of the landscaping strategy would comply with UDP policies ENV1.4 'Land Adjacent to the Green Belt', ENV2 'Conserving the Environment', ENV2.3 'Maintaining the Character and Quality of Environment' and ENV3.2 'Minimising the Impact of Development' and also PPS1 and PPS9.

However, the site plan clearly shows semi-mature trees proposed to be planted along the highway verge to provide some screening of the site. However, a gas main lies underneath the verge and National Grid require an 8-metre wide exclusion zone free of semi-mature trees either side of the pipe for maintenance reasons. The applicants would also require a licence from the Council to plant in the verge as it is public highway. There is no guarantee this could be acquired especially with the presence of mains underneath. It is therefore not possible to maintain trees in the verge in the long-term and therefore alternative planting would be needed within the ownership of the

applicant. However, due to the layout of development, there is insufficient space between the front boundary wall and the frontage buildings in which to place significant trees.

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, amongst other things, screening and landscaping. However, with this scheme, it is not possible to provide adequate landscaping close to the road in front of the development, due to the siting of the buildings so close to the front boundary. This does not make a positive contribution to the environment and the proposal is therefore contrary to Policy ENV3.1 of the UDP.

In terms of other environmental aspects of the scheme, sustainable building features such as green roofs, water storage and solar panels are a welcome addition to the proposal. However, these do not outweigh the concerns over the overall appearance of the environment due to the above landscaping constraints.

DESIGN AND LAYOUT OF DEVELOPMENT

One of the main changes to the scheme is the appearance of the buildings, which although of similar siting and scale, have a modern flat-roofed design in sharp contrast to the traditional pitched roof design visible in the previous scheme. This would not be considered to be harmful to the character of the locality where no particular building style dominates and comprises mostly large industrial/garage buildings with no real architectural merit. The reduction in height of the buildings from the previous scheme would help to reduce their prominence and impact on nearby residents although this does not alleviate the need for tree planting close to the road as already outlined in this report, as required by Policy ENV3.1.

The layout of development remains very similar to the previous scheme and is considered acceptable.

DRAINAGE AND FLOOD RISK

A Flood Risk Assessment has been submitted and this has been approved by the Environment Agency subject to sequential information to demonstrate that development is located in the parts of the site posing the least flood risk. This is because a small part of the site (land immediately adjacent to the brook) is within Flood Zone 3 (High Risk). The applicant has stated that the development has been orientated so that the parking areas and not the buildings are within the zone and that the proposed sustainable drainage, green roofs and grass-crete help to reduce water run-off. The Council accepts this statement. The flood risk and drainage aspects of the previous scheme were also considered acceptable. The proposal complies with Policy ENV3.2 'Minimising the Impact of Development' and PPS25 'Development and Flood Risk' in this respect.

There is a sewer running underneath the siting of some of the proposed buildings. However, Severn Trent do not object to the proposal and consider that the sewer can be diverted by the applicants.

ARCHAEOLOGY

South Yorkshire Archaeology have identified that the site potentially is of archaeological interest and have requested a condition be imposed on any permission granted requiring a programme of investigation works be undertaken on the site prior to any development taking place.

Conclusion

Despite the refusal of the previous office scheme based on the impact of the adjacent Green Belt, the site remains allocated for business development in the UDP and development proposals should therefore be determined in accordance with the Development Plan. The applicants have also demonstrated that no more suitable sites exist in Rotherham town centre and other centres for the proposed office scheme and therefore the proposal complies with PPS6. Further details and information have also been submitted to overcome previous sustainability and environmental related reasons for refusal. However, the impact on traffic levels on the strategic road network remain a concern and therefore the proposal is contrary to UDP Policy T6 'Location and Layout of Development' and PPG13 'Transport' which aims to reduce traffic. The level of landscaping of the site in the interest of the appearance of the area is also considered to be deficient and therefore the proposal is considered to be out of keeping with the surrounding environment and therefore contrary to UDP Policy ENV3.1 'Development and the Environment' and PPS1 'Delivering Sustainable Development' which requires that a high quality of design and layout be incorporated for all development proposals.

RB2008/1857

Application to modify existing Hazardous Substance Consent (RB2007/1118 HAZ) associated with the storage and use of chemicals at Victrex Manufacturing, Gin House Lane, Thornhill for Victrex Manufacturing Ltd.

RECOMMENDATION: GRANT CONDITIONALLY

Conditions Imposed:

01

The Hazardous Substance Consent hereby granted shall relate to the area shown on the approved plan (site plan drawing number D3510).

02

The hazardous substances shall only be kept in the areas marked for storage on the approved plan ("Substance Location Plan – Proposed", Drawing No. C620 issue 5) and used in accordance with the details provided on the application form and accompanying information.

03

The concentration of sodium nitrite solution present in storage vessels will not exceed 40%w/w.

04

The concentration of aqueous hydrofluoric acid, present in storage vessels, shall not exceed 60% w/w.

05

The transfer of any substance from a road tanker containing sodium nitrite solution, aqueous hydrofluoric acid or sulphuric acid shall only be carried out between the hours of 8:00 and 20:00 on any day.

06

[WC51] Suitable precautions shall be taken by the developer to prevent pollution of any adjoining watercourses or the underlying strata arising from operations on site. Any fixed fuel and oil supply tanks must be surrounded by bund walls of sufficient height so as to contain at least 110% of the storage capacity of the tanks and any associated pipework in the event of a spillage. The floors and walls of the bund must be impervious to water and oil.

07

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

08

The hazardous substances shall not be kept or used other than in accordance with the application particulars provided in the Hazardous Substances Consent Application Form, nor outside the areas marked for storage of the substances on the plan which formed the application.

Reasons for Conditions:

01

To limit the extent of the consent and for the avoidance of doubt.

02

To limit the extent of the consent and for the avoidance of doubt.

03

Stronger solutions would generate toxic vapours at a greater rate if involved in an incident.

04

Stronger solutions would generate toxic vapours at a greater rate if involved in an incident.

05

To reduce the potential hazard during the transfer of hazardous substances.

06

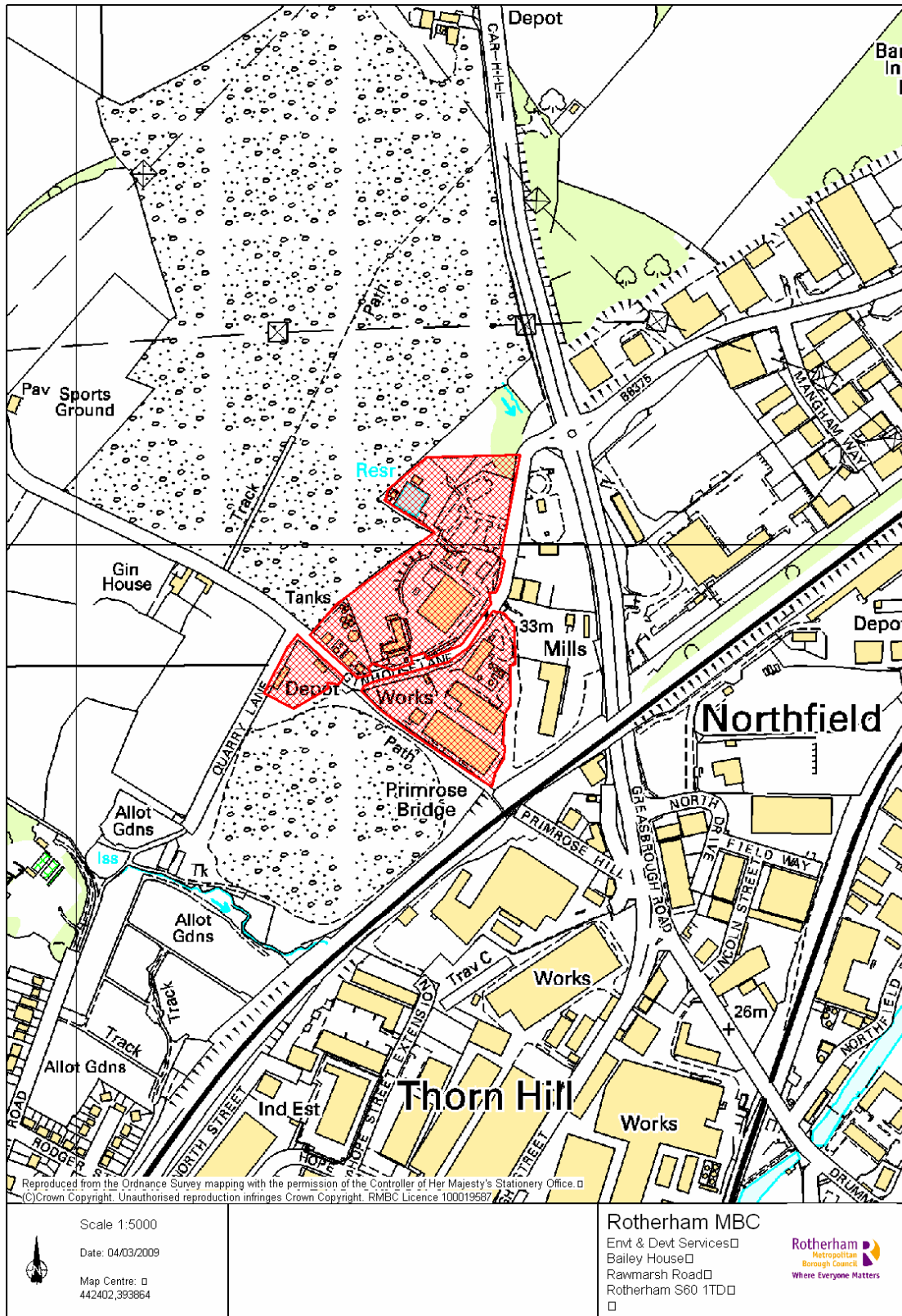
[WR51] To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses.

07

[WR51] To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses.

08

To limit the extent of the consent and for the avoidance of doubt.



Background

The Planning (Hazardous Substances) Act 1990 requires hazardous substances consent to be obtained for the presence of hazardous substances at or above specific amounts set out in the Planning (Hazardous Substances) Regulations 1992, as amended by the Planning (Control of Major Accident Hazards) Regulations 1999.

The site comprises a fluoride and plastic manufacturing plant operating under hazardous substance consents 1992/6HS, 1994/1142, 1998/1106, RB2000/460, 2000/0870, 2000/0878, RB2001/0871 and RB2007/0018.

Victrex wish to alter the amount of hazardous substances kept on the site and therefore have submitted this current application.

Site Description

Victrex occupies large sites either side of Gin House Lane. Green Belt land lies to the north-west. Allocated Green Space lies to the south-west. Other industrial uses lie to the east. The site is not within a flood plain. The nearest dwellings lie approx 400 metres from the boundary of the site.

Proposals

The application is required to alter the amount of hazardous substances currently used and stored within the site. No new substances would be introduced. The previous hazardous substance consent application, which was granted consent in 2007, includes an inventory of the substances stored and used on site (ref RB2007/0018) and their amounts and this information has been included in the current application. The amounts are proposed to be altered as follows:

- *an increase in the amount of waste fluoroboric acid used and stored from 87 to 115 tonnes*
- *a decrease in the amount of aqueous hydrofluoric acid (on 60% HF basis) used and stored from 200 to 160 tonnes*

These changes are associated with proposed plant improvements which will replace and alter equipment currently used for the processing of dangerous substances.

Development Plan Allocation and Policy

The site is within an area allocated for industrial and business uses in the Rotherham Unitary Development Plan (adopted 1999).

Publicity

The application has been advertised by way of a site notice and the occupiers of nearby commercial and residential properties have been notified via letters. In addition, a Notice of Application Certificate was published in the press by the applicants as required under The Planning (Hazardous Substances) Regulations 1992. RMBC has not received any letters in response. The applicant has requested the right to speak at the meeting.

Consultations

Health and Safety Executive: HSE have concluded that the risks to the surrounding population arising from the proposed variation to operations are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent.

Environment Agency: No objection

RMBC Environmental Health: The section envisages no significant loss of amenity by virtue of noise, air quality or land pollution impact.

RMBC Transportation Unit: No objection

Appraisal

The role of the Council as Hazardous Substance Authority is to consider whether the proposed storage of the substances is appropriate in this particular location having regard to the risks arising to people in the surrounding area and to the environment.

No objections have been raised by the Health and Safety Executive, Environment Agency or the Council's Environmental Health Section to the increase in the use and storage of waste fluoroboric acid and decrease in the amount of aqueous hydrofluoric acid used and stored within the site. The application had been advertised accordingly and no letters of objection had been received from residents. The nearest dwellings are approximately 400 metres from the site boundary.

It is therefore considered that the changes in the volumes of the above chemicals stored and used for manufacturing purposes within the site would not lead to a significant increase in the health and safety risk to residents or to the general surrounding environment.

It is therefore recommended that Hazardous Substance Consent be granted subject to conditions.

RB2008/1896

Demolition of existing building and erection of 2 No. two storey dwellinghouses with rooms in roofspace & dormer windows to front, 12 No. two storey dwellinghouses and associated garages at Ernest Bennett (Sheffield) Ltd., Main Street, North Anston for Moorfield Homes Ltd.

RECOMMENDATION: GRANT CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

1. Having regard to the Development Plan and all other relevant material considerations as set out below:

a) Development Plan:

Policy ENV1 'Green Belt'

Policy ENV3.1 'Development and the Environment'

Policy ENV2.11 'Development in Conservation Areas'

Policy ENV1.4 'Land adjacent to the Green Belt'

Policy ENV3.7 'Control of Pollution'

Policy ENV4.4 'Contaminated Land'

Policy HG4.3 'Windfall Sites'

Policy HG5 'The Residential Environment'

b) Other relevant material planning considerations:

(i) Supplementary Planning Guidance

Environment Guidance 3: 'Development in Conservation Areas'

(ii) Government Guidance

Planning Policy Statement 1: 'Delivering Sustainable Development'

Planning Policy Statement 3: 'Housing'

Planning Policy Guidance Note 15: 'Planning and the Historic Environment'

2. For the following reasons:

It is considered that this residential scheme including the demolition of existing industrial buildings and a former residential property is acceptable in design and conservation terms and would enhance the

character and appearance of the North Anston Conservation Area. It is also considered that the proposals would not harm the residential amenity of neighbouring residents or be detrimental to highway safety.

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; the application case files and associated documents.

Conditions Imposed:

01 (PC97) Planning Layout revised from previously submitted layout drawing. Drawing No. DC-PL3-05-08-08-G, received 3rd March 2009.

02

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

03

(PC24) Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

04

(PC27) 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.

05

(PC29) Before the development is commenced road sections, constructional and drainage details of the adoptable highway, to include the roads, footways and shared surfaces shall be submitted to and approved by the Local Planning Authority.

06

(PC94) Prior to the commencement of development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

07

(PC92) Prior to the commencement of the development, the developer shall submit a site investigation report for the approval of the Local Planning Authority. The investigation shall address the nature, degree and distribution of contamination on site and its implications on the health and safety of site workers and nearby persons, building structures and services, final end users of the site, landscaping schemes and environmental pollution, including ground water, and make recommendations so as to ensure the safe development and use of the site. The sampling and analytical strategy shall be approved by the Local Planning Authority prior to the start of the survey and all recommendations and remedial works contained within the approved report shall be implemented by the developer, prior to occupation of the site.

08

Details of the design and specifications of all windows, including stone jambs, glazing bars, means of opening and all external doors shall be submitted to and approved by the Local Planning Authority before the development is commenced and all windows

and doors shall be constructed of timber and be set in reveals of a minimum depth of 150mm. The development shall thereafter be carried out in accordance with the approved details.

09

(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.

10

(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 prior to the dwellings being first occupied.

11

[PC38C]

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

12 [PC38D]

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

13

The stone in the cottage known as No. 68 Main Street, North Anston shall be re-used within the scheme for the re-development of this site hereby approved in a manner to be agreed in writing with the Local Planning Authority prior to the commencement of development. The development shall be built in accordance with the approved details.

Reasons for Conditions:

01

(PC97)

02

(PR52) To protect the character and appearance of the North Anston Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.

03

(PR24b) To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

04

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

05

(PR29) No details have been submitted they are reserved for approval.

06

(PR94) In order to promote sustainable transport choices.

07

(PR92) In the interests of the safe redevelopment and afteruse of this site and in accordance with UDP Policy ENV4.4 'Contaminated Land'.

08

To protect the character and appearance of the North Anston Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.

09

(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'.

10

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

11

(PR38C) To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

12

[PR38D] 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'.

13

To protect the character and appearance of the North Anston Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.

Informatives

(1) INF 11A Control of working practices during construction phase (Close to residential)

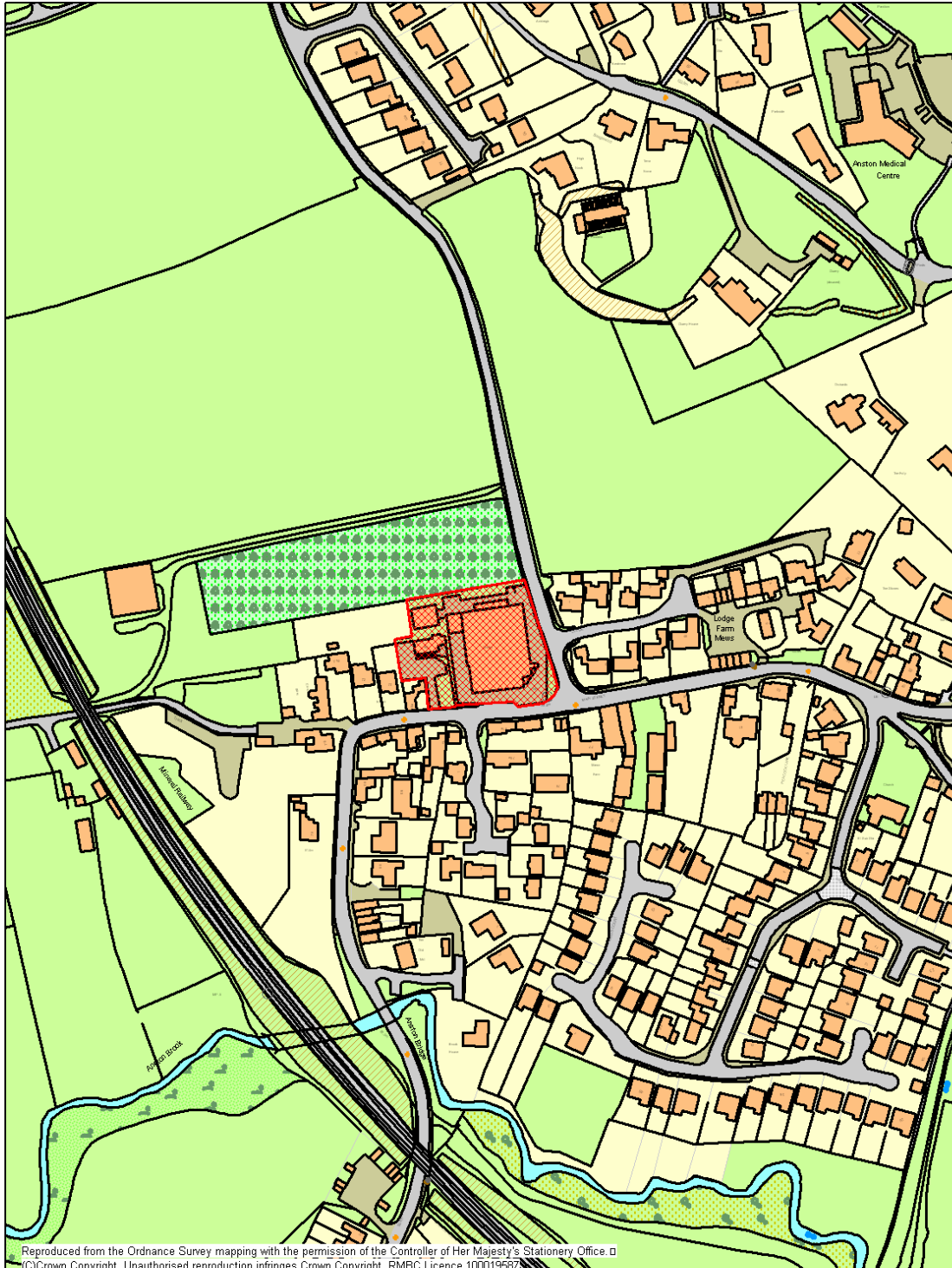
It is recommended that the following advice is followed to prevent a nuisance/ loss of

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

- (i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should 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 should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
 - (ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).
 - (iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.
 - (iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.
- (2) Ground gas monitoring is required to determine the ground gassing regime at the site. It is recommended that gas monitoring be undertaken in accordance with CIRIA C665 guidance 'Assessing the risks posed by hazardous gases to buildings' and in accordance with the NHBC guidelines. This will enable a gas risk assessment to be undertaken to determine if gas protection measures are required for all proposed residential developments.
- (3) If remediation works are required to be undertaken at the site, a remediation method statement will need to be submitted to the Local Planning Authority for review and comment.
- (4) If subsoil's / topsoil's are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination.

- (5) Following completion of any remedial treatment works deemed necessary, a validation report may be required confirming that all remediation works have been undertaken. The report should enclose the chemical analysis details for materials imported to the site.
- (6) The site requires basic radon protection measures to be built into all the proposed developments on the site.
- (7) The following comments from the Architectural Liaison Officer should be taken into account:
 - (i) I would suggest that the development be built to achieve Secured By Design (SBD) certification. More information on SBD can be found at www.securedbydesign.com then entering the section headed design guides and reading the document on new homes. Application forms for the scheme can also be found on this site and when completed should be forwarded to me.
 - (ii) I notice that vehicles on plots 3 and 4 will be expected to park in car ports. Garages would be a more secure option here, as per elsewhere on site.
 - (iii) The garages for plots 6 and 7 would, from a security perspective, be better sited further forward so that they were between the properties, filling that void and denying unwarranted access to the rear. This would also create larger, private rear gardens for both plots.
 - (iv) The site boundaries to the north and west that are to be retained need to be significantly repaired. The fences to the west are smashed and the hedge and fence to the north are in a poor state of repair. Neither will provide a secure boundary and I question whether the hedge will ever offer adequate security for the rear gardens. I would suggest lining the hedge with a run of 1.8m close boarded timber fencing.
 - (v) Plot 8, that will front on to Main Street, has nothing to stop would be offenders walking down the side of the house to access the less well observed rear. I would suggest the erection of a run of 1.8m hit and miss timber fencing with a similar styled lockable gate within, or 1.8m high metal railings and gate, from the front west corner of the house to the western boundary fence. I would also suggest that matching 1.8m high lockable gates are fitted between plots 9 and 10, 12 and 13 and to the side of plot 14. These gates will restrict access to the rear of the properties to residents only, and as they are 'see through' will allow offenders to be seen beyond them, should the gates be scaled.
 - (vi) As the car port for plot 3 is well set back, I would suggest the erection of a 1.8m high close boarded fence and gate to run from the car port's front eastern corner to the rear western corner of the home. This will deny unwanted access to the rear of the plot.
 - (vii) The plans suggest that the boundary wall to the side of plot 1 will be built to a height of 1.8m from the plot side. However as the roadside is a fair bit higher than the plot side, the wall on the roadside may stand only perhaps 1.2m high, and as such be easy to scale. I would suggest the addition of metal railings or

close boarded timber fence on top of the wall to leave it 1.8m high from the roadside (Section C-C appears to suggest that this is to be done).



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<p>Scale 1:2500 Date: 04/03/2009 Map Centre: □ 451616.384485</p>		<p>Rotherham MBC Env't & Dev't Services □ Bailey House □ Rawmarsh Road □ Rotherham S60 1TD □ □</p> <p>Rotherham Metropolitan Borough Council Where Everyone Matters</p>
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Background

KP1963/1582: Outline for residential development - REFUSED 09/03/64

RB1975/0361: Outline for extn of factory for mnfctr & servicing of saws & use land as car park - GRANTED CONDITIONALLY 31/03/76

RB1976/0238: Details of new production bay & stores (reserved by sect52 agreement) - GRANTED 16/06/76

RB1979/3266: Extn under canteen for works stores - GRANTED CONDITIONALLY 22/11/79

RB1980/4027: C of u of dwellinghouse to managing directors office & visitor reception - GRANTED CONDITIONALLY 22/01/81

RB1982/0247: Conv of part of exist house to offices - GRANTED 19/05/82

RB1986/0114: Two storey extension to provide workshops - GRANTED 20/03/86

RB1989/1176: New production building extension to existing factory - GRANTED CONDITIONALLY 19/10/89

RB1991/0154: Ground floor workshop extension - GRANTED CONDITIONALLY 18/04/91

RB1995/0152: Ground floor workshop extension - GRANTED CONDITIONALLY 21/03/95

RB1997/0703: Erection of storage building - GRANTED CONDITIONALLY 28/07/97

RB2001/1259: Workshop extension - GRANTED CONDITIONALLY 07/11/01

RB2008/0626: Demolition of existing building and erection of 2No two storey dwellinghouses with rooms in roofspace & dormer windows, 12No two storey dwellinghouses and associated garages - WITHDRAWN 08/07/08

RB2008/0627: Conservation Area Consent for the demolition of industrial buildings - WITHDRAWN 08/07/08

A separate application for Conservation Area consent relating to the demolition of buildings on the site is also reported on this agenda (RB2008/1897).

Site Description & Location

The site is situated off Main Street and has a road frontage to both Main Street and Penny Piece Lane in the village of North Anston. The site is within the North Anston Conservation Area. The site comprises of a factory building currently being used for the manufacture of saws. There is also an attractive detached vernacular cottage on the site, no. 68 Main Street that is currently used as offices at the site. The site has an area of approximately 0.36 hectares. The land to the north of the

site is a tree plantation and is designated as Green Belt.

Proposal

The proposals are the re-submission of a previously withdrawn scheme for the demolition of all the buildings on the site and the erection of 14 dwellings.

The proposals are to demolish the existing factory building on the site and the cottage no. 68 Main Street. The proposed development comprises of 11no. two storey dwellinghouses and 3 no. two storey dwellings with rooms in the roofspace. The overall layout of the site presents a street frontage to Main Street with a pair of 'corner turning' dwellings to the junction of Main Street and Penny Piece Lane. The dwellings would have vehicular access off a newly formed access road off Penny Piece Lane with a street frontage formed to this road. No dwellings would have vehicular access taken from Main Street. There would be properties to the north of this access road and to the turning head.

There are 10 different house types planned for the development, with differing sizes of outdoor amenity space and some dwellings with detached garages and others just with off road parking spaces. The density of the development is approximately 38 units per hectare with the dwellings being a mix of three bedroomed and four bedroomed properties.

The materials used for the dwellings would be stone for the external walls and red clay pantile roofs. There would be chimneys to all plots except plots 4, 5 and 6 which would be set within the development and would not be prominent from either Main Street or Penny Piece Lane.

The windows and doors are proposed to be white UPVC and the access road would be block paved. A landscaping scheme and a scheme for the boundary treatment of the site have also been submitted with the application.

Six plots are identified as being within that part of the site designated as Green Belt.

The applicants have submitted a site investigation report with the application, which addresses issues of possible contamination on the site, and an arboricultural survey of the site.

Further to this proposal being considered by Planning Board at the 26th February Meeting, Members requested that the distance between Plot 8 and No. 68a Main Street be increased to avoid it appearing overbearing to the occupiers of this property. The applicants have agreed to increase this distance by 1 metre by moving the proposed dwelling on Plot 8 closer to that on Plot 9 and have submitted revised plans showing this. Members also requested an additional condition be appended which requires that the stone from the cottage, which is proposed to be demolished is re-used within the development.

Development Plan Allocation and Policy

The site is mostly allocated residential, though part of the site to the north is allocated as Green Belt in the Rotherham Unitary Development Plan. The

application site is within the North Anston Conservation Area.

Policy ENV1 'Green Belt'

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

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

Policy 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 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 be granted consent 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".*

Policy ENV1.4 'Land adjacent to the Green Belt' states that "In areas adjacent to the Green Belt, development should be sympathetic to the visual amenity and environmental quality of the Green Belt".

Policy ENV3.7 'Control of Pollution', states that "in consultation with other appropriate agencies, the Council 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,*
- (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."*

Policy ENV4.4 'Contaminated Land' states that "Where land that may be contaminated as a result of previous uses, is proposed for development the Council will need to be satisfied that the applicant has:

- (i) undertaken investigations to establish the nature and extend of the contamination and its potential effects on the proposed development and/or the occupants thereof, and*
- (ii) provided details of the measures proposed for the removal and/or treatment of the contamination which will not cause or increase pollution in the environment, particularly to watercourses and ground-water resources. Where permission is granted, such measures will be imposed as planning conditions to be implemented prior to commencement of development or within a timescale agreed with the Council".*

Policy HG4.3 'Windfall Sites' states that "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in light of their:

- (i) location within the existing built-up area and compatibility with adjoining uses, and*
- (ii) compatibility with other relevant policies and guidance."*

Policy HG5 'The Residential Environment' states that "development 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."

Other Material Considerations

Supplementary Planning Guidance

Environment Guidance 3: 'Development in Conservation Areas' states that the Council will "promote high standards of design within Conservation Areas so that development fits the locality in terms of scale, massing, density and detailed physical characteristics".

Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. It also states that good design should be integrated into the existing urban form and the natural and built environment.

Planning Policy Statement 3: Housing is also applicable to this proposal. This suggests that development should be well integrated with and complement the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Planning Policy Guidance Note 15: Planning and the Historic Environment states that in Conservation Areas “special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis and detailed design (e.g. the scale and spacing of window openings, and the nature and quality of materials).”

Publicity

The application was advertised by neighbour notification letter and by press advertisement and site notice. Seven letters of representation have been received from neighbouring residents, six objecting to the proposals and one in support though suggesting amendments to the scheme. Four objectors have requested their right to speak at the Planning Board meeting. The main objections can be summarised as follows:

- *The proposal represents an overdevelopment of the site, with too many dwellings and would create disruption for neighbours in terms of increase in noise and traffic from the proposals which could be detrimental to highway safety within the locality.*
- *The proposal will result in a loss of local village employment which would harm the character of the village.*
- *Plot 8 is located 12 metres from the neighbouring property no. 68a Main Street which the resident of this property considers to be overbearing. The resident also requests that the 12 metres distance from his property be measured from his ground floor living room window and not from the main wall of the house.*
- *Objections have been raised to the demolition of the cottage on the site, which the objectors consider to preserve the Conservation Area.*
- *The proposals would be dangerous in terms of the additional traffic to the site and with the people living in the houses parking their cars on roads around the site.*

The comments raised by the local resident not specifically objecting are:-

- *The proposals for the revised scheme are an improvement on the earlier scheme in terms of the appearance of the properties and increased parking arrangements on the site.*
- *The proposals would benefit from the use of timber windows and doors and not UPVC.*

In addition, Anston Parish Council has objected to the proposals raising the following comments:

- *The proximity of the properties to the footpath on Main Street.*
- *Concern is expressed regarding the number of dwellings proposed on the site.*

The Parish Council have requested that Members' visit the site.

Consultations

The Council's Transportation Unit: No objections subject to conditions relating to on site parking provision, details of the road sections, footway, visibility splays and shared surfaces, and submission of a scheme detailing how the use of sustainable/public transport will be encouraged.

Director of Environmental Health Service: Were consulted on the application in relation to the possibility of contamination of the land on the site as industrial processes have taken place. They have made the following comments relating to the possible contamination of the site and the site investigation report submitted.

"The industrial processes undertaken at the site are a potentially significant source of contamination and the site may have ground contamination associated with past and present usage. There is also potential for ground gas to exist from within the made ground at the site, from nearby closed landfill sites, from coal measure strata beneath the ground and from possible backfilled limestone / dolomite quarries near to the site.

Further investigations will be required to assess the likely ground conditions and potential geotechnical and environmental constraints at the site, which may affect the proposed residential development."

The Environmental Health Service recommend a number of conditions relating to the further investigation of the site to avoid harm to human health from the residential redevelopment of the site. An informative is also recommended relating to working practices during construction at the site.

The Council's Conservation Officer: No objections are raised to the demolition of the factory building or the cottage on the site. The cottage, No. 68 Main Street on the site, is not deemed to be of special interest and it is accepted that the cottage cannot be incorporated into the scheme. No objections are raised to the layout of the development or the design of the dwellings.

Police Architectural Liaison Officer: Several comments have been made regarding the proposals. These comments shall be relayed to the applicants by way of an informative.

Severn Trent Water: No objections.

Streetpride, Trees and Woodlands: No objections.

Appraisal

There are a number of significant issues that this application raises including: (i) the principle of the development including the loss of employment land within North Anston and the principle of residential development over part of the site which is designated as Green Belt. (ii) The impact of the proposals on the openness and character of the Green Belt. (iii) the impact of the proposals on the amenity of neighbouring residents. (iv) the quality of the residential environment created for the occupiers of these proposed dwellings. (v) The design and appearance of the proposed development and the impact on the North Anston Conservation Area, which includes the loss of the existing vernacular cottage no. 68 Main Street. (vi) Highway safety. (vii) the environmental health impact of the proposals.

(i) Principle of Development

This site falls within the main village envelope of North Anston though is adjacent to open countryside. The allocation of the site in the Unitary Development Plan is mainly residential though a portion of the site to the north is allocated as Green Belt. Though it is acknowledged that the re-development of this site would lead to a loss of employment in the village of North Anston, the site is within a residential area and is relatively remote from the main road network which would be more appropriate for industrial premises it is considered that as this site is within a predominately residential area and as there is no policy presumption to protect this site for employment use, the change of use of this site from industrial to residential is considered to be appropriate and would not harm the provision of industrial and commercial premises within the Borough. It is also noted that the current owners of the site Ernest Bennett (Sheffield) Ltd, are wishing to move to new premises in Dinnington and are not intending to close down or leave the Borough.

In respect of development within the Green Belt, Policy ENV1 'Green Belt' states that "development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area." Though it is noted that part of this site is allocated as Green Belt the site is entirely previously developed with most of the area designated as Green Belt being currently occupied by industrial buildings. There is not significant green open space on the site.

Though new dwellings are usually not acceptable development in the Green Belt it is noted that this site is within the village of North Anston, and is previously developed for an industrial purpose. In addition much of the land within the Green Belt would be used as garden areas for the proposed dwellings. As such, it is considered that very special circumstances to justify the residential development of this site have been demonstrated.

(ii) Impact on Green Belt

With regard to the impact on the Green Belt it was previously noted that the site is currently developed by a utilitarian industrial building. As such it is considered that the residential development of the site in the form demonstrated on the submitted plans, subject to suitable landscaping and boundary treatment, would not harm the setting of the adjacent open countryside or present a greater visual intrusion into the Green Belt, notwithstanding the fact that the new dwellings would be slightly

higher than the existing utilitarian industrial buildings. The proposals would, therefore, comply with Policy ENV1.4 'Land adjacent to the Green Belt'.

(iii) Impact on neighbouring residents

With regard to the impact on the occupiers of 68a Main Street, the previous withdrawn application sited the nearest property only 8 metres away from the boundary of this dwelling which was considered to be unacceptable and to harm the outlook of the residents therein. However, further to negotiations with the applicants and concerns from Members the layout of the site has been revised to set the nearest proposed dwelling, plot 8, 13 metres away from the principle elevation of no. 68a Main Street. This proposed property would have the majority of its outdoor amenity space between the side wall of the property and no. 68a Main Street with a stone wall to the boundary.

Supplementary Planning Guidance Housing Guidance 3: Residential infill plots, though not specifically relevant to this application, does set out a number of criteria for the spacing and layout of new dwellings in relation to neighbouring properties. One such recommendation is that inter house spacing should provide a distance of a minimum of 12 metres between a principle elevation of a dwelling and an elevation with no habitable room windows. It is therefore considered that the location of the blank elevation of plot 8 is sufficiently distant from the principal elevation of the neighbouring property (13m), such as not to harm the outlook of residents therein.

With regard to the impact of the proposals on the amenity of other neighbouring residents, the previous scheme was considered to overlook the private garden areas of a number of dwellings. Supplementary Planning Guidance Housing Guidance 3: Residential infill plots, sets out a number of criteria relating to spacing and layout of dwellings, which stipulates a minimum distance from principle windows on the first floor of a dwelling to be a minimum distance of 10 metres to the boundary of a neighbouring curtilage. Further to negotiations with the applicants the revised layout provides a minimum distance of 10 metres from the rear elevations of each dwelling to the boundary of the curtilage of each neighbouring dwellinghouse. Whilst part of the rear elevation of plot 6 is at a distance from the curtilage of the neighbouring dwelling of only 9 metres, the neighbouring dwelling itself is a considerable distance from this property. The level of overlooking of the garden area of this property is not sufficiently harmful to justify refusing planning permission on this basis. In view of the above it is considered that the proposals comply with Policy ENV3.1 'Development and the Environment'.

(iv) The Residential Environment

The total size of the site is approximately 0.36 hectares with an approximate density of 38 units per hectare. The site incorporates a number of properties of different sizes and designs with varying areas of outdoor space. It is not considered that the density would be out of character or inconsistent with the prevailing character of the immediately surrounding area, which is characterised by properties of different ages and styles at considerably varying degrees of density. It is also considered that each dwelling would have sufficient outdoor amenity space along with on site parking and the proposals are therefore not overdeveloping the site. It is therefore considered that proposals accord with the advice contained in

Policy HG5 'The Residential Environment'.

(v) Design and Impact on Conservation Area

The applicants have been in extensive negotiations with the Council over the design of the dwellings and the layout of the site. The layout of the units and their design has been considerably amended. With regard to the design of the dwellings, they are all to be faced in natural stone with clay pantile roofs. It is considered that the most sensitive areas in design terms are the frontage of the site with Main Street and the frontage to Penny Piece Lane. The design and layout of the scheme provides a strong street frontage to both roads, with properties fronting Main Street considered to have a traditional and vernacular appearance. It is considered that the design and layout of the dwellings are acceptable and would not harm the character and appearance of the North Anston Conservation Area and would visually enhance the Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.

However, it is considered that the appearance of the new dwellings would be improved by the use of timber windows and doors rather UPVC proposed, a neighbour who wrote a representation regarding the proposals also raised this point. Further to negotiations with the applicants they have agreed to accept the use of timber windows and doors, which is controlled by a recommended condition.

The scheme involves the comprehensive redevelopment of the site and would include the demolition of the large factory building on the site and the former residential property no. 68 Main Street. With regard to the factory it is considered that this building is of a utilitarian and modern appearance and has no special character. Therefore it is considered that the loss of this building would not be harmful to the character and appearance of the North Anston Conservation Area.

It is considered that the cottage No. 68 Main Street is an attractive building and though unlisted represents a good example of vernacular architecture within the village and contributes positively to the character and appearance of the Conservation Area. However, the Council's Conservation Officer has stated that the building is not of special interest and the applicants state that the incorporation of the building into the scheme was considered to be unviable, due to the location of the building in relation to the proposed new dwellings. The applicants have given a justification for the demolition of the building in that the loss of the building facilitates the comprehensive redevelopment of the site and that the overall proposals are of a high quality design with the buildings on site having no special architectural or historic interest. However, Members requested that the stone from the cottage be re-used within the scheme. It is therefore considered reasonable to request this under a condition to be appended to any planning permission granted. It is considered that the proposed scheme is of sufficiently high quality in terms of design, layout and materials to be used to justify the loss of this building which would allow for the comprehensive redevelopment of the site. It is therefore considered that the proposals are acceptable in design and conservation terms and would enhance the character and appearance of the North Anston Conservation Area and therefore accords with Policy ENV2.11 'Development in Conservation Areas' of the Unitary Development Plan, as well as guidance set out in PPG15.

(vi) Highway Safety

The Council's Transportation Unit have been involved in extensive negotiations with the applicants regarding the overall highways layout of the scheme. It is considered that further to these negotiations the proposals for the highway layout is acceptable in highway terms. As such, it is considered that subject to the recommended conditions relating to on site parking and details of the highway works to be submitted, the proposals would not be detrimental to highway safety.

(vii) Environmental Health Impact of the proposals

The Council's Environmental Health Service were consulted on the application in relation to the possibility of contamination of the land on the site. They have recommended a number of conditions and informatives relating to site investigations of the land to detect and to remediate the land to avoid any harm to human health in terms of possible contamination of the land. The impact of the development during the construction phase would be addresses by an informative.

Conclusion

In conclusion it is considered that this residential scheme including the demolition of existing industrial buildings and a former residential property is acceptable in design and conservation terms and would enhance the character and appearance of the North Anston Conservation Area. It is also considered that the proposals would not harm the residential amenity of neighbouring residents or be detrimental to highway safety.

As such Members are requested to grant planning permission for the proposals.

RB2008/1897

Conservation Area Consent for demolition of industrial buildings at Earnest Bennett (Sheffield) Ltd., Main Street, North Anston for Moorfield Homes Ltd.

RECOMMENDATION: GRANT CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO GRANT CONSERVATION AREA CONSENT

1. Having regard to the Development Plan and all other relevant material considerations as set out below:

(i) Policy ENV2.11 "Development in Conservation Areas"

(ii) Other Material Considerations
Planning Policy Guidance Note 15 'Planning and the Historic Environment'

2. For the following reasons:

The Council considers that the proposed demolition of the factory buildings and the former cottage, used as offices known as No. 68 Main Street, will not have an adverse effect on the visual amenities or the character and appearance of the North Anston Conservation Area, having regard to the alternative proposals for the redevelopment of the site.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant Conservation Area Consent. More detailed information may be obtained from the Planning Officer's report; the application case files and associated documents.

Conditions Imposed:

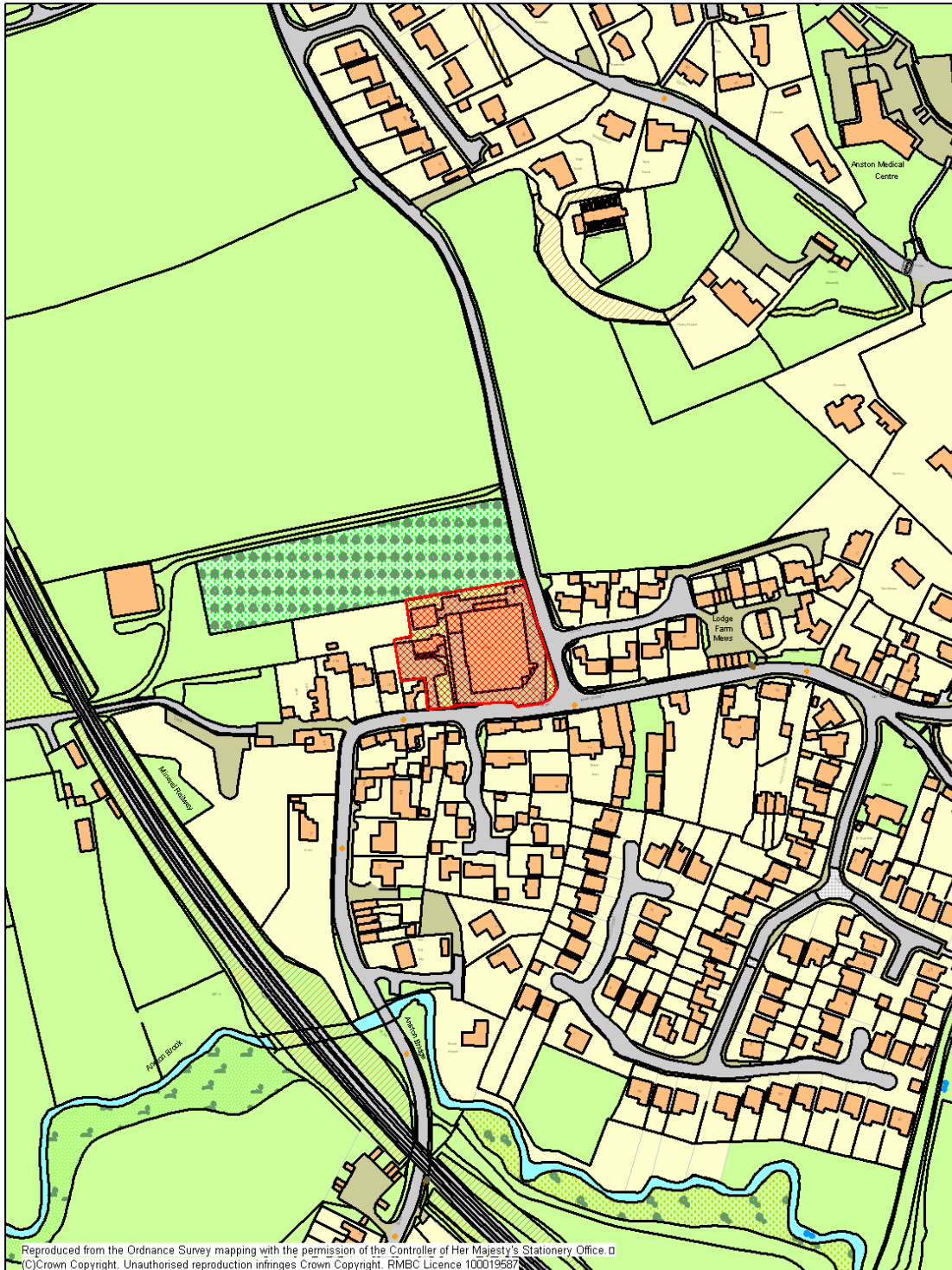
01

The demolition of the buildings shall not take place before a contract for carrying out the works on the redevelopment of the site has been made.

Reasons for Conditions:

01

In the interests of the visual amenity of the North Anston Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.



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 <p>Scale 1:2500 Date: 04/03/2009 Map Centre: □ 451616,384485</p>		<p>Rotherham MBC Env't & Dev't Services □ Bailey House □ Rawmarsh Road □ Rotherham S60 1TD □ □</p>  <p>Rotherham Metropolitan Borough Council Where Everyone Matters</p>
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Background

KP1963/1582: Outline for residential development - REFUSED 09/03/64

RB1975/0361: Outline for extn of factory for mnfctr & servicing of saws & use land as car park - GRANTED CONDITIONALLY 31/03/76

RB1976/0238: Details of new production bay & stores (reserved by sect52 agreement) - GRANTED 16/06/76

RB1979/3266: Extn under canteen for works stores - GRANTED CONDITIONALLY 22/11/79

RB1980/4027: C of u of dwellinghouse to managing directors office & visitor reception - GRANTED CONDITIONALLY 22/01/81

RB1982/0247: Conv of part of exist house to offices - GRANTED 19/05/82

RB1986/0114: Two storey extension to provide workshops - GRANTED 20/03/86

RB1989/1176: New production building extension to existing factory - GRANTED CONDITIONALLY 19/10/89

RB1991/0154: Ground floor workshop extension - GRANTED CONDITIONALLY 18/04/91

RB1995/0152: Ground floor workshop extension - GRANTED CONDITIONALLY 21/03/95

RB1997/0703: Erection of storage building - GRANTED CONDITIONALLY 28/07/97

RB2001/1259: Workshop extension - GRANTED CONDITIONALLY 07/11/01

RB2008/626: Demolition of existing building and erection of 2 no. two storey dwellinghouses with rooms in roofspace & dormer windows, 12no. two storey dwellinghouses and associated garages – Withdrawn

RB2008/627: Conservation Area Consent for the demolition of industrial buildings – Withdrawn

RB2008/1896: Demolition of existing building and erection of 2 No. two storey dwellinghouses with rooms in roofspace & dormer windows to front, 12 No. two storey dwellinghouses and associated garages – Currently under consideration by Members at this Planning Board.

Site Description & Location

The site is situated off Main Street and has a road frontage to both Main Street and Penny Piece Lane in the village of North Anston. The site is within the North Anston Conservation Area. The site comprises of a factory building

currently being used for the manufacture of saws. There is also an attractive detached vernacular cottage on the site, no. 68 Main Street that is currently used as offices at the site. The site has an area of approximately 0.36 hectares. The land to the north of the site is a tree plantation and is designated as Green Belt.

Proposal

The proposals are to demolish the existing factory buildings on the site and the cottage no. 68 Main Street. The proposals would completely clear the site of the existing buildings and trees.

A separate application for the residential redevelopment of the site to form 14 new dwellings is on the Agenda and under consideration by Members at this Planning Board.

The applicants have justified the loss of the buildings by stating that the buildings have no special architectural or historic interest and will be replaced by dwellings of a higher quality. In addition, the demolition of the buildings would enable the site to be comprehensively redeveloped.

Development Plan Allocation and Policy

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 be granted consent 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;

PPG15 'Planning and the Historic Environment' states that "In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question; and, as with listed building controls, this should be the prime consideration in determining a consent application. In the case of conservation area controls, however, 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".

Publicity

The application was advertised by neighbour notification letter and by press advertisement and site notice. Two separate letters of representation were received from neighbouring residents commenting on the planning application for the redevelopment of the site objecting to the loss of the cottage on the site

Consultations

Transportation Unit: No objections

The Council's Conservation Officer: No objections are raised to the demolition of the factory building or the cottage on the site. The cottage, No. 68 Main Street on the site is not deemed to be of special interest and it is accepted that the cottage cannot be incorporated into the scheme. No objections are raised to the layout of the development or the design of the dwellings.

Appraisal

The main issue to be considered with this proposal is the impact of the loss of factory buildings and the former cottage no. 68 Main Street on the character and appearance of the Conservation Area. An application for the residential redevelopment of the site is currently under consideration under a separate application. Comments raised by a neighbouring resident shall also be taken into consideration.

The factory buildings on site, though of a tidy appearance, are modern and are considered to be of utilitarian design and are of no architectural or historic merit. It is considered that the loss of these buildings is acceptable and would not harm the character and appearance of the Conservation Area, if the scheme of residential redevelopment of the site is of sufficient quality in design terms.

The proposals also involve the demolition of an attractive double fronted stone cottage of vernacular appearance and some age, which is currently being used as offices for the factory site. It is considered that the cottage No. 68 Main Street is an attractive building and though unlisted, represents a good example of vernacular architecture within the village and contributes positively to the character and appearance of the Conservation Area. However, the Council's Conservation officer has stated that the building is not of special interest.

The Council was involved in negotiations with the developers over the potential retention of this cottage though further to these negotiations the incorporation of the building into the scheme was considered to be unviable, due to the location of the building in relation to the proposed new dwellings. The applicants have given a justification for the demolition of the building in that the loss of the building facilitates the comprehensive redevelopment of the site and that the proposals are considered to be of a high quality design

with the existing buildings on site having no special architectural or historic interest. It is considered that the proposed scheme is of sufficiently high quality in terms of design, layout and materials to be used, to justify the loss of this building which would allow for the comprehensive redevelopment of the site. It is further considered that the loss of the unattractive factory buildings and the comprehensive redevelopment of the site justifies the loss of the cottage as the net benefit to the character and appearance from the development outweighs the loss of this building.

Conclusion

In conclusion it is considered that the proposals for the demolition of the factory building and the cottage, No. 68 Main Street, is acceptable and would not harm the character and appearance of the North Anston Conservation Area and therefore accords with Policy ENV2.11 "Development in Conservation Areas" of the Unitary Development Plan.

RB2008/1898

Demolition of existing building and erection of two storey building comprising 8 No. apartments at 2 Stocks Lane, Rawmarsh for Brimset Ltd.

RECOMMENDATION: GRANT 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 Development Plan and all other relevant material considerations as set out below:

- a) Development Plan
Mixed Use Areas MU7
HG1 'Existing Housing Areas'
HG4.3 'Windfall Sites'
ENV3.1 'Development and the Environment'
- b) National planning policy
PPS3 'Housing'

2. For the following reasons:

The principle of residential development on this site is considered acceptable in this area allocated for mixed use development. Whilst the scheme does not provide maximum parking standards, the Transportation Unit have indicated that layout and provision of the proposed development is acceptable. The site lies in close proximity to Rawmarsh retail centre and is considered to be in a sustainable location.

In design terms it is considered that the overall height of the apartments would be comparable with the buildings in the surrounding locality and the split level roofline is considered to reduce the overall massing and built form on the street scene of Stocks Lane. The design of the development is considered to be of a satisfactory quality in this prominent central location. The apartments are considered to provide an acceptable amount of private amenity space to future residents.

The distance between the apartments and the bungalows along 9-11 Hawley Street is in excess of the minimum recommended spacing distances in the Supplementary Planning Guidance. The development is not considered to prejudice the potential future re-development of the Rawmarsh Shopping Centre.

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, the application case files and associated documents.

Conditions Imposed:

01

[PC 24] Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

02

[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.

03

[PC38C]

Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

-The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.

The extent of any changes to existing ground levels, where these are proposed.

-Any constraints in the form of existing or proposed site services, or visibility requirements.

-Areas of structural and ornamental planting that are to be carried out.

-The positions, design, materials and type of any boundary treatment to be erected.

-A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.

-A written specification for ground preparation and soft landscape works.

The programme for implementation.

-Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

04

[PC38D]

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

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 occupation of the first unit.

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

[PC94] Prior to the commencement of development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

08

Before the development is brought into use, details of the positioning, height and design of the proposed lighting columns shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reasons for Conditions:

01

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

02

[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.

03

[PR38C] 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

[PR38D] 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

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

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

[PR94] In order to promote sustainable transport choices.

08

In ensure that the lighting columns have a satisfactory impact on the residential amenity of surrounding residential properties.

Informatives

The Police Architectural Liaison Officer has suggested the following points be incorporated into the scheme:-

- i. I suggest that the site be developed with the aim of achieving Secured By Design (SBD) certification. More information on SBD can be found at www.securedbydesign.com where, if the icon marked Design Guides is opened, documents can be found detailing the scheme's requirements for residential developments. There is also an application form for the award in this section. If the developer decides to aim for SBD certification then submission of an application form for the scheme at the earliest opportunity is recommended, as if there is uncertainty about SBD requirements for the site, these can be ironed out before building begins.
- ii. The scheme's design and access statement talks about the use of high pressure sodium floodlights illuminating the building's perimeter. I would suggest the use of white light as a means of illumination as it allows greater colour definition and recognition and aims to duplicate natural daylight.
- iii. I would suggest that the scheme use an access control system that allows residents to see and hear callers before determining whether or not to grant them access to the building.
- iv. The building's gable ends contain some windows, which is good, as they allow residents to view all aspects of the site. However the windows concerned are kitchen windows and as residents are likely to be in their living room more often than their kitchen, a living room window in this elevation would be even better.
- v. There are currently locked gates at the vehicle access point to the car park. Are these to be retained, with residents alone having keys for access? I would suggest that securing the car park in this or a similar fashion would provide good security for the cars in the car park although there does appear to be space for only three vehicles.
- vi. The site is surrounded by quite a high brick wall, topped with barbed wire, which presumably indicates that there has been, and perhaps still is, a problem with individuals scaling it, probably with criminal intent. I am assuming that once the site is developed, the barbed wire will be removed, as I am sure residents will not want it to remain. If it is removed, how will potential climbers be dissuaded? Perhaps the top of the wall could be finished with triangular bricks, giving the wall a pointed top, which should make scaling it more difficult.
- vii. It is unclear if the area of amenity space for residents is to be fenced off. This would make the area more secure and private, even if the boundary treatment to the front of this area was only a run of 1.2m high railings, with a matching access gate.
- viii. There is nothing on the plans to show how access down the two sides of the building is to be restricted. If there is to be no access restriction down the sides,

then the public can readily access all sides of the building, and would be offenders could access and attack the proposed ground floor kitchen windows with limited fears of being seen and identified. I would suggest that at each end of the building's two sides, 2m high lockable gates be fitted, flush with the building line with residents alone having key access to these gates. The gates should be 'see through' (ideally weldmesh) so that if they are scaled, the climber can still be seen beyond.

INF 11A Control of working practices during construction phase (Close to residential)

- ix. It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.
- x. Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should 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 should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
- xi. Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).
- xii. Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.
- xiii. Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.



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Background

Members will recall an application for 12 residential units in a 3-storey development being refused in October 2008 (ref RB2008/1417). The reasons for refusal could be summarised as follows:-

- Excessive scale and massing of the development
- Overlooking to no. 7 Hawley Street
- Unsatisfactory design with insufficient regard to the vernacular or architectural features of the surrounding locality.

Historically this site was used as a Sunday School in the 1960s and then as a warehouse. There have been a number of previous applications submitted on this site, though the majority of these date from the 1970's and 1980's.

The larger site appears to have been split into two smaller sites in the late 1980's. In 1989 an application for a Change of use from wholesale warehouse to a residential home was approved but never implemented. An application was approved in 2000 for a change of use of the north-eastern part of the site into a single residential unit (RB2000/0618) which was implemented and now operates as a single residential unit.

Site Description and Location

The site is located directly opposite the Rawmarsh Shopping Centre and currently comprises of a two storey warehouse/industrial building occupied by Brimset. The front section of the building is two storey in height with a flat roof. The original site area was subdivided in the late 1980s and the north-eastern section of the site has been converted into a residential property. The site is enclosed to the front by a front paladin fence, approximately 2 metres in height and to the side and rear by a 2 metre brick wall with barbed wire on the top. Vehicular access into the site is via Hawley Street with an additional pedestrian access direct from Stocks Lane.

The site is approximately 780 square metres in size and is bordered to the west and north-west by single storey bungalows and the east of the site comprises of two storey residential apartments which were constructed in the mid 1990s. The ground levels of this site are approximately 2 metres lower than the land levels of the bungalows.

Proposals

The application is to demolish the existing warehouse building and erect a total of 8 apartments in a two storey block with a split-level roofline. The apartments are to be located approximately 5.5 metres forward of the adjacent building line of bungalows along Stocks Lane and set back approximately 2 metres from the rear building line of these bungalows. The apartment block would have a front building line in approximately the same location as the existing warehouse with an overall footprint smaller than the existing warehouse. The height of the building is approximately 8 metres to the apex and is characterised by a two storey apartment block with a split level roof-line and a single storey porch with a pitched roof. Pedestrian access into the site and apartment building is from both the north and south. Vehicular access into the site is from Hawley Street to the north, and a total of four off-road parking spaces, including a disabled bay, have been included in the proposals.

An outdoor amenity area of approximately 110 square metres, consisting of a grassed area with a paved seating area to be provided in the north-west of the site.

The main differences between this proposal and the previously refused application RB2008/1417 can be summarised as follows:

- *Reduction in building height from 3 storey to 2 storey.*
- *Reduction in number of units from 12 to 8.*
- *Amendment in building design to incorporate a pitched roof at ground floor level and a split roofline.*
- *Removal of rear Juliet balconies.*
- *Inclusion of a single storey front porch on the southern elevation.*
- *An amended site layout drawing re-positioning the building which has been brought forward towards Stocks Lane by 1 metre.*

A Design and Access statement has been submitted which can be summarised as follows:-

- *Brimset is a small business involved with passive fire protection and air-sealing equipment and has been operating in this location since 1989. However, as the company has been down-sized, a move to smaller premises closer to the town centre is being considered.*
- *The main entrance into the site will be from Stocks Lane.*
- *It is intended to have high pressure sodium lamps within the parking area.*

Development Plan Allocation and Policies

The site is allocated for Mixed Use in the adopted Development Plan.

Policies Mixed Use Areas MU7 indicates that uses C3 Residential, amongst other uses is acceptable in principle.

HG1 'Existing Housing Areas' indicates that "The Council will ensure that predominantly residential areas are retained primarily for residential use by permitting only those proposals which: (i) have no adverse effect on the character of the area or on residential amenity, (ii) are in keeping with the character of the area in terms of scale, layout and intensity of use"

HG4.3 'Windfall Sites' states that "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their: (i) location within the existing built-up area and compatibility with adjoining uses, and (ii) compatibility with other relevant policies and guidance."

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, together with regard to the security of ultimate users and their property".

Other Material Considerations

National policies

PPS3 'Housing' indicates that "The Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:-

- To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community.*
- To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need.*
- To improve affordability across the housing market, including by increasing the supply of housing.*
- To create sustainable, inclusive, mixed communities in all areas, both urban and rural".*

PPG13 'Transport' indicates that current policy is to promote more sustainable transport choices for both people and for moving freight; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and reduce the need to travel, especially by car.

Publicity

All relevant neighbours were informed by letter on 6 January 2009 and a site notice was erected on 8 January 2009. One letter of objection has been received. The concerns can be summarised as follows:-

- Insufficient parking has been provided for the scheme.*
- There are already parking problems when ambulances are on-site.*

Consultations

Transportation Unit – no objections subject to conditions.

South Yorkshire Police – comments included as informatives.

Environmental Health – comments included as informatives .

Yorkshire Water – no objections.

Appraisal

The site lies within a mixed use allocation of the Development Plan and the menu indicates that C1 residential uses are acceptable in principle. Accordingly the principle for development of the site for residential purposes is acceptable in land use terms. The site, located less than 50 metres from Rawmarsh shopping centre, is also considered to be in a sustainable location.

Therefore, the main material considerations in the determination of this application are as follows:

- The visual impact of the scale and design of the proposed apartments on the visual amenity and character of the surrounding area;*

- *The impact of the proposed apartments on residential amenity of neighbouring properties;*
- *The likely impact of the proposal on the Rawmarsh Shopping Centre;*
- *The impact of the apartments in terms of traffic generation and road safety.*

Scale, Design and Visual Amenity

Turning to the scale of the proposal, this revised application indicates that the development would be of a two storey height with the apex of the roofs comparable with the single storey bungalows to the west of the site, due to differences in ground levels. The reduction in scale in the application compared to the previous refusal (RB2008/1417) on this revised proposal is considered sufficient to mitigate any dominating impact that the proposal would have on the surroundings. In addition the existing warehouse is a utilitarian building that stands forward of the building line and is considered to contribute little to the street scene. This proposal is considered to improve the overall visual amenities of the surroundings and is considered to be in accordance with UDP policy ENV3.1 'Development and the Environment' and national policy PPS3 'Housing'.

In terms of the density of the scheme, the proposal represents a high density development that is approximately 100 units per hectare. However, the character of the surrounding area is of a relatively high density with the Rawmarsh Shopping Centre directly to the south. A number of surrounding properties have densities above 100 units per hectare and it is considered that this site could not accommodate 8 units without detrimentally affecting the character of the surrounding area in accordance with the advice contained within national policy PPS3 'Housing'.

Residential Amenity

In terms of potential overlooking to the single story bungalow properties to the north-west, the proposal is sited 22 metres from these properties, in excess of the minimum recommended spacing standards of 20 metres. The existing spacing distances between the Brimset warehouse and these bungalows is approximately 14 metres, and the spacing distance of the proposal is considered acceptable.

Turning to the distances between principal elevations between the converted residential property at 7 Hawley Street and the proposed rear elevation, this would be in the order of 9.5 metres, which is beneath the recommended distance of 20 metres between principal elevations. However, in this instance the existing Brimset Warehouse building is sited less than two metres from the windows of this property, and whilst there may be an increase in overlooking from the apartments, the reduced dominance and increase in natural light to this property is considered to have an overall positive impact on this converted dwelling. In addition the revised proposal indicates that there would not be 'Juliet' balconies on the rear elevation and this is also considered to lead to an overall reduction in the potential levels of overlooking. The side windows on the eastern and western elevations would serve bathroom windows and would be obscure glazed. Neither of these elevations overlook private areas of surrounding properties and it is not considered that there would be any significant increase in loss of privacy to the surroundings. The proposal is considered to be in accordance with UDP Policy ENV3.1 'Development and the Environment'.

In terms of the amenity space to be provided to the proposed apartments, it is considered that the apartment block has been provided with a level of private amenity area that has the potential to be secure and of a sufficient quantity that would enable it to be useable for future occupants. This open space provision is considered to be satisfactorily accessed by all potential residents from the apartments and is considered to be in accordance with security guidance given in PPS3 'Housing'.

The applicant has indicated that it is proposed to erect lighting columns to illuminate the parking area of the proposal. Whilst no details of the positioning or the height of the columns has been submitted with the proposal, it is considered that the principle of lighting columns is acceptable.

Impact on Rawmarsh Shopping Centre

Turning to the potential impact on the redevelopment of the Rawmarsh Shopping Centre, the proposal is set in 3 metres inside the boundary of the site and the spacing distance of any future development between the sites is likely to be in the region of 20 metres and across a public highway. Consequently this proposal is not considered to prejudice the future re-development of the Rawmarsh Shopping Centre site.

Highway safety

The Transportation Unit have indicated that the Rawmarsh Shopping Centre may be redeveloped in future and that Stocks Lane will likely be subject to increased parking demand. Notwithstanding this however, the site is considered to have good links to public transport and public car parking. Also Stocks Lane fronting the site is not subject to waiting restrictions and can cater for some on street parking. The proposal indicates that approximately 50% parking would be provided in this development. Paragraph 51 in PPG13 'Transport' states that Local Planning Authorities should "Not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety".

Having had regard to the concerns from local residents about insufficient parking provision for this development, the site is considered to be in a highly sustainable location and it is not considered that there are any specific concerns regarding highway safety in this location that would justify a refusal of the planning application.

Conclusion

Having had regard to the mixed use allocation of the adopted Development Plan, the principle of residential development on this site is considered acceptable. Whilst the scheme does not provide maximum parking standards, the Transportation Unit have indicated that the layout and parking provision of the proposed development is acceptable. The site lies in close proximity to Rawmarsh retail centre and is considered to be in a sustainable location. It is considered that the overall height of the apartments would be comparable with the buildings in the surrounding locality and the design of the development is considered to be of a satisfactory quality in this prominent location. The apartments are considered to provide an acceptable amount of private amenity space to future residents. The proposal is recommended for approval subject to the safeguard of the above conditions.

RB2008/1918

Application to Extend the Time Period for Completion of the Restoration of the Site (Variation of Condition 1 Imposed by RB2007/2205 which Required Completion by 15th May, 2009) to 31st December, 2010 at Land at Orgreave Road/Highfield Lane, Orgreave.

RECOMMENDATION: GRANT CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

1. Having regard to the Development Plan and all other relevant material considerations as set out below:

Development Plan

Regional Spatial Strategy (RSS) - The Yorkshire and Humber Plan:

Policy ENV4 'Minerals'

Policy YH9 'Green Belts'

Local Planning Policies - Unitary Development Plan:

Policy ENV1 'Green Belt'

Policy ENV2 'Conserving the Environment'

Policy EC3.1 'Land Identified for Industrial and Business Uses'

Policy MIN6 'Methods and Control of Working'

2. The proposal is in accordance with the adopted Unitary Development Plan allocation, Industrial and Business Use for the north area, Unallocated for the central area and as Green Belt for the south area. Work at the Orgreave reclamation site is continuing and it is considered acceptable to further extend the time period for works to allow the completion of the development for a further period in order to ensure effective restoration of the site.

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, the application case files and associated documents.

Conditions Imposed:

01

The development hereby permitted shall be carried out in accordance with the submitted application and shall be completed by the 31st December 2010, unless otherwise agreed in writing by the Local Planning Authority.

02

No later than the end of the period referred to at condition 1 above, coaling and reclamation works shall have ceased and the site shall have been restored, treated and brought to a state suitable for built development (subject to an agreed settlement period), forestry and amenity open space purposes (including incidental water areas and wetlands) - in accordance with the conditions set out below, and as depicted on the restoration concept plan (drawing ref. 73/DO4A) dated 9th September 2003.

03

A detailed restoration/landscaping/future management and maintenance scheme shall be submitted for the approval of the Local Planning Authority within the period referred to at Condition 1 above.

04

A copy of the approved schemes of working/restoration/aftercare and a copy of this planning permission shall be displayed at the site offices at all times for the reference of operators and contractors working on the site.

05

The development shall only take place in accordance with the submitted details as shown on the approved plans (drawing Nos. 73/DO1, 73/DO3A, 73/ 05/12920, 05/12921, 05/12922, 05/12923) and as described in the accompanying planning application and environmental statement and appendices submitted on 18th September 2003), except as shall be otherwise agreed in writing by the Local Planning Authority and subject to the approval of matters of detail required to be submitted in accordance with the following conditions.

06

An engineer or similarly qualified person be responsible for investigating complaints regarding operations on site. A log of complaints shall be kept and made available to the Local Planning Authority on request.

07

In the event of premature cessation of operations on the site for whatever reason then within nine months of such cessation a revised scheme of restoration and aftercare shall be submitted by the developer to the Local Planning Authority for approval. Restoration of the site shall thereafter proceed in accordance with the revised scheme as approved and shall be completed within two years from the date of approval of the revised scheme or such other period as may be agreed, in writing, by the Local Planning Authority.

08

The site shall be enclosed by a fence and gates to a specification first agreed with the Local Planning Authority. The fence shall be erected before the development hereby approved commences and shall be maintained in an effective condition throughout the duration of the development.

HIGHWAYS

09

Following coaling operations and restoration of the site in accordance with the development hereby approved Highfield Lane shall be reinstated to a specification and design which shall have received the prior written approval of the Local Planning Authority.

10

All access to and from the site for the purposes of the main operation hereby approved shall be solely via the main access point shown marked "Site Entrance" on the approved drawing (73/DO1)

11

[MC15] Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

12

[MC18] All vehicles entering the site importing waste materials or leaving the site with mineral materials shall be securely and effectively sheeted.

13

[MC32] Heavy goods vehicles shall only enter or leave the site between the hours of 7.00 a.m. and 7.00 p.m on weekdays and 7.00 a.m. and 1.00 p.m. 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).

14

Nothing in the terms of this planning permission shall be construed as authorising the closure, stopping up, obstruction or other alteration, either in whole or in part of any public right of way that crosses or adjoins the application site.

OPERATIONS

15

Notwithstanding the provisions of Parts 19 and 20 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 1995 no buildings or immobile plant shall be erected on the site as the development proceeds without the prior written permission of the Local Planning Authority.

16

Coal intended for sale or other disposal outside the site shall not be stocked on the site except as may be agreed by the Local Planning Authority in writing, neither shall coal be imported to the site for the purpose of blending.

17

Any fuel and oil supply tanks shall be surrounded by bund walls of sufficient height, length and breadth so as to contain at least 110% of the storage capacity of the tanks and any associated pipework in the event of a spillage. The floor and walls of the bunded area so created shall be impervious to water and oil. Surface drainage from any vehicle standing areas, storage compounds, ancillary facilities and haul road areas shall be satisfactorily channelled through a suitably maintained silt and oil trap prior to discharge to any watercourse.

18

A scheme for the provision of surface water drainage works of the restored areas, including discharges, shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

19

The permission area including the area used for mineral extraction shall be kept free from standing water by pumping or other means and all waters from the site shall be discharged into the approved settlement pond(s) prior to discharge into any ditch, stream, watercourse or culvert. The settlement pond(s) shall be kept clear of mud and silt as may be necessary to keep them in good order and the discharge of waste, oil or other pollutants to any settlement pond, ditch, stream, watercourse or culvert shall not be permitted.

20

Soil Treatment - All topsoil and subsoil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part) or is used for the stacking of subsoil or other overburden or as a vehicle standing area or for the construction of a road. If pockets of soil making material are found during the stripping or excavation operations, suitable quantities shall be recovered for use in the restoration of the final surface of the site. So far as is reasonable, no soil stripping shall be carried out when the ground is wet.

21

All mounds shall be constructed with only a minimum amount of compaction to ensure stability and shall be constructed and removed in sequence to ensure screening from residential areas (reference British Coal Opencast Standard drawing 20). Stacks of topsoil, subsoil and soil making materials shall not be traversed by heavy vehicles or machinery except during stacking and re-spreading. All such mounds shall be graded and seeded with a suitable grass seed mixture and the resulting sward shall be managed throughout the period of storage.

22

All topsoil, subsoil, soil making materials and overburden shall be stored separately in stacks free from the risk of mixing and contamination. Any overlap of soil types in a storage mound shall be kept to a minimum necessary for the effective formation of the mound. The interface(s) shall be suitably defined on site and on a plan to be supplied to the Local Planning Authority, which plan shall also indicate the separate recorded volumes of the various materials in the stacks.

23

The site and stacks of topsoil, subsoil and overburden shall at all times so far as is practicable be kept free of weeds and all necessary steps shall be taken to destroy weeds at early stages of growth.

STABILITY

24

Adequate precautions shall be taken to maintain the stability of land adjoining the opencast void and working shall take place in accordance with the Code of Practice on 'The Stability of Excavated Slopes at Opencast Coal Sites'.

25

Appropriate steps shall be taken by the developer to treat any disused shaft, outlet heading or void of a mine identified by the site investigation or subsequently found in the course of the operations hereby permitted, with an efficient barrier or plug or other device so designed and constructed as to prevent hazard to person or animals, in accordance with a programme to be agreed by the local planning authority.

CONTROL OF NOISE

26

Except in the case of emergency and in locations described below, no operations shall take place on site other than between the hours of 0700 to 1900 Monday to Friday and between 0700 and 1300 hours on Saturdays. Soil stripping and the construction of the baffle/soil mounds adjacent to the Coalbrook Estate as shown on plan no. 051/13064; diversion of the River Rother; restoration of land to the east of the River Rother and the construction of the topsoil, subsoil mounds closest to the north east boundary towards the River Rother and Treeton shall be carried out only between the hours 0800 to 1800 Monday to Friday and 0800 to 1300 hours Saturday. There shall be no working on Sundays or public holidays. At all 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.

27

[MC47] 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'.

28

The A weighted equivalent continuous free field noise level (LAeq) attributable to the operation measured at the nearest noise sensitive property boundaries shall not exceed:

(1) 65 dB LAeq in any one hour period during temporary operations such as soil stripping/replacement operations and/or the construction/removal of topsoil baffle mounds on the site,

(2) 70 dB LAeq in any one hour during the construction/removal of the top soil baffle mound located close to the Coalbrook Estate site boundary.

(3) 55 dB LAeq in any one hour period during all other site operations, except where written agreement by the Local Planning Authority is given in relation to a specific area or phase of the operation

29

The operator shall provide and install all necessary monitoring equipment to carry out periodic noise measurements, in accordance with arrangements and at location(s) submitted to and agreed with the Local Planning Authority. The Local Planning Authority shall have freedom of access to all noise records and results from the site on request. All results shall be interpreted and submitted to the Local Planning Authority no later than six weeks from the date of the monitoring.

30

All vehicle reverse warning alarms shall be operated in accordance with a specification agreed in writing with the Local Planning Authority prior to the commencement of site operations. At all times the best practicable means shall be employed to prevent or counteract the effects on nearby residential areas of audible warning alarms. Steps shall be taken to ensure that so far as is practicable no audible alarm shall exceed the ambient noise level in the working location by more than 5 dBA.

CONTROL OF BLASTING

31

Except in case of emergency, blasting operations shall be carried out only between the hours of 10.00 a.m. to 12 noon and 2.00 p.m. to 4.00 p.m. on Mondays to Fridays and between the hours of 10.00 a.m. and 12 noon on Saturdays. No blasting shall take place on Sundays and Public Holidays.

32

The operator shall at all times employ the best practicable means in order to minimise noise, vibration and air over pressure caused by blasting. The operator shall provide and install all necessary monitoring equipment to carry out vibration and air over pressure monitoring at locations submitted to and agreed with the local planning authority. The Local Planning Authority shall have freedom of access to all blasting records and results from the site.

33

[MC37] Blasting charges shall be so regulated to ensure that during any period of 13 consecutive weeks as operations progress ground vibrations produced shall not exceed a peak particle velocity in any plane of 6mm/second at the 95% confidence limit, with no blast producing a peak particle velocity in any plane greater than 12mm/second measured at the ground surface adjacent to the nearest property to the blast. In devising and implementing a blasting programme for the site, the operator shall at all times employ the best practicable means in order to minimise noise, vibration and air over pressure caused by blasting.

34

[MC38] The operator shall give to the Local Planning Authority at least 7 days' notice in writing prior to the commencement of any programme of blasting at the site, and a durable notice board shall be displayed at the main site entrance giving the permitted hours of blasting. The notice board shall be retained and suitably maintained in a legible condition throughout the duration of the blasting programme/site working period.

35

If the results of monitoring of any blasting operation on the site exceeds 3mms-1 ppv, the developer shall review the blasting specification and assess the reasons for the exceedance. The developer shall also consider whether the specification of the blast could have been reduced, having regard to the need to minimise disturbance off site. Where the developer considers that the blast could have been reduced this fact shall be taken into account when determining the next blast specification. The reasons for the exceedance and the result of the deliberations on the reduction of the specification shall be kept in a written log and made available to the Local Planning Authority

36

Should any blast on site exceed 3mms-1ppv the developer shall notify the Local Planning Authority

CONTROL OF DUST

37

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment, upward pointing exhausts on vehicles, landscaping bunds, wind fences, dampening down of stockpiles on the site, aerodynamic shaping of stockpiles to prevent dust lift off, regulating the speed of vehicles on the site and such other steps as are appropriate. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the local planning authority in consultation with the site operator to be impracticable, then movements of spoil, contaminated materials, coal and overburden shall be temporarily curtailed until such time as the site/weather conditions improve such as to permit a resumption.

38

Prior to the commencement of works the operator shall provide, install and operate all necessary monitoring equipment to carry out dust measurements in accordance with arrangements and at location(s) approved by the Local Planning Authority and as set out in document ref: Org.011/Env/Mon. Compositional analysis of collected dusts shall be undertaken in line with a Local Planning Authority agreed sampling and analytical strategy. The Local Planning Authority shall have freedom of access to all dust monitoring records and results from the site on request. All results shall be interpreted and submitted to the local planning authority no later than six weeks from the date of the dust sample analysis.

39

The operator shall provide and operate all necessary monitoring equipment to carry out volatile organic compound monitoring in accordance with the scheme to be submitted to and approved by the Local Planning Authority and as set out in document ref: Org.011/Env/Mon. The Local Planning Authority shall have freedom of access to all monitoring records and results from the site on request. All results shall be interpreted and submitted to the Local Planning Authority no later than six weeks of the date of the dust sample analysis.

CONTAMINATION

40

The handling of ground and water contamination of the site thereafter shall only be carried out in accordance with the approved arrangements unless otherwise agreed in writing by the Local Planning Authority; these approved arrangements specifically to include the means of sheeting of vehicles moving contaminated materials internally on the site.

RESTORATION

41

General - As the working of coal by opencast operations is completed in successive areas of the site as shown on phasing plans nos. 05/12920, 05/12921, 05/12922, 05/12923, overburden shall be progressively replaced, compacted where appropriate and graded so as to ensure so far as is reasonably practicable that the site will conform with the contours of the approved plan (73/DO3) or with such other contours which shall be submitted for the written approval of the Local Planning Authority during backfilling operations and the final restoration of the site.

42

On those areas of the site proposed for future built development uses, as shown on plan no. 73/DO4A, steps shall be taken to secure that the overburden backfilling of any extraction void which may directly affect that part of the site shall be compacted in layers such as to achieve at the final overburden compaction surface, a bearing capacity of not less than 107 kN/m².

43

Those parts of the site proposed to be restored for forestry and amenity open space use, together with any incidental landscaping areas shall, so far as is practicable, be progressively spread with a minimum thickness of 1000 mm of soil/soil making material as final backfilled overburden levels are achieved (including the use of limited topsoil and subsoil resources referred to at Condition 44 below). Where such a thickness is not practicable, the overburden shall be ripped to a depth to compensate for any deficiency. Such treatment shall ensure that within a depth of 1000 mm below final land surface, there is:-

- (i) no material injurious to plant life.
- (ii) no rock, stone, boulder or other material capable of preventing or impeding normal cultivation or land drainage operations, including mole ploughing or sub-soiling.
- (iii) no wire rope cable or other foreign objects.
- (iv) no excessively compacted zone.

Stones and any other deleterious material shall be removed from the site or buried on site at a depth in excess of 2 m below final land surface.

44

Within the areas covered by condition 43 above:-

- (i) All available subsoil shall be re-spread evenly over those areas agreed to receive such subsoil. The subsoil shall be treated so that it complies with the general requirement of condition 43 above. The subsoiling operation must penetrate at least 150 mm into the underlying layer in order to relieve the compaction at the interface. Subsoil, upon which other soils have been stored, shall be subsoiled (rooted) as above.
- (ii) After satisfactory replacement and treatment of the subsoil, all available topsoil shall be re-spread evenly over those areas agreed to receive such topsoil. The topsoil shall be subsoiled (rooted), cultivated and so left as to comply with the requirement of condition 43 above. Topsoil, upon which other topsoil has been stored, shall be subsoiled (rooted) and cultivated as before.

45

All operations involving soil replacement and cultivation treatments shall only be carried out when the full volume of soil involved is in a suitable dry soil moisture condition. The operator shall take all reasonable precautions to prevent the mixing of topsoil, subsoil, soil making material and overburden.

46

Any area which has been excavated and which is affected by surface ponding (other than as may be delineated on approved plans as an intentional feature) or by local settlement caused by the authorised operations, shall be regraded to the approved levels as shall be agreed with the Local Planning Authority. All reasonable steps shall be taken to prevent the mingling of topsoil, subsoil and other overburden in the course of regrading.

47

Trees (in woodlands and groupings), shrubs and hedgerows as appropriate shall be planted on the site in accordance with a detailed scheme to be approved by the Local Planning Authority in consultation with the Forestry Commission and which shall reflect the broad disposition of final surface treatments indicated on drawing no. 73/DO4A except as shall be otherwise agreed in writing by the Local Planning Authority. Such scheme shall provide for ground preparation and drainage, species, siting, planting distances, numbers phasing/programme of planting and measures to be employed to protect such planting to establishment. Any plants dying or destroyed within 5 years of planting shall be replaced as shall be agreed with the Local Planning Authority. The scheme shall be submitted within the period referred to in Condition 1 of this permission.(SEE ALSO AFTERCARE CONDITIONS BELOW.)

48

Such areas treated in accordance with condition number 43 and which are not to be restored for woodland use shall be graded, drained and treated so as to be suitable for amenity open space/grassland purposes. Final surfaces shall be cultivated, fertilised and seeded with a suitable mixture(s) of grass seed appropriate to the intended after-use and such as to establish a healthy green sward. Any water bodies to be established within the restored site as drainage/landscape features shall be engineered and constructed in accordance with details which shall have been approved in advance by the Local Planning Authority, in consultation with the Environment Agency as appropriate.

49

Those parts of the site to be restored suitable for built development and not required immediately shall be treated as follows, except as shall be otherwise agreed in writing by the Local Planning Authority. Following final grading, such compacted areas shall be lightly scarified then seeded with an appropriate grass seed mixture as shall be agreed in advance with the Local Planning Authority. If on any other part of the site so treated, a satisfactory grass sward is not achieved as a result of initial seeding, such areas shall be lightly cultivated and re-seeded after correction of any nutrient deficiencies and/or toxicity, and during the next growing season. Such works shall be repeated until a green sward is established as shall be agreed with the Local Planning Authority. All such areas shall be free of large items of debris, rubble, metal or wire and treated as necessary to prevent infestation by weeds pending development of the land.

50

No plant, machinery, perimeter fences, buildings, structures or erections, access roads, hardstanding areas, temporary culverts or other temporary works introduced in furtherance of the development hereby permitted, shall be left on the site after the completion of restoration, otherwise than with the agreement of the Local Planning Authority.

AFTERCARE

51

Woodland Area - Upon completion of restoration work on these parts of the site planted up for forestry/amenity woodland, the land shall be managed for a period of 5 full growing seasons in accordance with an aftercare scheme to be agreed with the Local Planning Authority in consultation with the Forestry Commission. The scheme shall specify maintenance treatment determined by annual inspection until establishment and shall include beating up, weeding, all protection, any remedial drainage requirements, and the addition of fertilisers and nutrients to correct any deficiencies as appropriate. The submitted aftercare scheme shall specify in relation to each phase of the development, the steps to be taken and the periods during which they are to be taken. Subject to condition 52 below, aftercare of the site shall be carried out in accordance with the aftercare scheme as approved by the Local Planning Authority. The aftercare scheme shall be submitted for the approval of the Local Planning Authority within the period of twenty-four months from the date of this permission

52

Where the Local Planning Authority, in consultation with the Forestry Commission, agrees in writing with the person or persons responsible for carrying out the aftercare works that a different arrangement or timing of steps is appropriate, the aftercare scheme shall be carried out in accordance with that agreement.

53

Upon completion of restoration work on those parts of the site proposed for amenity (open space) uses in accordance with condition 43 above - the land shall be managed for a period of 5 full growing seasons in accordance with an aftercare scheme to be agreed with the Local Planning Authority. The scheme shall allow for the land concerned to be cultivated, fertilised and otherwise treated such as to permit the establishment of a healthy green sward, consistent with the intended after-use, and shall specify the steps to be taken and the periods during which they are to be taken. Subject to condition 54 below, aftercare of the site shall be carried out in accordance with the approved aftercare scheme which shall be submitted for the approval of the Local Planning Authority within the period of twelve months of the date of this permission

54

Where the Local Planning Authority agrees in writing with the person or persons responsible for undertaking the aftercare scheme that there shall be fewer steps or different timing between steps, the aftercare scheme shall be carried out in accordance with that agreement.

55

The details of the water body and impact of the site on the River Rother shall be submitted for the approval of the Local Planning Authority within the period referred to in Condition 1 of this planning permission.

Reasons for Conditions:

01

[MR04] To enable restoration of the site to a beneficial after use within a reasonable period, in accordance with Policy MIN6 of the adopted Unitary Development Plan.

02

[MR04] To ensure that the site is restored to a beneficial afteruse within a reasonable period, in accordance with Policy MIN6 of the adopted Unitary Development Plan.

03

[MR04] To ensure that the site is restored to a beneficial afteruse within a

reasonable period, in accordance with Policy MIN6 of the adopted Unitary Development Plan.

04

[MR07] For the avoidance of doubt, and to give effect to the requirement of Policy MIN6 of the adopted Unitary Development Plan.

05

[MR02] To limit the extent of the permission and ensure that the development is carried out in a reasonable manner in the interests of local amenity and the intended afteruse of the land in accordance with Policy MIN6 of the adopted Unitary Development Plan.

06

[MR91] In the interests of local amenity, and to give effect to Policy MIN 6 of the adopted Unitary Development Plan.

07

[MR04] To ensure that the site is restored to a beneficial afteruse within a reasonable period, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

08

[MR72] To prevent unauthorised access to the site in the interests of public safety, and to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

NN.

09

[MR04] To ensure that the site is restored to a beneficial afteruse within a reasonable period, in accordance with Policy MIN 6 of the adopted Unitary development Plan.

10

[MR25] To define the access arrangements and in the interests of general highway safety, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

11

[MR15] 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.

12

[MR18] 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.

13

[MR32] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

14

[MR07] For the avoidance of doubt, and to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

15

[MR80] To enable restoration of the site to a beneficial afteruse, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

16

[MR31] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

17

[MR51] To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 6.1 of the adopted Unitary Development Plan.

18

[MR56] To ensure that the development does not give rise to drainage problems, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

19

[MR54] To ensure that the development does not give rise to drainage problems, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

20

[MR58] To ensure that all available soil resources on the site are efficiently stripped in a controlled manner, retained on site, and suitably stored free from risk of contamination, ready for use in subsequent restoration, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

21

[MR60] To prevent damage to soil structures and subsequent reduction in the quality of site restoration, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

22

[MR65] In order to maximise the quality of restoration works carried out, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

23

[MR63] In the interests of local amenity, and to maintain soil quality, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

24

In the interests of general site safety

25

In the interests of general site safety

26

[MR31] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

27

[MR47] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

28

[MR48] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

29

[MR49] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

30

[MR47] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

31

[MR35] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary

Development Plan.

32

[MR36] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

33

[MR37] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

34

[MR38] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

35

[MR38] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

36

[MR38] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

37

[MR45] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

38

[MR46] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

39

[MR46] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

40

[MR76] In the interests of health and safety and of local amenity, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

41

[MR80] To enable restoration of the site to a beneficial afteruse, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

42

[MR80] To enable restoration of the site to a beneficial afteruse, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

43

[MR82] To ensure the satisfactory restoration of the site, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

44

[MR82] To ensure the satisfactory restoration of the site, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

45

[MR59] To prevent damage to soil structures and subsequent reduction in the quality of site restoration, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

46

[MR54] To ensure that the development does not give rise to drainage problems, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

47

[MR83] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

48

[MR84] To ensure that the land is returned to a beneficial afteruse on completion of operations, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

49

[MR64] In order to ensure that the land is suitable for cultivation, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

50

[MR82] To ensure the satisfactory restoration of the site, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

51

[MR86] To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

52

[MR86] To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

53

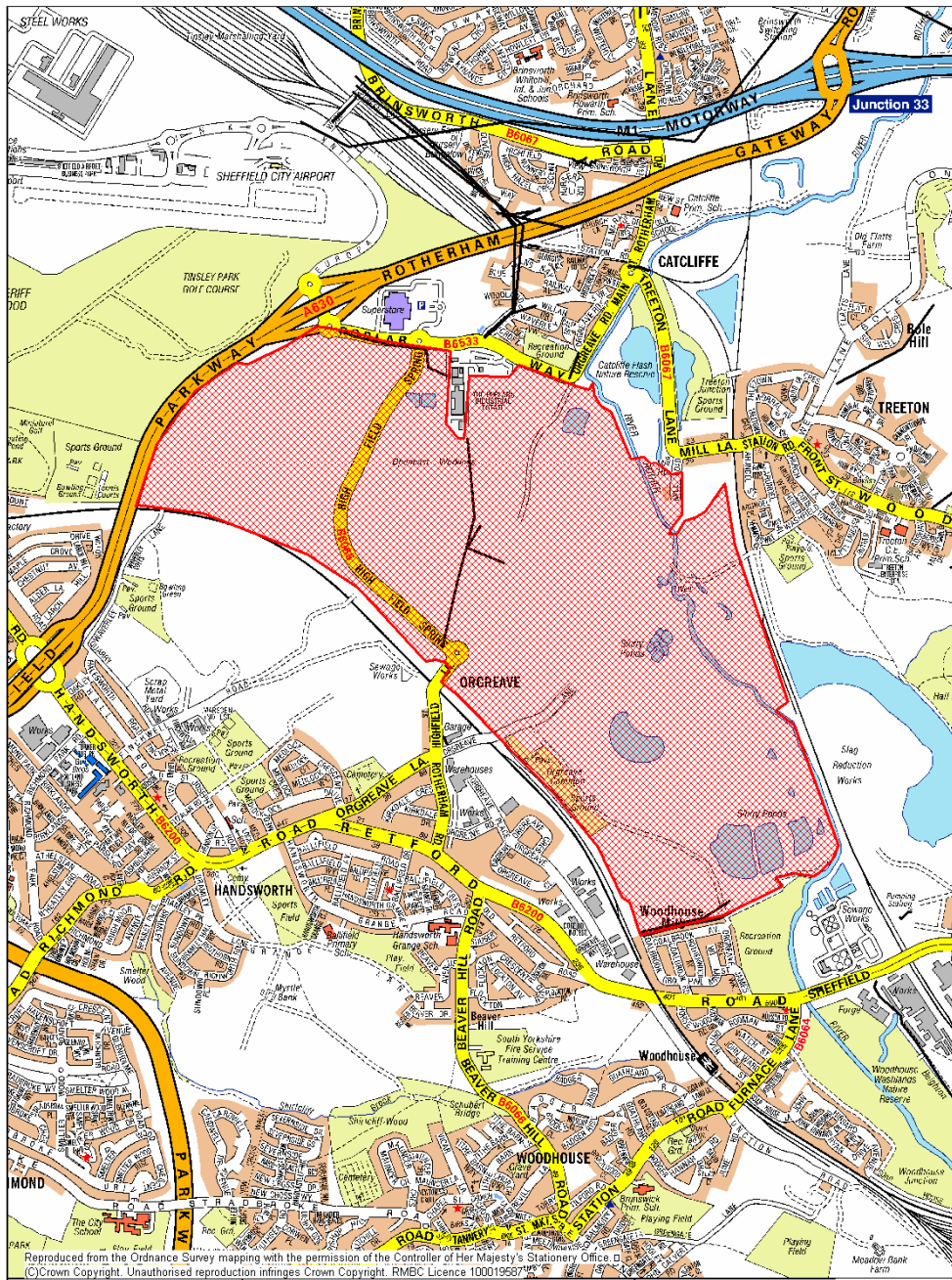
[MR86] To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

54

[MR86] To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

55

[MR80] To enable restoration of the site to a beneficial afteruse, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.



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<p>Scale 1:20000</p> <p>Date: 04/03/2009</p> <p>Map Centre: □ 442031,386771</p>		<p>Rotherham MBC</p> <p>Env't & Dev't Services □ Bailey House □ Rawmarsh Road □ Rotherham S60 1TD □</p> <p>Rotherham Metropolitan Borough Council Where Everyone Matters</p>
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Background

R93/1058P: Extraction of coal by opencast methods together with all ancillary operations (car park, plant yard, temporary offices, water treatment areas and sewage treatment facilities), the creation and use of waste disposal facility for dealing with contaminated and landfill waste from within proposed site, the construction of a new highway between B6066 Orgreave railway bridge and B6533 Homeworld roundabout, the carrying out of tip washing for coal recovery and the restoration of the area including the area known as Woodhouse Mill tip.

– GRANTED CONDITIONALLY on 21/12/94

RB2003/1640: Continuation of opencast coal and reclamation operations without compliance with condition 2 of planning permission R93/1058P dated 21/12/94, together with revisions to approved restoration contours

– GRANTED CONDITIONALLY on 01/07/04

RB2005/1236: Application under section 73 for the continuation of opencast coal and reclamation operations, without compliance with condition No 3 (Restoration/landscaping/future management/aftercare, details to be submitted for approval) and No 47 (Details of trees, shrubs and hedgerows to be submitted) imposed by RB2003/1640 to allow details to be submitted before 1st July 2006

– GRANTED CONDITIONALLY on 09/09/05

RB2006/2197: Application for variation to condition 2 (details of restoration/landscaping to be submitted within 12 months) & condition 3 (details of trees/shrubs/hedgerows to be submitted within 12 months) imposed by RB2005/1236 and variation to condition 55 (details of water body & impact on River Rother to be submitted within 24 months) imposed by RB2003/1640 to allow the details to be submitted by September 2007.

– GRANTED CONDITIONALLY

RB2007/2205: Application to extend the time period for completion of the restoration of the site (non-compliance with condition 1 of RB2003/1640 which required completion by May 2008) to May 2009.

- GRANTED CONDITIONALLY on 07/02/08

RB2008/1372: Outline application and details of access for a new community comprising 3890 residential units, including 973 affordable units, two primary schools, offices/financial services (400 sq.m), food store (1500 sq.m), pubs, bars, restaurants & cafes, small shops, health centre, community centre, gym, sailing club, hotel, public open space and associated infrastructure including combined heat and power generation plant and construction of roads, cycleways, footpaths and bridleway

- UNDETERMINED

Site Description

The site comprises approximately 256ha of land formerly used for open-cast mining and other industries. It is bounded to the north by the developing industrial areas of the Advanced Manufacturing Park and Highfield Commercial, to the east by the River Rother, to the south the Coalbrook estate and to the west the Sheffield to Worksop railway line.

Proposals

Planning permission was granted in 1994 (ref R93/1058P) for open-cast mining on the site and the restoration of land after the completion of the mining works.

Planning permission was granted in 2004 (ref RB2003/1640) to vary the time completion condition of the 1994 permission which required site restoration works to be completed by 15th May 2008.

Planning permission was subsequently granted on 7th February 2008 (RB2007/2205) to further extend this time limit to 15th May 2009. The time limit was extended to allow UK Coal to carry out additional soil strategy investigation works to be carried out during Winter 2007/08. The result of this additional work would mean the scheme of tree planting (and other planting) could not be fully completed until after the previous agreed deadline of 15th May 2008.

With regard to this current application, UK Coal state that the restoration works cannot be completed by this date and have submitted this current planning application to vary the condition to further extend the time limit up to 31st December 2010.

A letter from Atisreal, agents for UK Coal, has been submitted with the planning application to give the detailed reasons why more time is required to complete the works. There are a number of reasons for the delays and these have been summarised below:-

Ground Contours: There are two areas where the groundworks have not been completed (alongside Poplar Way and the River Rother) because it has been discovered there is a deficit of material on the site to complete the works. This is due to more material than anticipated being needed to change the design of the lakes on site. UK Coal therefore require more time to find a source of new material to be imported into the site to complete the contours (which would be subject to the submission of a separate planning application).

Design of Handsworth Beck: The originally proposed method of diverting the Beck has since been considered to not be cost effective. The new alternative methods have led to the diversion being redesigned and therefore there is a delay in carrying out the diversion. In addition to this, the delay has led to the pumping station for the Beck remaining operational until the delayed diversion is carried out. Its eventual removal will lead to more material needing to be imported to restore the area occupied by the pumping station

Drainage: The re-design of Handsworth Beck has led to a delay in the completion of one of the drainage runs connecting it. Poor weather has also led to delays in the completion of another drainage run and also the lakes.

Footpaths: The realignment of public footpaths has been delayed by the above delays to the drainage engineering works. For health and safety reasons the footpaths should not be created until the engineering works on site have been completed. The diversion and closures of existing footpaths are still to be agreed with the Council.

Planting: Some of the approved planting areas would be disturbed by the redesign of the drainage engineering works and therefore it is considered more appropriate to delay the planting in these areas until the works have been completed.

Weather: Three continuous wet summers have delayed engineering works and soil moving works which cannot take place after two or three days of rain.

Details of the amendments required for the drainage, footpaths and planting schemes in connection with the restoration permission have also been submitted to the Council for approval. These details do not form part of this current application as they relate solely to the compliance of other conditions attached to the 2004 permission (RB2003/1640) whilst this current application looks to vary a time limit condition only. .

Development Plan Allocation and Policies

01 RSS Policies:

Policy ENV4 of the Regional Spatial Strategy relates to minerals sites in Yorkshire and the Humber.

Policy YH9 looks to protect the Green Belt in the region from inappropriate development.

02 UDP Policies:

The northern area of the site is allocated for Industrial and Business Use. The central part is 'white land' i.e. unallocated within the UDP and the southern area is within the Green Belt. The application therefore shall be assessed against the relevant UDP Policies which include:

ENV1 'Green Belt' looks to protect the character and appearance of the Green Belt from inappropriate development

ENV2 'Conserving the Environment' aims to ensure, amongst other things, that development does not harm the character and quality of the environment and that wildlife and historic interests are taken into account, and that any environmental losses are outweighed by other enhancements.

EC3.1 'Land Identified for Industrial and Business Uses' allows industrial and business development on land allocated for this purpose in the UDP subject to the impact on the character and appearance of the area, residential amenity and parking provision.

MIN6 (Methods and Control of Working) which requires an appropriate form of restoration for minerals sites to a suitable standard within an agreed timescale.

Publicity

The proposal was advertised in the press, on site and via letters to adjacent occupants. A letter has been received from Orgreave Parish Council opposing the extension of the time limit for completion of works. It states:

“We believe that UK Coal have been given enough time for these works and have previously had an application to extend the works.

Our residents have expressed their upset and believe they have waited and suffered for long enough with the works on their doorsteps and have been looking forward to finally seeing and enjoying the benefits this year.”

Consultations

Council Transportation Unit: No objection on the basis that a separate planning application would be submitted for the importing of additional material as required to achieve the approved contours and that details of additional vehicle movements will be considered as part of that application.

Council Landscape Officer: No objection.

Council Green Spaces: No objection

Appraisal

The main issue is whether the proposed delays allowing works beyond the current 15th May 2009 time limit would significantly harm the surrounding environment or lead to further traffic and amenity issues.

The Council accepts that the full completion of the restoration scheme for the site, in accordance with the approved plans, would not be achievable by 15th May. This extension would be required to help the applicants to change aspects of the restoration scheme due to problems that arose throughout the ongoing contours and drainage works including lack of available material and constraints caused by poor weather conditions.

It is accepted that the complete restoration of the site may not be achievable without making the necessary changes. It is also accepted that the footpaths and planting areas would not be able to be fully provided without first completing the contours and drainage works.

The contours for the site restoration were approved as part of a restoration package submitted in January 2008 in response to a number of conditions attached to permission RB2003/1640. A separate planning application will need to be submitted to allow the importation of additional material onto the site to allow the applicants to complete the restoration in accordance with the approved contours and UK Coal are aware of this requirement.

The comments from Orgreave Parish Council have been noted. Although it is appreciated that residents would have to endure ongoing works for a longer period, this disadvantage is outweighed by the need to make changes to the restoration scheme to allow it to be eventually completed to an acceptable standard and these changes would not have been possible without extending the current May 15th 2009 time limit.

The extension of the time limit to allow changes to be approved and implemented to the drainage, planting and footpaths strategy and to allow more material to be imported into the site is not considered to cause significant harm to the surrounding environment or lead to increased traffic problems and would therefore comply with the RSS Green Belt policy and UDP policies ENV1, ENV2, EC3.1 and MIN6.

Conclusion

A grant of a variation of condition to allow an extended time limit for the restoration of the Waverley site is considered necessary to allow amendments to be approved and undertaken for the scheme to ensure it is satisfactorily completed. It is not considered that the ongoing works beyond the current time limit would cause additional harm to the surrounding environment, traffic levels or the general amenities of the area and therefore the application would comply with the RSS and UDP policies outlined in the appraisal. Having regard to the above points, the proposed variation of the condition to extend the time limit for the restoration of the site until December 2010 is considered acceptable and is recommended for approval.

RB2009/0104

Erection of boarding kennel building to house 40 animals (renewal of RB2004/749) at 177 Dalton Lane, Dalton for Brookland Boarding Kennels and Cattery.

RECOMMENDATION: GRANT CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

1. Having regard to the Development Plan and all other relevant material considerations as set out below:
 - a) Development Plan
 - (i) Policy ENV1 'Green Belt'
 - ENV 2.8 'Settings and Curtilages of Listed Buildings'
 - ENV2.11 'Development in Conservation Areas'
 - ENV3.1 'Development and the Environment'
 - ENV3.7 'Control of Pollution'
 - b) Other relevant material planning considerations
 - PPG2 'Green Belt'
 - PPS7 Sustainable Development in Rural Areas

2. For the following reasons:

The additional kennels and boarding unit is to be located on an established kennels/cattery/animal sanctuary site and this unit to house an additional 40 animals is considered to represent an acceptable degree of intensification within the Green Belt. The overall increase in built footprint is significantly below 5% of the total site area and is not, by virtue of its location and single storey form, considered to have a detrimental impact on the openness or character of the Green Belt. In addition the location of the building on the northern section of the site behind a cluster of existing buildings is not considered to have a significant detrimental impact on the openness or character of the Green Belt. The unit is considered to be sited a sufficient distance from the nearest residential properties to prevent any significant detrimental impact in terms of noise and smell. The development is not considered to have a detrimental impact on either the character and appearance of the Conservation Area or on the setting of the adjacent Listed Building.

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, the application case files 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

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

03

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.

04

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

Reasons for Conditions:

01

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

02

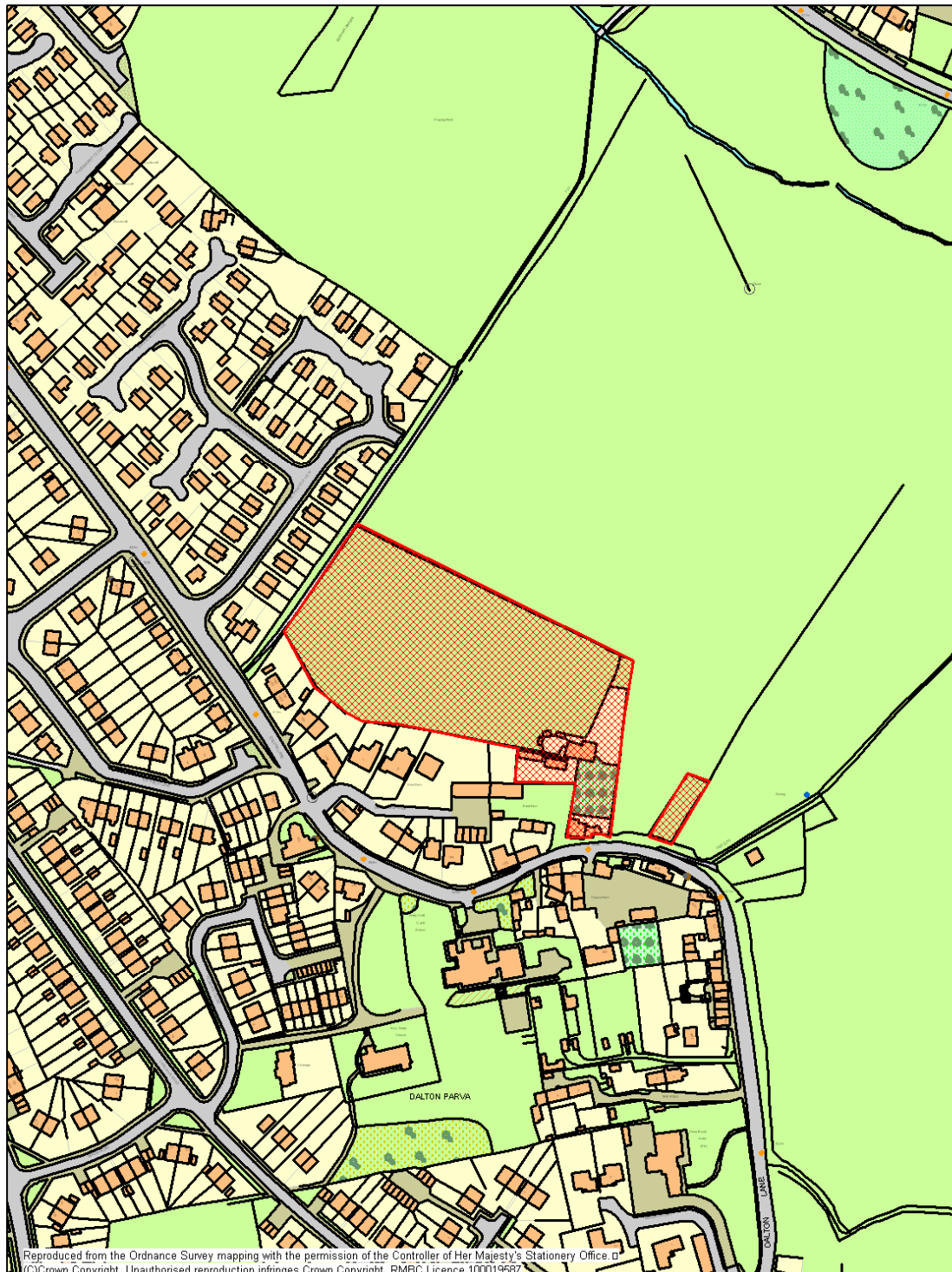
In the interests of satisfactory drainage.

03

In order to provide a suitable drainage scheme.

04

In the interests of satisfactory drainage.



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Background

The site has been used for kennels since approximately 1972 and has an established use as kennels. There are a number of previous planning applications for the site. The most relevant of which can be summarised as follows:-

RB2006/2047 – Change of use of outbuilding to a pet and animal treatment centre (Renewal of RB2002/0028) – Granted Conditionally.

RB2004/0749 – Erection of a new boarding kennel building to house forty animals (renewal of RB1999/457P) – Granted.

RB1999/0457 – Erection of a new boarding kennel building to house forty animals – Granted Conditionally

The new kennel to house 40 animals has never been implemented and this application seeks to re-new the previously approved permission RB2004/0749 which expires on 25 May 2009.

An E.I.A. screening opinion is not required in this instance as the area of new floorspace created within the unit is less than 500 square metres.

Site Description & Location

The site comprises the extensive curtilage to 177 Dalton Lane, approximately 1.25 hectares in total. The built-up area of the site occupies a much smaller area than this and is restricted to the south-east corner. There are a cluster of 5 existing buildings, single storey in height, utilised for the housing and treatment of animals. The site levels of the site drop steeply downwards to the north with this cluster of buildings lying approximately 3-4 metres below the land levels in Dalton Lane itself. These buildings are mainly constructed of brick with metal roofs. East Farm at 175 Dalton Lane, approximately 52 metres south of the proposed kennels is a grade 2 Listed Building, and is visible from Dalton Lane.

Proposal

The applicant proposes to erect an additional single storey building to be sited to the north of the existing cluster of buildings that are used for the housing and treatment of animals. The building will be used as additional boarding facilities for domestic pets when owners are away. This building will be single storey in height and has approximate dimensions of 26 metres by 9 metres. The materials of the building would be of matching brick with metal sheeting on the roof.

Development Plan Allocation and Policy

The site is allocated for Green Belt purposes in the Development Plan.

The following UDP Policies are relevant in the determination of this application.

ENV1 'Green Belt' indicates that in the Green Belt, development will not be

permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area.

ENV 2.8 'Settings and Curtilages of Listed Buildings' states that "The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context."

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

ENV3.1 'Development and the Environment' indicates 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... and site features.

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".

Other Material Considerations

Planning Policy Guidance Note 2: Green Belts (PPG2) Paragraph 3.5 states that "Essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation".

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) gives advice on the acceptability of farm diversification in the countryside in paragraph 30 of PPS7 which states that "Local Planning Authorities should...be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas".

Publicity

All relevant neighbours were informed by letter on 5 February 2009. No representations have been received.

Consultations

*Conservation Officer – no objections
Transportation Unit – no objections
Environmental Health – no objections*

Appraisal

The main considerations in the determination of this application are as follows:

- *The principle of additional kennels in the Green Belt.*
- *Intensification of this form of development and the impact on the openness and character of the Green Belt.*
- *Impact on the residential amenity of the surrounding properties.*
- *Impact on the setting of the adjacent East Farm Listed Building and on the character and appearance of the Conservation Area in which the southern part of the site lies.*

Principle

The site has an established history as a dog kennels/cattery/animal sanctuary since 1972 which represents a Sui Generis use that does not fall within an agricultural or recreational use outlined in policies PPG2 Green Belt and UDP Policy ENV1 Green Belt. However, this use has a long-established history on this site and the activities of the cattery/kennels is considered to be similar to formal agricultural operations, in terms of noise, smell and effluent. Environmental Heath have indicated that there are no objections to the intensification of the use and it is considered that the site is appropriately located on the edge of the Green Belt.

The impact on the openness and character of the Green Belt.

The increase in ground area of the proposal would result in an overall built-up footprint of less than 5% of the total site area and the building proposed is single storey in height with a maximum height of 4.5 metres. In addition to this there is a significant fall in land levels between Dalton Lane and the existing kennels area. It is considered that these factors, combined with the northerly siting of the new kennel building would significantly reduce the overall impact on the openness of the Green Belt. The building would not be visible from Dalton Lane and is likely to be hidden by existing animal housing areas. Bearing in mind that the site is not in an isolated location and is close to a built-up residential area and other farm buildings, the northerly siting and limited height of the proposal is considered to satisfactorily conform to the advice given in UDP Policy ENV1 'Green Belt' and PPG2 'Green Belt'.

Impact on the residential amenity of the surrounding properties.

The proposed additional kennels are located approximately 60 metres from the nearest residential properties along West Farm Lane. The location of the new kennel building would be further away from these properties than the existing kennels. Taking this distance and the lower site levels it is considered that this development would not materially increase the level of noise, smell and general disturbance to these residential properties than currently exists.

Impact on the setting of the East Farm Listed Building and on the character of the Conservation Area.

Although the proposed materials to be used comprise of facing brick and a metal roof, all of the other cluster of buildings surrounding the proposed kennels are comprised of similar materials. The siting of the kennels is just outside the boundaries of the Conservation Area and the dip in land levels, combined with the northerly location of the proposed kennels behind the existing buildings means the kennels would not be visible from the street scene. Accordingly it is considered that the impact of this additional

building would have a minimal impact on both the Conservation Area and would not detrimentally affect the setting of the grade 2 Listed Building.

Other Material Considerations

Under application RB2004/0749, the kennel building has formal planning permission until 25 May 2009 and could currently be erected. It is not considered that to extend the life of this proposal until 2012 would have a materially detrimental impact on the Green Belt.

Conclusion

The proposed additional kennels and boarding unit is located on an established kennels/cattery/animal sanctuary site and this unit to house an additional 40 animals is considered to represent an acceptable level of intensification within the Green Belt. The overall increase in built footprint is significantly below 5% of the total site area and is not considered to have a detrimental impact on the openness or character of the Green Belt. In addition the location of the building on the northern section of the site behind a cluster of existing buildings is not considered to have a significant detrimental impact on the openness or character of the Green Belt. The unit is considered to be sited a sufficient distance from the nearest residential properties to prevent any significant detrimental impact in terms of noise and smell.

RB2009/0121

Vinyl wrap artwork to rear of screen at LED Video Screen, All Saints' Square, Rotherham Town Centre for RMBC (Town Centre Management).

RECOMMENDATION: GRANT

STATEMENT OF REASONS FOR DECISION TO APPROVE ADVERTISEMENT CONSENT

1. Having regard to the Development Plan and all other relevant material considerations as set out below:

a) Development Plan

(i) RSS

ENV9 'Historic Environment'

(ii) Local Planning Policy: Rotherham UDP

ENV2 'Conserving the Environment'

ENV2.8 'Settings and Curtilages of Listed Buildings'

ENV2.11 'Development in Conservation Areas'

ENV3.8 'Advertisement Hoardings'

b) Other relevant material planning considerations

Rotherham UDP Supplementary Planning Guidance (SPG)

- Environmental Guidance 3: Development in Conservation Areas
- Environmental Guidance 5: Advertisement Hoardings

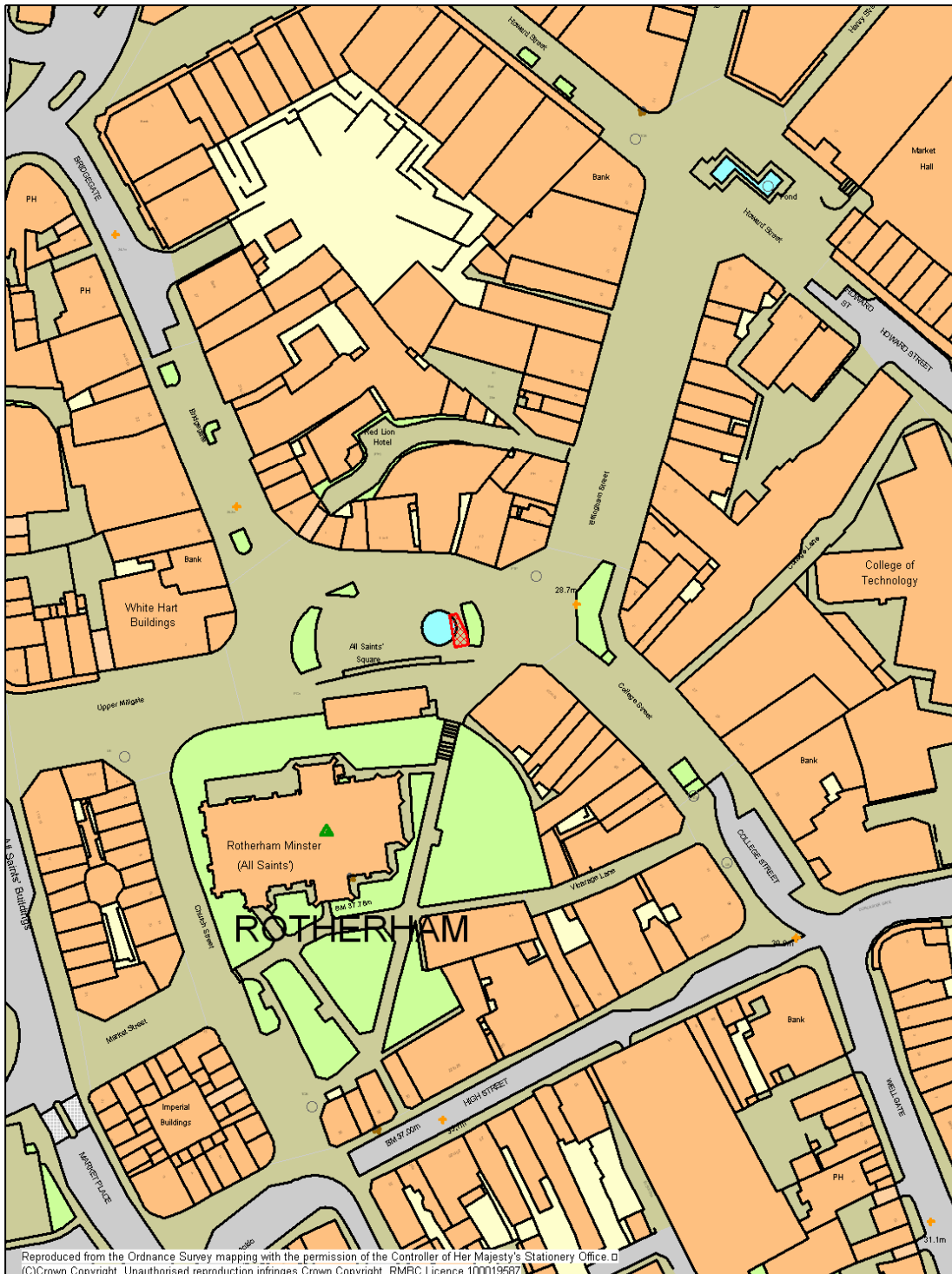
PPG 15 'Planning and the Historic Environment'

PPG19 'Outdoor Advertisement Control'

2. For the following reasons:

The proposed artwork would be incorporated on the rear of an existing structure and its design is not considered to be harmful to the historic character and visual amenities of the Conservation Area, the setting of the nearby listed buildings or the character of the wider surrounding area and therefore complies with RSS Policy ENV9, UDP policies ENV2, ENV2.2, ENV2.8, ENV2.11 and ENV3.8, the UDP Supplementary Planning Guidance and Government guidance contained in PPG15.

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



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Date: 04/03/2009

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442686,392904

Rotherham MBC

Env't & Dev't Services □
Bailey House □
Rawmarsh Road □
Rotherham S60 1TDD
□



Background

The LED video screen was erected under permission RB2004/1083(CC) for RMBC (Town Centre Management)

Site Description

The site comprises part of All Saints Square in Rotherham Town Centre and includes a paved area and a 5m high structure supporting a large LED video screen facing west. All Saints Church, a Grade 1 listed building, lies approx 30 metres to the south-west. Other buildings, mainly shops, lie 15 metres to the north and south-east.

Proposals

The application is for advertisement consent to install an artwork vinyl wrap poster onto the rear of the large LED video screen in the pedestrianised square. The rear façade of the screen is rectangular in shape with dimensions of 5.12 x 2.88 metres and the bottom edge is 3.2 metres from the ground. The wrap would cover the whole of the façade which is currently a blank panel with a white/grey colour. Most of the wrap includes a photo of a historical Rotherham street scene and close to the left edge would be pictures of Rotherham “heroes”. It was designed by students from Rotherham College of Art and Technology as part of a competition and also the Council’s Design Team. Members were consulted via Regeneration and Asset Board in addition to the Cabinet Member for Planning and Regeneration. It will not project outwards from the façade and will not be illuminated.

Development Plan Allocation and Policy

01 RSS Policies

ENV9 ‘Historic Environment’ aims to safeguard and enhance the historic environment in the region, and ensure that historical context informs decisions about development and regeneration.

02 UDP Policies

ENV2 ‘Conserving the Environment’ aims to ensure, amongst other things, that development does not harm the character and quality of the environment including historic resources.

ENV2.8 ‘Settings and Curtilages of Listed Buildings’ aims to resist development which harms the setting of listed buildings to preserve its setting and historical context

Policy ENV2.11 ‘Development in Conservation Areas’ states that the Council will not permit advertisement displays where they would adversely affect the architectural and historic character of the Conservation Area.

ENV3.8 ‘Advertisement Hoardings’ looks to protect the appearance and character of areas from hoardings and ensure highway safety is not affected.

Other Material Considerations

UDP Supplementary Environment Guidance 3 'Development in Conservation Areas' gives advice in addition to UDP Policy ENV2.1 to guide works carried out in Conservation Areas to ensure that their character and historical context is protected.

UDP Supplementary Environment Guidance 5 'Advertisement Hoardings' gives advice in addition to UDP Policy ENV3.8 in order to protect the surrounding environment from the visual impact of hoardings/advertisements.

Planning Policy Guidance Note 15 (PPG15) 'Planning and the Historic Environment' contains the governments advice on planning in relation to the historic environment in order to protect the character and appearance of Conservation Areas, listed buildings and other buildings, monuments and areas of historical or heritage interest.

Planning Policy Guidance Note 19 (PPG19) 'Outdoor Advertisement Control' aims to ensure that outdoor advertisements have an appropriate scale and design to their surroundings and do not harm the character and appearance of the area.

Publicity

The proposal was advertised in the press and a site notice was erected in All Saints Square due to the site being within a Conservation Area and the proposal being considered to affect the setting of a listed building. In addition to this, letters were sent to occupiers of premises surrounding All Saints Square. At the time of writing this report no letters of representation have been received.

Consultations

Council Transportation Unit: "The application does not appear to have any highway involvement and the Unit has no observations to make on the proposal."

Rotherham Civic Society: "The vinyl wrap itself looks good and well thought out, involving, as it did, young people considering their town's heritage."

Appraisal

The main issue with the proposal is the impact on the character and appearance of the Conservation Area and the setting of the Grade 1 Listed All Saints Church.

The vinyl wrap artwork would replace a large blank grey façade on the rear side of the video screen, directly facing the pedestrianised area adjoining Effingham Street and College Street. It is fairly prominent when viewed from this location and it is considered that the artwork would add some interest to the structure and although prominent, would not be so visually intrusive as to harm the character and appearance of the Conservation Area or the setting of the listed Church.

The Council's Conservation Officer, English Heritage, Hallamshire Historical Building Society and Rotherham Civic Society have all been consulted for their views on the artwork and its impact on the historical interests in the area and no objections have been raised from any of these groups.

Conclusion

The artwork wrap is acceptable in the town centre location and would comply with Policy ENV9 of the Regional Spatial Strategy ('Historic Environment'), and the policies in the UDP which include ENV2 'Conserving the Environment', ENV2.8 'Settings and Curtilages of Listed Buildings', ENV2.11 'Development in Conservation Areas' and ENV3.8 'Advertisement Hoardings'. It is also in line with the Governments planning guidance for the historic environment, PPG15, and outdoor advertisements, PPG19. The application is therefore recommended for approval.

RB2009/0136

Formation of tennis court and installation of associated flood lighting and fencing at land rear of 84-86 Worksop Road, South Anston for H. M. Wainwright Ltd.

RECOMMENDATION: REFUSE

Reasons for Refusal:

01

The site of application is within the Green Belt wherein only development essential for the use of agriculture, forestry, or outdoor recreation will be allowed, unless there are very special circumstances. It is considered that insufficient information exists to demonstrate that the floodlights are essential for the use of open recreation and that it would therefore be inappropriate development in the Green Belt. No very special circumstances have been demonstrated to clearly outweigh the harm caused by the inappropriate development, or to enhance the landscape in the vicinity, and the proposal is therefore in conflict with Policy ENV1 Green Belts of the adopted Unitary Development Plan and advice in PPG 2 Green Belt

02

It is considered that by virtue of their number height and location the proposed floodlights would be materially detrimental to the openness and the visual amenities of the Green Belt in conflict with Policies ENV 1 Green Belts, and ENV 3 Borough Landscape of the Unitary Development Plan and advice in PPG 2 Green Belts.

03

It is considered that insufficient information has been submitted to determine whether the site can be accessed satisfactorily.



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Scale 1:2500
Date: 04/03/2009
Map Centre: □
452326,383700

Rotherham MBC
Envt & Devt Services □
Bailey House □
Rawmarsh Road □
Rotherham S60 1TD □
□



Background

The site has recently been cleared of tress and shrubs, in association with works carried out by Severn Trent Water and Railtrack. The case officer has contacted the contractors to establish the nature of the works, but at the time of writing this report, no information had been submitted. In this respect the statutory drainage body has permitted development rights under Part 15 of the Town and Country Planning (General Permitted Development) Order 1995, subject to the land being reinstated within 6 months of completion of the works. No reinstatement has been carried out, and the works appear to be complete.

There is no record of any relevant planning history for the site.

Site Description & Location

The site of application is a recently cleared and levelled irregular shaped area of land, measuring approximately 0.17 hectares, and located to the rear of 82, 84, and 86, Worksop Road, which are on the north side of the A57 at South Anston. The land has been excavated and is approximately 2m lower than the land levels adjacent the A57 to the south. To the north the land falls away steeply to the railway line with Anston Brook beyond. To the east is open Green Belt land, whilst to west is a petrol filling station and a coach manufacturing factory.

Proposal

The application is for a tennis court measuring 11m by 24m within a fenced area measuring approximately 18m by 36.5m. The fence would be 2.4m high constructed from green mesh and within the fenced area would have six floodlights approximately 7.8m high. The court itself would have a synthetic surface.

The application is accompanied by a design and access statement which s purely descriptive.

The tennis court would be used by staff and associates of H.M. Wainright Ltd. (the petrol filling station adjacent the site and fronting the A57). This would include Mr Wainright, the owner of the company and his family who live at number 78, Worksop Road. Additional details of the previous excavations and works on site, and very special circumstances to justify the development in the Green Belt have been requested. No details have been received.

Development Plan Allocation and Policy

The site is allocated Green Belt in the Development Plan. Relevant policies are:

Unitary Development Plan Policies (UDP):

Policy ENV1 Green Belts states that only development essential for the use of agriculture, forestry or open recreation, will be allowed unless there are very special circumstances

Policy ENV3 Borough Landscape states that, the Council recognises the vital importance of maintaining and enhancing the landscape, and when considering

development or other proposals, taking full account of their effect on and contribution to landscape.

Policy ENV3.1 Development and the Environment states, that development will be required to make a positive contribution to the environment.

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.”

Other Material Considerations

National Planning Guidance:

PPG 2 Green Belts states that the most important attribute of Green Belts are their openness and character. Para 3.2 states that: -“Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. 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. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.”

PPG 2 adds that the construction of new buildings in the Green Belt are inappropriate development unless they are essential for the use of agriculture, outdoor recreation, sport cemeteries or other uses which preserve the openness of the Green Belt. It further states in paragraph 1.6, that Green Belts have a positive role to play in fulfilling certain objectives, two of which are:-

- (i) To provide opportunities for outdoor sport and outdoor recreation near urban areas.

- (ii) *To retain attractive landscapes, and enhance landscapes, near to where people live.*

Finally PPG 2 states that the visual amenity of the Green Belts should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental reason of their siting, materials or design.

Publicity

The application was advertised on site and in the press and adjoining occupiers notified. No representations have been received.

Consultations

Transportation Unit:

Have requested additional details of the means of access and number of people who will use the site.

Environmental Health Service:

No objections.

Appraisal

The applicant has approximately 1.45 hectares of land to the rear of houses and a petrol filling station, that front the A57 at South Anston. The application site comprises approximately 0.17 hectares of that land. The applicant lives at number 78 Worksop Road adjacent the site and the tennis court is for use by the applicant and his family, and employees of the petrol filling station adjacent the site which he owns. The principle of the development may therefore be acceptable, insofar as it is in connection with open recreation, and it is also considered that the erection of a 2.4m high fence is essential for the tennis court to function properly. However, no very special circumstances have been submitted to show that the lighting columns are essential for open recreation. The main considerations are:-

(a)

Is the development inappropriate development in the Green Belt?

(b)

The effect on the openness of the Green Belt.

(c)

The means of access to the site.

(a)

Is the development inappropriate development in the Green Belt?

The proposal is for an all weather surfaced tennis court and associated fencing and floodlights in a prominent location in the Green Belt. The emphasis of advice in PPG 2 Green Belts on such development is that it must be essential for the use of open recreation. It is considered that the court itself and the fencing are essential, but that the flood lights are not, and consequently this element of the proposal is inappropriate development in the Green Belt. Para 3.2 states that: -"Inappropriate development is, by definition, harmful to the Green Belt," and that "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.” No very special circumstances have been submitted to overcome the presumption against the granting of permission in this instance.

(b)

The effect on the openness and visual amenity of the Green Belt.

PPG 2 states that the most important attribute of Green Belts are their openness. The proposal is for a hard surfaced area, a 2.4m high green mesh fence and six lighting columns each approximately 7.8m high, all prominently located in the Green Belt. It is considered that the floodlighting in particular would have a materially adverse effect on the openness and visual amenities of the Green Belt and thereby be inappropriate development in the Green Belt. PPG 2 states that the main attribute of Green Belts is their openness and that the visual amenity of the Green Belts should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental reason of their siting, materials or design. Additionally, the site has been cleared of trees and shrubs, and material excavated to create level platform, resulting in an adverse effect on the visual amenities of the area, and no proposals have been submitted to replace that loss or enhance the landscape in this area. It is therefore considered that the proposals would be in conflict with Policies ENV 1 Green Belts, ENV 3 Borough Landscape, and ENV 3.1 Development and the Environment in the Unitary Development Plan and national guidance contained within PPG 2 Green Belts.

(c)

The means of access to the site.

No means of access to the site is included within the application site, and no details of the potential number of people who would use the court have been provided, it is therefore considered that insufficient information has been submitted to determine if the proposals can be accessed satisfactorily.

Conclusion

The proposed floodlights are considered to be inappropriate development and would have an unacceptable adverse effect on the openness and visual amenities of the Green Belt. No very special circumstances have been submitted to clearly outweigh the harm to the Green Belt, or enhance the landscape, and insufficient information has been submitted regarding the access to the site. It is therefore recommended that planning permission be refused.

To the Chairman and Members of the
PLANNING REGULATORY BOARD

19th March 2009

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

1 Ref: RB2008/1129

Page 158 Discharge of Planning Condition 14, External Materials and Solar Panels for Planning Application RB2008/1129, Erection of 4 No. three storey apartment blocks (24 apartments in total) and 10 No. two storey dwellinghouses at Wagon Road, Greasbrough.

2 Ref: RB2009/0020 (OUT)

Page 159 Outline application for the demolition of the existing building and erection of ground floor café and retail units with residential above and basement parking including details of access at The Grand Cinema, Muglet Lane, Maltby for Mr. Scott Blount.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
19TH MARCH 2009

Item 1

Ref: RB2008/1129

Discharge of Planning Condition 14, External Materials and Solar Panels for Planning Application RB2008/1129, Erection of 4 No. three storey apartment blocks (24 apartments in total) and 10 No. two storey dwellinghouses at Wagon Road, Greasbrough.

Recommendation:-

That the Council approve the submitted sample materials

Background

The above planning application was approved at Planning Board on 28 August 2008. Whilst Planning Board recommended the application for approval, a number of Members had concerns regarding the external appearance of the flats and the quality of materials to be used. It was therefore agreed that the discharging of the external materials and proposed solar panels should be approved through Planning Board.

The Council is now in receipt of the materials and two new computer generated images that better portray the quality and design of the proposed flats and semi detached housing.

The applicant intends to use local sourced red and yellow bricks for the flats and houses, with the darker red brick around the windows to add relief to the front elevation. Grey painted timber windows are proposed to be used on the properties and a blue concrete tile is proposed for the semi detached dwellings with specialist solar tiles integrated within the southern roofslopes.

It is considered that the proposed materials are of high quality and show a degree of environmental sustainability in terms of the energy generated from the solar tiles and the local sourced bricks and timber windows. The computer visualisation demonstrates that the flats will have a high quality appearance that will improve the streetscene of Wagon Road

The materials are therefore recommended for approval on this basis.

Item 2

Ref: RB2009/0020 (OUT)

Outline application for the demolition of the existing building and erection of ground floor café and retail units with residential above and basement parking including details of access at The Grand Cinema, Muglet Lane, Maltby for Mr. Scott Blount

Recommendation

- A. That the Council resolves to enter into a legal agreement with the applicant under the provisions of Section 106 of the Town and Country Planning Act 1990 for the purposes of ensuring provision of affordable units, the affordable units to be provided by the Developer on site will be 25% of the proposed total number of residential units, the details of which shall be agreed before the commencement of the development.**
- B. That consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission subject to the following reasons for granting permission and recommended conditions and informatives.**

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

1. Having regard to the Development Plan and all other relevant material considerations as set out below:
- a) Development Plan Policies
- (i) Regional Spatial Strategy
- Policy SY1 'South Yorkshire sub area'
 - Policy H1 'Housing'
 - Policy H4 'Provision of Affordable Housing'
 - Policy T1 'Personal Travel Reduction and Modal Shift'
- (ii) Local Planning Policy
- Policy EC5 'Mixed Use Areas'
 - Policy HG4.3 'Windfall Sites'
 - Policy HG5 'The Residential Environment'
 - Policy ENV3.1 'Development and the Environment'
 - Policy ENV3.7 'Control of Pollution'
 - Policy RET1.1 'Shopping Environment'
 - Policy T6 'Location and Layout of Development'
- b) Other relevant material planning considerations
- (i) Supplementary Planning Guidance
- Interim Parking Standards (adopted June 2002)

Interim Planning Statement: Affordable Housing (adopted August 2008)

- (ii) National Policy Guidance
 - Planning Policy Statement 1 (Delivering Sustainable Development)
 - Planning Policy Statement 3 (Housing)
 - Planning Policy Guidance 13 (Transport)

Circular 11/95 The use of conditions in planning permissions
Circular 05/05 - Planning Obligations

2. For the following reasons:

It is considered that subject to the satisfactory signing of the Section 106 agreement that the proposed development would make a significant contribution to both the housing supply and affordable housing provision in accordance with Policies H1 Housing and H4 Provision of Affordable Housing of the Regional Spatial Strategy for Yorkshire and the Humber.

It is further considered that subject to imposition of recommended conditions and informatives, and the submission of acceptable detailed proposals, the development will constitute the efficient use of land in a sustainable location with access to a variety of local services and modes of transport. The proposals also meet to an acceptable degree the advice and guidance referred to above.

It is also considered that the development will not have a materially adverse impact on road and pedestrian safety and that the proposed access to the site is acceptable. It is also considered that the development traffic can be safely and conveniently accommodated within the local highway network.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officer's report; the application case files and associated documents.

Conditions Imposed:

01

Before the commencement of the development, details of the layout, scale, appearance, and landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan received 18 December 2008.

03

Detailed plans to be submitted in accordance with this permission shall include a proposed access drive of minimum width 5 metres and separate

footpath 2 metres in width. Such approved footpath details shall be segregated from the access road and shall be implemented before the development is first occupied.

04

[PC94] Prior to the commencement of development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

05

[PC 24] Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

06

Detailed plans to be submitted in accordance with this permission shall include car and cycle parking facilities for all proposed flats in accordance with the Council's Interim Parking Standards and Cycle Parking Standards.

07

Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 (three) metres either side of the centre line of the water main which crosses the site.

08

The detailed plans to be submitted in accordance with this permission shall include details of the proposed means of disposal of foul and surface water drainage, including details of any off site works, which should be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until those approved details are implemented. The surface water drainage scheme shall be based on sustainable drainage principles.

09

Detailed plans to be submitted in accordance with this permission shall include a landscape scheme which shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:-

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.

- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

10

[PC38D] Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

11

Unless otherwise agreed in writing with the Local Planning Authority, the retailing and café uses hereby permitted shall only be open to customers or for deliveries between the hours of 07:30 and 23:00 hours Mondays to Saturdays and 09:00 to 22:00 hours on Sundays/Bank Holidays.

12

Detailed plans to be submitted in accordance with this permission shall include the specification, and operation of any air conditioning, plant ventilation or extraction equipment, including expected noise and pollution levels, and the approved details shall be implemented prior to the development being brought into use. Subsequent operation and maintenance shall be strictly in accordance with the agreed details.

13

Detailed plans to be submitted in accordance with this permission shall include the specification, and operation of any renewable energy systems or apparatus, including expected noise and pollution levels, and the approved details shall be implemented before the development is brought into use. Subsequent operation and maintenance shall be strictly in accordance with the agreed details.

Reasons for Conditions:

01

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

02

[PR97] To define the permission and for the avoidance of doubt.

03

In the interests of road safety.

04

[PR94] In order to promote sustainable transport choices.

05

[PR24A] To ensure that surface water can adequately be drained and 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 the adequate drainage of the site and road safety.

06

In order to promote sustainable transport choices.

07

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

08

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

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

[PR38D] 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

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

12

In the interests of residential amenity in accordance with policy ENV3.7 'Control of Pollution'.

13 To ensure the energy efficiency of the building and sustainable design within the development in accordance with Policy ENV5 of the RSS.

Informatives:

01

INF 11B Control of working practices during construction phase (General)

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

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

soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

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

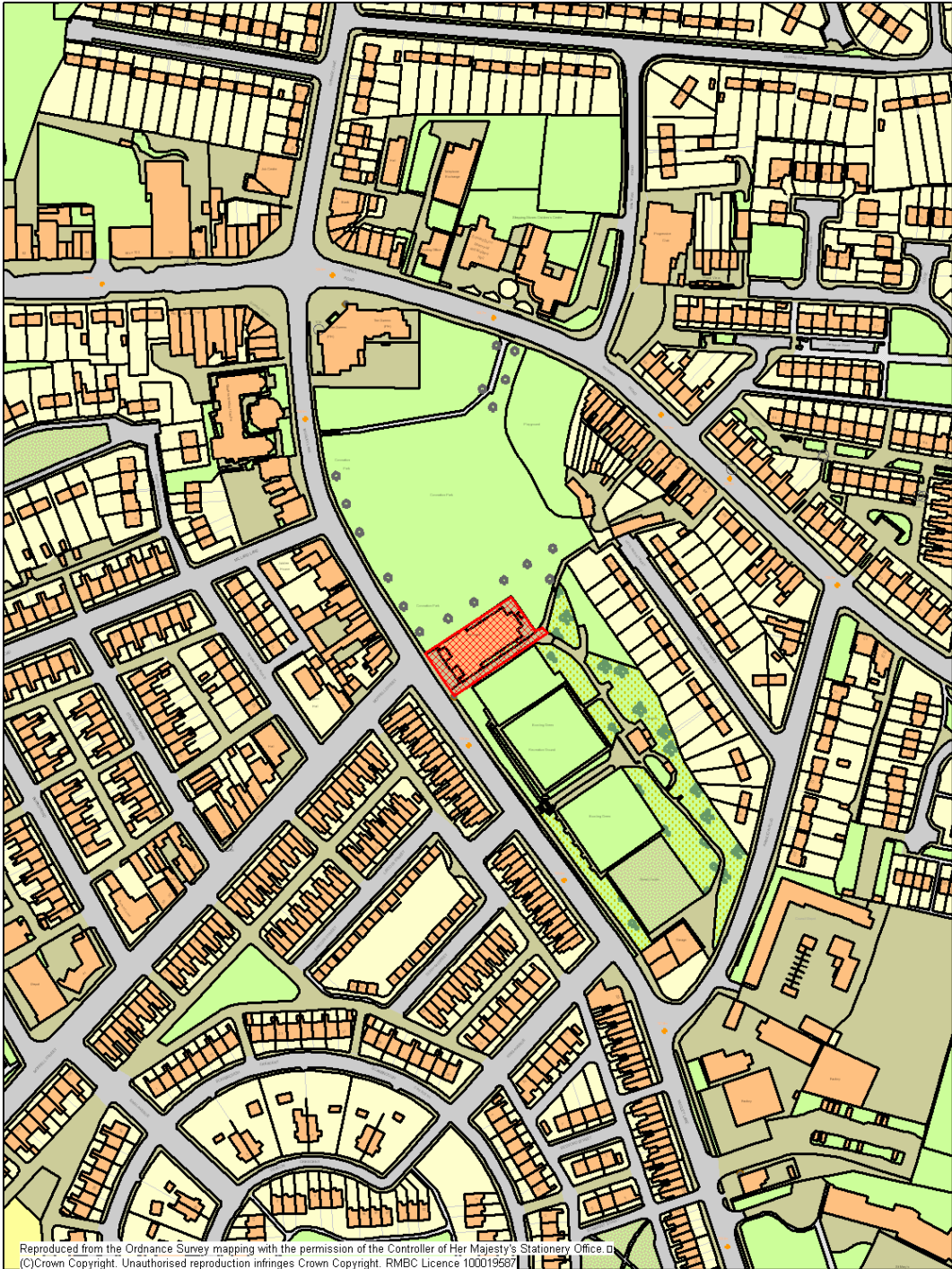
02

The proposed development may involve the diversion/stopping up of an existing definitive public right of way. As such, you should request an application form from the Council's Public Rights of Way Section (01709 822932) under Section 257 of the Town and Country Planning Act 1990

Applications can be made under the Road Traffic Regulation Act 1984 section 1 for a temporary restriction of traffic on public rights of way if it is required because works are proposed to be executed on or near the path which would create a potential danger to the public. Temporary restrictions are allowed for a maximum of 6 months at any one time.

03

The applicant's attention is drawn to the fact that submitted detailed plans in respect of any reserved matters application shall not exceed the scale parameters as indicated in the submitted Design and Access statement addendum 2 (received 3 March 2009) and to the indicative front and side elevation drawings (received on 27 February 2009). It is considered that the lower parameters would be more appropriate in this instance.



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Scale 1:2500

Date: 04/03/2009

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Rotherham MBC

Env't & Dev't Services □

Bailey House □

Rawmarsh Road □

Rotherham S60 1TD □

□



Background

RB1998/0239 - Change of use from a bingo hall to a kitchen and bathroom showroom.

GRANTED CONDITIONALLY 14/05/98

RB2001/1050 - Change of use of part of upper ground floor to a youth advice centre.

GRANTED CONDITIONALLY 11/10/01

RB2007/2334 - Outline application for demolition of existing building and erection of a four storey building comprising 2 no. retail units, 36 apartments and basement parking including details of the access.

WITHDRAWN 20/02/2008

Site Description

The site, roughly rectangular in shape and approximately 0.09 hectares in area, is occupied by the former Grand Cinema which is a brick constructed building of some 21 metres in width by some 40 metres in length. The building currently contains three retail units accessed directly off Muglet Lane with ancillary manufacturing/storage facilities accessed through one of the existing retail units. The site frontage onto Muglet Lane consists of a large forecourt area capable of providing off street parking for approximately 6 vehicles

Overall the existing building ranges from 10 metres at its lowest point to a maximum of some 15 metres in height with its bulk utilising the adjoining land levels by being set down between Coronation Park to the north and the bowling greens to the south. To the west of the building across Muglet Lane are located a mixture of retail, commercial and residential uses which are predominantly two storeys in height.

To the south of the building exists a shared pedestrian/vehicular access which forms part of the route of definitive footpath no.15 which leads to the park, bowling green and residential properties beyond at Hoyland Street.

Proposals

This is a resubmission of a previously withdrawn scheme and seeks outline planning permission for the demolition of the existing building and erection of ground floor café and retail units with residential above and basement parking, details of access are to be considered at the outline stage with all other matters reserved for subsequent approval.

The means of access is proposed by utilising the existing access on to Muglet Lane which is shared with definitive footpath no.15 and shows a new access road of some 7 metres in width and would provide an access road of 5 metres capable of accommodating two way traffic and a dedicated 2 metre wide

footway which would enable a dedicated footway for footpath no.15. The overall length of the access is proposed to run roughly the full length of the building.

The application is accompanied by a Design and Access statement and a number of indicative drawings which show a building of some 17 metres (allowing for a 1.5 metre overhang) in width by some 43.6 metres in length and gives height indications ranging between 11 metres (minimum) to 13.75 metres (maximum) at the front and (due to changes in the ground levels from front to rear) a height range of 15.2 metres (minimum) and 17.9 metres (maximum) at the rear of the site.. The submitted details further indicate the provision of basement car parking having access via the new vehicular access with ground floor retailing units shown to the Muglet Lane frontage and a lower ground floor café facility indicated at the rear of the building overlooking the park. Additional indicative details indicate that up to 36 no. 1, 2 and 3 bedroom flats could be provided in a building of up to 4 storeys in height.

The applicant's agent has further offered via a Section 106 Unilateral Obligation a sum of £5,000 towards an enhancement of the park land adjacent the application site.

Development Plan Allocation and Policy

The following Development Plan policies are considered to be of relevance to the determination of this application.

Regional Spatial Strategy (RSS adopted May 2008)

Policy SY1 'South Yorkshire sub area' advises that the focus of development should be placed on Sheffield and the Sub Regional Towns of Barnsley, Doncaster and Rotherham with particular emphasis on city/town centres and inner areas

Policy H1 'Housing' strongly advocates an increase in housing completions for Rotherham from 750 dwellings to 1158 dwellings per year.

Policy H4 'Provision of Affordable Housing' advises that the Region needs to increase its provision of affordable housing to address the needs of local communities by up to 30%.

Policy T1 'Personal Travel Reduction and Modal Shift' states: -"The Region will aim to reduce travel demand, traffic growth and congestion, shift to modes with lower environmental impacts, and improve journey time reliability. This will require a range of complementary measures from land-use and transport policies through to measures that discourage inappropriate car use, encourage the use of lower-emission vehicles, reduce energy consumption, secure air quality improvement, improve public transport and accessibility by non-car modes, and promote the highest standards of safety and personal security."

Unitary Development Plan (UDP)

The site is allocated for mixed use purposes in the Unitary Development Plan. This mixed use designation (MU33), amongst a variety of other land uses, advises in principle A1 (retailing) and C3 (Dwelling houses) as an acceptable land use for this site.

Policy EC5 'Mixed Use Areas' states "Within Mixed Use Areas shown on the Proposals Map, a variety of land uses will be acceptable; the particular uses appropriate to each area and any limitations or requirements pertaining to these uses or their location being set out in the Written Statement."

Policy HG4.3 'Windfall Sites' states that "the Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their:

- (i) location within the existing built-up area and compatibility with adjoining uses, and*
- (ii) compatibility with other relevant policies and guidance."*

Policy ENV3.1 'Development and the Environment' states: -

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

Policy ENV3.7 'Control of Pollution' states: -"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.”

Policy RET1.1 ‘Shopping Environment’ states: -“The Council will seek a high quality, attractive and secure environment within shopping areas by:-

- (i) requiring proposals for new, altered or extended properties to be integrated in respect of design, layout and function with neighbouring properties,*
- (ii) requiring proposals for new, altered or extended properties to be considered with regard to any adverse visual impact or effect on neighbouring properties, street form and scene, and the scale and character of the locality,*
- (iii) requiring doorways to incorporate suitably designed access for people with restricted mobility, and equipment such as cash dispensing machines to be at a height suitable for wheelchair users, wherever practical,*
- (iv) promoting the provision of public toilet facilities to all residents, including people with disabilities, in shopping centres and large stores,*
- (v) encouraging the highest standards in the control of shop frontage and sign detailing, and*
- (vi) encouraging and promoting development proposals which are equally accessible to people arriving by car, public transport, bicycle or on foot.”*

Policy T6 ‘Location and layout of development’ “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.”

Other material considerations

Supplementary Planning Guidance:

The Council's Interim Parking Standards (adopted in June 2002) advises that the maximum spaces required for flatted developments are one space per unit with a further visitor space per two flats.

The Council's Interim Policy Statement on Affordable Housing (adopted in August 2008) requires developer contributions of 25% towards affordable housing on new housing developments of 15 units.

National Planning Guidance:

Planning Policy Statement (PPS)1: 'Delivering Sustainable Development' at para 34 states that: - "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted."

Planning Policy Statement (PPS)3: 'Housing' further re-enforces PPS1 and states at para 16 that development should be well integrated with, and complement the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

PPS3 further advises at para 50 that if development is done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

Planning Policy Guidance Note (PPG)13 'Transport' at para 51 advises that Local Planning Authorities should "not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls."

Publicity

The application has been publicised by both press and site notice and neighbour notification. No letters of representation have been received.

Consultations

Neighbourhood Services (Environmental Health) has no objections subject to relative informatives relating to the control of works during demolition and build phases.

Streetpride (Rights of Way) comment that the recorded width of the definitive path is 1.83 metres and pedestrians should ideally have a separate path of this width away from vehicles. If the number of vehicles using the access is to be substantial some form of separate footpath for pedestrians should be provided.

The Police Architectural Liaison Officer recommends that the site be developed to accord with Secured by Design certification; welcomes the use of loitering repellent bushes (as set out in the Design and Access statement); comments that the café element owing to its location may require the provision of CCTV and/or security shutters; and that care should be taken to the design of balcony heights to ensure they cannot be used as a climbing frame to access the building.

Yorkshire Water comment that a water main crosses the site to the northern boundary and recommend a condition requiring no development to take place within 3metres of its centre line.

Severn Trent Water has no objections subject to the imposition of suitable conditions in respect of surface water and foul sewer details.

Neighbourhood Services (Quality Design Team) comment that the development aligns with the aspirations of the master plan for Maltby undertaken by Lathams having been appointed in 2006 by RMBC Housing Market Renewal Team and meets an identifiable need. Further comments are made over the design of the building but recognise that this is not being considered at this stage.

South Yorkshire Passenger Transport Executive considers that the inbound bus stop onto Muglet Lane currently does not have a bus shelter and therefore the developer should fund the feasibility and full cost of a bus shelter to improve the waiting area and to increase the attractiveness of public transport via the provision of travel master passes for the occupiers of the proposed flats.

The Fire Safety Officer comments that access for fire appliances should be provided in accordance with Building Regulations Approved Document volume 2 part B5 section 16.

The Transportation Unit comment that as a 5 metre wide private drive will be available for access to the 'undercroft' parking along with a separate 2 metre wide footpath (Definitive Footpath no.15) no objections are made to the proposal and recommend conditions be attached to secure this. Finer detailing in respect of bin storage and deliveries can be considered at a later stage.

Neighbour Investments Team – Affordable Housing Officer comments that the affordable housing provision will be for 25% to be provided on site of which the dwelling type, tenure and plot location will be to the approval of the

Council's Affordable Housing Officer, following the submission of final plans and prior to commencement of building works.

Appraisal

The main issues of consideration in relation to this application are:-

- The principle of the development.*
- The acceptability of the proposed means of access upon highway safety and the conflict of pedestrians and vehicles utilising the public right of way.*
- Other material considerations.*

Principle of development:

Policy H1 Housing of the Regional Spatial Strategy (RSS) for Yorkshire and the Humber identifies an increased need for house completions in Rotherham for the plan period from 750 dwellings to 1158 dwellings per year. Overall the development is considered acceptable in principle subject to the further provisions and relevant policies and guidance.

On the issue of affordable housing, the applicant has offered to provide 25% of the total number of dwelling units, rather than to state a number – to allow flexibility in the scheme design at this outline stage. The Council's Affordable Housing Officer has agreed this in principle subject to the type, tenure, and location forming the submission of reserved matters details. Therefore subject to the completion of the S106 Obligation it is considered that the proposal would be in accordance with RSS Policy H4 Provision of Affordable Housing.

The site is allocated for mixed use purposes in the Unitary Development Plan (UDP), wherein the mixed use designation, amongst a variety of other land uses, advises in principle A1 (retailing), and C3 (Dwelling houses) are acceptable. Whilst A3 (café) uses are not included in the 'mix', it is considered that such a facility, to be used by members of the public using the facilities in the nearby Coronation Park, would be acceptable and that the proposal is not considered contrary to UDP Policies EC5 Mixed Use Areas and HG4.3 Windfall Sites.

Access and highway safety:

Regional Spatial Strategy Policy T1 Personal Travel Reduction and Modal Shift; Unitary Development Plan Policy T6 Location and Layout of Development and PPG13 Transport highlight the need to promote accessibility, and in particular to consider the provision of other alternative modes of transport in new developments. It is recognised that the site lends itself to a reasonably central position and close to Maltby's centre which is served by good public transport links. It is not considered that the request from SYPTE for the applicant to submit a feasibility study and potential contribution towards an improved bus shelter in this locality would be reasonable in this instance. Therefore it is considered that the request for

£5,500 is inappropriate and goes beyond the tests of what is fairly and reasonably related in scale and kind to the proposed development, which Circulars 11/1995 Use of Conditions in Planning Permissions and 05/2005 Planning Obligations state is a material consideration.

On the matter of the proposed access arrangements to the site the applicant has been able to demonstrate that a 7 metre wide access can be achieved which will enable a 5 metre wide private drive to be provided for access to the basement parking areas along with a separate 2 metre wide footpath for the retention of the definitive footpath no.15. Overall it is considered that the vehicular traffic likely to be generated by the development will not have a materially adverse effect on road safety and that proposed access to the site is acceptable and the Transportation Unit concur with this view.

Other material considerations:

As set out in the proposal section of this report, it is noted that all other matters such as layout, scale, appearance and landscaping are reserved for subsequent approval. However the basic level of information has been submitted both in the form of indicative drawings and the information contained within the Design and Access statement to gauge the type of development which could be accommodated upon the site. Overall, whilst these submitted parameters would exceed the layout, building footprint and the upper and lower height limits of the existing building it is considered that the a building of this scale, bulk and massing would not create an overbearing building compared to that which exists at present. An appropriately worded informative is however recommended to ensure that any reserved matters submission follows these parameters. Furthermore the inductive landscaping can be covered by the imposition of a suitable condition requiring further detailing.

The applicant has offered through a unilateral undertaking under Section 106 of the Town and Country Planning Act a sum of £5,000 towards an enhancement of the park land adjoining the application site, in order to off set any disturbance or damage undertaken through demolition and rebuilding works. In respect of this issue it is not considered that contribution relates to the development proposed and would not meet the tests of what is fairly and reasonably related in scale and kind to the proposed development, as set out in Circulars 11/1995 'Use of Conditions in Planning Permissions' and 05/2005 'Planning Obligations'.

Conclusion

Having regard for all the above, it is considered that subject to the satisfactory signing of a Section 106 Agreement and the safeguard of the recommended conditions and subject to the submission of satisfactory details the proposal would provide a quality mixed scheme in a sustainable location, and assist in meeting the target housing completions and affordable housing provision required by the Regional Spatial Strategy.

It is therefore recommended that permission be granted subject to the securing of the Section 106 Agreement relating to the provision of affordable housing.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Planning Board
2.	Date:	19th March, 2009
3.	Title:	Three Week Board Review
4.	Directorate:	Environment and Development Services

5. Summary

Report setting out a review of the three week Planning Board cycle and recommendation for its continuation.

6. Recommendations

That Members consider the report, and agree to continue with the three week cycle for Planning Boards, beyond the pilot period, which is due to finish in July, 2009.

7. Proposals and Details

The issue of three week Planning Boards was considered in 2005. At that time it was not considered to be an acceptable way forward primarily because a three week Board would have clashed with a small number of Scrutiny Panel meetings and Members were generally not convinced of the benefits of such a change.

Subsequently, Members agreed to pilot moving the Boards to a three week cycle following a report on the 20th March 2008. It was agreed that three week boards would commence from August 2008 for a period of 6 months to evaluate what benefits or impact this would have from the previous 2 week cycle.

Within the report, Officers suggested that the proposal would not involve any increase in the numbers of planning applications dealt with under delegated powers as the scheme of delegation would remain the same. This would result in approximately the same amount of planning applications being determined by the Board over 17 meetings instead of 26 which would equate to an average of 17 cases rather than 12 cases at each meeting.

It was considered that this number would be a manageable number for Board to determine. It was also recognised that this number of cases along with Board site visits first thing in the morning could result in the Board sitting after lunchtime on some occasions.

As the diary was rescheduled to accommodate the change, it had the benefit that Members of the Planning Board would have no diary commitments on the Thursday afternoon of Board that could cause a conflict and would therefore be able to sit if required.

In regard to its potential impact on performance it was acknowledged that a fewer number of Boards could impact on the development control performance, particularly the determination of major planning applications within the 13 week period. The national performance figure for major planning applications is that a minimum of 60% of such applications should be determined within 13 weeks. Development Control has set itself a more stringent local performance indicator of 75%.

To accommodate this, Officers have continued to meet regularly to ensure that major planning applications are being project managed to meet the 13 week target and be presented to Planning Board within these timescales.

It was recognised, however, that any impact on performance would have to be carefully monitored and it was one of the reasons why it is recommended that any implementation of a three week Board be for a pilot period and the impact on performance carefully assessed.

There were also considered to be a number of other advantages:

1. Chair and Vice Chair of Planning Board would see the draft agenda only after it has been cleared by the Planning Manager. This would ensure that their time has not been wasted by reading reports that it is subsequently decided are not yet ready for Board's consideration. This process would also help ensure that the quality of agendas that Members receive continues to improve.
2. It allows for the rationalisation of the Chair and Vice Chair meetings with planning officers to take place on Fridays between Board meetings. Previously planning officers were preparing the next draft agenda reports before the current agenda is finalised at Board prior to it being sent out, for consideration of those officers concerned in the briefing process.
3. Allow for a more timely preparation of draft reports for briefings along with the final agendas and reports for publication and printing by Committee Services.
4. It allows more time for members of the public to arrange to attend and speak at Planning Board. Given the previous tight timescales there have been complaints from members of the public that they have not been given sufficient time to organise their right to speak and attendance at the relevant Planning Board meeting.

8. Review of Pilot

The three week boards commenced in August 2008 and are continuing to run through to then end of the current diary in July 2009. To ensure that future meetings are properly scheduled, a decision on the frequency of Planning Board dates needs to be made. This section seeks to review the last 6 months against the criteria under which the pilot was undertaken.

Number of Applications

During this pilot period there have been 9 Board meetings as compared to 14 if the 2 week cycle had continued. During these 9 meetings there have been:

	Meetings	Applications	Items	Visits
Three Week Cycle	9	112	55	17
Two Week Cycle	14	157	39	18

The table below gives a more detailed breakdown of how the 3 week cycle compares to the previous 2 week cycle.

3 Week - 2 Week Board Comparison									
July 2007 - February 2008 (2 Week Boards)					August 2008 - February 2009 (3 Week Boards)				
Board Date	No. of Apps.	No. of Items	Total	Site Visits	Board Date	No. of Apps.	No. of Items	Total	Site Visits
02-Aug-07	7	3	10	1	07-Aug-08	10	9	19	3
16-Aug-07	9	1	10	1	28-Aug-08	8	2	10	1
30-Aug-07	8	0	8	2	18-Sep-08	16	2	18	2
13-Sep-07	13	4	17	3	09-Oct-08	12	7	19	1
27-Sep-07	14	9	23	1	30-Oct-08	11	7	18	2
11-Oct-07	12	3	15	3	20-Nov-08	13	8	21	1
25-Oct-07	7	4	11	0	11-Dec-08	15	5	20	2
08-Nov-07	11	2	13	1	08-Jan-09	12	6	18	2
22-Nov-07	12	1	13	0	05-Feb-09	15	9	24	3
06-Dec-07	11	4	15	2					
20-Dec-07	20	2	22	0					
10-Jan-08	12	1	13	1					
24-Jan-08	8	1	9	1					
07-Feb-08	13	4	17	2					
AVERAGE	11.21	2.79	14.00	1.29	AVERAGE	12.44	6.11	18.56	1.89
Total	157	39	196	18	Total	112	55	167	17

Site Visits

This demonstrates that the number of site visits undertaken during the trial period (17) has remained fairly constant when compared to the two week Board cycle (18). Clearly with a reduced number of Board dates, this increases the number of visits per meeting from an average of 1.29 in 2007 to 1.89 in 2008. In addition to this, a new procedure has also been introduced where a list of current applications is sent to Members of Planning Board to consider if there is any desire to visit the site prior to the determination of the planning application. This has been provided to reduce the number of applications that are deferred at Planning Board for a site visit, so that decisions can be made in a timely manner in line with Government targets and to minimise the disruption for members of the public that may have attended Planning Board and would need to re-attend if deferred for site visit.

To further assist Members in the determination of the applications, and to minimise the need to visit the site, additional time has been devoted to the quality of the PowerPoint presentation. Where possible these include aerial photos with bird's eye views if available, digital photographs and fly throughs for some large scale major schemes.

Procedural changes / advantages

The extended time between Boards has enabled the draft agenda to be properly considered by the Planning Manager with any reports deemed not ready for the Board's consideration removed before it is circulated. This has enabled the standard of report writing to be improved with more time spent on preparation. This has removed the overlap from the previous situation where the draft agenda was prepared for the next Board before the sitting of the previous Board and has provided more time to the Chair and Vice Chair to properly consider the draft agenda without the demands of a Planning Board every two weeks.

This has also enabled the proper rationalisation of the previous Board minutes before the preparation of the following draft agenda. This has enabled officers to give proper consideration to any previously issued Board resolution before preparing any subsequent reports which gives greater consistency in the recommendation and decision making process.

The three week cycle has also resulted in applications that are deferred at Board for a site visit or additional information to be included on the next Agenda and the subsequent meeting.

The three week cycle has also created more time for the preparation of the draft reports for briefings, along with the final agendas and reports for publication by Committee Services. This will allow more time for members of the public to arrange to attend and speak at Planning Board. In order that members of the public are given the maximum notification of Board dates, a revised procedure will be adopted to ensure that notification of the Planning Board is sent before the weekend to gain an additional 3 days in which to prepare any rights to speak.

Conclusion

The move to a three week Board cycle has not had a disproportionate impact on the number of applications presented to each Board meeting showing a 32% increase in numbers compared against a 36% reduction in the number of Board meetings.

Site visit numbers for the comparable period have remained consistent with no more than 3 visits scheduled for any one meeting. The highest number of applications dealt with during a 3 week Board cycle was 24 applications and the highest number during the two week cycle was 23 applications.

The briefing for the next Board happens after the preceding Board and creates greater consistency in report writing and decision making and gives more time to the Chair and Vice Chair to consider the draft agenda.

Applications can be deferred for site visit and still have time to be included on the next agenda resulting in a greater number of applications achieving the targets set both nationally and locally.

Planning application targets have continued to be met and there has been no impact on major application performance during this pilot period.

It is therefore considered that the 3 week Planning Board schedule has resulted in associated benefits and, together with a revised procedure to notify members of the public of their right to speak, produces a more efficient and streamlined service that should continue and the diaries produced on this basis.

8. Finance

Savings in hard copy report production have been made throughout this pilot period.

9. Risks and Uncertainties

The impact on performance indicators. This is dealt with in the report.

10. Policy and Performance Agenda Implications.

The possible affect of panels and committees along with any impact on performance. Both of which are dealt with in the report.