

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THURSDAY 16 JULY 2015**

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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Application Number	RB2014/1344
Proposal and Location	Erection of 3 No. two storey townhouses with rooms in the roof space & dormer windows to front and associated car parking at land at Birtley Street, Maltby S66 8LX for Mrs S Light
Recommendation	<p>A. That the Council enter into a Legal Agreement with the applicant to secure the contribution of £2,400 towards improvements to existing Urban Greenspace in the vicinity</p> <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>



Site Description & Location

The site to which this application relates comprises a roughly rectangular area of land (approximately 552 sq metres). The land is laid to grass and is flat and has a two storey block of 4 No. elderly flats to its south side, existing residential gardens to properties on Beech Road to the north with Stanley Court being set to the east which comprises a block of 6 No. semi-detached bungalows and their associated rear gardens. The land immediately to the west forms part of the existing turning area to Birtley Street to which a vehicular access to the garage located within the rear garden to No. 29 Beech Road has been established.

Further to the west is located an area of undulating grassland (open green space) which links Rotherham Road to the south with gardens to Beech Road located to the north. This area contains a small play park along with vehicular access tracks serving a number of garages within the rear gardens to Beech Road properties.

Background

The site has been the subject of a number of applications for residential development, the most recent being:

- RB1988/1596 - Erection of four category 1 elderly persons flats.
Granted conditionally 15/12/88
- RB1989/1912 - Outline application for the erection of a dwellinghouse.
Granted conditionally 22/03/90
- RB1990/1589 - Outline application for erection of 3 town houses with parking spaces.
Granted conditionally 13/12/90
- RB1997/0187 - Outline application for erection of 3 town houses.
Granted conditionally 24/04/97
- RB2004/1026 - Outline application for erection of 3 town houses.
Granted conditionally 24/04/97
- RB2007/1884 - Erection of 3 no. two storey townhouses with rooms in roofspace & dormer windows to front.
Refused 21/11/07

01

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

02

The Council also considers that the proposal constitutes an over- development of the site, as the site is of insufficient extent to properly accommodate the proposed development having regard to normal spacing standards between the existing and the proposed dwellings and to space about the proposed dwellings. As such, the proposal would be contrary to Housing Guidance 3 Residential Infill Plots of the Rotherham Unitary Development Plan.

- RB2007/2346 - Outline application for the erection of 3 no. townhouses.
Refused 07/02/08

01

The Council considers that the development of this site for residential purposes conflicts with the advice contained in the report approved by the Council on 07 June 2006 which upheld the need for a presumption against development on Greenfield sites in the interests of sustainability and the requirement to meet Regional and

National regeneration/housing targets. Furthermore, no information has been submitted by the applicant that justifies the release of this Greenfield site in preference to other more sustainable brownfield sites, to the detriment of the long-term strategic sustainable development objectives within the Rotherham Borough.

RB2008/0770 - Erection of 3 No. two storey townhouses with rooms in roofspace & dormer windows to front (not implemented).
Granted conditionally 25/06/08.

Proposal

The proposal is virtually identical to that approved under RB2008/0770 and seeks permission for the construction of a terrace of 3 No. two storey brick and concrete tiled townhouses with rooms in the roofspace along with the insertion of single dormer windows within the front roofslope of each property.

The proposed terrace of three dwellings is indicated to be 16.5 metres in length, 8.5 metres in width, 8.45 metres to ridge and 5.1 metres to the eaves and indicates that each dwelling would provide accommodation comprising of kitchen / diner and lounge with 3 bedrooms set over the upper two floors. A projecting canopy over the front door of each property is further proposed.

The proposals further indicate each property is to be provided with 2 no. off street parking spaces, with plots 1 & 2 having parking to the west end of the proposed development and plot 3 having its parking area located at the east end of the development, in addition it is proposed to extend the existing footway to the north side of Birtley Street.

Each property is indicated as having rear gardens to the north varying in size and enclosed by 1.8 metre high close boarded fencing to the side boundaries. Plot 2 has a gated pedestrian access off to the side and rear of plot 1 garden area, again fenced off by 1.8metre high close boarded fencing. The front gardens and side boundaries where it adjoins the highway to the east and turning area / open land to the west are further indicated as having 0.9 metre high timber knee rail fencing. No alterations are proposed to the existing rear boundary with properties on Beech Road.

The application has been accompanied with a Design and Access Statement (DAS) which notes that “the proposed development has been designed to complement the mix of property styles and has taken influence from these.” The DAS further considers that; “the density of the properties is similar to those in surrounding area and appropriate for the site set out in the Rotherham planning policies,” and further comments that; “new dwellings will be set back from the new public footpath and have been designed to create a formal street line and complementing style of properties already in Maltby.”

The Applicant’s Tree Report concludes that existing trees on and adjacent to the site can be retained.

A Ground Contamination Report has also been submitted with the application which concludes that it is highly unlikely that there would be any ground contamination at the site.

The proposals have been amended during the course of the application clarifying matters in respect to the details of boundary treatments surrounding the proposed development, clarification over which plot is to be provided with which parking area, and amendments to the red line boundary to incorporate access issues.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is primarily allocated for Residential use in the adopted Unitary Development Plan (UDP), though a small part (approximately 35 sq metres) forms part of the adjacent Urban Greenspace allocation. The overall site is read with this wider open land area owing to its part undeveloped nature and it is considered to act as a small area of Incidental Urban Greenspace to the wider area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS14 Accessible Places and Managing Demand for Travel'
CS21 'Landscape'
CS22 'Green Space'
CS27 'Community Health and Safety,'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV5.2 'Incidental Urban Greenspace'
HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV3.4 'Trees, Woodlands and Hedgerows'
ENV3.7 'Control of pollution'
ENV4.4 'Contaminated Land'

Other Material Considerations

The Council's minimum Parking Standards (adopted June 2011).

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots.'

The South Yorkshire Residential Design Guide (SYRDG).

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.”

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of the posting of site notices in the locality of the site on Birley Street. In addition individual notification letters have been sent to occupiers of adjacent properties on Beech Road, Birtley Street and Stanley Court. A total of nine letters of representation have been received from occupiers of properties at the above streets with two standardised letters being submitted from a number of residents raising the following comments:

- Impact upon the proximity to existing trees on the northern boundary of the site.
- Damage to existing boundaries where people have driven down the narrow road to access the site.
- Development is out of character in the locality as this part of the estate is for the over sixties and it consists of old peoples flats and bungalows.
- The proposed site is only some 6 metres from front door (only access) of Birtley Street properties.
- Heavy traffic to and from the building site on this narrow already congested street will be unbearable.
- The noise from the plant and machinery associated with building sites, the mud and other site mess, dust which will be the main hazard for the majority of residents who suffer from breathing problems.
- The extra traffic would cause problems as it is a *cui de sac*, residents have had problems getting emergency vehicles to the site with the extra cars parked.
- To build three stories high to get the facilities such as the extra bedroom the properties would be overlooking other properties windows in close proximity and invade right to privacy.
- The flats opposite have kitchen and bathroom windows on the front. Does this mean residents will be directly overlooked.
- The proposed development would spoil the view out of existing windows as there would be no greenery to look at, only houses.
- There is a spring under the land above the flats, which has made a lot of dampness in the houses in the present time.
- Children currently are able to play and have picnics in the summer months and if developed they won't be able to do that.

- Opposite the site are existing parking spaces for flats on Birtley Street, it looks like the turning point will no longer be there for cars to turn around and will have to reverse back down Birtley Street.
- Visitors calling at the flats have to park on the road. Having three town houses built opposite, with access for parking six cars, greatly reduces the length of road cars can park. Because the road is so narrow it is not possible for cars to park opposite each other.

Former Councillor Andrews has further objected to the application noting that this is the third time an application has been made to build on this small area of land and that all residents in the area are opposed to this development. Her objections relate to the fact that the area is too small and adjoins Lime Trees Park, and the houses will also block light to residents. In addition further comment is made to the fact that this area has been used for years by residents as a community space, along with the fact that RMBC cut the grass and that a small part of land is RMBC land and would need to be sold to enable enough space to build.

She further points out that one of the accesses has been blocked by two steel bars to prevent motorbike nuisance, and that if the building were to go ahead this access could be used. She further considers that there are several areas in Maltby that are viable for building houses without detriment to the local community, and requests a site visit be undertaken in advance of a decision being reached.

Three occupiers have requested a 'Right to Speak.'

Consultations

Streetpride (Transportation & Highways): Raise no objections to the proposed development subject to the imposition of conditions in respect of surfacing of vehicular parking areas; provision of the footway as indicated on the submitted drawings and sustainable transport measures being undertaken for the occupants of the new dwellings.

Streetpride (Leisure and Green Spaces Manager): Notes that the site was assessed in the Green Space Audit as being High Quality/Low Value and other green spaces in the locality are not immediately suitable for active recreation. As the proposal would only involve partial loss of the green space, and the fact that there are other green spaces within the vicinity, the loss of green space in this case can be compensated by an open space contribution of £800 per dwelling (total £2,400) which will enable an enhancement of provision elsewhere in the vicinity.

Neighbourhoods (Environmental Health, Contaminated Land Officer): Taking account of the undeveloped nature of the site from the 1960's, considers it unlikely that significant contamination exist at the site which would impact on human health and controlled waters. Conditions are recommended to any planning permission granted in this respect, which would require that prior to occupation of the dwellings the top and sub soils are tested for potential ground contamination.

Streetpride (Main Drainage): The Council's Drainage Engineer is not aware of any known watercourses in the area which may be affected by the proposed development or lead to incidences of localised flooding and therefore subject to the

recommended informative raises no objections to the proposals on drainage grounds.

Streetpride (Tree Service Manager): Notes that there are 3 trees as well as the boundary hedge that may be directly or indirectly affected by the proposals as they stand. From the submitted site layout plan the distance between the rear elevation of the new dwellings and the nearest trees is approximately 8 metres and the distance between one of the trees and the car parking space is 7m. Therefore, there is sufficient space to safeguard the future prospects of the trees with protective barrier fencing in accordance with BS 5837 Trees in Relation to Demolition, Design and Construction. No objections are raised subject to conditions, including provision of protective fencing and the provision of an Arboricultural Method Statement.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The following considerations are considered to be of relevance in the determination of this application:

- Principle of the development (including partial loss of part of Urban Greenspace allocation)
- The layout and design of the development
- Impact on neighbouring amenity
- Impact upon highway safety
- Drainage and flooding issues
- Contamination
- Other matters raised by objectors

Principle of the development (including partial loss of part of Urban Greenspace allocation):

Paragraph 14 to the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Core Strategy Policy CS1 'Delivering Rotherham's Spatial Strategy,' notes that: "Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community."

UDP 'saved' Policy HG4.3 'Windfall Sites,' notes that "The Council will determine proposals for housing development...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."

Paragraph 47 of the National Planning Policy Framework notes that: "To boost significantly the supply of housing, local planning authorities should (amongst other things): identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land."

Paragraph 49 of the NPPF adds that: "...housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Currently it is estimated that the Council cannot robustly demonstrate that it can meet the 5 year (plus 20%) supply target, plus one third of the overall backlog not built out over the UDP Plan period (total 5,640).

In addition, 'saved' UDP Policy ENV5.2 'Incidental Urban Greenspace,' states: "Development that results in the loss of small areas of urban green space will only be permitted under circumstances that are outlined under UDP Policy ENV5.1 'Urban Greenspace,' which in turn states that: "Development that results in the loss of Urban Greenspace as identified on the Proposals Map will only be permitted if:

- (i) alternative provision of equivalent community benefit and accessibility is made, or
- (ii) it would enhance the local Urban Greenspace provision, and
- (iii) it would conform with the requirements of Policy CR2.2, and

- (iv) it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest.”

Bearing in mind the above, notwithstanding the sites predominantly residential allocation in the UDP as it currently stands, the site acts as a small area of Incidental Urban Greenspace.

Core Strategy Policy CS22 ‘Green Space,’ states that: “The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected. Rotherham’s green spaces will be protected, managed, enhanced and created by (amongst others):

- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development.”

The above policies are considered to accord with Paragraph 74 to the NPPF which notes: “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

The Council’s Green Space Manager assessed the site in the Green Space Audit as being of Low Value, but High Quality, and as such it is not clearly surplus to requirements. He notes, there are two other areas of alternative green spaces in the vicinity within five minute’s walk of the application site (one between Linden Grove and Cedar Drive, and the other at Cliff Hill), however, neither of these have been judged likely to be particularly suitable for active recreation.

In respect of the replacement of the area by equivalent or better provision in terms of quantity and quality in a suitable location, the Green Space Service note that the current play facility on the adjacent site is in the process of being decommissioned due to recent vandalism and local residents not wishing to have this located close to residential properties, and therefore a contribution to the upgrading of other existing Greenspace provision in Maltby (west) or Hellaby area is seen to be the most appropriate solution and this commuted sum of £800 per dwelling - £2,400 in total, can be addressed by way of the associated S106 Legal Agreement.

With the above circumstances in mind it is considered that the loss of the Incidental Urban Greenspace is acceptable subject to the appropriate financial contribution to compensate for its loss. As such the proposal accords with Core Strategy Policies CS1 ‘Delivering Rotherham’s Spatial Strategy,’ and CS22 ‘Green Space,’ UDP policies HG4.3 Windfall sites,’ ENV5.1 ‘Allocated Urban Greenspace,’ and ENV5.2 ‘Incidental Urban Greenspace,’ along with the advice contained within the NPPF.

The layout and design of the development:

In respect of layout considerations, UDP Policy HG5 'The Residential Environment,' encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF which states that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

This is further underpinned by Core Strategy Policy CS28 'Sustainable Design' which states that: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."

In addition, the National Planning Policy Guidance (March 2014), notes that "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations. The NPPG further goes on to advise that: "Local planning authorities are required to take design into consideration and should refuse permission for development of poor design."

The South Yorkshire Residential Design Guide (SYRDG) further sets out guidance in relation to layout considerations in respect of unit size, minimum room dimensions and outdoor amenity sizes. In respect of the latter, the SYRDG notes that: "Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses/bungalows should be at least 50 square metres; for three or more bedroom houses/bungalows, 60 square metres. Smaller gardens may be acceptable in corner zones of blocks if privacy and daylighting can be maintained."

In assessing the above, as a predominantly standalone site, the scheme has been designed primarily to reflect the constraints of the site and each of the dwellings would be provided with the advocated minimum garden size.

With respect to design matters, the recently issued National Planning Practice Guidance (NPPG) notes that: "Good design should:

- ensure that development can deliver a wide range of planning objectives.
- enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being.
- address the need for different uses sympathetically."

In addition, paragraph 64 to the NPPF further adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area and the way it functions."

In regards to design, the scale of the dwellings is considered commensurate to the elderly person's accommodation opposite and is set angled away from the bungalow development at Stanley Court not to be read directly with these dwellings. In density terms the scheme would be less than the surrounding properties and would not therefore appear out of character with the grain of the surrounding area. Furthermore, the scheme allows for garden space to be landscaped to the frontage of all the dwellings, something which is currently lacking in the current streetscene.

Taking account of all the above matters it is considered that the layout of the dwellings is appropriate and subject to the imposition of the recommended conditions in respect of materials that the scheme accords with the provisions of Core Strategy Policy CS28 'Sustainable Design' and UDP Policy HG5 'The Residential Environment,' along with the South Yorkshire Residential Design Guide and advice contained within the NPPF.

Impact on neighbouring amenity:

The NPPF notes at paragraph 17 that: "Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning (amongst others) should:

- always seek... a good standard of amenity."

The inter-house spacing standards contained within the Council's Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots,' which indicates that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing habitable room windows at first floor should be located within 10 metres of a boundary with another property.

The SYRDG further advocates that for the purposes of privacy and avoiding an 'overbearing' relationship between buildings, that: "...the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth." The SYRDG further notes that for the purposes of daylighting back-to-back distances should, as appropriate to specific circumstances, be limited by the '25 degree rule,' (i.e. all built development facing a back window should be below the 25 degree line).

Taking the above into account and the comments raised from residents living opposite, notwithstanding the fact that these flats contain habitable windows facing towards the front of the proposed development and bearing in mind the topography of the locality, it is considered that at some 13.8 metres distance the development as proposed would not lead to unacceptable overlooking or overdominating building form. Additionally at 15 metres distance from No. 9 Stanley Court and some 28 metres distance to the rear elevation of dwellings on Beech Road, it is not considered that the proposal would unacceptably harm the amenity of these residents.

As such, it is considered that the proposed dwellings would conform with the Council's Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots,' and the advice as set out in the SYRDG.

Impact upon highway safety:

Core Strategy policy CS14 'Accessible Places and Managing Demand for Travel,' notes that: "The Council will work with partners and stakeholders to focus transport investment on making places more accessible and on changing travel behaviour. Accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by (amongst others):

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links."

Paragraph 17 of the NPPF within its core planning principles states planning should: "...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable."

The NPPF notes at paragraph 34 that: "...decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised."

The NPPF further notes at paragraph 35 that: "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to (amongst others):

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- consider the needs of people with disabilities by all modes of transport."

The Council's minimum Parking Standards (adopted June 2011), recommends for residential developments that 3 or 4 bedroom properties provided with 2 No. parking spaces per dwelling.

The minor amendments undertaken to the scheme since its original submission primarily re-allocate correct parking spaces to the corresponding plots and revise problem of access to the rear of Plot 3, and the Council's Transportation & Highways Unit now consider that the development is acceptable in highway safety terms.

On the matter of sustainability, it is further considered that the site is well served by other non-car modes of transport and represents a sustainable form of development. Taking account of the fact that the site is located within easy walking distance of bus stops on Rotherham Road and there are further local amenities (shops, schools, etc) also within walking distance the scheme generally accords with the issues of sustainability and accord with the advice as set out under Core

Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' will satisfy the Council's Parking Standards along with the advice as set out under the NPPF.

Impact upon trees:

Policy ENV3.4 'Trees and Woodlands,' states that: "The Council will seek to promote and enhance, tree hedgerow and woodland coverage throughout the Borough.

Paragraph 118 of the NPPF states (amongst other things): "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

The site contains a number of mature trees located both within and upon the boundary of the site to the north with properties on Beech Road. The applicant indicates in the submitted tree survey that these trees are not unduly affected by the built form of the proposed development. However it is noted that the proposed rear access to serve the middle of the three plots and associated boundary screening would be located within the tree canopies and root protection area (RPA).

In assessing the application, the Council's Tree Service Manager notes that there are 3 trees as well as the boundary hedge that may be directly or indirectly affected by the proposals as they stand. From the submitted site layout plan the distance between the rear elevation of the new dwellings and the nearest trees is approximately 8 metres and the distance between one of the trees and the car parking space is 7m. Therefore, there is sufficient space to safeguard the future prospects of the trees and no objections are raised subject to conditions, including provision of protective fencing and the provision of an Arboricultural Method Statement.

The removal of permitted development rights for extensions referred to above would give additional protection to the trees.

Drainage/ flooding issues:

'Saved' UDP Policy ENV3.2 'Minimising the Impact of Development,' notes that: "In considering the scale, appearance, nature and location of development and infrastructure proposals, the Council will seek to minimise adverse impact on the environment, including water resources..."

The NPPF further advises at paragraph 103 that: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”

Following comments from adjacent residents, the Council’s Drainage Engineer, having checked historical maps, is unaware of the alleged watercourse running under the site and further notes that there are no obvious records of any land drainage systems crossing that part of the land in question. However the maps etc. only show chartered land drainage systems, and if this watercourse exists i.e. via local knowledge which in general should not be ignored, then the applicant should be notified of its potential presence by attaching a suitable informative to any planning permission granted.

Taking account of the above, it is considered that compliance with ‘Saved’ UDP Policy ENV3.2 ‘Minimising the Impact of Development,’ along with the guidance contained within the NPPF is achieved.

Contaminated land issues:

‘Saved’ UDP Policy ENV4.4 ‘Contaminated Land,’ notes 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 extent 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.”

The NPPF further notes at paragraph 120 that: “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

The NPPF further advises at paragraph 121 that; “Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as ...pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

- adequate site investigation information, prepared by a competent person, is presented.”

The comments received from the Council’s Contaminated Land (Development Officer) is that since aerial photographs taken between 1962 to present the land has appeared to remain unused, and it is therefore unlikely that significant contamination will exist at the site which would impact on human health and controlled waters and has no objections subject to standard conditions.

Other issues raised by objectors

Objections raised from residents relate to potential noise from the plant and machinery associated with building sites, the mud and other site mess, and dust which will be the main hazard for the majority of residents who suffer from breathing problems. In this respect ‘Saved’ UDP Policy ENV3.7 ‘Control of Pollution, and Core Strategy Policy CS27 ‘Community Health and Safety,’ refer to providing healthy environments, reiterating advice in the NPPF.

In assessing the application, the Council’s Neighbourhoods (Environment Health) Service notes that there is potential for noise and dust disamenity from the construction works to the nearby residential properties, however this is not anticipated to be so severe and can be adequately controlled through Pollution Control mechanism (i.e. an Abatement Notice under the Environmental Protection Act 1990), rather than under Planning Legislation. As such no objections are raised subject to the recommended informative.

Other issues raised by objectors are not material planning considerations and include the loss of view and devaluation of property values.

Conclusion

In conclusion, taking account of the previous decision made in respect of the site and the fact that the Council cannot currently clearly demonstrate it can meet its 5 year housing target, the residential use of the land is considered acceptable in principle subject to an appropriate financial contribution towards improving off site Urban Greenspace.

The proposed development would not be out of character with the grain of existing development and is considered to be designed to a reasonably high standard which further reflects the character and appearance of nearby properties.

The scheme would not be detrimental in highway safety terms, neither would it lead to an adverse effect on the residential amenities of adjoining occupiers by way of overlooking or overshadowing.

It is therefore recommended that permission be granted subject to the signing of the related S106 Legal Agreement and the suggested conditions as set out below.

Conditions:

01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

02

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)

Drawing numbers:

CS/01499/01 & CS/01502/02 – received 2/10/14

CS/01499/4 - received 28/1/15

CS/01502/03/B – received 08/07/15

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

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.

Reason

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'.

05

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.

Reason

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

06

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

Reason

No details having been submitted they are reserved for approval.

07

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.

Reason

In order to promote sustainable transport choices.

08

No development shall take place above ground level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy CS28 'Sustainable Design.'

09

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

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy CS28 'Sustainable Design.'

10

No tree or hedge shall be cut down, uprooted or destroyed nor shall any tree or hedge 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 hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted in the immediate area and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

11

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and 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.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

12

Prior to the commencement of any development a detailed Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction, including a Tree Protection Plan, shall be submitted to the LPA for consideration and approval and the development shall be implemented in accordance with the approved details.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

13

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure

the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14

Prior to occupation if subsoils / topsoils are required to be imported to site for garden areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of any chemical testing will need to be presented in a Validation Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives:

01

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.

02

The applicant's attention is drawn to the fact that should during any part of the works any land drainage system including groundwater be encountered, then the Council must be notified immediately and all appropriate actions and costs to protect, divert and maintain any land drainage system will be the responsibility of the riparian owner or landowner. All works affecting the land drainage system will require permission from the Council's Drainage Section before the works are carried out.

03

Wildlife Legislation

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

04

The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent owner of the site.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were amended during the course of the application in order to ensure that the proposals accorded with the principles of the National Planning Policy Framework.

Application Number	RB2014/1497
Proposal and Location	Erection of 8 No. detached dwellinghouses (2 with detached garages) and 2 No. semi detached dwellinghouses with associated access & parking areas at former Health Centre, Hepworth Drive, Swallownest
Recommendation	Grant subject to conditions



Site Description & Location

The site of application is the former Swallownest Health Centre located on Hepworth Drive, Swallownest. The former three storey NHS building has since been demolished and the land cleared.

The site is some 0.25 hectares in size, with residential dwellings surrounding the site and a small local shop adjacent at No.22 Hepworth Drive. Hepworth Drive is made up of a variety of dwelling types built between the 1950s and the 1970s.

Background

RH1972/6765A - Details of proposed health centre - GRANTED

RB2010/0955 - Outline application for demolition of existing buildings and erection of 8 No. two storey semi-detached houses and 2 No. dormer bungalows - GRANTED CONDITIONALLY

Proposal

The applicant seeks permission for the erection of 8 detached dwellings and 2 semi detached dwellings. The dwellings are a mixture of 3 & 4 bedroom properties with two of the dwellings set to the rear of the site accessed via a 5m wide access road to the middle of the site. Following Officer's advice the applicant has widened the

access road, removed windows (which overlooked rear gardens), and improved the front boundary treatment/landscaping. In addition a number of dwellings have been reconfigured to provide a 3rd bedroom which meets the South Yorkshire Residential Design Guide.

The two dwellings to the rear will have hipped roofs with attached garages and a total of four bedrooms. These dwellings will have a maximum roof height of 7.7m. The dwellings to the front have a combination of hipped and gabled roofs with a maximum roof height of 7.5m.

All the dwellings are to be constructed in reconstituted stone, with grey concrete tiles and grey U-PVC windows. The submitted plans also indicate the potential for solar panels to be positioned on southern facing roofslopes.

The Design and Access Statement submitted with the application states:

- It is believed that the principle of residential development has been proven by the outline consent. The size of the proposed dwellings is appropriate and similar to nearby recent developments, and fulfils a need for 3-4 bedroomed moderately sized family houses.
- We have achieved a minimum 20m window to window distance and 10m rear gardens, and two parking spaces per property.
- We have incorporated screen fencing which results in adequate private amenity space, and frontage walls to reflect the nearby street scene.
- The proposed street scene onto Hepworth Drive is in keeping with a modern twist, for example the use of grey windows.
- The proposed 150mm coursed reconstituted stone has been popular with nearby new private estates.
- Latest building regulation standards provide the dwellings with a very high standard of thermal insulation.
- On site surface water soakaways will restrict off site flows to less than that of the former health centre.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for residential purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS28 'Sustainable Design'

Unitary Development Plan

HG5 'The Residential Environment'

HG4.3 'Windfall Sites'

Other Material Considerations

South Yorkshire Residential Design Guide.

Council's adopted parking standards.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application was published by neighbour notification letter, sites notices and in the press. No letters of representation have been received.

Consultations

Streetpride (Transportation & Highways): From the revised layout it is noted that the proposed private drive is to be a minimum 5m in width, a manoeuvring facility for a fire appliance is to be provided and that on site car parking accords with the Council's standards. This being the case, no objections are raised to the granting of planning permission in a highways context subject to appropriate conditions.

Neighbourhoods (Land Contamination): Notes that it is unlikely that significant contamination of the underlying soils and groundwater has occurred. However, it is possible that the site may have been impacted from the following sources of contamination:

1. The presence of demolition rubble and made ground on site relating to the former historic buildings that once occupied the site.
2. Miscellaneous chemicals associated with the sites potential past uses.
3. Asbestos containing materials in near surface soils that may have been present within the building fabric of the former buildings located on site.
4. Ground gas associated with made ground at the site.

Within the contaminated land assessment report provided it is proposed to remove general overburden and soils that will form the garden areas of the properties. However, investigations will be required to determine the presence and extent of potential contamination across the site and any geotechnical constraints. For the above reasons a limited intrusive site investigation should be undertaken to

determine if any soil contamination associated with the historical use of the site could impact on the proposed redevelopment of the site.

South Yorkshire Police: Make a number of recommendations in terms of Secure by Design.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The land is allocated for residential use and therefore the principle of the development is acceptable as a windfall site and therefore is considered to accord with Policy HG4.3 'Windfall Sites.'

With this in mind it is considered that there are three significant issues to be assessed:

- (i) Whether the design of the proposed scheme is acceptable.
- (ii) The amount of car parking provision.
- (iii) The impact upon neighbouring residents.

(i) Whether the design of the proposed scheme is acceptable

Core Strategy Policy CS28 – Sustainable Design states that: “Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.”

The National Planning Policy Guidance (NPPG) (March 2014), notes that “Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations. The NPPG further goes on to advise that: “Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”

The NPPF notes at paragraph 56 that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 64 adds that: “Permission should be

refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

South Yorkshire Residential Design Guide Policy B1.6 Off-street parking states: “Off-street parking must be integrated within the overall scheme so that it does not visually dominate the street or shared private areas.”

The scheme has been designed to front onto Hepworth Drive, with two additional dwellings to the rear. The dwellings to the front are positioned along the building line and the combination of hipped and gabled roofs reflects the variety of dwellings in the locality. Furthermore front walling and a variety of landscaping is proposed to the front of the dwellings with parking provided mainly to the side of the dwellings, minimising the visual impact of parking.

In terms of the dwellings to the rear these are to be accessed by a 5m access road, providing an open well overlooked access road. It is considered that the two storey dwellings in this backland location will not appear out of keeping and represent an appropriate density for the location. It is also noted that the site used to contain a large three storey NHS building, predominantly to the rear of the site and as such the resulting 10 dwelling represents an appropriate density that is reflective of the previous dense development on site.

In terms of materials the applicant seeks to construct the dwellings from reconstituted stone, which does not reflect the red brickwork used elsewhere on Hepworth Drive. Whilst they do not reflect the existing streetscene, the materials are of an appropriate standard for a residential development, and are partly intended to differentiate development from the existing dwellings.

It is therefore considered that the proposals as submitted would represent appropriate development in this location and that it is in accordance with Core Strategy Policy CS28 – Sustainable Design and the guidance contained within the NPPG and the NPPF.

(ii) The amount of car parking provision and road layout

The scheme has been designed to accord with the Council’s minimum parking requirements, the internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide and servicing and emergency access accords with national guidance in Manual for Streets.

During the application process the internal road layout was upgraded to 5m in width to accommodate two way traffic, as well as the provision of an appropriate turning head. The site is located in a sustainable location close to shops and other amenities, with a bus service close by on Lodge Lane. Furthermore a condition has been attached requiring details of measures to promote future occupiers to use public transport.

For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with the NPPF.

(iii) Impact on neighbouring residents

UDP Policy HG5 'The Residential Environment,' notes that: "The Council will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone."

Core Strategy Policy CS28 – Sustainable Design states that: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."

The NPPF states at paragraph 17 that within the overarching roles that the planning system ought to play is a set of core land-use planning principles that should underpin both plan-making and decision-taking. Amongst these 12 principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building.

The Council's Supplementary Planning Guidance - Housing Guidance 3: 'Residential infill plots,' notes that regard should be had to the following criteria:

- (i) normal inter-house spacing should be observed (that is, 20 metres minimum between principal elevations or 12 metres minimum between a principal elevation and an elevation with no habitable room windows),
- (iv) the maximum height of the dwelling (to the ridge) should relate to the height of the adjacent dwellings, to minimise overlooking and impact on adjacent dwellings,
- (v) where there is potential for loss of amenity to the adjacent dwellings, the dwelling should be either single-storey with a double pitched roof or should only have rooms in the roof with roof lights."

The scheme has been designed to minimise the impact upon neighbouring residents. All the proposed dwellings have 10m rear gardens, with habitable room windows restricted to the front and rear of the dwellings.

Firstly in terms of the 8 dwellings fronting Hepworth drive, these dwellings overlook the highway and are set 12m off the gable ends of the two dwellings to the rear. Both the adjoining shop at No. 20 and the dwelling at No. 22 have blank side gables and as such their amenity will not be harmed by the development.

In terms of the two dwellings to the rear these are designed to meet the minimum stand off distances. The applicant has also confirmed that plot 9 does not come within a 25 degree angle of Nos. 53 & 55 Shaldon Grove and are set some 14m away. With regard to plot 10 the nearest properties on Shaldon Grove are set some 21m away from the boundary of the site and the proximity of the blank gable wall within 2m of the boundary is not considered overbearing in terms of their enjoyment of their large rear gardens.

With regard to the properties on Alison Drive, the nearest proposed dwelling (plot 9) is set 21m away from the rear elevation of the nearest dwelling and 15.5m off their

rear gardens. Such a distance meets the Council's minimum guidance and will protect the amenity of the neighbouring residents. Furthermore it is noted that the impact compared to the previous NHS is greatly reduced.

With the above circumstances in mind the scheme is considered to accord with the Policy referred to above and the NPPF in terms of neighbouring amenity.

Conclusion

The new residential use of the land is considered acceptable in principle and the revised details as indicated would have a positive effect on the environment, and enhance the quality and character of the residential environment in a sustainable location.

The scheme would not lead to an adverse effect on the residential amenities of adjoining occupiers by way of overlooking or overshadowing. Furthermore the scheme would not be detrimental in highway safety terms.

It is therefore recommended that permission be granted subject to the suggested conditions as set out below.

Conditions

01

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

02

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)

(Drawing numbers SWA1/04A,05A,06A & 07A)(Received 07/06/2015)

(Amended Site Plan SWA1/08B) (Received 29/06/2015)

Reason

To define the permission and for the avoidance of doubt.

03

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.

Reason

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

When the proposed access has been brought into use the existing vehicle access shall be permanently closed and the verge, footway and kerblines reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interest of highway safety.

05

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.

Reason

In order to promote sustainable transport choices.

06

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

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 – Sustainable Design.

07

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.

Reason

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'.

08

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

Reason

In the interests of the visual amenity of the area and in accordance Core Strategy Policy CS28 – Sustainable Design.

09

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

Informative

Secure By Design

It is recommended that all doors and windows should be designed to PAS 24:2012 the required standards for Secured by Design. The Garage doors should be to LPS 1175, Security rating 1.

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2014/1614
Proposal and Location	Erection of 3no. detached dwellings at Land off Wath Wood Drive, Wath upon Dearne.
Recommendation	Refuse



Site Description & Location

The application site consists of two parcels of land on Wath Wood Drive at Wath upon Dearne, one on the southern side and one on the northern side. Wath Wood Drive is accessed from Warren Vale Road and is a relatively narrow road serving a number of substantial properties which are typically set within relatively large garden areas.

The application site consists firstly of an area of land between No. 6 Wath Wood Drive and the rear elevation of properties that face on to Warren Vale Road and secondly an area of land on the opposite side of Wath Wood Drive which is roughly triangular in shape and lies adjacent to No. 9.

The site on the southern side of Wath Wood Drive is well kept and consists predominantly of lawned area and is intersected by the driveway to No. 8 Wath Wood Drive, a substantial detached dwelling which is set within extensive grounds and is in the ownership of the applicant. There is an existing hedgerow which runs along the rear boundary of properties on Warren Vale Road.

The site on the northern side of Wath Wood Drive contains a number of mature trees which are sited along the boundary with Flintway. The site is somewhat overgrown and appears to be unused. It is currently secured by temporary fencing.

Residential properties surround the application sites and consist of predominantly two storey properties primarily of traditional design and constructed from brick.

Background

RB2015/0671 – Erection of 2no. dwellinghouses with detached garages opposite-undetermined

Proposal

This application seeks planning permission for the erection of three detached dwellinghouses. It is proposed to erect two dwellings on the site to the southern side of Wath Wood Drive and one dwelling on the triangular piece of land to the north of Wath Wood Drive. A new vehicular access to No. 8 Wath Wood Drive (also within the ownership of the applicant) is proposed along the eastern boundary of the site (to the rear of properties on Warren Vale).

Plot One

Plot One is sited adjacent to No. 6 Wath Wood Drive and is a substantial detached dwelling, designed with a hipped roof. The dwelling is a modern design and has a feature front projection with floor to ceiling windows, bay window feature and render panels. To the rear there is a single storey orangery. There are also roof lights to both side and rear elevations. The overall height of the dwelling is 8 metre and the dwelling has a footprint of 9.5 metres by 12 metres (excluding the orangery).

Plot Two

Plot two is sited directly adjacent to Plot One and is also two storeys in height, the design is similar to Plot one but has a double height bay window feature and canopy over the entrance door. There is also an orangery to the rear elevation and feature chimney. The dwelling is approximately 7.8 metres in height and has a footprint of 8 metres by 12 metres (excluding the orangery).

Plot Three

Plot Three is sited close to the front boundary of the site with Wath Wood Drive and is a modern designed dwelling with a dutch hipped style roof. The dwelling is single storey but has a high eaves level and dormer windows to both the front and rear. There is also a single storey projection to the side. The fenestration is irregular within the elevations and there is a proposed chimney to the side elevation.

The proposed dwelling measures 10m x 5.8m with the single storey off shot projecting a further 3.5 metres.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for residential purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS7 'Housing Mix and Affordability'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV3.2 'Maintaining the Character and Quality of the Environment'
ENV3.4 'Trees, Woodland and Hedgerows'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Adopted Supplementary Planning Guidance (SPG) Housing Guidance 3: Residential Infill Plots

The Council's Minimum Parking Standards (adopted June 2011)

The South Yorkshire Residential Design Guide

Publicity

Neighbouring properties were notified in writing and a site notice has been posted at the site. 14 letters of objection have been received. The issues raised are summarised below:

- The development is out of scale and overbearing in regards to the houses currently on Flintway and Warren Vale Road;
- The development will impact on the wildlife in the area with the loss of greenspace and trees.
- The site of Wath Wood Drive has already been developed, in the main, sympathetically but Plot 3 is a small plot with a large house;
- The development will increase noise and disturbance to existing residents;
- Wath Wood Drive is a narrow road with no vehicular turning, further development will add to an existing issue where turning in driveways is a nuisance to residents;

- The access on and off the main road is already difficult particularly when another vehicle is turning into Wath Wood Drive, the development will add to this hazardous situation;
- The removal of trees which are protected by a Tree Preservation Order is unacceptable;
- Felling of a number of the trees and retaining some of them could weaken the remaining trees which could be damaged in strong winds and cause damage to neighbouring properties;
- The size and scale of the proposed dwellings is out of scale with existing houses on Wath Wood Drive;
- The proposed materials of construction for the dwellings and the boundary treatment is out of character with existing boundaries on Wath Wood Drive;
- The plans are deceiving in terms of distance and presence of trees;
- The proposed development will overlook existing residential properties and result in overshadowing;
- There should be no access to the site directly from Warren Vale Road;
- There is a roman ridge near to the site which has not been taken into account;
- The drains on Wath Wood Drive already struggle in times of heavy rain and the proposed additional houses would add to this existing problem.

Consultations

Streetpride (Tree Service Manager) – objects to the proposed development;
 Streetpride (Ecologist) – The proposed development would have an overall adverse impact on the natural environment;
 Streetpride (Transportation Unit) – No objection subject to conditions;
 Streetpride (Public Rights of Way) – No objection;
 Neighbourhood and Adult Services (Land Contamination) – no objection subject to conditions;
 South Yorkshire Archaeological Service – no objection subject to conditions;
 Yorkshire Water – No objection subject to conditions;

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of this application are:

Principle

Layout, design and Visual Amenity

Residential Amenity
Highways Issues
Impact on Trees
Other Considerations

Principle

Paragraph 14 of the NPPF notes that: “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate that development should be restricted.”

Paragraph 47 of the NPPF requires that local authorities (amongst other things) identify and update annually a supply of specific deliverable sites sufficient to provide five years supply of housing.

Paragraph 49 of the NPPF adds that: “...housing applications should be considered in the context of the presumption in favour of sustainable development.”

UDP Policy HG4.3 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 (iii) compatibility with other relevant policies and guidance.”

The site is allocated for residential use within the Unitary Development Plan and is considered to be a windfall site where development will contribute to the required housing figures for the borough. It is considered that given the sites location within the built up area of Wath, which is in close proximity to existing housing, facilities, services and local transport, the development is within a sustainable location that would accord with the presumption in favour of sustainable development.

Layout, design and Visual Amenity

With regard to layout considerations, UDP Policy HG5 ‘The Residential Environment’ encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF.

This is further underpinned by Core Strategy Policy CS28 ‘Sustainable Design’ which states that “Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with

a high quality of public realm and well designed buildings with a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.”

Paragraph 56 of the NPPF notes that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

The proposed dwellings on Plots 1 and 2 are relatively modern design properties which are considered to have retained some of the more traditional elements of the properties which are currently evident in Wath Wood Drive. Both of the plots have been designed with a hipped roof form, bay window feature, chimneys and regular fenestration to the front elevation. The footprint of the proposed dwellings on Plots 1 and 2 are sizeable, however, Wath Wood Drive is characterised by detached properties of varying ages and many of the existing dwellings are large properties standing within large garden areas. Plot 2 also has a proposed garage which sits to the front of the dwelling, however, bearing in mind that the proposed garage building is of a relatively small scale and single storey in height it is not considered that it would be materially detrimental to the street scene.

The proposed dwellings do include modern features and overall do not seek to be a pastiche of the existing more traditional dwellings within Wath Wood Drive, however, it is considered that they are of a high quality design and would be appropriate in terms of their siting and design given the varied nature of the existing street scene.

Plot 3 is an individual designed dwelling which has been sited in an attempt to overcome issues relating to the impact on protected trees lying along the boundary with Flintway. The footprint of the dwelling now sits very close to the highway on Wath Wood Drive and the design of the dwelling is unusual in terms of its irregular fenestration, varying roof form and high eaves level and lack of any traditional architectural features. Whilst there are varying forms of design and architecture evident on Wath Wood Drive it is considered that the proximity of the proposed dwelling on Plot 3 to the highway together with its design would have an unacceptable overdominant impact on the street scene. The dwelling is considered to pay no respect to the form and design of the existing dwellings along Wath Wood Drive and it considered to be of a poor design which would not contribute in a positive manner to the built environment.

Overall, therefore it is considered that Plots 1 and 2 are of an appropriate scale, design and layout in relation to the street scene and taking account of their design it is considered that they would contribute in a positive manner to the street scene and built environment. This part of the proposed development is therefore considered to accord with the principles set out in the NPPF, UDP Policy HG5 and Core Strategy Policy CS28.

However, Plot 3 is considered to represent an inappropriate form of development due to its proximity to the highway boundary and its poor form of design which does not respect the siting, form or design of the dwellings which sit adjacent to the site. Plot 3 is therefore considered to be contrary to the NPPF, UDP Policy HG5 and Core Strategy Policy CS28.

Impact on Residential Amenity

The NPPF notes at paragraph 17 that: “Within the overarching roles that the planning system ought to plan, a set of core land-use planning principles should underpin both plan-making and decision taking. These 12 principles are that planning should (amongst others):

- Always seek... a good standard of amenity.”

As noted above, the inter-house spacing standards contained within the Council’s Adopted Supplementary Planning Guidance (SPG) – Housing Guidance 3: Residential Infill Plots, which indicates that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing a habitable room window should be located within 10 metres of a boundary with another property.

The SYRDG further advocates the use of these separation distances for the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings. It also sets out minimum internal spacing standards.

The proposed layout shows that both internal and external spacing standards which are set out within the South Yorkshire Residential Design Guide are achieved by the development. Plots 1 and 2 are set within substantial plots which ensures that they do not exceed the recommended building footprint to plot size ratio which is set out in the SPG3.

However, it is considered that due to the protected trees which lie on the boundary adjacent to Plot 3, this garden area will realistically not be usable as meaningful private amenity space due to the overshadowing and potential for branch drop from the existing trees.

In terms of separation to neighbouring properties, the proposed development achieves the minimum spacing standards. The side elevation of Plot 2 has a separation of approximately 24 metres to the rear elevation of the properties on Warren Vale and the proposed rear elevation of Plot 3 sits approximately 23 metres from the rear elevation of existing dwellings on Flintway.

Furthermore, whilst Plots 1 and 2 are large in terms of their footprint, the elevations would not come within 45 degrees of the windows in the rear elevation of the nearest neighbouring property at No. 6. This neighbouring property (No. 6 sits approximately 6 metres from the proposed side elevation of Plot One and has an existing garage building which will also provide additional screening.

Overall, it is not considered that the proposed development would result in a materially adverse impact on the amenity of neighbouring properties. The external and internal spacing standards are achieved for all 3 plots, however, it is considered that the proposed private amenity space for Plot 3 would be unacceptable due to the likely effect of severe overshadowing and disturbance due to the presence of large mature trees along the whole of the boundary with Flintway.

Highways Issues

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel' promotes new development in highly accessible locations such as town centres.

The site is considered to be within a sustainable location where there is good access to a range of transport modes. The proposed level of car parking is also considered to be appropriate as it complies with the Council's minimum parking standards. A new access is proposed to the existing dwelling at No. 8 Wath Wood Drive and this is considered to be appropriately located and acceptable in highway safety terms.

The proposed development is considered to accord with the above mentioned policy and would not have a detrimental impact on highway safety.

Impact on Trees

UDP Policy ENV3.4 'Trees, Woodlands and Hedgerows' states that: "The Council will seek to promote and enhance tree, woodland and hedgerow coverage throughout the Borough."

In addition paragraph 118 of the NPPF states that:

"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

... planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;..."

Whilst the amended plans do not show any existing trees to be removed to accommodate the development and the proposed new dwelling is now sited outside of the recommended Root Protection Area there are concerns regarding the medium to long term impact on the protected trees which lie along the majority of the eastern boundary of Plot 3 due to increased pressure for them to be free of any defects. The likely impact of the presence of a large number of trees within such close proximity of a residential dwelling is considered to be likely to result in a pressure for trees to be severely pruned or removed. In this instance any adverse impact on local amenity that results from the removal of trees may be permanent due to the lack of space to plant similar large growing forest type trees to provide future amenity. Furthermore, the loss or severe pruning of these trees would be materially detrimental to the biodiversity of the locality.

It is therefore considered that the proposed development at Plot 3 would be unacceptable and contrary to the NPPF and UDP Policy ENV3.4.

Conclusion

In conclusion it is considered that the principle of residential development is acceptable within this location and that the design, layout and scale of Plots 1 and 2

are acceptable and meet with relevant policies. However, the design, form and scale of Plot 3 is considered to be unacceptable and would have a detrimental impact on the existing street scene and built environment and would therefore be contrary to the above mentioned policies.

In terms of amenity, it is not considered that the development would have a significant material impact on the amenity of neighbouring properties and Plots 1 and 2 are afforded sufficient private external amenity space. In relation to Plot 3 it is considered that the presence of mature trees along the whole of the eastern boundary of the site would result in overshadowing of the garden and render a significant proportion of it unusable. In this regard there are also significant concerns regarding the proximity of the dwelling to the mature trees and the likely impact on the prospect of the trees in relation to the pressure for them to be felled or severely pruned with no reasonable prospect of replacement planting.

In highway safety terms the proposed development is considered to be in a sustainable location and the level of proposed car parking is appropriate, as is the proposed new access to No.8 Wath Wood Drive.

Reason for Refusal

01

The Council considers that the design, scale and form of Plot 3 and the siting of the building, directly adjacent to the highway would be out of keeping with the character of the street scene of Wath Wood Drive and would be materially detrimental to the built environment contrary to UDP Policy HG5, Core Strategy Policy CS28 and the NPPF.

02

The Council further considers that due to the proposed siting of Plot 3 in close proximity to a large number of mature trees, which are protected by a Tree Preservation Order, there would be an unacceptable impact by way of overshadowing of private amenity space and the dwelling itself. The medium to long term future prospects of these trees would be endangered due to the pressure to fell or severely prune as a direct result of the proximity of the dwelling with no reasonable potential for replacement planting. The loss of the trees would be materially detrimental to the amenity of the locality and to the biodiversity of the area. The proposed development is therefore considered to be contrary to the South Yorkshire Residential Design Guide, UDP Policy ENV3.4 and the NPPF.

Positive and Proactive Statement

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was not submitted on the basis of these discussions. It was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal

Application Number	RB2015/0537
Proposal and Location	Levelling of land levels and change of use from commercial fishing pond to touring caravan site at The Lodge Horseshoe Lake, Forge Road, Wales
Recommendation	Refuse



Site Description & Location

The application site is an existing commercial fishing pond, forming part of a larger fishing pond site with associated dwelling and pitches for 5 caravans for the use of fishermen. The ponds consist of one major pond and two smaller ponds, one of which has been left to drain away naturally by the applicant. The drained pond forms the site on which the applicant seeks the additional caravan pitches.

The site is accessed off Forge Road, a residential cul de sac within Wales village. The residential dwellings on Forge Road fall within the residential allocation, whereas the ponds, caravan pitch and associated house fall within the Green Belt.

Background

The site has a long planning history, including:

R95/1207 - Proposed lake, allotment, potting shed, orchard and fisherman's cabin – GRANTED CONDITIONALLY 22/2/06

R98/0699 - Formation of a stock pond - GRANTED CONDITIONALLY 28/09/98

RB2001/0131 – Fisherman's caravan park, extension of cabin to form office and retail storage and extension of car park - GRANTED CONDITIONALLY

Conditions:

01

Permission hereby granted is for the parking of a maximum of 5 caravans at any one time.

02

The proposed caravans shall only be used for the accommodation of fishermen using the adjacent angling facilities and shall not be used at any time as permanent dwellings.

RB2001/0170 - Enlargement of small stock pond to form, coarse fishing pond – REFUSED. Allowed at Appeal (16/11/01).

RB2005/2284 - Erection of a detached dwelling including details of replacement parking - GRANTED CONDITIONALLY.

RB2014/1366 - Levelling of land levels and change of use from commercial fishing pond to touring caravan site – REFUSED

Reasons

01

The site of application is within the Green Belt and the proposed change of use for the siting of caravan represents inappropriate development that would have a detrimental impact on the openness of the Green Belt. No very special circumstances have been demonstrated to clearly outweigh the harm caused by the inappropriate development, and any other harm, and the proposal is therefore in conflict with Core Strategy Policy CS4 – ‘Green Belt’ and chapter 9 ‘Protecting Green Belt land,’ as set out in the National Planning Policy Framework (NPPF).

02

Manor Road is considered to be unsuitable to cater for the significant increase in vehicles (towed caravans) likely to be generated by the proposal in terms of its restricted width and horizontal alignment, such that vehicular/pedestrian conflict could occur to the detriment of road safety.

03

The proposal, if approved, could encourage the submission of other applications of a similar nature elsewhere on the fishery site. Such applications would become progressively more difficult to resist and would result in additional towed caravans travelling along Manor Road to the further detriment of road safety.

04

Insufficient information has been submitted to assess the impact of the development on ecology at the site and to set out, where necessary, any mitigation measures required, contrary to guidance in the NPPF.

Proposal

The applicant seeks permission to infill an existing disused fishing pond and to provide 6 pitches for touring caravans. The fishing pond has become disused over recent years and the water level not maintained. As such the pond has drained

naturally. The infilling will involve the importation of clean crushed stone some 1.5m to 2m deep to level off the land.

The applicant's supporting statement states that:

- Mr Hull takes great interest in protecting the amenity of his neighbours and is upset by the hostility to his business and the unfair allegations made to his previous proposal. The Caravan Club members are responsible users of the site, no barbecues are allowed and no anti-social behaviour on site is tolerated.
- The expansion of the park will reduce the more casual, less controlled, use by fishermen who have created some issues on site.
- Mr Hull's site is accessed off Forge Road, which is an uncontrolled public road which everyone is entitled to use responsibly and he does all he can to ensure this is the case.
- The few new pitches will hardly be noticed in traffic terms and such traffic movements are perfectly legal and reasonable in context.

In addition the applicant has submitted a Transport Statement, which states that:

- The site will absorb approximately 675cu metres of suitable fill material.
- It will be delivered by eight wheeled vehicles at the rate of 20 tonnes per trip. This will generate about 35 trips in total to the site.
- Depending on where the material is sourced the whole delivery would be completed within one working week or less. A small machine will be on site to roll and compact as necessary.
- Delivery hours and frequency of trips can be agreed to be during working day and not weekends by planning conditions.
- The impact of this operation will be minimal to the few residents adjacent to the delivery area on an adopted highway.
- Caravans use the site now and have only one movement per visit with a carefully managed site operation. The site is gated and has caused no complaints.
- The site has a large forecourt and car park existing with clean well compacted surface so manoeuvring of deliveries will be managed without difficulty.
- The site owner will have a wheel washing hose on site and on exit the delivery vehicles will be washed if necessary within the car parking area. Due to the nature of the forecourt not much mud or dirt will be generated.

The applicant has submitted details of online reviews of the caravan site. All the reviews are positive and many visitors indicate that they visit local attractions such as Rother Valley Country Park, as well as other tourist attractions in Sheffield and Derbyshire.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated Green Belt in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 – ‘Delivering Rotherham’s Spatial Strategy’

CS4 – ‘Green Belt’

CS11 – ‘Tourism and the Visitor Economy’

CS28 - ‘Sustainable Design’

UDP ‘saved’ Policy:

EC6.4 Tourism and Visitor Developments and the Environment.

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application was advertised by way of neighbour notification letter and site notice. A total of 8 letters of objection have been received as well as a petition with a total of 56 signatures. The objectors state that:

- The small cul de sac cannot accommodate additional traffic.
- The road is impractical and unsafe to take extra caravans.
- Detrimental to neighbourhood feel of the local area.
- Existing anti social activity and bad language emanating from the site.
- Additional litter and vermin caused from additional tourists.
- Ample caravan pitches elsewhere in Rotherham, including Rother Valley Country Park.
- Detrimental to the safety of young children in the cul de sac.
- Manor Road is not suitable to accommodate additional traffic.
- Security concerns from increase in tourists in the area.
- Traffic issues with locked gates causing traffic problems in the cul de sac.
- Caravans detrimental to the openness of the Green Belt.
- Little benefit to local community, no additional jobs created.
- Drainage issues related to the drainage of the pond.
- Potential that the applicant may seek housing on the site in future years.

Consultations

Streetpride (Transportation & Highways): Notes that the application is similar in essence to a previous proposal for this site, RB2014/1366, which was refused permission on highway/planning grounds in January 2015. The Unit have revisited the site and taken measurements. Manor Road is subject to a 20 mph limit and is traffic calmed (speed humps) which reflects the predominantly residential nature of the road. The carriageway varies in alignment and width but is generally between 4.6m and 5.5m wide. There is a continuous footway on the western side but not on the eastern side.

The carriageway currently accommodates farm vehicles as well as general residential traffic. Furthermore, there is an existing caravan site at The Lodge (5 No. pitches), although these are restricted for use by fisherman using the adjacent angling facilities. It is generally accepted that a carriageway width of 4.8m will allow a wide car to pass a large service vehicle such as a pantechnicon with an overall clearance of 0.5m. However, the carriageway along Manor Road is, in part, slightly less than this. Furthermore, the horizontal alignment of parts of Manor Road is such that a towed caravan would occupy most of the available carriageway width in these locations. In this connection, you will appreciate that some caravans can be as wide as 2.55m.

In the event of a towed caravan meeting an oncoming vehicle, it is likely that one of the vehicles would have to over- run the footway to pass, with implications for the safety of pedestrians. The proposed tipping operations would create similar issues but for a temporary period only (one week approximately.)

Whilst the current proposal involves a reduced number of caravan pitches, 6 No. as opposed to the 12 No. originally intended, the Transportation Unit remain of the view that the proposal is unacceptable in a road safety context.

Neighbourhoods (Environmental Health): No objections subject to appropriate conditions.

Streetpride (Ecologist): Notes that she had a number of conversations with the landowner a couple of years ago and he said there were great crested newts on site and after a previous site visit it was also established that water voles were present. At that time the landowner was not happy about the level of survey work and mitigation that would be needed to support a planning application. The ecologist notes that he has allowed one of the ponds to dry out which may mean that these protected species are not in that pond but there is a likelihood of them being in the rest of the site and this should be considered as part of the application process. Without an ecological assessment it is unknown if protected species are affected or not, and if so, what mitigation measures are proposed. Without this information the application cannot be supported.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of this application are:

- Principle of the development in the Green Belt
- Impact upon the openness of the Green Belt
- Residential amenity
- Ecology
- Highways issues
- Very special circumstances

Principle of caravans in the Green Belt

The application site is allocated Green Belt within the Council's adopted UDP therefore any proposal on this site should wherever possible be retained or developed for such purposes. Core Strategy CS4 – Green Belt states: "Land within the Green Belt will be protected from inappropriate development as set out in national planning policy."

In terms of the infilling of the former pond, paragraph 90 of the NPPF notes that engineering operations are not inappropriate development "provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt." In this instance the engineering operations will merely restore the land to its original state such that the impact on the openness of the Green Belt would be minimal and as such the principle of this aspect of the development is considered acceptable.

In respect of the subsequent change of use of the land to allow stationing of the touring caravans, whilst the NPPF does not specifically refer to a material change of use, the High Court held in the case of *Fordent Holdings Ltd v Secretary of State for Communities and Local Government* and another that this does not mean that a material change of use is automatically inappropriate development. Paragraphs 87, 89 and 90 should be read together, and a change of use has to be considered on its merits with a decision to be made as to whether it is inappropriate development or not.

In terms of the impact on the openness of the Green Belt, the NPPF at paragraph 79 states that: "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence." With regard to the caravans, whilst these will be temporary additions to the landscape and will come and go depending on demand, they will due to their size and number, when combined with existing caravans on the site, have an adverse impact on openness.

The development proposed is inappropriate development in the Green Belt and Paragraph 80 of the NPPF sets out the five purposes that the Green Belt serves:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

With regard to the above purposes whilst the proposal would not create a situation where neighbouring towns could be said to be merging into one another, the proposed site when fully occupied would naturally have an urbanising impact, and it would naturally encroach into the countryside. For these reasons the harm by inappropriateness is compounded by these considerations and following paragraph 88 of the NPPF substantial weight should be given to the harm to the Green Belt.

As such, it is considered that the provision of additional caravans on the site, albeit for temporary periods, is inappropriate development. Very special circumstances therefore need to be demonstrated to outweigh the harm by inappropriateness, and any other harm, if the development is to be considered acceptable. These are discussed in more detail below.

Residential Amenity

The NPPF states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. Amongst these 12 principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building.

In this instance the caravanning site will be positioned in an existing compound with surrounding high brick walling and a gate. The nearest dwelling is No.3 Horseshoe Gardens, which will be some 25m from the new caravan site. The Council's Environmental Health Unit consider that the new caravan site will not impact upon neighbouring amenity, subject to appropriate conditions regarding the spacing of caravans and adequate sewage facilities. With the above circumstances in mind no harm to neighbouring amenity is envisaged.

Highways Issues

The Council's Transportation Unit consider that no evidence has been submitted to satisfactorily demonstrate that the HGV's and additional caravans will not have a material adverse impact on other road users in Manor Road. In this respect, the Council's highway officer has visited the site and taken measurements. Manor Road is subject to a 20 mph limit and is traffic calmed (speed humps) which reflects the predominantly residential nature of the road. The carriageway varies in alignment and width but is generally between 4.6m and 5.5m wide. There is a continuous footway on the western side but not on the eastern side.

The carriageway currently accommodates farm vehicles as well as general residential traffic. Furthermore, there is an existing caravan site at The Lodge (5 No.

pitches) although these are restricted for use by fisherman using the adjacent angling facilities. It is generally accepted that a carriageway width of 4.8m will allow a wide car to pass a large service vehicle such as a pantehnicon with an overall clearance of 0.5m. However, the carriageway along Manor Road is, in part, slightly less than this. Furthermore, the horizontal alignment of parts of Manor Road is such that a towed caravan would occupy most of the available carriageway width in these locations. In this connection, it is noted that some caravans can be as wide as 2.55m.

In the event of a towed caravan meeting an oncoming vehicle, it is likely that one of the vehicles would have to over- run the footway to pass, with implications for the safety of pedestrians. The proposed tipping operations would create similar issues but for a temporary period only (one week approximately.)

With the above circumstances in mind it is considered that the 6 additional caravan pitches will be detrimental to highway safety and as such should be refused planning permission.

In addition to the harm from the 6 caravan pitches the Council's Transportation Unit is also concerned that the proposal, if approved, could encourage the submission of other applications of a similar nature elsewhere on the fishery site. Such applications would become progressively more difficult to resist and would result in additional towed caravans travelling along Manor Road to the further detriment of road safety.

Ecology

As noted by the Council's Ecologist, without ecological information in the form of survey work and potential mitigation measures it is not known if there will be a detrimental impact on ecology on the site or not, and what biodiversity gains would take place. It would not be appropriate to attach a condition in this respect in case any ecological interest cannot be adequately addressed. As such, the proposal would be contrary to the NPPF which notes at paragraph 109 that the planning system should contribute and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains to biodiversity where possible.

Very special circumstances

Core Strategy Policy CS11 – 'Tourism and the Visitor Economy' states that:
"The Council recognises the contribution that tourism can make to sustainable economic development and job creation. The Council will support development proposals for hotels, conference centres, leisure-related tourism facilities, transport facilities, camping and caravanning sites and visitor accommodation in appropriate locations. Proposals focused on the borough's canal's and rivers will be supported where they can be delivered safely and in line with relevant flood risk policy.

Tourism and visitor developments will be supported which

- a. improve the quality and offer of Rotherham's visitor economy
- b. improve the image and perception of Rotherham and promote the borough as a visitor destination

- c. attract investment to the local area and increase job creation
- d. increase the skills base in tourism associated areas
- e. enhance and conserve the borough's urban and rural heritage, and
- f. utilize existing or replacement buildings wherever possible, particularly outside of existing settlements
- g. are consistent with town centre regeneration objectives
- h. enhance the character and role of Rotherham's country parks, including the provision of appropriate additional recreation, leisure and tourist facilities.

The Council will support proposals for a comprehensive, regional scale leisure and tourist attraction north of Rother Valley Country Park compatible with its location within the Green Belt.

In considering the appropriateness of the location of proposed tourism and visitor developments regard will be had to the proximity to existing and connectivity with other visitor attractions, destinations and amenities, particularly by public transport, walking and cycling”.

UDP Policy EC6.4 Tourism and Visitor Developments and the Environment states:

“All proposals for ‘tourism and visitor’ developments will be assessed against the capacity of the area to cope with the pressures generated and will be required to demonstrate that:

- (i) they satisfactorily respect the form, character and setting of any settlement involved and make provision for adequate landscaping,
- (ii) they do not conflict with policies to conserve the landscape, the natural environment and the Borough's heritage,
- (iii) they have regard to agricultural and other rural land-use interests and the need to conserve the best and most versatile farmland,
- (iv) they make adequate arrangements for the storage of plant, goods and materials,
- (v) they conform with policies for transport with particular regard to the suitability of the highway network to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation,
- (vi) they make adequate arrangements for site access, local traffic circulation, parking and servicing,
- (vii) they have regard to the opportunities available for the provision of public transport, and
- (viii) conflict with adjoining land-uses with particular regard to pollution, nuisance, health, safety and visual intrusion has been minimised.”

Paragraph 28 the NPPF states that: “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses.”

The applicant as part of his submission has indicated the tourism benefits of the scheme, including users visiting local tourism destinations as part of their stay. The site falls within an existing development of fishing ponds and a smaller caravan park and as such would not be developed on important agricultural land. The Council’s Core Strategy Policy CS11 referred to above clearly supports tourism within Rotherham including caravan sites. The very nature of caravanning sites requires rural locations, which will in nearly all cases involve Green Belt land.

The proposed development would clearly bring localised tourism and economic benefits. However the proposal would also impact upon the openness of the Green Belt and be detrimental to highway safety, as well as potentially on ecology. The very special circumstances identified do not overcome the identified harm and for the above reasons the application is therefore recommended for refusal.

The Council’s position in relation to the need to take into consideration all harms in the consideration of very special circumstances has been supported by the High Court decision: Redhill Aerodrome Limited v The Secretary of State for Communities and Local Government and Ors (Case Number: C1/2014/2874.) The high court ruled that other possible "harms", not just green belt issues, had to be taken into consideration in cases where it had to be decided whether "very special circumstances" existed to justify what would otherwise be inappropriate development.

Other matters

It is noted that the original planning permission for 5 caravans on the site restricted their occupation to fisherman using the fishing ponds. It is evident from the supporting information submitted by the applicant that the caravans have been occupied on a general basis by visitors to the area, not using the fishing ponds. This matter is being investigated as a separate matter.

Conclusion

The Council considers that the proposal represents inappropriate development within the Green Belt that would have a detrimental impact on the openness of the Green Belt, as well as on highway safety. In addition, insufficient information has been submitted to assess the ecological impact of the proposed development. The very special circumstances put forward in terms of tourism provision, do not outweigh the harm caused.

Reasons

01

The site of application is within the Green Belt and the proposed change of use for the siting of caravan represents inappropriate development that would have a

detrimental impact on the openness of the Green Belt. No very special circumstances have been demonstrated to clearly outweigh the harm caused by the inappropriate development, and any other harm, and the proposal is therefore in conflict with Core Strategy Policy CS4 – ‘Green Belt’ and chapter 9 ‘Protecting Green Belt land,’ as set out in the National Planning Policy Framework (NPPF).

02

Manor Road is considered to be unsuitable to cater for the significant increase in vehicles (towed caravans) likely to be generated by the proposal in terms of its restricted width and horizontal alignment, such that vehicular/pedestrian conflict could occur to the detriment of road safety.

03

The proposal, if approved, could encourage the submission of other applications of a similar nature elsewhere on the fishery site. Such applications would become progressively more difficult to resist and would result in additional towed caravans travelling along Manor Road to the further detriment of road safety.

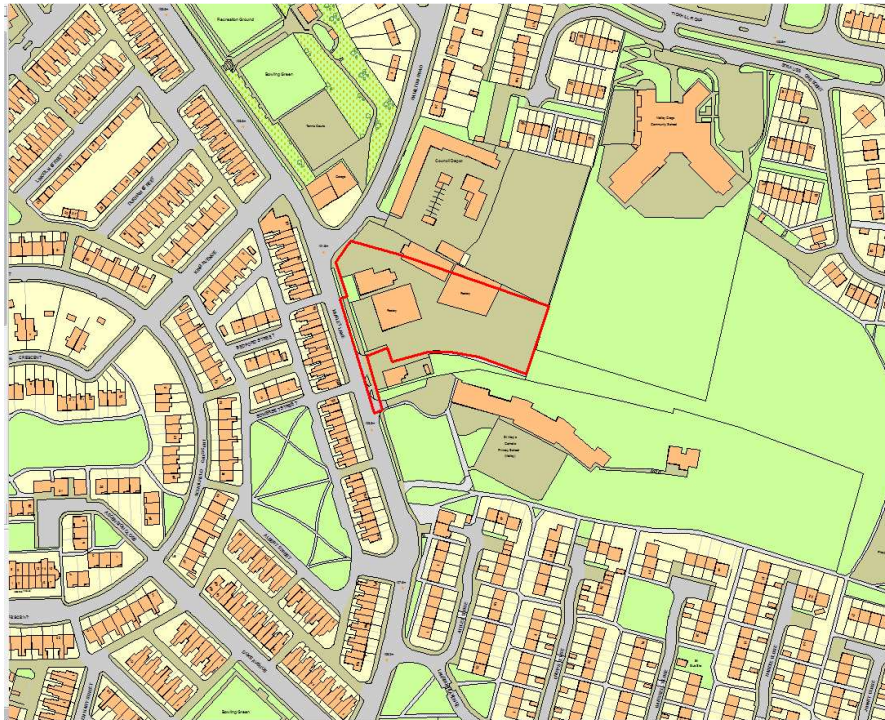
04

Insufficient information has been submitted to assess the impact of the development on ecology at the site and to set out, where necessary, any mitigation measures required, contrary to guidance in the NPPF.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant entered into pre application discussions with the Local Planning Authority these identified that it is not possible to support a scheme of this nature nor would any amendments make it acceptable. The application was submitted on the basis of these discussions and it was not considered to be in accordance with the principles of the National Planning Policy Framework resulting in this refusal.

Application Number	RB2015/0551
Proposal and Location	Application to vary condition 02 (Approved Plans) imposed by RB2014/0318 (Demolition of existing units and construction of new food store with car parking, landscaping & associated works) Muglet Lane/Hamilton Road, Maltby S66 7NE for Aldi Stores Ltd.
Recommendation	Grant subject to conditions



Site Description & Location

The site to which this application relates comprises of a relatively level parcel of land some 0.58 hectares in area and currently contains a longstanding general industrial company (Lantern Engineering) with its existing portal framed manufacturing buildings and associated two storey brick built office building along with its accompanying open storage areas, and ancillary parking areas.

The site fronts Hamilton Road to the west and Muglet Lane to the south-east and has 2 metre high boundary treatments running the full extent of these boundaries comprising of a dwarf brick wall topped off with palisade fencing.

To the north of the site, lies the former Council depot (with existing residential development beyond) separated from the application site by 2 metre high palisade fencing. To the east lies a footpath which forms part of a public right of way which separates the application site from the adjacent playing fields associated with Maltby Craggs and St Mary's RC Schools.

Other developments in the locality of the application site include Maltby General Store being located adjacent to the exit point of the footpath on Muglet Lane, and an area of residential properties to the west across Muglet Lane. An MOT garage and restaurant is located across Hamilton Road.

Background

There are numerous planning applications relating to this application site, however they are not all relevant to this application.

Members will recall that a full application (RB2014/0318) for the demolition of existing units and construction of new food store with car parking, landscaping & associated works at the site was approved at Planning Board on 5th June 2014.

Outline application for demolition of existing depot and erection of residential development was approved on land to the north of the site in June 2014 (RB2014/0319).

Screening Opinion:

The proposals have previously been screened against the Town & Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011, as the development site exceeded 0.5 hectares in overall area. However since the previous application the threshold for screening such developments has been increased to sites with an area over 5 hectares. Therefore due to the size of the application site this application does not meet the threshold, and does not require to be screened.

Proposal

The application is made under Section 73 of the Town and Country Planning Act 1990 and proposes to seek a variation to condition 02 imposed upon RB2014/0318. Condition 2 states that the development permitted shall be carried out only in accordance with the details and specifications shown on the originally submitted drawings. A variation of condition 2 is required for the substitution of approved drawing 1126-100Rev C. The revised drawing 1126-100 Rev D indicates the following minor changes –

- Potential new vehicular and pedestrian access point to the development site (subject to a separate application) to the north of the application site;
- Increase in floorspace - in line with Aldi's business requirements. The approved net floorspace is 1,000sqm, and this would be increased by approximately 108sqm which is just over 10% increase of floor area. This relates to 207sqm gross floor area, to allow for toilets, locker room, external lobby and warehouse extension to be provided.
- Relocation of cycle hoops to the northern elevation of the building to provide a covered canopy over the hoops in a secure location away from the path of the majority of customer footfall. The plan as submitted showed the relocation of the cycle parking to the side of the store, in an area not overlooked. This location was considered unsuitable for cycle parking, so the layout has been amended to provide the cycle parking to the front of the store in an open area.
Reduction of car parking from 97 to 94 spaces, alongside design alteration to improve the layout and vehicle maneuvering within the site.

- The junction alignment with Muglet Lane has altered in light of car park layout alterations.
- Landscape alterations to accommodate the above proposals.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Business Use in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS28 Sustainable Design
 CS12 Transforming Rotherhams Economy
 CS27 Community Health and Safety
 CS21 Landscapes

Other Material Considerations

NPPG National Planning Practice Guidance (NPPG) – On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of both press and site notice, along with neighbouring notification letters sent to the immediately surrounding properties. 3 representations have been received. Two are in support of the proposal, whilst one states they are generally in support. One request to speak at the Planning Board has been received.

Below is a summary of the support for the proposal -

- The redevelopment of an industrial site in the heart of a residential area of Maltby will be beneficial to the surrounding area which is rundown. It will also increase the shopping opportunities in Maltby and encourage visits to the town of non-residents.
- Generally in favour of the application, however have concerns about the safety of the development.

Consultations

Streetpride (Highways and Transportation) – No objection to the proposed variation of conditions in a highway context now that the cycle parking has been relocated as shown on the amended plan.

Neighbourhoods (Environmental Health) – Raise no objection to the amendments provided the previous conditions are again attached.

Streetpride (Drainage) – Raise no objections.

Streetpride (Landscape) – Raise no objection to the minor amendments to the landscaping.

Streetpride (Rights of Way) – Raise no objections.

Environment Agency – Raise no objections

South Yorkshire Police (Architectural Liaison Officer) Raise no objection.

SYMAS – Raise no objections.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

- The principle of the development.
- Layout and design issues.
- Impact on the amenity of surrounding uses.
- The overall impact on highway safety.

The principle of the development

The principle of the development has already been established by the granting of the original planning application RB2015/0318. Since this time the Core Strategy

has been adopted , and this includes Policy CS12 Managing Change in Rotherham's Retail and Service Sector, which requires the a Retail Impact Assessment for developments over 500sqm gross. Whilst not a requirement at the time of the submission of the original application, an impact assessment, (which was proportionate to the size of the development), was submitted in support of the application. This Impact Assessment and Sequential Assessment have been updated in light of the increase in 108sqm of net sales floorspace.

The application site is an out-of-centre site, and within the original application it satisfied the sequential approach for the proposed development. The increase in floor space is related to changes in Aldi's business model and it is considered that disaggregation of this additional floorspace would not be practical. Additionally, it is not considered that the additional floorspace would alter the outcome of the Impact Assessment.

Therefore, it is considered that the additional 108sqm of net sales area (approximately 10%) is considered acceptable and complies with Core Strategy Policy CS12 and those contained within the NPPF.

Layout and design issues

Core Strategy Policy CS28 'Sustainable Design,' states that: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."

The NPPF notes at paragraph 56 that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The National Planning Policy Guidance (March 2014), notes that "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations." The NPPG further requires Local Planning Authorities to take design into consideration and should refuse permission for development of poor design.

The amended scheme involves a larger store extended towards Muglet Lane and a total of 13% bigger externally measured, but no higher than the previously approved scheme. This larger building includes similar architectural features and materials. The design is modern in appearance with a glazed entrance and flat roof.

The amendment also includes minor alterations to the car parking layout to allow for the increased size of the store, whilst allowing for a possible future access point to the site to the north, and the access with Muglet Lane is realigned. These minor

changes in layout also impact on the Landscape Scheme, to which amendments are also sought.

Overall the scheme as amended is acceptable in design terms, and the amended layout and landscaping of the site is also considered acceptable.

Taking account of the above it is considered that the proposals accords with Core Strategy Policy CS21 Landscapes, CS28 'Sustainable Design,' as well as the advice within the NPPF and the NPPG.

Impact on the amenity of surrounding uses.

Core Strategy Policy CS27 'Community Health and Safety,' notes that:

"Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality."

The Core Strategy Policy further goes on to note that: "New development should be appropriate and suitable for its location. Proposals will be required to consider (amongst others) the following factors in locating and designing new development:

- a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability."

Paragraph 123 of the NPPF indicates that planning Policies and Decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise in new developments;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established..."

The NPPG notes that: "Local Planning Authorities decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur.
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved."

The nearest residential properties to the site boundaries are those located on Muglet Lane. The large store is generally positioned in the same location as the previously approved scheme with just a slightly larger projection toward Muglet Lane, however the car parking area separates the properties from the store itself. No harm to neighbouring amenity is envisaged from the new scheme and any increase in coming and goings from the larger store is not considered significant to harm the amenity of neighbouring residents. Hours of operation would be controlled via appropriate planning conditions, as on the original permission.

Ground contamination information has been submitted in support of the application, and the increase in the size of the building is not considered to have any implications in this regard. Appropriate conditions would be attached as on the original permission.

As such, the proposals comply with Core Strategy Policy CS27 'Community Health and Safety,' the advice contained within the NPPF and the guidance outlined in the NPPG.

Impact on highway safety

The Councils Transportation Unit consider that the amended scheme is acceptable in highway terms and that even with the loss of 3 parking spaces, the scheme would have adequate parking for the store size. It is noted that the parking layout will be amended and the access is to be realigned, however these minor changes are considered acceptable.

The plan as submitted showed the relocation of the cycle parking to the side of the store, in an area not overlooked. This location was considered unsuitable for cycle parking, so the layout has been amended to provide the cycle parking to the front of the store in an open area.

There has been a representation regarding the safety of the proposed development, whilst it does not specify precisely which safety aspect it refers too, this amended scheme is not considered to raise any highway safety issues.

As such it is not considered that the amended scheme would lead to unacceptable increased/demands upon the surrounding highway infrastructure or upon internal site parking provision to an unacceptable degree.

Conclusion

Having regard to the above, it is not considered that the proposed variation to the condition imposed under application RB2014/0318 specifically relating to the approved plans (Condition 02) would have a detrimental impact on the locality or character of the area, or upon residential amenity neither would it be detrimental in highway safety terms.

It is therefore recommended that planning permission be granted conditionally subject to the suggested conditions outlined below.

Conditions

GENERAL

01

The development hereby permitted shall be commenced before the expiration of three years from the date of the original permission, which for the avoidance of doubt was 5th June 2014.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

02

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)

Drawing numbers:

Proposed GA dwg no. 1126 -101 Rev A

Proposed elevations dwg no. 1126 -102 Rev A

Proposed sections dwg no. 1126 -103 Rev A

Proposed roof plan dwg no. 1126 -104 Rev A

Proposed location plan 1126 – 50 Rev A

Site layout 1126-100 Rev E

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy policy CS28 Sustainable Design.

04

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

Reason

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

DRAINAGE

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, discharge points and off-site works, have been submitted to and approved by the Local Planning Authority and the development shall be implemented in accordance with the approved details.

Reason

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'.

06

No development shall take place until details showing how surface water run off will be reduced by 30% from that of the existing site have been submitted to and approved by the Local Planning Authority and the development shall be implemented in accordance with the approved details.

Reason

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

07

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

Reason

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

HIGHWAYS

08

Prior to the commencement of development, details of the proposed vehicle access, including footway / kerblineworks and the relocation of a sign / bin in Muglet Lane as shown in draft form on Drg No 1126-100 rev E shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interest of highway safety.

09

Prior to the commencement of development, details of 2 No tactile pedestrian crossings on the site frontage (1 to the north of the proposed site access and 1 to south of the site access) to Muglet Lane, shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interest of highway safety.

10

Before the development is brought into use, that part of the site to be used by vehicles shall be properly 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.

Reason

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.

11

Before the development is brought into use the car parking area shown on Drg No 1126-100 rev E shall be provided, marked out and thereafter maintained for car parking.

Reason

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

12

When the proposed access has been brought into use, the existing vehicular access to Hamilton Road shall be permanently closed and the footway / kerblin reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interest of highway safety.

13

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

14

Prior to the commencement of the development hereby approved, details of the proposed upgrading of Tickhill Road bus stop (no. 37031017) shall be submitted to and agreed in writing with the Local Planning Authority, and the approved details shall thereafter be implemented and maintained in accordance with a timescale to be agreed by the Local Planning Authority and shall be completed in advance of the store first being occupied.

Reason

In order to promote sustainable transport choices.

15

Prior to the development being brought into use, a Car Parking Management Strategy shall be submitted to and approved by the Local Planning Authority and the approved plan shall be implemented throughout the life of the store. The strategy shall include details of the availability of 2 hours free car parking for customers and non-customers of the store.

Reason

In order to promote sustainable transport choices and encourage linked trips to other facilities in Maltby Town Centre.

LANDSCAPING

16

Landscaping of the site as shown on the approved plan (Vector Design Concepts drawing no. V1126 L01 Revision C) shall be carried out during the first available planting season after commencement of the development. 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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy policy L21 Landscape UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

17

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and 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.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy policy L21 Landscape UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

ENVIRONMENTAL

18

All deliveries to or collections from the store shall be carried out between the hours of: Monday to Saturday: 07.00 - 23.00 & Sunday: 09.00 - 22.00.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent property in accordance with UDP Policy ENV3.7' Control of Pollution.'

19

The store hereby permitted shall be open to the general public between the hours of 08.00 – 22.00 Monday to Saturday and between the hours of 10.00 -17.00 on Sundays.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent property in accordance with UDP Policy ENV3.7' Control of Pollution.'

20

Notwithstanding the submitted details with regard to externally mounted plant /equipment for heating, cooling or ventilation purposes (inc grilles, ducts, vents for similar internal equipment), no development shall take place until a detailed noise mitigation strategy has been submitted to and agreed in writing with the Local Planning Authority to demonstrate that noise levels at the nearest noise sensitive boundaries from the aforementioned equipment shall not exceed existing background noise readings by 5dB(A) during the day and 3dB(A) at night. The approved details shall be installed as approved prior to the use commencing and shall thereafter be retained and maintained and should not be altered / replaced without the prior written approval of the Local Planning Authority.

Reason

In the interests of the amenities of the locality and occupiers of the adjacent property in accordance with UDP Policy ENV3.7' Control of Pollution.'

21

No development shall take place until details of the external illumination of the proposed store and car parking areas have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of neighbour and visual amenity and in accordance with UDP Policy ENV3.7 'Control of Pollution.'

22

Prior to commencement of development, an intrusive investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 – 4).

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23

Subject to the findings of Condition 22, a Remediation Method Statement shall be provided and approved by this Local Planning Authority prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

24

Following completion of any required remedial/ground preparation works a Verification Report should be forwarded to the Local Planning Authority for review and comment. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

25

Ground gas monitoring will be required to determine the ground gassing regime at low and falling atmospheric pressure conditions. This will enable a current gas risk assessment to be undertaken, to determine if gas protection measures are required for the proposed development. If gas protection measures are required for the site, these will need to be agreed in writing by the Local Planning Authority prior to development commencing, and approved details implemented before the development is brought into use.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26

Prior to development if subsoils / topsoils 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 Authority to ensure they are free from contamination.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives

01

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.

02

South Yorkshire Police Recommendations:

- The parking areas should offer a uniform light with no dark areas to BS 5489.
- The safer parking scheme 'Park Mark' should be considered.

www.saferparking.com

- All doors and windows should be to the standards required by Secured by

Design. www.securedbydesign.com.

- The bin store should be secured at all times.

03

The applicants attention is drawn to the fact that in discharging the requirements of Condition 23 that Reference to Section 8 - Further Recommendations for Site Investigation Works on page 17 of the Phase I Geo-Environmental Assessment Report must be taken into consideration.

04

The applicants attention is drawn to the fact that in discharging the requirements of Condition 25 that as a minimum, gas monitoring should be undertaken on 12 occasions over a period of 6 months.

05

The applicants attention is further drawn to the fact that the approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

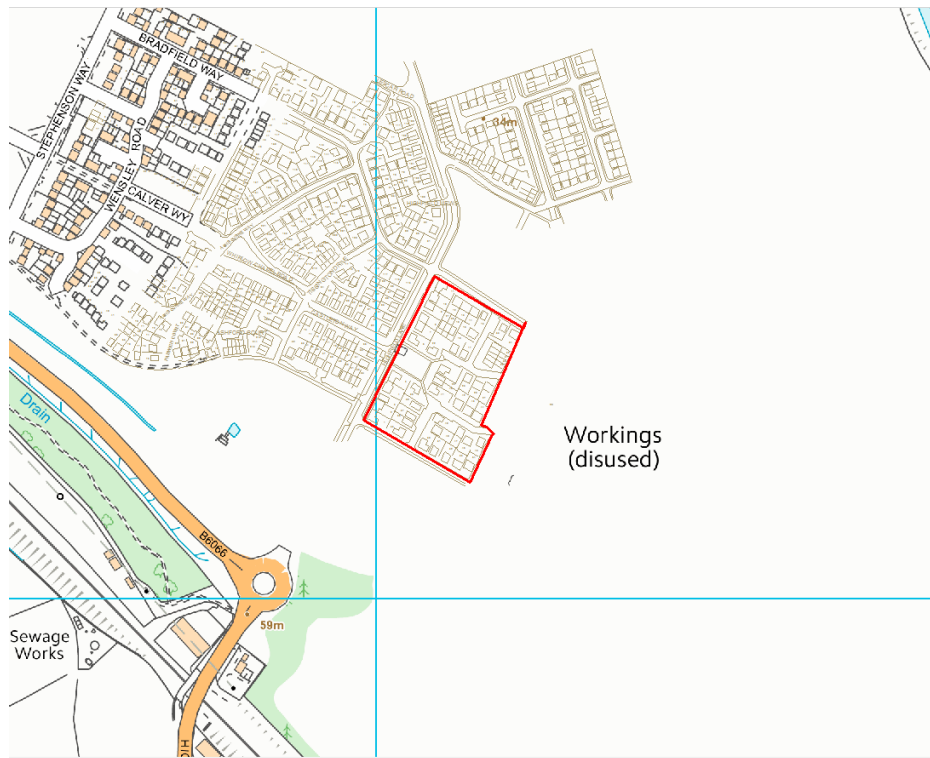
06

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, and during the course of the application was amended further to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework

Application Number	RB2015/0678
Proposal and Location	Application to remove condition 11 (turning head) imposed by RB2013/1145 (Details of the erection of 54 dwellings (reserved by Outline RB2012/1428)) at Phase 1D Waverley New Community, Orgreave Road, Waverley, S60 8FB
Recommendation	Grant subject to conditions



Site Description & Location

The application site forms part of the wider Waverley site which is located within the corridor between Rotherham and Sheffield and is primarily accessed off the Sheffield Parkway. The site is surrounded by the settlements of Catcliffe to the northeast, Treeton to the east, Orgreave and Woodhouse Mill to the south and Handsworth to the west.

Specifically the site is located to the south east of the existing residential properties that are currently under construction on the site, and will be located across the recently approved re-instated Highfield Lane. The application site is approximately 1.67 hectares in total and is relatively flat unused land.

Background

The site has an extensive history of coal mining and associated industrial activity dating back over 200 years. In conjunction with coal mining taking place, a coke works and bio product plant was built in 1919 and operated until its closure in 1990. Since then a number of planning applications have been submitted for the reclamation and remediation of the site.

Following completion of the remediation works, a number of applications were submitted relating to a new community, the relevant reserved matters application is listed below:

- RB2013/1145 - Details of the erection of 54 dwellings (reserved by Outline RB2012/1428) – GRANTED CONDITIONALLY on 27/11/2013

Proposal

The application seeks permission to remove condition 11 attached to RB2013/1145.

Condition 11 stated “Prior to the occupation of any of the following plots - 43, 44, 45, 46 or 47, the temporary turning head indicated on Drg No. P13:4741:01 Rev D shall be provided and maintained at all times until the provision of an approved future extension to the highway has been implemented.”

The applicant’s reason for removing the condition is that it is no longer necessary as the adjacent development plot (Phase 1G) was recently granted planning permission (RB2015/0416) and the two developments will be constructed concurrently thereby providing a through road and negating the need for the turning head.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham’s Local Plan together with ‘saved’ policies from the Unitary Development Plan (UDP).

The application site is unallocated in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS14 ‘Accessible Places and Managing Demand for Travel’

Unitary Development Plan ‘saved’ policy(s):

HG5 ‘The Residential Environment’

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the

policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application was advertised in the press and by way of site notices. No representations have been received.

Consultations

Streetpride (Transportation and Highways) raises no objections to the proposed removal of the condition.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The principle of residential development of the site has been established by previous permissions for residential development. In this instance the only issue for consideration is whether the removal of the condition relating to the provision of the turning head adjacent to plots 43-47 is acceptable in highway safety terms.

UDP Policy HG5 'The Residential Environment' states '*The Council will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone.*'

In this regard Condition 11 was imposed to provide a temporary manoeuvring facility until the adjacent site (Phase 1G) was brought forward for development, however as this site will be brought forward earlier than anticipated and will provide a link through, the manoeuvring facility is no longer required.

Streetpride (Transportation and Highways) have been consulted on the application and have confirmed that the link through into the adjacent site alleviates earlier concerns relating to the requirement for a turning facility and as such raise no objections to the removal of the condition on highway safety grounds.

Having regard to the above it is considered that the removal of the condition would not conflict with the provisions of UDP Policy HG5 'Housing Environment' in that the

link through into the adjacent site would ensure that an accessible residential environment is created.

Conclusion

The principle of the residential development of this site was established under outline application RB2012/1428 and details previously approved under RB2013/1145.

The progression of development on the adjacent site (Phase 1G) will ensure that a link through will be provided, negating the need for the turning facility, therefore the removal of Condition 11 attached to RB2013/1145 will not be detrimental to highway safety and in accordance with the provisions of UDP Policy HG5 'Housing Environment'.

Conditions

01

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.

- Site Location Plan Ref P13:4741:02 Rev 0 dated August 2013
- Technical Layout Ref. WD-TD/01 Rev B
- Streetscene Plan received 05/11/2013
- Proposed Boundary Treatments Ref P13:4741:04 Rev 0 dated August 2013
- Landscape Masterplan to Phase D Ref: R/1303/7c
- Planting Details to Shrub Bed Mrs, S1 to S24 & Spec Information Ref:
• R/1303/8c
- Planting Details to Shrub Bed Mrs, S25 to S47 Ref: R/1303/9b
- Plans and Elevations Alnwick Contemporary (AS) Ref P13:4741:39 Rev 0 dated November 2013
- Plans and Elevations Alnwick Contemporary (OP) Ref P13:4741:40 Rev 0 dated November 2013
- Plans and Elevations Woodbridge Ref P13:4741:41 Rev 0 dated November 2013
- Plans and Elevations Lincoln (AS) Ref P13:4741:37 Rev A dated July 2013
- Plans and Elevations Lincoln (OP) Ref P13:4741:38 Rev 0 dated July 2013
- Plans and Elevations Alnwick (OP) Render Ref P13:4741:36 Rev 0 dated July 2013
- Plans and Elevations Alnwick (AS) Render Ref P13:4741:35 Rev 0 dated July 2013
- Plans and Elevations Cambridge (OP) Render Ref P13:4741:34 Rev 0 dated July 2013
- Plans and Elevations Cambridge (AS) Render Ref P13:4741:33 Rev 0 date July 2013
- Plans and Elevations Chesham (OP) Render Ref P13:4741:32 Rev 0 dated July 2013
- Plans and Elevations Chesham (AS) Render Ref P13:4741:31 Rev 0 dated July 2013

- Plans and Elevation Falmouth (OP) Ref P13:4741:30 Rev 0 dated July 2013
- Plans and Elevations Falmouth (AS) Ref P13:4741:29 Rev 0 dated July 2013
- Plans and Elevations Lincoln (OP) Ref P13:4741:28 Rev 0 dated July 2013
- Plans and Elevations Lincoln (AS) Ref P13:4741:27 Rev 0 dated July 2013
- Plans and Elevations Lincoln (AS) Plot 39 Ref P13:4741:37 Rev B dated July 2013
- Plans and Elevations Alston (OP) Ref P13:4741:26 Rev 0 dated July 2013
- Plans and Elevations Alston (AS) Ref P13:4741:25 Rev 0 dated July 2013
- Plans and Elevations Kennington (OP) Ref P13:4741:24 Rev 0 dated July 2013
- Plans and Elevations Kennington (AS) Ref P13:4741:23 Rev 0 dated July 2013
- Plans and Elevations Finchley (OP) Ref P13:4741:22 Rev 0 dated July 2013
- Plans and Elevations Plots 30-32 Ref: 2010/FIN/C-A/02
- Plans and Elevations Cambridge (OP) Ref P13:4741:18 Rev 0 dated 2013
- Plans and Elevations Cambridge (AS) Ref P13:4741:17 Rev 0 dated July 2013
- Plans and Elevations Chesham (OP) Ref P13:4741:16 Rev 0 dated July 2013
- Plans and Elevations Chesham (AS) Ref P13:4741:15 Rev 0 dated July 2013
- Garage Details Ref P13:4741:05 Rev 0 dated August 2013
- Engineering Drawings
- Road & Sewer Longsections Sheet 1 of 3, Dwg No. 40-02-01 Rev P6
- Road & Sewer Longsections Sheet 2 of 3, Dwg No. 40-02-02 Rev P6
- Road & Sewer Longsections Sheet 3 of 3, Dwg No. 40-02-03 Rev P6

Reason

To define the permission and for the avoidance of doubt.

02

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details approved under discharge of condition application Ref: RB2014/0043. The development shall thereafter be carried out in accordance with these details.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design'.

03

The window into the northern elevation of Plot 39 serving Bedroom 1 facing towards Plot 38 shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

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

04

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.

Reason

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.

05

Before the development is brought into use the car parking area shown on the site layout plan Dwg No. P13:4741:01 Rev E shall be provided, marked out and thereafter maintained for car parking.

Reason

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

06

All garages hereby permitted shall be kept available for the parking of motor vehicles at all times.

Reason:

In order to ensure that adequate parking provision is available and to minimise on-street parking, in the interests of visual amenity and highway safety.

07

The development hereby approved shall be carried out in accordance with the details approved in the Waverley New Community Travel Plan.

Reason

In order to promote sustainable transport choices.

08

The development hereby approved shall be carried out in accordance with the Flood Risk Assessment Addendum dated 2nd May 2013 by White Young Green (Ref:A042756-14 Revision A).

Reason

In the interest of satisfactory and sustainable drainage

09

The disposal of foul and surface water drainage shall be carried out in accordance with information contained on drawing 40-01 (revision P11) dated 02.04.2014 and E/602 (revision A) dated 23.10.2014 that have been prepared by RSK Land & Development Engineering Ltd

Reason

To ensure that the development can be properly drained in accordance with

UDP policy ENV3.7 'Control of Pollution'.

10

Gas membrane measures shall be implemented in accordance with information contained within document GDB10 'Gas Membrane Specification'.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

11

Installation of the gas protection measures approved as a result of condition 13, are to be verified by an independent third party and a validation report shall be forwarded to this Local Authority for review and comment.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

12

If subsoil and topsoil is to be imported to site for landscaping works and garden areas, then these soils shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to the site then the results shall thereafter be presented to the Local Authority in a Validation Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

13

If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out in the vicinity of the impact until the developer has submitted and obtained written approval from the Local Planning Authority for a strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

14

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0730 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays. Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

15

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

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

16

The development hereby approved shall be carried out in full accordance with information contained within document 'Pre-commencement Ecology Site Check and Schedule for Bird and Bat Box Erection' dated January 2014.

Reason

In the interest of biodiversity at the site in accordance with Policies in the NPPF.

17

Landscaping of the site as shown on the approved plans (FDA Landscapes Masterplan drawing no. R/1303/7C, Planting details drawing no's R/1303/8c & R/1303/9B) shall be carried out during the first available planting season after commencement of the development. 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.

Reason

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

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.