

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 06 AUGUST 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.**

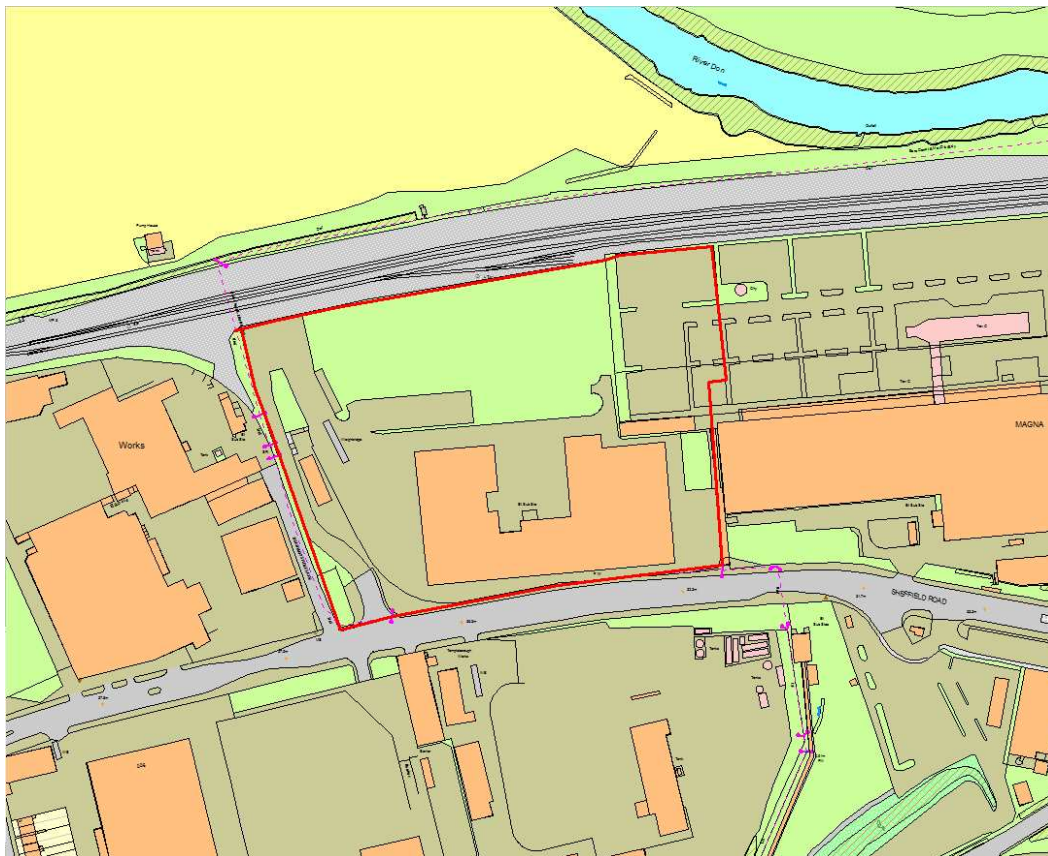
**INDEX PAGE**

<b>RB2015/0358</b> <b>Change of use of existing building to storage (use class B8) with external storage, formation of car park and temporary siting of 1 No. two storey portacabin for use as ancillary office accommodation and 1 No. single storey portacabin at land off Sheffield Road Templeborough for Costain</b>	<b>Page 19</b>
<b>RB2015/0739</b> <b>Erection of a seasonal marquee on the rear garden at George &amp; Dragon PH 85 Main Street Wentworth for Wentworth Inns Ltd</b>	<b>Page 29</b>

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
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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.

<b>Application Number</b>	<b>RB2015/0358</b>
<b>Proposal and Location</b>	Change of use of existing buildings to storage (use class B8) with external storage, formation of car park and temporary siting of 1 no. two-storey portacabin for use as ancillary office accommodation and 1 no. single-storey portacabin at Former Sterecycle site, Sheffield Road, Templeborough for Costain
<b>Recommendation</b>	Grant subject to conditions



### Site Description & Location

The site is located to the north of Sheffield Road in Templeborough, approximately 2km south west of Rotherham town centre and 1.5km east of Junction 34 of the M1 near Meadowhall. The site extends to approximately 3 hectares and lies approximately 6 metres below road level.

The site comprises of a larger industrial building which fronts Sheffield Road and measures approximately 123 metres in length. The site at the rear is mainly hardstanding with a weighbridge and portacabin.

The Magna Science centre abuts the site to the east and north, whilst to the south, across Sheffield Road there is a large industrial warehouse. To the west are commercial buildings within Sheffield. The wider area supports many large industrial units with a number of new industrial and business premises that are currently being constructed or have been recently finished.

The site is accessed to the west from Phoenix Road which almost immediately joins the A6178 Sheffield Road to the south.

## **Background**

There has been a number of planning applications submitted relating to this site, the most relevant of which are:

RB2007/0154 – Application for Lawful Development Certificate for proposed use of land and building for waste treatment for the purpose of recycling by the application of steam, temperature and pressure within sealed autoclave vessels and subsequent sorting with not less than 80% being processed into a 'product' together with ancillary storage of processed materials within the site and erection of a single storey extension to house ancillary equipment associated with the process undertaken on site to the north elevation of the existing building – Granted

RB2008/0682 – Erection of 2no. modular buildings to form offices & amenity blocks, weighbridge gatehouse, electricity substation and boundary fence, re-design of access road and installation of exterior lighting – Granted conditionally

RB2008/1720 – Extension to existing waste reception/recycling building, erection of two storey office building and fibre processing building, re-siting of weighbridges & gatehouse and installation of associated ancillary facilities – Granted conditionally

RB2009/1343 – Extension to form waste reception/recycling building, erection of two storey office building and fibre processing building, re-siting of weighbridges & gatehouse and installation of associated ancillary facilities (amendment to RB2008/1720) – Granted conditionally

## **Proposal**

The application is for the temporary change of use of the existing buildings to storage with external storage, formation of car park and temporary siting of 1 no. two-storey portacabin for use as ancillary office accommodation and 1 no. single-storey portacabin for use as a welfare building for staff.

The use of the site and the siting of the portacabins is to be for a 2 year period while the applicant carries out upgrade improvements to the neighbouring stretch of the M1. In 2017 the site will be decommissioned and returned to hardstanding areas, with the portacabins removed. The site use will revert back to its previous use as a waste recycling and treatment plant.

The temporary office building and welfare building will be sited to the northern boundary of the site and will run parallel with Network Rail infrastructure, with the existing row of trees being retained, the car parking will also be sited from the centre of the site to the northern half and external storage around the rear of the existing building.

The office building will be 60 metres long and 12 metres wide, it shall be 6.3 metres high to the flat roof. The welfare building would be 12 metres wide and 21 metres long and shall be of a flat roof form with a maximum height of 3.2 metres. The walls will be externally clad in plywood which has a maintenance free plastisol coated external finish, with a PVC-P waterproof membrane roof, UPVC framed windows and steel faced security doors in a blue colour.

The proposal includes the provision of 350 car parking spaces and look to employ 260 people, the majority of which will already be employed by the company.

A number of supporting documents have been submitted which include:

#### Design and Access Statement

This document details the site context, design principles, including appearance, design and layout, and community engagement.

#### Transport Assessment

A Transport Assessment was carried out in March 2015 and examined the existing transport network in the vicinity of the site, considered relevant national and local transport planning policy, outlined the development proposals and considered the resulting impact on the local transport network. It concluded that the proposals can be safely accessed by pedestrians, cyclists and vehicles, and that there are no transport or highway reasons that would justify refusal of the temporary planning application.

#### Flood Risk Assessment

The FRA was conducted in June 2015 and concludes that the site is located in a designated Flood Zone 2, but given the short 2 year consent period it is concluded that this proposed development is appropriate at this site location. The FRA shows that the risk of flooding to this proposal from external sources is medium risk and should not be discounted and early flood warnings will be issued and evacuation procedures implemented.

The new building surface water drainage must be discharged into the attenuated surface water system already constructed on this site so that there is no increase in flood risk downstream. Drainage from car parking area should be routed through the oil separator already installed on site

#### Compound Selection

The document explains that the Smart Motorway Scheme from J32 to 35a of the M1 will be managed from a central site compound, which will be a hub for management and coordination of the scheme. It states 18 different sites were considered located just off the M1 between junctions 32 and 35a and explains why this site was selected.

#### Construction Traffic

The statement indicates that the construction traffic associated with delivering the M1 Smart Motorway Scheme is generated from two requirements, firstly to construct the site compound and secondly to construct the Smart Motorway. The statement details

what the compound construction and smart motorway construction traffic impacts will be, how staff will be transported to and from the application site to the motorway. It concludes by setting out 11 mitigation measures to reduce traffic impact.

### Combined contaminated land and flooding

The report states that a number of plausible contaminant linkages have been identified. Soil and groundwater liabilities could arise whether or not redevelopment is considered.

The report further states that the site is at increased risk of flooding and further work in clarifying the risk of flooding is required.

### **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 industrial and business purposes in the UDP, (and also falls within the [insert] Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS21 'Landscapes'  
CS28 'Sustainable Design'  
CS25 'Dealing with Flood Risk'

Unitary Development Plan 'saved' policy(s):

EC1.1 'Safeguarding Existing Industrial and Business Areas'  
EC3.1 'Land identified for Industrial and Business Uses'  
ENV3.7 'Control of Pollution'  
T8 'Access'

### **Other Material Considerations**

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 27<sup>th</sup> 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 has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

## **Consultations**

Streetpride (Transportation Unit): Have no objections subject to conditions relating to the surfacing of the car park being permeable with suitable drainage and the car park be laid out in accordance with the submitted plans.

Neighbourhoods (Environmental Health): Have no objections.

Streetpride (Drainage): Have no objections and are satisfied with the Flood Risk Assessment.

Neighbourhoods (Land Contamination): Have no objections subject to a condition being imposed that states should unexpected contamination be encountered during the formation of the car park, the local planning authority be notified immediately and any remedial works required should be submitted to and approved in writing the Council.

Streetpride (Trees and Woodlands): No issues

The Environment Agency: Have no objections subject to conditions.

Highways England: No objection.

Sheffield City Council: No comments been received.

## **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
- Design and Visual Amenity
- Amenity Issues
- Highways Issues

- Other Considerations

### Principle

The site is allocated for industrial and business purposes within the Council's adopted UDP, and policy EC3.1 states development proposals falling within classes B1, B2 and B8 will be acceptable, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking of vehicles and compatible with surrounding land uses.

As the proposed temporary use of the land falls within a B8 use it would therefore be acceptable in principle. Furthermore, it would not impact on residential amenity, there would be adequate parking facilities and would be compatible with neighbouring land uses. It is therefore considered that the principle of using the land to storage would be acceptable and would comply with policy EC3.1.

It is further considered that the two-storey office block and single-storey portacabin would be ancillary to the main use of the site and therefore will not affect the viability of the town or other local centres and the operations on site.

In addition to the above it is of note that the use is only required for a two year period and at the end of that period the use of the site will revert back to the previous use as a waste treatment / recycling centre, and the portacabins hereby proposed will be wholly removed from the site.

### Design and Visual amenity

In terms of visual appearance regard will be had to the NPPF which at paragraph 17 of the NPPF one of the core planning principles states planning should always seek to secure high quality design, furthermore paragraph 56 notes: "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."

In addition to the above policy CS28 'Sustainable Design' of the Council's adopted Core Strategy states: "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...Development proposals should be responsive to their context and be visually attractive as a result of good architecture...Design should take all the opportunities to improve the character and quality of an area and the way it functions."

The proposal in this instance comprises of the addition of a two-storey and single-storey standard portacabin style flat roof buildings towards the north-western corner of the site. The two-storey element will provide office accommodation for the workers employed as part of the proposed use of the site, and the single-storey element will be for storage and wash room facilities. The site comprises of a large industrial style building and there are few views of the building.

The two-storey portacabin style building, despite being two-storey is modest in size and scale and is of a modest height, with a flat roof, which would ensure the buildings would not appear overly dominant and are of an appropriate form for this site, while the single-storey portacabin is also modest. Furthermore, given their siting they would not have a detrimental impact on the visual amenity of the area. It is therefore considered that despite only being required on site for 2 years their impact will be minimal and they represent an acceptable addition to the site.

In light of the above it is considered that the design and scale of the portacabins are acceptable in this location and would not be out of keeping with other existing buildings on the site, or appear harmfully prominent in the surrounding area. The design and scale would therefore comply with the NPPF and policy CS28 'Sustainable Design' of Rotherham's adopted Core Strategy.

It is further considered that the layout of the site with the new parking area and siting of the portacabins is such that it would represent an acceptable form of development that would not be out of keeping with the character or visual amenity of the surrounding area.

### Amenity Issues

The NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

In respect of the proposed portacabins built form, it is considered that given their size, scale, form, design and siting, together with the fact that there are no residential properties in close proximity they would have little, if any impact on the amenity of neighbouring residents. Furthermore, the built form of the portacabins will have no impact on the outlook from neighbouring office and industrial buildings, or give rise to the overshadowing of office windows.

In respect of the proposed use it is also considered that it would have no adverse impact on the amenity of neighbouring residents or business in terms of noise or general disturbance.

In light of the above the proposal would comply with the requirements of the NPPF at paragraph 17 and will have no adverse impact on the amenity of neighbouring residents or businesses.

### Highway issues

The Council's Transportation Unit have indicated that the site is relatively sustainable and no off site cycle / walking or public transport facilities are required. Whilst there is likely to be a short term increase in traffic, some 15.5% along A6178 Sheffield Road (west) in the peak, there is no mitigation that could be put in place. Furthermore, the duration of any disruption is likely to be confined to the winter months.

Therefore they are satisfied with the level of car parking for staff in respect of the number of staff employed; they are also satisfied with the layout and location of the parking spaces. As such they have raised no issues from a highways perspective to the proposal, subject to the car parking being laid out in accordance with the submitted plans and any new hardstanding being of a permeable material.



## Other considerations

With regard to land contamination issues, the Council's Land Contamination Officer has reviewed the document entitled 'Report on Land and Buildings at Sheffield Road, Rotherham' prepared by Argyll Environmental, dated 13<sup>th</sup> Jan 2015, reference AEL-0085-FSC-445265.

They note that historically, the site was developed as part of the steelworks along Sheffield Road with associated infrastructure, tanks and railway sidings. The site was occupied by the steelworks from 1923 until approximately 2006. The site was then redeveloped between 2006 – 2010 for an industrial end use. As part of the redevelopment works, all soil and groundwater contamination identified was remediated to an acceptable standard in accordance with guidance and legislation at that time.

Temporary office accommodation is to be erected at the site. Given this is a temporary arrangement the Land Contamination Officer does not envisage any issues in relation to contaminated land. It is considered that no major excavation works will be required to site the modular building and therefore the likelihood of opening up a pathway to any residual contamination is unlikely. For this reason the Land Contamination Officer has no issues with respect to ground contamination issues and the proposed change of use and temporary use of the site.

However, a car park is to be constructed at the site and it is recommend that a condition be imposed that should unexpected contamination be encountered during the formation of the car park, the local planning authority be notified immediately and any remedial works required should be submitted to and approved in writing the Council.

The site is also located within a Flood Risk Area, a Flood Risk Assessment has been submitted with the application, it is considered that subject to conditions the scheme will meet the requirements of the National Planning Policy Framework if the requirements of the FRA are carried out. Furthermore, the proposed use of the site may pose a risk of pollution to the local water environment, and therefore additional conditions relating to this should be attached to any approval.

## **Conclusion**

Having regard to the above it is concluded that the proposed scheme is one that would fully comply with the relevant sections of the NPPF, policies of the Core Strategy and UDP. Therefore, the application is recommended for approval subject to conditions.

## **Conditions**

01

This permission shall be valid for 2 years only and at the end of that period (unless further permission is granted by the Local Planning Authority prior to the end of that period) the use hereby permitted shall cease and the temporary portacabins hereby approved shall be wholly removed from the site and the site shall be restored to its previous use as a waste recycling and treatment centre.

Reason

So as not to prejudice the long term development proposals for the site.

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 cjf/officers rev J, received 28 March 2015, CSL-001 REV 2, received 10 April 2015, cjf/Elev-1-GB, received 14 April 2015 and CJB1 rev C, received 21 April 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 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.

04

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

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.

05

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.

06

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Rutter Johnson (report no. 15023, dated June 15) and the following mitigation measures detailed within the

FRA:

1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
2. Finished floor levels for the proposed office building are set no lower than 32.374 m above Ordnance Datum (AOD) and finished floor levels for the Welfare building are set no lower than the existing surrounding ground levels as shown on the drawing in FRA Appendix A ('M1SM J34 Site Compound Drawing 1 Rev. 3' by Costain, dated 04/06/15).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.

07

Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.

Reason

To reduce the risk of pollution to the water environment.

INFORMATIVES:

01

For further information and advice about pollution prevention please refer to the Environment Agency's website to access Pollution Prevention Guidance Notes (<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>) and advice on how to get your site design right ([http://www.environment-agency.gov.uk/static/documents/Business/pp\\_pays\\_booklet\\_e\\_1212832.pdf](http://www.environment-agency.gov.uk/static/documents/Business/pp_pays_booklet_e_1212832.pdf)).

You may also wish to contact our National Customer Contact Centre on tel. 08708 506 506 for site-specific advice on pollution prevention.

02

It is recommended that the applicant should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land

Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3) Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater. GP3 is available on our website at: <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>

4) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

### 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, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

<b>Application Number</b>	<b>RB2015/0739</b>
<b>Proposal and Location</b>	Erection of a seasonal marquee on the rear garden of George and Dragon PH, Main Street, Wentworth, S62 7TN
<b>Recommendation</b>	Grant subject to conditions



## **Site Description & Location**

The application site is located in the centre of Wentworth Village and Wentworth Conservation Area to the south of the main road that runs through the village. It is surrounded by residential properties on all four sides, while a public footpath runs to the south of the site with direct access into the large Beer Garden to the rear.

The site comprises of a hardstanding car parking area immediately off Main Street, which is also used by people visiting the village shop opposite during the day. The main public house building, which is a Grade II Listed building, is set 32 metres back from the street, with the large beer garden behind.

Within the beer garden there are a number of existing tables and chairs, some children's play equipment and a white marquee (the subject of this application) fixed to an area of hardstanding.

## **Background**

There has been a number of planning applications submitted relating to this property, none of which are relevant to the current proposal.

## **Proposal**

The application is seeking retrospective permission for the retention of the marquee in the beer garden.

The marquee is permanently fixed to the hardstanding area and has been in place between April and September for at least the past 7 years although a long term member of staff believes that a marquee has been erected on the site over the last 14 years.

The marquee is sited along the site's eastern boundary, approximately 4 metres from the boundary with the garage court at the allotments and 11 metres from the rear of no. 53 Main Street where the boundary treatment comprises of mature trees and a high stone wall. The marquee is also approximately 6 metres to the north boundary of the site with the rear garden areas of nos. 75 and 77 Main Street and over 22 metres to the rear elevations of the same properties.

The marquee is 6 metres wide and 12 metres long with an eaves height of 2 metres and a ridge height of 3.7 metres. The structure has aluminium portal frames to support white UPVc outer sheeting.

The applicant has stated that the marquee is generally used as a weather shelter for patrons using the beer garden; it is occasionally used by customers for private events such as christenings, birthdays where it would not be available for general customers. The applicant believes that on past bookings it has been used approximately 21 times per year for private bookings.

The marquee is also available for use all day.

The applicant has stated that the loss of the marquee facility would seriously reduce the commercial viability of the public house. It has been estimated that approximately 8 part time jobs equal to 4 full time jobs would be lost during the summer months.

## **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 purposes in the UDP, (and also falls within the Wentworth Conservation Area). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 'Green Belt'  
CS23 'Valuing the Historic Environment'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV2.8 'Settings and Curtilages of Listed Buildings'  
ENV2.11 'Development in Conservation Areas'

## **Other Material Considerations**

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 27<sup>th</sup> 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 notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances 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 policy(s) 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 press, and site notice along with individual neighbour notification letters to adjacent properties. 7 no. letters of representation have been received. The issues raised are summarised below:

- Police presence in the evening twice in one month.
- Excessive noise upon leaving the public house.
- Failing to preserve character of conservation area.
- Increased traffic.
- Parking issues.
- Increased anti-social behaviour.
- Limit to what a small community can absorb.
- Concerns of increased noise and anti-social behaviour.
- Residential properties only have single glazing and there is no sound proofing from the marquee when events take place.
- Music at night keeping residents awake and causing a disturbance.
- Events will become more frequent and noise will last longer into the night.
- Adverse impact on health and well-being of local residents.
- The marquee was taken down in November 2014 and re-erected in April 2015, 8 months of the year is not seasonal.
- The marquee taken down in November was in a poor condition, the now larger marquee will deteriorate more quickly than any building and will again become an eyesore. This will affect the character and appearance of this conservation area and the public house.
- The different coloured disco lighting that emanates from it at functions (and can be seen clearly from overlooking buildings) and it looks extremely out of place in the village.
- I have been disturbed by events at the marquee at different times of the day. During one afternoon, a live singer used an amplified sound system which could be heard from way beyond the pub garden. Most disturbing is in the evening when everyday activities have been interrupted by either live DJ music or the 'background' music that is invariably turned up during the course of the evening. There have been times when I have closed every window in my house and still heard music and every word that the DJ has uttered. As people drink, voices get louder and patrons are unaware of the disturbance that they cause to some residents when they are trying to sleep. Indeed sometimes the function has gone on past 11pm. I have had to retreat inside and my children have been woken by marquee noise and although I have contacted the management of the pub for reassurance, I have not been responded to.
- The situation has not been managed.
- I would ask that the planning board put in place some provisos that it is only a seasonal marquee in the true sense (eg May to September) and that the situation is actively managed by staff from the pub.
- I would ask that the management of the pub actively consult with neighbours on Main Street, Church Drive and Back Lane restoring good community relations and letting residents know what they are putting in place to curb unwanted noise. Finally, the marquee should only be used for functions if amplified music (including microphones and DJ'd events) is not allowed. I understand the need for the pub to run a successful business but not to the detriment of its neighbours.
- If approved measures should be put in place that appropriate and quantifiable management controls are instigated and that planning is approved on a temporary basis to allow for a review of the approval requirements.

1 Right to Speak request has been received from an objector of the proposal.

## Consultations

Streetpride (Transportation Unit): Have no objections.

Neighbourhoods (Environmental Health): Envisage no significant loss of amenity by virtue of noise, air quality or land pollution from the erection of the Marquee.

## 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:

- Whether the proposed extension is inappropriate development in the Green Belt
- Design and Visual Amenity
- Impact on Conservation Area and setting of Grade II Listed building
- Residential Amenity
- Highways Issues
- Other Considerations

### Whether the proposed extension is inappropriate development in the Green Belt

Policy CS4 'Green Belt' of the adopted Rotherham Core Strategy states: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy."

The NPPF notes at paragraph 87: "...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Paragraph 89 further states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, there are several exceptions listed, but none would encompass the erection of a marquee at a public house. Therefore very special circumstances will need to be provided in order to overcome the inappropriateness.

The applicant has indicated that the public house is currently run by Wentworth Inns Ltd who have been operating the public house since 1<sup>st</sup> September 2014.

Confidential financial information has been submitted by the applicant which demonstrate the viability issues currently being experienced at the public house.



The new owners are looking at ways to ensure the continued operation of the pub but state that as detailed in the national press and seen locally with the number of public houses closing the pub / restaurant business is very difficult.

The owner states that the business only makes profits in December due to the Christmas period and then the June, July and August summer period for which the summer profits are attributable entirely to the rear garden business for which the marquee is essential.

They further point out that the business itself is fragile and any reduction in income which the loss of the marquee would cause would make it necessary for them to scale down and this would certainly result in job losses and threaten the viability of the pub itself.

In light of the above it is considered that very special circumstances do exist in this instance, in that without the marquee and what it allows the owners of the premises to offer its patrons and the type of functions it allows the public house to offer, the public house would not be a financially viable operation. This would in the short term result in job losses, but in the long term it could result in the loss of a rural public house, which has been an issue over the last decade within not just this Borough but nationally which could have a significant effect on the community.

As such, it is considered that on the basis of the information provided very special circumstances do exist that would overcome the inappropriateness of the new building in the Green Belt. Furthermore, it is considered that given its size, scale, form, design and siting, the marquee would not have a significant impact on the openness of the Green Belt and would not affect the reasons for including land within the Green Belt. In addition, the marquee is only erected between April and September which minimises any potential impact.

### Design and Visual Amenity

One of the core planning principles in Paragraph 17 of the NPPF states that planning should always seek to secure high quality design, furthermore paragraph 56 notes: "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."

In addition to the above policy CS28 'Sustainable Design' of the Council's adopted Core Strategy states: "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...Development proposals should be responsive to their context and be visually attractive as a result of good architecture...Design should take all the opportunities to improve the character and quality of an area and the way it functions."

The proposal in this instance comprises of a single marquee erected between April and September within the existing beer garden at the rear of the public house. It is of a modest metal frame structure with white sheeting over.

The marquee is considered to be of modest in size and scale in relation to the site and is of a modest height, which ensures the building does not appear overly dominant. In addition such a structure is not considered to be an unusual seasonal addition to a beer garden. Furthermore, given its siting in relation to the main public house and other neighbouring residential properties together with the existing boundary treatment it is not considered to have a detrimental impact on the visual amenity of the area.

In light of the above it is considered that the design and scale of the marquee is acceptable in this location and would not be out of keeping with the character of the site, or appear harmfully prominent in the surrounding area. The design and scale would therefore comply with the NPPF and policy CS28 'Sustainable Design' of Rotherham's adopted Core Strategy.

Notwithstanding the above it is still considered appropriate to place a condition limiting the amount of time per year the marquee is erected on the site. It is considered that given the evidence available which suggests it has been up for a number of years between April and September to limit its use and siting on the site to this period.

#### Impact on Conservation Area and setting of Grade II Listed building

The application site is located in a prominent location within Wentworth Conservation Area, while the main public house building is a Grade II Listed Building.

Policy CS23 'Valuing the Historic Environment' of Rotherham's adopted Core Strategy states: "Rotherham's historic environment will be conserved, enhanced and managed..."

The NPPF notes at paragraph 131 that: "In determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Furthermore, paragraph 132 notes: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification..." The aforementioned paragraphs are relevant to and support the requirements of UDP policies ENV2.8 'Settings and Curtilages of Listed Buildings', which states the Council will resist development that detrimentally affects the setting of a listed building and ENV2.11 'Development in Conservation Areas', which states, the Council will not permit development which would adversely affect the architectural and historic character or visual amenity of the Conservation Area and regard will be had to the degree to which proposals are compatible with the Conservation Area's vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character.

With regard to the impact of the marquee on the character and appearance of Wentworth Conservation Area and the Grade II Listed Building, it is considered that

given its size, scale and siting and that it would introduce an appropriate addition to the beer garden, the marquee would not detrimentally effect the setting of the listed building and would not adversely affect the architectural and historic character or visual amenity of the Conservation Area in compliance with the NPPF and UDP policy ENV2.11.

### Residential Amenity

The NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Furthermore, 'saved' UDP policy ENV3.7 'Control of Pollution' states, the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. It further states planning permission will not be granted for new development, which amongst other things, is likely to give rise to noise, light pollution, pollution of the atmosphere and other nuisances where such impacts would be beyond acceptable standards.

The Council's Environmental Health department have indicated that they have received two complaints in April and May 2015, concerning noise / amplified music from the marquee. They note that both events, which were subject to individual complaints, were covered by a Temporary Events Notice. However, neither complaint was upheld.

Further to the above Environmental Health have stated that the granting of the permission to erect the marquee will not, in itself, lead to complaints of noise, rather it is the type of event which is held in the marquee which could give rise to nuisance complaints. Consequently nuisance from noise etc. within the Marquee can be regulated through the premises licence and or further Temporary Event Notice applications.

In addition to the above, the public house has no restrictions on the hours of opening in respect of planning control; the only restriction to opening hours is within the Premises Licence, which allows the public house to be open until 01:00 hours, seven days a week. The marquee is on an area of hardstanding where patrons of the public house could congregate at any time regardless of the marquee being located there and potentially cause a noise nuisance / disturbance.

In light of the above it is noted that the majority of the complaints received by Environmental Health and during the application process relate to noise / general disturbance and anti-social behaviour from people attending the public house and leaving late at night. However, these issues could arise whether the marquee is erected or not and it is the responsibility of the licensee to ensure patrons are appropriately behaved both on site and when leaving the premises.

It is noted that marquee has been erected between April and September for the past 7 years at least and maybe as many as 14 years, while the beer garden itself is even more well established at the public house with tables and chairs, where patrons sit and would sit and make noise etc. regardless of whether the marquee was up. However, it is considered appropriate to limit when the marquee is fully erected on site to between April and September each year to discourage the use of this area outside the summer months. Furthermore, as it is outside and does have the potential to generate more noise than would arise from inside the public house, it is considered appropriate to limit the hours the marquee can be used, despite the main public house having no planning

restrictions on its opening hours. It is considered that a condition restricting the use of the marquee to between 09:00 and 23:00 hours, seven days a week is reasonable.

In respect of the marquee structure itself it is considered that the structure is of a modest size and height, is sited a sufficient distance from neighbouring residential properties that together with the orientation of the site, ensure it does not impinge on the outlook from neighbouring properties, appear overly dominant or give rise to any overshadowing or overlooking issues.

In light of the above it is considered that there would be no significant loss of amenity by virtue of noise from the erection of the Marquee and its size, scale, form, design and siting ensures it does not affect the visual amenity of neighbouring residents.

Therefore, notwithstanding the issues raised by objectors in respect of noise, it is considered that for the reasons detailed above there is no significant adverse impact on the amenity of neighbouring residents that would warrant a reason for refusal and as such the scheme would comply with paragraph 17 of the NPPF and 'saved' UDP policy ENV3.7 'Control of Pollution'.

It is also of note that the Council's Licensing department have confirmed that the licence in place on the premises covers both internal and external areas of the site. Therefore the whole site is covered by the licence, and as such at any time within the year the licensee of the premises could have an outside bar and outside entertainment within the limits of the licence. This would be until midnight for the selling of alcohol and until 11pm for the playing of music.

### Highway Issues

The Council's Transportation Unit have noted from the submitted details that no car parking facilities will be lost as a result of the proposed scheme. They also note that the site is located within the village centre with good access to public transport and additional car parking facilities. This being the case there are no objections to the scheme from a highway perspective.

### Other Considerations

The issues raised by objectors in relation to noise / general disturbance, highway issues and impact on Conservation Area have been assessed under previous sections in this report. With regard to the other issues raised it is noted that the problems regarding police presence and increased anti-social behaviour may not be directly linked to the marquee and may occur even if the marquee was not in situ. Furthermore, these issues are not material considerations that can be given any weight.

With regard to the playing of music, it is noted that the Licence for the public house allows the performance of live music until 01:00 and playing of recorded music until 23:00. Furthermore, there are no restrictions on the public house's opening hours, given the long established use of the site as a public house. However the applicant has stated that in addition, the terms of their licence to use the marquee includes the following clause:

No music, dancing, radios or other forms of noise entertainment shall be permitted. As such, it is considered appropriate to additionally control this restriction through a planning condition.

With regard to the potential increase in events, it would be unreasonable to limit the number of events occurring at the marquee as it would not meet the six tests for including a condition on a planning application.

## **Conclusion**

Having regard to the above and the issues raised by the objectors it is considered that in planning terms the proposal complies with the relevant national planning policies of the NPPF and the local planning policies of the adopted Core Strategy and 'saved' UDP. It is therefore considered to be acceptable and the application is recommended for approval subject to the following conditions.

## **Conditions / Reasons for Refusal**

01

The use of the marquee hereby permitted shall only be used by patrons of the public house and / or private functions between the hours of 09:00 and 23:00 hours Mondays to Sundays.

Reason

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

02

The marquee hereby permitted shall only be taken down on 30<sup>th</sup> September at the latest every year and shall not be re-erected on site until 1<sup>st</sup> April of the following year only and outside of this period the marquee shall be wholly removed from the site.

Reason

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

03

No music, dancing, radios or other forms of noise entertainment shall be operated from within the marquee hereby approved outside the following hours:-  
09:00 – 23:00

Reason

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

## **POSITIVE AND PROACTIVE STATEMENT**

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, requests were made during the application process for additional information to justify the building in the Green Belt, the information submitted was considered suitable and the proposals were in accordance with the principles of the National Planning Policy Framework.