

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THURSDAY 29 OCTOBER 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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|------------------------------|--|
| <b>Application Number</b>    | <b>RB2015/0671</b>   |
| <b>Proposal and Location</b> | Erection of 2 detached dwellings at Land off Wath Wood Drive, Wath upon Dearne, S64 8UW. |
| <b>Recommendation</b>        | Grant Conditionally  |



### 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 consists predominantly of a 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**

RB2014/1614 – Erection of 3 dwellinghouses – Refused.

## **Proposal**

This application seeks planning permission for the erection of two detached dwellinghouses and a separate detached garage. It is proposed to erect two dwellings on the site to the southern side of Wath Wood Drive and a detached garage for plot 2 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 Road) although this is outside the application site boundary and is permitted development.

### Plot One

Plot One is sited adjacent to No. 6 Wath Wood Drive and is a 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, render panels and a feature chimney. 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, feature chimney and roof lights to the front and side elevations. The dwelling is approximately 7.8 metres in height and has a footprint of 8 metres by 12 metres (excluding the orangery).

### Garage Site Plan

The garage is sited on the opposite side of Wath Wood Drive and is located to the south east of the site over an existing hard standing concrete area. The garage itself is a simple form double fronted design with a hipped roof on all four sides. It is sited such that the new base will be placed on top of the existing concrete area to avoid any root damage to the nearby protected trees.

## **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'  
ENV2.2 'Interest outside Statutorily Protected Sites'  
ENV3 'Borough Landscape',  
ENV3.2 'Minimising the Impact of Development'  
ENV3.4 'Trees, Woodland and Hedgerows'

### **Other Material Considerations**

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.

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. 20 letters of objection have been received from 9 different properties. The issues raised are summarised below:

- The plans are misleading and inaccurate;
- 8 extra car parking spaces will result in a doubling of the volume of traffic which will be very dangerous;
- This is just garden grabbing and should be refused;
- The development will overshadow and block light from neighbouring properties;
- The removal of the hedge and trees will destroy valuable habitats;

- There should be no additional use of the access from Warren Vale Road;
- The development will increase noise and disturbance to existing residents due to the new driveway to the rear of the gardens;
- The development may impact on the Roman Ridge and no consideration seems to have been given to this;
- There are bats and other wildlife that use this area that will be severely affected by the development due to the loss of natural vegetation;
- There is no demand for these types of houses in this locality;
- The drains on Wath Wood Drive already struggle in times of heavy rain and the proposed additional houses would add to this existing problem;
- The proposed houses are out of scale and overbearing in regards to the houses currently on Flintway and Warren Vale Road;
- The development will increase noise and disturbance and result in a loss of privacy 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;
- The proposed garages will affect the tree roots of the protected trees;
- 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 proposed materials of construction for the dwellings and the boundary treatment is out of character with existing boundaries on Wath Wood Drive;
- Cars are always parked on Wath Wood Drive and this will just make it worse;
- The trees on Heatherlands should be protected by a new Tree Preservation Order which we have requested

5 requests to speak have been received.

## **Consultations**

Streetpride (Tree Service Manager) – No objection to the proposed development subject to replacement planting;

Streetpride (Transportation Unit) – No objection;

Streetpride (Drainage) – No objections subject to condition;

Streetpride (Public Rights of Way) – No objection;

Neighbourhood and Adult Services (Land Contamination) – No objection;

South Yorkshire Archaeological Service – No objection subject to conditions;

Yorkshire Water – No objection subject to conditions;

Ecologist - No objection subject to a condition to improve biodiversity mitigation;

Coal Authority – No objections 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.

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.

The principle of residential development is therefore acceptable.

## 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 of a relatively modern design and 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 is large, 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.

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.

The proposed garage on the opposite side of Wath Wood Drive is of a simple form with hipped roofs on all sides. The footprint of the garage sits very close to the highway on Wath Wood Drive and is turned at right angles to the road such that vehicular access is not directly from the adjacent highway but via a short drive.

Overall 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 locality. The proposed garage, whilst being situated quite close to the highway, is single storey and would not form an intrusive feature into the street scene.

As such the proposed development is therefore considered to accord with the principles set out in 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.”

The inter-house spacing standards contained within the Council's Adopted Supplementary Planning Guidance (SPG) – Housing Guidance 3: Residential Infill Plots, 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 these internal and external spacing standards are achieved by the development. Plots 1 and 2 are set within substantial plots which ensure that they do not exceed the recommended building footprint to plot size ratio which is set out in the SPG3.

The proposed garage is also located some distance away from the neighbouring property and would not cause any overshadowing or harm to the amenities of the occupiers of surrounding houses.

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 Road.

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 5 metres from the proposed side elevation of Plot One) has an existing garage building which will also provide additional screening.

It is therefore considered that the proposed development will not cause any unacceptable harm to the amenities of the occupiers of neighbouring properties.

### 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 and Ecology

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;..."

Unlike the previous application for three dwellings (RB2014/1614), this development does not impact on the protected trees that run alongside Flintway as the proposed garage building is to be constructed on a concrete base placed on top of an existing hard standing area.

The proposed dwellings do however result in the loss of some of the existing vegetation. The hedge that runs alongside the boundary with properties on Warren Vale Road is shown to be wholly removed to facilitate the new access to the existing property and the existing vegetation to the front of the site, adjacent Wath Wood Drive would also be removed. However, the applicant has indicated that they are willing to provide quality replacement planting to mitigate the loss of this vegetation in the form of two semi mature silver birch and an ornamental hedgerow together with a number of new bat boxes on the new trees and the proposed dwellings.

The Council's Tree Services manager has deemed this to be acceptable from an amenity issue however the consultant ecologist has raised concerns about the loss of natural habitat, the maintenance of the bat boxes and that the replacement planting does not have an equal ecological value. The ecologist does however consider that the development could be deemed to be acceptable because of the habitats which exist on the application site and because the valuable woodland nearby is buffered by existing development that the risks in proceeding are low. It is acknowledged that bats will be using the application site for commuting and foraging but are unlikely to be doing so in high numbers due to it largely being amenity grassland. Therefore subject to a condition requiring further details of biodiversity mitigation to compensate for the loss of the existing vegetation, the application is deemed to be acceptable from an ecological consideration.

## Response to objections

Concerns have been raised about the accuracy of the plans. The applicants' architect has confirmed that the drawings are accurate and are a true reflection of the proposed dwellings and the positioning against the neighbouring properties.

This proposal is for two new dwellings and provides sufficient off street parking for both. It is accepted that the existing highway is narrow but the proposed development is not considered to raise any concerns regarding additional vehicular movements that would cause an unacceptable impact on the highway or highway safety

The plots have been positioned so that they are in accordance with the Council's approved spacing standards and as such could not be considered to have a detrimental impact on the amenities of the occupiers of neighbouring properties and the new access to the rear of the houses on Warren Vale Road is only to serve the existing single dwelling so will not cause undue disturbance due to additional noise.

The houses have been designed to reflect the scale and characteristics of the area and will not appear at odds in a locality that is not dominated by one particular house type or style and the proposed materials will help to blend the new development into the existing urban setting although final details of materials are suggested to be controlled through condition.

The land is not in a flood risk area and the Council's drainage engineer has not raised any concerns about surface water run off having considered the proposed surface water mitigation plan which indicates soakaway areas to the front and rear of the site, again the final details of this are subject to a recommended condition.

The proposal does result in the loss of vegetation which will have an impact on the ecological value of the land. However, the applicant has demonstrated a willingness to mitigate for this loss by showing replacement planting and habitat provisions and whilst this does go some way to mitigate the amenity loss of the trees and vegetation, it does not sufficiently compensate for the biodiversity loss. To overcome this, and as recommended by the Council's consultant ecologist, the applicant has agreed in writing to provide enhanced biodiversity mitigation with an ongoing maintenance guarantee through a restrictive condition. This is likely to include additional or more appropriate tree specimens, details of all other planting and bat roosting areas integral in the construction of the dwellings.

A request was made on the 15<sup>th</sup> August by a local resident to include two trees (that were identified in the submitted tree report as worthy of retention) within a new TPO. These were T1 (Cedar) and T10 (Copper Beech). The Tree Services Manager has been consulted on this matter and has agreed that together and if they were both at risk of being removed, both trees could be suitable for inclusion within a new TPO. However there is no prospect of the long term retention of T10 (Copper Beech) if the dwellings are constructed and T1 (Cedar) is shown for retention on the submitted drawings. It is therefore considered that the loss of T10 (Copper Beech) is accepted subject to a condition requiring suitable replacement planting and that a condition is imposed to ensure that the construction details of the new access do not interfere with the T1 (Cedar) to ensure its longer term prospects.

Finally the South Yorkshire Archaeology Service have confirmed that they have no concerns regarding the proposed development as the garage will be sited on an existing hard standing area and will not impact on the Roman Ridge.

## **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 the proposed dwellings is acceptable and meet with relevant policies.

The proposed development will not have an unacceptable impact on the amenities of the occupiers of neighbouring properties and the loss of some of the existing vegetation from the site will be suitably mitigated through 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.

As such the application is therefore recommended for approval subject to the following conditions.

## **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 14033A/01 Rev C, 14033A/02 Rev F, 14033A/03 Rev B, 14033A/04 Rev B, 14033A/05 Rev B, 14033A/06 Rev B, 14033A/07 Rev C, 14033A/08 Rev C, 14033A/09 Rev D, 14033A/10 Rev A, 14033A/11 Rev C)

Reason

To define the permission and for the avoidance of doubt.

03

Prior to the construction of the new dwellings 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 commencement of development a scheme of intrusive site investigations shall have been submitted to and approved by the local planning authority and implemented thereafter. Subsequent to this, a report of the findings arising from the intrusive site investigations shall be submitted to the local planning authority and a scheme for any remedial works identified as necessary shall be submitted for approval and subsequently implemented.

Reason

To ensure that there is no risk to the development from underground coal mining activity and in accordance with the NPPF.

05

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work and on site attenuation of surface water flows, 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'.

06

There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason

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

07

Prior to the commencement of any work on site, a detailed scheme for the foundation design and all new ground works shall have been submitted to and approved in writing by the LPA and the development shall be carried out in accordance with the approved details.

Reason

To ensure that ground disturbance is restricted to a minimum and is carried out in the agreed manner to preserve archaeological remains in situ and avoid any impact on protected trees.

08

No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a written scheme of investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

The programme and method of site investigation and recording;

The requirement to seek preservation in situ of identified features of importance;  
The programme for post-investigation assessment;  
The provision to be made for analysis and reporting;  
The provision to be made for publication and dissemination of the results;  
The provision to be made for deposition of the archive created;  
Nomination of a competent person/persons or organisation to undertake the works; and  
The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

#### Reason

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

09

Prior to the commencement of development, and notwithstanding the submitted drawings, details of the biodiversity mitigation shall have been submitted to and approved by the local planning authority and the dwellings shall not be occupied until the measures have been implemented in accordance with the approved scheme.

#### Reason

To ensure that suitable biodiversity mitigation is provided and in accordance with UDP Policies ENV 2.2 'Interest outside Statutorily Protected Sites', ENV3 'Borough Landscape' and ENV3.2 'Minimising the Impact of Development'.

10

Prior to the commencement of any development details of the special design and construction methods for the new access within the root protection area of T1 Cedar shall be submitted to and approved by the local planning authority. The submitted details shall include 'no dig' construction methods and permeable surfacing in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction and good arboricultural practice. The development shall be implemented in accordance with the approved details

#### Reason

To ensure that there is no adverse impact on the trees shown for retention in the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'

11

Other than in accordance with the approved plans and particulars, no tree or hedge shall be cut down, uprooted or destroyed nor shall any tree or hedge be pruned,

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

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'.

#### 12

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

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

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

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

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

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

A planting plan and schedule detailing the proposed species, siting, quality, size specification, and planting distances. This shall include at least 2 semi-mature sized trees (rootballed or container grown with a minimum 25cm circumference measured at 1m above ground level, and a minimum height of between 5 to 6.5m;

A written specification for ground preparation and soft landscape works. -  
The programme for implementation; and

Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme. The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

#### 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'.

13

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'.

14

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.

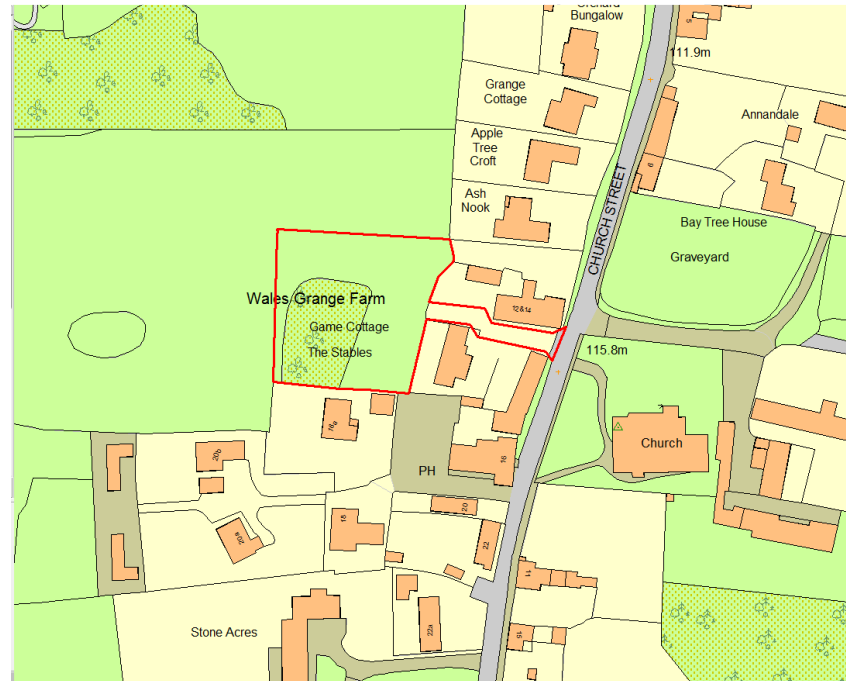
#### Reason

To ensure that there is no adverse impact on the trees shown for retention in the interests of the visual amenities of the area 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**

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.

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| <b>Application Number</b>    | <b>RB2015/1117</b>  |
| <b>Proposal and Location</b> | <b>Application to vary Conditions 02 (plans) and 04 (access) imposed by RB2011/0178 (Erection of 2 No. detached two storey dwellings and 2 No. detached garages) at land at Church St, Wales, S26 5LQ</b> |
| <b>Recommendation</b>        | <b>Grant subject to conditions</b>  |



## Site Description & Location

The site of application is a square shaped piece of land located to the rear of a group of buildings which are accessed from Church Street. The group of buildings was formerly Grange Farm and comprises the farmhouse, now converted to two properties, a converted barn fronting Church Street and a house (The Stables) built at the rear of the site. Access to the existing dwellings is between the farmhouse and the barn, and will serve the application site which is approximately 0.2 hectares, excluding the access. The site is relatively flat grassland, with an area of slightly higher land to the rear of The Stables. Part of the area of higher land is covered with the remains of a demolished building, currently fairly well absorbed into the landscape by sporadic trees and bushes. The eastern boundary has an existing hedgerow. To the north and west is Green Belt grassland, whilst to the south is an existing bungalow (16A Church Street).

## Background

The most relevant application relating to this site is:

RB2011/0178 - Erection of 2 No. detached two storey dwellings and 2 No. detached garages – REFUSED – Allowed at Appeal. The application was recommended for approval though refused by the Planning Board for the following reasons:



01

The existing vehicular access to the site (as amended) is considered to be unsuitable to cater for the additional vehicular traffic likely to be generated by virtue of the severely restricted visibility at the junction with Church Street where the driver of a vehicle leaving the site must emerge into the highway before an acceptable degree of visibility is available, to the detriment of road safety.

02

The proposal, if implemented, would result in 6 No. dwellings being served from the private drive which is contrary to the Council's usual practice of restricting the number of dwellings served from an unadopted road to a maximum of 5 No. in order to avoid the creation of private streets.

03

It is considered that by way of their height, scale and massing the proposed dwellings would have an unacceptable impact on the visual amenities of the area and fails to take the opportunities to improve the character of the area in conflict with paragraphs 59 and 64 of the NPPF.

The Inspector dealing with the appeal accepted that visibility to the south is restricted, and that the sightlines are substantially less than recommended in Manual for Streets, though had no evidence that this has caused any danger to existing road users. He further noted that the road to the south leads to a dead end meaning that traffic from that direction is limited and that on his site visit the road was very quiet and vehicles passed at only a moderate speed. In addition, he noted that the existing junction of the access with Church Street would be angled slightly further to the north thereby providing a small improvement in visibility towards the south.

He noted that the private drive currently serves 4 properties and the proposal would result in it serving 6 properties, though that reference to Manual for Streets does not mean that it sets a limit for the number of dwellings that can be accessed off an unadopted road; rather it indicates that highway authorities have tended to only adopt streets that serve more than a particular number of individual dwellings. In any event, he added, paragraph B.1.1.9 of the document is clear that the maximum of 5 dwellings relates to the notional capacity of a private service connection. It has not been shown that 6 (rather than 5) dwellings on the proposed access would be inappropriate in this context.

In respect of the third reason for refusal the Inspector notes that "surrounding buildings are of a variety of styles and sizes and are mainly residential but include a church and a pub in close proximity to the site. The dwellings in front of the appeal site have been formed from a cluster of farm buildings. The appeal site slopes very gently upwards away from this cluster of buildings and as the proposed dwellings would be 2-storeys in height with additional accommodation in the roof-space they would appear taller than the buildings in this group. Nevertheless, there are other buildings in the vicinity, such as the pub and many other houses on Church Street that are larger or of a comparable height, scale and massing to the proposed dwellings. The proposal would be acceptable within this context."

RB2015/0471 - Non material amendment to application RB2011/0178 to include internal alterations, external fenestration alterations & enlargement of approved garages to triple garages - WITHDRAWN

## **Proposal**

The application is to vary condition 2 (approved plans) & condition 4 (access) of planning permission RB2011/0178 which state:

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 475 - /01; /02A; /03A; /04A; /05 and /06.

4) The development hereby permitted shall not be occupied before the access to Church Street is laid out in accordance with the details shown on approved plan No 475 - /02A. The access shall be retained in accordance with these details thereafter.

The proposed dwellings will be very similar in appearance to each other and measure maximum 9.3m high (original plot 1 9.5m, plot 2 8.7m) 12.5m wide (original plot 1 10.75m, plot 2 12.3m) and 12.4m deep, excluding the front gable element (original plot 1 12.5m, plot 2 11.6m).

Primarily the alterations to the dwellings involve a new feature front gable, rear balconies, (one over the single storey element, and one off the back of the master bedroom), Victorian style fenestration and new hipped roofed dormers to the front and rear elevation.

In addition the applicant proposes to increase the size of the two garages from double garages to triple garages.

The access has been altered by providing separate accesses to each dwelling at the head of the cul de sac. A new access to an adjacent field, also owned by the applicant, was originally proposed though this has now been removed from the proposal.

## **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 with the highway access falling within the Wales Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS23 'Valuing the Historic Environment'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'  
HG5 'The Residential Environment'  
ENV2.11 'Development in Conservation Areas'

### **Other Material Considerations**

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

Supplementary Planning Guidance 'Housing Guidance 3: 'Residential infill plots.'

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 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 individual neighbour notification letters to adjacent properties, a site notice and press notice. Five letters of objection have been received stating that:

- The proposed access is unsafe in visibility terms and cannot handle the additional traffic generated by the scheme.
- The applicant has incorrectly indicated that the development has not commenced.
- The 7m wide field access (now removed from the proposal) could be used to allow development within the adjoining Green Belt.
- Church street is often blocked with parking related to the nearby church.
- Nearby public house due to re-open soon which would increase traffic.
- Very difficult for emergency vehicles to access the site.
- Development of the two dwellings has already started though application form states that no works have started.

In addition, three right to speak requests at Planning Board have been submitted from the objectors.

## Consultations

Streetpride (Transportation Unit): Have no objections subject to provision of a turning area for a typical emergency/service vehicle.

## 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.

Planning permission for 2 dwellings on the site has previously been approved at appeal and as such the principle of the proposed development cannot be reconsidered. As such the main issues for consideration are:

- The visual impact of the proposed amended development on the character and appearance of the area.
- The impact upon neighbouring amenity.
- The impact on the highway arrangements.

### The visual impact of the proposed amended development on the character and appearance of the area.

Policy HG5 'The Residential Environment,' of the adopted UDP 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".

Core Strategy Policy CS28 'Sustainable Design,' indicates 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 have 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. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: "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 for making places better for people.” In addition paragraph 57 states: “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

The proposed amended dwelling types are an appropriate traditional style in keeping with the site setting adjacent to the Conservation Area. The amendments primarily involve a new two storey front gable, small dormer windows, Victorian fenestration and new balconies to the rear.

The amendments are acceptable in its setting and accord with the policies referred to above. The balcony type features face to the rear of the site and as such will not be readily visible from the Conservation Area and as such are acceptable features to the dwellings.

Overall, and taking account of the Inspector’s comments in respect of the previous appeal, it is considered that the proposed development by virtue of its layout in relationship to the adjacent neighbouring properties and its design (size, scale, mass) accords with the above Policy along with the guidance set out in the NPPF and the NPPG.

#### Impact on amenity of neighbouring residential properties

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.

SPG ‘Housing Guidance 3: ‘Residential infill plots,’ states there should be 20 metres minimum between principal elevations, 12 metres minimum between an elevation with habitable room windows and an elevation with no habitable room windows; and no window should be inserted within an elevation that is in 10 metres of a boundary with another property, unless appropriate screening is provided.

The dwellings are to be positioned in the same position as previously approved and as such the only neighbouring amenity issue which arises relates to the proposed balconies to the rear that were not included on the previous scheme. The applicant has been informed that the balcony to plot 1 would overlook a neighbour at No.16a Church Street. In this respect the applicant has submitted an amended plan which includes high level obscure glass panels to the southern elevation. A condition has also been attached ensuring that the glazed panels are permanently retained.

The Council does not consider that obscure glazing is necessary to Plot 2, as the dwelling is set 15m away from plot 1 and is at a different angle. Furthermore the balcony overlooks open fields to the West and North.

In light of the above the proposal would satisfy the NPPF and SPG in terms of amenity.

## Highways

The proposed scheme will provide 2 off street parking spaces for each dwelling as well as garage parking provision. As such the dwellings will have adequate off street parking, preventing any inappropriate on street parking.

A number of objectors have raised objections relating to the visibility of the proposed access. This part of the scheme remains unaffected and was considered acceptable by the Appeal Inspector (as noted in the Background section above). The previous dwellings approved were both 5 bed, as are the current proposed dwellings, and in view of the above it is not considered that the proposed dwellings would generate any significant additional vehicular movements to those approved and the proposed highway access is considered to acceptable.

It is noted that the new field access originally proposed has now been removed from the proposals, thereby addressing any concerns raised in this respect.

## **Conclusion**

The proposed residential development represents an appropriate form of development which is in keeping with character of the area and reflects the scale and massing of adjacent properties. In addition the new dwellings will provide additional residential accommodation in a sustainable location close to amenities and public transport links.

It is concluded that the proposal complies with the relevant paragraphs of the NPPF, policies of the Core Strategy and the guidance detailed within the adopted IPG and for the reasons detailed in this report the application is recommended for approval.

## **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)

(Garage Plans 2015-58-4 & Plot 2 2015-58-3) (Received 18/08/2015)

(Amended Plot 1 2015-58-2A) (Received 30/09/2015)

(Amended Site Plan 2015058-1B) (Received 16/10/2015)

Reason

To define the permission and for the avoidance of doubt.

02

The development shall be constructed in natural Rotherham Red Sandstone and Iberian Slate.

Reason

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

03

The development hereby permitted shall not be occupied before the access to Church Street is laid out in accordance with the details shown on approved plan No. 2015058-1B. The access shall be retained in accordance with these details thereafter.

Reason

In the interest of highway safety.

04

Any work on site should take place in accordance with the approved archaeological written scheme of investigation.

Reason

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

05

Within three months of the date of this approval the applicant shall submit to, and approved in writing by the local planning authority a scheme of hard and soft landscape works including a programme for their implementation. The scheme shall include boundary treatments and measures for biodiversity enhancement as described in paragraph 1.4 of the Ecological Assessment dated May 2011 submitted by the appellant. The scheme shall also include indications of all existing trees and/or hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development. Development shall take place in accordance with the approved scheme. Any bird or bat boxes provided as part of the scheme shall be erected before the first occupation of the dwellings and retained thereafter.

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'.

06

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

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'.

07

Within three months of the date of this approval the applicant shall submit a scheme for foul and surface water drainage of the site has been submitted to and approved in writing by the local planning authority. No part of the development hereby permitted shall be brought into use until the approved drainage scheme has been implemented, and the foul and surface water drainage shall be retained thereafter.

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

Prior to the occupation of the dwellings hereby approved the acoustic fence shown on plan N0.475 06 & the Simon Acoustic ventilators received 22/05/15 shall be installed.

Reason

In the interest of residential amenity.

09

The balcony glazing to plot 1 on the elevation facing south, as shown on plan 2015-58-2A, shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing. The glazing shall be permanently retained in that condition thereafter.

Reason

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

10

The vehicular turning area, shaded yellow on the attached plan, shall be provided before the development is brought into use and thereafter retained for such purposes.

Reason

To ensure that a typical emergency/service vehicle can turn within the site in the interests of highway safety.

## 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>RB2015/1124</b>   |
| <b>Proposal and Location</b> | Application to vary Condition No. 2 (plans) imposed by RB2014/0333 (Demolition of an existing unlisted pair of semi-detached residential properties within Letwell Conservation Area & erection of 1 No. dwelling) at Land at 15-17 Gildingwells Road, Letwell S81 8DD |
| <b>Recommendation</b>        | Grant subject to conditions  |



### Site Description & Location

The site of application relates to a new dwelling currently under construction located on Gildingwells Road, Letwell. The site previously comprised of a pair of semi-detached properties constructed of concrete with a tiled roof with outbuildings to the rear. The site is within the Letwell Conservation Area. The property occupies a visually prominent location at the head of Gildingwells Road and is prominent when viewed from the approach into the village.

The village of Letwell is washed over by the Green Belt.

### Background

RB2014/0333: Demolition of an existing unlisted pair of semi-detached residential properties within Letwell Conservation Area & erection of 1 No. dwelling - GRANTED CONDITIONALLY 28/08/14.

#### *Condition 09:*

*Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) 1995 (or any Order revoking or re-enacting that Order with or without modification) no enlargement, improvement or other alteration of the dwellinghouse, permitted under Part 1, Classes A, B and D shall be carried out to the dwelling hereby approved without the prior written approval of the Local Planning Authority.*

### *Reason*

*So that further alterations and extensions can be controlled by the Local Authority in order to maintain the openness and appearance of the Green Belt.*

RB2015/0020: Discharge of Condition application relating to conditions attached to planning permission RB2014/0333.

RB2015/0277: Non material amendment to application RB2014/0333 to include addition of quoins and full window surrounds and reposition of chimney - GRANTED 13/04/15

### **Proposal**

The proposal is to vary the approved planning permission to alter the approved plans to include the erection of 17 solar photovoltaic panels on the front (southern) elevation of the roof of the property. They would take up approximately 40% of the front roofslope. They would protrude approximately 20 cm above the roofslope. Other than this alteration the approved dwelling would be unaltered.

### **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 *Green Belt* purposes in the UDP and is within the Letwell Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

*CS23 'Valuing the Historic Environment'*  
*CS28 'Sustainable Design'*

Unitary Development Plan 'saved' policy(s):  
ENV2.11 'Development in Conservation Areas'

### **Other Material Considerations**

Supplementary Planning Guidance (SPG) Environment Guidance 3: 'Development in Conservation Areas.'

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 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 press and site notice along with individual neighbour notification letters to adjacent properties. Thirteen letters of representation, including one from Letwell Parish Council, have been received all objecting to the application. The comments raised shall be summarised below:

### **Letwell Parish Council**

- The Parish Council unanimously object to the proposals.
- They consider that the solar panels would damage the character and appearance of the Conservation Area on this prominent location within the village.
- Solar panels are completely out of place in the conservation village of Letwell.
- Suggest that the solar panels are located in the rear garden area to minimise the impact on the surrounding area.

### **Objections from members of the public**

- The solar panels harm the character and appearance of the Letwell Conservation Area and the panels are located in a visually prominent location in this approach to the village.
- The solar panels would spoil the appearance of the approved dwelling.
- The renewable energy benefits the householder and does not offset the harm from the solar panels.
- No objections to the solar panels being installed in the rear garden of the property.
- The solar panels would be near to the Grade II Listed Church.

## **Consultations**

Streetpride (Transportation & Highways): Raise no objections in a highways context.

## **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

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- (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.

Planning permission has been granted for the replacement dwelling and this property is now under construction and near completion. The replacement dwelling is not materially larger than the pair of semi-detached properties it replaced and as such is not inappropriate development in the Green Belt. The inclusion of the solar panels would have negligible impact on the volume of the replacement building and as such the proposal continues to not represent inappropriate development.

As such, the principle of this development and the issues associated with it are considered to be acceptable. The main issue to be considered in respect of this variation of condition application is the visual impact of the proposal to install solar panels on the character and appearance of the property and Letwell Conservation Area.

It is considered that the proposal would not have any impact on the residential amenity of neighbouring residents or impact on the openness of the Green Belt. As such, these matters will not be considered below.

#### Design and Visual Amenity:

In assessing the design of the proposed solar panels in relation to the wider development and the surrounding area, 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. Design should take all opportunities to improve the character and quality of an area and the way it functions.”

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.”

With regards to the site’s allocation within the Letwell Conservation Area Core Strategy Policy CS23 ‘Valuing the Historic Environment’ states the following (amongst other things): “Rotherham’s historic environment will be conserved, enhanced and managed.....Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough’s heritage assets, specifically those elements which contribute to the distinct identity of the borough.”

UDP Policy ENV2.11 ‘Development in Conservation Areas,’ states (amongst other things): “In respect of designated Conservation Areas, the Council:

- (i) will not permit development (including changes-of-use, alterations and advertisement display), demolition and work to trees which would adversely affect their architectural or historic character or visual amenity, except that very limited exceptions to this policy may be accepted when compelling justification exists,
- (iv) will have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character.”

In addition, the NPPF further notes at paragraph 132 that: “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.”

Paragraph 134 of the NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

The Council’s adopted Supplementary Planning Guidance (SPG) Environment Guidance 3: ‘Development in Conservation Areas,’ further states that: “Any new development within a Conservation Area will need to respect the physical characteristics of the area. Designs that respect the traditional architectural forms within the locality will be strongly favoured, whereas those that disregard or pay insufficient regard to traditional design will be considered inappropriate. Proposals will be assessed against the relationship of any development to the surrounding areas and will need to pay special regard to massing, scale and form. Site layout and siting will be carefully considered along with design, materials, architectural detailing, colour and appropriate landscaping.”

With regards to the design and appearance of the property it is noted that the original planning permission (RB2014/0333) removed permitted development rights for extensions and alterations to the property under Condition 09. However, the reason for this condition was to protect the openness of the Green Belt and not to protect the character and appearance of the Letwell Conservation Area. The reason for this condition was to avoid additional extensions or outbuildings to the building which could harm the openness of the Green Belt.

In this instance it is noted that the property is a replacement dwelling utilising a traditional appearance though unmistakably new in appearance. It is noted that the dwellings that it replaced were unattractive and the new dwelling represents a significant visual improvement on the surrounding Letwell Conservation Area.

Whilst it is noted that there has been considerable local opposition to the installation of the solar panels it should be noted that these would ordinarily not require planning permission as under the Town and Country Planning (General Permitted Development) Order (GPDO) 2015, Schedule 2, Part 14, Class A the installation of solar panels are permitted development even in Conservation Area, subject to certain limitations and conditions. The 2015 GPDO is an amendment to the 1995 GPDO under which the original permission was considered though the

limitations it sets out do not preclude the siting of solar panels on a front roof slope. The solar panels could, therefore, be sited on adjacent properties as permitted development, or indeed could have been installed without planning permission on the former Airey houses in this location.

With regards to the impact on the character and appearance of the Conservation Area it is considered that the solar panels would somewhat diminish the appearance of the new dwelling previously approved. However, the new dwelling represents a considerable visual improvement on the dwellings that it replaced, even with the installation of the solar panels. Solar panels of this nature are not necessarily permanent features on the building, such as the clay pantiled roof or stone walls, and their installation would have a beneficial environmental impact which justifies their siting on the southern, front elevation of the building which clearly benefits from more direct sunlight than the rear northern roof slope.

Therefore it is considered that overall the new dwelling along with this alteration to include the installation of solar panels, would not lead to harm to the character and appearance of the Letwell Conservation Area. As such, the proposal fully accords with the aforementioned policies and guidance.

In this instance and the property represents a significant visual improvement on the dwellings that it replaces. As such, it is considered that these benefits combined overall lead to an overall improvement.

#### Other Issues raised by objectors:

It is noted that the Parish Council and a neighbouring resident suggest that the solar panels be fitted in the rear garden rather than on the roof. Whilst this is noted the application has to be considered on its own merits and as noted above the proposal is considered to be acceptable in this instance.

It is noted that local residents noted that the solar panels would be located near to the Grade II\* Listed Church of St Peter. Whilst this is noted it is considered that owing to the distance of the site from the church and the scale and location of the dwelling it would not affect the setting of this Grade II\* Listed Building.

#### **Conclusion**

It is considered that the proposed alteration to the approved scheme to include the installation of solar panels is acceptable as it would not harm the openness of the Green Belt or the residential amenity of neighbouring occupiers. The solar panels could be sited on adjacent properties as permitted development, or indeed could have been installed without planning permission on the former Airey houses in this location.

Furthermore the solar panels would not have any detrimental impact in highway safety terms, and the scheme would provide additional renewable energy benefits.

It is therefore recommended that Members approve the scheme.

## **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)

(Drawing numbers CS/01325/3)(received 02/07/2014)

(Drawing numbers CS/01325/4A)(received 15/08/2014)

(Front and Side Elevations)(received 19/08/2015)

(Drawing numbers CS/01325/1C)(received 02/07/2014)

Reason

To define the permission and for the avoidance of doubt.

02

The development shall take place in accordance with the materials details approved for the external surfaces of the development hereby approved under discharge of condition request reference RB2015/0020.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of the visual amenity of the Letwell Conservation Area in accordance with Core Strategy Policy CS28 'Sustainable Design' and UDP Policy ENV2.11 'Development in Conservation Areas'.

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

The boundary treatment hereby approved under discharge of condition request RB2015/0020 shall be implemented in accordance with these details and completed prior to the occupation of the dwelling.

Reason

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

05

The drainage details shall be undertaken in accordance with the details approved under discharge of condition request reference RB2015/0020. 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'.

06

The landscaping scheme hereby approved under discharge of condition request RB2015/0020 shall be undertaken 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 Core Strategy Policy CS28 'Sustainable Design' and UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

07

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) 2015 (or any Order revoking or re-enacting that Order with or without modification) no enlargement of the dwellinghouse, permitted under Part 1, Classes A, B and D shall be carried out to the dwelling hereby approved without the prior written approval of the Local Planning Authority.

Reason

So that further alterations and extensions can be controlled by the Local Authority in order to maintain the openness and appearance of the Green Belt.

## 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>RB2015/1143</b>  |
| <b>Proposal and Location</b> | Demolition of an unlisted dwellinghouse within Ravenfield Conservation Area and the erection of 2 No. dwellinghouses with associated garages at 15 Main Street Ravenfield.S65 4NA |
| <b>Recommendation</b>        | Grant subject to conditions   |



### Site Description & Location

The site is located on a corner plot fronting Main Street adjacent to Garden Lane at Ravenfield. The site currently contains a detached two storey dwelling constructed of brick with a slate roof.

There is vehicular access onto Main Street from the southern side of the dwelling leading to a detached garage located within the rear garden, with an additional vehicular/pedestrian access exiting onto Garden Lane.

The front and side boundary is currently screened by a coursed stone wall which curves around the corner of the site and is approximately 1.8 metres in height to the side decreasing to approximately 1 metre to the front boundary. Further screening is provided by mature trees on the boundary.

To the rear of the dwelling is an enclosed garden approximately 20 metres in length containing several outbuildings on the southern side boundary and various trees to the boundaries with fruit trees in the centre of the garden area.

The property is located in a prominent position on a corner plot fronting the main highway through the village and the surrounding area is residential in nature and consists of a variety of dwellings including traditional and modern two storey detached houses and bungalows and traditional stone terraced properties.

## **Background**

There is no relevant planning history relating to this site.

## **Proposal**

The application seeks full planning permission for the demolition of the existing dwelling, detached garage and outbuildings and the construction of 2 No. two storey, 4 bed dwellinghouses.

The proposed dwellings are indicated to be constructed in stone with stone mullions, transoms and copings and clay pantiles to the roof. They are traditionally designed dwellings fronting Main Street with Plot 1 having a detached garage to the rear accessed from Garden Lane and Plot 2 having a detached garage to the southern side boundary utilising the existing access on Main Street. The access to the garage on Plot 1 would require the demolition of a section of stone walling on the Garden Lane road frontage, though an existing access on this frontage, closer to the junction with Main Street, would be closed off.

The dwellings are indicated to be mirror images of each other and would have a footprint of approximately 99 square metres and a cubic volume of approximately 607 cubic metres. Each property would be set in approximately 1.3m from the shared boundary with Plot 1 being 1.8m from the boundary with Garden Lane and Plot 2 being 2.5m from the boundary with No. 17 Main Street.

The front elevations of the dwellings are indicated to be set back 7.5m from Main Street and would broadly follow the line of the front elevation of the adjacent dwelling at No. 17. The rear gardens are shown to be approximately 18 metres in length with detached garages located within the gardens areas, adding a further 78 cubic metres to the overall volume of the proposals.

The submitted Design and Access Statement sets out the proposed design and scale of the dwellings and states that the new dwellings have been positioned to compliment the surrounding properties within the Conservation Area and to minimise any impact on adjacent occupiers.

The site is not in an area where there is known bat activity and the applicant's agent has confirmed that they are unaware of any bats being present in the existing dwelling. However, the applicant has indicated that if any bats are found to be present during the demolition works this will be addressed at that time and suitable bat boxes incorporated into the new dwellings.

The submitted Tree Survey indicates the proposed removal of the following trees:

- G1 Lawsons Cypress – located adjacent to front boundary
- T4 Cherry – located within the side garden adjacent to the northern side boundary.
- T5 Lawsons Cypress – located within the side garden adjacent to the northern side boundary
- T6 Leyland Cypress – located within the rear garden adjacent to the northern side boundary
- T7 Pear – located in the centre of the rear garden
- T8 Apple – located in the centre of the rear garden

T9 Apple – located in the centre of the rear garden

T2 (Lawsons Cypress) and T3 (Cherry) located adjacent to the boundary on the corner of Main Street and Garden Lane are indicated to be retained with a proposed reduction in the height of T3.

### **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 as Green Belt in the UDP and is within Ravenfield 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):

ENV1.5 Infilling within Green Belt Villages

ENV2.11 Development in Conservation Areas

ENV3.4 Trees, Woodlands and Hedgerows

### **Other Material Considerations**

Interim Planning Guidance - 'Development in the Green Belt'. This has been subject to public consultation and adopted by the Council on 3rd March 2014 and replaces the adopted Supplementary Planning Guidance 'Environment Guidance 1 – 'Extensions to dwellings in the Green Belt' of the UDP.

Supplementary Planning Guidance, Housing Guidance 3: Residential Infill plots.

Supplementary Planning Guidance, Environment Guidance 3: Development in Conservation Areas.

Planning (Listed Buildings and Conservation Areas) Act 1990.

South Yorkshire Residential Design Guide.

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 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 press and site notice and by letters to adjacent occupiers. Two letters of objection have been received, the objections can be summarised as follows:

- Concern with regard to the removal of trees T4 and T5 as they contribute to the character and semi-rural nature of the village and would soften the impact of the newly constructed properties.(13 Main Street)
- The proposed dwelling at Plot 2 would reduce the light to their property (34 Lime Close)
- The upstairs windows of Plot 2 will overlook several of their windows resulting in a loss of privacy. (34 Lime Close)

## **Consultations**

Streetpride (Transportation and Highways): Considers that the proposal offers the opportunity to improve visibility at the junction of Garden Lane/Main Street and in this respect they recommend the creation of a 2.4m visibility splay at the site boundary. Additionally they request the imposition of a condition with regard to the use of porous materials on the vehicular hardstanding areas.

Streetpride (Tree Service Manager): Notes that the trees which are proposed to be removed are graded as low grade trees which, whilst they contribute to the visual amenity of the Conservation Area, do not meet all the criteria for inclusion in a new Tree Preservation Order to ensure their retention and protection. However the inclusion of a condition requiring the submission of a Landscaping Plan to include possible replacement planting is recommended with any approval granted.

He notes that the remaining trees to be retained will need to be safeguarded by the erection of barrier fencing during construction work and it is recommended that a condition is attached to any approval granted to ensure this.

Streetpride (Drainage Section): Have requested the submission of details with regard to the proposed means of disposal of foul and surface water drainage to be submitted for approval prior to commencement of the development.

## **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 site is allocated as Green Belt in the adopted Unitary Development Plan and is within Ravenfield Conservation Area. The main issues to be considered in the assessment of this application are:

- Whether the proposal is inappropriate development in the Green Belt.
- Impact upon the openness / visual amenity of the Green Belt.
- The design of the building and its impact on the Conservation Area.
- Whether there are any neighbour amenity issues arising.
- Whether the proposal would be of detriment to highway safety.
- Impact on trees

Whether the proposal is inappropriate development in the Green Belt:

The site is located within the village of Ravenfield which is washed over by the Green Belt. Policy CS4 – ‘Green Belt’ of the Core Strategy states that: “Land within the Green Belt will be protected from inappropriate development as set out in national planning policy,” and goes on to say that development in the Green Belt will be managed and controlled through determining planning applications.

Plot 1 is considered to be a replacement building whilst Plot 2 is an ‘infill’ development therefore each dwelling is to be assessed separately in terms of whether it is appropriate development in the Green Belt.

Plot 1 - Replacement Buildings.

The NPPF makes it clear under Paragraph 89 that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: (amongst other things)

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.”

To enable an assessment of whether a proposal is an acceptable replacement, the acceptable increase in volume of the original property is set out in the Council’s Interim Planning Guidance - ‘Development in the Green Belt’ as being no more than 10% over the cubic volume of the existing building.

The submitted details indicate that the existing dwelling has a cubic content of approximately 645 cubic metres (plus the outbuildings to be removed which equate to a further 113 cubic metres). The replacement dwelling is indicated as being 608 cubic metres, (with the detached garage adding a further 78 cubic metres) the volume of the replacement dwelling and garage are therefore calculated to equate to less than the existing buildings.

The principle of erecting a replacement dwelling and garage is therefore considered to be acceptable. The dwelling does not appear to have been extended significantly since its original construction and the replacement dwelling is smaller than that existing and as such it is not considered necessary to remove permitted development rights from the proposed dwelling in this instance.

Plot 2 – Infill Development.

'Saved' UDP Policy ENV1.5 'Infilling within Green Belt Villages' states that in certain villages within the Green Belt (which includes Ravenfield) limited residential infilling may be appropriate by infilling a small gap in an otherwise built-up frontage by the construction of a single dwelling.

In accordance with paragraph 89 of the NPPF the "limited infilling in villages" is not considered to be inappropriate development in the Green Belt.

The Council's Interim Planning Guidance - 'Development in the Green Belt' states that limited infilling which can demonstrate that it will not erode the character of the area may be acceptable in certain villages (which would include Ravenfield). It adds that: "The Council considers a small gap in an otherwise built up frontage to mean a gap which fronts onto a highway and has a width less than 20m between the existing buildings."

In this instance the existing gap between 15 and 17 Main Street is only approximately 12m, within the 20m limit set out in the Interim Planning Guidance. However, 15 Main Street would be demolished and replaced with a new dwelling, and the gap between the new dwelling and the existing property at 17 Main Street would be approximately 15.8m (again, within the 20m limit). As such, whilst the dwelling on Plot 1 has not been constructed, the proposed infill dwelling (which could not be constructed without the existing property being demolished) would represent an appropriate infill development in an otherwise built up frontage which currently exists on this section of Main Street.

The proposed detached garage would represent inappropriate development in the Green Belt, though prior to the submission of the planning application the applicant originally proposed an integral garage and officers indicated that in design terms this would not be appropriate in the Conservation Area. As such, the design was amended and a separate detached garage submitted as part of the proposals. In addition, it is recommended that normal permitted development rights are removed to prevent additional outbuildings being erected. It is considered that for these reasons, very special circumstances exist to justify the inappropriate development (in the form of the detached garage).

Impact upon the openness / visual amenity of the Green Belt:

National Planning Policy Framework relating to 'Protecting Green Belts' notes at Paragraph 79 that: "The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping and permanently open; the essential characteristics of Green Belts are their openness and their permanence."

The proposed dwelling and detached garage on Plot 1 would have a reduced volume than the existing house and outbuilding and as such it is considered that they would have a reduced impact on the openness of the Green Belt. The proposed dwelling and garage on Plot 2 would clearly have a greater impact on openness, though being in the heart of the village and complying with the infill development within villages criteria set out in the Interim Planning Guidance, it is not considered that the impact would be significant.

The land to the rear of the dwelling overlooks Church Farm and taking all of the above into account it is not considered that the proposals would have a detrimental impact on the openness or visual amenity of the Green Belt in this location.

### The design of the buildings and their impact on the Conservation Area

The existing dwelling is located within Ravenfield Conservation Area and development within the Conservation Area is controlled following the advice and guidance contained in UDP Policy ENV2.11 'Development in Conservation Areas,' and paragraphs 131 and 137 of the NPPF, the aim of these being to promote high standards of design within Conservation Areas so that development fits the locality in terms of scale, massing, density and detailed physical characteristics and to prevent detrimental incremental change.

In terms of assessing the proposed design of the proposal in relation to the existing locality, Core Strategy CS28 'Sustainable Design,' requires that development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.

With regard to 'Requiring good 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."

The National Planning Policy Guidance (March 2014), further 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 goes on to state that all new dwellings should be fit for purpose in terms of internal layout, dimensions and space standards, it further sets out that private rear garden space should be appropriate to the size of the dwelling. The proposed dwellings are indicated to comply with the requirements of the SYRDG.

The existing building is constructed in brick with a tiled roof and would have been constructed soon after the turn of the nineteenth century and has a pleasant appearance. Its demolition would not normally be accepted, unless a suitable alternative development had been approved, as proposed under the current application. In regard to the overall appearance of the proposed dwellings and their integration into the locality the site is located in a village setting where there is no uniformity of streetscene. The proposed dwellings are to be constructed using quality materials, being natural stone and clay pantiles, and the design is considered to be acceptable in relation to the locality. The design was amended prior to the submission of the application to exclude an integral garage on Plot 2 as this is not a traditional feature within the Conservation Area. The buildings in the

heart of the village are predominantly constructed in stone, with some having clay pantile roofs and some tile. In this instance the use of clay pantiles is considered acceptable as it has been requested by the Council's Conservation Officer as being the appropriate material for dwellings of this character and design.

In terms of alterations to the stone boundary wall around the site, the access to the garage on Plot 1 would require the demolition of a section of stone walling on the Garden Lane road frontage, though an existing access on this frontage, closer to the junction with Main Street, would be closed off. It is anticipated that the stone created by the demolition element could be used in the new section closing off the existing access. In addition, only a small pedestrian entrance is proposed within the wall on the Main Street frontage, which would otherwise be unaffected.

As such the proposal is not considered to have any adverse impact on the visual amenity of the existing locality or the Conservation Area.

It is therefore considered that subject to the recommended condition requiring the submission of material details for approval, the proposal would be in accordance with the relevant Policies and advice set out above.

Whether there are any neighbour amenity issues arising:

The NPPF, at paragraph 17, 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 buildings.

An objection to the position of the dwelling on Plot 2 has been submitted by the occupier of a property which is located on the opposite side of Main Street. The objections relate to loss of light and overlooking issues.

However in assessing the potential impact of the proposal on the neighbours it should be noted that the objector's property is not located directly opposite the proposed position of the new dwelling and as such it is not considered that it will be directly overlooked by the habitable room windows in the proposed dwelling, which are indicated to be located slightly to the north of the objector's dwelling.

Taking all of the above into account it is considered that there would be little impact on the residential amenity of adjacent occupiers by the introduction of the proposed dwellings in this location.

Whether the proposal would be of detriment to highway safety:

The Council's adopted Parking Standards (June 2011) advise that properties with 3 or more bedrooms should have 2 parking spaces. The proposed dwelling at Plot 2 would be served by the existing access from Main Street with a new access being created onto Garden Lane for Plot 1.

The Transportation Unit has noted that the proposal offers the opportunity to improve visibility at the junction of Garden Lane/Main Street by way of the creation of a 2.4m visibility splay at the site boundary. However this would necessitate the removal of a large section of the existing stone boundary wall on the corner which it is considered would be detrimental to the visual amenity of the Conservation



Area and the village setting. The Transportation Unit notes that Garden Lane currently serves as an access to a vehicular access to the existing property, such that the current proposal would not generate significant additional vehicular traffic movements long this road. As this is not a highway requirement in road safety terms this amendment has not been sought and highways officers have concurred that the proposal is still acceptable in terms of highway safety.

#### Impact on trees:

There are several mature trees and shrubs on the site that collectively help contribute to overall amenity to the area. Most are positioned towards the site boundaries where they help provide useful screening to and from the site.

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."

The NPPF further goes onto note at paragraph 118 that: "When determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by applying (amongst others) 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 submitted tree survey indicates that 7 trees are to be removed to facilitate the development. An objection has been received relating to the removal of the trees to the side boundary which the objector considers add to the overall visual amenity of the area.

The Council's Tree Service Manager has assessed the impact of the development upon the trees. In summary it is considered that none of the trees on site meet all the criteria for inclusion within a new Tree Preservation Order. However, it is considered that the future prospects of any trees shown for retention should be safeguarded throughout the proposed construction works in order to maintain the visual amenity that they provide to the site and the surrounding area, and a detailed landscape plan to show the possible siting of any replacement trees should be submitted before work commences on site. These matters can be controlled by way of the imposition of suitable conditions.

In light of the above, it is considered that the scheme would accord with the provisions of Policy ENV3.4 'Trees, Woodlands and Hedgerows,' and the advice contained within the NPPF.

#### **Conclusion**

The majority of the proposals are not considered to be inappropriate development in this Green Belt location which are of an appropriate size and design such that they would have no adverse impact on the openness of the Green Belt or the visual amenity of the Conservation Area. The detached garage for Plot 2 is inappropriate development in the Green Belt, though the desire to avoid an integral garage and the removal of permitted development rights for any detached

outbuildings for Plot 2 would amount to very special circumstances to justify this element of the overall development.

It is further considered that the new dwellings would not have any detrimental impact on the current level of residential amenity enjoyed by the occupiers of the adjacent dwellings in terms of over-dominating building form or loss of privacy due to overlooking.

Furthermore it is considered that adequate provision has been made for access to the site from the highway and garaging/ parking within the site such that it is not considered that the development will result in any impact on highway safety.

With regard to the existing trees on site, some of which will need to be removed to facilitate the development, these have been assessed and do not meet the criteria for inclusion in a new Tree Preservation Order.

As such the proposal is recommended for approval subject to the recommended conditions 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 MS.06/1; MS.06/2; MS.06/3; MS.06/4) (received 25 August 2015)

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, including the re-built section of boundary walling fronting Garden Lane, 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

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design' and UDP Policy ENV2.11 'Development in Conservation Areas.'

04

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'.

05

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'.

06

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 properties are occupied.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS28 'Sustainable Design' and UDP Policy ENV2.11 'Development in Conservation Areas.'

07

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 is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

#### Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

08

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 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. This shall be positioned in accordance with the submitted Tree Protection Plan Drawing No MSR 03 dated, September 2015. 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 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

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. 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'.

10

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no outbuilding permitted under Part 1, Class E, of The Town and Country Planning (General Permitted Development) Order 2015 shall be carried out to the dwelling hereby approved on Plot 2 without the prior written approval of the Local Planning Authority.

#### Reason

The proposed detached garage represents inappropriate development in the Green Belt and the control of further outbuildings would amount to partial

justification for the development, in the interests of maintaining the openness of the Green Belt in this location.

## **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

INF 25 Protected species

### **Wildlife Legislation**

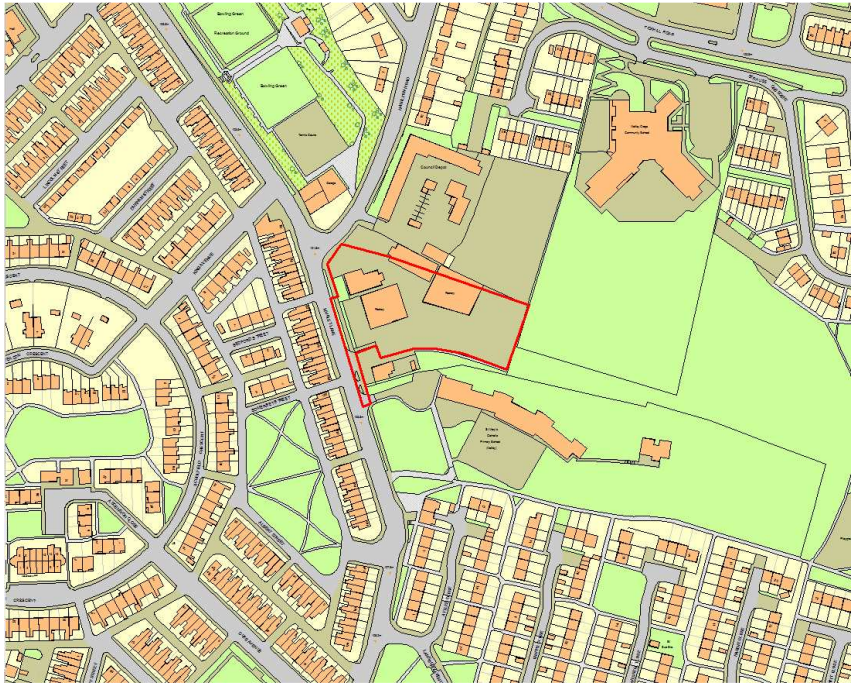
Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the

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.

**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>RB2015/1197</b>   |
| <b>Proposal and Location</b> | Demolition of existing units and construction of new food store with car parking, landscaping & associated works at Muglet Lane/Hamilton Road, Maltby S66 7NE for Aldi Stores Ltd. |
| <b>Recommendation</b>        | Grant subject to conditions  |



**Site Description & Location**

The site to which this application relates comprises of a relatively level parcel of land some 0.59 hectares in area and contains vacant/disused buildings associated with a longstanding general industrial company (Lantern Engineering) which is no longer in operation at the site.

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 Roman Catholic 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 are located across Hamilton Road.

## **Background**

The application site has historically been the subject of numerous planning applications relating to replacement buildings, the construction and re-cladding of existing buildings, installation of 2 No. portacabins and raising the height of perimeter fencing and gates, all associated with the commercial operations carried out on the site.

More recently, an application for the erection of 32 no. two and three storey dwellinghouses and garages (reference RB2006/1250) was refused permission on 28 September 2006 with a subsequent appeal against the Council's refusal being dismissed on 24 August 2008. The reasons for refusing this application were:

01

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

02

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

A further scheme for the erection of 20 no. two storey dwellinghouses with rooms in roofspace and dormer windows, 12no. two storey dwellinghouses and associated garages (reference RB2007/0306) was refused for the above stated reasons on 15 May 2007.

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

Below are the applications most relevant to this application.

RB2014/0318: Demolition of existing units and construction of new food store with car parking, landscaping & associated works at the site - approved at Planning Board on 5<sup>th</sup> June 2014.

RB2015/0551: Application to vary condition 02 (Approved Plans) imposed by RB2014/0318 was granted on 16<sup>th</sup> July 2015. The main difference to the original approved plans was the increase in the net sales area by about 100 sqm, which is 10% greater than that approved, a slight reduction in parking nos from 97 to 94, and a slight realignment of the proposed access to Hamilton Road.

#### Screening Opinion:

The original proposal was 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 that 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 applicant is Aldi Stores Ltd who propose to undertake complete demolition of the existing Lantern Engineering buildings within the site and to replace them with a new retail foodstore comprising of 1,108sqm net sales floor area with additional storage, staff and office facilities totalling 1,924sq.m gross external area. The scheme proposes the closure of the current access onto Hamilton Road and the formation of a new access point to Muglet Lane.

The difference with this application and the previously approved scheme under RB2015/0551 is an increase in size of the warehouse area. The approved scheme has a warehouse area of 335sqm, whilst this application seeks permission for a store with a warehouse of 460sqm in size. This increased size will allow an enhanced service and enable a larger amount of stock to be stored on site. The larger store would lead to some loss of landscaping to the southeast of the site.

The retail floor area is the same size as previously approved (being approximately 1,250 sqm).

The scheme includes the provision of 93 car parking spaces, one less than the 94 shown on the previously approved scheme due to the car park layout being modified. The cycle parking has been relocated to be positioned under the canopy looking out over the car park.

The form of the building is indicated to be of single storey flat roofed construction, with dimensions of approximately 59 metres in depth; 37 metres in width; with the height of the building ranging between 5.6m – 6.7m when measured from the lowest adjacent land level, with the general height of the building when measured from its finished floor level being 5.4 m. In terms of materials of construction the building is indicated as having a brickwork plinth and white through colour render above, and powder coated grey aluminium roof flashings and overhanging front canopy, along with window frames and entrance door surrounds.



The enlarged warehouse element sits within a previously recessed corner space of the store. It is not visible from the main road.

The entrance door has been relocated within the entrance lobby from the side of the building to the front elevation of the store.

This planning application also includes the provision of 200 solar panels on the flat roof. These will provide the store with at least 10% of its electricity. The panels will be located to the rear and below parapet height and they will not be visible from any street level elevation.

Operational hours are proposed to be the same as those approved under the last proposal, these are: Monday to Saturday: 07.00 - 23.00 & Sunday: 09.00 - 22.00 for deliveries/collections from the store. Proposed opening hours are 08.00 – 22.00 Monday to Saturday and between the hours of 10.00 -17.00 on Sundays.

The application has been supported by the following documents –

**Planning and Retail Statement:**

This documents states that as part of the original application four potential alternative sites within Maltby catchment were identified as part of the Sequential Test. However it was concluded that there were no sequentially preferable sites within the catchment area.

In relation to the Impact Test it concludes that they do not consider that there would be a detrimental impact on Maltby Town Centre, and that linked trips to the store could benefit the community.

**Design and Access Statement:**

This states that the warehouse enlargement proposal will be of significant benefit to the Aldi operation and would assist in fulfilling customer needs. The solar panels will reduce the energy requirement from the national grid and the carbon footprint.

**Tree Report:**

This shows that there are a limited number of trees on site, which are only category C and should not be seen as a constraint to development. If removed they should be replaced with better quality specimens within the landscape scheme. Protective fencing of trees adjacent to the site is proposed and Root Protection Areas are to be provided.

**Transport Assessment:**

Advises that the proposal would provide a food retail destination within walking distance of many properties within an established urban area, and is accessible by all modes of travel. The proposal increases the number of parking spaces on offer within Maltby and as such the propensity for linked trips is extremely high (this may be a key benefit at school drop off and collection times). Capacity assessments have been carried out (taking account of the proposed outline residential development proposed on the adjacent development site), and the results demonstrate that there is a negligible impact arising from these combined developments in the 2013 and 2018 assessment years.

The TA concludes that there are no highways or transportation reasons as to why this development should not be approved.

Travel Plan (TP):

The submitted TP sets out measures, objectives and targets for reduced car usage and increased non-car transport usage, including modal split targets; the provision of Travel Plan Co-ordinator including roles, responsibilities and annual monitoring; the provision of travel information; implementation and review timescale; and enforcement, sanctions and corrective/review mechanisms.

The measures contained within the TP note that it shall be implemented in accordance with the approved timescale, except where the monitoring evidence demonstrates that a revised timescale/measures to achieve trip targets are necessary.

### **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):

CS12 Managing Change in Rotherham's Retail Service Centres  
CS14 Accessible Places and Managing Demand for Travel  
CS28 Sustainable Design  
CS12 Transforming Rotherham's Economy  
CS27 Community Health and Safety  
CS21 Landscapes

'Saved' UDP Policies:

EC3.2 'Land identified for Business Use'  
EC3.3 'Other Development within Industrial and Business Areas'  
ENV2 'Conserving the Environment'  
ENV3.7 'Control of Pollution'  
ENV4.4 'Contaminated Land'

### **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 Core Strategy/UDP 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 31 immediately surrounding properties. No letters of representation have been received.

## **Consultations**

Streetpride (Transportation and Highways) – Raise no objection.

Neighbourhoods (Environmental Health) – Raise no objection provided relevant conditions are again attached.

Streetpride (Landscape) – Raise no objection provided relevant landscape conditions are once again attached.

Streetpride (Rights of Way) – A small section of Maltby footpath No.22 appears to run within the site boundary at the very southerly most point at the junction with Muglet Lane. This will need to be left in situ and, unless a diversion order is applied for, the path must remain on its existing line and be unaffected by the proposals.

Environment Agency – Raise no objections.

South Yorkshire Mining Advisory Service – Raise no objections.

South Yorkshire Archaeology Service – Raise no objection.

## **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.

In this instance it is considered that the following issues are most relevant in considering the application:

- 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 RB2014/0318, and a variation to this application under RB2015/0551 which increased the retail floor sales area. These planning permissions remain extant.

The site is allocated for Business Use within the adopted Rotherham Unitary Development Plan. The relevant policies are therefore EC3.2 Land Identified for Business Use and EC3.3 Other Development within Industrial Areas. Whilst the proposal is not for business use the previous permissions for retail on the site which are extant have clearly been accepted along with the loss of employment land on this site. Whilst the loss of an employment land site is noted, the reuse of the brownfied site would result in the creation of 50 full time equivalent jobs as well as providing a sustainable service for the community.

Policy CS12 Managing Change in Rotherham's Retail and Service Sector, requires such application for retail development out of allocated town centres to undergo the Sequential and Retail Impact Assessment.

This application does not propose any change to the retail floor space within the proposed store from that approved under the most recent application - RB2015/0551. With regard to the Sequential Test the application site is in an out-of-centre location, however as with the original application the Local Planning Authority is satisfied that there are no sequentially preferable sites within the catchment area. In relation to the Impact Test, as previously concluded, it is not considered that the proposal would have a detrimental impact on Maltby Town Centre.

It is therefore considered that the proposal is in accordance with the aims of Core Strategy Policy CS12 Managing Change in Rotherhams Retail and Service Sector.

### 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 store is located in the eastern corner of the application site with the main glazed elevation visible from Hamilton Road to allow the creation of an active frontage. With regards to scale and massing, the surrounding area comprises a mix of commercial and residential properties with a range of building heights. The proposed flat roofed building has been designed to be in keeping with the character of the area and not overdominate the existing buildings surrounding the site.

In terms of the design of the store, many of the neighbouring properties are suburban in nature, however the store proposes to include a palette of materials that will add interest to the site such as glazing, aluminium and render.

The latest scheme involves a slightly larger store than that previously approved. It will be 124 sqm larger, the enlarged section is a warehouse extension that effectively fills in a gap on the corner of the building when compared to the previously approved store, in the south eastern section of the site. The location of the main entrance door within the entrance lobby is also proposed to be moved slightly. Access will be gained from the front elevation as opposed to the site of the entrance lobby as previously approved.

In this respect the layout and design of the building will not be significantly altered to that previously approved and when viewed from public viewpoints.

This application also seeks permission for the installation of 200 solar panels on the flat roof section of the building. These will not be visible from the street, and will therefore not have significant visual impact. The use of renewable energy methods within schemes is welcomed and is beneficial to the environment.

Policy CS21 ‘Landscapes’ seeks to ensure that new development will safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. This proposal is supported by a comprehensive landscaping scheme to ensure that the development is visually attractive and blends into the locality.

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."

UDP policy ENV3.7 Control of Pollution states that the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

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 store is generally positioned in the same location as the previously approved scheme with just a slightly larger are built on to the south of the site. The building does not extend any closer to residential properties than the previously approved scheme. The car parking area separates the residential properties from the store itself, and no harm to neighbouring amenity is envisaged from the proposal. It is not considered that the larger warehouse footprint would result in any increased traffic movements to and from the site. Hours of operation would be controlled via appropriate planning conditions, as on the original permission.

The agent for the application has confirmed that the solar panels would not create any noise, and in this respect it is not considered that their addition would have a detrimental impact on residential amenity by virtue of noise or disturbance.

UDP policy ENV4.4 Contaminated Land states that where land may be contaminated as a result of previous uses investigations will be necessary. 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,' UDP policy ENV3.7 Control of Pollution and ENV4.4 Contaminated Land and the advice contained within the NPPF and the guidance outlined in the NPPG.

### Impact on highway safety

This full application differs from the previously approved scheme by way of an increase to the warehouse area and the loss of 1 No car parking space. There is no additional retail area proposed. It is not considered that the additional warehouse space will produce any significant extra traffic as trips are generated principally by customers, not staff or deliveries. This being the case the proposal is considered acceptable from a highway safety aspect.

The scheme includes relocation of the cycle parking hoops to the front of the building beneath the canopy. This is considered appropriate and beneficial to users as the hoops are now under the canopy and in open view of the car park.

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel' states that the Council will work with partners and stakeholders to focus transport investment on making places more accessible and on changing travel behaviour. It is noted that the site is located within an area of high density residential housing within walking distance, and that there is a good footway network locally. It is considered that the site is located within a sustainable location to allow customers to access the store by a variety of modes of transport in accordance with Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel.'

### **Conclusion**

Having regard to the above the proposed erection of a foodstore is considered to satisfactorily meet the requirements of the sequential test and impact test, as there are no more sequentially preferable sites available and it is not considered that the proposal would significantly harm Maltby town centre. The proposal would result in the loss of an employment land site, however the reuse of the brownfield site would result in the creation of 50 full time equivalent jobs as well as providing a sustainable service for the community.

The layout and design of the scheme is considered acceptable and conforms to the environment in the site's immediate locality without unduly impacting upon amenities of adjacent residential and commercial premises. A robust landscaping scheme is provided to soften the built development.

The site is widely accessible and raises no concerns from a highway safety or accessibility perspective and is backed up by a travel plan.

Overall it is considered that the scheme is in accordance with relevant Core Strategy and Unitary Development Plan policies, and 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 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:

Proposed floor plan dwg no. C15A35-P200 Rev A

Proposed elevations dwg no. C15A35-P201 Rev A

Proposed sections dwg no. C15A35-P006 Rev A

Proposed roof plan dwg no. C15A35-P203 Rev A

Proposed location plan draw no1126 – 50 Rev A

Proposed Site Plan drawing no C15A35-P003 Rev A

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 C15A35 – P003 Rev A 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 C15A35 – P003 Rev A 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

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

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

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

#### 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

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. 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', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

18

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

19

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.'

20

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.'

21

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.'

22

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.'

23

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.

24

Subject to the findings of Condition 23, 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.

25

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.

26

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.

27

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](http://www.saferparking.com)

- All doors and windows should be to the standards required by Secured by Design. [www.securedbydesign.com](http://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 24 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 26 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, 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>    | RB2015/1205  |
| <b>Proposal and Location</b> | Erection of 1 dwellinghouse and detached garage at 10 Hallam Road, Moorgate, S60 3BU |
| <b>Recommendation</b>        | Grant subject to conditions  |



### Site Description & Location

The application site is located on the corner of Hallam Road and Queensway which is an established residential area where properties within the immediate locality are of varying architectural design, sizes and scales.

The site originally comprised of a detached two storey property which has now been demolished as part of the implementation of the previous planning approval RB2014/0212.

### Background

RB2014/0212 – Demolition of existing dwelling & erection of 1 no dwelling with integral garage & vehicular access – Granted conditionally

### Proposal

This proposal is essentially an amendment to the previously approved scheme and as before is seeking permission for the erection of a replacement detached dwelling but with a detached garage to the rear instead of an integral garage.

The proposed replacement dwelling is the same design and size as the previous approval albeit with the space where the integral garage was now being shown as a habitable room.

The new detached garage is proposed to be sited to the rear of the new dwelling and is set away from the boundary of the site by approximately 2.7m at the rear, 6.4m to the side boundary with No.17 Queensway and 8.5m to the boundary fronting Hallam Road. It follows the building line of the properties on Hallam Road and measures 6m x 6m with an eaves height of 2.3m and a ridge height of 4m. It is to be covered with a pitched roof that slopes away from the rear boundary and is to be constructed with materials to match the new dwelling.

The submitted plan also indicates various works within the site:

- the creation of a hard standing area in tarmac with a soakaway system to the side of the property and a grassed area to the front of the property;
- erection of 1m high wall to the front boundary and 1m high gate to the existing vehicular access fronting Hallam Road
- creation of a stepped path from Queensway
- 1.2m high boundary wall with 300mm railings along the side boundary fronting Hallam Road

The previous approval has been implemented and work has already started on site. The existing house has been demolished and the construction of the new dwelling has commenced.

### **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 'saved' policy(s)

HG5 'The Residential Environment'

### **Other Material Considerations**

Interim Planning Guidance - 'Householder Design Guide' (IPG). This has been subject to public consultation and adopted by the Council on 3<sup>rd</sup> March and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

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 and 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 letters to immediate neighbouring properties, in addition a site notice has been displayed for a period of 21 days.

6 letters of representation have been received detailing the following points;

- intrusive brick wall and gate facing Hallam Road which will dominate the area as it would be built on a slope and it would not fit in with the surround boundary treatments at this prominent position.
- boundary treatment should be compliant with the restrictive covenant
- large amount of hardstanding area within the site and should be reassured adequate drainage will be in place
- foul drainage should be fully assessed
- the proposed gate should not intrude onto the public highway
- the design of the property and the proposed hardstanding indicates business use within the site
- landscape scheme should be considered
- the number of cars park within the site and the potential conversion of the property into flats should be restricted
- headlights of cars driving down the driveway would affect oncoming traffic driving up Hallam Road to the Queensway junction

3 requests to speak (applicant and two objectors) at the Planning Board meeting have been received.

## **Consultations**

Yorkshire Water: No objections

Streetpride (Highway & Transportation): No objections subject to conditions

Streetpride (Drainage): 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 main considerations in the determination of this application are:

- Principle
- Design and Visual Amenity
- Residential Amenity
- Other Considerations

### Principle

As previously noted, this proposal is essentially an amendment to the previously approved scheme and as before is seeking permission for the erection of a replacement detached dwelling but with a detached garage to the rear instead of an integral garage. The principle of a replacement dwelling on the site has already therefore been accepted

In addition, the boundary treatment to the side fronting Hallam Road (1.2m high wall with 300mm railing) and to the rear (1.2m high close boarded fence) were approved under RB2014/0212. These elements could be constructed as part of this previous scheme and do not raise any new issues for consideration.

The replacement dwelling has not been completed and occupied and therefore it does not have any permitted development rights under the Town & Country Planning (General Permitted Development) Order 2015. However, if the dwelling had been completed in accordance with the approved plans and subsequently occupied, then the proposed garage, the boundary treatment to the front of the property (which is 1m in height) and the proposed hard surfaced area with soakaway (which are the amendments to the previous approval) would be considered to be permitted development. With this in mind, it is considered these elements as proposed are acceptable in principle.

### Design and Visual Amenity

The NPPF at paragraphs 17, 56 and 64 details how the Government attaches great importance to the design of the built environment and how good design is a

key aspect of sustainable development which should contribute to making places better for people.

Core Strategy policy CS28 'Sustainable Design' seeks to ensure that all development make a positive contribution to improve the character and quality of the area by achieving an appropriate standard of design and the IPG 'Householder Design Guide' advises that garages should not be of an excessive size and height.

The proposed garage follows the building line of the adjacent property No.12 and is more than 2m away from the boundary with the neighbouring property. With a dual pitched roof and ridge height of 4m and a footprint of 6m x 6m it is considered that the garage is of appropriate size and design.

It is acknowledged that most of the property boundaries along Hallam Road take various forms ranging from open plan front gardens, hedges, low walls or walls with railings. With this in mind, it is considered that the proposed gate to the existing vehicular access is of an acceptable height (1.25m at the highest point) and design and would not form an incongruous, dominant feature in the street-scene. Furthermore the proposed 1.2m wall with 300mm railings to Hallam Road is of a height that is appropriate for this setting and will not form an oppressive feature.

The proposed dwelling is the same design as before and will blend well with the existing properties in the locality. The provision of a habitable room instead of an integral garage has a very minor impact on the front elevation and does not detract from the overall design of the property.

#### Residential amenity

The NPPF, at paragraph 17 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 buildings."

The proposed garage and dwelling by virtue of their position on site and overall height would not result in any adverse impact on the residential amenity by way of overbearing, overshadowing or overlooking and are therefore considered acceptable.

#### Other considerations

Restrictions and requirements set out in any deeds or covenants relating to the site are civil matters and are not material considerations when determining planning applications.

The Council's drainage engineer has been consulted on the details of the proposed hardstanding area and it is considered that the proposed soakaway is acceptable for the surface water being discharged within the site subject to the system having the appropriate capacity. It is therefore considered necessary to impose a condition requiring further details of the soakaway to be submitted to, approved and brought into use before the dwelling is occupied.

This application is for the erection of a replacement dwelling and there is no business proposal associated with it which would require further consent. Similarly planning permission would be required to convert the property into flats and it is therefore unnecessary to preclude either of these through a restrictive condition.

Whilst no detailed landscape scheme has been submitted there are areas of lawn to the front and rear of the property which is appropriate for a residential site and to ensure that the proposed gate does not protrude into the public highway, a planning condition is recommended.

## **Conclusion**

Having regard to the above, it is concluded that the proposal would comply with the relevant paragraphs of the NPPF, policies of the UDP and Core Strategy and the guidance detailed within the adopted IPG and for the reasons detailed in this report the application is recommended for approval subject to the following conditions.

## **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)

(Drawing number R/14/01 Revision F)

Reason

To define the permission and for the avoidance of doubt.

02

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'.

03

Before the development is brought into use, full details of the soakaway system as shown on the approved plan shall be submitted to and approved by the local planning authority. The soakaway shall be constructed in accordance with these details and thereafter maintained in a working condition.

Reason

To ensure that surface water can adequately be drained within the site, in accordance with UDP Policy HG5 'The Residential Environment'.

04

The gate hereby approved shall not overhang or encroach onto the public highway.

Reason

In the interest of highway safety.

## **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.