

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 4<sup>th</sup> AUGUST 2016**

**The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.**

<b>Application Number</b>	RB2014/1183
<b>Proposal and Location</b>	Demolition of public house and erection of 12 No. dwellinghouses at Lordens Hotel, 64 Doe Quarry Lane, Dinnington
<b>Recommendation</b>	<p>That planning permission be granted subject to:</p> <p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"><li>• £10,000 off site affordable housing contribution,</li></ul> <p>B Consequently upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to conditions.</p>

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for major developments.



## **Site Description & Location**

The site to which this application relates consists of a former public house known as the Lordens Hotel which is a large brick built building with a slate roof and stone dressings, located in a large plot on Doe Quarry Lane, Dinnington. The public house in question has been closed for a number of years and the site has become overgrown. The site extends to 0.29 hectares. The surrounding area is predominately residential and is characterised by a mix of terraced, semi-detached and detached properties. Land to the north is designated as Green Belt and forms part of the extensive playing field area to Dinnington Comprehensive School.

## **Background**

KP1961/1177: New toilets and staircase.  
GRANTED 13/02/61

RB1988/0077: Rear porch extension & replace door with window on front elevation.  
GRANTED 02/02/88

RB1994/0685: Display of various illuminated signs.  
GRANTED CONDITIONALLY 20/07/94

RB2004/1886: Installation of 60cm satellite dish to side of building.  
GRANTED 01/11/04

## **Proposal**

The application seeks full planning permission is for the demolition of the existing public house and the erection of 12 no. dwellings on the site. The development would take the form of a row of 7 contemporarily designed terraced properties which would be sited fronting Doe Quarry Lane, and 5 linked properties at the rear of the site. The row at the front would be stepped in front of the neighbouring semi-detached property, 62 Doe Quarry Lane, and would be roughly in line with the other neighbouring property to the east, 68 Doe Quarry Lane.

The front row of dwellings is indicated to consist of 5 two storey dwellings with 2 two and half storey dwelling houses located centrally in the block. The second row of dwellings would be set behind the front row and would consist of 5 linked dwellings including 3 one and a half storey dwellings at either end and in the middle, and 2 bungalows located in between. The chosen materials of construction are indicated to comprise of a mixed pallet of render, cladding and brickwork.

A landscaping scheme for the site indicates new planting throughout the scheme with acoustic fencing being installed adjacent to the boundary with no. 66 Doe Quarry Lane and boundaries comprising of 1.8 metre timber fencing with trellis sections added to allow additional privacy.

Access to the site is indicated to be off Doe Quarry Lane adjacent to no. 68 with car parking in line with the Council's adopted standards being located to the rear of the front row of terraced properties and to the front of the second row.

The application is accompanied with a Public House Viability Assessment which sets out that the public house is no longer viable owing to the fact that the business has been closed for a number of years and would need significant investment to continue trading in the future. Furthermore, the report concludes that there are sufficient alternative public houses close to this site for residents to use and therefore in terms of overall community loss this would be negligible.

The application is further accompanied with a Bat and Bird Survey which notes that the existing property is confirmed as a Common Pipistrelle bat roost, the nature of which is not yet known, and concludes that further activity surveys should be conducted on the property to test for bat activity within the building. The report concludes with a set of recommended mitigation measures in order to permit the destruction of the bat roost, including provision of bat boxes within the new development.

The submitted Design and Access Statement concludes that the proposal provides a sustainable development within the settlement boundary of Dinnington which has been identified as an area for new housing development. The Design and Access Statement goes on to conclude that the scheme is appropriate in its context and would improve the character and quality of the surrounding area.

The submitted Land Contamination Report concludes that taking account of its previous uses that ground contamination is highly unlikely at the site.

### **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) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015 and submitted for Examination in Public in May 2016.

The application site is allocated for 'Residential' purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'Residential' purposes on the Policies Map. 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'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS20 'Biodiversity and Geodiversity'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS29 'Community and Social Facilities'

Unitary Development Plan 'saved' policy(s):

CR1.5 'Community Facilities'  
HG4.3 'Windfall Sites'  
HG5 'The Residential Environment'  
ENV3.7 'Control of Pollution'  
ENV4.4 'Contaminated Land'

Local Plan 'Publication Sites and Policies - September 2015':  
None relevant

### **Other Material Considerations**

The Council's Adopted Car Parking Standards (June 2011).

The South Yorkshire Residential Design Guide (SYRDG).

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

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/Unitary Development Plan/Rotherham Local Plan ‘Publication Sites and Policies - September 2015’ policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

## **Publicity**

The application was advertised by Press and Site Notice and by letters to neighbouring residents. The Council has received comment from Dinnington Town Council which in summary raise:

- Concerns about the increased traffic likely to result from the development; and
- Suitable mitigation measures should be put in place to reduce the risk of accidents resulting from the development.

## **Consultations**

Streetpride (Transportation and Highways) Unit: Raise no objections to the proposed development in highway safety terms and consider that it would not lead to any increase in traffic movements over and above its existing authorised use. As such, it is considered that the proposal is acceptable subject to conditions requiring that the parking and turning areas are suitably laid out and hard surfaced and sustainable transport measures are provided for residents of the new dwellings.

Streetpride (Landscape Design): Raise no objections to the submitted proposals in landscaping terms subject to the recommended conditions relating to the submission of a detailed landscaping plan.

Streetpride (Ecology): Notes the conclusions reached within the submitted bat and bird survey report undertaken in September 2014 and the adverse impact on bats (a European protected species) and the suitable mitigation measures which are needed to be incorporated into any scheme for the redevelopment of the site requiring biodiversity enhancement along with a licence from Natural England is secured before the demolition works take place. These can be secured via the imposition of suitable conditions / informatives.

Community Protection (Contaminated Land): Considers that there is a very low risk of ground contamination at the site owing to its previous uses. However, conditions are recommended which include further ground investigation works and suitable mitigation measures as necessary.

Affordable Housing Manager: Raises no objections to the application subject to the signing of a S106 agreement for a contribution of £10,000 towards off site affordable housing.

Education: Consider that the scheme as submitted does not trigger the requirements for any S106 education contributions.

South Yorkshire Mining Advisory Service: Confirm that the site does not lie in a Coal Authority referral area and therefore a coal mining risk assessment would not be required. As such, no objections are raised to the proposals.

## **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 relevant in the determination of the application:

- Principle of development, including loss of community facility.
- Design issues and impact on streetscene.
- The impact on the amenity of future occupiers.
- Impact on amenity of neighbouring residents.
- Highways issues.
- Ecology / biodiversity issues.
- Contaminated land issues.
- Affordable housing.

The principle of the proposed development, including loss of community facility:

The application site is located within an area allocated for Residential purposes within the Council's adopted Unitary Development Plan (UDP). Core Strategy Policy CS1 'Delivering Rotherham's Spatial Strategy,' states that: "Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community. Our strategy will make the best use of key transport corridors, existing infrastructure, services and facilities to reduce the need to travel and ensure that wherever possible communities are self-contained."

Policy CS1 notes that Dinnington would provide 700 new dwellings (5% of Rotherham's housing requirement). As such, Dinnington is identified as a significant growth area.

In addition, 'saved' UDP Policy HG4.3 'Windfall Sites,' states that the Council will determine proposals for housing development in the light of their location within the existing built-up area and compatibility with adjoining uses, and compatibility with other relevant policies and guidance.

The provision of additional residential development on this former public house site is considered acceptable in principle. It is noted that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development and Local Planning Authorities should approve development proposals that accord with the development plan without any delay, unless material considerations indicate otherwise.

One such material planning consideration is set out in Paragraph 17 of the NPPF which amongst other criterion encourages: "the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value."

A further material planning consideration is set out in Paragraph 47 of the NPPF which requires that Local Planning Authorities (amongst other criterion) to identify and update annually a supply of specific deliverable sites sufficient to provide a five year supply of housing and currently the Council cannot clearly demonstrate such a supply. The development hereby proposed would be within a sustainable area and furthermore provide much needed residential accommodation. Other material planning considerations are discussed further below.

With regards to the loss of the former public house for residential development Policy CS29 'Community and Social Facilities,' states that: "The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency."

UDP Policy CR1.5 'Community Facilities,' further states on this matter that: "Those areas allocated on the Proposals Map for Community Facilities will, wherever possible, retained or developed for such purposes during the Plan Period. In addition, land or buildings currently used for community purposes, but not identified as such on the Proposals Map will be similarly safeguarded wherever possible."

Paragraph 70 of the NPPF states that planning policies and decisions (amongst others) should:

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community."

With the above in mind, the site was purchased by the current owner in March 2012 and has been actively marketed ever since and there has been no active interest in it. The submitted Public House Viability Assessment indicates that the premises had been closed for a number of years before the current owner bought it and further sets out the justification for the loss of this community facility noting there are other similar facilities still remaining in operation within walking distance of this site.

In conclusion although the re-development of this site would lead to the loss of a community facility, it has been successfully demonstrated that the business use is no longer viable. As such, it is considered that the loss of the public house for housing is acceptable in this instance.

#### Design issues and impact on streetscene:

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."



One of the core planning principles outlined within the NPPF at paragraph 17 states that planning should always seek to secure high quality design. Paragraph 56 further 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 to making places better for people." In addition paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

In considering the scheme against the above policies, it is noted that the scheme proposes the erection of contemporary designed dwellings fronting Doe Quarry Lane, with a separate row of dwellings of a different height and design located to the rear. The dwellings to the road frontage would be constructed of a mixed pallet of brickwork and weather boarding with a tiled roof.

It is noted that whilst the design of the dwellings does not match in terms of design or materials the immediately neighbouring properties, which are constructed of red brick with a mix of tile and slate roofs. The existing streetscene of Doe Quarry Lane is mixed and is characterised by properties of differing styles and design. This development would, however, look similar to a contemporary designed housing scheme at the other end of the road opposite Dinnington Comprehensive School and therefore overall, it is considered that the design of the scheme is acceptable and would not harm the character and appearance of the streetscene of Doe Quarry Lane or the surrounding area and would create an attractive development on this site.

It is further noted that the dwellings to the rear of the site adjacent to the Green Belt boundary are of a lower scale than those on the front and include 2 bungalows and 3, one and half storey dwellings. It is considered that owing to their scale and massing the dwellings would not appear overly bulky or indeed overly visually prominent from views from the Green Belt.

In light of the above it is considered that the design of the building is one that is acceptable and would satisfy the relevant design policies and criteria of the Core Strategy and the NPPF.

#### The impact on the amenity of future occupiers:

UDP Policy HG5 'The Residential Environment,' states that the Council; "will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment.' This Policy supports and complements the best practice guidance outlined in the South Yorkshire Residential Design Guide and paragraph 17 of the NPPF which amongst other criterion requires that planning should: "secure a good standard of amenity for all existing and future occupants of land and buildings."

Taking the above into account, the proposed 12 dwellings all meet and exceed the minimum 62 square metres internal space standard set out within the South Yorkshire Residential Design Guide (SYRDG) for 2 bed dwellings and the 77 square metres minimum space standard set out for 3 bed dwellings.

With regards to external private space for residents, the South Yorkshire Residential Design Guide states that for 3 bed properties the private rear garden area should be a minimum size of 60 square metres and for 2 bed dwellings should be a minimum of 50 square metres. It is noted that all the dwellings comply with this requirement except for Plots 3 and 4 which are both 3 bedroom dwellings and would have private gardens of approximately 52 square metres. However, whilst this is slightly smaller than the suggested minimum it is considered that the plot sizes are not out of character with the surrounding area with a number of terraced properties across the road from the site having very small rear garden areas. Furthermore it is considered that this garden size is not seriously deficient and would still provide a good level of amenity for future residents. Therefore in this instance it is considered that the scheme would be acceptable.

In view of the above it is considered that the new build development of 12 dwellings would provide appropriate living accommodation for the proposed occupiers. As such the proposal is in compliance with UDP Policy HG5 'The Residential Environment,' along with the advice within the NPPF.

#### Impact on amenity of neighbouring residents:

As set out above, Paragraph 17 of the NPPF requires that planning should (amongst other criterion): "secure a good standard of amenity for all existing and future occupants of land and buildings."

Furthermore UDP Policy ENV3.7 'Control of Pollution,' notes that: "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which:

- (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place."

In assessing the impact of the proposed development on the amenity of existing neighbouring residents, further regard has been given to the Council's adopted SPG 'Housing Guidance 3: Residential infill plots' which sets out the Council's adopted inter-house spacing standards. Whilst it relates primarily to corner plot developments, its spacing standards can be applied more generally. The guidance states there should be a minimum of 20 metres between principle elevations and 12 metres between a principle elevation and an elevation with no habitable room windows. In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

In this instance the proposed dwellings would be designed such that they would meet these standards and would not lead to any overlooking of neighbouring properties. Furthermore, it is considered that the siting and layout of the development is such that they would not appear overbearing against the boundary as the front row of dwellings are set away from the boundaries of the two immediately neighbouring properties. The second row of dwellings would be set back on the plot and whilst part of Plot 12 is close to the end of the garden of No. 62 Doe Quarry Lane, it is considered that owing to the small area of garden affected and the layout and orientation of the property, the development would not appear overbearing against the boundary.

With regards to the access being sited adjacent to the boundary with nos. 66 – 68 Doe Quarry Lane and both visitor and future residents' parking set adjacent to this eastern boundary it is noted that this could have the propensity to impact upon the amenities of existing residents. However taking account of the previous use of the public house and car park along with the fact that the proposals includes for acoustic screening to be installed along this boundary, it is not considered that the proposal would be harmful to residents' amenity.

It is therefore considered that the proposed development would not have any significant impact on the existing amenity levels of the occupiers of neighbouring properties by way of loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. As such it is in accordance with Policy ENV3.7 'Control of Pollution,' of the UDP and the guidance in the NPPF.

#### Highway issues:

Policy CS14 'Accessible Places and Managing Demand for Travel,' to the Core Strategy states: "Accessibility will be promoted through...Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport)."

The NPPF notes at Paragraph 17 that amongst other criterion, planning should: “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”

The NPPF further goes on to note at Paragraph 35 that: “...developments should be located and designed where practical to:

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

The Council's Car Parking Standards (Adopted June 2011) state that there should be a minimum of 2 parking spaces per dwelling and in this case the parking provision accords with this guidance and include 3 visitor parking bays.

With regards to highway safety it is noted that Dinnington Town Council have raised concerns about potential increase in traffic to and from the site. They have also requested that suitable mitigation measures are in place to reduce the risk of accidents resulting from the development.

In assessing the application in light of the concerns raised, the Council's Transportation Unit note that the proposed 12 no. dwellings are expected to generate some 8 - 9 no. vehicle movements in the peak hours which is not considered to be a material impact on the existing highway network. Indeed, the previous public house use of the site no doubt generated significant vehicle movements. Furthermore, the site is considered to be in a sustainable location with a bus stop on the site frontage aided by the existing pedestrian refuge which further assists pedestrian movement and access to/from the bus stop along with waiting restrictions controlling on street parking on Doe Quarry Lane itself.

With regard to the overall site layout, the proposed cul de sac will remain a private drive providing the sole means of access to plots 8-12 inclusive. The turning area has been designed to cater for a typical emergency/delivery vehicle and appropriate visibility is available within the highway at the proposed access to Doe Quarry Lane.

Therefore subject to recommended conditions in order to promote sustainable transport, the proposal would comply with the requirements of Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' along with the advice within the NPPF.

### Ecology / biodiversity issues.

The NPPF advises at paragraph 117 that: “To minimise impacts on biodiversity and geodiversity, planning policies (amongst others) should:

- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.”

Core Strategy Policy CS20 ‘Biodiversity and Geodiversity,’ states: “The Council will conserve and enhance Rotherham’s natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species. Priority will be given (amongst other criterion) to:

c. Conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets;

l. Ensuring that development decisions will safeguard the natural environment and will incorporate best practice including biodiversity gain, green construction, sustainable drainage and contribution to green infrastructure.”

In noting the conclusions of the submitted Bat and Bird Survey report that the proposed demolition of the building would have an adverse impact on bats roosting within the building, which is an European protected species. The Council’s Ecologist accepts the principle of the demolition of the building which would allow the site to be redeveloped and has recommended the imposition of an appropriately worded condition that would require a bat mitigation strategy / measures will need to be incorporated into any scheme for the redevelopment, and that furthermore a license from Natural England be secured before the demolition works take place. These conditions should be addressed prior to the demolition of the building to ensure that no harm would occur to bats at the site. A further condition requiring biodiversity enhancement is further recommended.

### Contaminated land issues:

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

- (i) undertaken investigations to establish the nature and extent of the contamination and its potential effects on the proposed development and/or the occupants thereof, and

(ii) provided details of the measures proposed for the removal and/or treatment of the contamination which will not cause or increase pollution in the environment, particularly to watercourses and ground-water resources. Where permission is granted, such measures will be imposed as planning conditions to be implemented prior to commencement of development or within a timescale agreed with the Council.”

Core Strategy Policy CS27 ‘Community Health and Safety,’ further notes 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.”

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

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

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

The Council’s Community Protection (Contaminated Land) Officer in assessing the scheme comments that the application site is located in an area of agricultural /residential development with no significant sources of historic or current contamination identified in the near vicinity, and that given the past uses of the site and the lack of potentially contaminative activities, ground contamination is considered highly unlikely. Therefore it is considered there is very low risk to the future users of the site from potential site contamination. However conditions relating to potential remediation works on the site if ground contamination is discovered at the site along with testing of any imported soils is recommended.

With regard to construction methods the Contaminated Land Officer notes that rock beneath the site has been identified as dolomitic limestone of the Cadeby formation and that this rock formation can usually provide adequate shallow foundation bearing capacity for low rise development. However, this kind of rock formation can also be prone to voiding caused by groundwater dissolution, and therefore it is considered that a limited geotechnical investigation be undertaken to determine if reinforced foundations will be required for the development which can be covered by the recommended condition.

As such, taking the above into account it is considered that the proposals accords with UDP Policy ENV4.4 'Contaminated Land,' Core Strategy Policy CS27 'Community Health and Safety,' as well as the advice in the NPPF.

#### Affordable Housing:

In regard to affordable housing provision, paragraph 50 of the NPPF states that: "...where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time."

Core Strategy Policy CS7 'Housing Mix and Affordability,' states that: "Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.

The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development: (Which includes)

- ii. Sites of less than 15 dwellings or developments with a gross site area of less than 0.5 hectares; 25% affordable homes on site or a commuted sum of £10,000 per dwelling to contribute towards provision off site. Any agreed commuted sums would be subject to the provision of a payment scheme agreed between the Council and the applicant."

The application has been accompanied by a financial appraisal which concluded that a full 25% affordable contribution on the site was unviable, though the financial appraisal was independently audited by the District Valuer who concluded that the site was viable to make a full affordable housing contribution.

However, in assessing matters, the Council's Affordable Housing Manager has subsequently questioned the accuracy of the figures used by the District Valuer noting an overestimated likely house prices of the finished dwellings based on the immediate locality. This has significantly reduced the viability of the scheme based on the likely achievable value of the new units to the point where the Council's Affordable Housing Manager has been able to negotiate an off site contribution of £10,000 towards the provision of affordable housing in the locality as this is considered to be more of a reasonable and viable figure for the affordable housing contribution. As such, it is recommended that the Council enters into a S106 Agreement securing these requested funds.

## **Conclusion**

Having regard to the above it is concluded that the proposed development would provide valuable residential accommodation in this location and that the loss of the public house has been justified in this instance.

Furthermore the Council considers that the proposed development by virtue of its scale and layout would be in keeping with the immediate surrounding area and would not have an adverse impact on the streetscene. The proposed development would not be detrimental to the occupiers of neighbouring properties by being overbearing, nor would it result in any overshadowing or loss of privacy due to its siting and relationship with neighbouring properties.

The proposals would not be detrimental in highway safety terms with adequate parking on site. Furthermore the site is considered to be located in a sustainable location with access to a range of transport options. Finally, the proposal would take adequate steps to address potential ecology and contamination issues on the site.

As such the proposal complies with the NPPF, UDP, Core Strategy and South Yorkshire Residential Design and is subsequently recommended for approval, subject to the contribution towards affordable housing in the area as secured by way of the related S106 Legal Agreement.

## **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, Existing Site Plan, Location Plan)(Received 01/09/2014),

(Drawing numbers, Block 1 03 rev A, Block 2 03 rev A)(Received 12/04/2016).

(Drawing numbers 04, 05)(Received 12/04/2016)

(Drawing numbers Amended Layout 02 / Rev D)(Received 26/07/2016)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

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

Reason

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

### Highways

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

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

Reason

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

07

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

Reason

In order to promote sustainable transport choices.

08

Prior to the occupation of the dwellings hereby approved details and an implementation timetable for the proposed footway (minimum width 2 metres) to the site frontage to Doe Quarry Lane, as indicated on the submitted plan, shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

In the interests of pedestrian safety.

09

Prior to the occupation of the dwellings hereby approved road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

## Landscaping

10

Prior to the dwellings being occupied, 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, including any boundary treatment between gardens and acoustic fencing to the eastern section of the site adjacent nos 66-68 Doe Quarry Lane.
- 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 and that appropriate boundary treatment is provided 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', and Core Strategy Policy CS28 'Sustainable Design'.

11

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'.

## Ground Contamination

12

Prior to the commencement of development a geotechnical investigation comprising of a trial pitting exercise will need to be undertaken to determine foundation requirements at the site. The results of the investigation will be submitted to and any necessary mitigation measures be approved in writing 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. In accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

13

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

14

Prior to occupation of the dwellings if subsoils / topsoils are required to be imported to site for garden/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. If materials are imported to site then the results of testing thereafter shall be presented to the Local Planning Authority in the format of a Validation Report.

### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

## Ecology

15

Prior to the commencement of development a bat mitigation strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all elements listed in Section 10 and Appendix Six of the Bat Survey Report (Estrada Ecology, September 2014) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use, unless as otherwise agreed in writing with the Local Planning Authority.

### Reason

To protect species protected by law.

16

Prior to the commencement of development the Local Planning Authority will be provided with either:

- i. A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the development to go ahead; or
- ii. A statement in writing from Natural England to the effect that it does not consider that the development will require a licence.

### Reason

To protect species protected by law.

17

Prior to any development being undertaken above ground level a biodiversity enhancement statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

### Reason

In the interests of enhancing biodiversity in accordance with Policy ENV3.2 'Maintaining the Character and Quality of the Environment'.

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 12, 15 & 16 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 12,15 & 16 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

#### 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.

03

## INF 33 Section 106 Agreements

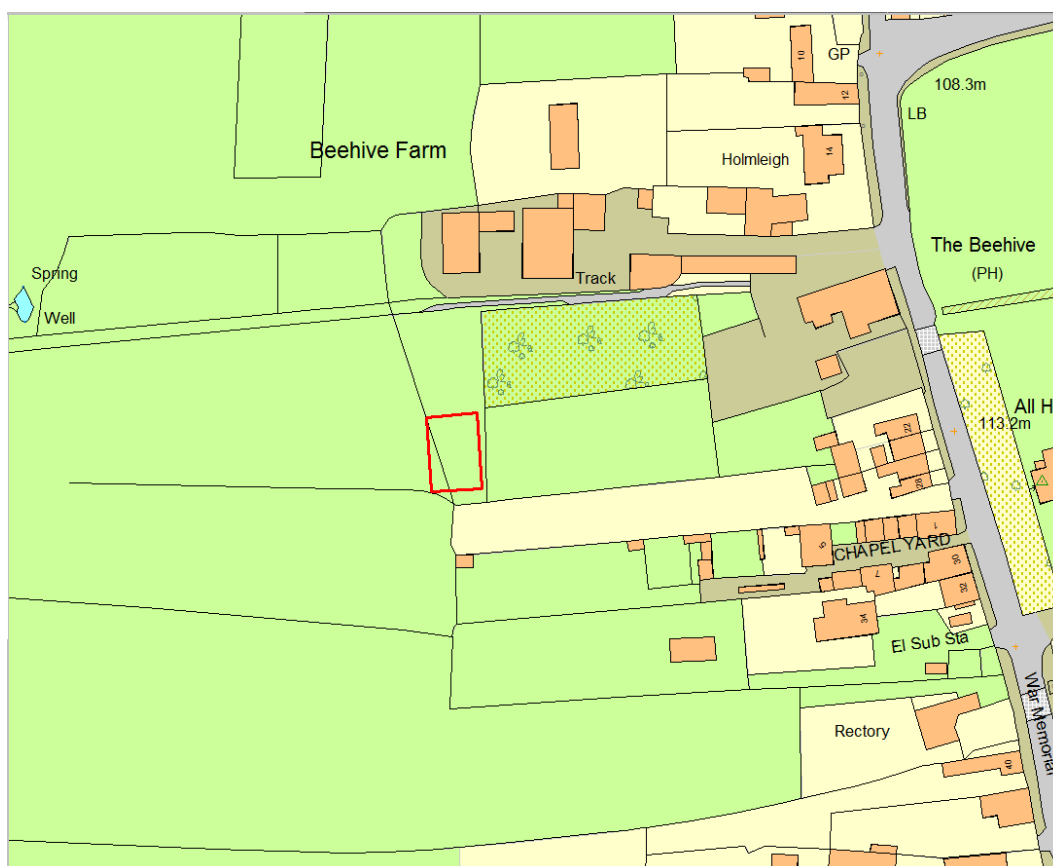
The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent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

## POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	RB2016/0392
<b>Proposal and Location</b>	Erection of general purpose agricultural building, at Beehive Farm, Union Street, Harthill
<b>Recommendation</b>	<p>A. Subject to the completion of a signed Unilateral Undertaking confirming the building shall be demolished if not used for agricultural purposes within 10 years of it being brought into use.</p> <p>B. Upon submission of a signed Unilateral Undertaking, that planning permission be Granted Conditionally</p>

This application is being presented to Planning Board due to the number of objections received.



### Site Description & Location

The application site is Beehive Farm, a small farm set within the village of Harthill, accessed off Union Street. The farm consists of 10.57 hectares and consists of grazing land for both cattle and horses. The farm currently contains a farmhouse, one agricultural building, a stables along with a small hay store.

Harthill Public Footpath No.17 currently runs through the site and links Union Street and the small Hamlet of Harthill.



The landscaped boundary to the east of the site forms land to the rear of the existing Beehive Public House and is also the extent of the Harthill Conservation Area boundary.

## **Background**

RB2007/2228 - Demolition of existing farm buildings, conversion & single storey extension of barn/store to form dwelling and erection of a detached dwellinghouse.  
GRANTED CONDITIONALLY

The above application relates to the existing buildings to the north of the application site within the existing farm area and has been partially implemented, and therefore remains extant.

Of further relevance is application RB2016/0235 for the construction of a single storey side extension to the Beehive Public House and the erection of two No. dwelling houses to the land at rear with associated access, which was withdrawn following concerns over the scale of the dwellings and their impact upon Conservation Area.

## **Proposal**

The applicant seeks permission for the erection of an agricultural building on land to the south of the current agricultural / stable buildings behind the current rear garden area of the Beehive Pub, and is proposed to be accessed via the existing vehicular access off Union Street which is in part shared with Harthill Public Footpath no.17 which runs along an east – west axis.

This agricultural building has been amended during the course of the application by reducing the height of the building along with additional alterations concerning the position of gates on the internal site access so as to prevent any blocking of Harthill Public Footpath No.17.

The proposed building is indicated to be 6.9m high by 12.5m wide, by 18.8m deep and constructed from green metal sheeting and concrete panels.

The application has been accompanied with a supporting statement which in summary sets out:

- The area chosen for the building is the only one suitable due to its relatively level area and being in the corner of the site takes away the least area of meadowland. It would be impossible to position the building anywhere else due to the severe gradients on the site and would be impossible to gain access for most vehicles.
- The applicant currently has no secure farm buildings and has to use neighbouring farms/friends to store equipment and provide facilities for cattle. Hay bales are left covered in plastic in the field along with other farm equipment which has to be stored outside.

- The scheme proposes the removal of the existing building (10m x 7m) which currently houses a tractor, as this building has become not fit for purpose.
- Access to the site is from the existing gated entrance which makes it easy for the vet to inspect and handle the cattle when visiting for TB tests, worming, general animal welfare and a sick bay, along with an area for tractor and grass mowing machines.
- The building will be screened by the existing mature hedgerow (on the neighbours land) and trees.
- Since the retirement of the former farmer in 2011, farming activities have increased by the current former and his wife with 10.57 hectares being used to reintroduce cattle to Beehive Farm and breeding of high value pedigree highland cattle all of which are kept outside.
- In responding to the published objections, the present buildings are used as stables and the other building is used for general farming fabrications. With regards DB Engineering Harthill Ltd, this company does not exist and Harthill Resins Ltd only used this for a postal address.
- Only one person in the village has objected to the proposal with the rest living outside the village.

## **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. 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'  
 CS27 'Community Health and Safety'  
 CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV3.7 'Control of Pollution'  
 ENV2.12 'Development adjacent to Conservation Areas'

## **Other Material Considerations**

Interim Planning Guidance - 'Development in the Green Belt.' This has been subject to public consultation and adopted by the Council on 3<sup>rd</sup> March 2014.

National Planning Practice Guidance (NPPG) - On 6<sup>th</sup> 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 / Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

## **Publicity**

The application was advertised on site by way of site notice and also by individual neighbour notification to adjacent properties. Six letters of objection have been received. In summary, the objections state:

- The applicant should provide justification as to why additional barn space is needed at this moment in time, which directly coincides with an application to construct residential properties adjacent to the field where he has made the application.
- The barn is sited too near to the two new proposed dwellings, being only a few metres from their boundaries. If the building were to be situated 30m further away from the boundary wall where the ground falls away the building would be unobtrusive, blend into landscape and still provide a building in close proximity to Beehive Farm.
- The barn would spoil the character of the countryside and the setting of the Beehive Pub.
- The access for a fire engine could present problems.
- There is a fire hazard with the proposed barn storing bales of hay and straw along with machinery.

- The farmer has alternative sites to site this elsewhere looking at a plan of his farmyard, and already had additional barn storage which is presently being used for other purposes.
- The barn is too close the public footpath and could result in the footpath being blocked.
- Should the building be used for livestock this could increase the risk of vermin local to the area. Smell will also become a major concern for both the new proposed properties and possibly the pub which is currently having a new beer garden built resulting in loss trade.
- Should the building ever be used for something other than storage or agricultural use, what noise implications would this have to the two new proposed properties being built?

The revised information received from the applicant has not been advertised further as it is considered that it covers the majority of the original comments made above.

Harthill Parish Council have written raising no objections, stating that: We had previously discussed this with RMBC Planning Department and put forward the view that as the application was for an agricultural building on a working farm and that there were no grounds to oppose it.

Both the applicant and an objector have requested the Right to Speak at Planning Board.

## **Consultations**

Streetpride (Transportation & Highways): Comment as the submitted details indicate that the barn is for the applicant's own use for storage and other farm activities there are no objections to the granting of planning permission in a highway safety context.

Streetpride (Public Rights of Way): Raises no objections to the amended plans which resolve the previous concerns in respect of the Public Right of Way becoming blocked with gates.

Neighbourhoods (Environmental Health): Do not envisage any significant loss of amenity by virtue of noise, air quality or land pollution impact and as such subject to the recommended informative would raise no further comment.

## **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 issues to take into consideration in the determination of the application are –

- (a) Whether the development would be inappropriate in the Green Belt
- (b) The effect that the proposal would have on the openness, character and appearance of the area;
- (c) The impact on the character / setting of Harthill Conservation Area;
- (d) The impact upon residential amenity;
- (e) The effect on highway safety;
- (f) Impact upon the Public Right of Way; and
- (g) Other matters arising.

#### Whether the development would be inappropriate development in the Green Belt

Core Strategy CS4 'Green Belt,' states: "Land within the Green Belt will be protected from inappropriate development as set out in National Planning Policy."

Chapter 9 'Protecting Green Belt land,' of the NPPF is further considered of relevance to the determination of this application and at paragraph 89 states: "A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this (amongst others) include buildings for agriculture and forestry."

The Council's Interim Planning Guidance - 'Development in the Green Belt,' states "Any new agricultural or forestry building or structure must be needed, designed and constructed only for agricultural or forestry purposes. This prevents the building of property which is intended to be converted (for example, into a home). In addition, it should be commensurate in size to the agricultural use of the land."

The NPPF does not set out any limiting criteria relating to size or any other matters in relation to agricultural buildings in the Green Belt, and therefore the above Council guidance relating to the scale of replacement buildings in the Green Belt is not relevant to the consideration of the building for that use.

Taking account of the above, it is noted that the applicant currently farms some 10.5 hectares and has reintroduced cattle to Beehive Farm and breeding of high value pedigree highland cattle and is within a registered agricultural holding.

The applicant states that proposed barn would be used for agricultural use, including hay / straw storage along with specialist agricultural machinery storage. It is further proposed to use the building for TB testing of cattle and with the exception of a sick bay is not to be used for general cattle storage. With this in mind, the building appears to be designed for such agricultural use, and there is little substantive evidence that it would be used for other purposes.

Furthermore, it is noted that the applicant is prepared to enter into a Unilateral Undertaking that would require the building to be demolished if not used for agricultural purposes within a ten year period of it being brought into use.

Accordingly, the building is considered to be required for agricultural purposes and would not therefore represent inappropriate development in the Green Belt.

The effect that the proposal would have on the openness, character and appearance of the area

In terms of the impact on the openness of the Green Belt, the NPPF attaches great importance to the openness of the Green Belt and at paragraph 79 advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence. In addition, whether or not the development could be screened from public view is irrelevant in regards to whether a loss of openness would occur as openness is essentially concerned with freedom from development.

In this respect the site is located upon the fringe of open countryside and is part of the wider open landscape. The area chosen for the building has taken account of the relatively level portion of the site as it would be impossible to position the building anywhere else due to the severe gradients on the site and would further be impossible to gain access for non-agricultural vehicles. Additionally being in the corner of the site the chosen siting retains the remainder of the existing meadowland.

The siting of the proposal whilst roughly set in line with the existing agricultural and stable buildings (admittedly at some distance away) would inevitably have some effect on the openness of the Green Belt. However taking account of the fact that the scale of the building has subsequently been reduced with the eaves brought down from that originally submitted by some 0.5m) it is considered that in this respect the loss of openness would be minimal.

In conclusion on this matter, the proposal would lead to a limited loss of openness resulting in only moderate harm and as such the degree of conflict with the objectives of national and development plan policies relating to the openness and visual amenity of the Green Belts would be minimal.

Turning to the impact upon the overall character and appearance of the area, Core Strategy Policy CS28 'Sustainable Design,' states:

"Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings 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 further advises 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."

Furthermore the NPPG notes that Local Planning Authorities should assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations, and are further required to take design into consideration and should refuse permission for development of poor design.

Interim Planning Guidance - 'Development in the Green Belt,' states: "Any new agricultural or forestry building or structure must be needed, designed and constructed only for agricultural or forestry purposes. This prevents the building of property which is intended to be converted (for example, into a home). In addition, it should be commensurate in size to the agricultural use of the land."

The introduction of a building of the size and scale proposed in this location would not be readily apparent or appear prominent and conspicuous when viewed from the road or nearby public footpath or intrusive in the wider rural landscape and immediate vantage points (including potential development on land at the rear of the existing public house). Furthermore the use of the green sheet cladding will not result in the site having a substantially more built and developed appearance so as to involve significant encroachment into the open countryside and consequently cause significant harm to the rural, open character and appearance of the area.

Additionally, the agricultural nature of the building will also reduce the likelihood of the building being converted for residential purposes at a future date in accordance with the guidance in the Interim Planning Guidance.

In conclusion, it is considered that the proposal would not detrimentally affect the overall character and appearance of the area and therefore accords with Core Strategy Policy CS28 'Sustainable Design,' along with the advice within the NPPF and the NPPG.

### The impact on the character / setting of Harthill Conservation Area

In considering proposals for planning permission, the duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Core Strategy Policy CS23 'Valuing the Historic Environment,' states that "Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (which includes amongst other things that):

- d. Proposals will be supported which protect the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest."

UDP Policy ENV2.12 'Development adjacent to Conservation Areas,' states that: "In considering proposals for developments adjacent to Conservation Areas, special regard will be had to their effect on the Conservation Areas and, if necessary, modifications to ameliorate the effect will be required before approval is given."

Paragraph 129 of the NPPF states that "Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

Taking into account the above, as previously noted the eastern boundary of the site with the land at the rear of the Beehive PH forms the boundary of Harthill Conservation Area and therefore the new agricultural building falls just outside this. It is acknowledged however that whilst views from within the Harthill Conservation Area can be obtained of the site, these are primarily from limited vantage points and it would not readily be visible from Union Street. Additionally when viewed against the backdrop of the Conservation Area from the adjacent footpath to the south, it is further considered that in this case owing to its scale and design there would not be any harm to its setting and that overall the character or appearance of the Conservation Area would be preserved.

As such it is considered that the proposal accords with Core Strategy Policy CS23 'Valuing the Historic Environment,' UDP Policy ENV2.12 'Development adjacent to Conservation Areas,' as well as the advice within the NPPF.



### The impact upon residential amenity

Core Strategy Policy CS27 'Community Health and Safety,' notes "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,<sup>2</sup> and further adds 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..."

UDP Policy ENV3.7 'Control of Pollution,' further adds that "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which:

- (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards."

In view of its location the nearest properties potentially affected by the proposed development are those whom back onto the site off Union Street however these properties historically have large gardens and therefore would not suffer disamenity as advised by the Council's Environmental Health Service.

The representations received from potential occupiers of land immediately to the rear of the Beehive PH who intend to build a couple of houses on the land are noted, however no permission exists for these properties to date. Notwithstanding the concerns in respect of the new agricultural being overbearing it is considered that the existing boundary screening along with a suitably designed scheme could potentially overcome such issues.

In regards to other issues with regards to noise, smells, disturbance etc, the applicant advises that the use of the building is primarily for agricultural storage (machinery and hay/straw) and in the event that planning permission were to be granted would be willing to accept the imposition of a suitably worded condition to ensure that this would be retained for such use.

Taking account of the above, it is therefore considered that the proposal would not lead to unacceptable levels of amenity to surrounding properties and would therefore be in accordance with Core Strategy Policy CS27 'Community Health and Safety,' UDP Policy ENV3.7 'Control of Pollution,' along with the advice within the NPPF.

### The effect on highway safety

The Council's Transportation Unit consider that as the proposed agricultural building is for the applicant's own agricultural business and therefore there will not be any anticipated increase in vehicular movements compared to that which exists presently. Furthermore access to the site is proposed to be taken via the current Union Street access and therefore it is not considered there would be any detriment to highway safety in this locality.

### Impact upon the Public Right of Way

The access to the proposed new agricultural building is indicated to cross over Public Footpath No.17 which runs from Union Street to Woodall, and following comment from the Council Public Rights of Way Officer and representations received has been subsequently amended through the course of the application to include inward opening gates to prevent blocking off of this Right of Way, to which the Council's Public Rights of Way Officer has indicated that they have no objection to this amended arrangement.

### Other matters arising

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

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

The applicant has set out that since the retirement of the former farmer in 2011, farming activities have increased with 10.57 hectares being used to reintroduce cattle to Beehive Farm and breeding of high value pedigree highland cattle and that these benefits bring social and economic benefits in line with the objectives of the NPPF. Whilst these benefits have not been fully quantified, they are however, considered to be of some significance in justifying the proposal.

### **Conclusion**

In taking account of all the above, it is considered that the proposal would not be inappropriate in the Green Belt, that it would not materially harm the character or appearance of the area, and that the reduction in the openness of the area would be limited. Furthermore, the proposal would lead to economic and social benefits through helping to develop and diversify the rural economy to which these benefits would outweigh the limited harm that has been identified.

Additionally it is not considered that the proposal would be of detriment to the amenities of nearby properties or land and would further not be harmful to users of the adjacent public Right of Way or affect highway safety issues.

As such it is recommended that planning permission be granted, subject to the completion of a Unilateral Undertaking by the applicant.

### **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)

(Amended Elevations and site plan 7417 B)(Received 13 June 2016)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the approved drawings 7417 B. The development shall thereafter be carried out in accordance with these details.

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

The gates to access the new agricultural building shall be hung so as not to block the access to the Public Right of Way, in accordance with details which shall be submitted to and agreed in writing with the Local Planning Authority prior to first occupation of the development, and such approved details shall thereafter be retained and maintained in accordance with the approved details.

Reason

To prevent to Public Right of Way being blocked.

05

The building hereby approved by this permission shall only be used for agricultural machinery storage, hay and straw storage, and for cattle TB testing (including sick bay) and shall not be used for wholesale sheltering / storage of livestock.

Reason

For the avoidance of doubt as to the scope of this permission and in the interest of residential amenity in accordance with Core Strategy policy CS27 'Community Health and Safety,' and UDP policy ENV3.7 'Control of Pollution.'

06

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

## POSITIVE AND PROACTIVE STATEMENT

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