

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THURSDAY 15 SEPTEMBER 2016**

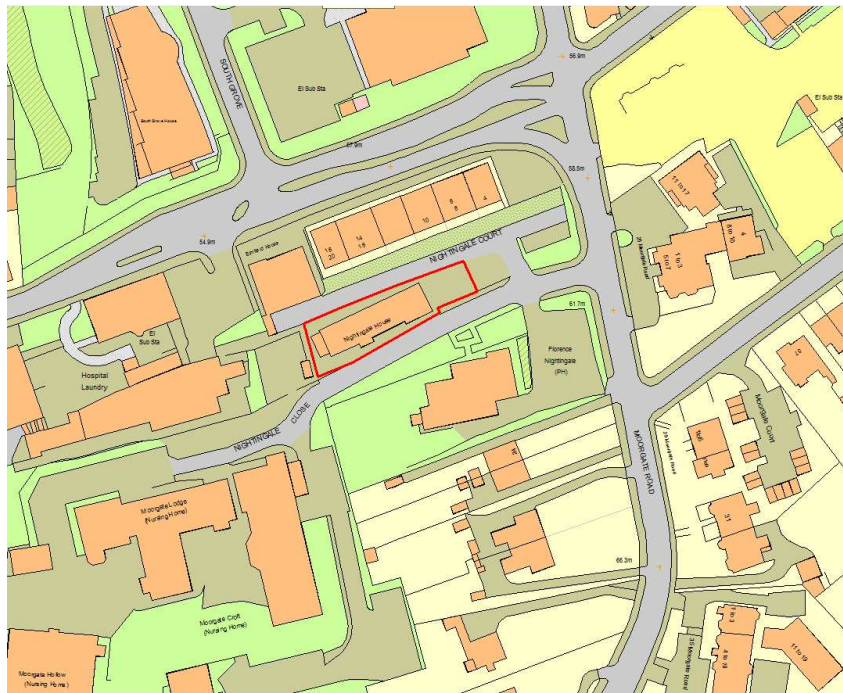
**The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.**

**INDEX PAGE**

<b>RB2016/0673</b> <b>Change of use to funeral directors (Class A1), erection of canopy with access ramp to front, garage to side and rear and pitched roof to replace existing flat roof at Nightingale House Nightingale Court Moorgate for Mr Bartholomew</b>	<b>Page 7</b>
<b>RB2016/0803</b> <b>Erection of building for use within Use Classes B1(b) research, B1(c) industrial process, B2 general industry and B8 storage &amp; distribution and enlargement of existing surface water balancing pond and new sub station &amp; access at Building 11 Waddington Way Aldwarke for E V Waddington Ltd</b>	<b>Page 14</b>
<b>RB2016/0863</b> <b>Alterations and single storey extensions at 20 Manor Way Todwick for Mrs Brassington</b>	<b>Page 28</b>

<b>Application Number</b>	<b>RB2016/0673</b>
<b>Proposal and Location</b>	Change of use from office (Class B1a) to a funeral director (Class A1), erection of canopy with access ramp to front, garage to side and rear and pitched roof to replace existing flat roof at Nightingale House, Nightingale Court, Moorgate
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description & Location

The application property is a substantial single storey, detached building on Nightingale Close to the south of Nightingale Court within Moorgate Conservation Area with existing car parking areas to the front and rear of the building. Access to Nightingale Close is via Moorgate Road which also provides access to Moorgate Lodge nursing home, Nightingale Court Business Centre and a restaurant (Modern China).

The building is currently vacant and was previously used as an office (Use Class B1(a)). The site area is 754m<sup>2</sup> and the floorspace of the existing building is approximately 309m<sup>2</sup>.

### Background

RB1900/0016 – Alteration & extensions to existing office accommodation – Granted conditionally

RB1999/0979 – Use of premises as taxi booking office – Granted conditionally

RB2000/0956 – Erection of a single storey building to form kitchen unit – Granted conditionally

RB2006/1686 – Erection of a single storey building to form kitchen unit – Granted conditionally

RB2008/0324 – Change of use from A3 (restaurants & cafes) to B1a (offices) – Granted conditionally

RB2011/1750 – Change of use from offices (use class B1a) to physiotherapy clinic (use class D1) – Granted conditionally

The application approved in 2011 has not been implemented and the timeframe to implement the planning approval is now lapsed.

### **Proposal**

The applicant is seeking permission for a change of use from office (Class B1a) to a funeral director (Class A1), the erection of a canopy with an access ramp to the front, garage to the side and rear and a pitched roof to replace the existing flat roof.

The proposed opening hours would be:

Mondays to Fridays: 0845 – 1630

Saturdays: 1000 – 1400

Sundays and Bank Holidays: By appointment

The proposed extension would create an additional 64.1m<sup>2</sup> to the existing building. The extension projects 3.68m from the side of the building fronting Nightingale Close and 3m to the rear which is in line with the existing off-shoot of the building. The extension is to be constructed with materials to match the existing building.

The canopy together with a new access ramp is to be positioned at the existing entrance and projects 1.64m from the front elevation of the building fronting Moorgate Road.

It is also proposed to erect a pitched roof over the existing flat roof building with matching roof tiles.

A sequential test has been submitted which concludes that the proposed use would not be appropriate to locate in the vacant units in Town Centre on the basis of the necessary access, parking requirements and the operational function required for a funeral directors.

### **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 mixed use purposes in the UDP, known as MU22. For the purposes of determining this application the following policies are considered to be of relevance:

## Unitary Development Plan 'saved' policy(s)

EC5	Mixed Use Areas
EC5.1	Land Identified for Mixed Use Development
ENV2.11	Development in Conservation Areas
ENV3.7	Control of Pollution

## Core Strategy

CS12	Managing Change in Rotherham's Retail and Service Centre
CS28	Sustainable Design

## **Other Material Considerations**

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

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

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.)

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

The Publication Sites and Policies document has recently been submitted to the Secretary of State for examination in public and identifies the site as being allocated for business use. Whilst only limited weight can be given to the Sites and Policies document until it is formally adopted by the Council, the following policies are considered to be of relevance:

SP17	Other uses within Business, and Industrial and Business Areas
------	---

## **Publicity**

The occupants of neighbouring properties have been notified in writing and there has also been a site notice posted and a press notice published.

6 representations (from 2 individual addresses) and a petition with 7 signatures (with 6 individual addresses) have been received and are summarised as following:

- The additional larger vehicles associated with the use would be harmful to the highway safety in terms of crossing the road and additional traffic
- Parking on site is insufficient
- Nightingale Close is a private road which requires modification to its access
- A funeral directors is not compatible with the adjacent uses (restaurant and care home)
- The fumes created by the business would have an effect to health
- Alternative sites should be considered with more appropriate highway networks

## **Consultations**

Streetpride (Transportation and Highways): No objection subject to condition

Neighbourhood (Environmental Health): 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 assessing the proposal, consideration has been given to the requirements of the relevant sections of the NPPF, Core Strategy and UDP policies. The main considerations in the determination of this application are:

- Principle of development
- Design and Visual Amenity
- Neighbouring Amenity
- Highways Issues

### Principle of development

The application site is within a mixed use area in the UDP. MU22 (Moorgate) identifies which uses are appropriate for that area and states that uses that fall within Use Class B1a, C1, C2, C3 & D1 are acceptable in principle. This policy is somewhat out of date though as the NPPF identified B1(a) uses a being defined town centre uses which would require a sequential test to justify any out of centre location.

In addition, and whilst it can only be given limited weight at present, the Publication Sites and Policies document (recently submitted for examination) includes a policy

which is relevant to this site. Policy SP17 identifies that uses other than those identified as business use would be considered on their merit having regard to other relevant planning policies and their contribution to the range and quality of employment opportunities; compatibility with the surrounding uses; viability of employment use of the site.

The proposed use falls within use class A1 and under the NPPF, as this is considered to be a main town centre use, it is necessary to submit a sequential test to justify its establishment at this out of centre location. It is appreciated that the proposed use is of a different nature to most other A1 uses and has specific operational requirements such as: an integral garage for the hearses; accessible car park and a building with a bespoke internal layout to ensure privacy and dignity.

While it is noted that none of the above policies identifies the proposed use as an acceptable use on this site, the sequential test that was submitted with the application has been accepted and it is considered that there are no sequentially preferable and available units in the Rotherham town centre for the proposed use given its nature and operational function. Furthermore, it is considered that the proposed use would create a similar number of employment opportunities as the previous office use.

With this in mind, it is considered that the proposed use is acceptable in principle as there are no sequentially preferable sites and it would not undermine the viability and vitality of the town centre, in line with Core Strategy Policy CS12.

#### Design and visual amenity

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

The 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 CS23 ‘Valuing the Historic Environment,’ states (amongst other things) that “Rotherham's historic environment will be conserved, enhanced and managed.”

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.”

UDP Policy ENV2.11 'Development in Conservation Areas' indicates that the Council will not permit development (including change of use) which would adversely affect their architectural or historic character or visual amenity.

It is considered that the proposed extension is of an appropriate design and scale and together with materials to match the host property would not result in a detrimental impact on the appearance of the building and the historic character of the Moorgate Conservation Area. It is further considered that the proposed pitched roof over the existing flat roofed element of the building would enhance its appearance.

As such, it is considered that the proposed alterations and extension to the building is in accordance with the above policies.

### Neighbouring 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."

UDP Policy ENV3.7 'Control of Pollution' states that the Council will consult with appropriate agencies to minimise the adverse effects of nuisance, disturbance and pollution associated with development.

The site is surrounded by various uses which include a care home, restaurant, offices and manufacturing.

All the activities and functions would be carried out within the building which is why it is necessary to have an integral garage as part of the functional requirements so that the vehicles can be unloaded out of site and it is therefore considered that the proposed use would not raise any incompatibility issues to the adjacent existing uses. The only noise that would be generated would be from the general comings and goings which would not raise ambient noise levels within the area.

It is acknowledged there is concern in terms of fumes that would generate from the premises. However, it is worth noting that the proposed use is for a funeral directors only and does not include any kind of crematory function. As such, it is considered that the proposed use would not result in any disamenity to the occupiers of neighbouring properties by virtue of noise, air quality or pollution.

### Highway issues

Whilst Nightingale Close is a private road, the Council's Highway Engineer considers that it is capable in terms of its width and construction to cater for the vehicular traffic that would be generated by the proposed use.

It is further considered that the proposed use would not generate any greater traffic impact than previous uses or some other use that it could be put to without planning permission.

As such, it is considered that the proposal would not result in any adverse impact on highway safety.

## **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 the adopted Core Strategy. It would not give rise to any disturbance and would not affect highway safety. Whilst the concerns of the objectors have been noted they do not outweigh the principle in favour of this sustainable development and the benefits of bringing a vacant building back into use.

For the reasons detailed in this report 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)

(Location Plan, Existing Plan JBA.3506.101, Proposed Plan JBA.3506.102, Block Plan JBA.3506.103)(Received 20 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 match those used in the existing building.

Reason

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

04

The existing vehicular footway crossing should be extended to 5m (i.e. 6 no. dropped kerbs).

Reason

In the interest of highway safety.

## **POSITIVE AND PROACTIVE STATEMENT**

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



<b>Application Number</b>	<b>RB2016/0803</b>
<b>Proposal and Location</b>	Erection of building for use within Use Classes B1(b) research, B1(c) industrial process, B2 general industry and B8 storage & distribution and enlargement of existing surface water balancing pond, land at Waddington Way, Aldwarke. S65 3SH
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description & Location

The application site consists of a vacant plot to the north-east of the existing industrial estate on Waddington Way. The land surrounding the application site comprises of large scale modern industrial warehouse buildings. The River Don/Sheffield and South Yorkshire Navigation Canal lies approximately 400m south of the site and Aldwarke Road approximately 250m to the north-east. The Yorkshire water waste water treatment facility lies to the east.

The main Rotherham railway line lies to the west. The site is accessed via Waddington Way, a road which serves the surrounding modern industrial development and starts at Aldwarke Lane.

The neighbouring site to the east approved under RB2015/1172 is being constructed. The cycle/footway directly to the west which connects the southern section of the wider industrial estate is also under construction.

The site has an elongated shape and covers approximately 0.9ha and is broadly level.

## **Background**

The site has the following relevant planning history:

RB2006/2264 - Outline application for warehouse/industrial development for use within use classes B1 (b) research, B1(c) light industry B2 general industry, B2 general industrial and B8 storage and distribution including details of the access – Granted Conditionally.

The time limit for submitting reserved matters to this outline application has now expired and it is therefore necessary to submit a full detailed application.

There have been a number of reserved matters/detailed planning permissions subsequent to the above outline planning permission on neighbouring sites within the industrial estate. The most recent of which were subsequently approved in 2014 and 2015. The majority of the plots surrounding the application site have now been developed with the buildings occupied.

Members will recall an application approved earlier in 2016 (RB2016/0404) for the erection of a building for B1(b)research, B1(c) industrial process, B2 general industry and B8 storage purposes on this same site.

This revised application involves an increase to the previously approved site area and cannot therefore be considered as an amendment to the previously approved scheme and requires a fresh full application for consideration.

## **Proposal**

This is a full planning application for the erection of a building for use within classes B1(b) research, B1(c) industrial process, B2 general industrial and B8 storage or distribution. It is also proposed to enlarge the existing surface water balancing pond in the western section of the site.

The proposed building has a total footprint of 2250 square metres and the dimensions of the building are 92 metres x 25 metres and approximately 8 metres to eaves, it is steel portal framed with profiled steel cladding in blue/grey to match the existing buildings on the industrial estate.

A total of 30 car parking spaces will be provided, including 3 dedicated disabled parking bays, together with a central service yard for delivery vehicles and secure cycle storage areas.

The building is very similar to that previously approved in June 2016 under RB2016/0404. The main differences are as follows:

- Increase in red-edge site area to incorporate a new side access 3.7m wide along the western elevation of building 11
- A new turning area and yard area approximately 500sqm and located to the rear of the site
- Amendments to the external appearance of the previously approved building 11 including a new roller shutter door from the yard area.
- A new substation to the rear of the site to replace the existing substation.

The following aspects are the same as in the previously approved application RB2016/0404:

- Position of building 11, including the size, scale and footprint of the building
- Drainage and balancing pond details
- Landscaping scheme
- Service yard and parking area to the front of the building

### **Development Plan Allocation and Policy**

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

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

Core Strategy policy(s):

CS14 'Accessible Places and Managing Demand for Travel'

CS25 'Dealing with Flood Risk'

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV3.2 'Minimising the Impact of Development'

ENV3.7 'Control of Pollution'

EC3.1 'Land Identified for Industrial and Business Use'

### **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/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 has been advertised by way of site notice (28 July 2016), press notice (05 August 2016, Rotherham Advertiser) and letters to neighbouring properties. No representations have been received.

## **Consultations**

Environment Agency – No objections subject to conditions  
SYMAS – no objections  
Yorkshire Water – No objections subject to conditions

Streetpride (Transportation and Highways) – no objections subject to conditions  
Neighbourhoods (Environmental Health) – no objections  
Neighbourhoods (Pollution Control) – no objections  
Streetpride (Drainage) – no objections  
Streetpride (Landscape) – 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 the application are:

- Principle
- Design, Scale and Appearance
- Impact on the surroundings
- Highway Safety
- Flood Risk and pollution control Issues

## **Principle**

The application site was subject of an outline planning application for a wider area to develop a new industrial estate which was approved in June 2007 under RB2006/2264. IN addition to this an application for building 11 was approved in June 2016 (RB2016/0404).

The principle of industrial/warehousing development on this site has therefore been established. The site is allocated for industrial and business uses in the Unitary

Development Plan and the development of the remainder of the industrial estate has now been, or is in the process of being finalised. This is the last remaining vacant plot without the benefit of detailed permission for development. The proposals are for development exclusively within the B Use Classes (B1, B2 and B8) and are considered to be in accordance with the provisions of UDP Policy EC3.1. In addition the NPPF states at paragraph 19: "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

### Design, Scale and Appearance

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design. In addition, paragraph 56 of the NPPF states that: "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 existing site consists of large scale industrial type buildings located on a new industrial estate within the Aldwarke area. The proposed site will be seen in the context of the other industrial buildings on the estate and it should therefore be consistent with the design and quality of those existing buildings.

The scale and height of the revised proposed building is consistent with those on the adjacent plots and whilst they have the appearance of typical large scale industrial warehouse buildings the use of high quality materials have assisted in allowing the buildings to sit in an acceptable manner on this site. It is considered that the proposed development is of an appropriate scale for the site and sufficient space is retained for parking, service yards and landscaping. The proposed materials of profiled steel cladding will provide a modern and contemporary finish and the design and access statement indicates that the colours and finishing will be consistent with the existing buildings.

There is an area of landscaping proposed around the perimeter of the buildings and also on the front western elevation. This landscaping is consistent with the Master plan which was approved at outline stage and with the detailed design of the landscaped areas of the existing, nearby buildings. The landscaping will assist in softening the appearance of the buildings both in terms of views of the development from outside the site but will also create a high quality environment within the development.

The Council's landscaping officer has indicated that there are no objections to the proposals as it stands and that the application can be supported in its current form, subject to a condition.

Overall it is considered that the proposed development is of a high quality and is of an appropriate scale and design which will comply with the general advice within the NPPF and Core Strategy CS28 'Sustainable Design.'

### Impact on the surroundings

The site lies within an industrial setting with the majority of the newly constructed surrounding uses falling within the B1, B2 and B8 use classes and the area has become a newly established industrial estate. It is not considered that there are any sensitive uses within the vicinity of the site.

The new proposed substation and rear yard area is considered to be of an appropriate scale relative to the size of the building. These elements are considered to be of an acceptable visual design and are not considered to have any detrimental impact on the functioning of the adjacent units or on the connectivity of the internal path networks within the estate.

The application proposal is considered to be in keeping with the surroundings and in conformity with saved UDP Policies ENV3.7 'Control of Pollution' and EC3.1 'Land Identified for Industrial and Business Use.'

### Highway Safety

The access and parking layout are of an acceptable standard of design in terms of vehicular movements and highway safety. In terms of parking, the proposed layout indicates that 30 parking spaces are to be provided. This is in accordance with the Council's maximum standards and is therefore considered to be appropriate.

A travel plan condition was imposed for previous units in this area and it is recommended that the same should apply here. There are no objections to the granting of planning permission in a highway context.

### Flood Risk Issues

A Flood Risk Assessment has been submitted in support of the planning application which identifies that the application site lies within Flood Zone 2 (Moderate Risk).

The site was partially flooded during the June 2007 event and the flood level is assessed to have been 23.70 m AOD. It has been recommended that buildings should be set at a minimum of this level and the submitted plans indicate that the finished floor levels of the building are at 24.00 m AOD, thus, flood risk is not considered to be significant.

In addition, the site is within the 1 in 100 year climate change flood plain and this must be compensated for within the site. Earlier submitted plans, on adjacent sites indicate that there is compensatory storage to the east of the proposed buildings and the detailed design of this storage will be dealt with by condition.

Rainwater from the development will drain into an existing balancing pond with a flow control device which is designed to accommodate this area of the overall site before discharging to the River Don. The EA have indicated that there are no objections, subject to a condition being imposed that the measures outlined in the Flood Risk Assessment be implemented in accordance with the submitted details.

Overall, it is considered that the development of this site for the purposes detailed above are acceptable in flood risk terms, subject to conditions.

## Pollution Control issues

The Council's Pollution Control Officer has indicated that given the historical use of the site there is potential for contamination of soils and ground water to exist from activities undertaken on site. There is also potential for migration of contaminants from off site sources including mining, spoil heaps, landfills and other industrial trades.

The submitted report suggests significant contamination is unlikely to be present from the soil on site since the material used for backfilling of the site was most likely to be reworked natural ground.

Chemical testing is reported to have been carried out on adjacent plots some time ago and significant contamination was not encountered that would pose a risk to the end users of an industrial/commercial development. However, no specific testing has been carried out at the application site to confirm this conclusion. Given this proposal is for the construction of a new building, there is potential for receptors (human health and the environment) to be affected by potential soil contamination present, via pathways created during and after the development stage.

Given the likelihood of made ground and coal measures being encountered there is a potential risk of ground gas (methane, carbon dioxide) being present.

It is reported that a large area of the site is to be given over for use as soft landscaping. The soils will therefore need to be assessed for the presence of potential phytotoxic contaminants.

Based on an assessment of the report provided there is not considered to be a significant pollutant linkage with regard to the risk to human health from contamination within the soils at the site given the proposed commercial / industrial end use. However, intrusive investigation and risk assessment will be required to confirm this conclusion. The Pollution Control Officer has therefore recommended a condition be imposed.

## **Conclusion**

The site is allocated for industrial and business uses in the Unitary Development Plan and the remainder of the industrial estate is in the process of being finalised. The principle of development is considered to be acceptable and the site is not considered to have any higher level of future flood risk than the surroundings. The proposed design is considered to be of an appropriate scale and visual appearance with the scale and height of the proposed buildings consistent with those on adjacent plots. The proposal is considered to have an appropriate level of parking and the application is recommended for approval, subject to conditions.

## **Conditions**

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 **09** 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 number **09** 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.'

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 location plan 39714/001 Rev C, site layout 39714/002 Rev E, floor plan and elevations 39714/003 Rev C, planting plan 225 ALD20 Rev A, substation elevations 39714/051 Rev A)(received 28 July 2016)

Reason

To define the permission and for the avoidance of doubt.

03

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

04

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



Reason

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

05

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 programme of implementation, monitoring, validation 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 monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

06

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 submitted application form/shown on drawing floor plan and elevations 39714/003 Rev C. 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 CS28 'Sustainable Design.

07

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) for the additional vehicle access door & external yard to building 11 and a new sub-station with concrete access road at Waddington Way, Aldwarke, Rotherham (June 2016 / 39714 / Eastwood & Partners Consulting Engineers) and the following mitigation measures detailed within the FRA:

- Finished floor levels of the substation are set no lower than 24m above Ordnance Datum (AOD).
- The external yard is to be set no lower than 23.75m above Ordnance Datum (AOD).

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

Reason

To reduce the risk of flooding to the proposed development and future occupants.

08

Landscaping of the site as shown on the approved plan (drawing no. ALD20 rev A) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

09

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

Reason

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

10

No building or other obstruction including landscape features shall be located over or within 5.0 (five) metres either side of the centre line of the sewer i.e. a protected strip width of (10) metres, that traverses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker

Reason

In order to allow sufficient access for maintenance and repair work at all times.

11

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

Reason

In the interest of satisfactory and sustainable drainage.

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority (reference Flood Risk Assessment (prepared by Eastwood and Partners – Report AP/MW/39714 dated June 2016)

#### Reasons

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

### **Informatives**

#### Environment Agency

- a) We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with your building control department is recommended when determining if flood proofing measures are effective. Additional guidance can be found on our website [www.gov.uk](http://www.gov.uk) under 'Preparing your business for flooding' and 'Flood resilient construction of new buildings'.

#### Land Contamination

The proposed development site appears to have been the subject of past industrial activity which poses a risk of pollution to controlled waters. We are however unable to provide detailed site-specific advice relating to land contamination issues at this site and recommend that you consult with your Environmental Health / Environmental Protection Department for further advice. Where necessary we would advise that you seek appropriate planning conditions to manage both the risks to human health and controlled waters from contamination at the site. This approach is supported by Paragraph 109 of the National Planning Policy Framework.

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the contaminated land pages on GOV.UK for more information.

#### Waste on Site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Definition of Waste: Development Industry Code of Practice on the [CL:AIRE](#) website and;
- The [Environmental regulations](#) page on GOV.UK.

#### Waste to be taken off site

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.

#### Yorkshire Water

EXISTING INFRASTRUCTURE - Yorkshire Water has no objection in principle to; The proposed building stand-off distance from public sewer centre-line (of 5 [five] metres), as submitted on drawing 39714/002 (revision B) dated 26/03/2016 that has been prepared by Eastwood and Partners.

SURFACE WATER - The Flood Risk Assessment (prepared by Eastwood & Partners) confirms; A watercourse exists near to the site.

Restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority, with regard to surface water disposal from the site. The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

#### RMBC Environmental Health

Prior to commencement of development, an intrusive site investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The above should 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).

2. Ground gas monitoring is 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 the exact gas protection measures 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 Authority prior to development commencing.
3. Subject to the findings of item 1 above a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works 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.
4. Subject to the findings of item 1 above (if required), in all areas where soft landscaping is proposed and elevated levels of contaminated material exist which may inhibit plant growth, a capping layer of 600mm of subsoil/topsoil will be required. If subsoil's / topsoil's are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.
5. In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.
6. Subject to the findings of item 1, a design classification and the corresponding aggressive chemical environment for concrete (ACEC) shall be specified for all sub surface concrete and the details shall be forwarded to this local authority for review and comment.

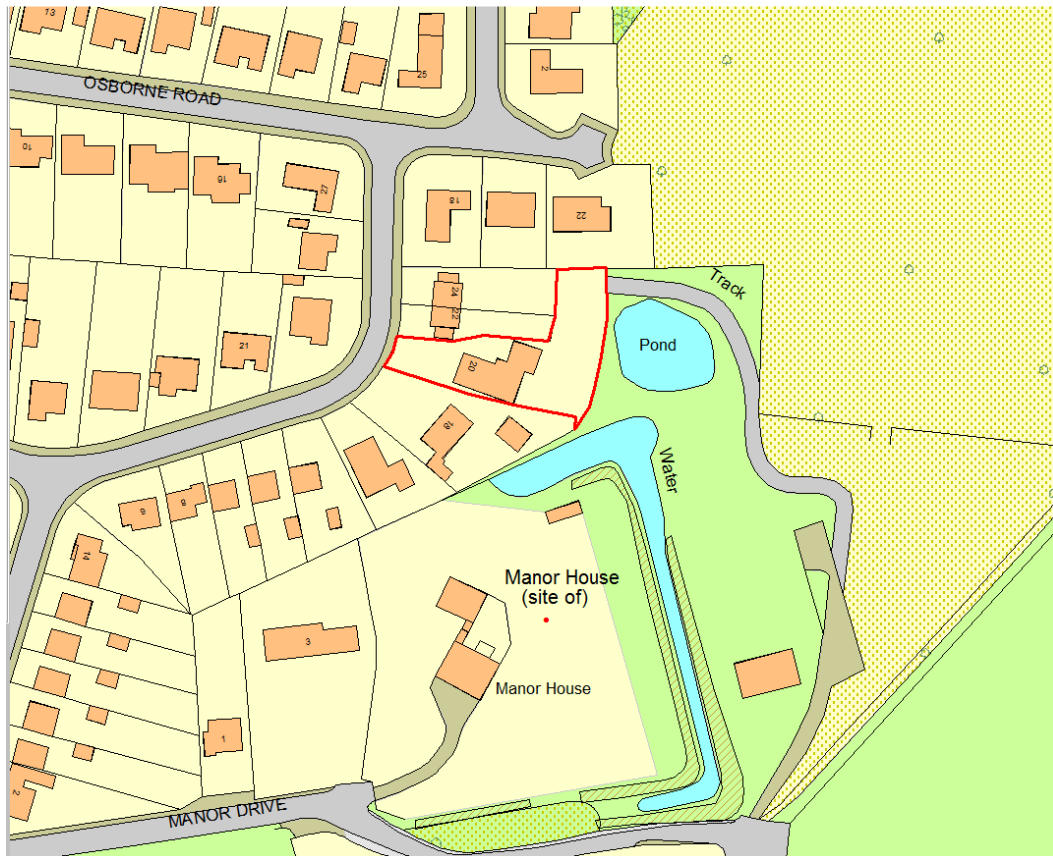
7. Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local Authority for review and comment. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out 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 validation 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 validation data has been approved by the Local Authority.

## 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>RB2016/0863</b>
<b>Proposal and Location</b>	Alterations and single storey extensions at 20 Manor Way, Todwick, Sheffield S26 1HR
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to Planning Board at the request of the Chairman and Vice Chairman of Planning Board.



### Site Description & Location

The site of application is a large detached bungalow set on an unconventionally shaped plot. The bungalow is set back from the road, Manor Way, behind a pair of semi-detached houses Nos. 22 & 24 Manor Way. The property is located roughly adjacent to the other immediately neighbouring property No. 18 Manor Way. It has a relatively large front garden whilst to the rear is Todwick Manor House which includes the Scheduled Ancient Monument of Todwick Manor moated site.

The design of the property is individual and the streetscene of Manor Way is mixed with bungalows and houses of varying sizes and designs.

### Background

RB1979/4032: Outline for 1 dwelling - GRANTED CONDITIONALLY 24/01/80

RB1980/3316: Split level bungalow - REFUSED 22/01/81

## Reason for refusal

01

The Local Planning Authority considers that the erection of the dwelling proposed would be inappropriate in this location, and detrimental to the amenities of the locality and to the occupiers of the adjacent dwellings by virtue of its size, siting and design.

RB1981/0268: Bungalow - REFUSED 11/03/81. The reason for refusal was as for RB1980/3316.

RB1981/0617: Bungalow & single garage - GRANTED CONDITIONALLY 23/04/81

RB2014/0809: Increase in roof height to form two storey dwelling house including single storey rear extension and chimney to side - WITHDRAWN 06/08/14

RB2014/1296: Increase in roof height to form two storey dwelling house including single storey rear extension and flue to side (amendment to RB2014/0809). Following a site visit, Planning Board refused the application on 23/02/15 for the following reason:

01

The Council considers that the proposed development would have an overbearing impact on the occupiers of neighbouring properties and reduce natural light to the rear garden areas, particularly of 22 Manor Way. As such, the proposed development would be contrary to the advice in the National Planning Policy Framework.

The application was subsequently appealed. The Planning Inspector upheld the Council's Decision to refuse on the basis of overbearing impact on the residents of No. 22 Manor Way and dismissed the appeal on 15/07/15.

RB2015/1421: Increase in roof height to form two storey dwelling house including single storey side & rear extensions – Planning Board refused the application on 31st March 2016 for the following reason:

01

The Council considers that the proposed development would have an overbearing impact on the occupiers of neighbouring properties and reduce natural light to the rear garden areas, particularly of 22 Manor Way. As such, the proposed development would be contrary to the advice in the National Planning Policy Framework.

## Proposal

The proposal is submitted following the refusal of two previous applications for the extension of the bungalow into a two storey dwelling house, the first of which was dismissed at appeal.

This proposal has been significantly amended from the previous schemes and includes a single storey side and rear extension only.



The side extension would replace an existing attached garage and would have a depth of 5.8 metres and a width of 4 metres with an eaves height of 2.5 metres and an overall height of 4.9 metres. The roof of the extension would be tied in to the main roofline with an overall height to the ridge of 4.9 metres.

The single storey rear extension would be L shaped and would project 15.3 metres from the rear of the property and measure a maximum width of 10.8 metres to the rear. This element of the extension would also contain a chimney with an overall height of 4.1 metres. The remainder of the extension would have a width of 4.8 metres. The height to the eaves would be 2.5 metres with the height to the ridge of the roof of 4 metres. This extension would be set off the boundary at a distance of approximately 2.3 metres at the closest point to the rear of the neighbouring property No. 18 Manor Way.

The extensions would have a number of rooflights and would be constructed of brick with a tiled roof to match the main dwelling house.

### **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, (and also adjacent to a Scheduled Ancient Monument of Todwick Manor House). 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):

ENV2.1 'Statutorily Protected Sites'

### **Other Material Considerations**

Interim Planning Guidance - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 3rd March 2014 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 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 letter to neighbouring residents and in the press and by site notice as affecting the setting of a Scheduled Ancient Monument of Todwick Manor House moated site. One representation has been received objecting to the application from Todwick Parish Council. The comments raised shall be summarised below:

- The site has a history of flooding and this development could increase flood risk within the local area.
- The level of parking provision seems to be inadequate at the property and there is a concern that it could lead to an increase in on street parking which could be dangerous.

### **Consultations**

Streetpride (Transportation and Highways): Raise no objections to the proposals.

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 application seeks full planning permission to extend a residential property within a residentially allocated area. The principle of extending a dwellinghouse is generally supported in the Council's policies and the Interim Planning Guidance.

However all such development needs to accord with the relevant design criteria and should be in keeping with the character and appearance of the host dwelling and the locality and should not have a detrimental impact on residential amenity.

Therefore matters to be considered as amounting to material considerations in the determination of this application include:

- The visual impact on the host dwelling and the locality.
- Impact on the setting of the adjacent Scheduled Ancient Monument.
- The impact on adjacent occupiers.
- Highway implications.
- Other issues raised by objectors.

#### Visual impact on host dwelling and the locality:

In assessing the proposed design of the extension in relation to the existing property and the surrounding area, 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 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 Interim Planning Guidance - ‘Householder Design Guide,’ advises that extensions should be constructed in matching materials to match the host property. Bricks and stonework should be coursed and pointed to match the existing details. Tiles should match the existing tiles in terms of material, texture, size and colour.” It adds that: “Single storey side extensions are generally an acceptable feature on domestic properties and the current permitted development rights allow an extension to be constructed without planning permission up to half the width of the original house. The Council will be critical of side extensions of excessive width and for a single storey extension this should not exceed more than 2/3 the width of the original house.”

In respect of single storey rear extensions the 'Householder Design Guide,' adds that: "Single storey rear extensions are generally an acceptable feature on domestic properties and the current permitted development rights allow for some extensions to be constructed without planning permission."

It is noted that the current proposal is radically different from the previous proposals. It is for single storey extensions only with the majority of the development to the rear of the property.

It is considered that the single storey extension would appear subservient to the main dwelling house and would match the design and proportions of the original property. As such, it is considered not to harm the character and appearance of the property or the streetscene of Manor Way.

With regards to the single storey rear extension it is noted that it is of considerable size. However, it would be almost entirely hidden from public view by the presence of the main dwelling and boundary trees and hedges. Notwithstanding this, it is considered to be of an acceptable appearance and is considered not to harm the character and appearance of the property or the surrounding area.

As such, it is considered that the design and appearance of the extensions would not harm the character and appearance of the property or the surrounding area and would comply with Policy CS28 'Sustainable Design,' the guidance in the Interim Planning Guidance on 'Householder Design Guide,' as well as the advice contained within the NPPF and the National Planning Policy Guidance (NPPG).

#### Impact on the setting of the adjacent Scheduled Ancient Monument.

With regards to the impact on the setting of the adjacent Scheduled Ancient Monument of Todwick Manor House moated site UDP Policy ENV2.1 'Statutorily Protected Sites' states: "Development or changes of use which would adversely affect the interest, fabric or setting of a statutorily protected site will not be permitted."

In addition, 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:

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."

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."

With regards to the setting of the above Scheduled Ancient Monument it is considered that the extension would not harm views to or from the site, owing to its relationship to surrounding properties and relative relationship to the site. It is also considered that the presence of the larger single storey extension to the rear would not harm the setting of the Scheduled Ancient Monument. Furthermore, it is

considered that the extensions would not harm the setting of the Scheduled Ancient Monument over and above the presence and proximity of the host property, and indeed the remainder of the housing development of Manor Way.

It is noted that with regards to the previous scheme the Inspector commented that "owing to separation distance, intervening vegetation, and the relationship of the appeal property to the site, I agree with the Council that the proposal would not materially harm the setting of the Scheduled Ancient Monument."

Taking account of the above, it is therefore considered that the proposal would accord with the provisions of UDP Policy ENV2.1 'Statutorily Protected Sites', and Core Strategy Policy CS23 'Valuing the Historic Environment,' as well as the advice contained within the NPPF.

#### Residential amenity issues:

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.

The Interim Planning Guidance 'Householder Design Guide' further gives guidance upon overshadowing matters and notes: "Extensions should not overshadow neighbouring properties to an unreasonable degree. The Council will take account of the orientation and position of neighbours' windows in relation to the extension. Where an extension would be likely to significantly reduce the amount of sunlight and/or daylight casting a shadow over private amenity space or entering the window of a habitable room (such as a kitchen, living room or bedroom) planning permission may not be granted."

The Guidance further advises on outlook issues that: "An extension close to either a habitable room window of a neighbouring property, or to its private garden, should not have an overbearing effect on that property or an unreasonable effect on its outlook." It adds that: "Single storey rear extensions are generally an acceptable feature on domestic properties and the current permitted development rights allow for some extensions to be constructed without planning permission. Single storey rear extensions on or close to a boundary, should project no more than 4m from a neighbouring property's existing rear elevation."

The previous applications were refused on the basis of "overbearing impact on the occupiers of neighbouring properties and reduce natural light to the rear garden areas, particularly of 22 Manor Way." However, these previous applications included significant upward extension, which is no longer proposed on the current scheme. As such, this scheme is for single storey development only and it is fundamentally different from the previous proposals.

It is considered that the single storey side extension alongside the boundary with No. 22 Manor Way would not appear overbearing owing to its eaves height of 2.5 metres and overall height of 4.9 metres to ridge, which tapers away from the boundary.

With regards to the single storey rear extension it is noted that it would be located along nearly the whole length of the northern boundary with No. 18 Manor Way. However, the neighbouring property at No. 18 Manor Way is separated from the application site by a driveway and the detached garage to No. 18 separates the rear garden area of that property from the application site. In addition, the property itself is angled away from the applicant's property. Furthermore, it is noted that the proposed extension, which is single storey only with a maximum ridge height of 4 metres, would be sited to the north of No. 18, thereby reducing the impact on direct sunlight to that property. As such, it is considered that the proposed single storey rear extension would not harm the residential amenity of the neighbouring residents.

Furthermore, it is considered that owing to the extensions being single storey and the presence of the existing boundary treatment the proposals would not overlook the neighbouring properties.

Finally, it should be noted that under the previous refused scheme the proposals included a large single storey rear extension (11.5m as opposed to current proposal of 15.3m) in a similar location to that currently proposed and the application was not refused due to this extension.

Taking all of the above into consideration the proposals are not considered to have a significant impact on the residential amenity of adjacent occupiers by way of overbearing impact or loss of privacy and would therefore accord with the advice contained in the NPPF and the Interim Planning Guidance.

#### Highway issues:

It is noted that Todwick Parish Council have raised concerns about the extension in terms of additional parking at the property. The site contains a gravel drive that accommodates a minimum of 2 vehicles, in line with the Council's guidance, and this would be retained. Streetpride (Transportation & Highways) Unit does not consider that the proposal would have any detrimental impact in terms of highway safety as the proposed development allows for adequate vehicle parking provision at the property. The Inspector dealing with the previous appeal did not raise highway safety matters as an issue.

#### Other issues raised by objectors

It is noted that Todwick Parish Council have objected to the application on the grounds of potential flooding from the construction of the proposed extension. They have noted that the area is prone to localised flooding. Whilst this is acknowledged it is noted that the site is not within a flood zone area and is not susceptible to overland flooding and the surface water discharge at the property is a matter for Building Regulations approval which is considered to adequately cover this issue.

### **Conclusion**

In conclusion, it is considered that the proposed single storey extensions by virtue of their size, design, height, and siting would have no adverse impact on the character and appearance of either the host dwelling or the existing streetscene and would not be detrimental to the residential amenity of adjacent occupiers by being overbearing

or over dominant or result in any loss of privacy by way of overlooking. Furthermore, the proposals would not be detrimental to the setting of the adjacent Scheduled Ancient Monument or be detrimental in highways or drainage terms.

As such, it is recommended that planning permission be granted.

### **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 WIL/BRAS/MAN/16/ 1-B, WIL/BRAS/MAN/16/ 2-B, WIL/BRAS/MAN/16/ 3-B)(Received 01/07/2016)

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 match those used in the existing building.

Reason

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

### **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.