

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THURSDAY 26 JANUARY 2017**

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

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<b>Application Number</b>	<b>RB2016/0806</b>
<b>Proposal and Location</b>	Partial demolition and refurbishment of an existing unlisted building within Aston Conservation Area & the erection of 4 No. dwellinghouse, at 165 Worksop Road, Aston
<b>Recommendation</b>	Refuse

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation, due to the number of objections.



### Site Description and Location

The site of application is 165 Worksop Road, Aston, a traditional stone built cottage positioned on the edge of the village of Aston. The property is set to the front of the site with a substantial rear garden leading down to a small stream. The cottage has not been lived in for a number of years, with the rear garden now somewhat overgrown containing old fruit trees.

### Background

RH1973/8192 - Outline for residential development – REFUSED

RB1990/0836 - Outline for a dwelling – REFUSED

RB2015/1012 - Partial demolition and refurbishment of an existing unlisted building within Aston Conservation Area & the erection of 4 No. dwellinghouses - WITHDRAWN

RB2016/0308 - Six Weeks Notice of intent to fell/prune various trees within Aston Conservation Area - NO OBJECTIONS

During the course of the determination of the application, HS2 has issued a Safeguarding Direction, and this is discussed in further detail below.

## **Proposal**

The applicant seeks permission to partially demolish the existing cottage and refurbish the property. In addition 4 detached dwellings will be constructed in the rear garden area which will be a mixture of 3 and 4 bedroom dwellings constructed in natural stone and clay pantiles. The dwellings are designed in a traditional style to reflect the Conservation Area setting and to appear as local vernacular agricultural cottages. The dwellings include off street parking and garage accommodation.

The cottage will be refurbished with the front door reinstated, new windows and clay pantiles added to the roof of the property. An existing brickwork single storey rear extension will be demolished and the rear wall made good. In addition, a porch extension on the side of the cottage would be demolished to allow for widening of the existing access to 4.5m which will provide improved access to the land at the rear.

A landscape plan has been submitted which includes the planting of 9 new trees and the provision of a pond for ecological benefit.

The applicant's tree survey concludes that:

- T1 is a middle aged flowering Japanese cherry in good condition. Efforts have been made to design the access so that it could be retained, but the need to keep the access road on the east side to meet the visibility splay requirements and the planner's and architect's preference to retain a dwelling on the frontage to maintain the street scene forces the route to the units at the rear so close to T1 that retention is not viable.
- T2 is an over-mature wild cherry. It has been topped in the distant past at about 3-4m above ground level so has formed a spreading crown with multiple branches grown from the topping points where there will likely be some decay. It has some dead branches in the lower crown, most likely from shading by the upper crown and the natural process of branch shedding, but there is also some dieback in the upper crown, and some foliage was not the expected healthy green colour. Some foliage appeared to be wilting, and a bacterial infection is suspected. The clients wish to retain this tree to lend some maturity to the development. If suitably protected, it could be retained for perhaps another ten years, allowing the new planting to establish before it has to be removed.
- G1 comprises the remainder of the trees on site, which are all fruit trees, mostly apples. There is a prunus which is most likely wild plum root stock that has grown up from the base of a domestic plum variety that is long gone, and 2 pears, one of which has fallen and died. None of these trees, nor the small conifers which have been inter-planted, are of any great significance. The old fruit trees have some wildlife benefit, but do not have

sufficient value to warrant retention.

The site is well hedged by mostly mature hawthorn with the occasional ash, elder, elm and holly. The southern boundary hedge is of leyland cypress and belongs to the neighbouring property. The hedges and T2 will be protected by temporary fencing for the duration of the build.

The Architect has shown sufficient new tree planting to mitigate the removal of the existing trees.

The applicant's Preliminary Ecological Appraisal notes that:

- No statutory designated sites were recorded within 2km of the site though a Local Wildlife Site (LWS) occurred approximately 300m to the west. Though the development will not impact directly on this LWS, a small, slow flowing stream ran along the northern boundary of the site surveyed, upstream of the LWS.
- The grassland and trees of the overgrown garden were considered to be of low ecological value due to the common botanical species composition and their abundance in the local area. Hedgerows bounding the site offered good connectivity and habitat for wildlife.

It recommends that:

- Habitats: The stream outside the site, hedgerows and trees to remain are to be adequately protected by fencing during the development. Fruit trees are to be planted to compensate for those lost. Heritage varieties of local provenance should be selected and planted under guidance from a local fruit growers association. Existing hedgerows are to be managed on a yearly rotation, ensuring their benefit for wildlife remains. Management must take place outside the bird nesting season.
- Amphibians: An EPS mitigation licence for great crested newts *Triturus cristatus* will be required prior to commencement of works. This will include strict constraints on timing, order of works and will include exclusion, trapping, destructive search and habitat enhancement including the creation of a pond and hibernaculum within the northern boundary of the site.
- Bats: Six self-contained bat boxes to be installed into the new buildings as roosts have been recorded in the local area. Exterior lighting to be sensitively designed so as not to create barriers to foraging/commuting bats. Lights must not shine on roost entrances on newly installed roost features.
- Birds: Eight bird boxes to be installed above head height on the walls/fences of the new buildings.
- Other Species: Creation of habitat piles beneath hedgerows will benefit invertebrates, reptiles, hedgehogs and common amphibians.

## **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 majority of the application site is allocated for 'Residential' purposes in the UDP though a small element that forms the access down the side of No. 165 is allocated for 'Green Belt' purposes. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'

CS4 'Green Belt'

CS14 'Accessible Places and Managing Demand for Travel'

CS20 'Biodiversity and Geodiversity'

CS23 'Valuing the Historic Environment'

CS25 'Dealing with Flood Risk'

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV2 'Conserving the Environment'

ENV2.11 'Development in Conservation Areas'

### **Other Material Considerations**

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

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

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

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

### **Publicity**

The application was advertised by way of press notice, site notice and individual neighbour letters. 40 letters of objection have been received including letters from Aston Parish Council, Aston History Group and Sheffield and Rotherham Wildlife Trust. The objections raised are summarised as:

- The poor highway access is detrimental to highway safety. This part of Worksop Road is very busy, with a large number of accidents taking place.
- The proposed new pond represents a safety concern.
- Local schools oversubscribed
- The proposed pond does not overcome the ecological harm.
- The proposal will result in the felling of a large number of trees.
- The proposal will result in the loss of an historic orchard.
- The setting of the historic cottage will be harmed, within the Conservation Area setting.
- The proposal will result in ecological harm and the loss of important habitat.
- The development will result in pollution entering the local watercourse, to the detriment of the local wildlife Site of Foers wood.

Aston Parish Council state that:

- Have an adverse effect on the character of the conservation area and the residential amenity;
- Unnecessarily compromise road safety due to the proposed ingress/egress with Worksop Road having restricted visibility.

6 objectors and the applicant have requested the right to speak at Planning Board.

## **Consultations**

Planning, Regeneration and Transportation Service (Transportation and Highways Design) – Notes that retaining the existing cottage will result in a private drive of width 4.5m. This will cater for two way traffic flow (cars) other than at the junction with Worksop Road where a significantly greater width would be required to accommodate the turning movements of cars entering and leaving simultaneously. However, it is considered that the intended width is acceptable. In reaching this view the Transportation Unit has taken into account the advice contained in the “South Yorkshire Residential Design Guide” (B.1.1.11). This advocates a width at the entrance to a private drive of between 4.5m and 4.8m. Furthermore, the Department for Transport guide “Manual for Streets” advocates a “collaborative” team approach to street design. Whilst a wider junction with Worksop Road was initially intended, the retention of the existing cottage within the Conservation Area has resulted in the current solution and the Transportation Unit is prepared to accept the lesser width for the above reasons.

The proposed on site car parking accords with the Council’s minimum car parking standards. A turning area capable of accommodating a typical delivery/emergency vehicle is to be provided and measures to promote sustainable travel will be required by condition.

Measurements taken on site confirm that appropriate visibility can be achieved at the junction with Worksop Road and this would be further improved by the relocation of the street lighting column as intended by the applicant.

With regard to the accident record for this part of B6067 Worksop Road, there are no recorded personal injury accidents within the last 3 years in the vicinity of the site although an accident was recorded some 100m to the west in 2013.

Culture Sport and Recreation Service (Ecology) - As the value of the cottage for bats was found to be low, there is not much that can be done here to encourage bats. Consequently, the Council's Ecologist is satisfied that bats will have been suitably mitigated and compensated.

In terms of the impact of the development on Foer's Wood, the Ecologist does not consider that the development would adversely impact on it. Sedimentation of the stream during construction could be prevented or reduced by putting in place suitable sediment prevention measures prior to construction and this could be addressed by way of a planning condition.

It is not considered that there would be an issue with foul water drainage or oil spillage/leakage.

A habitat management or aftercare plan needs to be put in place for the aftercare and upkeep of the pond, lawn, hedgerows, planted trees and shrubs and orchard. The Recommendations for additional surveys and those in the Ecological Enhancement Plan should be adopted and conditioned where possible.

Culture, Sport and Recreation Service (Tree Service Manager): Eleven trees are shown to be removed to accommodate the development and their loss has been accepted following a previous notification to fell them. The future prospects of the trees and hedges shown to be retained will need to be safeguarded throughout any development and this can be achieved by the provision of protective barrier fencing in accordance with BS 5837 Trees in Relation to Demolition, Design and Construction.

Street Scene and Community Safety (Drainage) - No objections in principle subject to relevant conditions. Notes that as the proposed finished floor levels are confirmed to be well above the watercourse, there are no concerns regarding flood risk to this development. The drainage plans confirm that the proposed landscaping scheme, including new trees, is not feasible due to the presence of the existing and proposed sewers. The drainage systems will be subject to Building Regulations approval and also approval by Yorkshire Water if offered for adoption.

HS2 Ltd – Considers that granting planning permission for the proposed development would inevitably prejudice the ability to build and operate HS2 and lead to additional costs to the delivery of the project as a result of conflicting development taking place on land subject to the formal safeguarding directions. In light of the above it is considered that the application proposals directly conflict with the preferred line of route in that location and that conflict cannot be overcome through potential reconfiguration of the proposals, or by way of the imposition of appropriately worded planning conditions.

HS2 Ltd has therefore lodged a holding objection to the proposed development and recommends that the Local Planning Authority refuses planning permission in this case.

## **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 –

- The principle of the development
- Impact upon the character and appearance of the Conservation Area
- Ecology/biodiversity matters
- Flood risk and drainage
- Highways issues
- Neighbouring amenity
- Impact upon the HS2 route

### The principle of the development

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

For decision-taking this means (unless material considerations indicate otherwise):

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

The development plan currently consists of the Unitary Development Plan (adopted in 1999) and the Core Strategy (adopted in September 2014). Paragraph 214/215 of the NPPF states 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. In other cases and following this 12-month period, 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)."

Core Strategy Policy CS1 'Delivering Rotherham's Spatial Strategy' states that most new development will take place in Rotherham urban area and the Principal Settlements for Growth and will help create a balanced sustainable community. It notes that the settlements of Aston/Aughton/Swallownest are Principal Settlements and that within such settlements 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.

The site is allocated for 'Residential' use within the Unitary Development Plan (other than a small element relating to the proposed access). It is considered that given the site's location in close proximity to existing housing, facilities, services and local transport, the development is within a sustainable location that would accord with the presumption in favour of sustainable development.

With regard to the small section of land within the Green Belt, Core Strategy CS4 'Green Belt,' states: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy". The land in question forms part of the existing highway access to the site and as such no inappropriate change of use will take place or any structures erected. As such the proposal will not be harmful to the openness of the Green Belt and accords with both national and local policy.

It is considered that the Policies in the Development Plan referred to above are consistent with the NPPF and that as such, the principle of development on the site is considered acceptable.

#### Impact upon the character and appearance of the Conservation Area

UDP Policy ENV2.11 'Development in Conservation Areas' states "In respect of designed Conservation Areas, the Council will: (iv) have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character". In addition Core Strategy Policy CS23 'Valuing the Historic Environment' and CS28 'Sustainable Design' indicates that Local Planning Authorities should ensure that new development should make a positive contribution to the character and local distinctiveness of the historic environment.

The NPPF states at paragraph 131, that: "In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.”

The development site falls within the Aston Conservation Area. This area of Aston Conservation Area is made up of mainly rural stone built properties dating from the 18<sup>th</sup> and 19<sup>th</sup> century. In addition there are a number of 20<sup>th</sup> century dwellings of various styles. The area is defined by its varied layout and mix of architecture.

The proposed scheme has been designed to reflect the varied style of this area of the Conservation Area, rather than adjoining suburban areas. The traditional stone built dwelling styles are appropriate for the setting and the applicant has gone to considerable lengths to replicate a rural cottage style, with chimneys and small stone boundary walling. The density of the development also reflects the density of adjoining dwellings and will not appear overdeveloped.

Furthermore the restoration of the cottage with new fenestration and clay pantiles will improve the appearance of the cottage in the Conservation Area. In addition, the demolition of a poor quality brick single storey rear extension and the porch on the side to allow an improved vehicular access will not harm the dwelling or its setting with the Conservation Area.

It is therefore considered that the proposal is in keeping with the style and character of the Conservation Area and as such would therefore continue to preserve and enhance the Conservation Area. As such the proposals are considered to be in accordance with Core Strategy CS23 ‘Valuing the Historic Environment’, saved UDP Policy ENV2.11 ‘Development in Conservation Areas’, and the general guidance in the NPPF.

#### Ecology/biodiversity matters

In assessing the ecological/biodiversity issues, UDP Policy ENV2 ‘Conserving the Environment’ of the Council’s UDP states:

“In considering any development, the Council will ensure that the effects on the wildlife, historic and geological resources of the Borough are fully taken into account. In consultation with the relevant national agencies and local interest groups, the Council will ensure the protection of these resources while supporting appropriate development which safeguards, enhances, protects or otherwise improves the conservation of heritage interests.

The Council will only permit development where it can be shown that:

- (i) development will not adversely affect any key environmental resources,
- (ii) development will not harm the character or quality of the wider environment, and
- (iii) where development will cause environmental losses, these are reduced to a minimum and outweighed by other enhancements in compensation for the loss.”

Core Strategy Policy CS20 ‘Biodiversity and Geodiversity,’ states that the Council will conserve and enhance Rotherham’s natural environment and that resources will be protected with priority being given to (amongst others) 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.

The NPPF further advises at paragraph 117 of the NPPF that, to minimise impacts on biodiversity and geodiversity, planning policies should identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity (which include Local Wildlife Sites). Paragraph 118 adds that: “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”

A number of objectors have raised concerns regarding the loss of trees, including the traditional orchard, and the potential impact upon the adjoining stream, which leads into the nearby Foers Wood Local Wildlife Site from pollutants. These issues have been addressed by the applicant in terms of providing replacement planting and appropriate drainage. The applicant proposes a comprehensive drainage scheme including petrol interceptors to prevent pollution of the adjoining watercourse, and underground storage to prevent excessive discharge of water into the stream. These mitigation measures are considered adequate enough to overcome any potential ecological concerns.

In addition, as the site is within the Conservation Area a separate application to fell the trees within the orchard was submitted under the 6 weeks Notice application process (RB2016/0308). The Council in effect had 6 weeks to determine if the trees should be formally protected or not by way of a Tree Preservation Order though concluded that the trees were not worthy of formal protection and raised no objections to the proposals.

The proposal makes several recommendations in respect of biodiversity enhancement, as set out in the Preliminary Ecological Appraisal, and these would be required by condition as part of any planning permission granted.

### Flood risk and drainage

Policy CS25 ‘Dealing with Flood Risk,’ notes that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. In addition CS25 notes that proposals

should demonstrate that development has been directed to areas at the lowest probability of flooding by demonstrating compliance with the sequential approach i.e. wholly within flood risk zone 1, and further encouraging the removal of culverting. Building over a culvert or culverting of watercourses will only be permitted where it can be demonstrated that it is necessary.

The NPPF notes that: “When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and, it can be demonstrated that:

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

The Council’s Drainage Team notes that the proposed foul and surface water drainage is satisfactory and the underground storage will prevent excessive discharge of water into the local stream. It is also considered that due to the position of the properties on higher land, they are not at risk from flooding from nearby streams.

With regard to contamination from driveways raised by objectors, this issue can be addressed by way of a planning condition.

Having regard to the above and subject to the recommended conditions/informative it is considered that the proposals accord with Policy CS25 ‘Dealing with Flood Risk,’ and the advice within the NPPF.

### Highways issues

In assessing highway related matters, Policy CS14 ‘Accessible Places and Managing Demand for Travel,’ notes that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by (amongst other):

- Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

A number of objectors have raised concerns regarding the access onto Worksop Road and the potential impact upon highway safety. The existing access would be widened slightly by demolishing an existing porch on the side of the building and the proposed access to Worksop Road has been designed in accordance with

guidance from Manual for Streets and the South Yorkshire Residential Design Guide and the Transportation Unit consider it acceptable in a highway context.

All properties will have 2 or more car parking spaces, as well as garages, in accordance with the Council's minimum parking standards thereby minimising on street parking and allowing the highway to open for the free and safe flow of traffic. The development is also located within a sustainable location, within walking distance of a bus stop, local pub and shops to the centre of Aston. As such the need for car bound journeys will be reduced.

Objectors have raised the issue about Worksop Road not being suitable for children or adults with pushchairs. The Transportation Unit consider that the site is accessible and that pavements on Worksop Road can accommodate pushchairs, with the additional pedestrian traffic generated by the development being minimal.

The development is therefore considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel'.

### Residential amenity

In assessing the impact of the proposed development on the amenity of neighbouring residents, 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. 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.

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

In terms of neighbouring amenity the only dwelling to be effected by the development is No.164 Worksop Road. The first floor windows to plot four are all obscure glazed to prevent overlooking of No.164. In addition both plots 3 & 4 have been set 12m off the neighbouring boundary to prevent the development appearing overbearing when viewed from the neighbouring property.

It is therefore considered that the proposed development would not have any impact on the existing amenity levels of the occupiers of neighbouring properties. The proposal would not cause any loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces and would comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' along with the advice within the South Yorkshire Residential Design Guide (SYRDG) and that contained in the NPPF.

In terms of the amenity of future residents of the site, the dwelling at 164 Worksop Road has a first floor habitable room window in the north elevation looking over the site. It is a secondary window to the bedroom it serves, with the main window

being on the west elevation. It overlooks the new garage roof to No.4, and to a certain extent the rear garden of No.4. This level of overlooking is considered acceptable and any future occupants would be aware of the situation.

It is noted that the SYRDG provides minimum standards for internal spaces which includes 77sqm for 3 bed properties and 93sqm for 4 bed properties. All of the house types far exceed these minimum standards and include gardens beyond the 60sqm minimum recommend by the SYRDG. As such the dwellings will be acceptable to future occupants.

Having regard to the above it is considered that the proposed layout is in accordance with the guidance outlined in the SYRDG and Council's SPG 'Housing Guidance 3: Residential Infill Plots'.

### Impact upon the HS2 route

Since the planning application was submitted and validated (June 2016) on 15<sup>th</sup> November 2016 the government formally announced the preferred route for Phase 2b of High Speed 2 (HS2). The announcement supersedes all of the maps previously produced in 2013. The Secretary of State for Transport simultaneously issued Safeguarding Directions for the Phase 2b route. The Safeguarding Directions have been issued in order to protect the preferred Phase 2b route of HS2 from conflicting development.

Following those announcements and from assessment of the supporting application drawings, the application site is located within the limits of land subject to the formal Safeguarding Directions for Phase 2b of HS2. Accordingly, HS2 Ltd has been consulted and considers that granting planning permission for the proposed development would inevitably prejudice the ability to build and operate HS2 and lead to additional costs to the delivery of the project as a result of conflicting development taking place on land subject to the formal safeguarding directions.

In light of the above it is considered that the application proposals directly conflict with the preferred line of route in that location, and that conflict cannot be overcome through potential reconfiguration of the proposals, or by way of the imposition of appropriately worded planning conditions. Therefore HS2 Ltd have lodged a holding objection to the proposed development and recommends the Local Planning Authority refuses planning permission in this case.

### Other matters raised

Objectors have raised the issue that local schools could not cope with additional demand, though Education Service are not notified for proposals of this limited scale. In addition, concerns have been raised in respect of the safety issues surrounding the proposed pond to be formed, though this would ultimately be a matter for the future occupiers of the properties that would have access to the pond.

## **Conclusion**

Having regard to the above it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that is allocated for 'Residential' purposes and would be in compliance with the requirements detailed within the UDP and Core Strategy, as well as the adopted Supplementary Planning Guidance and the NPPF.

In respect of other material considerations raised, the applicant has demonstrated that the scheme will not have a significant adverse impact on ecology, on the residential amenity of existing and future occupiers, on highway safety in this location, or on the Aston Conservation Area, subject to relevant conditions.

However the application proposals directly conflict with the preferred line of route in that location of HS2 and that conflict cannot be overcome through potential reconfiguration of the proposals, or by way of the imposition of appropriately worded planning conditions. Therefore the application should be refused due to the conflict with the route of HS2.

## **Reason for Refusal**

01

The proposed development would conflict with the HS2 safeguarded route as published, emerging design developments and the Government's objective of delivering HS2, which is a project of national importance. The proposal is therefore contrary to Government Guidance contained in the National Planning Policy Framework (NPPF). The proposal does not conform with the provisions of the NPPF and it is considered that the applicant is unable to overcome such principle concerns.

## **POSITIVE AND PROACTIVE STATEMENT**

Whilst the applicant entered into pre application discussions with the Local Planning Authority subsequently the new route of HS2 has resulted in the development not being in accordance with the principles of the National Planning Policy Framework resulting in this refusal.

<b>Application Number</b>	<b>RB2016/0961</b>
<b>Proposal and Location</b>	Erection of 3 No. dwellinghouses at land adjacent 2 Waleswood View, Aston
<b>Recommendation</b>	Grant Conditionally

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation, due to the number of objections.



### Site Description and Location

The application site forms part of a larger area of incidental urban greenspace located between Mansfield Road and a small residential road, Waleswood View. The land forms a small green buffer between the main road and is not used for any recreational purposes. Across Waleswood View are residential properties whilst to the south east of the site is a pedestrian footpath link between Waleswood View and Mansfield Road, serving a local bus stop, with residential properties beyond. A line of trees and bushes runs along the boundary of the site with Mansfield Road.

### Background

No site history

### Proposal

The applicant seeks permission for the erection of 3 detached dwellings on approximately a 3<sup>rd</sup> of the total area of incidental urban greenspace. The dwellings will front Waleswood View, with the rear gardens backing onto Mansfield Road, separated by a new hedgerow that would replace the existing trees/bushes that would be removed. The footpath link to the south will be retained with the gable end of the nearest proposed dwelling set some 2.5m off the boundary.



The dwellings are designed in a post modern style with feature bay windows and attached garages. The applicant indicates the dwellings will be constructed in coursed stonework and brown concrete tiles. White sliding sash U-PVC windows are proposed. Each dwelling will have a driveway, capable of accommodating 2 vehicles, as well as a single garage space. The dwellings will have short, but wide, rear gardens which back onto Mansfield Road and would be screened by a new hedgerow.

Following Officer's advice the applicant has amended the scheme to improve the boundary treatment proposed, provide an adequate footway to the front of the site, and ensure that the rear gardens do not encroach into the highway verge on Mansfield Road.

The applicant's tree survey states that:

- It is proposed to build three residential properties with associated facilities. The development proposals inform this impact assessment and the Tree Impacts Plan at Appendix 6.
- From assessing the new development proposals, the former hedge G1 and the trees and shrubs T5 to T8 will require removal, as they are situated in the footprint of the structure or their retention and protection throughout the development is not suitable.
- The trees T5 to T8, which require removal, are lower value retention category 'C', with only limited value and future prospects. The removal of these trees and shrubs will have only negligible negative arboricultural impact.
- The former hedge group G1, which requires removal, is of moderate value retention category 'B'. The removal of this group will have a moderate negative visual impact and a loss of visual amenity in the short term. However the development of the site provides a good opportunity to replace the shrubs and trees within this group. It is advised replacement tree and hedge planting is undertaken along the south-western boundary and throughout the wider site.
- The design of the new development has considered the trees crown position in relation to the dwellings. Some shade from trees may be beneficial. In particular, deciduous trees give shade in summer but allow access to sunlight in winter. However, the design proposals avoid excessive shading, and give adequate provision for future tree growth.

### **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 application site is allocated for 'Residential' purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscapes'  
CS22 'Green Space'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'  
ENV3.4 'Trees, Woodlands and Hedgerows'  
ENV5.2 'Incidental Urban Greenspace'

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

### **Publicity**

The application was advertised by way of site notice and individual neighbour letters. A letter of objection has been received from Aston Parish Council, signed individually by 6 Councillors.

The Parish Council states that:

(i) Inappropriate development on what is a highway verge, which would be detrimental to residential amenity.

(ii) Unnecessary and inappropriate removal of a mature hedgerow which would be detrimental to residential amenity.

(iii) Overdevelopment of the site – the proposed number and size of dwellings would require more off road parking space than that allocated due to the limited highway parking in the area.

(iv) Detrimental in the interest of residential amenity due to the inappropriate enclosure of a public footpath by the erection of a close boarded fence adjacent to it.

## **Consultations**

### Planning Regeneration and Transportation (Transportation and Highways Design)

- Notes from the revised layout that the site boundary does not encroach into the public highway, a 2m wide prospectively adoptable highway is to be provided on the site frontage with Waleswood View, and on site car parking complies with the Council's standards. This being the case, there are no objections to the granting of planning permission.

Culture, Sport and Recreation Service (Tree Service Manager) – Notes that the Tree Report submitted with the application recognises that the hedgerow on the Mansfield Road frontage provides valuable screening benefits and considers that this hedgerow can be retained whilst not compromising the development of the site. Recommends suitable conditions to this effect. Has no objections to the remaining lower amenity trees/bushes being removed.

Culture, Sport and Recreation Service (Leisure and Greenspaces Manager) – Notes that the land in question was managed by Housing and as such was not a managed Green Space site.

Neighbourhoods (Land Contamination): Given the history of the site it is unlikely there are any significant sources of contamination on or within close proximity of the site. However, a depot and electrical substation has occupied land to the south for approximately 60 years and there may be some potential that both past and present land uses of nearby land may have impacted on the application site. A former landfill site occupied land approximately 219m to the south west which was licensed to accept soils/subsoil. It is unlikely that the historical landfill site will impact upon the application site. It is considered there may be a possible risk to human health from contamination at the site. For this reason it is recommended that a Phase I Desk Top Study be undertaken to assess the potential contamination at the site.

Strategic Housing Investment Service - The development of the site for residential purposes helps to support the Council's strategy for the provision of housing to meet current and future needs. The development of the site for residential use also supports the Council's strategy of stimulating the local economy and enabling development which encourages the use of local contractors, thereby supporting economic activity and growth. The use of the land will also help towards creating a

safer community as vacant land can attract anti-social behaviour. The sale and future development of this site would ensure this does not happen.

## **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 –

- The principle of development and the loss of incidental Urban Greenspace
- Design, layout and landscaping
- Highway issues

### The principle of development and the loss of incidental Urban Greenspace

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

For decision-taking this means:

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

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

Paragraph 49 of the NPPF adds that: "...housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Currently the Council does not have a five year supply of housing. The NPPF states that in these circumstances paragraph 14 should be the starting point for the consideration of planning applications.

Policy CS1 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".

In this instance the site is allocated for Residential purposes though acts as an area of Incidental Urban Greenspace.

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

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:
  - i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
  - ii. Creating or extending green links where feasible as part of green space provision in new developments."

In addition, 'saved' UDP Policy ENV5.2 'Incidental Urban Greenspace' states development that results in the loss of small areas of urban green space will only be permitted under circumstances that are outlined under ENV Policy 5.1 which in turn states that: "Development that results in the loss of Urban Greenspace as identified on the Proposals Map will only be permitted if:

- (i) alternative provision of equivalent community benefit and accessibility is made, or
- (ii) it would enhance the local Urban Greenspace provision, and
- (iii) it would conform with the requirements of Policy CR2.2, and
- (iv) it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest."

These Policies conform with paragraph 74 of the NPPF which states that:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

The site in question is land formally in the ownership of the Council, which once formed part of a post war Council housing estate. In 2015 the Council undertook a strategic assessment of land within its ownership, mainly incidental areas of green space and underused garage court sites, which have the potential to deliver up to 987 new homes. These homes would make a valuable contribution to the undersupply of housing in the Borough as well as the generating additional New Homes Bonus revenue for the Council. In this instance the strategic assessment concluded that this incidental area of green space served no specific recreational purpose and subject to an appropriate scheme and the retention of a pedestrian link to the bus stop the disposal of the land was considered acceptable.

With the above circumstances in mind it is considered that the loss of the incidental Urban Greenspace is acceptable. As such the proposal accords with UDP Policies 5.1 & 5.2, Core Strategy Policy CS22 and the guidance contained within the NPPF.

#### Design, layout and landscaping

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

In addition, Policy CS21 'Landscapes' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. Furthermore, Policy CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and have well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions."

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively for making places better for people." In addition paragraph 57 states: "It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. All the dwellings have rear gardens in excess of 60sqm, and whilst their depth in places is limited the rear elevation of the proposed dwellings merely overlook Mansfield Road rather than other residential properties. All the dwellings meet the Council's minimum 21m habitable room window to habitable room window requirements and no harm to neighbouring amenity will occur from overlooking, or by way of being overbearing. Indeed, it is noted that no objections have been received from local residents.

Aston Parish Council have raised concerns about the enclosure of the footpath link to Mansfield Road though the applicant has agreed to boundary changes to the footpath link to prevent a mugger's alley situation. The first section will be 0.9m high, creating an open and welcoming alleyway. Similarly the boundary to the remaining green space area to the west will include a low wall for the first 5m, creating open views and minimising anti-social behaviour.

The applicant proposes a post-modern design, with feature bay windows and sash style windows. The two storey nature of the dwelling is appropriate in the streetscene and will not appear higher than surrounding dwellings. The applicant proposes to construct the dwellings in either natural or reconstituted stone, with a brown concrete roof. These materials are different from the brick built dwellings along Waleswood View, in this instance different materials are considered acceptable as it is somewhat of a standalone development.

With regard to the proposed landscaping, the submitted plan shows a new hedgerow to the rear of the site fronting Mansfield Road. However, it is considered

that the existing hedgerow, if pruned back, could be retained and infill planting take place to fill any gaps exposed, whilst carrying out the development and thereafter, which would retain a soft boundary to Mansfield Road in this prominent location. Relevant conditions have been in this respect.

As such the proposed design of the scheme accords with both local planning policies and the guidance contained within the NPPF.

### Highways issues

In assessing highway related matters, Policy CS14 'Accessible Places and Managing Demand for Travel,' notes that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by (amongst other):

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- b. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

All properties will have 2 or more car parking spaces, as well as garages, meeting the Council's minimum parking standards for residential properties.

The development is also located within a sustainable location, within walking distance of a bus stop, local pub and shops to the centre of Swallownest. As such the need for car bound journeys will be reduced.

The development is therefore considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel and paragraphs 32 and 34 of the NPPF.

Anston Parish Council has raised concerns about the loss of a highway verge though the plans have been amended to prevent any such encroachment.

### **Conclusion**

The new residential use of the land is considered acceptable in principle and will not result in the loss of an important area of Incidental Urban Greenspace. The proposed development would provide housing, designed to a high standard, which reflects the character and appearance of the locality and would contribute to existing shortfall in housing provision in the Borough.

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

In view of the above 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), unless otherwise specified by condition.

(Amended Site Plan 16:014-11D, Received 01/12/16)

(Amended Elevations 16:014-10, Received 11/07/16)

Reason

To define the permission and for the avoidance of doubt.

03

The above ground construction of the dwellings not shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

Details of a prospectively adoptable footway on the site frontage to Waleswood View shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interest of highway safety.

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

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.

07

Prior to the occupation of the development, a revised landscape scheme shall be submitted which shall include:

- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances, including gap planting within the hedgerow to be retained on the Mansfield Road frontage.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

#### Reason

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

08

The existing hedgerow on the southern boundary of the site fronting Mansfield Road shall be retained and only pruned in accordance with details to be submitted to and approved by the Local Planning Authority.

#### Reason

In the interests of amenity on this prominent road frontage and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

09

No work or storage on the site shall commence until the hedgerow to be retained on the boundary of the site with Mansfield Road has been protected by the

erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

**Reason**

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

10

Prior to the occupation of the dwellings a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority, having regard to the retention of the hedgerow on the Mansfield Road frontage, referred to in Condition 8 above. The approved boundary treatment shall be completed before the dwellings are occupied.

**Reason**

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

11

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'.

12

A Phase I Site Assessment Report consisting of a desk top study, a site walkover, and a conceptual site model must be undertaken to obtain an understanding of the sites history, its setting and its potential to be affected by contamination. This report must be submitted to this Local Planning Authority for review and consideration. If further intrusive investigations are recommended then these works must be undertaken in accordance with the conclusions and recommendations detailed in the Desk Study Report and the findings must be submitted to 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 (SR 2-4).

#### Reason

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

13

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 Authority to ensure they are free from contamination. The results of testing shall be forwarded to the Local Planning Authority in the format of a validation report for review and comment.

#### Reason

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

14

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.

15

Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local Planning 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 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.

### POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2016/1569</b>
<b>Proposal and Location</b>	Erection of 28 No. dwellinghouses on land Westfield Road, Parkgate. S62 6HG
<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 and Location

The site comprises of a linear section of land that measures approximately 160 metres by 25 metres and lies on the western side of Westfield Road, less than 250 metres west of the main Parkgate retail centre. The site is predominantly vacant though has previously had a steel storage container in the centre of the site. A

stone wall runs parallel with Westfield Road from the northern edge of the site to the central area and it slopes gradually from north to south with a site area of approximately 0.45 hectares. There are a number of small trees and shrubs mainly in the southern end of the site.

This site includes the trackbed of the former mineral railway that previously served the Nether Stubbin Colliery. The embankment has been partially infilled particularly in the northern section of the site and directly to the west of the site lies an allotment area and to the east and north of the site is a residential housing estate that dates from the 1970s. To the south of the site is the northern end of the Mangham Industrial Estate.

The majority of the application site is allocated for residential purposes in the UDP although the former railway line is within the Green Belt.

### **Background**

RB2009/0499 – Outline application for the erection of 14 No. dwellinghouses and garages with details of layout & scale – granted conditionally

RB2012/0722 – Outline application for the erection of 14 No. dwellinghouses and garages with details of layout & scale (renewal of permission RB2009/0499) – granted conditionally

RB2015/0823 – Details of the erection of 14 No. dwellinghouses (reserved by Outline RB2012/0722) – granted conditionally

It should be noted that the above applications only included the area allocated for residential purposes and did not include the site of the former mineral railway along the western boundary of the site.

### **Proposal**

This is a full application for the erection of 28 two storey dwellings located on the western side of Westfield Road. The houses will be positioned in 7 blocks of 4 no. terraced properties in a linear development along a north-south orientation. The design and appearance of the properties follows a similar template with the floorspace, internal layout and external appearance of the units being very similar across the site. This comprises of the outer properties having 3 bedrooms (with 2 off road parking spaces) and the two inner properties having 2 bedrooms and a single off-road parking space.

All of the built development lies within the residential allocation of the site, the only exception to this is the presence of bin stores to the two central plots within each terraced block.

The existing boundary wall will be removed as the properties will be positioned forward in the plots in order to maximise the rear amenity area. This will also prevent any encroachment of the built development in the Green Belt.

The former railway embankment will remain largely as it currently exists with limited additional infilling. The trackbed area is broadly level with the surrounding

land in the northern area of the site and enters a more noticeable cutting relative to the surroundings where it goes under the Greasbrough Road bridge at the southern end of the site.

The following additional documents were also submitted in support of the application.

### Flood Risk

The conclusions of the FRA and Drainage Strategy can be summarised as follows:

- The site is not at significant risk of flooding.
- Surface water disposal is to the culverted watercourse to the south-east of the site.
- Surface water discharge is attenuated to the greenfield rate.
- Attenuation storage is underground and is sized for the 1 in 100 year event plus climate change event.
- The level of risk and safeguards available are considered appropriate to this class of development.

### Viability Appraisal

The appraisal has been independently prepared by a third party and has been compiled to justify the encroachment into the Green Belt. The appraisal can be summarised as follows:

- The 100% Affordable Housing Scheme needs a higher density of development to justify its financial viability that would be required with a private housing scheme.
- A figure of 28 units on this site has been calculated to make the scheme financially viable.
- The former railway track to the rear is of little amenity value, is not publically accessible.
- None of the built form of development lies within the Green Belt section of the site with the majority of the properties also having rear gardens fully within the residential section of the site.
- Only some of the gardens in the northern section of the site require the utilisation of the Green Belt land for their gardens.

### **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.

The majority of the application site is allocated for 'residential' purposes in the UDP. However, a sizeable proportion of the western strip of the site lies within the Green Belt. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'residential/Green Belt' 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):  
CS19 Green Infrastructure  
CS21 Landscape  
CS28 Sustainable Design

Unitary Development Plan 'saved' policy(s):  
ENV1 'Green Belt'  
ENV3.7 'Control of Pollution'

## **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.

### South Yorkshire Residential Design Guide (SYRDG)

The South Yorkshire Residential Design Guidance (SYRDG) has been adopted by Barnsley, Doncaster and Rotherham Councils. This guidance relates to issues of unit size, minimum room dimensions and amenity space. Whilst the SYRDG has a threshold of 10 dwellings, it also indicates that the Guide is underpinned by the principles in Building for Life (BfL). Many of the design guidelines are appropriate to smaller developments and the guidelines and assessment criteria in this Guide will be used as the main point of reference when assessing schemes of less than ten dwellings.



## **Publicity**

The application has been advertised by way of a press notice (Rotherham Advertiser 02 December 2016), and a site notice (30 November 2016) along with individual neighbour notification letters to adjacent properties (22 November 2016).

Seven letters of representation have been received, mainly from occupiers of properties along the northern section of Westfield Road not directly adjacent to the site, and can be summarised as follows:

- Loss of wildlife that would occur when the site is cleared.
- The number of properties proposed is excessively large.
- Increase in traffic congestion.
- Increase in traffic along Westfield Road.
- The stone wall along this site should be maintained.
- Disruption during construction, particularly increased noise, dirt and congestion.
- Close proximity to the existing allotments may cause inconvenience to the occupiers of the new properties.
- Is there sufficient capacity of the surrounding infrastructure.

## **Consultations**

Affordable Housing Officer – the scheme is fully compliant with Affordable Housing policy.

Planning, Regeneration and Transportation Service (Transportation and Highways Design) – no objections subject to conditions

Street Scene and Community Safety (Drainage) – No objections to the amended details subject to conditions

Culture, Sport and Recreation Service (Landscape Design) – some concerns raised but can be addressed through a landscape condition.

Yorkshire Water – No objections subject to condition.

Environment Agency – no objections

Police – No objections in principle and this development would benefit from being built to Secured by Design standards.

South Yorkshire Archaeology – No objections

## **Appraisal**

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

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

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

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

The main issues to take into consideration in the determination of the application are –

- The principle of the development including Very Special Circumstances for inappropriate development in the Green Belt
- Quality of design and layout
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues

The principle of the development including Very Special Circumstances for inappropriate development in the Green Belt

The majority of the land (approximately 90% of the total site area) is allocated for residential purposes in the UDP and has a current extant permission for 14 residential units which is live until 2019. The area of land within the residential allocation is therefore acceptable for residential development. The main question is whether the use of the strip of Green Belt land that comprised of the former railway line can be justified within residential curtilages. The incorporation of this land would represent inappropriate development and would require very special circumstances to overcome the reason for inappropriateness.

Submitted with the application is a viability assessment which demonstrates that without the use of the Green Belt, which would mainly be for use of amenity/garden area for some properties, the project would not be viable as a significantly lower density of development would be required as properties would need to be sited further forward in plots with a corresponding increase in the spacing distances between plots to make way for driveways etc. This would significantly reduce the number of properties that could be accommodated on the site that the provision of a fully affordable scheme would not be financially viable.

The Green Belt boundary follows a line which is now no longer visible and has not been for many years since the disused railway line trackbed was lifted in the early 1980s. All visual evidence of the previous use has now naturally merged into the landscape. In reality the effective visual boundary between this site is now the fencing along the eastern boundary of the allotments. The former railway was mainly single track and represented a private railway that only served a colliery (Nether Stubbin) that closed in the late 1970s. This was not connected to the wider rail network and the possibility of the trackbed being relayed or used in future is considered unlikely.

The narrow strip of land is not considered to have any practical use in the foreseeable future. If left outside the application site, it is considered likely to

remain a neglected area of land. The Council's Green Spaces Team have indicated a preference for retaining this land as a Green Corridor of vegetated land. However, it is considered that incorporating this area within future residential gardens is more likely to maintain the land to a higher standard than leaving it as unmanaged vacant land. In addition, with the exception of two bin stores, there is no built form on the green belt land which further minimises any future encroachment into the Green Belt. It is also considered that this can be satisfactorily safeguarded by removing permitted development rights to limit the construction of new outbuildings to all of the new properties.

Finally there is no official public access to the land, currently or historically. The land has an extremely limited public amenity value and the majority of the land is not readily visible from any public vantage point. The land does not represent Urban Greenspace, and its constrained position at the back of residential properties and difficulties in obtaining access discourage future use. Nor does the land does not provide any meaningful connection between different residential areas, or into the allotment land.

Overall therefore, taking into account all of the issues indicated above, it is considered that very special circumstances do exist to overcome the reasons for inappropriate development in the Green Belt. No built form of the development will encroach into the Green Belt and the principle of development is therefore considered acceptable in land use terms and is in accordance with UDP Policy ENV1 and the NPPF.

#### Quality of design and layout

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 plots to the northern section of the site have the majority of their rear garden areas within the Green Belt allocation, though all of the built form lies within the residential allocation. The plans shows 7 no. blocks of 4 terraced properties that are of a standardised design, layout and visual appearance. Some of the blocks have been given slightly staggered building lines which is considered to create interest at street level.

In terms of the impact on the surrounding properties, all of the properties meet normal spacing standards (12m to side gables and 21m to principal first floor windows) on Westfield Road as recommended in the SYRDG. Most plots are approximately 24m, with the only exception being the distance to Landon House which is set forward in its plot, close to the road, and is approximately 21m. The properties are two storey in height which is comparable with the surroundings and it is considered that the layout would have no impact on the surrounding residential properties.

Overall the appearance and design of the properties is considered acceptable in this location. Whilst this proposal represents a higher density of development compared with the properties opposite, these are properties built in a 1960s Radburn-style layout rather than a more modern form of development. A number of the surrounding properties also have limited private amenity space. There are instances of higher density layouts to the north of the site and it is considered that this proposal would be in keeping with the general form and scale of the surrounding estate and is in accordance with Core Strategy policy CS28.

### Transportation Issues

The proposal involves the demolition of an existing stone wall as well as the provision of a long dropped kerb area that will serve multiple properties. The Transportation Unit have commented that they have no objections to the details within the proposed application subject to conditions.

The area affected by the proposed visibility splay at the Westfield Road junction with Greasbrough Road would be cleared, soiled and seeded prior to being adopted by the Council as public highway.

The kerbline/footway on the Westfield Road frontage will require reconstruction and replacement street lighting columns provided as indicated on the submitted plan. The proposed car parking, which is to be porous paving, accords with the Council's parking standards.

### Drainage and Flood Issues

The previously submitted Flood Risk Assessment indicated that there is a general lack of sub-service infrastructure to deal with surface water runoff. Yorkshire Water indicated that they accepted the findings from the FRA and have raised no objections to this application subject to conditions. They have also advised that the local public sewer network does not have the capacity to accept any additional surface water from the site and a suitable watercourse will need to be established.

The applicant does not propose to significantly alter the levels of the former railway and the former embankment becomes more pronounced at the southern end of the site where it cuts more deeply into the original ground levels. This former embankment area will discharge some surface water runoff (as it currently does).

Following further comments from the Council's Drainage Officer, further details were submitted from the applicant in the form of a drainage strategy. The Drainage Officer notes that the attenuation has been moved from the rear gardens to the front gardens which is considered to be an improvement for future maintenance, and that it is intended that it will be adopted by Yorkshire Water. Overall the Drainage Officer has confirmed that the proposals appear to be feasible subject to final details to be subject to a condition.

The site does not lie within a recognised Flood Risk Area and the Environment Agency have confirmed that they have no objections to the submitted scheme.

## Landscape and Ecology

The Tree Survey indicates that there were no trees of any significance found, and there is limited amenity provided by the land currently. When viewed from Westfield Road there are shrubs and small trees visible on the site but these were not considered sufficient to safeguard within a Tree Preservation Order. It is considered that an improved landscaping scheme would assist with any re-development of the site.

In terms of the landscaping details, overall there are no significant objections to the revised landscaping scheme. The Council's Landscaping Team have indicated that they would usually expect to see a minimum 5m wide planted buffer zone (along the western boundary) and have indicated a preference for the former railway to be maintained as a Green Corridor outside of the residential curtilages. However, in this instance it is considered that the land could be suitably incorporated into the residential curtilages without significant encroachment into the green belt by limiting future permitted development rights for any new buildings. A detailed final landscaping scheme is required though and this is subject to a recommended condition.

## General Amenity Issues

A number of residents have objected on the high density of the proposed development and the large number of units proposed. As indicated above, the applicant has indicated that a high density of development is required on this site to make the scheme financially viable for a fully affordable scheme. Whilst the properties on the eastern side of Westfield Road are of a relatively low density, the wider area (including Holm Flatt Street and Ashwood Road) have a large proportion of terraced housing at a much higher density. In this instance the retention of the front boundary wall would significantly restrict the area available for development, particularly in the northern section of the site. Overall it is considered that the proposed density is acceptable in this area and is in keeping with the mixed character of the surrounding residential area.

## **Conclusion**

The principle of residential development in this location on a mainly residential allocation is considered acceptable. The applicant has satisfactorily demonstrated very special circumstances for the inappropriate encroachment into the Green Belt by way of a viability assessment. Further justification is provided in the form of a fully affordable scheme, the poor future prospects of the green belt strip of land and no built form within that section of land. The Transportation Unit have confirmed the highway layout is acceptable and Yorkshire Water and the Environment Agency have confirmed the piped water discharges are acceptable.

The high density of the development is considered acceptable in this location which has a mixed residential character. Subject to conditions, including the removal of permitted development rights, the scheme is recommended for approval.

## **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 **10** 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 **10** 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 (PA) 03 Rev D, (PA) 04 Rev E, (PA) 05 Rev D, (PA) 06 Rev A, (PA) 07 Rev A, 16333/005 Rev P3)(received 06.01.17)

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 submitted application form/shown on drawing no (PA) 06 Rev A. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

The visibility splay at the Westfield Road junction with Greasbrough Road indicated on the submitted plan shall be provided before the development is occupied in accordance with details which shall be submitted to and approved by the Local Planning Authority.

Reason

In order to safeguard adequate visibility in the interests of road safety.

05

The kerbline/footway fronting the site shall be reconstructed before the development is occupied in accordance with details which shall be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

06

Before the development is brought into use, 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.

07

The development shall be carried out in accordance with the details shown on the submitted drainage plan, "drawing 16333/005 (revision P2) dated 01/11/2016 that has been prepared by Dudleys", unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of satisfactory and sustainable drainage.

08

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.

- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

#### Reason

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

09

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or alterations otherwise Permitted under Part One Classes A and E shall be carried out to the approved development.

#### Reason

To preserve the openness of the Green Belt in accordance with the NPPF.

10

Development shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The limitation of surface water run-off to equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
- Responsibility for the future maintenance of drainage features.

#### Reason

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



Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

11

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 in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

### **Informatives**

- Yorkshire Water – The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion.

If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: [technical.Sewerage@yorkshirewater.co.uk](mailto:technical.Sewerage@yorkshirewater.co.uk)) at the earliest opportunity.

Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

- RMBC's Transportation Unit have reminded that applicant that part of the site between the back of footway at Westfield Road and the boundary fence/wall is part of the public highway and an application to Stop Up this part of the highway under S247 Town and Country Planning Act 1990 should be made by the developers to the Department for Transport ([NATIONALCASEWORK@dft.gsi.gov.uk](mailto:NATIONALCASEWORK@dft.gsi.gov.uk)).

Also, since the development involves works in the public highway and the provision of an adoptable visibility splay, the applicant should also contact Robert Wright, Rotherham's adoptions engineer (01709-822829) prior to the submission of the highway details.

- Police ALO – This development would benefit from being built to Secured by Design standards.
- All landscape should be kept low below 1m and trees to have no foliage below 2m.
- All properties should have defensible space around them.

- All rear boundaries as they back onto Allotments should be at least 2m high to prevent access into rear gardens.
- Lockable 1.8m high gates should be used as close to the front of the building as possible.
- Front and back entrances should be well lit.
- All doors and windows should be to PAS 24:2016 the required standards for Secured by 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.

<b>Application Number</b>	<b>RB2016/1620</b>
<b>Proposal and Location</b>	Application to vary condition 02 (approved plans) and 03 (materials) imposed by RB2015/0671 at 8 Wath Wood Drive, Wath-upon-Dearne, S64 8UW for Mr J Ransford
<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 due to the number of objections received.



## Site Description and Location

The application site consists of two parcels of land on Wath Wood Drive at Wath-upon-Dearne, one on the southern side and one on the northern side. Wath Wood Drive is accessed from Warren Vale Road and is a relatively narrow road serving a

number of substantial properties which are typically set within relatively large garden areas.

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

The site on the southern side of Wath Wood Drive now consists of the two detached dwellings approved under RB2015/0671 which are in the process of being constructed.

The site on the northern side of Wath Wood Drive contains some mature trees which are subject to a tree preservation order and have been retained as part of the previous approval and the detached garage approved under RB2015/0671.

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

## **Background**

RB2014/1614: Erection of 3 dwellinghouses – Refused

RB2015/0671: Erection of 2 detached dwellinghouses – Granted conditionally

## **Proposal**

The application seeks to vary condition 02 (approved plans) and condition 03 (materials) imposed by RB2015/0671.

The alterations to the originally approved plans include:

- Making the integral garage into a room on plot 1
- Forming brick pillars to the glazed corners of the rear extensions to plots 1 & 2 and the porch at plot 2
- Forming an attached garage at plot 2
- Giving the detached garage on the opposite side of Wath Wood Drive solely to plot 1
- Removal of the access drive to 8 Wath Wood Drive
- Larger rooflights in both dwellings.

With regard to the change in materials the amendments include:

- Amendments to roof tile finish to Imery's clay tile neo plain colour Chevreuse
- Amendments to windows to anthracite colour
- Inclusion of brick type to bands, cills and heads to Terca weinerberger pagus grey black

## **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.

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'

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'

HG5 'The Residential Environment'

ENV2.2 'Interest outside Statutorily Protected Sites'

ENV3 'Borough Landscape'

ENV3.2 'Minimising the Impact of Development'

ENV3.4 'Trees, Woodland and Hedgerows'

### **Other Material Considerations**

National Planning 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 way of site notice along with individual neighbour notification letters to adjacent properties. 9 letters of representation have been received. The issues raised are summarised below:

- Removal of access to no. 8 Wath Wood Drive from Wath Wood Drive would further increase the negative effect of this planning decision as the alternative drive from Warren Vale Road cannot support increased traffic as it is a narrow dirt track.
- The access requested asks for use of common land for the benefit of an individual developer. No single development should be allowed to benefit at the cost of the common good.
- The proposed development links to the busy main road at a sharp bend which is already an accident blackspot.
- Traffic management measures are already required at the scene.
- The access to no. 8 Wath Wood Drive from Warren Vale Road is not wide enough to cater for a lorry, ambulance or refuse vehicle.
- The rooflights are of an excessive size and will result in overlooking.
- There will be too much hardstanding at the front of properties.
- Drainage is a problem.
- The footpath along Wath Wood Drive has been damaged.

No Right to Speak requests have been received.

## **Consultations**

Streetpride (Transportation Unit): Have no objections.

Streetpride (Drainage): Have no objections to these amendments.

The Coal Authority: The Coal Authority has requested the imposition of the same condition attached to RB2015/0671.

## **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 –

- The principle of the development
- Layout, design and Visual Amenity
- Residential Amenity
- Highway Issues
- Other considerations

### Principle

The principle of constructing two large detached dwellings and a detached garage on the two parcels of land has been established under RB2015/0671. Therefore given the previous approved application has been implemented, this current application cannot reassess the principle of this development.

### Layout, design and Visual Amenity

With regard to the layout of the development, it remains largely unaltered to the previously approved scheme and the one that is currently being built out and therefore it still complies with 'saved' UDP policy HG5 'The Residential Environment'.

The main differences relate to the design of the dwellings, insofar as plot 1 is now proposed to have a room in place of an integral garage; brick pillars being included on the rear orangery and front porch to both plots; an attached garage to the eastern side elevation of plot 2 and larger rooflights to both dwellings.

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

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

It is considered that the conversion of the integral garage to extra living accommodation at plot 1 and the inclusion of brick pillars on the orangeries and porches are minor amendments to the original proposal. Furthermore, the detailing of the new front window and the redesigned orangeries are considered to represent appropriate forms of development that are in keeping with the character and appearance of the dwellings previously approved and will not affect the setting of the dwelling in the streetscene.

In respect of the larger rooflights it is considered that from a purely design perspective they are acceptable additions to the roofslopes that do not over dominate the roofslope; and therefore would not adversely affect the appearance of the dwellings.

With regard to the attached garage to the eastern side of plot 2, it is considered that it is of an appropriate size, scale, form and design that would appropriately assimilate into the character and appearance of the host property, to such an extent that it appears as part of the original design of the dwelling.

Further to the above the new materials proposed are considered to be acceptable and will not detrimentally impact on the character or appearance of the previously approved dwellings.

In light of the above it is considered that the alterations to the exterior of the two previously approved dwellings from a design perspective would be acceptable and appropriate and would ensure that the amended dwellings comply with the requirements of the NPPF at paragraph 56 and adopted Core Strategy policy CS28.

### Residential Amenity

With regard to residential amenity, it is noted that the height, siting and distance between the dwellings and garage to neighbouring properties has not been altered from the original approval and therefore the impact of the dwellings and garage in respect of overshadowing and impact on outlook from neighbouring properties will be no different. In addition the additional side extension to form the garage will also have no adverse impact on the amenity of neighbouring residents. As such the impact of the physical built form of the development will not give rise to any additional impact on the amenity of neighbouring residents.

Further to the above, it is noted that the rooflights inserted into the roofslope of both properties are larger than those previously approved. Accordingly, it is considered that the larger rooflights on the west facing roofslope of plot 1 facing no. 6 Wath Wood Drive and the east facing roofslope of plot 2 facing properties on Warren Vale Road are likely to give rise to increased levels of overlooking of rear gardens and into habitable room windows due to their size and location high up on the roofslope.

The applicant has agreed to amend the proposal by providing the rooflights described above with obscure glazing and ensuring they are non-openable. This will ensure that there will be no overlooking of neighbouring properties or their private rear amenity space from these two rooflights. The remaining rooflights on the opposite side roofslope and rear roofslope will not give rise to any overlooking and so these will remain clear glazed and openable.

It is therefore considered that subject to the development being carried out in accordance with the amended plans and the rooflights indicated to be obscurely glazed are provided before the dwellings are occupied, the amended plans will not give rise to any significant amenity issues in respect of overlooking and privacy. Accordingly, in light of the above the amended scheme subject to conditions will comply with the requirements of the NPPF at paragraph 17, which seeks to ensure planning provides a good standard of amenity.

## Highways

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

The site is considered to be within a sustainable location where there is good access to a range of transport modes. The proposed level of car parking now proposed which includes parking to the front of both properties and the double garage for plot 1 and the proposed attached garage to plot 2 are considered to be appropriate as it complies with the Council's minimum parking standards

Furthermore, it is noted that there will now be no access from Wath Wood Drive to no. 8 as previously proposed and access to no. 8 will be solely from its other access on to Warren Vale Road. This access currently exists and does not require any consent to be used. The Council's Transportation Unit have raised no objections to these amendments from a highway perspective.

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

## Other Considerations

The Coal Authority have requested the imposition of the same condition attached to RB2015/0671, which required an intrusive site investigation to assess historical coal mining operations below the site. However, since RB2015/0671 was approved, the applicant submitted such a report with a discharge of condition application (RB2016/0036), whereby The Coal Authority assessed the report and confirmed that they are "satisfied that the issue of the potential for coal mining legacy to affect the proposed development has now been adequately investigated", and as such the condition was discharged. Therefore there is considered to be no requirement to put this condition back on this permission.

In addition to the above, several other conditions attached to RB2015/0671 including details of foul and surface water drainage, foundation design, archaeological strategy, biodiversity, root projection and a landscape scheme have been discharged under RB2016/0036. Therefore they will either not be appended to this approval or they will be reworded accordingly to ensure they are carried out in accordance with the previously approved details.

The issues raised by the objectors in respect of the access from Warren Vale Road, hardstanding and the size of the rooflights have been assessed in the previous sections of the report.

The issue in respect of drainage was assessed under the previous approval and a condition was appended which required the applicant to provide further drainage details. This information was submitted and approved by the Council in discussions with the Council's Drainage Engineer and Yorkshire Water under the discharge of condition application previously submitted and reference to this will form a condition on this application.



## **Conclusion**

In conclusion it is considered that the principle of residential development is within this location and the design, layout and scale of the proposed dwellings has previously been established and meets with relevant policies.

The proposed amendments will not have an unacceptable impact on the character or appearance of previously approved dwellings or the amenities of the occupiers of neighbouring properties.

In highway safety terms the development is considered to be in a sustainable location and the level of proposed car parking is appropriate.

As such the application to vary conditions 2 and 3 attached to RB2015/0671 is therefore recommended for approval subject to the following conditions.

## **Conditions**

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

14033/100 rev C, received 1 November 2016

14033/101 rev J, received 5 January 2017

14033/103 rev K, received 5 January 2017

Reason

To define the permission and for the avoidance of doubt.

02

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form / shown on drawing nos. 14033/101 rev J and 14033/103 rev K. The development shall thereafter be carried out in accordance with these details.

Reason

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

03

Prior to the dwellings hereby approved being first occupied the rooflight on the west facing roofslope of Plot 1 facing no. 6 Wath Wood Drive and on the east facing roofslope of Plot 2 facing Nos. 10 to 18 (evens only) Warren Vale Road shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 and be non-openable as shown on the approved plans (ref: 14033/101 rev J and 14033/103 rev K). The windows shall be permanently retained in that condition thereafter.

Reason

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

04

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

Reason

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

05

The development shall be carried out in accordance with the details included within the document "Project Design for Archaeological Monitoring" and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the written scheme of investigation (WSI) have been fulfilled or alternative timescales agreed.

Reason

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

06

Other than in accordance with the approved plans and particulars, no tree or hedge shall be cut down, uprooted or destroyed nor shall any tree or hedge be pruned, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted in the immediate area and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

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

07

Before the development is brought into use, the Landscape scheme approved under RB2016/0036 shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

## 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.