

**PLANNING BOARD
14th March, 2019**

Present:- Councillor Sheppard (in the Chair); Councillors Atkin, Bird, D. Cutts, M. Elliott, Fenwick-Green, Sansome, Steele, Walsh, Whysall and Williams.

Apologies for absence were received from Councillors Andrews and Tweed.

The webcast of the Council Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

87. DECLARATIONS OF INTEREST

Councillor Williams declared a personal interest in application RB2018/0662 (demolition of existing buildings and erection of 66 No. dwellinghouses with access, parking, landscaping and other associated ancillary works at land off Melton High Street, Wath upon Dearne) on the grounds that a member of his extended family worked at the local school and lived in the caretaker's bungalow.

88. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 21st February, 2019, be approved as a correct record of the meeting.

89. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

90. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about the following applications:-

- Demolition of existing buildings and erection of 66 No. dwellinghouses with access, parking, landscaping & other associated ancillary works at land off Melton High Street Wath-upon-Dearne for Persimmon Homes (West Yorkshire) Ltd. (RB2018/0662)

Mr. R. Hart (Objector)
Mrs. M. Hart (Objector)
Dr. D. Plews (Objector)
Councillor D. Roche (Objector)

- Proposed use for plant, machinery and equipment auction scheme for a temporary 12 month period at Maltby Colliery Tickhill Road Maltby for Hargreaves Land Limited (RB2019/0127)

Mr. L. Weatherall (Applicant)

(2) That, with regard to application RB2018/0662:-

(a) subject to a legal agreement with the applicant for the purposes of securing:-

- Provision on site of 6 No. bungalows as Affordable housing at Plots 14, 15, 16 and 36, 37 and 38.
- A commuted sum equating to 40% of the difference between the estimated open market value of 2 no. 2 bedroom properties at Plots 17 and 18 and 4no. 3 bedroom properties at plots 5, 6, 12 and 13 and the actual sales values achieved at the point of sale.
- £500 per dwelling towards sustainable transport improvements.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report and further subject to an amendment to update the list of approved plans in Condition 2 to include the following:-

- Overall Planning Layout Ref: HFWM-2017-01H
- Clayton (Village) ref: HFWM-CA-WD16 Rev 0

(3) That applications RB2018/0037 and RB2019/0127 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That, with regard to application RB2019/0044:-

(a) subject to a legal agreement with the applicant for the purposes of securing a commuted sum of £1,700 towards off-site Affordable Housing;

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

(5) That, with regard to application RB2019/0154:-

(a) subject to a deed of variation to the legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing:-

- 36 affordable housing units (25% of total units proposed) on site.
- Financial contribution of £252,936 towards Education provision for improvements to schools in the Thorpe Hesley area.
- Financial contribution of £72,000 towards sustainable travel measures to support the development.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

91. PROPOSED TREE PRESERVATION ORDER NO 9, 2018 - LAND AT DOCTOR LANE, THE HOP INGE AND SERLBY LANE, HARTHILL

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposed confirmation and serving of Tree Preservation Order No. 9 without modification with regard to the ten trees situated on land at Doctor Lane, The Hop Inge and Serlby Lane, Harthill under Section 198 and 201 of the Town and Country Planning Act 1990.

The report detailed the various objections to the making of this Tree Preservation Order, the Tree Service Manager's considerations to the support and the objections and also made reference to an application to fell 1 No. Sycamore tree protected by Tree Preservation Order (No.2) 1971 at No. 8 Doctor Lane (RB2018/1145).

The applicant had appealed the refusal of consent to the Secretary of State, but due to the age of the original Tree Preservation Order dating back to 1971 the Council could not locate the original legal documents and as such it was, therefore, necessary to serve a new Tree Preservation Order in order to protect the tree to the rear of No. 8 Doctor Lane, as well as other trees protected under the 1971 Tree Preservation Order. Furthermore the new Tree Preservation Order allowed the Council to reassess the trees in the area and to ensure that only those of good quality were protected. The current appeal was still undetermined and awaiting the outcome of the new potential confirmation.

The Council's Tree Service Manager had recommended ten trees in the area were protected as part of a new Tree Preservation Order, including the tree to the rear of No. 8 Doctor Lane.

In accordance with the right to speak procedure, Mr. and Mrs. Boot (Objectors) attended the meeting and spoke about this proposed Order.

Resolved:- (1) That the report be received and its contents noted.

(2) That the serving of Tree Preservation Order No. 4, 2018, be confirmed without modification with regard to the 10 trees which are the subject of this report, situated on land at Doctor Lane, The Hop Inge and Serlby Lane Harthill under Section 198 and 201 of the Town and Country Planning Act 1990.

92. UPDATE TO APPEAL AGAINST REFUSAL OF APPLICATION FOR CONSTRUCTION OF AN EXPLORATORY WELL ON LAND AT DINNINGTON ROAD, WOODSETTS

Further to Minute No. 29 of the meeting of the Planning Board held on 7th September, 2018 consideration was given to the report of the Assistant Director of Planning, Regeneration and Transportation which detailed formal notification from the Planning Inspectorate that an appeal against the refusal of planning permission had been received and which would be determined by Public Inquiry from Tuesday, 11th June, 2019.

As the application was refused contrary to officers' recommendation, officers have reviewed the information, taken legal advice and approached a number of private consultants in an attempt to engage external expert witnesses for the forthcoming Inquiry in order to avoid professional integrity issues arising.

Responses were received from five separate consultants, who had reviewed the information but were unable to provide a robust case to support the reason for refusal. One further consultant had indicated that they would be prepared to provide expert evidence, in support of the highways reason for refusal, but the information provided was not considered to be sufficiently robust to defend the decision to refuse the application on the highways grounds. Furthermore, the consultant's services would come at a significant cost to the Council.

Having reviewed the information raised by Members in relation to safety concerns and recognising that the concerns were valid, it was considered that these concerns would not warrant a refusal of planning permission for the proposed development.

Overall, therefore, officers recommend that Planning Board withdraw the highway reason for refusal as a ground for resisting the appeal. In this regard, it was relevant to note that advice had been sought from Counsel instructed to represent the Council at the forthcoming Inquiry. He had endorsed officers' recommendation as both pragmatic and appropriate in the circumstances.

The reason for refusal on noise and general disturbance would stand and be defended.

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Woodsetts Against Fracking (WAF) have gained 'Rule 6' status, which meant they would have equal standing to the Council and the Appellant at the Public Inquiry. Officers understood that WAF had instructed Counsel and a planning consultant to represent the group at the Inquiry. WAF have also indicated that they would call witnesses in relation to both highways safety and also the noise and general disturbance issue.

In accordance with the right to speak procedure, Mr. R. Scholey (WAF) attended the meeting and spoke about the request to withdraw the first ground for refusal on highway grounds.

Resolved:- That the Council's reason for refusal on highway grounds be withdrawn from the appeal process in light of the lack of evidence to support this aspect of the refusal.

93. UPDATES

There were no updates to report.

94. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 4th April, 2019 at 9.00 a.m.