

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
19<sup>TH</sup> MARCH, 2009**

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

**INDEX PAGE**

<p><b>RB2002/1292</b> Outline application for the erection of five dwellings at land at Wickersley Grange, Morthen Road, Wickersley for R. Bird.</p>	<p>Page 49</p>
<p><b>RB2007/1738</b> Retrospective application for the formation of spoil mound at Aston Comprehensive School, Aughton Road, Swallownest for D.C. Leisure Management Ltd.</p>	<p>Page 56</p>
<p><b>RB2007/2078</b> Details of the erection of a detached dwelling house with detached garage at land at Broom Riddings, Greasbrough for Mr. S. Milnes.</p>	<p>Page 62</p>
<p><b>RB2008/1806</b> Erection of 8 No. three storey and 1 No. two storey office buildings with associated car parking, landscaping and drainage at land off Rotherham Road, Maltby for Boulby Davison Developments.</p>	<p>Page 69</p>
<p><b>RB2008/1857</b> Application to modify existing Hazardous Substance Consent (RB2007/1118 HAZ) associated with the storage and use of chemicals at Victrex Manufacturing, Gin House Lane, Thornhill for Victrex Manufacturing Ltd.</p>	<p>Page 84</p>
<p><b>RB2008/1896</b> Demolition of existing building and erection of 2 No. two storey dwellinghouses with rooms in roofspace &amp; dormer windows to front, 12 No. two storey dwellinghouses and associated garages at Ernest Bennett (Sheffield) Ltd., Main Street , North Anston for Moorfield Homes Ltd.</p>	<p>Page 89</p>
<p><b>RB2008/1897</b> Conservation Area Consent for demolition of industrial buildings at Earnest Bennett (Sheffield) Ltd., Main Street, North Anston for Moorfield Homes Ltd.</p>	<p>Page 106</p>

<p><b>RB2008/1898</b>  Demolition of existing building and erection of two storey building comprising 8 No. apartments at 2 Stocks Lane, Rawmarsh for Brimset Ltd.</p>	<p>Page 111</p>
<p><b>RB2008/1918</b>  Application to extend the time period for completion of the restoration of the site (variation of Condition 1 imposed by RB2007/2205 which required completion by 15th May, 2009) to 31st December, 2010 for UK Coal Mining Ltd.</p>	<p>Page 122</p>
<p><b>RB2009/0104</b>  Erection of boarding kennel building to house 40 animals (renewal of RB2004/749) at 177 Dalton Lane, Dalton for Brookland Boarding Kennels and Cattery.</p>	<p>Page 140</p>
<p><b>RB2009/0121</b>  Vinyl wrap artwork to rear of screen at LED Video Screen, All Saints' Square, Rotherham Town Centre for RMBC (Town Centre Management).</p>	<p>Page 146</p>
<p><b>RB2009/0136</b>  Formation of tennis court and installation of associated flood lighting and fencing at land rear of 84-86 Worksop Road, South Anston for H. M. Wainwright Ltd.</p>	<p>Page 151</p>

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
19<sup>TH</sup> MARCH, 2009**

**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.**

**RB2002/1292**

**Outline application for the erection of five dwellings including details of siting, means of access and landscaping at land at Wickersley Grange, Morthen Road, Wickersley for R. Bird.**

**RECOMMENDATION: REFUSE**

**Reasons for Refusal:**

01

It is considered that the proposed dwellings would by way of their form number and location, result in an unacceptable adverse effect on the character and appearance of the Conservation Area and the setting of the Grade II listed Gazebo in conflict with Policies ENV 2.8 Settings and Curtilages of Listed Buildings, and ENV 2.11 Development in Conservation Areas, of the Unitary Development Plan and advice in PPG 15 Planning and the Historic Environment

02

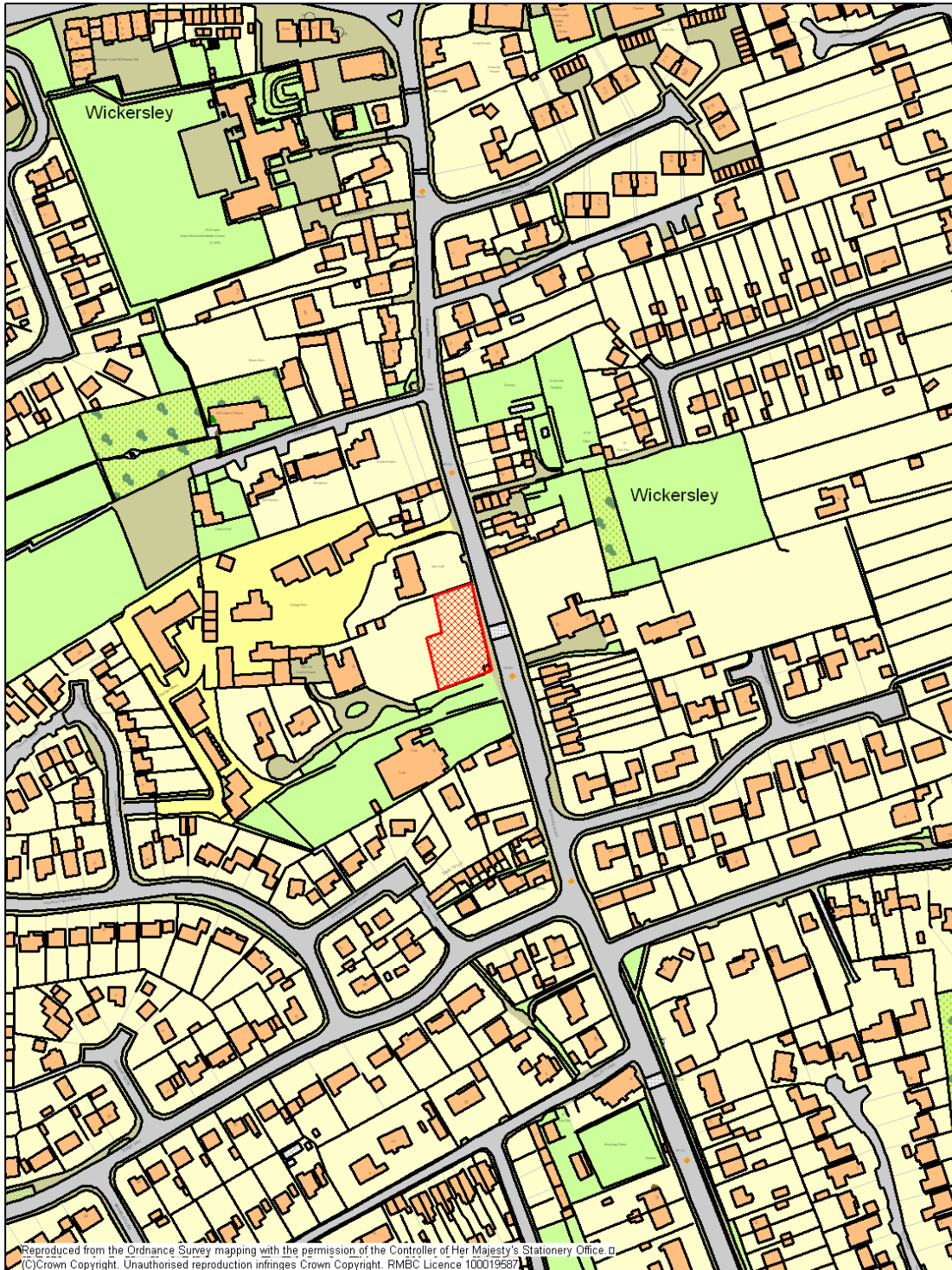
The proposals as submitted would constitute over development of the site by way of the number and location of the dwellings and substandard private open space provision. The proposals would thereby constitute a cramped and poor form of development, and would be in conflict with Policy ENV 3.1 Development and the Environment, of the Unitary Development Plan and advice in PPS 1 Delivering Sustainable Development and PPS 3 Housing.

03

It is considered that the proposed development would have an adverse effect on the future prospects of existing protected trees within the site and the resulting loss would have a materially adverse effect on the visual amenities and character of the Conservation Area in conflict with Policies ENV 3.4 Trees Woodlands and Hedgerows, and ENV 2.11 Development in Conservation Areas.

04

Insufficient landscaping details have been submitted to determine whether any adverse effect on existing trees and the character and visual amenities of the Conservation Area can be mitigated to an acceptable degree, in conflict with Policies ENV 2.11 Development in Conservation Areas, ENV 3.1 Development and the Environment, and ENV 3.4 Trees, Woodland and Hedgerows.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright. RMBC Licence 100019587.



Scale 1:2500

Date: 04/03/2009

Map Centre: □  
447958,391521

Rotherham MBC

Env't & Dev't Services □  
Bailey House □  
Rawmarsh Road □  
Rotherham S60 1TD □  
□



## Background

*The application has been held in abeyance pending submission of satisfactory amended details from the applicant. No such amendments have been received.*

## *Relevant Planning History*

*The site has been the subject of four other applications:-*

### *RB1989/951:*

*Erection of three dwelling houses. Permission was refused for reasons of adverse effect on the setting of Wickersley Grange, and its Grade II listed Gazebo, the loss of trees and the consequent effect on the character of the Conservation Area.*

*A subsequent appeal was dismissed.*

### *RB92/1274P:*

*Erection of a dental surgery with flat above. Permission was refused for reasons of adverse effect on the character of the area and loss of trees.*

### *RB1992/1586P:*

*Erection of a detached two storey dwelling. Permission was granted.*

### *RB2007/1869:*

*Proposal to fell two Beech trees protected by TPO No. 8 1975. Consent was granted.*

## Site Description & Location

*The site of application is a rectangular piece of land forming part of the curtilage to Wickersley Grange, fronting Morthen Road in the Wickersley Conservation Area, and measures approximately 0.12 hectares. To the north is residential development, whilst to the west is Wickersley Grange and further residential development. To the south is Wickersley Working Mens' Club, and to the east is Morthen Road. The site is well screened around its boundaries by a stone wall and a variety of mature trees. There is a Grade II Listed Gazebo in the south eastern corner of the site.*

## Proposal

*The outline application is for a decision in principle to erect five dwelling units within the site with details of the siting, means of access, and landscaping to be considered at the outline stage. The access to Morthen Road will require demolition of approximately 9m length of stone wall fronting the site. The five dwellings with linked garages would be constructed in two blocks, one of three and the other of two properties, arranged around an "L" shaped access driveway.*

*The application is accompanied by a tree survey.*

*The applicant has had lengthy discussions with the Case Officer about possible alternative proposals, but now wishes the application to be considered as originally submitted.*

*The applicant has requested to speak at the meeting and argues that the proposal would constitute an improvement to the scheme already granted permission and commenced on site.*

### *Development Plan Allocation and Policy*

*The site is allocated for residential purposes, and is within the Wickersley Conservation Area, on the adopted Unitary Development Plan. Relevant policies are:*

*01*

*Regional Spatial Strategy (RSS):*

*Policies S3 (Urban and Rural Renaissance ) and P1 (Strategic Patterns of Development) in relation to new development focus on reused land, directing new development towards existing urban centres wherever possible, accessible by a range of modes of transport particularly public transport.*

*Policy H2 (Sequential Approach to the Allocation of Housing Land) takes a similar approach to the location of new residential development.*

*02*

*Unitary Development Plan Policies(UDP):*

*HG 4.3 Windfall Sites states that the Council will determine proposals for housing development not identified in Policies HG 4.1 and HG 4.2 in the light of their:-*

- 1. Location within the built up area and their compatibility with adjoining uses, and*
- 2. compatibility with other relevant policies and guidance.*

*Policy ENV2.8 Settings and Curtilages of Listed Buildings “The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context.”*

*ENV2.11: Development in Conservation Areas, states that development will not be allowed which adversely affects, trees, the historic character, or visual amenities of such areas, that consent will not be granted for demolition of buildings which make a positive contribution to the character of such areas, and that permission will not be granted on the basis of outline applications unless the effect of the development can be properly assessed on that basis.*

*Policy ENV3.1 Development and the Environment*

*“Development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, screening and landscaping, together with regard to the security of ultimate users and their property. Developers will be required to supply details of design and landscaping for approval by the Council.”*

*Policy ENV3.4 Trees, Woodlands and Hedgerows*

*“The Council will seek to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.”*

## Other Material Considerations

### *Supplementary Planning Guidance:*

*Development in Conservation areas states that new development should have respect for the physical characteristics of the area and that any development will need to protect mature trees during and after the development.*

### *National Planning Guidance:*

*PPS1 Delivering Sustainable Development states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted.*

*PPS 3 Housing reinforces the message from PPS 1. It states that development should create or enhance a distinctive character that relates well to and complements neighbouring buildings and the local area in terms of scale, density, layout and access. It also emphasizes the need for the efficient use of land and the re-use of vacant or derelict land and buildings, at a minimum density of 30 dwellings per hectare, in sustainable locations.*

*PPG 13 Transport strongly advocates sustainable development patterns, facilities accessible by a range of transport modes, a reduction in the need to travel, and the length and frequency of car journey, and reduced car parking provision with maximum recommended levels of provision.*

*PPG 15 Planning and the Historic Environment: Amongst other things states in relation to new building in Conservation Areas, "What is important is not that the new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well established character and appearance of its own".*

*It also states in relation to Listed Buildings that the Local Planning Authority should have regard for the setting of the listed building, and the local scene.*

### Publicity

*The application was advertised on site and in the press and adjoining occupiers notified.*

*One letter of objection has been received, from a local resident who raised the following comments.*

- (i) Loss of trees.*
- (ii) Adverse effect on the setting of listed Grade II Gazebo on the site and the Grade II Listed Old Hall across Morthen Road.*
- (iii) Adverse effect on character of the Conservation Area.*

*In addition, Wickersley Parish Council has objected raising the following concern:-*

- (i) Development inappropriate in the Conservation Area.*
- (ii) Grade II Listed Gazebo should not be removed.*

- (iii) Access not suitable due to the congestion in the area caused by users of the adjacent Wickersley Club.

All representations will be on deposit in the Members' Room, prior to the meeting.

The applicant has requested the right to speak at the meeting.

Wickersley Parish Council have requested that Members visit the site.

### Consultations

*Trees and Woodlands:*

Objects to the proposal on the basis that insufficient information has been submitted to assess the effect on the important protected trees.

*Yorkshire Water:*

No comments required.

*Transportation Unit:*

No objections subject to provision of car parking, a bin store and surfacing of vehicular areas.

*The Coal Authority:*

No adverse comments. Ground movements from past workings should have ceased. Developer should seek appropriate technical advice before commencing work on site.

### Appraisal

The site is allocated residential on the Unitary Development Plan and within the Wickersley Conservation Area. The proposal is therefore acceptable in principle. The other considerations are:-

- (i) The effect on the character and appearance of the Conservation Area, and the Grade II Gazebo on site.
  - (ii) The density and design of the development, and impact on the Wickersley Conservation Area.
  - (iii) The effect on the protected trees on site.
  - (iv) Landscaping.
- (i) The effect on the character and appearance of the Conservation Area, setting of the Listed Buildings:-  
It is considered that the proposed dwellings would by way of their form number and location, result in an unacceptable adverse effect on the character and appearance of the Conservation Area and the setting of the listed "Gazebo" in conflict with Policies ENV 2.8 Settings and Curtilages of Listed Buildings, and ENV 2.11 Development in Conservation Areas, of the Unitary Development Plan and advice in PPG 15 Planning and the Historic Environment.

- (ii) *The outline proposal is for five dwellings with linked garages in two blocks one of three units and one of two, a short access road, and seven visitor car parking spaces. It is considered that the proposals as submitted would constitute over development of the site by way of the number and location of the dwellings and substandard private open space provision. The proposal would thereby constitute a cramped and poor form of development, which fails to take the opportunity to improve and enhance the character and appearance of the area and would thereby be in conflict with Policy ENV 3.1 Development and the Environment, of the Unitary Development Plan and advice in PPS 1 Delivering Sustainable Development, and PPS 3 Housing. In a previous appeal against refusal of permission for three dwellings on the site, the appointed Inspector concluded that the character of the area would... “be disrupted if three dwellings are to be permitted by reason of their cramped appearance”.*
- (iii) *The effect on the protected trees.*  
*It is considered that the proposal would result in the loss of 16 protected trees to the material detriment of the character of the Conservation Area in conflict with ENV 2.11 Development in Conservation Areas, and ENV 3.4 Trees Woodlands and Hedgerows of the Unitary Development Plan. In respect of the previous appeal, referred to above the appointed Inspector stated that, “The loss of mature trees could not fail in my opinion to affect the contribution that they make to the character and appearance of the Conservation Area”.*
- (iv) *Landscaping:*  
*Insufficient landscaping details have been submitted to assess the effect on the important trees within the site and no replacement proposals to mitigate any adverse effect on the visual amenities of the area have been submitted. It is therefore considered that the proposals would be in conflict with Policies ENV 2.11 Development in Conservation Areas, ENV 3.1 Development and the Environment, and ENV 3.4 Trees, Woodlands and Hedgerows of the Unitary Development Plan.*

### Conclusion

*The proposed development would constitute overdevelopment of the site, have an unacceptable adverse effect on the character and appearance of the Conservation Area and setting of the listed Gazebo, by way of overdevelopment of the site and loss of mature trees and does not provide sufficient landscaping details, all to the material detriment of the visual amenities of the area.*

**RB2007/1738**

**Retrospective application for the formation of spoil mound at Aston Comprehensive School, Aughton Road, Swallownest for D.C. Leisure Management Ltd.**

**RECOMMENDATION: GRANT CONDITIONALLY**

**STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION**

1. Having regard to the Development Plan and all other relevant material considerations as set out below:
  - a) Development Plan  
UDP Policy:  
Policy ENV1 Green Belt  
Policy CR2.2 Safeguarding Recreation Areas
  - b) Other relevant material planning considerations  
PPG2 Green Belts  
PPG17 Planning for Open Space, Sport and Recreation
2. For the following reasons:

The spoil mound was formed during the construction of the new leisure centre at the School and is a temporary measure whilst proposals for the re-development of the School itself are finalised. The mound will be removed from its current site and the inert material either used as part of the landscaping/remodelling of the land as part of the re-development of the School, or removed from the overall site. It is considered that a temporary permission would be acceptable and would allow the land to be re-instated and subsequently used for potential playing pitch purposes.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officer's report; the application case files and associated documents.

**Conditions Imposed:**

01

The permission shall be valid for 3 years and within that period the spoil mound hereby permitted shall be removed from the site. Within 3 months of removal (or in the first planting season following removal of the spoil mound) the playing field land shall be reinstated to a playing field to a quality at least equivalent (or better) than the previous quality (or a condition fit for use as a playing field or in accordance with 'Natural Turf for Sport' Sport England 2000).

02

[PC97] 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) except as shall be otherwise agreed in writing by the Local Planning Authority.

(Drawing number AW-007 Revision A.received 9 June 2008)

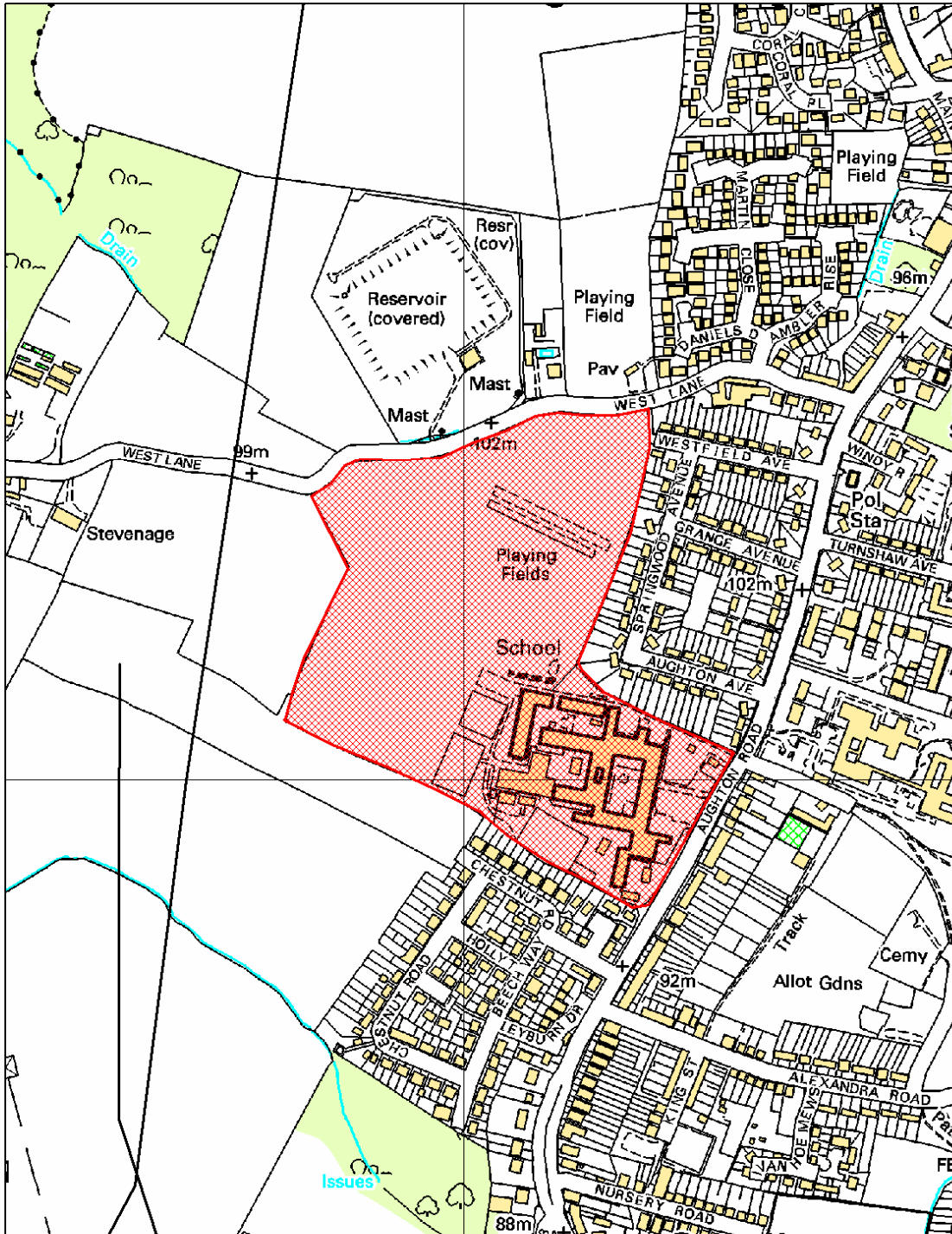
**Reasons for Conditions:**

01

To ensure the site is restored to a condition fit for purpose and to accord with UDP Policy 2.2 Safeguarding Recreation Areas.

02

PR97 To define the permission and for the avoidance of doubt.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright. RMBC Licence 100019587

**Swallowstone**

Scale 1:5000  
 Date: 04/03/2009  
 Map Centre: □  
 445028,386063

Rotherham MBC  
 Env't & Dev't Services □  
 Bailey House □  
 Rawmarsh Road □  
 Rotherham S60 1TD □



## Background

Planning permission for the new Leisure Centre at the Aston Comprehensive School site was granted in 2006 (RB2006/1689). The Leisure Centre development has subsequently been constructed.

## Site Description & Location

The site is located adjacent to the western boundary of the overall Aston Comprehensive School site and forms part of the overall playing field facility at the School.

## Proposal

This is a retrospective application for the formation of the spoil mound. It is located along the western boundary of the overall site and is between 22-40m in width and is approximately 155m long. It contains approximately 6,500 cubic metres of material consisting of approximately 1,000 cubic metres of broken out material, such as tarmac and concrete, and approximately 5,500 cubic metres of spoil/earth, all of which was moved from elsewhere on the site when the Leisure Centre was developed. The mound has been grassed over to soften its visual impact.

A playing pitch has been re-located clear of the mound.

## Development Plan Allocation and Policy

The site is located within the Green Belt as identified in the Rotherham Unitary Development Plan. Policies and guidance which relate to this proposal include ENV1 'Green Belt'.

### *Policy ENV1 'Green Belt'*

*"A Green Belt whose boundaries are defined on the Proposals Map will be applied within Rotherham Borough. In the Green Belt, development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area. The construction of new buildings inside the Green Belt is inappropriate unless it is for the following purposes:-*

- (i) agriculture and forestry (unless permitted development rights have been withdrawn),*
- (ii) essential facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it,*
- (iii) limited extension, alteration or replacement of existing dwellings, and*
- (iv) limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG2 (Green Belts) and PPG3 (Housing)".*

*Policy CR2.2 Safeguarding Recreation Areas states:-*

*Land presently used or last used for sports grounds, playing fields or allotment gardens, will be retained for this purpose during the plan period except where:*

*(i) it can be demonstrated that the land is surplus to the requirements of the local community, or*

*(ii) alternative provision of equivalent community benefit is made, and*

*(iii) the land has no other Urban Greenspace value”.*

### Other Material Considerations

*Planning Policy Guidance Note 2: Green Belts (PPG2) states that “Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning applications or appeal concerning such development”.*

*PPG17 Planning for Open Space, Sport and Recreation notes at paragraph 15 that:*

*“In advance of an assessment of need, local authorities should give very careful consideration to any planning applications involving development on playing fields. Where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such developments should not be allowed unless:*

*i. the proposed development is ancillary to the use of the site as a playing field (eg new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;*

*ii. the proposed development only affects land which is incapable of forming a playing pitch (or part of one);*

*iii. the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location; or*

*iv. the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field”.*

### Publicity

*The application was advertised in the press and on site as a departure and nearby residents were notified. One letter of representation has been received from a nearby resident who does not specifically object to the proposals, though notes that problems for residents on Chestnut Road to the south of the site have been experienced in the past from children throwing stones etc over the fence onto the roofs of the residential properties (which are at a lower level).*

### Consultations

*Transportation Unit – No objections.*

*Environmental Health – No objections.*

*Sport England – Originally objected to the proposal as it would result in the loss of part of the overall area used as sports pitches for Aston Comprehensive School. However, the objection has been removed on the basis that the mound will only be in situ for a temporary period, and that at the end of that period the material would be removed and the land re-instated so that it could once again potentially be used for playing pitch provision.*

### Appraisal

*The site is within the Green Belt and the main consideration in this instance is the principle of the development and if inappropriate, whether any very special circumstances have been demonstrated to justify the development.*

*The spoil mound was formed during the construction of the new leisure centre at the School and is a temporary measure whilst proposals for the re-development of the School itself are finalised. It is not considered that the formation of the mound is appropriate development in the Green Belt and as such, very special circumstances have to be demonstrated to justify the development. However, as the mound will be removed from its current site and the inert material either used as part of the landscaping/remodelling of the land as part of the re-development of the School, or removed from the overall site, this would overcome the fact that the development is in itself inappropriate. No planning permission has been granted for the re-development of the School itself and this would be subject to a separate planning application which would be considered on its own merits.*

*It is considered that it would be unreasonable to insist that the material is removed immediately as it could be re-used as part of the landscaping/remodelling of the land when the School is re-developed. This would be a more sustainable option than removing from the site and transporting elsewhere. It is considered that a temporary permission would be acceptable and would allow the land to be re-instated and subsequently used for potential playing pitch purposes. As such the proposals would comply with Policy CR2.2 Safeguarding Recreation Areas and PPG17.*

### Conclusion

*The formation of the mound represents inappropriate development in the green Belt and no very special circumstances have been demonstrated to justify its retention on a permanent basis. However, a temporary permission will allow the material to potentially be used as part of the landscaping/remodelling when the School itself is re-developed. In view of the above it is recommended that planning permission be granted for a temporary 3 year period.*

**RB2007/2078**

**Details of the erection of a detached dwelling house with detached garage at land at Broom Riddings, Greasbrough for Mr. S. Milnes.**

**RECOMMENDATION: GRANT CONDITIONALLY**

**STATEMENT OF REASONS FOR DECISION TO APPROVE RESERVED MATTERS**

The Local Planning Authority has decided to approve Reserved Matters:

1. Having regard to the Development Plan and all other relevant material considerations as set out below:
  - a) Development Plan
    - (i) ENV3.1 'Development and the Environment'
    - HG4.3 'Windfall Sites'
    - HG4.4 'Back Land and Tandem Development'
  - b) Supplementary Planning Guidance  
Housing Guidance 3: Residential infill plots
2. For the following reasons:

The new dwelling is considered to have a satisfactory appearance on the street scene with a layout that is reflective of the size of the site area. The design of the proposal is contemporary and incorporates a-hipped style of roof that is reflected in the immediately adjacent properties. The scale and height of the dwelling is considered to be comparable to the heights of the existing two storey properties in the locality. In terms of overshadowing, the new house is sited a sufficient distance away from the properties located to the east and is sited north of the boundary with no. 32 Broom Riddings in order to prevent any significant loss of light. In terms of overlooking, the new house is located in accordance with the Council's spacing standards to principal windows and there are to be no windows at first floor level on the south-eastern elevation. In terms of highway safety, the amended access into the site is considered satisfactory and the level of increase in the number of vehicles using this access is not considered to be a material increase relative to the existing uses.

3. The forgoing statement is a summary of the main considerations leading to the decision to approve reserved matters. More detailed information may be obtained from the Planning Officer's report; the application case files and associated documents.

**Conditions Imposed:**

01

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

02

[PC 24] 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.

03

[PC44\*] No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation of the first dwelling.

04

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

05

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

06

Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

07

[PC97] 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) except as shall be otherwise agreed in writing by the Local Planning Authority.

(Drawing numbers Steve Milnes)(received 2 March 2009)

08

Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order) the dwelling hereby permitted shall not be enlarged or altered externally unless planning permission has first been granted by the Local Planning Authority.

### **Reasons for Conditions:**

01

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

02

[PR24] In the interests of road safety.

03

[PR44] In the interests of the visual amenity of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

04

In the interests of satisfactory drainage.

05

To ensure that the development can be properly drained.

06

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

07

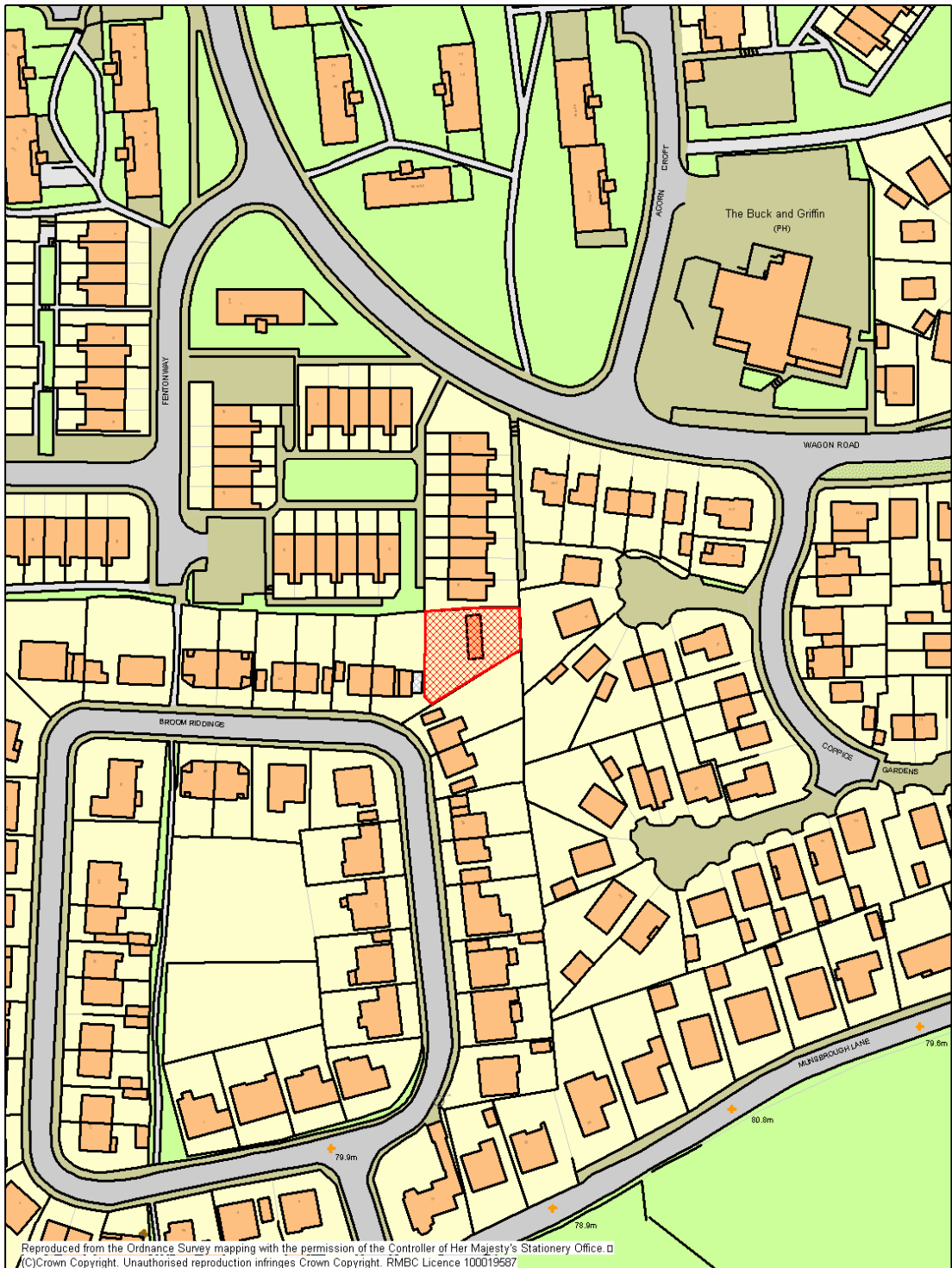
[PR97] To ensure that the development is carried out in accordance with the approved/amended plans.

08

To enable the Local Planning Authority to control any subsequent development of the site.

Informative

The applicant should note that a 225mm diameter public foul sewer runs across the site and this matter will need to be controlled by Requirement H4 of the building regulations



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright. RMBC Licence 100019587



Scale 1:1250

Date: 04/03/2009

Map Centre: □  
441655,394803

Rotherham MBC

Env't & Dev't Services □  
Bailey House □  
Rawmarsh Road □  
Rotherham S60 1TDD  
□



## Background

Members will recall that an outline application for a single dwelling was previously approved in 2005 under RB2005/1433 and as such the principle of erecting a residential dwelling on this land has been accepted under this application.

## Site Description and Location

The site comprises of an irregular shaped parcel of land with a land area of approximately 440 square metres and is currently used as an overspill side garden area to no. 34 Broom Riddings, the host property. The site has a shared boundary with 4 other plots including the host property. Broom Riddings comprises predominantly of semi-detached and detached properties that have a range of different styles and designs.

## Proposals

Reserved matters application to erect a detached dwelling in the rear garden area of the existing curtilage at no. 34 Broom Riddings. The vehicular access into the site and the principle of residential development has been previously approved under Outline application RB2005/1433. This application seeks to determine the acceptability of the design, scale and appearance of any matters reserved along with any landscaping.

The proposal comprises a two storey detached house with roof lights in the front and rear elevations that would be approximately 9 metres in width, and 8 metres in length. The proposal is set in from the boundary with no. 32 Broom Riddings by 3 metres at the front elevation and 5 metres to the rear. The rear outlook to the proposal is in the order of 10 metres.

The amendments to the proposal can be summarised as follows:-

- The floor area of the property has been reduced from approximately 81 Square metres to 72 square metres.
- The half-gable sides have been removed and replaced with full hipped sides.
- The floor area of the garage has been reduced.
- The property has been taken in from the boundary with no. 32 from 0.6 metres to 2-3 metres.
- The property has been re-orientated to lie on a different angle.
- The front and rear rooflights have been removed from the plans.

## Development Plan Allocation and Policies

The site is allocated for residential purposes in the adopted UDP.

HG4.3 'Windfall Sites' states that "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their: (i) location within the existing built-up area and compatibility with adjoining uses, and (ii) compatibility with other relevant policies and guidance."

ENV3.1 'Development and the Environment' states that "Development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship to the locality, scale, density,

*height, massing, quality of materials, site features, local vernacular characteristics, screening and landscaping, together with regard to the security of ultimate users and their property”.*

*HG4.4 ‘Back Land and Tandem Development’ states that “The Council will resist the development of dwellings in tandem except in cases of low density where further development would not be detrimental to the amenities and character of the area. In these exceptional circumstances, the Council will impose criteria relating to building height, space around the building, privacy, safety and vehicular access.”*

### *Other Material Considerations*

*Supplementary Planning Guidance: Residential infill plots is also relevant in the determination of this application. This guidance indicates that the Council will have regard to normal inter-house spacing of 20 metres between principal elevations.*

### *Publicity*

*All relevant neighbours were informed by letter on and subsequently re-notified of the amended plans. A total of 6 objections have been received. These objections have been summarised as follows:-*

- A main sewer crosses the site.*
- Vehicular access is inadequate.*
- Proposal would exacerbate existing parking problems.*
- Reduction in sunlight to surrounding properties.*
- The planning application to no. 34 Broom Riddings will further restrict access.*

*In addition a petition of 30 signatures has been received.*

*There are 3 Right to Speak requests at the Planning Board meeting, including the applicant.*

### *Consultations*

*Transportation Unit – no objections subject to conditions*  
*Yorkshire Water – no objections subject to conditions*

### *Appraisal*

*The principle of splitting the rear garden area of no. 34 and subsequent residential development has previously been approved under outline application RB2005/1433 and as such only the details of the proposal can be considered at the Reserved Matters stage. The main considerations are as follows:-*

- The size and scale of the proposed building.*
- Potential loss of privacy to the surrounding properties.*
- Design and appearance of the proposal.*
- Highway safety implications.*

*The size and scale of the proposed building.*

*The size of the floor area of the proposed bungalow is small in relation to the size of the plot and is in the order of 20% of the site area, significantly beneath the recommended 33% as indicated in Housing Guidance 3: Residential Infill Plots of the Supplementary Planning Guidance. Bearing in mind that the character of the surrounding area comprises of quite high densities, the proposed footprint of the dwelling is considered to have a satisfactory relationship with the surrounding locality.*

*In terms of any dominant impact the proposal would have on the surrounding properties the gable of the south-eastern elevation would be located a minimum distance of 3 metres from the boundary with no. 32 and is located approximately 10 metres to the north of the position of the existing neighbouring property. Taking this into consideration it is considered that the proposal would not have a significant dominant impact on no. 32.*

*Potential loss of privacy to the surrounding properties.*

*In terms of loss of privacy to the surrounding properties, the windows on the southern elevation facing 32 Broom Riddings have been omitted on the revisions and a condition has been recommended to prevent any future windows on this elevation. Distances between first floor windows on the rear elevation of the proposal and principal elevations on properties along Coppice Gardens is in excess of 20 metres and therefore in accordance with the Council's guidance on spacing standards. In addition the rear elevation of the proposal would lie on a different orientation to the properties along Coppice Gardens. The outlook from the proposal to the boundary with 35 Fenton Way is approximately 10 metres and the most westerly facing rear window has been reduced in size. Accordingly the proposal is not considered to materially increase the level of overlooking to the surrounding properties.*

*Design and appearance of the proposal.*

*In terms of the design of the proposal the plans indicate that the style of roof would have a hipped-style on both elevations. The immediately adjoining properties at 34 and 32 Broom Riddings have full hipped-style roofs, there are a number of differing roof types and styles along Broom Riddings. The properties directly to the north of the site comprise of gable-style roofs and a number of the properties on Broom Riddings have a mix of hipped and gable roof styles. It is therefore considered that the proposal would have a satisfactory impact on the street scene of Broom Riddings.*

*Although the proposed residential unit is on a different orientation to the surrounding properties and is set back approximately 19 metres from Broom Riddings, the proposal is considered to have a satisfactory impact on the visual amenity of the street scene and thereby be in accordance with Policy ENV3.1 'Development and the Environment'.*

*Highway safety implications.*

*The Transportation Unit have indicated that the proposed vehicular access from Broom Riddings is satisfactory in width to accommodate vehicular traffic. The amended plans indicate that the proposed access into the site is in accordance with the access previously agreed under outline application RB2005/1433. A turning area has been provided within the site to allow vehicles exiting the site to leave in a forward gear.*

*Any public sewer that may cross the site is a matter that would be controlled under Building Regulations.*

*Taking the above considerations into account, the application is recommended for approval, subject to the safeguard of the above conditions.*

### Conclusion

*The proposal is considered to have a satisfactory appearance on the street scene with a layout that is reflective of the size of the site area. The design of the proposal is contemporary and incorporates a-hipped style of roof that is reflected in the immediately adjacent properties. The scale and height of the dwelling is considered to be comparable to the heights of the existing two storey properties in the locality. In terms of overshadowing, the new house is sited a sufficient distance away from the properties located to the east and is sited north of the boundary with no. 32 Broom Riddings in order to prevent any significant loss of light. In terms of overlooking, the new house is located in accordance with the Council's spacing standards to principal windows and there are to be no windows at first floor level on the south-eastern elevation. In terms of highway safety, the amended access into the site is considered satisfactory and the level of increase in the number of vehicles using this access is not considered to be a material increase relative to the existing uses.*

**RB2008/1806**

**Erection of 8 No. three storey and 1 No. two storey office buildings with associated car parking, landscaping and drainage at land off Rotherham Road, Maltby for Boulby Davison Developments.**

**RECOMMENDATION: REFUSE**

### Reasons for Refusal:

01

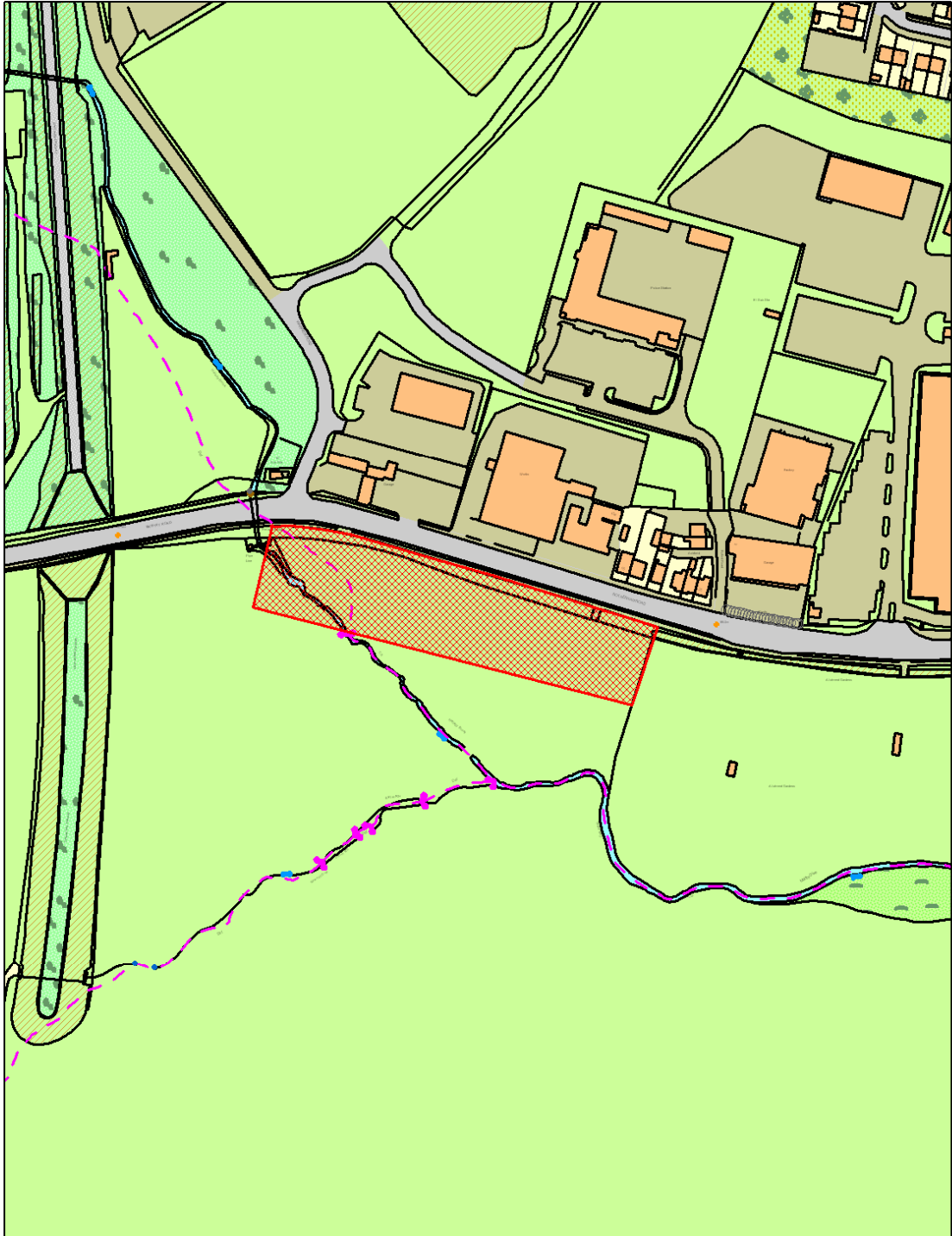
Insufficient information has been submitted to demonstrate that the vehicular traffic likely to be generated by the development will have no material adverse impact on the strategic road network in particular the junction of the A631 with the M18 motorway, contrary to Policy T6 'Location and Layout of Development'.

02

It is considered that due to the level of parking on site and the provisions within the Transportation Assessment submitted with the application, the proposed development would lead to additional parking on the A631 Rotherham Road and on the proposed adopted highway within the site itself to the detriment of the free and safe flow of other traffic and on the success of the measures proposed in the Travel Plan.

02

The proposed design and layout of development does not provide for adequate landscaping to be accommodated at the front of the site and therefore the proposal does not make a positive contribution to the surrounding environment contrary to UDP Policy ENV3.1 'Development and the Environment' and Planning Policy Statement 1 'Delivering Sustainable Development'.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright. RMBC Licence 100019587

 <p>Scale 1:2500 Date: 04/03/2009 Map Centre: □ 451192,391988</p>		<p><b>Rotherham MBC</b> Env't &amp; Dev't Services □ Bailey House □ Rawmarsh Road □ Rotherham S60 1TD □ □</p>  <p><b>Rotherham</b> Metropolitan Borough Council Where Everyone Matters</p>
--	--	---

## Background

Members may recall that planning permission was refused for an office development on the site in 2007 (ref: RB2007/1706) for the following reasons:

01

*It is considered that inadequate justification has been provided in terms of need and impact on town centres and if approved the proposal would be contrary to the requirements contained within Planning Policy Statement 6 (PPS6) resulting in development having a detrimental impact on the viability and vitality of Rotherham Town Centre.*

02

*Should the proposal to abandon the road scheme be approved and in the absence of a permanent Green Belt boundary, the development if granted would result in an isolated, incongruous tongue of development in an open countryside setting which would undoubtedly increase pressure for the release of adjoining sites for development, resulting in the merging of Hellaby and Maltby, contrary to one of the main aims of both National (PPG2) and local Green Belt Policy (ENV1). It would also result in development that would be unsympathetic to the visual amenity and environmental quality of the Green Belt contrary to UDP Policy ENV1.4.*

03

*Inadequate information has been provided to assess the ecological and environmental impact of the proposal and appropriate mitigation measures and if approved the proposal may result in development having a detrimental effect on the environment contrary to Policies ENV2 and ENV3 of the adopted UDP and contrary to Government Statement PPS9.*

04

*Insufficient information has been submitted to demonstrate that the vehicular traffic likely to be generated by the development will have no material adverse impact on the surrounding highway network.*

05

*Insufficient information has been submitted with regard to proposed measures to promote non car modes of travel such that the proposal cannot be considered to be sustainable in transport terms, contrary to the provisions of Planning Policy Guidance 13 (PPG 13).*

*Prior to that, permission was refused in 1962 under ref RH1962/3721 for Housing and in 1977 under ref RB1977/1433 for a Garden Centre both on the grounds that the uses proposed would conflict with the lands' allocation at that time as 'Green Belt'. The reallocation of the land from Green Belt to Business Use was made at the time of the adoption of the UDP in 1999 in anticipation of the proposed realignment of the A631 Rotherham Road.*

## Environmental Impact Assessment

*It is considered the development falls within paragraph 10 (a), Industrial Estate Development Projects, of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. With regard to Column 2, the site exceeds the 0.5 hectare area threshold therefore consideration has been given as to whether this particular development would be likely to have significant effects on*

*the environment. Consideration has been given to the proposal under Schedule 3 of the Regulations and it is felt that the development would be of no more than local importance in terms of environmental effects; it is not located in a particularly sensitive or vulnerable location and would not have any unusually complex or potentially hazardous effects. The Council accordingly adopted the opinion that the development is not EIA development as defined in the 1999 Regulations as it would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.*

### Site Description

*The application site comprises vacant land to the south of the A631, between Hellaby and Maltby approximately 8km east of Rotherham Town Centre. The site is rectangular in shape and has a site area of approximately 0.8Ha. To the east of the site are allotments with housing beyond, open fields lie to the south and west, whilst to the north across Rotherham Road is an existing business/industrial area, a garage and a small number of residential properties. Hellaby Brook crosses the western end of the site.*

*To the front of the site is a 7-9 metre wide strip of land between the A631 carriageway and the stone wall that forms the front boundary of the land under the applicant's ownership. This strip of land is included within the application site though forms part of the public highway.*

### Proposals

*The scheme is a revision of the office scheme refused permission in November 2007. Some of the main aspects of the scheme either remain the same or very similar and include:-*

- *Siting and layout of development (although gaps between buildings have been slightly widened also resulting in development slightly closer to east boundary of site)*
- *The number of three and two storey buildings*
- *The total floorspace of each building (total for the development would be 4626 sq.m – gross and 3595 sq.m - net)*
- *The site boundaries and shape and size of site.*

*One of the main changes includes the design of the buildings which have been switched from traditional brick and tile buildings with pitched roofs to modern flat-roofed buildings finished with profile cladding/ceramic tiles with white/grey and green colours. The applicant's aim for a more environmentally-friendly design incorporating features such as green roofs, solar panels, rainwater harvesting, ground source heat pumps and increased glazing. The parking spaces would comprise grass-crete and cycle storage would be provided.*

*As a result of the removal of pitched roofs from the scheme, the heights of the buildings have been reduced from 9.7m (2-storey) and 12.7m (3-storey) to 8.1m and 11.3m respectively.*

*The main change to the layout includes the insertion of a 12m wide belt of tree planting at the rear of the site occupying the strip previously allocated for a proposed new section of the A631 road. However, since the previous application was refused, the proposed new section of road has been officially abandoned by the Council and in its place, the applicants have added a tree planting zone as a buffer between the development and the Green Belt to the south of the site.*

*Other changes to the scheme include:*

- the increase in parking spaces from 102 (inc. 14 disabled) to 106 (inc. 9 disabled)*
- more dispersed tree planting in the highway verge and the addition of tree planting in the verge to the west side of the access road*
- the addition of a hedgerow at the west boundary*
- the allocation of one of the units solely for flexible starter business accommodation*

*The application is accompanied by:*

- Planning Statement which addresses the previous reasons for refusal and which outlines the environmental and economic advantages of the scheme*
- Design, Sustainability and Access Statement*
- Drainage and Water Search*
- Flood Risk Assessment*
- Community Consultation Document (including 200 signatures of support from local residents)*
- Site Contamination Report*
- "Sequential Test" assessment of alternative sites document – revised February 2009 and supersedes January 2009 document originally submitted with the application (this is to overcome Reason for Refusal 1 of the previous application)*
- Ecology Information including a Protected Fauna Survey and Mitigation Strategy Document (to overcome Reason for Refusal 3)*
- A Transport Assessment (to overcome Reason for Refusal 4)*
- Travel Plan (to overcome Reason for Refusal 5)*

*The applicants have also offered to enter into a Section 106 Agreement to set up a management company to ensure the maintenance and upkeep of the planting and landscaped areas and shared surface/parking areas, in perpetuity and to contribute a commuted sum to provide bus shelters at the two nearest bus stops to the site. The applicants have also agreed to contribute to a Traffic Regulation Order to address any overspill parking onto surrounding roads as a result of the development.*

### *Development Plan Allocation and Policy*

*The development plan for the Borough comprises the Regional Spatial Strategy (RSS) for Yorkshire and Humber (adopted 2008) and the Rotherham Unitary Development Plan (UDP) adopted in 1999. The site is allocated in the UDP for Business Use.*

#### *01 RSS Policies:*

*YH6 'Local Service Centres and Rural and Coastal Areas'. Maltby is classed as a Local Service Centre in the RSS and the policy looks to protect and enhance these centres as attractive and vibrant places and communities, providing quality of place and excellent environmental, economic and social resource.*

*E2 'Town Centres and Major Facilities' states that The centres of "Regional Cities" and "Sub Regional Cities and Towns" should be the focus for a number of uses which include offices.*

*E3 'Land and Premises for Economic Development' aims to make use of appropriately located previously developed land and current allocations for employment development which would include offices.*

*02 UDP policies:*

*EC3.2 'Land Identified for Business Use' states that no development other than "Use Class B1" offices should be permitted in these areas subject to there being no adverse effect on the character of the area or residential amenity and parking provision being adequate.*

*ENV1.4 'Land Adjacent to Green Belt' states that in areas adjacent to the Green Belt, development should be sympathetic to the visual amenity and environmental quality of the Green Belt.*

*ENV2 'Conserving the Environment' aims to ensure, amongst other things, that development does not harm the character and quality of the environment and that wildlife and historic interests are taken into account, and that any environmental losses are outweighed by other enhancements.*

*ENV2.3 'Maintaining the Character and Quality of Environment' states, amongst other things, that any environmental interest that is retained should be enhanced and that any significant losses should be compensated through landscaping, habitat creation or other environmental enhancement.*

*ENV3.1 'Development and the Environment' aims to ensure that development is not to be at the expense of the local environment and the character and appearance of the area. The policy aims to achieve environmental improvements through an appropriate standard of design and layout and landscaping.*

*ENV3.2 'Minimising the Impact of Development' seeks to minimise the impact of development on the environment and look to protect it from, for example, pollution or flooding. It also states that development leading to a significant loss of trees will be permitted only where there is a compelling justification for doing so.*

*T3 'Public Transport' supports the development and improvement of facilities for users of public transport.*

*T6 'Location and Layout of Development' aims to locate development close to public transport, discourage development which causes traffic congestion and promote safe and convenient access for pedestrians, cyclists and people with disabilities, as well as ensuring highway safety for car and public transport users.*

### Other Material Considerations

*Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development', was published in 2005 and encourages a high quality design and layout of development and amongst the key principles it states that "Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted".*

*PPS6 'Planning for Town Centres' aims to ensure that a range of uses, including offices, are located in town centres and not more peripheral areas in the interests of the vitality and viability of town centres.*

*PPS9 'Biodiversity and Geological Conservation', aims to protect flora and fauna interests and seek the enhancement of the level of biodiversity on a development site.*

*PPG13 'Transport' aims to increase the use of modes of transport other than the car, increase accessibility to jobs and services and reduce road traffic in the interests of sustainability and the environment.*

*PPS25 'Development and Flood Risk' aims to ensure that development does not increase the risk of flooding.*

### Publicity

*The proposal was advertised in the press, on site and via letters sent to local households/occupiers of nearby properties.*

*Over 70 letters of objection and over 270 tear-off objection slips have been received from local residents. Six objectors have asked to speak at the Planning Board.*

*The main points raised in the letters are outlined as follows:-*

- Harm to Green Belt land and loss of views across Green Belt land*
- Erosion of the gap separating Maltby and Hellaby*
- There are nearby unoccupied industrial sites with potential for redevelopment*
- Exacerbate traffic levels and impact on highway safety*
- Increase in traffic would disrupt nearby emergency services*
- Poor road access*
- Insufficient infrastructure to support development*
- Will not create employment for local residents*
- Will impact negatively on renewal of Maltby town centre*
- Proposed trees will block light to nearby dwellings*
- Would lead to excess car parking on surrounding roads*
- Detriment to wildlife*
- Increase in flood risk*
- Increase pollution*
- Would attract criminals affecting security of nearby dwellings*

*Maltby Town Council objected on the following grounds:*

- Site should be reallocated as Green Belt land following the abandonment of the road scheme*
- Would exacerbate high levels of traffic on A631*

Letters of objection have also been received from Maltby Environment Group who oppose the application due to the impact on the Green Belt and question who will benefit from employment creation on this site.

A letter has also been received from Campaign to Protect Rural England which considers the application should be refused on the grounds of the visual impact on the adjacent Green Belt.

## Consultations

### Transportation Unit:

#### 1. Traffic Impact

The TA has concluded that the proposed development is likely to result in traffic flow increases of some 6% and 4% on A631 Rotherham Road in the vicinity of the site in the AM and PM peaks respectively. The anticipated distribution is 80% to and from the M18 and 20% to and from Maltby. Traffic models should be validated to ensure that they are sufficiently accurate to predict the impact of additional development traffic, which has not been done in this case. However, in this case, validation will not change our overall conclusion that the traffic impact of the development will be marginal. In addition, although validation has not been carried out as part of the TA, the models do seem to reasonably reflect the current traffic conditions in the area.

An assessment of the junction of A631 with Addison Road indicates that the impact of the development will be marginal in terms of increased delay and queue length in 2020. The assessment of the A631 junction with Denby Way concludes that this will be over capacity in 2020 although the impact due to the development is not shown to be significant. The site access with A631 is also shown to be over capacity in 2020, particularly in respect of vehicles turning right out of the site. The Highways Agency will wish to comment on the impact of the development on the M18/A631 junction. Indeed, the TA indicates that by 2020 demand flows on some entry arms of the roundabout will exceed design capacity.

#### 2. Sustainability

Land uses such as offices which have the potential to generate high levels of trips should ideally be in centres near to major public transport interchanges. However, this site fronts A631 Rotherham Road which is a high frequency bus route. Furthermore, the Council has agreed in principle a bus priority scheme along this part of A631 (including bus lane on the site frontage). Cycle parking is to be provided although not in the vicinity of every building. The site is not particularly well located, however, to promote walking to work although the walking distance to bus stops is within the recommended distance. An Interim Travel Plan has been submitted which does not include targets for modal share etc. although these can be submitted at a later date in compliance with the recommended condition.

#### 3. Road safety

The TA has considered 66 recorded personal injury accidents in the vicinity of the site but found no discernable pattern. The Transportation Unit considers that congestion is contributing to the accident risk and further development traffic will add to the problem. However, it would be difficult to show that the proposed development would have a significant impact on road safety.

#### *4/= Site layout*

*The proposed access road is intended to be designed and constructed for subsequent adoption. The proposed car parking accommodation, 102 No. spaces, is below the maximum permitted under the Council's Maximum Parking Standards. These Standards suggest a maximum of 139. In addition, PPG13 Transport suggests a maximum of approximately 160 for a development of this nature. I note that some 190 No. employees are likely to be employed at this site which may result in overspill car parking in the proposed estate road and the surrounding highway network, including the A631. Measures to address such an occurrence are desirable."*

*Highways Agency: "The Highways Agency does not have sufficient information to assess the impact of this development on the operation, safety and environment of the strategic road network. Therefore, please find enclosed a TR110 form which directs against grant of permission until the issues raised in this letter have been addressed to the satisfaction of the Highways Agency."*

*South Yorkshire Passenger Transport Executive: Encourages key employment sites in locations which are accessible by public transport. The site is located adjacent to Rotherham Road, which forms a Quality Bus Corridor (QBC) and is served by a range of frequent bus services. To protect the benefits of the QBC it is important that car trips to and from the site are minimised through a restrictive approach to parking. In addition measures should be implemented to facilitate and encourage the use of public transport amongst site employees and visitors.*

*As a result a number of measures are suggested to enhance the attractiveness of public transport, including the provision of bus shelters, to be acquired via a S106 agreement with the developers.*

*Council Landscape Officer: The applicant's proposed inclusion of substantial landscaping, including tree planting along the road frontage, and a substantial 12m wide landscape buffer along the Green Belt boundary, together with green roofs on each unit is welcomed. The landscape masterplan provided (Weddle Landscape Design drawing no. 299/BRM01) demonstrates this and provides indicative details of species, sizes and planting density.*

*However, the officer also stated that if the road verge was in highways ownership then further discussion with the Council would be required to determine if planting is possible on Council land under licence.*

*Conditions are recommended to require finalised information on species, sizes and planting densities.*

*Council Trees and Woodlands Section: "At present I am unable to support the application as it stands. This is due to concerns and reservations regarding the future maintenance of the proposed planting within the highway verge unless the planting is done under licence and the applicants remain responsible for all future maintenance.*

*The site contains a large mature Crack Willow, together with numerous self set trees adjacent to Hellaby Brook, and a hedge along the eastern boundary. Of these the Willow is the most significant in amenity terms being clearly visible from the highway. However, it is not considered to meet all the criteria for inclusion within a new Tree*

*Preservation Order to ensure it is retained due to its condition and limited future prospects.”*

*The Council, as highways authority, do not have any objection to the principle of planting trees in the highway verge but advise it may not be possible if mains and services lie underneath the verge and that this would need to be investigated.*

*Council Ecologist: No objection provided that the recommended mitigation measures are fully incorporated into the scheme and the agreement of a long-term future management of the site.*

*Council Environmental Health: No objection is raised in terms of the potential for disamenity for neighbouring residents. Conditions and informatives recommended to control hours of work and spread of mud and dust on the highways during construction.*

*Council Mains Drains Officer: A condition is recommended in the event of planning permission being granted to show how equipment and vehicles can access the brook in order to maintain it. No plantation should take place within the highway verge without the agreement of the highway authority. In general there are sewers and services position in most highway verges. The applicant must contact the Council's highway management unit to discuss and agree the matter further.*

*Council Access Officer: Questions are asked regarding the ability of the development to comply with building and fire safety regulations and disabled user requirements.*

*Council Public Rights of Way Officer: There are no definitive rights of way affected by the development.*

*Environment Agency: Part of the proposed development site falls within high-risk flood zone 3 and as such the proposed development will only be acceptable if the measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission. You should ensure that the applicant has taken a Sequential Approach to the layout of the site. The applicant should demonstrate that the least vulnerable uses, such as car parking, are located in those areas at risk of flooding ahead of more vulnerable uses such as offices.*

*With regard to contaminated land, the information does not identify previous contaminative uses of the site and therefore a condition is recommended to be attached to any planning permission. This would require the developer to submit an amendment to the remediation strategy to show how any unsuspected contamination is dealt with, before any further works continue.*

*Yorkshire Water: A water supply can be provided under the terms of the Water Industry Act, 1991. Severn Trent Water should be contacted, as sewerage undertaker, for comments on waste water.*

*Severn Trent Water: No objection providing that conditions are added requiring that the drainage plans are submitted to the Council for approval and that no buildings and trees should be placed within 5 metres of the sewer running through the site. The letter also states the applicant may wish to apply to Severn Water to divert the sewer.*

South Yorkshire Archaeological Service: They have enclosed a one-page report which outlines that there is some archaeological interest in the general area and for the reasons stated on the enclosed report, they recommend that the following condition be attached, should planning permission be granted: 'No development shall take place until the applicant, their agent, or their successor in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been submitted to, and approved in writing by, the Local Planning Authority.'

National Grid: They consider the principle of developing the site would place a negligible risk to the National Grid gas and electricity networks. However, they require an 8-metre wide exclusion zone either side of the gas pipe which runs underneath the highway verge to the front of the site, where semi-mature trees should not be planted.

South Yorkshire Police Architectural Liaison Officer: Recommends measures that could be incorporated into the proposal to reduce the opportunities for crime.

#### *Appraisal*

The main issues with the application include whether the Green Belt reason for refusal of the previous application can be sustained and whether enough information has been submitted to overcome the highways, transport, ecology/environment and out-of-centre location reasons for refusal.

#### **ACCEPTABILITY OF THE SCHEME IN VIEW OF THE UDP BUSINESS ALLOCATION OF LAND AND ADJOINING GREEN BELT**

The site is in an open gap of countryside separating Maltby from Hellaby, although there is adjacent commercial/industrial development on the opposite side of the road from the site. The land was allocated for business development in the UDP (therefore allowing an office development in accordance with Policy EC3.2 of the UDP) in anticipation of a proposed new road (re-alignment of A631) to be built to the south of the site which would separate it from the Green Belt land to the south and form a logical boundary for the Green Belt.

The previous application was refused because of concerns over the impact on the Green Belt should the proposed new road to the south of the site be abandoned. The new road has now been officially abandoned and therefore this places more pressure to resist the development on the grounds of impact on the adjoining Green Belt.

However, since the previous application was refused, an opinion from the Council's Legal Services has been received stating that, despite the abandonment of the road scheme, the allocation of land for business development in the UDP is still valid. The determination of planning applications must be made in accordance with the Development Plan under Section S.38 (6) of the Planning and Compensation Act 2004. There is nothing in the UDP to state that the land could become Green Belt if the proposed road scheme had become abandoned.

There is a current review of the Development Plan for the Borough - the "Local Development Framework". However, at this stage, the review of the Green Belt has not been undertaken and been approved by the government. Despite the concerns over the impact of the development on the Green Belt in the absence of the proposed road link, for the above legislative and policy reasons, the Green Belt reason for refusal

*attached to the previous planning application should not be repeated for this current planning application.*

#### **IMPACT OF PROPOSAL ON VITALITY AND VIABILITY OF TOWN CENTRES**

*'Planning Policy Statement 6 – Town Centres' (PPS6) aims to ensure that certain uses, including retail and offices, are located in town centres in order to protect their vitality and viability. As the site is not in a town centre, PPS6 therefore requires applicants to submit a "Sequential Test" document to assess alternative sites within, or closer to, town centres in order to justify if an office development could be allowed outside of the centres.*

*It is important to note that PPS6 was published after the UDP was adopted and despite land being allocated in the UDP for business, there is still a requirement for the applicants to demonstrate that no more suitable sites exist closer to the centres. Also, the Regional Spatial Strategy for Yorks and the Humber (RSS) was adopted in 2008 and Policy E2 "Town Centres and Major Facilities" states that the centres of regional, sub-regional and principal towns should be the focus for office development. As the site is not within these centres, this further supports the need for an adequate assessment of centres.*

*The information in the document submitted with the previous application was considered insufficient to convince the Council that no more suitable sites exist closer to the centres, and in particular, there was no information relating to the main centre of the Borough, Rotherham town centre. Therefore the application was refused for this reason. The document was updated for this current application but was also deemed deficient due to the absence of the assessment of Rotherham town centre, instead concentrating on other more minor centres in the Borough. A revised document, dated February 2009, was eventually submitted with the required information included.*

*The document has concluded that there are no realistic alternatives that would be suitable or are available within, or closer to, the main centres within the Borough. Particular emphasis was placed on the sites at New York Riverside in Rotherham Town Centre. However, it is conceded that the on-site infrastructure is not at a stage of advancement that could accommodate a proposal of this scale and therefore the site is not seen as a realistic alternative.*

*Looking in closer proximity to the Maltby site, specifically within the Bramley, Wickersley and Maltby centres and edge of centres, although these sites would by reason of their location be preferable in PPS6 terms, they do not present opportunities to accommodate the nature of development proposed.*

*It is therefore considered that the application can no longer be refused on the basis of being an inappropriate location for offices, due to the demonstration by the applicants of the absence of more suitable sites closer to the centres.*

*In terms of other policies in the RSS relating to economic-related development, Maltby is designated in the RSS as a "Local Service Centre" and one of the aims for such centres, as outlined in Policy YH6 'Local Service Centres' is to "support economic diversification". It is considered that the office development is in line with this aim. Policy E3 'Land and Premises for Economic Development' also states that use should be made of current land allocations for economic development.*

## IMPACT ON HIGHWAYS AND TRAFFIC

*The previous application was refused due to insufficient information to demonstrate the impact of the development on the surrounding road network. There are concerns over current traffic levels on Rotherham Road. More information assessing the impact on traffic has been submitted with this new application.*

*The Council's Transportation Unit is satisfied with the level of information and has concluded that although the development would lead to some increase in the number of vehicles using the road, the increase in traffic would not be so high as to cause significant additional problems on the road network.*

*However, the Highways Agency remain unsatisfied with the level of information to demonstrate the impact of traffic on the strategic highway network, including the nearby M18 motorway and its junction with the A631. Therefore this current application should be refused for this reason. Policy T6 of the UDP, 'Location and Layout of Development', seeks to avoid the development of sites which cause unacceptable traffic congestion on motorways and local approach roads and therefore, due to the absence of information in which to assess this, the proposal is considered to be contrary to this policy.*

## SUSTAINABILITY OF PROPOSAL

*The amount of parking spaces is considered to be acceptable. The Council's Interim Parking Standards require one space per 35 sq.m of office floorspace for a B1 office development of this size. This is a maximum figure and is consistent with advice in PPG13 which requires restricted parking in the interests of encouraging the use of more environmentally-friendly modes of transport. The current scheme would warrant a maximum number of parking spaces of 139 under the Council's Parking Standards, 154 under the Regional Spatial Strategy and approximately 160 under PPG13. The proposed development would provide 102 spaces which equates to 1 space per 45 sq.m. This would be considered acceptable if the supporting Travel Plan demonstrated that the other steps taken by the developer to encourage alternative modes of transport to the site were clearly set out.*

*In this instance it is noted that the applicant has offered a financial contribution towards possible future Traffic Regulation Orders in the vicinity of the site, such as the requirement for double yellow lining within the site itself (on the adopted section of road), and on the A631 at the front of the site so as to prevent parking. However, it is not considered that such a contribution could be requested as part of a S106 legal agreement as it is subject to separate legal controls. For example, an objection to any TRO would lead to a public inquiry held by the Department of Transport which could ultimately lead to the TRO being rejected. This is out of the control of both the applicant and the Council. As such, the development should be assessed on the basis of the development taking place without such a contribution and without such TROs taking place. It is noted that Rotherham Road is a high frequency bus route and the Council has agreed in principle a bus priority scheme along this part of the A631 (including bus lane on the site frontage). Cycle parking is to be provided by the developer along with a contribution for the provision of bus shelters at the nearby bus stops.*

*However, based on the information submitted with the Transportation Assessment the Transportation Unit considers that the development would lead to indiscriminate parking*

*and manoeuvring in the A631 at the front of the site and on the access road within the site itself which in turn would have an adverse effect on the free and safe flow of other traffic and on the success of the measures proposed in the Travel Plan.*

## **THE ECOLOGICAL AND ENVIRONMENTAL IMPACT OF THE PROPOSAL**

*There is some ecological value within the site due to the presence of the brook which supports water voles (a protected species) and priority wetland habitats. The previous application was refused because the ecology assessment, despite being deemed acceptable, did not contain a "mitigation strategy" to outline how the recommendations from the protected species survey report will be implemented. There were also no details of landscaping and therefore the scheme was refused on both ecological and environmental grounds.*

*With regard to ecology, this current application now includes a range of mitigation measures and these are considered acceptable. These include the retention of a 3m wide corridor either side of the brook in the interests of the water voles. In addition to this, other measures include the retention of the side hedgerow and the creation of a new boundary hedgerow. A long-term management plan is advised to ensure the ecological interest of the site is maintained and this would be achieved via the S106 agreement that the applicants are prepared to enter into.*

*A landscaping scheme has been submitted and includes a 12m wide tree-planting buffer separating the Green Belt from the development and which would provide screening of the development from the Green Belt. This is a welcome addition to the scheme and ensures that the proposal would comply with UDP Policy ENV1.4 which seeks to protect the character of adjacent Green Belt land. There is also hedgerow and tree planting within the site which would also compensate for the loss of the only significant tree within the site, a crack willow, which is not worthy of protecting due to its condition and limited future prospects. This therefore accords with the aims of policies ENV2 and ENV2.3 of the UDP.*

*The main concern with the environmental measures is the inability to include necessary tree planting at the front of the site to help provide some greenery and screening of development when viewed from the road. This is especially important due to the edge-of-town location characterised by the proximity to open countryside, and also the visibility of the site from Rotherham Road, a primary route.*

*Overall, the ecological aspects of the proposal and most of the landscaping strategy would comply with UDP policies ENV1.4 'Land Adjacent to the Green Belt', ENV2 'Conserving the Environment', ENV2.3 'Maintaining the Character and Quality of Environment' and ENV3.2 'Minimising the Impact of Development' and also PPS1 and PPS9.*

*However, the site plan clearly shows semi-mature trees proposed to be planted along the highway verge to provide some screening of the site. However, a gas main lies underneath the verge and National Grid require an 8-metre wide exclusion zone free of semi-mature trees either side of the pipe for maintenance reasons. The applicants would also require a licence from the Council to plant in the verge as it is public highway. There is no guarantee this could be acquired especially with the presence of mains underneath. It is therefore not possible to maintain trees in the verge in the long-term and therefore alternative planting would be needed within the ownership of the*

applicant. However, due to the layout of development, there is insufficient space between the front boundary wall and the frontage buildings in which to place significant trees.

Policy ENV3.1 'Development and the Environment' states that development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to, amongst other things, screening and landscaping. However, with this scheme, it is not possible to provide adequate landscaping close to the road in front of the development, due to the siting of the buildings so close to the front boundary. This does not make a positive contribution to the environment and the proposal is therefore contrary to Policy ENV3.1 of the UDP.

In terms of other environmental aspects of the scheme, sustainable building features such as green roofs, water storage and solar panels are a welcome addition to the proposal. However, these do not outweigh the concerns over the overall appearance of the environment due to the above landscaping constraints.

## DESIGN AND LAYOUT OF DEVELOPMENT

One of the main changes to the scheme is the appearance of the buildings, which although of similar siting and scale, have a modern flat-roofed design in sharp contrast to the traditional pitched roof design visible in the previous scheme. This would not be considered to be harmful to the character of the locality where no particular building style dominates and comprises mostly large industrial/garage buildings with no real architectural merit. The reduction in height of the buildings from the previous scheme would help to reduce their prominence and impact on nearby residents although this does not alleviate the need for tree planting close to the road as already outlined in this report, as required by Policy ENV3.1.

The layout of development remains very similar to the previous scheme and is considered acceptable.

## DRAINAGE AND FLOOD RISK

A Flood Risk Assessment has been submitted and this has been approved by the Environment Agency subject to sequential information to demonstrate that development is located in the parts of the site posing the least flood risk. This is because a small part of the site (land immediately adjacent to the brook) is within Flood Zone 3 (High Risk). The applicant has stated that the development has been orientated so that the parking areas and not the buildings are within the zone and that the proposed sustainable drainage, green roofs and grass-crete help to reduce water run-off. The Council accepts this statement. The flood risk and drainage aspects of the previous scheme were also considered acceptable. The proposal complies with Policy ENV3.2 'Minimising the Impact of Development' and PPS25 'Development and Flood Risk' in this respect.

There is a sewer running underneath the siting of some of the proposed buildings. However, Severn Trent do not object to the proposal and consider that the sewer can be diverted by the applicants.

## ARCHAEOLOGY

South Yorkshire Archaeology have identified that the site potentially is of archaeological interest and have requested a condition be imposed on any permission granted requiring a programme of investigation works be undertaken on the site prior to any development taking place.

### Conclusion

Despite the refusal of the previous office scheme based on the impact of the adjacent Green Belt, the site remains allocated for business development in the UDP and development proposals should therefore be determined in accordance with the Development Plan. The applicants have also demonstrated that no more suitable sites exist in Rotherham town centre and other centres for the proposed office scheme and therefore the proposal complies with PPS6. Further details and information have also been submitted to overcome previous sustainability and environmental related reasons for refusal. However, the impact on traffic levels on the strategic road network remain a concern and therefore the proposal is contrary to UDP Policy T6 'Location and Layout of Development' and PPG13 'Transport' which aims to reduce traffic. The level of landscaping of the site in the interest of the appearance of the area is also considered to be deficient and therefore the proposal is considered to be out of keeping with the surrounding environment and therefore contrary to UDP Policy ENV3.1 'Development and the Environment' and PPS1 'Delivering Sustainable Development' which requires that a high quality of design and layout be incorporated for all development proposals.

**RB2008/1857**

**Application to modify existing Hazardous Substance Consent (RB2007/1118 HAZ) associated with the storage and use of chemicals at Victrex Manufacturing, Gin House Lane, Thornhill for Victrex Manufacturing Ltd.**

**RECOMMENDATION: GRANT CONDITIONALLY**

### Conditions Imposed:

01

The Hazardous Substance Consent hereby granted shall relate to the area shown on the approved plan (site plan drawing number D3510).

02

The hazardous substances shall only be kept in the areas marked for storage on the approved plan ("Substance Location Plan – Proposed", Drawing No. C620 issue 5) and used in accordance with the details provided on the application form and accompanying information.

03

The concentration of sodium nitrite solution present in storage vessels will not exceed 40%w/w.

04

The concentration of aqueous hydrofluoric acid, present in storage vessels, shall not exceed 60% w/w.

05

The transfer of any substance from a road tanker containing sodium nitrite solution, aqueous hydrofluoric acid or sulphuric acid shall only be carried out between the hours of 8:00 and 20:00 on any day.

06

[WC51] Suitable precautions shall be taken by the developer to prevent pollution of any adjoining watercourses or the underlying strata arising from operations on site. Any fixed fuel and oil supply tanks must be surrounded by bund walls of sufficient height so as to contain at least 110% of the storage capacity of the tanks and any associated pipework in the event of a spillage. The floors and walls of the bund must be impervious to water and oil.

07

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or by soakaways.

08

The hazardous substances shall not be kept or used other than in accordance with the application particulars provided in the Hazardous Substances Consent Application Form, nor outside the areas marked for storage of the substances on the plan which formed the application.

**Reasons for Conditions:**

01

To limit the extent of the consent and for the avoidance of doubt.

02

To limit the extent of the consent and for the avoidance of doubt.

03

Stronger solutions would generate toxic vapours at a greater rate if involved in an incident.

04

Stronger solutions would generate toxic vapours at a greater rate if involved in an incident.

05

To reduce the potential hazard during the transfer of hazardous substances.

06

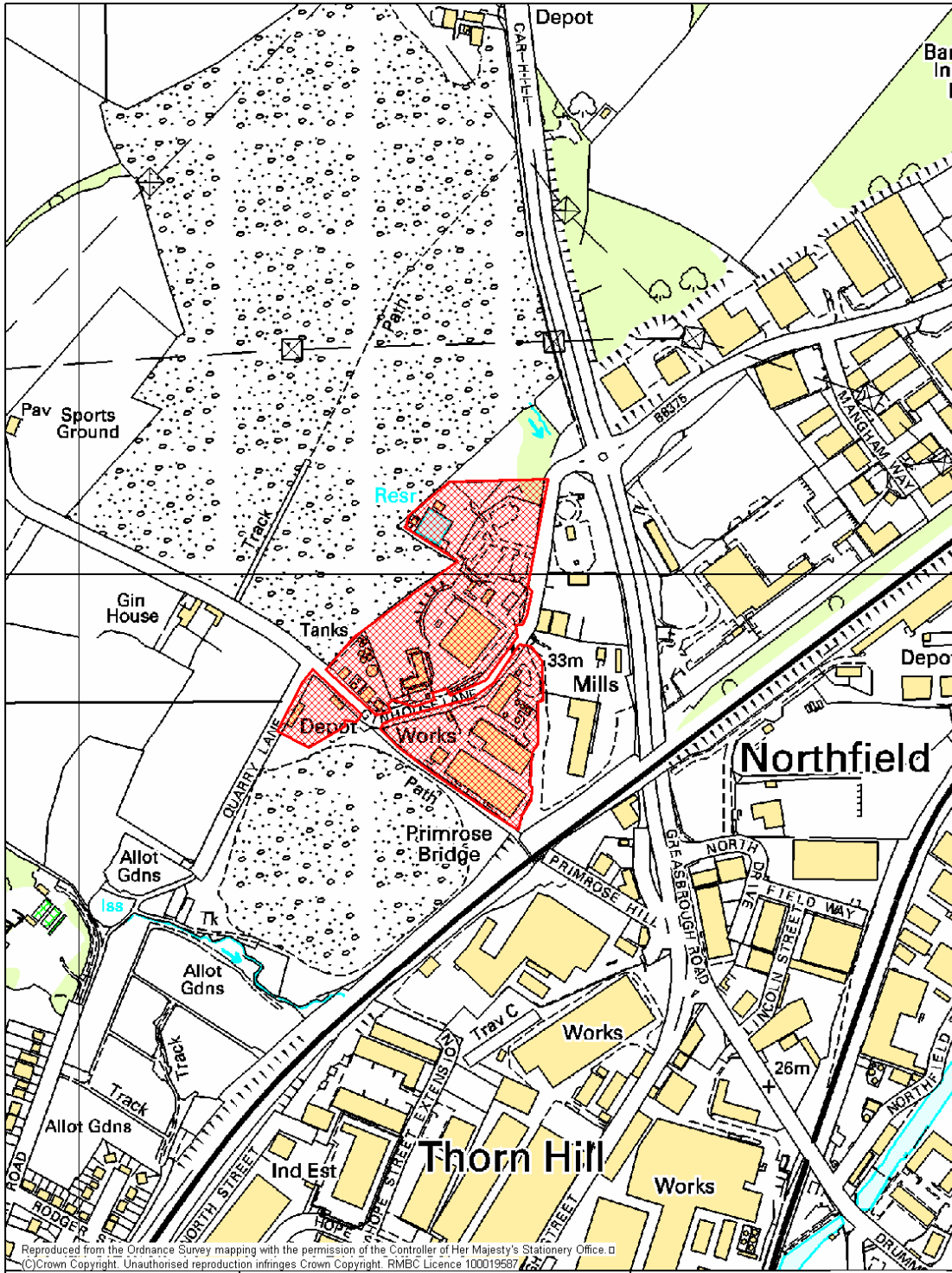
[WR51] To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses.

07

[WR51] To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses.

08

To limit the extent of the consent and for the avoidance of doubt.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright. RMBC Licence 100019587

Scale 1:5000  
 Date: 04/03/2009  
 Map Centre: □  
 442402,393864



Rotherham MBC  
 Env't & Dev't Services □  
 Bailey House □  
 Rawmarsh Road □  
 Rotherham S60 1TD □  
 □

**Rotherham**  
 Metropolitan  
 Borough Council  
 Where Everyone Matters

## Background

The Planning (Hazardous Substances) Act 1990 requires hazardous substances consent to be obtained for the presence of hazardous substances at or above specific amounts set out in the Planning (Hazardous Substances) Regulations 1992, as amended by the Planning (Control of Major Accident Hazards) Regulations 1999.

The site comprises a fluoride and plastic manufacturing plant operating under hazardous substance consents 1992/6HS, 1994/1142, 1998/1106, RB2000/460, 2000/0870, 2000/0878, RB2001/0871 and RB2007/0018.

Victrex wish to alter the amount of hazardous substances kept on the site and therefore have submitted this current application.

## Site Description

Victrex occupies large sites either side of Gin House Lane. Green Belt land lies to the north-west. Allocated Green Space lies to the south-west. Other industrial uses lie to the east. The site is not within a flood plain. The nearest dwellings lie approx 400 metres from the boundary of the site.

## Proposals

The application is required to alter the amount of hazardous substances currently used and stored within the site. No new substances would be introduced. The previous hazardous substance consent application, which was granted consent in 2007, includes an inventory of the substances stored and used on site (ref RB2007/0018) and their amounts and this information has been included in the current application. The amounts are proposed to be altered as follows:

- an increase in the amount of waste fluoroboric acid used and stored from 87 to 115 tonnes
- a decrease in the amount of aqueous hydrofluoric acid (on 60% HF basis) used and stored from 200 to 160 tonnes

These changes are associated with proposed plant improvements which will replace and alter equipment currently used for the processing of dangerous substances.

## Development Plan Allocation and Policy

The site is within an area allocated for industrial and business uses in the Rotherham Unitary Development Plan (adopted 1999).

## Publicity

The application has been advertised by way of a site notice and the occupiers of nearby commercial and residential properties have been notified via letters. In addition, a Notice of Application Certificate was published in the press by the applicants as required under The Planning (Hazardous Substances) Regulations 1992. RMBC has not received any letters in response. The applicant has requested the right to speak at the meeting.

### Consultations

*Health and Safety Executive: HSE have concluded that the risks to the surrounding population arising from the proposed variation to operations are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent.*

*Environment Agency: No objection*

*RMBC Environmental Health: The section envisages no significant loss of amenity by virtue of noise, air quality or land pollution impact.*

*RMBC Transportation Unit: No objection*

### Appraisal

*The role of the Council as Hazardous Substance Authority is to consider whether the proposed storage of the substances is appropriate in this particular location having regard to the risks arising to people in the surrounding area and to the environment.*

*No objections have been raised by the Health and Safety Executive, Environment Agency or the Council's Environmental Health Section to the increase in the use and storage of waste fluoroboric acid and decrease in the amount of aqueous hydrofluoric acid used and stored within the site. The application had been advertised accordingly and no letters of objection had been received from residents. The nearest dwellings are approximately 400 metres from the site boundary.*

*It is therefore considered that the changes in the volumes of the above chemicals stored and used for manufacturing purposes within the site would not lead to a significant increase in the health and safety risk to residents or to the general surrounding environment.*

*It is therefore recommended that Hazardous Substance Consent be granted subject to conditions.*

**RB2008/1896**

**Demolition of existing building and erection of 2 No. two storey dwellinghouses with rooms in roofspace & dormer windows to front, 12 No. two storey dwellinghouses and associated garages at Ernest Bennett (Sheffield) Ltd., Main Street, North Anston for Moorfield Homes Ltd.**

**RECOMMENDATION: GRANT CONDITIONALLY**

**STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION**

1. Having regard to the Development Plan and all other relevant material considerations as set out below:

a) Development Plan:

Policy ENV1 'Green Belt'

Policy ENV3.1 'Development and the Environment'

Policy ENV2.11 'Development in Conservation Areas'

Policy ENV1.4 'Land adjacent to the Green Belt'

Policy ENV3.7 'Control of Pollution'

Policy ENV4.4 'Contaminated Land'

Policy HG4.3 'Windfall Sites'

Policy HG5 'The Residential Environment'

b) Other relevant material planning considerations:

(i) Supplementary Planning Guidance

Environment Guidance 3: 'Development in Conservation Areas'

(ii) Government Guidance

Planning Policy Statement 1: 'Delivering Sustainable Development'

Planning Policy Statement 3: 'Housing'

Planning Policy Guidance Note 15: 'Planning and the Historic Environment'

2. For the following reasons:

It is considered that this residential scheme including the demolition of existing industrial buildings and a former residential property is acceptable in design and conservation terms and would enhance the

character and appearance of the North Anston Conservation Area. It is also considered that the proposals would not harm the residential amenity of neighbouring residents or be detrimental to highway safety.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officer's report; the application case files and associated documents.

**Conditions Imposed:**

01 (PC97) Planning Layout revised from previously submitted layout drawing. Drawing No. DC-PL3-05-08-08-G, received 3<sup>rd</sup> March 2009.

02

(PC52) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

03

(PC24) 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.

04

(PC27) Before the development is brought into use the car parking area shown on the submitted plan shall be provided, marked out and thereafter maintained for car parking.

05

(PC29) Before the development is commenced road sections, constructional and drainage details of the adoptable highway, to include the roads, footways and shared surfaces shall be submitted to and approved by the Local Planning Authority.

06

(PC94) Prior to the commencement of development hereby approved, 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.

07

(PC92) Prior to the commencement of the development, the developer shall submit a site investigation report for the approval of the Local Planning Authority. The investigation shall address the nature, degree and distribution of contamination on site and its implications on the health and safety of site workers and nearby persons, building structures and services, final end users of the site, landscaping schemes and environmental pollution, including ground water, and make recommendations so as to ensure the safe development and use of the site. The sampling and analytical strategy shall be approved by the Local Planning Authority prior to the start of the survey and all recommendations and remedial works contained within the approved report shall be implemented by the developer, prior to occupation of the site.

08

Details of the design and specifications of all windows, including stone jambs, glazing bars, means of opening and all external doors shall be submitted to and approved by the Local Planning Authority before the development is commenced and all windows

and doors shall be constructed of timber and be set in reveals of a minimum depth of 150mm. The development shall thereafter be carried out in accordance with the approved details.

09

(PC12) 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.

10

(PC44\*) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the dwellings being first occupied.

11

[PC38C]

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. 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 and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

12 [PC38D]

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

13

The stone in the cottage known as No. 68 Main Street, North Anston shall be re-used within the scheme for the re-development of this site hereby approved in a manner to be agreed in writing with the Local Planning Authority prior to the commencement of development. The development shall be built in accordance with the approved details.

### **Reasons for Conditions:**

01

(PC97)

02

(PR52) To protect the character and appearance of the North Anston Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.

03

(PR24b) To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

04

(PR27) To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

05

(PR29) No details have been submitted they are reserved for approval.

06

(PR94) In order to promote sustainable transport choices.

07

(PR92) In the interests of the safe redevelopment and afteruse of this site and in accordance with UDP Policy ENV4.4 'Contaminated Land'.

08

To protect the character and appearance of the North Anston Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.

09

(PR12) 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'.

10

(PR44) In the interests of the visual amenity of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

11

(PR38C) To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

12

[PR38D] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

13

To protect the character and appearance of the North Anston Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.

### **Informatives**

(1) INF 11A Control of working practices during construction phase (Close to residential)

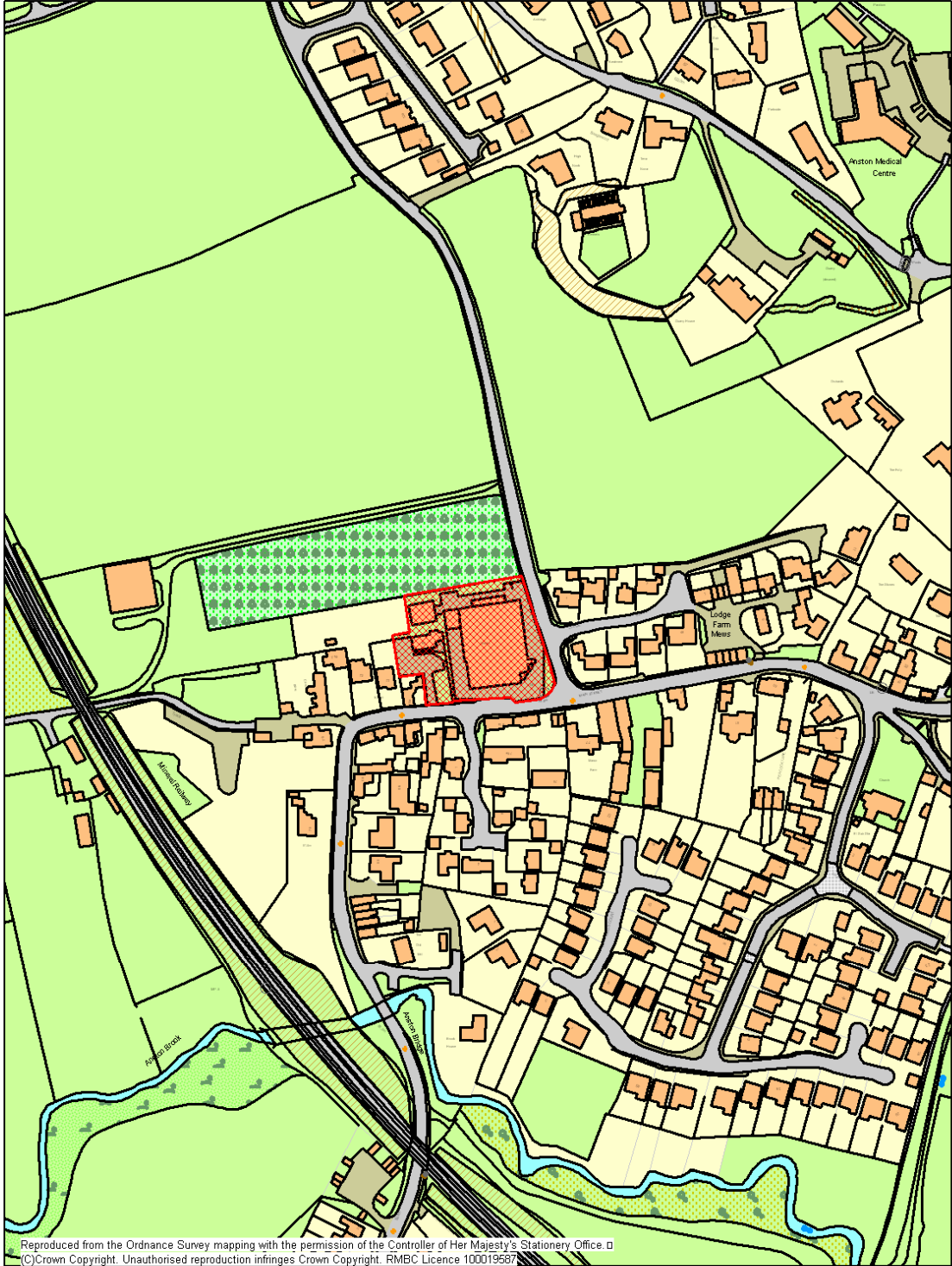
It is recommended that the following advice is followed to prevent a nuisance/ loss of

amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

- (i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
  - (ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).
  - (iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.
  - (iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.
- (2) Ground gas monitoring is required to determine the ground gassing regime at the site. It is recommended that gas monitoring be undertaken in accordance with CIRIA C665 guidance 'Assessing the risks posed by hazardous gases to buildings' and in accordance with the NHBC guidelines. This will enable a gas risk assessment to be undertaken to determine if gas protection measures are required for all proposed residential developments.
- (3) If remediation works are required to be undertaken at the site, a remediation method statement will need to be submitted to the Local Planning Authority for review and comment.
- (4) If subsoil's / topsoil's are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination.

- (5) Following completion of any remedial treatment works deemed necessary, a validation report may be required confirming that all remediation works have been undertaken. The report should enclose the chemical analysis details for materials imported to the site.
- (6) The site requires basic radon protection measures to be built into all the proposed developments on the site.
- (7) The following comments from the Architectural Liaison Officer should be taken into account:
  - (i) I would suggest that the development be built to achieve Secured By Design (SBD) certification. More information on SBD can be found at [www.securedbydesign.com](http://www.securedbydesign.com) then entering the section headed design guides and reading the document on new homes. Application forms for the scheme can also be found on this site and when completed should be forwarded to me.
  - (ii) I notice that vehicles on plots 3 and 4 will be expected to park in car ports. Garages would be a more secure option here, as per elsewhere on site.
  - (iii) The garages for plots 6 and 7 would, from a security perspective, be better sited further forward so that they were between the properties, filling that void and denying unwarranted access to the rear. This would also create larger, private rear gardens for both plots.
  - (iv) The site boundaries to the north and west that are to be retained need to be significantly repaired. The fences to the west are smashed and the hedge and fence to the north are in a poor state of repair. Neither will provide a secure boundary and I question whether the hedge will ever offer adequate security for the rear gardens. I would suggest lining the hedge with a run of 1.8m close boarded timber fencing.
  - (v) Plot 8, that will front on to Main Street, has nothing to stop would be offenders walking down the side of the house to access the less well observed rear. I would suggest the erection of a run of 1.8m hit and miss timber fencing with a similar styled lockable gate within, or 1.8m high metal railings and gate, from the front west corner of the house to the western boundary fence. I would also suggest that matching 1.8m high lockable gates are fitted between plots 9 and 10, 12 and 13 and to the side of plot 14. These gates will restrict access to the rear of the properties to residents only, and as they are 'see through' will allow offenders to be seen beyond them, should the gates be scaled.
  - (vi) As the car port for plot 3 is well set back, I would suggest the erection of a 1.8m high close boarded fence and gate to run from the car port's front eastern corner to the rear western corner of the home. This will deny unwanted access to the rear of the plot.
  - (vii) The plans suggest that the boundary wall to the side of plot 1 will be built to a height of 1.8m from the plot side. However as the roadside is a fair bit higher than the plot side, the wall on the roadside may stand only perhaps 1.2m high, and as such be easy to scale. I would suggest the addition of metal railings or

close boarded timber fence on top of the wall to leave it 1.8m high from the roadside (Section C-C appears to suggest that this is to be done).



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright. RMBC Licence 100019587

<p>Scale 1:2500 Date: 04/03/2009 Map Centre: □ 451616,384485</p>		<p><b>Rotherham MBC</b> Env't &amp; Dev't Services □ Bailey House □ Rawmarsh Road □ Rotherham S60 1TD □ □</p> <p><b>Rotherham</b> Metropolitan Borough Council Where Everyone Matters</p>
--	--	---

## Background

*KP1963/1582: Outline for residential development - REFUSED 09/03/64*

*RB1975/0361: Outline for extn of factory for mnfctr & servicing of saws & use land as car park - GRANTED CONDITIONALLY 31/03/76*

*RB1976/0238: Details of new production bay & stores (reserved by sect52 agreement) - GRANTED 16/06/76*

*RB1979/3266: Extn under canteen for works stores - GRANTED CONDITIONALLY 22/11/79*

*RB1980/4027: C of u of dwellinghouse to managing directors office & visitor reception - GRANTED CONDITIONALLY 22/01/81*

*RB1982/0247: Conv of part of exist house to offices - GRANTED 19/05/82*

*RB1986/0114: Two storey extension to provide workshops - GRANTED 20/03/86*

*RB1989/1176: New production building extension to existing factory - GRANTED CONDITIONALLY 19/10/89*

*RB1991/0154: Ground floor workshop extension - GRANTED CONDITIONALLY 18/04/91*

*RB1995/0152: Ground floor workshop extension - GRANTED CONDITIONALLY 21/03/95*

*RB1997/0703: Erection of storage building - GRANTED CONDITIONALLY 28/07/97*

*RB2001/1259: Workshop extension - GRANTED CONDITIONALLY 07/11/01*

*RB2008/0626: Demolition of existing building and erection of 2No two storey dwellinghouses with rooms in roofspace & dormer windows, 12No two storey dwellinghouses and associated garages - WITHDRAWN 08/07/08*

*RB2008/0627: Conservation Area Consent for the demolition of industrial buildings - WITHDRAWN 08/07/08*

*A separate application for Conservation Area consent relating to the demolition of buildings on the site is also reported on this agenda (RB2008/1897).*

## Site Description & Location

*The site is situated off Main Street and has a road frontage to both Main Street and Penny Piece Lane in the village of North Anston. The site is within the North Anston Conservation Area. The site comprises of a factory building currently being used for the manufacture of saws. There is also an attractive detached vernacular cottage on the site, no. 68 Main Street that is currently used as offices at the site. The site has an area of approximately 0.36 hectares. The land to the north of the*

*site is a tree plantation and is designated as Green Belt.*

### Proposal

*The proposals are the re-submission of a previously withdrawn scheme for the demolition of all the buildings on the site and the erection of 14 dwellings.*

*The proposals are to demolish the existing factory building on the site and the cottage no. 68 Main Street. The proposed development comprises of 11no. two storey dwellinghouses and 3 no. two storey dwellings with rooms in the roofspace. The overall layout of the site presents a street frontage to Main Street with a pair of 'corner turning' dwellings to the junction of Main Street and Penny Piece Lane. The dwellings would have vehicular access off a newly formed access road off Penny Piece Lane with a street frontage formed to this road. No dwellings would have vehicular access taken from Main Street. There would be properties to the north of this access road and to the turning head.*

*There are 10 different house types planned for the development, with differing sizes of outdoor amenity space and some dwellings with detached garages and others just with off road parking spaces. The density of the development is approximately 38 units per hectare with the dwellings being a mix of three bedroomed and four bedroomed properties.*

*The materials used for the dwellings would be stone for the external walls and red clay pantile roofs. There would be chimneys to all plots except plots 4, 5 and 6 which would be set within the development and would not be prominent from either Main Street or Penny Piece Lane.*

*The windows and doors are proposed to be white UPVC and the access road would be block paved. A landscaping scheme and a scheme for the boundary treatment of the site have also been submitted with the application.*

*Six plots are identified as being within that part of the site designated as Green Belt.*

*The applicants have submitted a site investigation report with the application, which addresses issues of possible contamination on the site, and an arboricultural survey of the site.*

*Further to this proposal being considered by Planning Board at the 26<sup>th</sup> February Meeting, Members requested that the distance between Plot 8 and No. 68a Main Street be increased to avoid it appearing overbearing to the occupiers of this property. The applicants have agreed to increase this distance by 1 metre by moving the proposed dwelling on Plot 8 closer to that on Plot 9 and have submitted revised plans showing this. Members also requested an additional condition be appended which requires that the stone from the cottage, which is proposed to be demolished is re-used within the development.*

### Development Plan Allocation and Policy

*The site is mostly allocated residential, though part of the site to the north is allocated as Green Belt in the Rotherham Unitary Development Plan. The*

application site is within the North Anston Conservation Area.

#### *Policy ENV1 'Green Belt'*

*"A Green Belt whose boundaries are defined on the Proposals Map will be applied within Rotherham Borough. In the Green Belt, development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area. The construction of new buildings inside the Green Belt is inappropriate unless it is for the following purposes:*

- (i) agriculture and forestry (unless permitted development rights have been withdrawn),*
- (ii) essential facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it,*
- (iii) limited extension, alteration or replacement of existing dwellings, and*
- (iv) limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG2 (Green Belts) and PPG3 (Housing)."*

*Policy ENV3.1 'Development and the Environment' states that "development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, screening and landscaping".*

*Policy ENV2.11 'Development in Conservation Areas' states that "In respect of designated Conservation Areas, the Council:*

- (i) will not permit development (including changes of use, alterations and advertisement display), demolition and work to trees which would adversely affect their architectural or historic character or visual amenity, except that very limited exceptions to this policy may be accepted when compelling justification exists;*
- (ii) will not be granted consent to demolish buildings which make a positive contribution to them unless every possible alternative course of action has been satisfactorily discounted and, if for the purposes of redevelopment, only when the development has been granted planning permission and is subject to a legally agreed commitment and timing;*
- (iii) will not grant planning permission on the basis of outline applications unless, having considered such details of the proposal as may have been required to be submitted, it is satisfied that the impact of the proposal on their character can be properly assessed on that basis;*
- (iv) will have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character".*

*Policy ENV1.4 'Land adjacent to the Green Belt' states that "In areas adjacent to the Green Belt, development should be sympathetic to the visual amenity and environmental quality of the Green Belt".*

*Policy ENV3.7 'Control of Pollution', states that "in consultation with other appropriate agencies, the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.*

*Planning permission will not be granted for new development which:-*

- (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards,*
- (ii) Would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects arising from existing industries, utility installations, major communication routes or other major sources."*

*Policy ENV4.4 'Contaminated Land' states that "Where land that may be contaminated as a result of previous uses, is proposed for development the Council will need to be satisfied that the applicant has:*

- (i) undertaken investigations to establish the nature and extend of the contamination and its potential effects on the proposed development and/or the occupants thereof, and*
- (ii) provided details of the measures proposed for the removal and/or treatment of the contamination which will not cause or increase pollution in the environment, particularly to watercourses and ground-water resources. Where permission is granted, such measures will be imposed as planning conditions to be implemented prior to commencement of development or within a timescale agreed with the Council".*

*Policy HG4.3 'Windfall Sites' states that "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in light of their:*

- (i) location within the existing built-up area and compatibility with adjoining uses, and*
- (ii) compatibility with other relevant policies and guidance."*

*Policy HG5 'The Residential Environment' states that "development will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone."*

### *Other Material Considerations*

### *Supplementary Planning Guidance*

*Environment Guidance 3: 'Development in Conservation Areas' states that the Council will "promote high standards of design within Conservation Areas so that development fits the locality in terms of scale, massing, density and detailed physical characteristics".*

### Government Guidance

*Planning Policy Statement 1: Delivering Sustainable Development states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. It also states that good design should be integrated into the existing urban form and the natural and built environment.*

*Planning Policy Statement 3: Housing is also applicable to this proposal. This suggests that development should be well integrated with and complement the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.*

*Planning Policy Guidance Note 15: Planning and the Historic Environment states that in Conservation Areas “special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis and detailed design (e.g. the scale and spacing of window openings, and the nature and quality of materials).”*

### Publicity

*The application was advertised by neighbour notification letter and by press advertisement and site notice. Seven letters of representation have been received from neighbouring residents, six objecting to the proposals and one in support though suggesting amendments to the scheme. Four objectors have requested their right to speak at the Planning Board meeting. The main objections can be summarised as follows:*

- *The proposal represents an overdevelopment of the site, with too many dwellings and would create disruption for neighbours in terms of increase in noise and traffic from the proposals which could be detrimental to highway safety within the locality.*
- *The proposal will result in a loss of local village employment which would harm the character of the village.*
- *Plot 8 is located 12 metres from the neighbouring property no. 68a Main Street which the resident of this property considers to be overbearing. The resident also requests that the 12 metres distance from his property be measured from his ground floor living room window and not from the main wall of the house.*
- *Objections have been raised to the demolition of the cottage on the site, which the objectors consider to preserve the Conservation Area.*
- *The proposals would be dangerous in terms of the additional traffic to the site and with the people living in the houses parking their cars on roads around the site.*

*The comments raised by the local resident not specifically objecting are:-*

- *The proposals for the revised scheme are an improvement on the earlier scheme in terms of the appearance of the properties and increased parking arrangements on the site.*
- *The proposals would benefit from the use of timber windows and doors and not UPVC.*

*In addition, Anston Parish Council has objected to the proposals raising the following comments:*

- The proximity of the properties to the footpath on Main Street.*
- Concern is expressed regarding the number of dwellings proposed on the site.*

*The Parish Council have requested that Members' visit the site.*

### *Consultations*

*The Council's Transportation Unit: No objections subject to conditions relating to on site parking provision, details of the road sections, footway, visibility splays and shared surfaces, and submission of a scheme detailing how the use of sustainable/public transport will be encouraged.*

*Director of Environmental Health Service: Were consulted on the application in relation to the possibility of contamination of the land on the site as industrial processes have taken place. They have made the following comments relating to the possible contamination of the site and the site investigation report submitted.*

*"The industrial processes undertaken at the site are a potentially significant source of contamination and the site may have ground contamination associated with past and present usage. There is also potential for ground gas to exist from within the made ground at the site, from nearby closed landfill sites, from coal measure strata beneath the ground and from possible backfilled limestone / dolomite quarries near to the site.*

*Further investigations will be required to assess the likely ground conditions and potential geotechnical and environmental constraints at the site, which may affect the proposed residential development."*

*The Environmental Health Service recommend a number of conditions relating to the further investigation of the site to avoid harm to human health from the residential redevelopment of the site. An informative is also recommended relating to working practices during construction at the site.*

*The Council's Conservation Officer: No objections are raised to the demolition of the factory building or the cottage on the site. The cottage, No. 68 Main Street on the site, is not deemed to be of special interest and it is accepted that the cottage cannot be incorporated into the scheme. No objections are raised to the layout of the development or the design of the dwellings.*

*Police Architectural Liaison Officer: Several comments have been made regarding the proposals. These comments shall be relayed to the applicants by way of an informative.*

*Severn Trent Water: No objections.*

*Streetpride, Trees and Woodlands: No objections.*

## Appraisal

*There are a number of significant issues that this application raises including: (i) the principle of the development including the loss of employment land within North Anston and the principle of residential development over part of the site which is designated as Green Belt. (ii) The impact of the proposals on the openness and character of the Green Belt. (iii) the impact of the proposals on the amenity of neighbouring residents. (iv) the quality of the residential environment created for the occupiers of these proposed dwellings. (v) The design and appearance of the proposed development and the impact on the North Anston Conservation Area, which includes the loss of the existing vernacular cottage no. 68 Main Street. (vi) Highway safety. (vii) the environmental health impact of the proposals.*

### *(i) Principle of Development*

*This site falls within the main village envelope of North Anston though is adjacent to open countryside. The allocation of the site in the Unitary Development Plan is mainly residential though a portion of the site to the north is allocated as Green Belt. Though it is acknowledged that the re-development of this site would lead to a loss of employment in the village of North Anston, the site is within a residential area and is relatively remote from the main road network which would be more appropriate for industrial premises it is considered that as this site is within a predominately residential area and as there is no policy presumption to protect this site for employment use, the change of use of this site from industrial to residential is considered to be appropriate and would not harm the provision of industrial and commercial premises within the Borough. It is also noted that the current owners of the site Ernest Bennett (Sheffield) Ltd, are wishing to move to new premises in Dinnington and are not intending to close down or leave the Borough.*

*In respect of development within the Green Belt, Policy ENV1 'Green Belt' states that "development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area." Though it is noted that part of this site is allocated as Green Belt the site is entirely previously developed with most of the area designated as Green Belt being currently occupied by industrial buildings. There is not significant green open space on the site.*

*Though new dwellings are usually not acceptable development in the Green Belt it is noted that this site is within the village of North Anston, and is previously developed for an industrial purpose. In addition much of the land within the Green Belt would be used as garden areas for the proposed dwellings. As such, it is considered that very special circumstances to justify the residential development of this site have been demonstrated.*

### *(ii) Impact on Green Belt*

*With regard to the impact on the Green Belt it was previously noted that the site is currently developed by a utilitarian industrial building. As such it is considered that the residential development of the site in the form demonstrated on the submitted plans, subject to suitable landscaping and boundary treatment, would not harm the setting of the adjacent open countryside or present a greater visual intrusion into the Green Belt, notwithstanding the fact that the new dwellings would be slightly*

higher than the existing utilitarian industrial buildings. The proposals would, therefore, comply with Policy ENV1.4 'Land adjacent to the Green Belt'.

*(iii) Impact on neighbouring residents*

*With regard to the impact on the occupiers of 68a Main Street, the previous withdrawn application sited the nearest property only 8 metres away from the boundary of this dwelling which was considered to be unacceptable and to harm the outlook of the residents therein. However, further to negotiations with the applicants and concerns from Members the layout of the site has been revised to set the nearest proposed dwelling, plot 8, 13 metres away from the principle elevation of no. 68a Main Street. This proposed property would have the majority of its outdoor amenity space between the side wall of the property and no. 68a Main Street with a stone wall to the boundary.*

*Supplementary Planning Guidance Housing Guidance 3: Residential infill plots, though not specifically relevant to this application, does set out a number of criteria for the spacing and layout of new dwellings in relation to neighbouring properties. One such recommendation is that inter house spacing should provide a distance of a minimum of 12 metres between a principle elevation of a dwelling and an elevation with no habitable room windows. It is therefore considered that the location of the blank elevation of plot 8 is sufficiently distant from the principal elevation of the neighbouring property (13m), such as not to harm the outlook of residents therein.*

*With regard to the impact of the proposals on the amenity of other neighbouring residents, the previous scheme was considered to overlook the private garden areas of a number of dwellings. Supplementary Planning Guidance Housing Guidance 3: Residential infill plots, sets out a number of criteria relating to spacing and layout of dwellings, which stipulates a minimum distance from principle windows on the first floor of a dwelling to be a minimum distance of 10 metres to the boundary of a neighbouring curtilage. Further to negotiations with the applicants the revised layout provides a minimum distance of 10 metres from the rear elevations of each dwelling to the boundary of the curtilage of each neighbouring dwellinghouse. Whilst part of the rear elevation of plot 6 is at a distance from the curtilage of the neighbouring dwelling of only 9 metres, the neighbouring dwelling itself is a considerable distance from this property. The level of overlooking of the garden area of this property is not sufficiently harmful to justify refusing planning permission on this basis. In view of the above it is considered that the proposals comply with Policy ENV3.1 'Development and the Environment'.*

*(iv) The Residential Environment*

*The total size of the site is approximately 0.36 hectares with an approximate density of 38 units per hectare. The site incorporates a number of properties of different sizes and designs with varying areas of outdoor space. It is not considered that the density would be out of character or inconsistent with the prevailing character of the immediately surrounding area, which is characterised by properties of different ages and styles at considerably varying degrees of density. It is also considered that each dwelling would have sufficient outdoor amenity space along with on site parking and the proposals are therefore not overdeveloping the site. It is therefore considered that proposals accord with the advice contained in*

Policy HG5 'The Residential Environment'.

(v) Design and Impact on Conservation Area

*The applicants have been in extensive negotiations with the Council over the design of the dwellings and the layout of the site. The layout of the units and their design has been considerably amended. With regard to the design of the dwellings, they are all to be faced in natural stone with clay pantile roofs. It is considered that the most sensitive areas in design terms are the frontage of the site with Main Street and the frontage to Penny Piece Lane. The design and layout of the scheme provides a strong street frontage to both roads, with properties fronting Main Street considered to have a traditional and vernacular appearance. It is considered that the design and layout of the dwellings are acceptable and would not harm the character and appearance of the North Anston Conservation Area and would visually enhance the Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.*

*However, it is considered that the appearance of the new dwellings would be improved by the use of timber windows and doors rather UPVC proposed, a neighbour who wrote a representation regarding the proposals also raised this point. Further to negotiations with the applicants they have agreed to accept the use of timber windows and doors, which is controlled by a recommended condition.*

*The scheme involves the comprehensive redevelopment of the site and would include the demolition of the large factory building on the site and the former residential property no. 68 Main Street. With regard to the factory it is considered that this building is of a utilitarian and modern appearance and has no special character. Therefore it is considered that the loss of this building would not be harmful to the character and appearance of the North Anston Conservation Area.*

*It is considered that the cottage No. 68 Main Street is an attractive building and though unlisted represents a good example of vernacular architecture within the village and contributes positively to the character and appearance of the Conservation Area. However, the Council's Conservation Officer has stated that the building is not of special interest and the applicants state that the incorporation of the building into the scheme was considered to be unviable, due to the location of the building in relation to the proposed new dwellings. The applicants have given a justification for the demolition of the building in that the loss of the building facilitates the comprehensive redevelopment of the site and that the overall proposals are of a high quality design with the buildings on site having no special architectural or historic interest. However, Members requested that the stone from the cottage be re-used within the scheme. It is therefore considered reasonable to request this under a condition to be appended to any planning permission granted. It is considered that the proposed scheme is of sufficiently high quality in terms of design, layout and materials to be used to justify the loss of this building which would allow for the comprehensive redevelopment of the site. It is therefore considered that the proposals are acceptable in design and conservation terms and would enhance the character and appearance of the North Anston Conservation Area and therefore accords with Policy ENV2.11 'Development in Conservation Areas' of the Unitary Development Plan, as well as guidance set out in PPG15.*

*(vi) Highway Safety*

*The Council's Transportation Unit have been involved in extensive negotiations with the applicants regarding the overall highways layout of the scheme. It is considered that further to these negotiations the proposals for the highway layout is acceptable in highway terms. As such, it is considered that subject to the recommended conditions relating to on site parking and details of the highway works to be submitted, the proposals would not be detrimental to highway safety.*

*(vii) Environmental Health Impact of the proposals*

*The Council's Environmental Health Service were consulted on the application in relation to the possibility of contamination of the land on the site. They have recommended a number of conditions and informatives relating to site investigations of the land to detect and to remediate the land to avoid any harm to human health in terms of possible contamination of the land. The impact of the development during the construction phase would be addresses by an informative.*

*Conclusion*

*In conclusion it is considered that this residential scheme including the demolition of existing industrial buildings and a former residential property is acceptable in design and conservation terms and would enhance the character and appearance of the North Anston Conservation Area. It is also considered that the proposals would not harm the residential amenity of neighbouring residents or be detrimental to highway safety.*

*As such Members are requested to grant planning permission for the proposals.*

**RB2008/1897**

**Conservation Area Consent for demolition of industrial buildings at Earnest Bennett (Sheffield) Ltd., Main Street, North Anston for Moorfield Homes Ltd.**

**RECOMMENDATION: GRANT CONDITIONALLY**

**STATEMENT OF REASONS FOR DECISION TO GRANT CONSERVATION AREA CONSENT**

1. Having regard to the Development Plan and all other relevant material considerations as set out below:

(i) Policy ENV2.11 "Development in Conservation Areas"

(ii) Other Material Considerations  
Planning Policy Guidance Note 15 'Planning and the Historic Environment'

2. For the following reasons:

The Council considers that the proposed demolition of the factory buildings and the former cottage, used as offices known as No. 68 Main Street, will not have an adverse effect on the visual amenities or the character and appearance of the North Anston Conservation Area, having regard to the alternative proposals for the redevelopment of the site.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant Conservation Area Consent. More detailed information may be obtained from the Planning Officer's report; the application case files and associated documents.

**Conditions Imposed:**

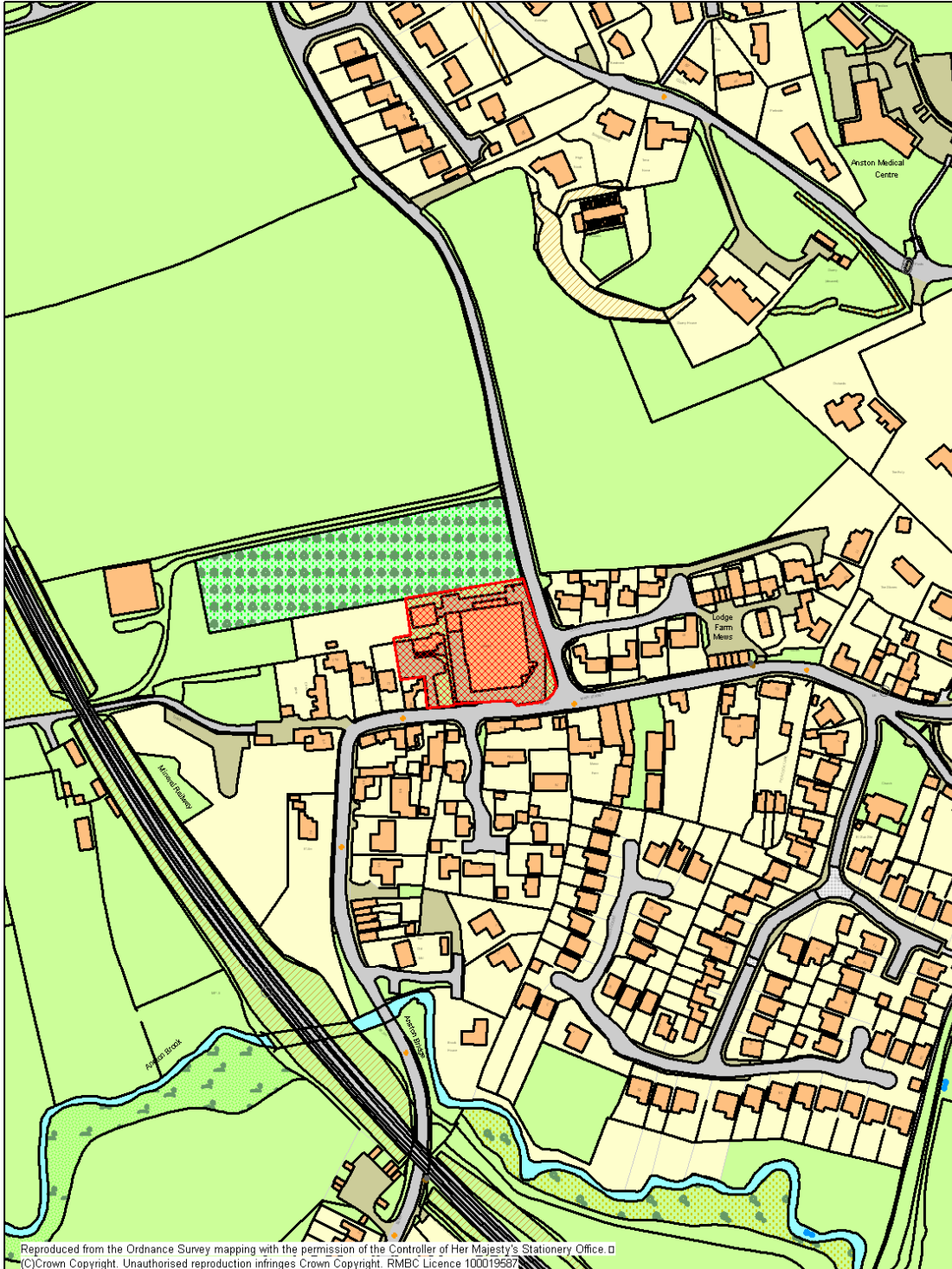
01

The demolition of the buildings shall not take place before a contract for carrying out the works on the redevelopment of the site has been made.

**Reasons for Conditions:**

01

In the interests of the visual amenity of the North Anston Conservation Area in accordance with Policy ENV2.11 'Development in Conservation Areas'.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright. RMBC Licence 100019587



Scale 1:2500

Date: 04/03/2009

Map Centre: □  
451616,384485

Rotherham MBC

Env't & Dev't Services □  
Bailey House □  
Rawmarsh Road □  
Rotherham S60 1TD □  
□



## Background

*KP1963/1582: Outline for residential development - REFUSED 09/03/64*

*RB1975/0361: Outline for extn of factory for mnfctr & servicing of saws & use land as car park - GRANTED CONDITIONALLY 31/03/76*

*RB1976/0238: Details of new production bay & stores (reserved by sect52 agreement) - GRANTED 16/06/76*

*RB1979/3266: Extn under canteen for works stores - GRANTED CONDITIONALLY 22/11/79*

*RB1980/4027: C of u of dwellinghouse to managing directors office & visitor reception - GRANTED CONDITIONALLY 22/01/81*

*RB1982/0247: Conv of part of exist house to offices - GRANTED 19/05/82*

*RB1986/0114: Two storey extension to provide workshops - GRANTED 20/03/86*

*RB1989/1176: New production building extension to existing factory - GRANTED CONDITIONALLY 19/10/89*

*RB1991/0154: Ground floor workshop extension - GRANTED CONDITIONALLY 18/04/91*

*RB1995/0152: Ground floor workshop extension - GRANTED CONDITIONALLY 21/03/95*

*RB1997/0703: Erection of storage building - GRANTED CONDITIONALLY 28/07/97*

*RB2001/1259: Workshop extension - GRANTED CONDITIONALLY 07/11/01*

*RB2008/626: Demolition of existing building and erection of 2 no. two storey dwellinghouses with rooms in roofspace & dormer windows, 12no. two storey dwellinghouses and associated garages – Withdrawn*

*RB2008/627: Conservation Area Consent for the demolition of industrial buildings – Withdrawn*

*RB2008/1896: Demolition of existing building and erection of 2 No. two storey dwellinghouses with rooms in roofspace & dormer windows to front, 12 No. two storey dwellinghouses and associated garages – Currently under consideration by Members at this Planning Board.*

## Site Description & Location

*The site is situated off Main Street and has a road frontage to both Main Street and Penny Piece Lane in the village of North Anston. The site is within the North Anston Conservation Area. The site comprises of a factory building*

currently being used for the manufacture of saws. There is also an attractive detached vernacular cottage on the site, no. 68 Main Street that is currently used as offices at the site. The site has an area of approximately 0.36 hectares. The land to the north of the site is a tree plantation and is designated as Green Belt.

### Proposal

The proposals are to demolish the existing factory buildings on the site and the cottage no. 68 Main Street. The proposals would completely clear the site of the existing buildings and trees.

A separate application for the residential redevelopment of the site to form 14 new dwellings is on the Agenda and under consideration by Members at this Planning Board.

The applicants have justified the loss of the buildings by stating that the buildings have no special architectural or historic interest and will be replaced by dwellings of a higher quality. In addition, the demolition of the buildings would enable the site to be comprehensively redeveloped.

### Development Plan Allocation and Policy

Policy ENV2.11 "Development in Conservation Areas" states that "In respect of designated Conservation Areas, the Council:

- (i) will not permit development (including changes of use, alterations and advertisement display ), demolition and work to trees which would adversely affect their architectural or historic character or visual amenity, except that very limited exceptions to this policy may be accepted when compelling justification exists:
- (ii) will not be granted consent to demolish buildings which make a positive contribution to them unless every possible alternative course of action has been satisfactorily discounted and, if for the purposes of redevelopment, only when the development has been granted planning permission and is subject to a legally agreed commitment and timing;

PPG15 'Planning and the Historic Environment' states that "In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question; and, as with listed building controls, this should be the prime consideration in determining a consent application. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole".

## Publicity

*The application was advertised by neighbour notification letter and by press advertisement and site notice. Two separate letters of representation were received from neighbouring residents commenting on the planning application for the redevelopment of the site objecting to the loss of the cottage on the site*

## Consultations

*Transportation Unit: No objections*

*The Council's Conservation Officer: No objections are raised to the demolition of the factory building or the cottage on the site. The cottage, No. 68 Main Street on the site is not deemed to be of special interest and it is accepted that the cottage cannot be incorporated into the scheme. No objections are raised to the layout of the development or the design of the dwellings.*

## Appraisal

*The main issue to be considered with this proposal is the impact of the loss of factory buildings and the former cottage no. 68 Main Street on the character and appearance of the Conservation Area. An application for the residential redevelopment of the site is currently under consideration under a separate application. Comments raised by a neighbouring resident shall also be taken into consideration.*

*The factory buildings on site, though of a tidy appearance, are modern and are considered to be of utilitarian design and are of no architectural or historic merit. It is considered that the loss of these buildings is acceptable and would not harm the character and appearance of the Conservation Area, if the scheme of residential redevelopment of the site is of sufficient quality in design terms.*

*The proposals also involve the demolition of an attractive double fronted stone cottage of vernacular appearance and some age, which is currently being used as offices for the factory site. It is considered that the cottage No. 68 Main Street is an attractive building and though unlisted, represents a good example of vernacular architecture within the village and contributes positively to the character and appearance of the Conservation Area. However, the Council's Conservation officer has stated that the building is not of special interest.*

*The Council was involved in negotiations with the developers over the potential retention of this cottage though further to these negotiations the incorporation of the building into the scheme was considered to be unviable, due to the location of the building in relation to the proposed new dwellings. The applicants have given a justification for the demolition of the building in that the loss of the building facilitates the comprehensive redevelopment of the site and that the proposals are considered to be of a high quality design*

*with the existing buildings on site having no special architectural or historic interest. It is considered that the proposed scheme is of sufficiently high quality in terms of design, layout and materials to be used, to justify the loss of this building which would allow for the comprehensive redevelopment of the site. It is further considered that the loss of the unattractive factory buildings and the comprehensive redevelopment of the site justifies the loss of the cottage as the net benefit to the character and appearance from the development outweighs the loss of this building.*

### Conclusion

*In conclusion it is considered that the proposals for the demolition of the factory building and the cottage, No. 68 Main Street, is acceptable and would not harm the character and appearance of the North Anston Conservation Area and therefore accords with Policy ENV2.11 "Development in Conservation Areas" of the Unitary Development Plan.*

**RB2008/1898**

**Demolition of existing building and erection of two storey building comprising 8 No. apartments at 2 Stocks Lane, Rawmarsh for Brimset Ltd.**

**RECOMMENDATION: GRANT CONDITIONALLY**

**STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION**

The Local Planning Authority has decided to grant planning permission:

1. Having regard to the Development Plan and all other relevant material considerations as set out below:

- a) Development Plan
  - Mixed Use Areas MU7
  - HG1 'Existing Housing Areas'
  - HG4.3 'Windfall Sites'
  - ENV3.1 'Development and the Environment'
- b) National planning policy
  - PPS3 'Housing'

2. For the following reasons:

The principle of residential development on this site is considered acceptable in this area allocated for mixed use development. Whilst the scheme does not provide maximum parking standards, the Transportation Unit have indicated that layout and provision of the proposed development is acceptable. The site lies in close proximity to Rawmarsh retail centre and is considered to be in a sustainable location.

In design terms it is considered that the overall height of the apartments would be comparable with the buildings in the surrounding locality and the split level roofline is considered to reduce the overall massing and built form on the street scene of Stocks Lane. The design of the development is considered to be of a satisfactory quality in this prominent central location. The apartments are considered to provide an acceptable amount of private amenity space to future residents.

The distance between the apartments and the bungalows along 9-11 Hawley Street is in excess of the minimum recommended spacing distances in the Supplementary Planning Guidance. The development is not considered to prejudice the potential future re-development of the Rawmarsh Shopping Centre.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officer's Report, the application case files and associated documents.

**Conditions Imposed:**

01

[PC 24] 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.

02

[PC27\*] Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

03

[PC38C]

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

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

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

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

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

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

-A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.

-A written specification for ground preparation and soft landscape works.

The programme for implementation.

-Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

04

[PC38D]

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

05

[PC44\*] No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation of the first unit.

06

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

07

[PC94] Prior to the commencement of development hereby approved, 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.

08

Before the development is brought into use, details of the positioning, height and design of the proposed lighting columns shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

### **Reasons for Conditions:**

01

[PR24B] 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'.

02

[PR27] To ensure the provision of satisfactory garage/parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

03

[PR38C] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

04

[PR38D] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

05

[PR44] In the interests of the visual amenity of the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

06

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

07

[PR94] In order to promote sustainable transport choices.

08

In ensure that the lighting columns have a satisfactory impact on the residential amenity of surrounding residential properties.

### Informatives

The Police Architectural Liaison Officer has suggested the following points be incorporated into the scheme:-

- i. I suggest that the site be developed with the aim of achieving Secured By Design (SBD) certification. More information on SBD can be found at [www.securedbydesign.com](http://www.securedbydesign.com) where, if the icon marked Design Guides is opened, documents can be found detailing the scheme's requirements for residential developments. There is also an application form for the award in this section. If the developer decides to aim for SBD certification then submission of an application form for the scheme at the earliest opportunity is recommended, as if there is uncertainty about SBD requirements for the site, these can be ironed out before building begins.
- ii. The scheme's design and access statement talks about the use of high pressure sodium floodlights illuminating the building's perimeter. I would suggest the use of white light as a means of illumination as it allows greater colour definition and recognition and aims to duplicate natural daylight.
- iii. I would suggest that the scheme use an access control system that allows residents to see and hear callers before determining whether or not to grant them access to the building.
- iv. The building's gable ends contain some windows, which is good, as they allow residents to view all aspects of the site. However the windows concerned are kitchen windows and as residents are likely to be in their living room more often than their kitchen, a living room window in this elevation would be even better.
- v. There are currently locked gates at the vehicle access point to the car park. Are these to be retained, with residents alone having keys for access? I would suggest that securing the car park in this or a similar fashion would provide good security for the cars in the car park although there does appear to be space for only three vehicles.
- vi. The site is surrounded by quite a high brick wall, topped with barbed wire, which presumably indicates that there has been, and perhaps still is, a problem with individuals scaling it, probably with criminal intent. I am assuming that once the site is developed, the barbed wire will be removed, as I am sure residents will not want it to remain. If it is removed, how will potential climbers be dissuaded? Perhaps the top of the wall could be finished with triangular bricks, giving the wall a pointed top, which should make scaling it more difficult.
- vii. It is unclear if the area of amenity space for residents is to be fenced off. This would make the area more secure and private, even if the boundary treatment to the front of this area was only a run of 1.2m high railings, with a matching access gate.
- viii. There is nothing on the plans to show how access down the two sides of the building is to be restricted. If there is to be no access restriction down the sides,

then the public can readily access all sides of the building, and would be offenders could access and attack the proposed ground floor kitchen windows with limited fears of being seen and identified. I would suggest that at each end of the building's two sides, 2m high lockable gates be fitted, flush with the building line with residents alone having key access to these gates. The gates should be 'see through' (ideally weldmesh) so that if they are scaled, the climber can still be seen beyond.

**INF 11A Control of working practices during construction phase (Close to residential)**

- ix. It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.
- x. Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
- xi. Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).
- xii. Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.
- xiii. Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright. RMBC Licence 100019587

Scale 1:1250

Date: 04/03/2009

Map Centre: □  
443736,396211



Rotherham MBC

Env't & Dev't Services □  
Bailey House □  
Rawmarsh Road □  
Rotherham S60 1TD □  
□



## Background

Members will recall an application for 12 residential units in a 3-storey development being refused in October 2008 (ref RB2008/1417). The reasons for refusal could be summarised as follows:-

- Excessive scale and massing of the development
- Overlooking to no. 7 Hawley Street
- Unsatisfactory design with insufficient regard to the vernacular or architectural features of the surrounding locality.

Historically this site was used as a Sunday School in the 1960s and then as a warehouse. There have been a number of previous applications submitted on this site, though the majority of these date from the 1970's and 1980's.

The larger site appears to have been split into two smaller sites in the late 1980's. In 1989 an application for a Change of use from wholesale warehouse to a residential home was approved but never implemented. An application was approved in 2000 for a change of use of the north-eastern part of the site into a single residential unit (RB2000/0618) which was implemented and now operates as a single residential unit.

## Site Description and Location

The site is located directly opposite the Rawmarsh Shopping Centre and currently comprises of a two storey warehouse/industrial building occupied by Brimset. The front section of the building is two storey in height with a flat roof. The original site area was subdivided in the late 1980s and the north-eastern section of the site has been converted into a residential property. The site is enclosed to the front by a front paladin fence, approximately 2 metres in height and to the side and rear by a 2 metre brick wall with barbed wire on the top. Vehicular access into the site is via Hawley Street with an additional pedestrian access direct from Stocks Lane.

The site is approximately 780 square metres in size and is bordered to the west and north-west by single storey bungalows and the east of the site comprises of two storey residential apartments which were constructed in the mid 1990s. The ground levels of this site are approximately 2 metres lower than the land levels of the bungalows.

## Proposals

The application is to demolish the existing warehouse building and erect a total of 8 apartments in a two storey block with a split-level roofline. The apartments are to be located approximately 5.5 metres forward of the adjacent building line of bungalows along Stocks Lane and set back approximately 2 metres from the rear building line of these bungalows. The apartment block would have a front building line in approximately the same location as the existing warehouse with an overall footprint smaller than the existing warehouse. The height of the building is approximately 8 metres to the apex and is characterised by a two storey apartment block with a split level roof-line and a single storey porch with a pitched roof. Pedestrian access into the site and apartment building is from both the north and south. Vehicular access into the site is from Hawley Street to the north, and a total of four off-road parking spaces, including a disabled bay, have been included in the proposals.

*An outdoor amenity area of approximately 110 square metres, consisting of a grassed area with a paved seating area to be provided in the north-west of the site.*

*The main differences between this proposal and the previously refused application RB2008/1417 can be summarised as follows:*

- *Reduction in building height from 3 storey to 2 storey.*
- *Reduction in number of units from 12 to 8.*
- *Amendment in building design to incorporate a pitched roof at ground floor level and a split roofline.*
- *Removal of rear Juliet balconies.*
- *Inclusion of a single storey front porch on the southern elevation.*
- *An amended site layout drawing re-positioning the building which has been brought forward towards Stocks Lane by 1 metre.*

*A Design and Access statement has been submitted which can be summarised as follows:-*

- *Brimset is a small business involved with passive fire protection and air-sealing equipment and has been operating in this location since 1989. However, as the company has been down-sized, a move to smaller premises closer to the town centre is being considered.*
- *The main entrance into the site will be from Stocks Lane.*
- *It is intended to have high pressure sodium lamps within the parking area.*

### *Development Plan Allocation and Policies*

*The site is allocated for Mixed Use in the adopted Development Plan.*

*Policies Mixed Use Areas MU7 indicates that uses C3 Residential, amongst other uses is acceptable in principle.*

*HG1 'Existing Housing Areas' indicates that "The Council will ensure that predominantly residential areas are retained primarily for residential use by permitting only those proposals which: (i) have no adverse effect on the character of the area or on residential amenity, (ii) are in keeping with the character of the area in terms of scale, layout and intensity of use"*

*HG4.3 'Windfall Sites' states that "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their: (i) location within the existing built-up area and compatibility with adjoining uses, and (ii) compatibility with other relevant policies and guidance."*

*ENV3.1 'Development and the Environment' states that "Development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, screening and landscaping, together with regard to the security of ultimate users and their property".*

### *Other Material Considerations*

## *National policies*

*PPS3 'Housing' indicates that "The Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:-*

- To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community.*
- To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need.*
- To improve affordability across the housing market, including by increasing the supply of housing.*
- To create sustainable, inclusive, mixed communities in all areas, both urban and rural".*

*PPG13 'Transport' indicates that current policy is to promote more sustainable transport choices for both people and for moving freight; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and reduce the need to travel, especially by car.*

## *Publicity*

*All relevant neighbours were informed by letter on 6 January 2009 and a site notice was erected on 8 January 2009. One letter of objection has been received. The concerns can be summarised as follows:-*

- Insufficient parking has been provided for the scheme.*
- There are already parking problems when ambulances are on-site.*

## *Consultations*

*Transportation Unit – no objections subject to conditions.*

*South Yorkshire Police – comments included as informatives.*

*Environmental Health – comments included as informatives .*

*Yorkshire Water – no objections.*

## *Appraisal*

*The site lies within a mixed use allocation of the Development Plan and the menu indicates that C1 residential uses are acceptable in principle. Accordingly the principle for development of the site for residential purposes is acceptable in land use terms. The site, located less than 50 metres from Rawmarsh shopping centre, is also considered to be in a sustainable location.*

*Therefore, the main material considerations in the determination of this application are as follows:*

- The visual impact of the scale and design of the proposed apartments on the visual amenity and character of the surrounding area;*

- *The impact of the proposed apartments on residential amenity of neighbouring properties;*
- *The likely impact of the proposal on the Rawmarsh Shopping Centre;*
- *The impact of the apartments in terms of traffic generation and road safety.*

### *Scale, Design and Visual Amenity*

*Turning to the scale of the proposal, this revised application indicates that the development would be of a two storey height with the apex of the roofs comparable with the single storey bungalows to the west of the site, due to differences in ground levels. The reduction in scale in the application compared to the previous refusal (RB2008/1417) on this revised proposal is considered sufficient to mitigate any dominating impact that the proposal would have on the surroundings. In addition the existing warehouse is a utilitarian building that stands forward of the building line and is considered to contribute little to the street scene. This proposal is considered to improve the overall visual amenities of the surroundings and is considered to be in accordance with UDP policy ENV3.1 'Development and the Environment' and national policy PPS3 'Housing'.*

*In terms of the density of the scheme, the proposal represents a high density development that is approximately 100 units per hectare. However, the character of the surrounding area is of a relatively high density with the Rawmarsh Shopping Centre directly to the south. A number of surrounding properties have densities above 100 units per hectare and it is considered that this site could not accommodate 8 units without detrimentally affecting the character of the surrounding area in accordance with the advice contained within national policy PPS3 'Housing'.*

### *Residential Amenity*

*In terms of potential overlooking to the single story bungalow properties to the north-west, the proposal is sited 22 metres from these properties, in excess of the minimum recommended spacing standards of 20 metres. The existing spacing distances between the Brimset warehouse and these bungalows is approximately 14 metres, and the spacing distance of the proposal is considered acceptable.*

*Turning to the distances between principal elevations between the converted residential property at 7 Hawley Street and the proposed rear elevation, this would be in the order of 9.5 metres, which is beneath the recommended distance of 20 metres between principal elevations. However, in this instance the existing Brimset Warehouse building is sited less than two metres from the windows of this property, and whilst there may be an increase in overlooking from the apartments, the reduced dominance and increase in natural light to this property is considered to have an overall positive impact on this converted dwelling. In addition the revised proposal indicates that there would not be 'Juliet' balconies on the rear elevation and this is also considered to lead to an overall reduction in the potential levels of overlooking. The side windows on the eastern and western elevations would serve bathroom windows and would be obscure glazed. Neither of these elevations overlook private areas of surrounding properties and it is not considered that there would be any significant increase in loss of privacy to the surroundings. The proposal is considered to be in accordance with UDP Policy ENV3.1 'Development and the Environment'.*

*In terms of the amenity space to be provided to the proposed apartments, it is considered that the apartment block has been provided with a level of private amenity area that has the potential to be secure and of a sufficient quantity that would enable it to be useable for future occupants. This open space provision is considered to be satisfactorily accessed by all potential residents from the apartments and is considered to be in accordance with security guidance given in PPS3 'Housing'.*

*The applicant has indicated that it is proposed to erect lighting columns to illuminate the parking area of the proposal. Whilst no details of the positioning or the height of the columns has been submitted with the proposal, it is considered that the principle of lighting columns is acceptable.*

#### *Impact on Rawmarsh Shopping Centre*

*Turning to the potential impact on the redevelopment of the Rawmarsh Shopping Centre, the proposal is set in 3 metres inside the boundary of the site and the spacing distance of any future development between the sites is likely to be in the region of 20 metres and across a public highway. Consequently this proposal is not considered to prejudice the future re-development of the Rawmarsh Shopping Centre site.*

#### *Highway safety*

*The Transportation Unit have indicated that the Rawmarsh Shopping Centre may be redeveloped in future and that Stocks Lane will likely be subject to increased parking demand. Notwithstanding this however, the site is considered to have good links to public transport and public car parking. Also Stocks Lane fronting the site is not subject to waiting restrictions and can cater for some on street parking. The proposal indicates that approximately 50% parking would be provided in this development. Paragraph 51 in PPG13 'Transport' states that Local Planning Authorities should "Not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety".*

*Having had regard to the concerns from local residents about insufficient parking provision for this development, the site is considered to be in a highly sustainable location and it is not considered that there are any specific concerns regarding highway safety in this location that would justify a refusal of the planning application.*

#### *Conclusion*

*Having had regard to the mixed use allocation of the adopted Development Plan, the principle of residential development on this site is considered acceptable. Whilst the scheme does not provide maximum parking standards, the Transportation Unit have indicated that the layout and parking provision of the proposed development is acceptable. The site lies in close proximity to Rawmarsh retail centre and is considered to be in a sustainable location. It is considered that the overall height of the apartments would be comparable with the buildings in the surrounding locality and the design of the development is considered to be of a satisfactory quality in this prominent location. The apartments are considered to provide an acceptable amount of private amenity space to future residents. The proposal is recommended for approval subject to the safeguard of the above conditions.*

**RB2008/1918**

**Application to Extend the Time Period for Completion of the Restoration of the Site (Variation of Condition 1 Imposed by RB2007/2205 which Required Completion by 15<sup>th</sup> May, 2009) to 31<sup>st</sup> December, 2010 at Land at Orgreave Road/Highfield Lane, Orgreave.**

**RECOMMENDATION: GRANT CONDITIONALLY**

**STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION**

1. Having regard to the Development Plan and all other relevant material considerations as set out below:

Development Plan

Regional Spatial Strategy (RSS) - The Yorkshire and Humber Plan:

Policy ENV4 'Minerals'

Policy YH9 'Green Belts'

Local Planning Policies - Unitary Development Plan:

Policy ENV1 'Green Belt'

Policy ENV2 'Conserving the Environment'

Policy EC3.1 'Land Identified for Industrial and Business Uses'

Policy MIN6 'Methods and Control of Working'

2. The proposal is in accordance with the adopted Unitary Development Plan allocation, Industrial and Business Use for the north area, Unallocated for the central area and as Green Belt for the south area. Work at the Orgreave reclamation site is continuing and it is considered acceptable to further extend the time period for works to allow the completion of the development for a further period in order to ensure effective restoration of the site.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officer's Report, the application case files and associated documents.

**Conditions Imposed:**

01

The development hereby permitted shall be carried out in accordance with the submitted application and shall be completed by the 31<sup>st</sup> December 2010, unless otherwise agreed in writing by the Local Planning Authority.

02

No later than the end of the period referred to at condition 1 above, coaling and reclamation works shall have ceased and the site shall have been restored, treated and brought to a state suitable for built development (subject to an agreed settlement period), forestry and amenity open space purposes (including incidental water areas and wetlands) - in accordance with the conditions set out below, and as depicted on the restoration concept plan (drawing ref. 73/DO4A) dated 9th September 2003.

03

A detailed restoration/landscaping/future management and maintenance scheme shall be submitted for the approval of the Local Planning Authority within the period referred to at Condition 1 above.

04

A copy of the approved schemes of working/restoration/aftercare and a copy of this planning permission shall be displayed at the site offices at all times for the reference of operators and contractors working on the site.

05

The development shall only take place in accordance with the submitted details as shown on the approved plans (drawing Nos. 73/DO1, 73/DO3A, 73/ 05/12920, 05/12921, 05/12922, 05/12923) and as described in the accompanying planning application and environmental statement and appendices submitted on 18th September 2003), except as shall be otherwise agreed in writing by the Local Planning Authority and subject to the approval of matters of detail required to be submitted in accordance with the following conditions.

06

An engineer or similarly qualified person be responsible for investigating complaints regarding operations on site. A log of complaints shall be kept and made available to the Local Planning Authority on request.

07

In the event of premature cessation of operations on the site for whatever reason then within nine months of such cessation a revised scheme of restoration and aftercare shall be submitted by the developer to the Local Planning Authority for approval. Restoration of the site shall thereafter proceed in accordance with the revised scheme as approved and shall be completed within two years from the date of approval of the revised scheme or such other period as may be agreed, in writing, by the Local Planning Authority.

08

The site shall be enclosed by a fence and gates to a specification first agreed with the Local Planning Authority. The fence shall be erected before the development hereby approved commences and shall be maintained in an effective condition throughout the duration of the development.

## HIGHWAYS

09

Following coaling operations and restoration of the site in accordance with the development hereby approved Highfield Lane shall be reinstated to a specification and design which shall have received the prior written approval of the Local Planning Authority.

10

All access to and from the site for the purposes of the main operation hereby approved shall be solely via the main access point shown marked "Site Entrance" on the approved drawing (73/DO1)

11

[MC15] Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

12

[MC18] All vehicles entering the site importing waste materials or leaving the site with mineral materials shall be securely and effectively sheeted.

13

[MC32] Heavy goods vehicles shall only enter or leave the site between the hours of 7.00 a.m. and 7.00 p.m on weekdays and 7.00 a.m. and 1.00 p.m. Saturdays and no such movements shall take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

14

Nothing in the terms of this planning permission shall be construed as authorising the closure, stopping up, obstruction or other alteration, either in whole or in part of any public right of way that crosses or adjoins the application site.

## OPERATIONS

15

Notwithstanding the provisions of Parts 19 and 20 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 1995 no buildings or immobile plant shall be erected on the site as the development proceeds without the prior written permission of the Local Planning Authority.

16

Coal intended for sale or other disposal outside the site shall not be stocked on the site except as may be agreed by the Local Planning Authority in writing, neither shall coal be imported to the site for the purpose of blending.

17

Any fuel and oil supply tanks shall be surrounded by bund walls of sufficient height, length and breadth so as to contain at least 110% of the storage capacity of the tanks and any associated pipework in the event of a spillage. The floor and walls of the bunded area so created shall be impervious to water and oil. Surface drainage from any vehicle standing areas, storage compounds, ancillary facilities and haul road areas shall be satisfactorily channelled through a suitably maintained silt and oil trap prior to discharge to any watercourse.

18

A scheme for the provision of surface water drainage works of the restored areas, including discharges, shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

19

The permission area including the area used for mineral extraction shall be kept free from standing water by pumping or other means and all waters from the site shall be discharged into the approved settlement pond(s) prior to discharge into any ditch, stream, watercourse or culvert. The settlement pond(s) shall be kept clear of mud and silt as may be necessary to keep them in good order and the discharge of waste, oil or other pollutants to any settlement pond, ditch, stream, watercourse or culvert shall not be permitted.

20

Soil Treatment - All topsoil and subsoil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part) or is used for the stacking of subsoil or other overburden or as a vehicle standing area or for the construction of a road. If pockets of soil making material are found during the stripping or excavation operations, suitable quantities shall be recovered for use in the restoration of the final surface of the site. So far as is reasonable, no soil stripping shall be carried out when the ground is wet.

21

All mounds shall be constructed with only a minimum amount of compaction to ensure stability and shall be constructed and removed in sequence to ensure screening from residential areas (reference British Coal Opencast Standard drawing 20). Stacks of topsoil, subsoil and soil making materials shall not be traversed by heavy vehicles or machinery except during stacking and re-spreading. All such mounds shall be graded and seeded with a suitable grass seed mixture and the resulting sward shall be managed throughout the period of storage.

22

All topsoil, subsoil, soil making materials and overburden shall be stored separately in stacks free from the risk of mixing and contamination. Any overlap of soil types in a storage mound shall be kept to a minimum necessary for the effective formation of the mound. The interface(s) shall be suitably defined on site and on a plan to be supplied to the Local Planning Authority, which plan shall also indicate the separate recorded volumes of the various materials in the stacks.

23

The site and stacks of topsoil, subsoil and overburden shall at all times so far as is practicable be kept free of weeds and all necessary steps shall be taken to destroy weeds at early stages of growth.

#### STABILITY

24

Adequate precautions shall be taken to maintain the stability of land adjoining the opencast void and working shall take place in accordance with the Code of Practice on 'The Stability of Excavated Slopes at Opencast Coal Sites'.

25

Appropriate steps shall be taken by the developer to treat any disused shaft, outlet heading or void of a mine identified by the site investigation or subsequently found in the course of the operations hereby permitted, with an efficient barrier or plug or other device so designed and constructed as to prevent hazard to person or animals, in accordance with a programme to be agreed by the local planning authority.

#### CONTROL OF NOISE

26

Except in the case of emergency and in locations described below, no operations shall take place on site other than between the hours of 0700 to 1900 Monday to Friday and between 0700 and 1300 hours on Saturdays. Soil stripping and the construction of the baffle/soil mounds adjacent to the Coalbrook Estate as shown on plan no. 051/13064; diversion of the River Rother; restoration of land to the east of the River Rother and the construction of the topsoil, subsoil mounds closest to the north east boundary towards the River Rother and Treeton shall be carried out only between the hours 0800 to 1800 Monday to Friday and 0800 to 1300 hours Saturday. There shall be no working on Sundays or public holidays. At all times when operations are not permitted, work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

27

[MC47] All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of

Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

28

The A weighted equivalent continuous free field noise level (LAeq) attributable to the operation measured at the nearest noise sensitive property boundaries shall not exceed:

(1) 65 dB LAeq in any one hour period during temporary operations such as soil stripping/replacement operations and/or the construction/removal of topsoil baffle mounds on the site,

(2) 70 dB LAeq in any one hour during the construction/removal of the top soil baffle mound located close to the Coalbrook Estate site boundary.

(3) 55 dB LAeq in any one hour period during all other site operations, except where written agreement by the Local Planning Authority is given in relation to a specific area or phase of the operation

29

The operator shall provide and install all necessary monitoring equipment to carry out periodic noise measurements, in accordance with arrangements and at location(s) submitted to and agreed with the Local Planning Authority. The Local Planning Authority shall have freedom of access to all noise records and results from the site on request. All results shall be interpreted and submitted to the Local Planning Authority no later than six weeks from the date of the monitoring.

30

All vehicle reverse warning alarms shall be operated in accordance with a specification agreed in writing with the Local Planning Authority prior to the commencement of site operations. At all times the best practicable means shall be employed to prevent or counteract the effects on nearby residential areas of audible warning alarms. Steps shall be taken to ensure that so far as is practicable no audible alarm shall exceed the ambient noise level in the working location by more than 5 dBA.

## CONTROL OF BLASTING

31

Except in case of emergency, blasting operations shall be carried out only between the hours of 10.00 a.m. to 12 noon and 2.00 p.m. to 4.00 p.m. on Mondays to Fridays and between the hours of 10.00 a.m. and 12 noon on Saturdays. No blasting shall take place on Sundays and Public Holidays.

32

The operator shall at all times employ the best practicable means in order to minimise noise, vibration and air over pressure caused by blasting. The operator shall provide and install all necessary monitoring equipment to carry out vibration and air over pressure monitoring at locations submitted to and agreed with the local planning authority. The Local Planning Authority shall have freedom of access to all blasting records and results from the site.

33

[MC37] Blasting charges shall be so regulated to ensure that during any period of 13 consecutive weeks as operations progress ground vibrations produced shall not exceed a peak particle velocity in any plane of 6mm/second at the 95% confidence limit, with no blast producing a peak particle velocity in any plane greater than 12mm/second measured at the ground surface adjacent to the nearest property to the blast. In devising and implementing a blasting programme for the site, the operator shall at all times employ the best practicable means in order to minimise noise, vibration and air over pressure caused by blasting.

34

[MC38] The operator shall give to the Local Planning Authority at least 7 days' notice in writing prior to the commencement of any programme of blasting at the site, and a durable notice board shall be displayed at the main site entrance giving the permitted hours of blasting. The notice board shall be retained and suitably maintained in a legible condition throughout the duration of the blasting programme/site working period.

35

If the results of monitoring of any blasting operation on the site exceeds 3mms-1 ppv, the developer shall review the blasting specification and assess the reasons for the exceedance. The developer shall also consider whether the specification of the blast could have been reduced, having regard to the need to minimise disturbance off site. Where the developer considers that the blast could have been reduced this fact shall be taken into account when determining the next blast specification. The reasons for the exceedance and the result of the deliberations on the reduction of the specification shall be kept in a written log and made available to the Local Planning Authority

36

Should any blast on site exceed 3mms-1ppv the developer shall notify the Local Planning Authority

## CONTROL OF DUST

37

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment, upward pointing exhausts on vehicles, landscaping bunds, wind fences, dampening down of stockpiles on the site, aerodynamic shaping of stockpiles to prevent dust lift off, regulating the speed of vehicles on the site and such other steps as are appropriate. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the local planning authority in consultation with the site operator to be impracticable, then movements of spoil, contaminated materials, coal and overburden shall be temporarily curtailed until such time as the site/weather conditions improve such as to permit a resumption.

38

Prior to the commencement of works the operator shall provide, install and operate all necessary monitoring equipment to carry out dust measurements in accordance with arrangements and at location(s) approved by the Local Planning Authority and as set out in document ref: Org.011/Env/Mon. Compositional analysis of collected dusts shall be undertaken in line with a Local Planning Authority agreed sampling and analytical strategy. The Local Planning Authority shall have freedom of access to all dust monitoring records and results from the site on request. All results shall be interpreted and submitted to the local planning authority no later than six weeks from the date of the dust sample analysis.

39

The operator shall provide and operate all necessary monitoring equipment to carry out volatile organic compound monitoring in accordance with the scheme to be submitted to and approved by the Local Planning Authority and as set out in document ref: Org.011/Env/Mon. The Local Planning Authority shall have freedom of access to all monitoring records and results from the site on request. All results shall be interpreted and submitted to the Local Planning Authority no later than six weeks of the date of the dust sample analysis.

## CONTAMINATION

40

The handling of ground and water contamination of the site thereafter shall only be carried out in accordance with the approved arrangements unless otherwise agreed in writing by the Local Planning Authority; these approved arrangements specifically to include the means of sheeting of vehicles moving contaminated materials internally on the site.

## RESTORATION

41

General - As the working of coal by opencast operations is completed in successive areas of the site as shown on phasing plans nos. 05/12920, 05/12921, 05/12922, 05/12923, overburden shall be progressively replaced, compacted where appropriate and graded so as to ensure so far as is reasonably practicable that the site will conform with the contours of the approved plan (73/DO3) or with such other contours which shall be submitted for the written approval of the Local Planning Authority during backfilling operations and the final restoration of the site.

42

On those areas of the site proposed for future built development uses, as shown on plan no. 73/DO4A, steps shall be taken to secure that the overburden backfilling of any extraction void which may directly affect that part of the site shall be compacted in layers such as to achieve at the final overburden compaction surface, a bearing capacity of not less than 107 kN/m<sup>2</sup>.

43

Those parts of the site proposed to be restored for forestry and amenity open space use, together with any incidental landscaping areas shall, so far as is practicable, be progressively spread with a minimum thickness of 1000 mm of soil/soil making material as final backfilled overburden levels are achieved (including the use of limited topsoil and subsoil resources referred to at Condition 44 below). Where such a thickness is not practicable, the overburden shall be ripped to a depth to compensate for any deficiency. Such treatment shall ensure that within a depth of 1000 mm below final land surface, there is:-

- (i) no material injurious to plant life.
- (ii) no rock, stone, boulder or other material capable of preventing or impeding normal cultivation or land drainage operations, including mole ploughing or sub-soiling.
- (iii) no wire rope cable or other foreign objects.
- (iv) no excessively compacted zone.

Stones and any other deleterious material shall be removed from the site or buried on site at a depth in excess of 2 m below final land surface.

44

Within the areas covered by condition 43 above:-

- (i) All available subsoil shall be re-spread evenly over those areas agreed to receive such subsoil. The subsoil shall be treated so that it complies with the general requirement of condition 43 above. The subsoiling operation must penetrate at least 150 mm into the underlying layer in order to relieve the compaction at the interface. Subsoil, upon which other soils have been stored, shall be subsoiled (rooted) as above.
- (ii) After satisfactory replacement and treatment of the subsoil, all available topsoil shall be re-spread evenly over those areas agreed to receive such topsoil. The topsoil shall be subsoiled (rooted), cultivated and so left as to comply with the requirement of condition 43 above. Topsoil, upon which other topsoil has been stored, shall be subsoiled (rooted) and cultivated as before.

45

All operations involving soil replacement and cultivation treatments shall only be carried out when the full volume of soil involved is in a suitable dry soil moisture condition. The operator shall take all reasonable precautions to prevent the mixing of topsoil, subsoil, soil making material and overburden.

46

Any area which has been excavated and which is affected by surface ponding (other than as may be delineated on approved plans as an intentional feature) or by local settlement caused by the authorised operations, shall be regraded to the approved levels as shall be agreed with the Local Planning Authority. All reasonable steps shall be taken to prevent the mingling of topsoil, subsoil and other overburden in the course of regrading.

47

Trees (in woodlands and groupings), shrubs and hedgerows as appropriate shall be planted on the site in accordance with a detailed scheme to be approved by the Local Planning Authority in consultation with the Forestry Commission and which shall reflect the broad disposition of final surface treatments indicated on drawing no. 73/DO4A except as shall be otherwise agreed in writing by the Local Planning Authority. Such scheme shall provide for ground preparation and drainage, species, siting, planting distances, numbers phasing/programme of planting and measures to be employed to protect such planting to establishment. Any plants dying or destroyed within 5 years of planting shall be replaced as shall be agreed with the Local Planning Authority. The scheme shall be submitted within the period referred to in Condition 1 of this permission.(SEE ALSO AFTERCARE CONDITIONS BELOW.)

48

Such areas treated in accordance with condition number 43 and which are not to be restored for woodland use shall be graded, drained and treated so as to be suitable for amenity open space/grassland purposes. Final surfaces shall be cultivated, fertilised and seeded with a suitable mixture(s) of grass seed appropriate to the intended after-use and such as to establish a healthy green sward. Any water bodies to be established within the restored site as drainage/landscape features shall be engineered and constructed in accordance with details which shall have been approved in advance by the Local Planning Authority, in consultation with the Environment Agency as appropriate.

49

Those parts of the site to be restored suitable for built development and not required immediately shall be treated as follows, except as shall be otherwise agreed in writing by the Local Planning Authority. Following final grading, such compacted areas shall be lightly scarified then seeded with an appropriate grass seed mixture as shall be agreed in advance with the Local Planning Authority. If on any other part of the site so treated, a satisfactory grass sward is not achieved as a result of initial seeding, such areas shall be lightly cultivated and re-seeded after correction of any nutrient deficiencies and/or toxicity, and during the next growing season. Such works shall be repeated until a green sward is established as shall be agreed with the Local Planning Authority. All such areas shall be free of large items of debris, rubble, metal or wire and treated as necessary to prevent infestation by weeds pending development of the land.

50

No plant, machinery, perimeter fences, buildings, structures or erections, access roads, hardstanding areas, temporary culverts or other temporary works introduced in furtherance of the development hereby permitted, shall be left on the site after the completion of restoration, otherwise than with the agreement of the Local Planning Authority.

## AFTERCARE

51

Woodland Area - Upon completion of restoration work on these parts of the site planted up for forestry/amenity woodland, the land shall be managed for a period of 5 full growing seasons in accordance with an aftercare scheme to be agreed with the Local Planning Authority in consultation with the Forestry Commission. The scheme shall specify maintenance treatment determined by annual inspection until establishment and shall include beating up, weeding, all protection, any remedial drainage requirements, and the addition of fertilisers and nutrients to correct any deficiencies as appropriate. The submitted aftercare scheme shall specify in relation to each phase of the development, the steps to be taken and the periods during which they are to be taken. Subject to condition 52 below, aftercare of the site shall be carried out in accordance with the aftercare scheme as approved by the Local Planning Authority. The aftercare scheme shall be submitted for the approval of the Local Planning Authority within the period of twenty-four months from the date of this permission

52

Where the Local Planning Authority, in consultation with the Forestry Commission, agrees in writing with the person or persons responsible for carrying out the aftercare works that a different arrangement or timing of steps is appropriate, the aftercare scheme shall be carried out in accordance with that agreement.

53

Upon completion of restoration work on those parts of the site proposed for amenity (open space) uses in accordance with condition 43 above - the land shall be managed for a period of 5 full growing seasons in accordance with an aftercare scheme to be agreed with the Local Planning Authority. The scheme shall allow for the land concerned to be cultivated, fertilised and otherwise treated such as to permit the establishment of a healthy green sward, consistent with the intended after-use, and shall specify the steps to be taken and the periods during which they are to be taken. Subject to condition 54 below, aftercare of the site shall be carried out in accordance with the approved aftercare scheme which shall be submitted for the approval of the Local Planning Authority within the period of twelve months of the date of this permission

54

Where the Local Planning Authority agrees in writing with the person or persons responsible for undertaking the aftercare scheme that there shall be fewer steps or different timing between steps, the aftercare scheme shall be carried out in accordance with that agreement.

55

The details of the water body and impact of the site on the River Rother shall be submitted for the approval of the Local Planning Authority within the period referred to in Condition 1 of this planning permission.

### **Reasons for Conditions:**

01

[MR04] To enable restoration of the site to a beneficial after use within a reasonable period, in accordance with Policy MIN6 of the adopted Unitary Development Plan.

02

[MR04] To ensure that the site is restored to a beneficial afteruse within a reasonable period, in accordance with Policy MIN6 of the adopted Unitary Development Plan.

03

[MR04] To ensure that the site is restored to a beneficial afteruse within a

reasonable period, in accordance with Policy MIN6 of the adopted Unitary Development Plan.

04

[MR07] For the avoidance of doubt, and to give effect to the requirement of Policy MIN6 of the adopted Unitary Development Plan.

05

[MR02] To limit the extent of the permission and ensure that the development is carried out in a reasonable manner in the interests of local amenity and the intended afteruse of the land in accordance with Policy MIN6 of the adopted Unitary Development Plan.

06

[MR91] In the interests of local amenity, and to give effect to Policy MIN 6 of the adopted Unitary Development Plan.

07

[MR04] To ensure that the site is restored to a beneficial afteruse within a reasonable period, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

08

[MR72] To prevent unauthorised access to the site in the interests of public safety, and to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

NN.

09

[MR04] To ensure that the site is restored to a beneficial afteruse within a reasonable period, in accordance with Policy MIN 6 of the adopted Unitary development Plan.

10

[MR25] To define the access arrangements and in the interests of general highway safety, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

11

[MR15] In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

12

[MR18] In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

13

[MR32] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

14

[MR07] For the avoidance of doubt, and to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

15

[MR80] To enable restoration of the site to a beneficial afteruse, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

16

[MR31] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

17

[MR51] To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 6.1 of the adopted Unitary Development Plan.

18

[MR56] To ensure that the development does not give rise to drainage problems, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

19

[MR54] To ensure that the development does not give rise to drainage problems, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

20

[MR58] To ensure that all available soil resources on the site are efficiently stripped in a controlled manner, retained on site, and suitably stored free from risk of contamination, ready for use in subsequent restoration, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

21

[MR60] To prevent damage to soil structures and subsequent reduction in the quality of site restoration, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

22

[MR65] In order to maximise the quality of restoration works carried out, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

23

[MR63] In the interests of local amenity, and to maintain soil quality, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

24

In the interests of general site safety

25

In the interests of general site safety

26

[MR31] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

27

[MR47] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

28

[MR48] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

29

[MR49] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

30

[MR47] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

31

[MR35] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary

Development Plan.

32

[MR36] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

33

[MR37] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

34

[MR38] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

35

[MR38] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

36

[MR38] To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

37

[MR45] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

38

[MR46] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

39

[MR46] In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

40

[MR76] In the interests of health and safety and of local amenity, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

41

[MR80] To enable restoration of the site to a beneficial afteruse, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

42

[MR80] To enable restoration of the site to a beneficial afteruse, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

43

[MR82] To ensure the satisfactory restoration of the site, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

44

[MR82] To ensure the satisfactory restoration of the site, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

45

[MR59] To prevent damage to soil structures and subsequent reduction in the quality of site restoration, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

46

[MR54] To ensure that the development does not give rise to drainage problems, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

47

[MR83] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

48

[MR84] To ensure that the land is returned to a beneficial afteruse on completion of operations, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

49

[MR64] In order to ensure that the land is suitable for cultivation, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

50

[MR82] To ensure the satisfactory restoration of the site, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

51

[MR86] To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

52

[MR86] To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

53

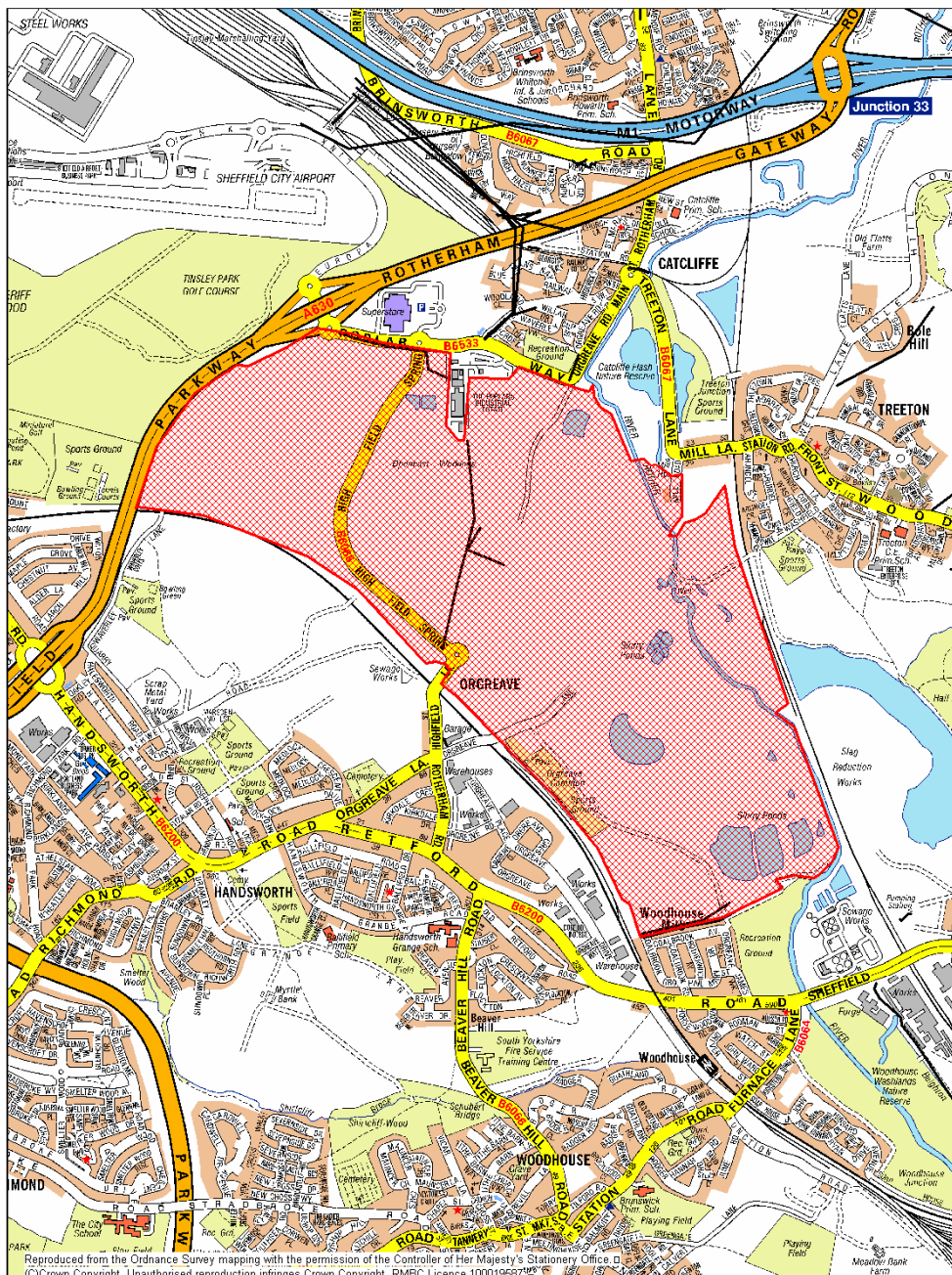
[MR86] To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

54

[MR86] To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

55

[MR80] To enable restoration of the site to a beneficial afteruse, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright. RMBCL Licence 100019557/20

Scale 1:20000  
 Date: 04/03/2009  
 Map Centre: □  
 442031,386771

**Rotherham MBC**  
 Env't & Dev't Services □  
 Bailey House □  
 Rawmarsh Road □  
 Rotherham S60 1TD □



## Background

*R93/1058P: Extraction of coal by opencast methods together with all ancillary operations (car park, plant yard, temporary offices, water treatment areas and sewage treatment facilities), the creation and use of waste disposal facility for dealing with contaminated and landfill waste from within proposed site, the construction of a new highway between B6066 Orgreave railway bridge and B6533 Homeworld roundabout, the carrying out of tip washing for coal recovery and the restoration of the area including the area known as Woodhouse Mill tip.*

– GRANTED CONDITIONALLY on 21/12/94

*RB2003/1640: Continuation of opencast coal and reclamation operations without compliance with condition 2 of planning permission R93/1058P dated 21/12/94, together with revisions to approved restoration contours*

– GRANTED CONDITIONALLY on 01/07/04

*RB2005/1236: Application under section 73 for the continuation of opencast coal and reclamation operations, without compliance with condition No 3 (Restoration/landscaping/future management/aftercare, details to be submitted for approval) and No 47 (Details of trees, shrubs and hedgerows to be submitted) imposed by RB2003/1640 to allow details to be submitted before 1st July 2006*

– GRANTED CONDITIONALLY on 09/09/05

*RB2006/2197: Application for variation to condition 2 (details of restoration/landscaping to be submitted within 12 months) & condition 3 (details of trees/shrubs/hedgerows to be submitted within 12 months) imposed by RB2005/1236 and variation to condition 55 (details of water body & impact on River Rother to be submitted within 24 months) imposed by RB2003/1640 to allow the details to be submitted by September 2007.*

– GRANTED CONDITIONALLY

*RB2007/2205: Application to extend the time period for completion of the restoration of the site (non-compliance with condition 1 of RB2003/1640 which required completion by May 2008) to May 2009.*

- GRANTED CONDITIONALLY on 07/02/08

*RB2008/1372: Outline application and details of access for a new community comprising 3890 residential units, including 973 affordable units, two primary schools, offices/financial services (400 sq.m), food store (1500 sq.m), pubs, bars, restaurants & cafes, small shops, health centre, community centre, gym, sailing club, hotel, public open space and associated infrastructure including combined heat and power generation plant and construction of roads, cycleways, footpaths and bridleway*

- UNDETERMINED

## Site Description

The site comprises approximately 256ha of land formerly used for open-cast mining and other industries. It is bounded to the north by the developing industrial areas of the Advanced Manufacturing Park and Highfield Commercial, to the east by the River Rother, to the south the Coalbrook estate and to the west the Sheffield to Worksop railway line.

## Proposals

Planning permission was granted in 1994 (ref R93/1058P) for open-cast mining on the site and the restoration of land after the completion of the mining works.

Planning permission was granted in 2004 (ref RB2003/1640) to vary the time completion condition of the 1994 permission which required site restoration works to be completed by 15<sup>th</sup> May 2008.

Planning permission was subsequently granted on 7<sup>th</sup> February 2008 (RB2007/2205) to further extend this time limit to 15<sup>th</sup> May 2009. The time limit was extended to allow UK Coal to carry out additional soil strategy investigation works to be carried out during Winter 2007/08. The result of this additional work would mean the scheme of tree planting (and other planting) could not be fully completed until after the previous agreed deadline of 15<sup>th</sup> May 2008.

With regard to this current application, UK Coal state that the restoration works cannot be completed by this date and have submitted this current planning application to vary the condition to further extend the time limit up to 31<sup>st</sup> December 2010.

A letter from Atisreal, agents for UK Coal, has been submitted with the planning application to give the detailed reasons why more time is required to complete the works. There are a number of reasons for the delays and these have been summarised below:-

*Ground Contours:* There are two areas where the groundworks have not been completed (alongside Poplar Way and the River Rother) because it has been discovered there is a deficit of material on the site to complete the works. This is due to more material than anticipated being needed to change the design of the lakes on site. UK Coal therefore require more time to find a source of new material to be imported into the site to complete the contours (which would be subject to the submission of a separate planning application).

*Design of Handsworth Beck:* The originally proposed method of diverting the Beck has since been considered to not be cost effective. The new alternative methods have led to the diversion being redesigned and therefore there is a delay in carrying out the diversion. In addition to this, the delay has led to the pumping station for the Beck remaining operational until the delayed diversion is carried out. Its eventual removal will lead to more material needing to be imported to restore the area occupied by the pumping station

*Drainage: The re-design of Handsworth Beck has led to a delay in the completion of one of the drainage runs connecting it. Poor weather has also led to delays in the completion of another drainage run and also the lakes.*

*Footpaths: The realignment of public footpaths has been delayed by the above delays to the drainage engineering works. For health and safety reasons the footpaths should not be created until the engineering works on site have been completed. The diversion and closures of existing footpaths are still to be agreed with the Council.*

*Planting: Some of the approved planting areas would be disturbed by the redesign of the drainage engineering works and therefore it is considered more appropriate to delay the planting in these areas until the works have been completed.*

*Weather: Three continuous wet summers have delayed engineering works and soil moving works which cannot take place after two or three days of rain.*

*Details of the amendments required for the drainage, footpaths and planting schemes in connection with the restoration permission have also been submitted to the Council for approval. These details do not form part of this current application as they relate solely to the compliance of other conditions attached to the 2004 permission (RB2003/1640) whilst this current application looks to vary a time limit condition only. .*

#### *Development Plan Allocation and Policies*

##### *01 RSS Policies:*

*Policy ENV4 of the Regional Spatial Strategy relates to minerals sites in Yorkshire and the Humber.*

*Policy YH9 looks to protect the Green Belt in the region from inappropriate development.*

##### *02 UDP Policies:*

*The northern area of the site is allocated for Industrial and Business Use. The central part is 'white land' i.e. unallocated within the UDP and the southern area is within the Green Belt. The application therefore shall be assessed against the relevant UDP Policies which include:*

*ENV1 'Green Belt' looks to protect the character and appearance of the Green Belt from inappropriate development*

*ENV2 'Conserving the Environment' aims to ensure, amongst other things, that development does not harm the character and quality of the environment and that wildlife and historic interests are taken into account, and that any environmental losses are outweighed by other enhancements.*

*EC3.1 'Land Identified for Industrial and Business Uses' allows industrial and business development on land allocated for this purpose in the UDP subject to the impact on the character and appearance of the area, residential amenity and parking provision.*

*MIN6 (Methods and Control of Working) which requires an appropriate form of restoration for minerals sites to a suitable standard within an agreed timescale.*

### *Publicity*

*The proposal was advertised in the press, on site and via letters to adjacent occupants. A letter has been received from Orgreave Parish Council opposing the extension of the time limit for completion of works. It states:*

*“We believe that UK Coal have been given enough time for these works and have previously had an application to extend the works.*

*Our residents have expressed their upset and believe they have waited and suffered for long enough with the works on their doorsteps and have been looking forward to finally seeing and enjoying the benefits this year.”*

### *Consultations*

*Council Transportation Unit: No objection on the basis that a separate planning application would be submitted for the importing of additional material as required to achieve the approved contours and that details of additional vehicle movements will be considered as part of that application.*

*Council Landscape Officer: No objection.*

*Council Green Spaces: No objection*

### *Appraisal*

*The main issue is whether the proposed delays allowing works beyond the current 15<sup>th</sup> May 2009 time limit would significantly harm the surrounding environment or lead to further traffic and amenity issues.*

*The Council accepts that the full completion of the restoration scheme for the site, in accordance with the approved plans, would not be achievable by 15<sup>th</sup> May. This extension would be required to help the applicants to change aspects of the restoration scheme due to problems that arose throughout the ongoing contours and drainage works including lack of available material and constraints caused by poor weather conditions.*

*It is accepted that the complete restoration of the site may not be achievable without making the necessary changes. It is also accepted that the footpaths and planting areas would not be able to be fully provided without first completing the contours and drainage works.*

*The contours for the site restoration were approved as part of a restoration package submitted in January 2008 in response to a number of conditions attached to permission RB2003/1640. A separate planning application will need to be submitted to allow the importation of additional material onto the site to allow the applicants to complete the restoration in accordance with the approved contours and UK Coal are aware of this requirement.*

*The comments from Orgreave Parish Council have been noted. Although it is appreciated that residents would have to endure ongoing works for a longer period, this disadvantage is outweighed by the need to make changes to the restoration scheme to allow it to be eventually completed to an acceptable standard and these changes would not have been possible without extending the current May 15<sup>th</sup> 2009 time limit.*

*The extension of the time limit to allow changes to be approved and implemented to the drainage, planting and footpaths strategy and to allow more material to be imported into the site is not considered to cause significant harm to the surrounding environment or lead to increased traffic problems and would therefore comply with the RSS Green Belt policy and UDP policies ENV1, ENV2, EC3.1 and MIN6.*

### Conclusion

*A grant of a variation of condition to allow an extended time limit for the restoration of the Waverley site is considered necessary to allow amendments to be approved and undertaken for the scheme to ensure it is satisfactorily completed. It is not considered that the ongoing works beyond the current time limit would cause additional harm to the surrounding environment, traffic levels or the general amenities of the area and therefore the application would comply with the RSS and UDP policies outlined in the appraisal. Having regard to the above points, the proposed variation of the condition to extend the time limit for the restoration of the site until December 2010 is considered acceptable and is recommended for approval.*

**RB2009/0104**

**Erection of boarding kennel building to house 40 animals (renewal of RB2004/749) at 177 Dalton Lane, Dalton for Brookland Boarding Kennels and Cattery.**

**RECOMMENDATION: GRANT CONDITIONALLY**

**STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION**

1. Having regard to the Development Plan and all other relevant material considerations as set out below:
  - a) Development Plan
    - (i) Policy ENV1 'Green Belt'
      - ENV 2.8 'Settings and Curtilages of Listed Buildings'
      - ENV2.11 'Development in Conservation Areas'
      - ENV3.1 'Development and the Environment'
      - ENV3.7 'Control of Pollution'
  - b) Other relevant material planning considerations
    - PPG2 'Green Belt'
    - PPS7 Sustainable Development in Rural Areas

2. For the following reasons:

The additional kennels and boarding unit is to be located on an established kennels/cattery/animal sanctuary site and this unit to house an additional 40 animals is considered to represent an acceptable degree of intensification within the Green Belt. The overall increase in built footprint is significantly below 5% of the total site area and is not, by virtue of its location and single storey form, considered to have a detrimental impact on the openness or character of the Green Belt. In addition the location of the building on the northern section of the site behind a cluster of existing buildings is not considered to have a significant detrimental impact on the openness or character of the Green Belt. The unit is considered to be sited a sufficient distance from the nearest residential properties to prevent any significant detrimental impact in terms of noise and smell. The development is not considered to have a detrimental impact on either the character and appearance of the Conservation Area or on the setting of the adjacent Listed Building.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officer's report, the application case files and associated documents.

**Conditions Imposed:**

01

[PC52] No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

02

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

03

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

04

Unless approved otherwise in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

**Reasons for Conditions:**

01

[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

02

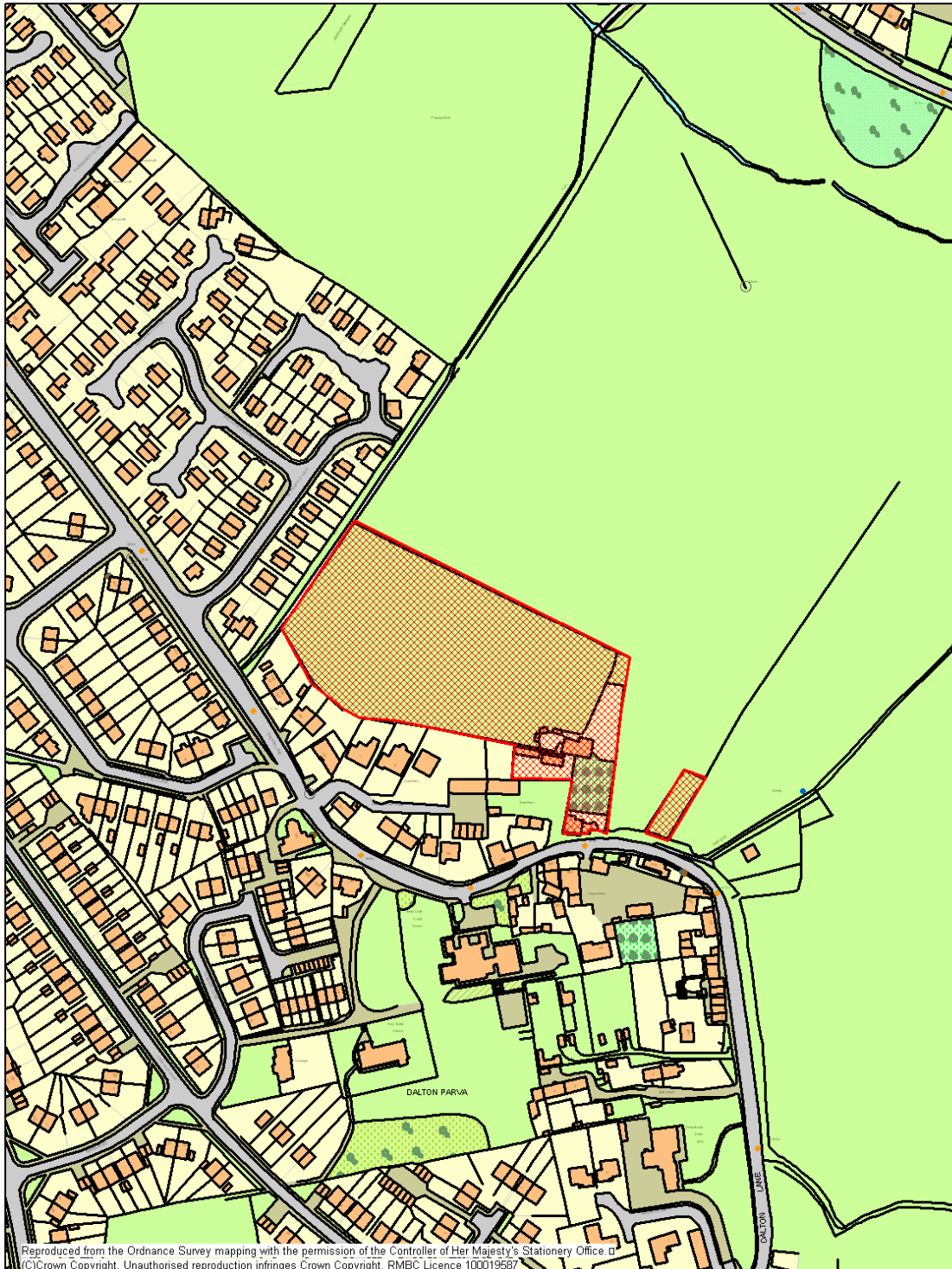
In the interests of satisfactory drainage.

03

In order to provide a suitable drainage scheme.

04

In the interests of satisfactory drainage.



Scale 1:2500  
 Date: 04/03/2009  
 Map Centre: □  
 445679.393834

**Rotherham MBC**  
 Env't & Dev't Services □  
 Bailey House □  
 Rawmarsh Road □  
 Rotherham S60 1TD □  
 □

**Rotherham**  
 Metropolitan  
 Borough Council  
 Where Everyone Matters

## Background

*The site has been used for kennels since approximately 1972 and has an established use as kennels. There are a number of previous planning applications for the site. The most relevant of which can be summarised as follows:-*

*RB2006/2047 – Change of use of outbuilding to a pet and animal treatment centre (Renewal of RB2002/0028) – Granted Conditionally.*

*RB2004/0749 – Erection of a new boarding kennel building to house forty animals (renewal of RB1999/457P) – Granted.*

*RB1999/0457 – Erection of a new boarding kennel building to house forty animals – Granted Conditionally*

*The new kennel to house 40 animals has never been implemented and this application seeks to re-new the previously approved permission RB2004/0749 which expires on 25 May 2009.*

*An E.I.A. screening opinion is not required in this instance as the area of new floorspace created within the unit is less than 500 square metres.*

## Site Description & Location

*The site comprises the extensive curtilage to 177 Dalton Lane, approximately 1.25 hectares in total. The built-up area of the site occupies a much smaller area than this and is restricted to the south-east corner. There are a cluster of 5 existing buildings, single storey in height, utilised for the housing and treatment of animals. The site levels of the site drop steeply downwards to the north with this cluster of buildings lying approximately 3-4 metres below the land levels in Dalton Lane itself. These buildings are mainly constructed of brick with metal roofs. East Farm at 175 Dalton Lane, approximately 52 metres south of the proposed kennels is a grade 2 Listed Building, and is visible from Dalton Lane.*

## Proposal

*The applicant proposes to erect an additional single storey building to be sited to the north of the existing cluster of buildings that are used for the housing and treatment of animals. The building will be used as additional boarding facilities for domestic pets when owners are away. This building will be single storey in height and has approximate dimensions of 26 metres by 9 metres. The materials of the building would be of matching brick with metal sheeting on the roof.*

## Development Plan Allocation and Policy

*The site is allocated for Green Belt purposes in the Development Plan.*

*The following UDP Policies are relevant in the determination of this application.*

*ENV1 'Green Belt' indicates that in the Green Belt, development will not be*

*permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area.*

*ENV 2.8 'Settings and Curtilages of Listed Buildings' states that "The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context."*

*ENV2.11 'Development in Conservation Areas' indicates that the Council will have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character."*

*ENV3.1 'Development and the Environment' indicates that development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship to the locality, scale... and site features.*

*ENV3.7 'Control of Pollution' states that "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport".*

#### Other Material Considerations

*Planning Policy Guidance Note 2: Green Belts (PPG2) Paragraph 3.5 states that "Essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation".*

*Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) gives advice on the acceptability of farm diversification in the countryside in paragraph 30 of PPS7 which states that "Local Planning Authorities should...be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas".*

#### Publicity

*All relevant neighbours were informed by letter on 5 February 2009. No representations have been received.*

#### Consultations

*Conservation Officer – no objections  
Transportation Unit – no objections  
Environmental Health – no objections*

#### Appraisal

*The main considerations in the determination of this application are as follows:*

- *The principle of additional kennels in the Green Belt.*
- *Intensification of this form of development and the impact on the openness and character of the Green Belt.*
- *Impact on the residential amenity of the surrounding properties.*
- *Impact on the setting of the adjacent East Farm Listed Building and on the character and appearance of the Conservation Area in which the southern part of the site lies.*

### Principle

*The site has an established history as a dog kennels/cattery/animal sanctuary since 1972 which represents a Sui Generis use that does not fall within an agricultural or recreational use outlined in policies PPG2 Green Belt and UDP Policy ENV1 Green Belt. However, this use has a long-established history on this site and the activities of the cattery/kennels is considered to be similar to formal agricultural operations, in terms of noise, smell and effluent. Environmental Heath have indicated that there are no objections to the intensification of the use and it is considered that the site is appropriately located on the edge of the Green Belt.*

*The impact on the openness and character of the Green Belt.*

*The increase in ground area of the proposal would result in an overall built-up footprint of less than 5% of the total site area and the building proposed is single storey in height with a maximum height of 4.5 metres. In addition to this there is a significant fall in land levels between Dalton Lane and the existing kennels area. It is considered that these factors, combined with the northerly siting of the new kennel building would significantly reduce the overall impact on the openness of the Green Belt. The building would not be visible from Dalton Lane and is likely to be hidden by existing animal housing areas. Bearing in mind that the site is not in an isolated location and is close to a built-up residential area and other farm buildings, the northerly siting and limited height of the proposal is considered to satisfactorily conform to the advice given in UDP Policy ENV1 'Green Belt' and PPG2 'Green Belt'.*

*Impact on the residential amenity of the surrounding properties.*

*The proposed additional kennels are located approximately 60 metres from the nearest residential properties along West Farm Lane. The location of the new kennel building would be further away from these properties than the existing kennels. Taking this distance and the lower site levels it is considered that this development would not materially increase the level of noise, smell and general disturbance to these residential properties than currently exists.*

*Impact on the setting of the East Farm Listed Building and on the character of the Conservation Area.*

*Although the proposed materials to be used comprise of facing brick and a metal roof, all of the other cluster of buildings surrounding the proposed kennels are comprised of similar materials. The siting of the kennels is just outside the boundaries of the Conservation Area and the dip in land levels, combined with the northerly location of the proposed kennels behind the existing buildings means the kennels would not be visible from the street scene. Accordingly it is considered that the impact of this additional*

*building would have a minimal impact on both the Conservation Area and would not detrimentally affect the setting of the grade 2 Listed Building.*

#### *Other Material Considerations*

*Under application RB2004/0749, the kennel building has formal planning permission until 25 May 2009 and could currently be erected. It is not considered that to extend the life of this proposal until 2012 would have a materially detrimental impact on the Green Belt.*

#### Conclusion

*The proposed additional kennels and boarding unit is located on an established kennels/cattery/animal sanctuary site and this unit to house an additional 40 animals is considered to represent an acceptable level of intensification within the Green Belt. The overall increase in built footprint is significantly below 5% of the total site area and is not considered to have a detrimental impact on the openness or character of the Green Belt. In addition the location of the building on the northern section of the site behind a cluster of existing buildings is not considered to have a significant detrimental impact on the openness or character of the Green Belt. The unit is considered to be sited a sufficient distance from the nearest residential properties to prevent any significant detrimental impact in terms of noise and smell.*

#### **RB2009/0121**

**Vinyl wrap artwork to rear of screen at LED Video Screen, All Saints' Square, Rotherham Town Centre for RMBC (Town Centre Management).**

#### **RECOMMENDATION: GRANT**

#### **STATEMENT OF REASONS FOR DECISION TO APPROVE ADVERTISEMENT CONSENT**

1. Having regard to the Development Plan and all other relevant material considerations as set out below:

a) Development Plan

(i) RSS

ENV9 'Historic Environment'

(ii) Local Planning Policy: Rotherham UDP

ENV2 'Conserving the Environment'

ENV2.8 'Settings and Curtilages of Listed Buildings'

ENV2.11 'Development in Conservation Areas'

ENV3.8 'Advertisement Hoardings'

b) Other relevant material planning considerations

Rotherham UDP Supplementary Planning Guidance (SPG)

- Environmental Guidance 3: Development in Conservation Areas
- Environmental Guidance 5: Advertisement Hoardings

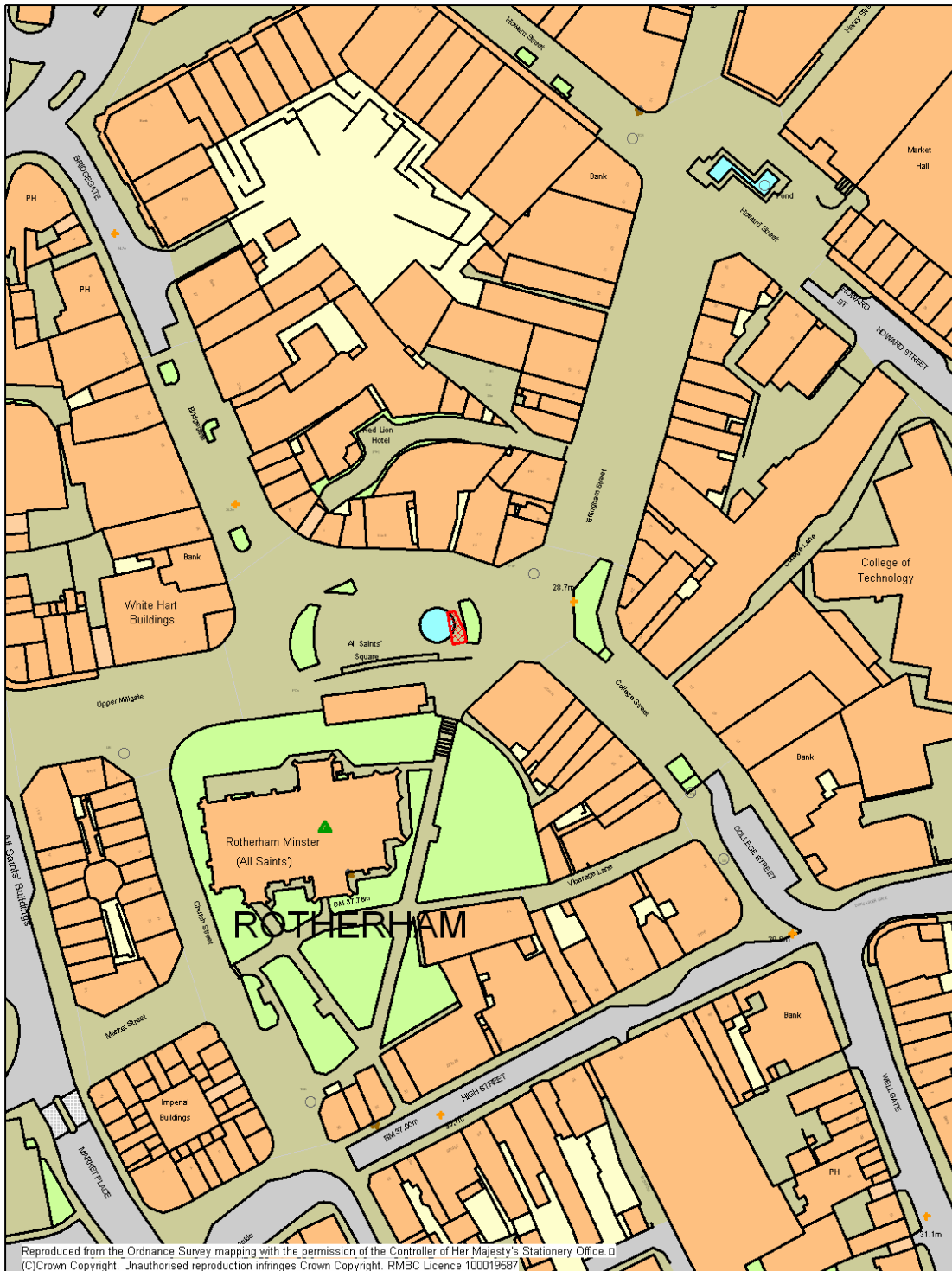
PPG 15 'Planning and the Historic Environment'

PPG19 'Outdoor Advertisement Control'

2. For the following reasons:

The proposed artwork would be incorporated on the rear of an existing structure and its design is not considered to be harmful to the historic character and visual amenities of the Conservation Area, the setting of the nearby listed buildings or the character of the wider surrounding area and therefore complies with RSS Policy ENV9, UDP policies ENV2, ENV2.2, ENV2.8, ENV2.11 and ENV3.8, the UDP Supplementary Planning Guidance and Government guidance contained in PPG15.

3. The forgoing statement is a summary of the main considerations leading to the decision to approve advertisement consent. More detailed information may be obtained from the Planning Officer's Report, the application case files and associated documents.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright. RMBC Licence 100019587

Scale 1:1250  
 Date: 04/03/2009  
 Map Centre: □  
 442686,392904

**Rotherham MBC**  
 Env't & Dev't Services □  
 Bailey House □  
 Rawmarsh Road □  
 Rotherham S60 1TDD  
 □

**Rotherham**  
 Metropolitan  
 Borough Council  
 Where Everyone Matters

## Background

The LED video screen was erected under permission RB2004/1083(CC) for RMBC (Town Centre Management)

## Site Description

The site comprises part of All Saints Square in Rotherham Town Centre and includes a paved area and a 5m high structure supporting a large LED video screen facing west. All Saints Church, a Grade 1 listed building, lies approx 30 metres to the south-west. Other buildings, mainly shops, lie 15 metres to the north and south-east.

## Proposals

The application is for advertisement consent to install an artwork vinyl wrap poster onto the rear of the large LED video screen in the pedestrianised square. The rear façade of the screen is rectangular in shape with dimensions of 5.12 x 2.88 metres and the bottom edge is 3.2 metres from the ground. The wrap would cover the whole of the façade which is currently a blank panel with a white/grey colour. Most of the wrap includes a photo of a historical Rotherham street scene and close to the left edge would be pictures of Rotherham “heroes”. It was designed by students from Rotherham College of Art and Technology as part of a competition and also the Council’s Design Team. Members were consulted via Regeneration and Asset Board in addition to the Cabinet Member for Planning and Regeneration. It will not project outwards from the façade and will not be illuminated.

## Development Plan Allocation and Policy

### 01 RSS Policies

ENV9 ‘Historic Environment’ aims to safeguard and enhance the historic environment in the region, and ensure that historical context informs decisions about development and regeneration.

### 02 UDP Policies

ENV2 ‘Conserving the Environment’ aims to ensure, amongst other things, that development does not harm the character and quality of the environment including historic resources.

ENV2.8 ‘Settings and Curtilages of Listed Buildings’ aims to resist development which harms the setting of listed buildings to preserve its setting and historical context

Policy ENV2.11 ‘Development in Conservation Areas’ states that the Council will not permit advertisement displays where they would adversely affect the architectural and historic character of the Conservation Area.

ENV3.8 ‘Advertisement Hoardings’ looks to protect the appearance and character of areas from hoardings and ensure highway safety is not affected.

### Other Material Considerations

*UDP Supplementary Environment Guidance 3 'Development in Conservation Areas' gives advice in addition to UDP Policy ENV2.1 to guide works carried out in Conservation Areas to ensure that their character and historical context is protected.*

*UDP Supplementary Environment Guidance 5 'Advertisement Hoardings' gives advice in addition to UDP Policy ENV3.8 in order to protect the surrounding environment from the visual impact of hoardings/advertisements.*

*Planning Policy Guidance Note 15 (PPG15) 'Planning and the Historic Environment' contains the governments advice on planning in relation to the historic environment in order to protect the character and appearance of Conservation Areas, listed buildings and other buildings, monuments and areas of historical or heritage interest.*

*Planning Policy Guidance Note 19 (PPG19) 'Outdoor Advertisement Control' aims to ensure that outdoor advertisements have an appropriate scale and design to their surroundings and do not harm the character and appearance of the area.*

### Publicity

*The proposal was advertised in the press and a site notice was erected in All Saints Square due to the site being within a Conservation Area and the proposal being considered to affect the setting of a listed building. In addition to this, letters were sent to occupiers of premises surrounding All Saints Square. At the time of writing this report no letters of representation have been received.*

### Consultations

*Council Transportation Unit: "The application does not appear to have any highway involvement and the Unit has no observations to make on the proposal."*

*Rotherham Civic Society: "The vinyl wrap itself looks good and well thought out, involving, as it did, young people considering their town's heritage."*

### Appraisal

*The main issue with the proposal is the impact on the character and appearance of the Conservation Area and the setting of the Grade 1 Listed All Saints Church.*

*The vinyl wrap artwork would replace a large blank grey façade on the rear side of the video screen, directly facing the pedestrianised area adjoining Effingham Street and College Street. It is fairly prominent when viewed from this location and it is considered that the artwork would add some interest to the structure and although prominent, would not be so visually intrusive as to harm the character and appearance of the Conservation Area or the setting of the listed Church.*

*The Council's Conservation Officer, English Heritage, Hallamshire Historical Building Society and Rotherham Civic Society have all been consulted for their views on the artwork and its impact on the historical interests in the area and no objections have been raised from any of these groups.*

## Conclusion

*The artwork wrap is acceptable in the town centre location and would comply with Policy ENV9 of the Regional Spatial Strategy ('Historic Environment'), and the policies in the UDP which include ENV2 'Conserving the Environment', ENV2.8 'Settings and Curtilages of Listed Buildings', ENV2.11 'Development in Conservation Areas' and ENV3.8 'Advertisement Hoardings'. It is also in line with the Governments planning guidance for the historic environment, PPG15, and outdoor advertisements, PPG19. The application is therefore recommended for approval.*

**RB2009/0136**

**Formation of tennis court and installation of associated flood lighting and fencing at land rear of 84-86 Worksop Road, South Anston for H. M. Wainwright Ltd.**

**RECOMMENDATION: REFUSE**

### **Reasons for Refusal:**

01

The site of application is within the Green Belt wherein only development essential for the use of agriculture, forestry, or outdoor recreation will be allowed, unless there are very special circumstances. It is considered that insufficient information exists to demonstrate that the floodlights are essential for the use of open recreation and that it would therefore be inappropriate development in the Green Belt. No very special circumstances have been demonstrated to clearly outweigh the harm caused by the inappropriate development, or to enhance the landscape in the vicinity, and the proposal is therefore in conflict with Policy ENV1 Green Belts of the adopted Unitary Development Plan and advice in PPG 2 Green Belt

02

It is considered that by virtue of their number height and location the proposed floodlights would be materially detrimental to the openness and the visual amenities of the Green Belt in conflict with Policies ENV 1 Green Belts, and ENV 3 Borough Landscape of the Unitary Development Plan and advice in PPG 2 Green Belts.

03

It is considered that insufficient information has been submitted to determine whether the site can be accessed satisfactorily.



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright. RMBC Licence 100019587



Scale 1:2500

Date: 04/03/2009

Map Centre: □  
452326,383700

**Rotherham MBC**

Env't & Dev't Services □  
Bailey House □  
Rawmarsh Road □  
Rotherham S60 1TD □  
□



## Background

The site has recently been cleared of tress and shrubs, in association with works carried out by Severn Trent Water and Railtrack. The case officer has contacted the contractors to establish the nature of the works, but at the time of writing this report, no information had been submitted. In this respect the statutory drainage body has permitted development rights under Part 15 of the Town and Country Planning (General Permitted Development) Order 1995, subject to the land being reinstated within 6 months of completion of the works. No reinstatement has been carried out, and the works appear to be complete.

There is no record of any relevant planning history for the site.

## Site Description & Location

The site of application is a recently cleared and levelled irregular shaped area of land, measuring approximately 0.17 hectares, and located to the rear of 82, 84, and 86, Worksop Road, which are on the north side of the A57 at South Anston. The land has been excavated and is approximately 2m lower than the land levels adjacent the A57 to the south. To the north the land falls away steeply to the railway line with Anston Brook beyond. To the east is open Green Belt land, whilst to west is a petrol filling station and a coach manufacturing factory.

## Proposal

The application is for a tennis court measuring 11m by 24m within a fenced area measuring approximately 18m by 36.5m. The fence would be 2.4m high constructed from green mesh and within the fenced area would have six floodlights approximately 7.8m high. The court itself would have a synthetic surface.

The application is accompanied by a design and access statement which is purely descriptive.

The tennis court would be used by staff and associates of H.M. Wainright Ltd. (the petrol filling station adjacent the site and fronting the A57). This would include Mr Wainright, the owner of the company and his family who live at number 78, Worksop Road. Additional details of the previous excavations and works on site, and very special circumstances to justify the development in the Green Belt have been requested. No details have been received.

## Development Plan Allocation and Policy

**The site is allocated Green Belt in the Development Plan. Relevant policies are:**

Unitary Development Plan Policies (UDP):

Policy ENV1 Green Belts states that only development essential for the use of agriculture, forestry or open recreation, will be allowed unless there are very special circumstances

Policy ENV3 Borough Landscape states that, the Council recognises the vital importance of maintaining and enhancing the landscape, and when considering

development or other proposals, taking full account of their effect on and contribution to landscape.

*Policy ENV3.1 Development and the Environment states, that development will be required to make a positive contribution to the environment.*

*Policy ENV3.7 Control of Pollution:*

*“The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.*

*Planning permission will not be granted for new development which:-*

- (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place, or*
- (ii) would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects arising from existing industries, utility installations, major communication routes or other major sources.*

*The Council will employ all its available powers and where appropriate will co-operate with and support other agencies, to seek a reduction in existing levels of pollution within the Borough in terms of air, water, noise, light, waste, litter and graffiti. Where concerns arise, the Council will in appropriate cases monitor or require the monitoring of levels of pollution within the Borough in terms of air, water, noise, light, waste, litter and graffiti, in furtherance of this Policy objective.”*

### *Other Material Considerations*

*National Planning Guidance:*

*PPG 2 Green Belts states that the most important attribute of Green Belts are their openness and character. Para 3.2 states that: -“Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.”*

*PPG 2 adds that the construction of new buildings in the Green Belt are inappropriate development unless they are essential for the use of agriculture, outdoor recreation, sport cemeteries or other uses which preserve the openness of the Green Belt. It further states in paragraph 1.6, that Green Belts have a positive role to play in fulfilling certain objectives, two of which are:-*

- (i) To provide opportunities for outdoor sport and outdoor recreation near urban areas.*

- (ii) *To retain attractive landscapes, and enhance landscapes, near to where people live.*

*Finally PPG 2 states that the visual amenity of the Green Belts should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental reason of their siting, materials or design.*

### Publicity

*The application was advertised on site and in the press and adjoining occupiers notified. No representations have been received.*

### Consultations

*Transportation Unit:*

*Have requested additional details of the means of access and number of people who will use the site.*

*Environmental Health Service:*

*No objections.*

### Appraisal

*The applicant has approximately 1.45 hectares of land to the rear of houses and a petrol filling station, that front the A57 at South Anston. The application site comprises approximately 0.17 hectares of that land. The applicant lives at number 78 Worksop Road adjacent the site and the tennis court is for use by the applicant and his family, and employees of the petrol filling station adjacent the site which he owns. The principle of the development may therefore be acceptable, insofar as it is in connection with open recreation, and it is also considered that the erection of a 2.4m high fence is essential for the tennis court to function properly. However, no very special circumstances have been submitted to show that the lighting columns are essential for open recreation. The main considerations are:-*

*(a)*

*Is the development inappropriate development in the Green Belt?*

*(b)*

*The effect on the openness of the Green Belt.*

*(c)*

*The means of access to the site.*

*(a)*

*Is the development inappropriate development in the Green Belt?*

*The proposal is for an all weather surfaced tennis court and associated fencing and floodlights in a prominent location in the Green Belt. The emphasis of advice in PPG 2 Green Belts on such development is that it must be essential for the use of open recreation. It is considered that the court itself and the fencing are essential, but that the flood lights are not, and consequently this element of the proposal is inappropriate development in the Green Belt. Para 3.2 states that: -"Inappropriate development is, by definition, harmful to the Green Belt," and that "Very special circumstances to justify*

*inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.” No very special circumstances have been submitted to overcome the presumption against the granting of permission in this instance.*

*(b)*

*The effect on the openness and visual amenity of the Green Belt.*

*PPG 2 states that the most important attribute of Green Belts are their openness. The proposal is for a hard surfaced area, a 2.4m high green mesh fence and six lighting columns each approximately 7.8m high, all prominently located in the Green Belt. It is considered that the floodlighting in particular would have a materially adverse effect on the openness and visual amenities of the Green Belt and thereby be inappropriate development in the Green Belt. PPG 2 states that the main attribute of Green Belts is their openness and that the visual amenity of the Green Belts should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental reason of their siting, materials or design. Additionally, the site has been cleared of trees and shrubs, and material excavated to create level platform, resulting in an adverse effect on the visual amenities of the area, and no proposals have been submitted to replace that loss or enhance the landscape in this area. It is therefore considered that the proposals would be in conflict with Policies ENV 1 Green Belts, ENV 3 Borough Landscape, and ENV 3.1 Development and the Environment in the Unitary Development Plan and national guidance contained within PPG 2 Green Belts.*

*(c)*

*The means of access to the site.*

*No means of access to the site is included within the application site, and no details of the potential number of people who would use the court have been provided, it is therefore considered that insufficient information has been submitted to determine if the proposals can be accessed satisfactorily.*

### *Conclusion*

*The proposed floodlights are considered to be inappropriate development and would have an unacceptable adverse effect on the openness and visual amenities of the Green Belt. No very special circumstances have been submitted to clearly outweigh the harm to the Green Belt, or enhance the landscape, and insufficient information has been submitted regarding the access to the site. It is therefore recommended that planning permission be refused.*