

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
23RD SEPTEMBER 2010**

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

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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 23RD SEPTEMBER 2010

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.

RB2010/0599

Application for variation to Condition 30 (retail units to be not less than 929sq.m gross floor space) imposed by RB2007/0872 to allow retail units to be not less than 697sq.m gross floor space at land at Rotherham Road, Parkgate for Henry Boot Developments Ltd.

RECOMMENDATION: GRANT CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

1. Having regard to the policies and proposals in the Development Plan and all relevant Guidance, as set out below, along with all other relevant material planning considerations:

UDP

EC1.1 Safeguarding Existing Industrial and Business Areas aims to support proposals which safeguard the viability of established industrial and business areas, including those which seek to improve buildings, infrastructure and the environment.

EC2.1 Sites for New Development aims to allocate land for industrial and business uses in a variety of areas.

EC3.1 Land Identified for Industrial and Business Uses aims to restrict the uses in these areas to B1 (Office/Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) in the interests of providing land for economic and employment purposes.

EC3.3 Other Developments within Industrial and Business Areas aims to ensure other developments within Industrial and Business areas are acceptable with no adverse effect on the character of the area or on residential amenity.

ENV2.2 Interest Outside Statutorily Protected Sites aims to protect any key species, key habitat, or significant geological or archaeological features.

ENV5.1 Allocated Urban Greenspace aims to protect arrears allocated as such on the proposals map.

PPS 1 Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPS4 Planning for Sustainable Economic Growth, this is the guidance that sets out planning policies for economic development.

PPS 25 Development and Flood Risk sets out the Government's Guidance in relation to developments and flood risk.

2. For the following reasons:

The variation of the condition to reduce the minimum unit floorspace to 697sqm, for the sale of bulky goods on the Henry Boot site would not create an increase in floorspace. It is considered that the applicant has demonstrated compliance with the requirements of the sequential approach, and that there is no evidence that the proposal would lead to significant adverse impacts. It is considered that the proposal is in accordance with national policies contained within PPS 4 and would not have an adverse effect on the vitality or viability of the town 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 and the application case file and associated documents.

Conditions Imposed:

01

The planting of trees and shrubs on the site shall be undertaken in accordance with drawings ECUS 91-03C sheets 1 and 2 within the first available planting season after the commencement of the development. Any plants dying, removed or destroyed within five years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.

02

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

03

The means of disposal of foul and surface water drainage including the outfall for surface water shall be completed in accordance with drawings D202171-206 rev A, D202171-115 rev P5, D202171-174 rev P1, D202171-182 rev P2 and D202171-227 rev P3.

04

Surface water from vehicular parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage shall not be passed through any interceptor.

05

The settlement facility for the removal of suspended solids from surface water run-off during construction works, as shown in the drawings referred to Condition 3 shall be retained throughout the construction period.

06

The scheme to alleviate flooding between the development site and the adjoining depot site to the south west and provision for all necessary compensatory flood storage shall be completed in accordance with the drawings referred to in Condition 3.

07

The development shall be completed in accordance with the approved Flood Risk Assessment, submitted with Planning Application RB2005/0428, incorporating the accepted mitigation measures into the construction of the development.

08

Surface water discharge from the development shall be balanced to a maximum rate of 5 litres/sec/ha.

09

The development shall be completed in accordance with ECUS Water Vole Survey Report (dated July 2008), ECUS Ecological Assessment Report (dated July 2007), ECUS Reptile and Botanical Surveys Final Report (dated 15th December 2005) and ECUS Amphibian and Water Vole Surveys Report (dated July 2005).

10

The development shall be completed in accordance with the "Report on a Ground Investigation at Northfield, Rotherham Road, Parkgate" by Structural Soils Limited dated January 2009.

11

If during reclamation works any contamination is identified that has not been considered in the Reclamation Method Statement submitted with Planning Application RB2005/0428, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Reclamation Method Statement.

12

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

13

No part of the land other than that occupied by buildings shall be used at any time for the storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

14

A secure and lockable cycle shelter shall be provided in accordance with drawing D202171-SK3 Rev P1 before each of the approved buildings are brought into use and shall be retained.

15

Before each building within the development is brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include clear and unambiguous objectives and modal split targets, together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of, and give prior approval in writing to, any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation.

16

The retail units hereby approved shall not exceed 7,900 square metres net sales floor space, and no additional floor space shall be created without the prior approval of the Local Planning Authority.

17

The retail units hereby approved shall not be subdivided to create individual units less than 697 square metres gross floor space unless otherwise agreed in writing by the Local Planning Authority.

18

Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987, or the Town and Country Planning (General Permitted) Order 1995, or any order revoking, re-enacting or modifying these orders, there shall be no display for retail sale of any of the following goods within the retail units hereby approved: food; alcoholic drinks; tobacco; books; newspapers and magazines; clothing and footwear; chemists' goods; jewellery; silverware; watches and clocks; bicycles and cycling accessories; toys; sports equipment; caravans; camping and boating equipment; pets and pet supplies; luggage; unless sold as ancillary to the sale of other types of goods permitted within the development.

19

Not less than 2,787 sq. m of the gross retail floor space hereby permitted shall be occupied by a DIY/hardware retail operator. The written approval of the Local Planning Authority must be given before any subsequent change in occupation of that unit by a retail operator selling any of the other categories of goods permitted under condition 18 takes place.

Reasons for Conditions:

01

[PR38] 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'.

02

[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'.

03

[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'.

04

[PR11] To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

05

[PR11] To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

06

To ensure adequate measures are put in place to prevent flooding in the area.

07

To ensure adequate measures are put in place to prevent flooding in the area.

08

To ensure adequate measures are put in place to prevent flooding in the area.

09

To ensure that appropriate ecology mitigation needs can be addressed.

10

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

11

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

12

[PR11] To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

13

[PR67] To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

14

To ensure adequate cycle parking facilities are made available with the development.

15

[PR95] In order to promote sustainable transport choices.

16

To restrict the retail element of the proposal to that hereby approved in the interest of the security of the vitality and viability of Rotherham Town Centre.

17

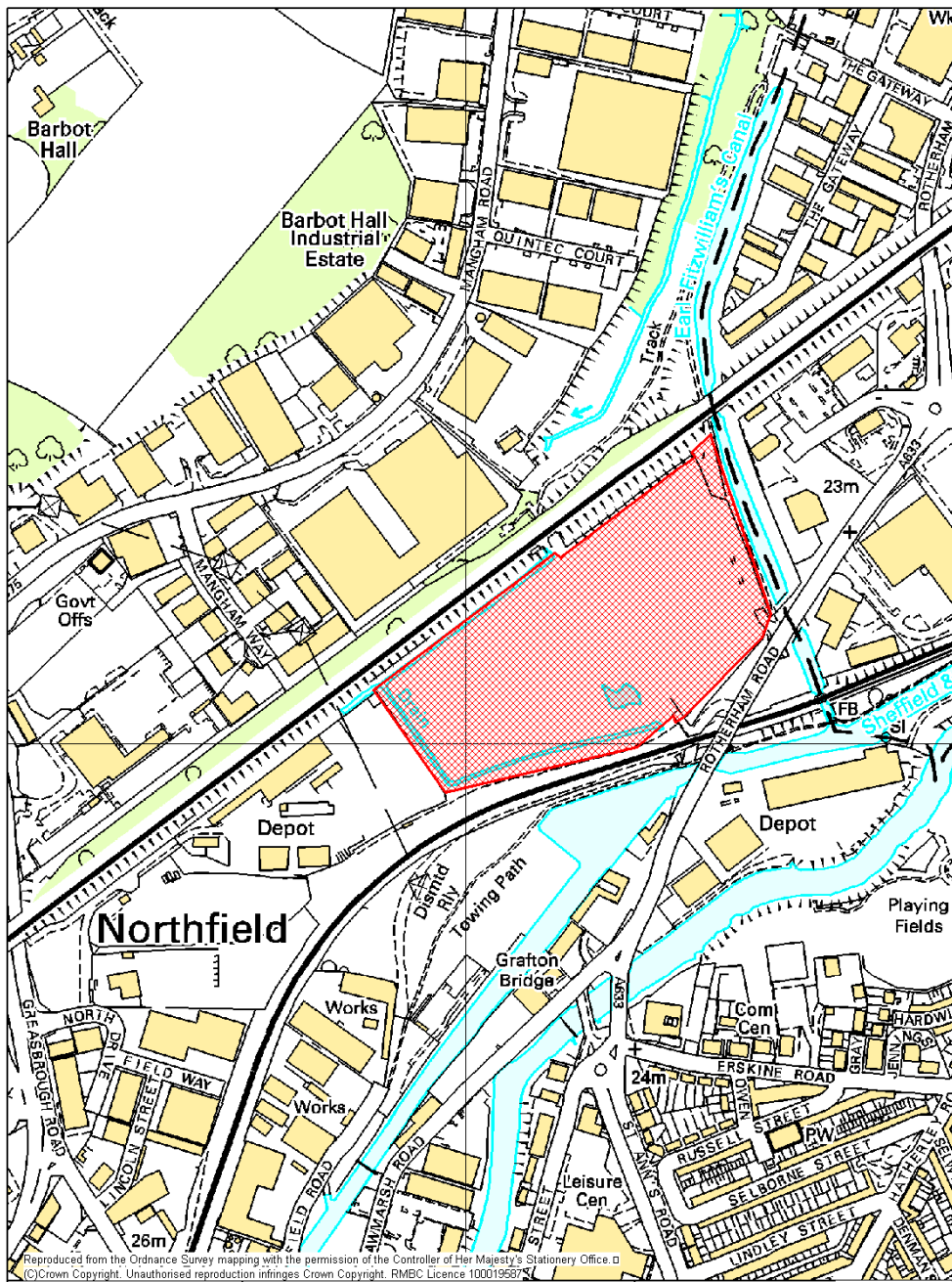
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18

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19

To restrict the retail element of the proposal to that hereby approved in the interest of the security of the vitality and viability of Rotherham Town Centre.



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Background

There have been numerous planning applications relating to the application site, however the applications relevant to this application are detailed below.

RB2005/0428 Outline planning permission was granted on 19th October 2006 for a mixed use development of industrial and retail units (with details of access) by the Planning Inspectorate (following an appeal against the non-determination of the planning application by the Council).

The Planning Inspector imposed the following condition (amongst others):
“The retail units hereby approved shall not be subdivided to create individual units less than 929 square metres gross floor space unless otherwise agreed in writing by the Local Planning Authority.”

The reason for this condition was as follows:

“...to avoid the harm that might arise from attracting smaller retail units from nearby centres.”

In 2007, two planning permissions were granted to vary conditions attached to the RB2005/0428 outline planning permission:

RB2007/0868 Planning permission was granted on 27 November 2007 to vary condition 34 attached to RB2005/0428 which states:

'Not less than 4645 square metres of the gross floorspace hereby permitted shall be occupied by a DIY/hardware retail operator. The written approval of the Local Planning Authority must be given before any subsequent change in occupation of that unit by a retail operator selling any of the other categories of goods permitted under condition 33 takes place' **to**

'Not less than 2787 square metres of the gross floorspace hereby permitted shall be used for the sale of DIY, hardware, home improvement and garden goods. The written approval of the Local Planning Authority must be given before any subsequent change in occupation of that unit by a retail operator selling any of the other categories of goods permitted under condition 33 takes place.'

RB2007/0872: Planning permission was granted on 27 November 2007 (same day as RB2007/0868) to vary condition 33 imposed by RB2005/0428 which states:

'The retail units shall not be used to sell goods other than: a) DIY and Hardware goods; b) Furniture and Floor Covering goods; c) Electrical goods' **to**

'Notwithstanding the provisions of the Town & Country Planning Use Classes Order 1987, or the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking, re-enacting or modifying these orders, there shall be no display for retail sale, or retail sale, of any of the following goods within the retail units hereby approved: food; alcoholic drinks; tobacco; books; newspapers and magazines; clothing and footwear; chemist's goods; jewellery; silverware; watches and clocks; bicycles and cycling accessories; toys; sports equipment; caravans: camping and boating

equipment: pets and pet supplies; luggage; unless sold as ancillary to the sale of other types of goods permitted within the development.'

The applicant chose to implement Planning Permission RB2007/0872. The original condition attached by the Planning Inspector, restricting the size of the retail units to a minimum of 929 sq.m was carried over onto this new permission.

RB2008/1402 The approval of the reserved matters (reserved under permission RB2007/0872) was given on 20 November 2008. This included a large DIY unit, five smaller retail units and six industrial units. To date, a large DIY unit (B&Q), one industrial unit and access roads and parking areas have been built. The retail units and the remaining five industrial units have not been built.

The condition that is the subject of this application is relevant to the un-built five retail units.

RB2009/0660 Planning permission was granted on 13 August 2009 to vary condition 32 (amount of floorspace to be occupied by DIY/Hardware operator) imposed by RB2007/0872 to allow not less than 2787m² of gross floorspace to be occupied by DIY/Hardware operator. This condition has already been varied on RB2007/0868 but RB2007/0872 was the permission implemented, so to regulate the matter the condition was varied on this implemented permission.

RB2009/1139 Planning permission was refused on 17th December 2009 to vary condition 30 (retail units to be not less than 929 sq.m) imposed by planning permission RB2007/0872 to allow the minimum size of the units to be decreased to 697sq.m. The reason for refusal was "The Council considers that insufficient information has been submitted to demonstrate the impact of reducing the size of the retail units would have on the vitality and viability of Rotherham town centre and therefore the proposal is contrary to Planning Policy Statement 6 (PPS6) Planning for Town Centres."

This current planning application is a resubmission of the above planning application that has been previously refused.

RB2010/0988 is to be determined concurrently with this application. In essence both these planning applications seek the same variation of a planning condition, albeit on different planning permissions.

Site Description

The site lies to the north-west of Rotherham Road, approx 1km north of the town centre. Railways run along the south-east and north-west boundaries of the site. A council depot lies to the south-west. The Earl Fitzwilliam canal and public footpath runs along the north-east boundary. It was formerly used as power station railway sidings and has since been reclaimed and decontaminated. Most of the site is allocated for industrial and business uses. However, part of the site adjacent to the canal is designated as green open space. The site has a total area of 6.44 hectares. A DIY store, B&Q, and an industrial unit has been completed on site. The B&Q is trading, whilst the industrial unit remains vacant.

Proposal

The implemented permission on site, still allows for 5 more retail units to be constructed. The applicants want to vary the condition to allow smaller retail units (with a minimum of 697 sq.m of gross floorspace) to be built on the site. The existing planning permission has a condition attached stating that the minimum size of unit should be 929 sq.m. The applicant's agent states that because of changing market and retailer requirements smaller units would be easier to let in the current market. The application includes a letter from the agents for the development outlining the difficulties in finding occupiers for the units and which considers that bulky goods retailers are favouring units with a floorspace of between 464.5 – 650 sq.m.

The overall amount of retail floorspace to be provided on the site is no more than 7,900 sq.m net sales floor space, as conditioned within the planning permission. Condition 30 of planning permission RB2007/0872 restricts the subdivision of individual units to no less than 929 sqm gross floor space. The current reserved matters approval allows five units of 929 sq.m (totalling 4,645 sq.m) to be built, as well as one larger unit of 4645sqm that has been built on site and is occupied by B & Q. The approval of this current application "could potentially comprise a mix of units of different sizes" within the 4,645 sq.m limit, of which no one would be smaller than 697 sq.m gross floor space. This would allow the addition of a maximum of 6 units to be provided (additional to the existing B&Q unit) within the total 4,645 sqm, whilst the total amount of net sales floorspace on the site would not exceed 7,900 sqm, as limited by condition.

Environmental Impact Assessment

The proposed development falls within the description contained within paragraph 10(b) 'Urban Development Projects' of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and meets the criteria set out in column 2 of the table in that the area of development exceeds the 0.5 hectare threshold. Therefore consideration has been given as to whether this particular development would be likely to have significant effects upon the environment. In this regard the proposal has been assessed under Schedule 3 of the Regulations and in this instance it is felt that the development would be of no more than local importance, is not located in a particularly environmentally sensitive location, nor would it involve unusually complex or potentially hazardous environmental effects. The Council has accordingly formed the view that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. As such the Local Planning Authority has adopted the opinion that the development referred is not EIA development as defined in the 1999 Regulations.

Development Plan Allocation and Policy

The site is within an area allocated for Industrial and Business Uses in the Rotherham Unitary Development Plan, and a section of the site is allocated as Urban Greenspace.

The following UDP policies are relevant to the determination of the proposal:-

EC1.1 Safeguarding Existing Industrial and Business Areas aims to support proposals which safeguard the viability of established industrial and business areas, including those which seek to improve buildings, infrastructure and the environment.

EC2.1 Sites for New Development aims to allocate land for industrial and business uses in a variety of areas.

EC3.1 Land Identified for Industrial and Business Uses aims to restrict the uses in these areas to B1 (Office/Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) in the interests of providing land for economic and employment purposes.

EC3.3 Other Developments within Industrial and Business Areas aims to ensure other developments within Industrial and Business areas are acceptable with no adverse effect on the character of the area or on residential amenity.

ENV2.2 Interest Outside Statutorily Protected Sites aims to protect any key species, key habitat, or significant geological or archaeological features.

ENV5.1 Allocated Urban Greenspace aims to protect arrears allocated as such on the proposals map.

Other Material Considerations:

PPS 1 Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPS4 Planning for Sustainable Economic Growth, this is the guidance that sets out planning policies for economic development.

PPS 25 Development and Flood Risk sets out the Government's Guidance in relation to developments and flood risk.

Publicity

The proposal was advertised by a site notice on site and neighbouring properties were consulted by letter. A letter was also sent to a party who made representations to the previous approval. No letters of representation have been received.

Consultations

Council Transportation Unit: No objection.
Council Environmental Health: No objection.

Appraisal

The main issue with the application is as follows:

- The impact of reducing the size of the approved bulky goods retail units on Rotherham town centre.

Although the site is allocated for Industrial and Business Uses and Urban Greenspace, and there are existing UDP Policies which look to restrict development in these areas (UDP Policy EC3.1 and ENV5.1), the Planning Inspector allowed the sale of bulky goods from the Henry Boot site on appeal, in addition to proposed industrial units (Planning Permission RB2005/0428).

The original outline permission was granted planning permission at Public Inquiry, RB2005/428 and permission was granted after the signing of a Section 106 on 19th October 2006.

The Planning Inspector imposed conditions to restrict the type of goods sold and to ensure that units provided were a minimum size in order to protect the vitality and viability of the town centre. Since this time, planning permission RB2007/0872 has been granted to vary the condition to clarify the range of goods that could be sold but this would remain primarily as bulky goods.

RB2009/1139, was refused on 17th December 2009 to vary condition 30 (retail units to be not less than 929 sq.m) imposed by planning permission RB2007/0872 to allow the minimum size of the units to be decreased to 697sq.m. The reason for refusal was “The Council considers that insufficient information has been submitted to demonstrate the impact of reducing the size of the retail units would have on the vitality and viability of Rotherham town centre and therefore the proposal is contrary to Planning Policy Statement 6 (PPS6) Planning for Town Centres.”

This current application again seeks to reduce the minimum size of the proposed bulky goods retail units from 929 sqm to 697 sqm. This application is submitted with additional supporting information and is also re-assessed in relation to the new Planning Policy Guidance contained within PPS 4, Planning for Sustainable Economic Growth, that supersedes PPS6, now cancelled, which was the policy guidance under which the previous application was assessed.

A report has been submitted with the application which deals with each relevant policy contained within PPS4 – Planning for Sustainable Economic Growth.

The supporting documentation contains the following information “EC10 – this policy requires local authorities to adopt a positive and constructive approach towards planning applications for economic development. The proposal complies with all five criteria that are listed in this policy as:-

- The scheme has been planned to be resilient to climate change over its lifetime.
- The scheme is accessible by a choice of means of transport and will not have an unacceptable impact on local traffic levels.
- The design is of a high quality.
- Development will have a positive impact on the economic and physical regeneration of the area, and
- Development will have a positive impact on local employment.”

It is considered that the proposal complies with Policy EC10, and that the previous outline permission and reserved matters approval have taken the above issues into

consideration. It is considered that the decrease in minimum floor areas as proposed, is in accordance with Policy EC10.

The supporting document contains the following information “EC14 – this policy outlines supporting information that is required to be submitted for applications for main town centre uses. As this proposal does not create any additional floorspace, or a change in goods sold, in relation to this policy there is no need for the Council to give weight to these issues as part of its consideration of this planning application.” However, the report does go on to include a sequential assessment and an impact assessment in accordance with Policy EC15 and EC16.

It is considered that in accordance with the policies in PPS4, as there is no additional floorspace created within the proposal, there is no requirement for the applicant to carry out a sequential assessment and an impact assessment. However the applicant has carried out both of the assessments which are addressed below.

The supporting documents contain the following information “EC15 – this policy requires that a sequential approach to site selection is carried out. The agent states that the application site as a retail location was fully assessed in this regard, at the Public Inquiry as part of the original planning application in accordance with PPS6. As part of this application information has also been submitted that concludes that there are no sequentially preferable sites or buildings within or on the edge of the town centre that are available, suitable and viable for any bulky goods retailer seeking a unit with a minimum size of 697sqm.”

The application contains evidence that there are no sites or units available within or on the edge of the Town Centre, of a similar size to the minimum size of unit being proposed, that could be considered to be suitable, available or viable for retailers offering the `range of goods` to which the units on the current application are restricted. Additional information has been submitted with this proposal that looks at the former Marks and Spencer Unit within the Town Centre and the site at Westgate.

The supporting documentation outlines Former Marks and Spencer unit – “There are issues in relation to the current state of this unit, and the cost of subsequent repairs needed. The high rent asked for the property has resulted in the owners being unable to attract an A1 retail occupier; and so on that basis the rent would be too high for a bulky goods occupier. Additionally the size of the unit is unsuitable for a bulky goods retailing of the type that would be attracted to the new smaller units on the application site. These issues would make the unit unviable for a bulky goods retailer.”

Westgate Site – “The reserved matters approval on this site has now expired, without any work being started on site. At the time of the last application this was uncertain. As a result any new proposal would have to be assessed against the new tests in PPS4. Therefore the Westgate site is not available for retail development now, and is unlikely to become available within a reasonable time period. The presence of the Design Code allows for small scale development that would preclude the creation of large bulky goods retail units of the type on the application site.”

It is considered that the applicant has undertaken a thorough sequential assessment, and as a result has shown that there are no other sequentially preferable sites for the development as proposed in this planning application.

The submitted documentation contains the following information – “EC16 – this policy requires an impact assessments for applications for main town centre uses that are not in accordance with an up to date development plan. The impact issues were considered as part of the original planning application at the Public Inquiry. However, the application includes an updated impact assessment in relation to the current criteria in PPS 4:-

- There is no evidence that the proposed application would have any impact on existing, committed or planned public or private investment in the town centre.
- The impact of the proposal on the town centre is small and acceptable.
- The development would have no impact on allocated sites outside the town centre being developed as there are no such allocations remaining.
- The development will have no additional impact on in-centre turnover or on trade in the wider area as the consent already exists for the retail floorspace at the site.
- There are no locally important impacts that need to be addressed.

Therefore, the proposal shows that the development would have an acceptable impact on the town centre.”

It is considered that the current proposal, which does not propose any new floorspace, would not have an adverse impact on the vitality and viability of Rotherham Town Centre, nor would the proposal impact on investments in the catchment area, or other allocated sites within the catchment area.

The Rotherham Town Centre Retail and Leisure Study was undertaken in January 2010, and in this draft document, an assessment of the need for bulky goods floorspace was undertaken. It concludes that a very small surplus of bulky comparison goods floorspace in the town centre is forecast at 2014, 2019 and 2026. However, it states that the lack of need for bulky comparison goods floorspace in the town centre is not considered to be a handicap to its future regeneration, since the emphasis must be placed on improving both the quantity and quality of non-bulky comparison goods and convenience goods floorspace. These two goods categories already effectively anchor (or should anchor) the town centre and with a shortage of sites to accommodate new retail provision, the priority must be on facilitating development of these two retail goods categories. Therefore, it is not considered appropriate for bulky goods retailers, with minimum unit size of 697sqm, to be located within Rotherham Town Centre, as the units and available sites should be made available for non-bulky comparison goods and convenience goods that are required in the centre to improve its vitality and viability.

Conclusion

The variation of the condition to reduce the minimum unit floorspace to 697sqm, for the sale of bulky goods on the Henry Boot site would not create an increase in floorspace. In relation to the implemented planning permission at the site it would allow the provision of one extra unit due to the reduction in floor area of the other approved units.

This application is a submission of a previous application that has been refused, however as the application included additional information, it has been assessed against different national policy than the previous application. (PPS4 has now superseded PPS6), and the draft Rotherham Town Centre Retail and Leisure Study is also now a material consideration.

In accordance with Policy EC17 of PPS4, it is considered that the applicant has demonstrated compliance with the requirements of the sequential approach, and that there is no evidence that the proposal would lead to significant adverse impacts. It is considered that the proposal would not have an adverse effect on the vitality or viability of the town centre, and therefore it is recommended that planning permission be granted.

RB2010/0661

Erection of a single storey building comprising 22 No. dog boarding kennels at Croft Farm, Worksop Road, Aston for Mrs. S. Brunt.

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' states: "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."

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".

b) Other Material Considerations

PPG2 Green Belts states that:

3.1 The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances.

3.2 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.

3.3 Green Belt policies in development plans should ensure that any planning applications for inappropriate development would not be in accord with the plan.

The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- agriculture and forestry (unless permitted development rights have been withdrawn – see paragraph D2 of Annex D);
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);
- limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);
- limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1."

PPG24 'Planning and Noise'

Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions.

2. For the following reasons:

The proposal represents inappropriate development in the Green Belt, although the proposed development will have no materially adverse effect on the character and openness of the Green Belt due to the small scale nature of the building and its location adjacent to existing buildings, as well as proposed landscaping and bund. In addition the removal of the existing greyhound training track and observation tower will improve the appearance of the Green Belt in this location. As such the applicant has demonstrated very special circumstances for inappropriate development in the Green Belt.

It is also considered that by way of the nature of the development, the proposed mitigation measures and the position away from residential properties, the proposed kennels will not be detrimental to neighbouring amenity in terms of noise, smells and general disturbance and would be acceptable in terms of the impact on 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

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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 JBA.2909.101.A)(received 22 July 2010)

03

[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.

04

Prior to the opening of the business, the existing greyhound training track and observation tower shall be removed and the land restored to its natural grassed state.

05

Except in the case of emergency, all doors and windows to the dog kennels shall be kept closed between 19.00 and 07.00 hours.

06

[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 within a timescale agreed, in writing, by the Local Planning Authority.

07

[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.

08

No more than 22 dogs shall be boarded on site at any one time.

09

[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.

10

Prior to commencement of development details of the earth bund shall be submitted to and approved in writing to the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and permanently so maintained.

11

There shall be no burning of waste on site at any time and all waste generated on site shall be removed by a registered waste carrier.

Reasons for Conditions:

01

[PR99] In order to comply with the requirements of the Town and Country Planning Act 1990.

02

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

03

[PR24A] To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

04

In the interest of the visual amenity of the area and to prevent the over intensive use of the site.

05

In the interests of the residential amenities of the adjoining occupiers in accordance with Policy ENV 3.7 Control of Pollution of the Unitary Development Plan.

06

[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'.

07

[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'.

08

In the interests of the residential amenities of the adjoining occupiers in accordance with Policy ENV 3.7 Control of Pollution of the Unitary Development Plan.

09

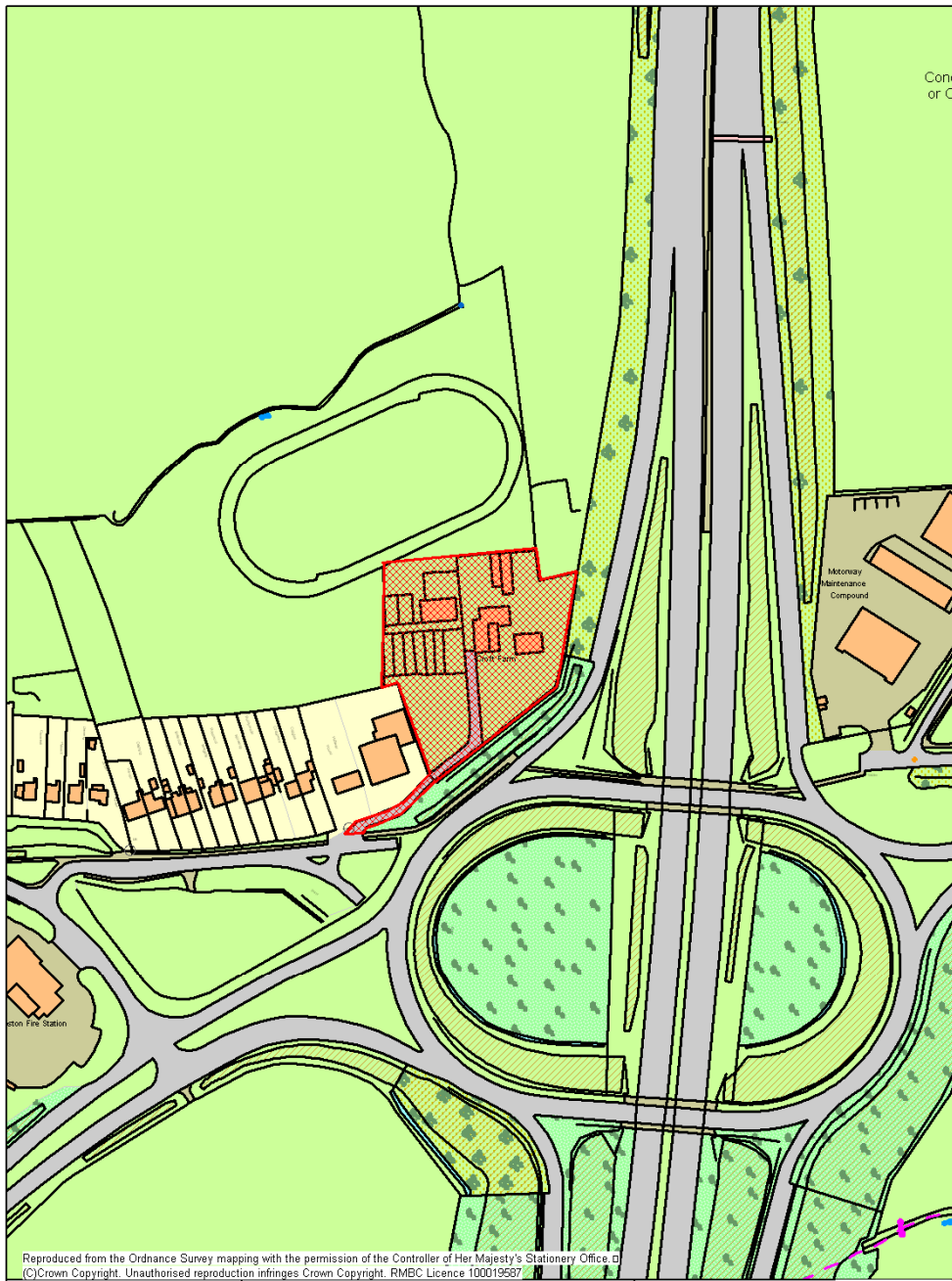
[PR52] To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

10

In the interests of the residential amenities of the adjoining occupiers in accordance with Policy ENV 3.7 Control of Pollution of the Unitary Development Plan.

11

In the interests of the residential amenities of the adjoining occupiers in accordance with Policy ENV 3.7 Control of Pollution of the Unitary Development Plan.



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Background

RB1993/0225 - Conversion of stables to form domestic accommodation – CANCELLED

RB1997/1135 - Retrospective application for raising land levels to form level surface, and use of surface thus created for a greyhound schooling track - GRANTED CONDITIONALLY (Temporary 2 year period)

RB1999/1425 - Continuation of use of land as a greyhound schooling track beyond the two year period imposed by R97/1135P - GRANTED CONDITIONALLY

Site Description & Location

The site of application is Croft Farm, located close to junction 31 of the M1 motorway and accessed off Worksop Road at Aston. The farm no longer undertakes professional agricultural operations and has in the past ten years been used as a greyhound training school.

The farm complex consists of a farm house and various outbuildings used for the storage and schooling of greyhounds. To the north of the site is a greyhound track, including an observation tower. To the east is the M1 Motorway, with a commercial garage and residential properties to the south west.

Proposal

The farm has in recent years been used as a greyhound training centre, with associated training track, observation tower and 15 holding kennels. The kennels on site are merely designed to hold dogs for short periods of time before racing and do not meet boarding kennel standards.

The applicant seeks permission to erect a new single storey dog kennel building each kennel having a small exercise area for a total of 22 dogs. The new building will be 15.5m wide, 26m long and 4m high and include office accommodation and a disabled W.C. The building is intended to be constructed from blockwork, with a tiled roof to provide noise insulation.

There will be 22 individual pens within the kennels building, arranged with 11 pens on each side of a central access gangway. Each interior pen will connect to an external exercise run through a door which will be closed and secured at night so that all dogs will be contained within the building. Ventilation will be provided by open doors during the daytime only.

In order to reduce the impact of noise upon neighbouring residents the building has been orientated away from neighbouring properties and a bund is proposed to absorb noise from the kennels.

The applicant has submitted a letter detailing why the location is appropriate for such a use, it states that:

- The development sits within a parcel of land owned by the client as part of their large farmstead.
- The proposed boarding kennels have been positioned in accordance with the sound engineers recommendations for reducing the noise disturbance to neighbouring properties. Also the design of the building reflects issues raised by the sound engineer which prompted the inclusion of solid walls in end gables to further dampen sound and the inclusion of a bund wall for the same purpose.
- The location of the kennel building is adjacent to existing buildings on site which should allow the building to blend into the immediate locality.
- The client believes the dog kennel use is a very viable proposition as she has been approached in the past to board dogs but they have not had facilities to do so.
- This site represents a great location for the dog kennels as its located away from nearby properties, is located next to the M1 motorway which should allow the noise of dogs to be further reduced allowing for their proximity to the motorway and is located close to population centers in the locality of the development.

The applicant has submitted a Noise Impact Assessment: It states that:

- The BS 4142 assessment predicts that sound from the kennels will be rated at least 17dB below the background at the nearest dwellings during the daytime and at least 13 dB below the background at night.
- The conclusion of the assessment is that the results are a positive indication that complaints are unlikely.
- In reality the results of the survey show that sound from the kennels will be entirely inaudible at the dwellings against the background from the motorway at all times of day and night.

Development Plan Allocation and Policy

The site is allocated Green Belt in the adopted Unitary Development Plan.

Policy ENV1 'Green Belt' states:" 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"

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

PPG2 'Green Belts' notes that there is a presumption against inappropriate development and states:

“3.1 The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances.

3.2 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.

3.3 Green Belt policies in development plans should ensure that any planning applications for inappropriate development would not be in accord with the plan.

The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- agriculture and forestry (unless permitted development rights have been withdrawn – see paragraph D2 of Annex D);
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);
- limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6 below);
- limited infilling in existing villages (under the circumstances described in the box following paragraph 2.11), and limited affordable housing for local community needs under development plan policies according with PPG3 (see Annex E, and the box following paragraph 2.11); or
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C1.”

PPG24 'Planning and Noise' states:

Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The

planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions.

Publicity

The application has been advertised in the press and on site, and adjoining occupiers were notified in writing. One letter of objection has been received. The objector states that:

- The existing racing track and greyhound school creates a significant amount of noise and disturbance and the proposed new kennels will create excessive noise.
- The new kennels will create extra traffic on Worksop Road.

Consultations

Transportation Unit:

No objections

Highways Agency:

No objections

Director of Housing and Neighbourhoods (Environmental Health):

Notes that the application site is located near to the M1 and backs onto properties on Worksop Road at Aston. Following concern regarding noise from the proposals affecting the neighbouring residents and the orientation of the kennels a site visit was made. Following this visit a noise assessment was commissioned and submitted to Environmental Health for consideration.

The Noise Impact Assessment detailed that the sound level during the daytime from barking within the kennels buildings is predicted at the nearest dwellings on Worksop Road to the southwest at 12 dB LAeq (1-hour). The sound level from barking in the outdoor runs is predicted at 37 dB LAeq (1-hour). At night the sound level from barking within the kennels building is predicted at 20 dB LAeq (5-min) at these dwellings. The background levels at the dwellings were measured at 58 dB LA90 during the daytime and 38 dB LA90 at night. After being corrected for the impulsive nature of barking by the method of BS 4142 the rating levels are 16 dB lower than the daytime background and 13 dB lower than the night background.

Environmental Health concur with the conclusion of the BS 4142 assessment that the results are a positive indication that complaints are unlikely, subject to relevant conditions.

Appraisal

Where an application is made to a local planning authority for planning permission.....in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

In this instance it is considered that there are four main areas of consideration:

- (i) The presumption against inappropriate development in the Green Belt unless there are very special circumstances.
- (ii) The visual impact on the character and appearance of the landscape and the openness of the Green Belt.
- (iii) The impact upon traffic and highway safety.
- (iv) The impact upon residential amenity

- (i) The presumption against inappropriate development in the Green Belt unless there are very special circumstances.

The proposed dog kennel building falls outside development considered appropriate in a Green Belt location and as such is inappropriate development. Policy ENV 1 Green Belts indicates that inappropriate development in the Green Belt will not be allowed unless there are very special circumstances.

Paragraph 3.2 of PPG 2 Green Belts, states that "Very special circumstances to justify inappropriate development will not exist, unless the harm by reason of inappropriateness or any other harm is clearly outweighed by other circumstances."

In this instance the applicant has an existing greyhound training school on site along with a substantial full size dog training track including observation tower. The site has an established use for dog kennelling and contains a number of buildings. The applicant has acknowledged that the greyhound training together with the proposed dog boarding would be excessive in this Green Belt location. The applicant has therefore agreed to remove the existing greyhound training track and observation tower and restore the land to its natural state.

The greyhound training track although low lying has an impact upon the openness of the Green Belt in this location and its removal along with the breeze block observation tower would be beneficial to the openness and character of the Green Belt. In addition, it is recognised that dog boarding kennels are not appropriate in existing built up areas where the noise would be excessive and as such lend themselves to sustainable Green Belt sites on existing or former farming sites. The location of this former farm close to good highway links, public transport and within walking distance of a large number of dwellings makes the location ideal for dog boarding kennels.

With the above circumstances in mind it is considered that by way of its location and the removal of existing harmful structures the applicant has demonstrated very special circumstances for new kennels in the Green Belt.

(ii) The visual impact on the character and appearance of the landscape and the openness of the Green Belt.

In terms of the visual impact of the new building upon the character and appearance of the landscape and the openness of the Green Belt it is considered that the low rise design close to the existing hay storage building will minimise its impact. Moreover the site benefits from existing landscaping and a new landscaping bund is proposed to further reduce its appearance.

Subject to the use of appropriate materials it is considered that the new building will not be harmful to the openness and character of the Green Belt, especially following the removal of the existing greyhound training track and other existing harmful structures.

(iii) The impact upon traffic and highway safety.

Turning to the impact upon traffic, it is noted that a neighbour has raised concerns regarding the resulting extra traffic along Worksop Road. The nature of dog boarding kennels means that traffic to and from the site is spread out during the day minimising any harm. The dog boarding kennels would also replace an existing greyhound use that generated traffic journeys. The site is also well positioned close to public transport links and within walking distance of properties in Aston and Swallownest. There is therefore potential for clients to walk their dogs to the site rather than travel by car.

The applicant has also positioned the proposed structure away from the M1 motorway in accordance with the Highway Agency's potential motorway widening proposal.

(iv) The impact upon residential amenity

The proposed development has the potential to generate significant noise and disturbance caused by barking dogs. With this in mind the Council requested a detailed noise impact assessment to assess the potential detrimental impact upon nearby properties. The report has concluded that the level of noise externally would be acceptable, especially when any dog noise would be heard against the backdrop of the M1 motorway.

It should also be noted that the nearest property to the kennels is some 90m away and the applicant proposes sound proofing materials and a landscaping bund to reduce any noise. In addition there is a commercial garage on Worksop Road between the nearest residential properties and the application site. A condition is also proposed to keep doors and windows closed during the night time to limit the noise impact. As such the impact of the proposed development is considered to be acceptable and the proposal would comply with Policy ENV3.7 'Control of Pollution' of the UDP and guidance in PPG24 'Planning and Noise'.

With regard to the issue of smells generated from the site, it is understood from the applicant's submission that all waste will be stored in sealed bags and removed from

the site weekly. This process should prevent unpleasant odours and no burning of the waste will take place. A condition is recommended in this respect and it is noted that the Director of Environmental Health has no objections to the proposal subject to relevant conditions.

Conclusion

The proposal represents inappropriate development in the Green Belt, although the proposed development will have no materially adverse effect on the character and openness of the Green Belt due to the small scale nature of the building and its location adjacent to existing buildings, as well as proposed landscaping and bund. In addition the removal of the existing greyhound training track and observation tower will improve the appearance of the Green Belt in this location. As such the applicant has demonstrated very special circumstances for inappropriate development in the Green Belt.

It is also considered that by way of the nature of the development, the proposed mitigation measures and the position away from residential properties, the proposed kennels will not be detrimental to neighbouring amenity in terms of noise, smells and general disturbance and would be acceptable in terms of the impact on highway safety

RB2010/0747

Erection of 5 No. industrial buildings to form 10 No. units (use class B2) including formation of new access to adjacent site at land at Manvers Way, Manvers for Mr. Rose, Mr. Thickett and Snaefell Properties LP.

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) Local Planning Policy

The site is allocated for industrial and business use in the Unitary Development Plan.

ENV3.1 'Development and the Environment' aims to ensure that development should not 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, layout and landscaping.

ENV3.2 'Minimising the Impact of Development' seeks to minimise the impact of development on the environment and looks 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 compelling justification for doing so.

EC1.1 'Safeguarding Existing Industrial and Business Areas' seeks to support proposals which safeguard the viability of established industrial and business areas.

Policy EC3.1 'Land Identified for Industrial and Business Uses' states that: "Within areas allocated on the Proposals Map for industrial and business use, development proposals falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) will be acceptable, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses."

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.

b) Other relevant material planning considerations

Planning Policy Statement 1 'Delivering Sustainable Development' sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

PPS9 'Biodiversity and Geological Conservation' aims, amongst other things, to protect and enhance biodiversity as part of the development proposals.

Planning Policy Guidance 13 'Transport' sets out the objectives to integrate planning and transport at the national, regional and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

PPS25 'Development and Flood Risk' aims to ensure that new development does not lead to flooding problems.

2. For the following reasons:

The proposed development represents the erection of 10 industrial units on a site allocated for Industry and Business in the adopted Unitary Development Plan. The proposed development is therefore considered to be acceptable in principle as it accords with the provisions of UDP Policies EC1.1 and EC3.1 and national policy contained within PPS4.

Taking account of the surrounding uses and appearance of the surrounding buildings, it is considered that the proposed development is appropriate for its location and would not have a materially detrimental impact on the visual amenity of the locality in line with UDP Policy ENV3.1.

Overall, the site is considered to be in a sustainable location with good access to a wide range of modes of transport. Furthermore, the proposal complies with the Council's Interim Maximum Car Parking Standards and UDP Policy T6 in that it would not have a materially detrimental impact on highway safety.

The proposed level of landscaping is also considered to be acceptable in this location given the nature of the surrounding area. On this basis the proposals comply with the provisions of UDP Policy ENV3.1.

In terms of flood risk and drainage, the proposals are considered to accord with the aims of PPS 25 in that flood waters will not be transferred further downstream and the proposed development will not alter the existing situation.

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

[PC99]

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

[PC91*] The development shall only take place in accordance with the submitted details and specifications shown on the plans below:

- Proposed Site Plan Drg T395-PL01 Rev B
- Proposed Site Access Plan – Drg T395-PL07 Rev A
- Proposed Units 1-4 – Drg T395-PL02
- Proposed Unit 5 – Drg T395-PL04
- Proposed Units 6 & 7 – Drg T395-PL05
- Proposed Units 8 – 10 – Drg T395-PL03

- Proposed Site Elevations – Drg T395-PL06 Rev A
- Proposed Landscape Plan – Drg T395-PL08 Rev A
- Topographical Survey – Drg T395-PL10
- Site Plan with Topographical Survey – Drg T395-PL11

Transport

04

[PC17*] Before the development is brought into use the sight lines indicated on drawing number: T395-PL07 Rev A shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

05

[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.

06

[PC27*] Before the development is brought into use the car parking area shown on drawing number T395-PL07 shall be provided, marked out and thereafter maintained for car parking.

07

Prior to the commencement of development, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority in accordance with the Council's Cycle Parking Guidelines and the approved details shall be implemented before the development is brought into use.

08

[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.

Drainage

09

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

10

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 in writing by the Local Planning Authority.

11

Unless otherwise agreed 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.

12

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

13

Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

14

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (T395 - Transform Architects), additional drawing numbers TP395 PL10 and PL11 and the following mitigation measures detailed within the FRA:-

1. Finished floor levels are set no lower than 25.4 m above Ordnance Datum (AOD).
2. Surface water discharge from the site should not exceed 80l/s as agreed with Rotherham Borough Council drainage department.

Contaminated Land

15

Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. An options appraisal and remediation strategy, based on the detailed risk assessment (1) and the site investigation results (2), giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

16

Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the

remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

17

If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

18

No soakaway shall be constructed in contaminated ground unless otherwise agreed in writing by the Local Planning Authority, where it can be demonstrated that it will not result in the pollution of controlled waters.

19

No development approved by this permission shall be commenced until the method for piling foundations has been approved in writing by the Planning Authority.

Landscape

20

[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 within a timescale agreed, in writing, by the Local Planning Authority.

21

[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. 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.

Reasons for Conditions:

01

[PR99] In order to comply with the requirements of the Town and Country Planning Act 1990.

02

[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'.

03

[PR91] To ensure the development is carried out in accordance with the approved plans.

Transport

04

[PR17] To provide and maintain adequate visibility in the interests of road safety.

05

[PR24A] To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

06

[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.

07

In order to promote sustainable transport choices.

08

[PR95] In order to promote sustainable transport choices.

Drainage

09

In the interests of satisfactory and sustainable drainage.

10

To ensure that the site can be properly drained.

11

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

12

In the interests of satisfactory drainage.

13

To ensure that there are no discharges to the public sewer system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.

14

To reduce the risk of increasing flood risk both on site and elsewhere within the catchment and to reduce the impact of flooding on the proposed development and future occupants.

Contaminated Land

15

To reduce the risk of contamination to controlled waters.

16

To reduce the risk of contamination to controlled waters.

17

To prevent the risk of contamination to controlled waters.

18

To reduce the risk of contamination to controlled waters.

19

To reduce the risk of contamination to controlled waters.

Landscaping

20

[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'.

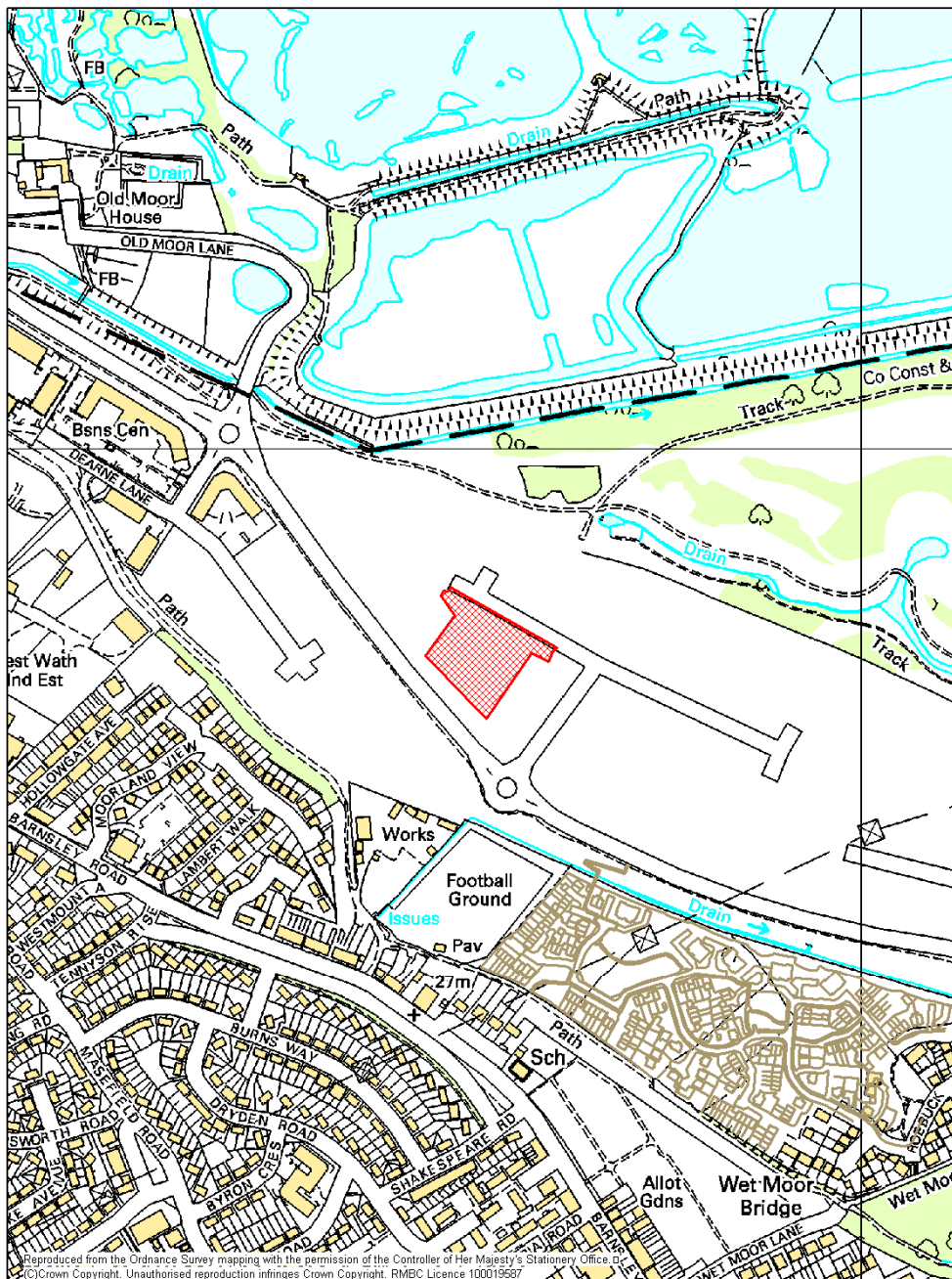
21

[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'.

Informatives

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles.



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Background

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, 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.

History

RB1992/0014 – proposed reclamation for future industrial purposes – Granted Conditionally – 18/06/1992.

RB2003/0648 – Construction of access roads (application under regulation 3 & 9A of the Town and Country Planning Regulations 1992) – Granted Conditionally – 19/03/2006.

RB2004/2304 – Formation of golf course with associated driving range, clubhouse & green keepers store, erection of boathouse, residential development, public house / restaurant, extreme sports centre & bowling ally – Granted Conditionally 17/03/2006.

RB2006/0626 – Display of 2 no. advertisement hoardings – Granted Conditionally 26/05/2006.

RB2007/0869 – Outline application for development within class B1, B2 and B8 including details of the erection of 7 no. two storey buildings for use within classes B1, B2 and B8 and details of access – Granted Conditionally 22/05/2007.

Site Description & Location

This application site relates to 1.32 hectares of vacant land forming part of the wider Wath Manvers Colliery development site, which was reclaimed in the mid 1990's.

On the opposite side of Manvers Way is a housing development site which is partially complete. Adjacent to the site access are existing managed workshops and the RSPB Nature Reserve to the west. To the east of the site is the recently constructed KFC restaurant and a proposed day nursery, which has yet to be constructed. Directly to the west is a vacant site, however planning permission has been recently granted (ref:RB2009/0718) for an industrial unit.

The existing buildings generally comprise 2 storeys in height and have been constructed in a contemporary style using traditional materials, however the surrounding context does not have a particular character due to the range of different uses in the area.

The application site itself fronts Manvers Way and occupies a relatively prominent position. It is set back from Manvers Way by approximately 16 metres to provide sufficient space for the structure planting belt. The site boundary is generally rectangular in shape, however additional land towards the spine road has been included within the red line boundary.

The site is currently vacant and the only development that has taken place is the alignment of the spine road which will provide access to the site. This road links Manvers Way and will serve the proposed development, in addition to the proposed industrial development to the west and the proposed nursery and existing restaurant to the east.

Proposal

This application proposes the erection of 2,206 square metres of floorspace within Use Class B2 'General Industry'. The floorspace will be divided into 5 separate blocks and further sub divided to form 10 individual units.

The units will vary in size from 169sqm to 398sqm and will be sited around a central parking and manoeuvring area. The units will comprise a steel portal frame with red brickwork to the lower areas of the buildings and light grey profiled wall cladding to the upper areas. The roof structure will be provided by the steelwork frame and be clad in light grey profiled cladding.

Each unit will have a roller shutter door to the front elevation, capable of accommodating a heavy goods vehicle and be single storey, with the exception of Unit 5, which is shown to have a storage area and ancillary office and staff facilities on the first floor.

The overall size of the units varies depending upon their location within the site; however the tallest does not exceed 7.3 metres and relates to Units 1 to 4.

The site has a predefined landscape buffer to the southern boundary on Manvers Way which although not yet complete is to be provided by the landowner, TCN UK Ltd. Within the confines of the site, landscaping is proposed along the eastern and northern boundaries and within the parking areas in the central area of the site.

Access to the site will be gained from the north via the existing spine road and parking for 46 vehicles and 20 cycles is provided within the confines of the site boundary.

Development Plan Allocation and Policy

UDP Policies

ENV3.1 'Development and the Environment' aims to ensure that development should not 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, layout and landscaping.

ENV3.2 'Minimising the Impact of Development' seeks to minimise the impact of development on the environment and looks 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 compelling justification for doing so.

EC1.1 'Safeguarding Existing Industrial and Business Areas' seeks to support proposals which safeguard the viability of established industrial and business areas.

Policy EC3.1 'Land Identified for Industrial and Business Uses' states that: "Within areas allocated on the Proposals Map for industrial and business use, development proposals falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) will be acceptable, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses."

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 'Delivering Sustainable Development' sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

PPS9 'Biodiversity and Geological Conservation' aims, amongst other things, to protect and enhance biodiversity as part of the development proposals.

Planning Policy Guidance 13 'Transport' sets out the objectives to integrate planning and transport at the national, regional and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

PPS25 'Development and Flood Risk' aims to ensure that new development does not lead to flooding problems.

Publicity

Neighbouring properties were notified of the proposal in writing on 9 July 2010 and press and site notices were posted on 15 and 16 July 2010. No representations have been received.

Consultations

Transportation Unit – raises no objections subject to conditions.

Drainage Engineer acknowledges that the Flood Risk Assessment details drainage proposals, however there are no drainage layout plans submitted as part of the proposals. Despite this the application is considered to be acceptable subject to a condition requiring full details prior to commencement of development.

Streetpride (Landscape Design) – raises no objections to the proposals and revised planting scheme.

Neighbourhood Services (Environmental Health) – do not object to the proposals.

Yorkshire Water raise no objections to the proposals subject to conditions.

South Yorkshire Police Architectural Liaison Officer has no objections to the proposal.

Environment Agency initially objected to the proposals on the grounds that the submitted Flood Risk Assessment did not comply with the requirements set out in PPS25. Additional information relating to finished floor levels and a topographical survey has since been submitted. On the basis of this information the EA have withdrawn their objection subject to the imposition of conditions relating to flood risk and contamination.

SYPTE acknowledges that the site benefits from access to public transport services operating along Manvers Way and requests the development be conditioned to provide Personal Journey Plans. Concerns are raised regarding the quantum of vehicle parking and suggest that this be reduced from 53 to 49 spaces.

Dearne and Dove Internal Drainage Board do not raise any objections subject to the consideration of a condition relating to the requirement for a Sustainable Urban Drainage System (SUDS).

Appraisal

Where an application is made to a local planning authority for planning permission.....in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

The application is for the erection of 5 industrial buildings for uses within Use Class B2 'General Industry' on a site allocated for industrial and business use. Therefore, the proposal is acceptable in land use terms and in accordance with UDP Policy EC3.1.

The proposed building is not considered to have any adverse effect on the character of the area or on residential amenity and therefore is considered to comply with UDP Policy EC1.1 'Safeguarding Existing Industrial and Business Areas'.

Furthermore, National Policy set out in PPS4 contains Policy EC10 'Determining planning applications for economic development. This policy states that planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions...;
- The accessibility of the proposal by a choice of means of transport;
- Whether the proposal secures high quality and inclusive design;
- The impact on economic and physical regeneration in the area;
- The impact on local employment.

In this instance, the proposal will be located on a vacant plot of land that has physically been prepared for development; it is located in a sustainable location with good access to a choice of means of transport. It is considered that the design and scale is appropriate for this location, which is characterised by large-scale industrial and commercial buildings including a restaurant falling within Use Class A3. The closest residential properties are approximately 200 metres away on the opposite side of Manvers Way. On this basis, it is considered that the proposal is acceptable in PPS4 terms.

The main issues with regard to the application proposals therefore relate to the following:

- Design and Layout
- Amenity Issues
- Transportation Issues
- Landscaping
- Drainage and Flood Risk

Design and Layout

The application site is located within an area of mixed uses including industrial, residential and food and drink uses. The surrounding area is therefore not characterised by any particular architectural style or scale of development.

The layout of the proposed development generally forms a 'U' shape around a central access and parking area. The units have been designed to face inwards around this central area and vary in size dependant upon location. The largest of the units are located parallel with Manvers Way on the southern boundary (units 5 & 7), with the smallest units along the western boundary (units 8 to 10).

External elevational treatment includes red brick work to the lower levels (up to a height of approximately 2.5 metres) with dark grey profiled sheeting to the upper areas. The use of rooflights has also been incorporated into the units to allow light to penetrate into

the workshop space. Each unit also has a double height roller shutter door to allow access for heavy goods vehicles.

Turning to the scale of the proposed development, the site and surrounding area is not characterised by any particular scale or style of development and indeed the buildings that are currently in situ in the immediate vicinity include only the KFC restaurant to the east, which is a 2/3 storey building. The overall size of the proposed units is therefore considered to be acceptable in this location and will not appear as an incongruous feature when viewed either from Manvers Way or from the internal spine road. Furthermore, due to the scale and layout of the development and the proposed landscaping belt on the northern boundary of the site, the development will not appear out of character when viewed against the backdrop of the proposed residential development to the north of the site.

Bin stores have been located to the front of each unit, however these have been designed as a timber enclosure and will not appear as obtrusive features within the site.

Overall it is considered that the design and scale of the proposed development is acceptable in this location and would not be out of keeping with the other existing buildings adjacent to the site, or appear harmfully prominent when viewed from outside the site. The design and layout would therefore comply with UDP Policies ENV3.2 'Minimising the Impact of Development' and EC1.1 'Safeguarding Industrial and Business Areas'.

Amenity Issues

With regard to amenity issues, the closest residential properties are located approximately 200 metres away on the opposite side of Manvers Way, however it is acknowledged that permission has been granted for residential development on the opposite side of the spine road, to the north of the site. Despite this, the closest property, which is currently on site and occupied is the KFC restaurant to the east. On this basis it is considered that the proposed development will not result in any significant loss of amenity by virtue of noise, air quality or land pollution impact due to its location. Furthermore it is considered that the proposal would not impact on the amenity of future occupiers of committed developments such as the residential units to the north, the day nursery to the east and industrial units to the west due to the nature of the proposal. Consideration has also been given to the proposed landscaping of the site, which includes a landscaping belt along the northern boundary of the site with the spine road. This landscaping will act as both a visual and acoustic barrier between the proposed development and the future residential development. The development is therefore considered to accord with the provisions of UDP Policy ENV3.7 'Control of Pollution'.

Transportation Issues

The proposal involves the formation of a new access off of the existing spine road and the creation of a central access road and parking areas within the site boundary. A 2.4m x 45m visibility splay has been provided at the entrance to the site. The Transportation Unit have been consulted on the proposals and do not raise any objections subject to the imposition of conditions.

SYLTE originally raised concerns that the proposed quantum of parking (originally 53 spaces) exceeds the Council's Interim Maximum Parking Standards by 4 bays. As a result of discussions, the Applicant agreed to amend the site layout and has reduced the number of spaces to 46. This reduction is less than the 49 bays suggested by SYLTE, however the figure they suggested is a maximum figure and in order to improve the site layout and provide a more attractive development, the loss of 7 bays, to make an overall total of 46, still accords with the maximum parking standards and is therefore considered to be acceptable.

On balance therefore it is considered that the proposal to erect 10 industrial units will not have an adverse impact on the local highway network and is therefore in accordance with PPG13 'Transport' and UDP Policy T6 'Location and Layout of Development'. Furthermore, the proposal accords with the Council's Interim Maximum Parking Standards for B2 Use Classes.

Landscaping

The application is accompanied by a landscaping plan and supporting text which shows the extent of proposed landscaping within the site boundary. The site has a predefined landscaped buffer to the southern boundary on Manvers Way, which was previously approved as part of the original outline permission and will be installed by the main developer TCN UK Ltd. The proposals include a wide landscaping belt along the northern boundary of the site which consists of shrub, evergreens and ground cover planting. This planting belt will define the site entrance and will act as a natural visual barrier between the site and future development to the west and north, which consist of residential, in part.

Along the east and west boundaries are further evergreen planting beds which will act as wildlife corridors and thus providing biodiversity gain within the site in accordance with PPS9. Further planting is proposed within the central area of the site at the end of each parking area.

Overall, the proposed level of landscaping is considered to be acceptable in this location and is broadly in line with the landscaping proposals approved as part of the outline permission (ref:RB2004/2304). The landscaping belt along the northern boundary of the site will also assist in the integration of the proposed development with the wider area in accordance with UDP Policy ENV3.1 'Development and the Environment'.

Drainage and Flood Risk

The site is shown on the Environment Agency's Flood Risk maps as lying within Zone 3 'high probability of flooding' however this map appears to reflect the position prior to the restoration work previously been carried out on the site by the Local Authority.

A Flood Risk Assessment has been prepared and submitted in support of the application however it was prepared in support of the earlier outline application in 2004 and therefore does not take into account the revised guidelines set out in PPS25. On this basis the Environment Agency originally objected to the proposals as they did

not consider sufficient, up to date information had been submitted to enable them to fully assess the impact of the development on flooding.

Since this time, additional information has been prepared in the form of a topographical survey and finished floor levels, which the Environment Agency has considered. On the basis of this information they have confirmed that they wish to withdraw their objection and consider the application to be acceptable in terms of flood risk and accordance with the provisions of PPS25.

Overall it is considered that the proposed development will not give rise to the potential for increased impact of flooding in the area and is therefore acceptable in this respect and in accordance with the provisions of PPS25.

Conclusion

The proposal represents the erection of 5 industrial buildings subdivided to provide 10 individual units within use class B2. The site is allocated for industry and business in the adopted Unitary Development Plan, which promotes the uses which fall within the B1, B2 and B8 categories. The principle of development is therefore considered to be acceptable.

Turning to the design and scale and taking account of the surrounding uses and appearance of the surrounding buildings, it is considered that the proposed development is appropriate for its location and would not have a materially detrimental impact on the visual amenity of the locality in line with UDP Policy ENV3.1.

Overall, the site is considered to be in a sustainable location with good access to a range of modes of transport. Furthermore the level of car parking provision accords with the maximum parking standards and is therefore considered to be acceptable in terms of sustainability and in accordance with the provisions of UDP Policy T6 and national policy PPG13

The proposed level of landscaping is also considered to be acceptable in this location given the nature of the surrounding area and the previous landscaping scheme approved as part of the outline consent. On this basis the proposals comply with the provisions of UDP Policy ENV3.1.

In terms of flood risk and drainage, the proposals are considered to accord with the aims of PPS 25 in that flood waters will not be transferred further downstream and the proposed development will not alter the existing situation. In this regard there are existing surface water and foul drainage runs within the roads that encompass the site.

RB2010/0822

Exportation of 4,800m³ of material to form development platform and erection of extension to form composite centre (use class B1) at Advanced Manufacturing Research Centre, Wallis Way, Catcliffe for The University of Sheffield.

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) Local Planning Policy

EC1 'Existing Industrial and Business Areas' states that land allocated on the Proposals Map for industrial and business uses will remain predominantly in industrial or business use.

EC1.1 'Safeguarding Existing Industrial and Business Areas' seeks to support proposals which safeguard the viability of established industrial and business areas.

EC3.1 'Land Identified for Industrial and Business Uses' identifies that uses falling within Classes B1, B2 and B8 will be acceptable within areas allocated for industrial and business use.

UTL3.3 'Energy Conservation' encourages new development proposals which promote and improve energy efficiency.

UTL3.4 'Renewable Energy' favours proposals for the generation of power from renewable energy sources unless the proposed development would cause demonstrable harm to interests of acknowledged importance.

ENV3.1 'Development and the Environment' aims to ensure that development should not 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, layout and landscaping.

ENV3.2 'Minimising the Impact of Development' seeks to minimise the impact of development on the environment and looks 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 compelling justification for doing so.

ENV4.3 'Unstable Land' states that developers will need to demonstrate that any potential for ground instability has been investigated.

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.

b) Other relevant material planning considerations

PPS1 'Delivering Sustainable Development' sets out the overarching planning policies on delivery of sustainable development through the planning system. Sustainable development is defined as the core principle underpinning planning and incorporates strong, vibrant and sustainable communities; protection and enhancement of the environment; prudent use of natural resources; and sustainable economic development.

Supplement to PPS1 'Planning and Climate Change' sets out how planning, in providing for the new homes, jobs and infrastructure needed by communities, should help shape places with lower carbon emissions and be resilient to the climate change now accepted as inevitable.

PPS4: 'Planning for Sustainable Economic Growth' sets out how planning bodies should, in the wider context of delivering sustainable development, positively plan for sustainable economic growth and respond to the challenges of the global economy, in their plan policies and planning decisions.

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.

PPG14 'Development on Unstable Land' advises Local Authorities, land owners and developers on development on land which is unstable or is potentially unstable. To ensure that development is suitable and any physical constraints on land are taken into account at all stages of planning.

PPS22 'Renewable Energy' sets out how by facilitating renewable energy developments, planning can contribute to the Government's sustainable development strategy.

PPS 25 'Development and Flood Risk' states Local Planning Authorities should in determining planning applications have regard to the policies in PPS25 as a material consideration which may supersede the policies in their existing development plan; ensure that planning applications are supported by site-specific flood risk assessments and ensure that all new development in flood risk areas is appropriately flood resilient and resistant.

2. For the following reasons:

The proposed development accords with UDP Policy EC3.1 'Land Identified for Industrial and Business Use', which supports a B1(b) use as proposed. In terms of National Policy PPS4, the proposal is for an extension to an existing B1 (b) use therefore the proposal accords with the key aim of this national policy document in that it pursues economic development together with providing environmental improvements by extending an existing high quality purpose built research and development building.

The development will also accord with the provisions of PPS22 'Renewable Energy' in that the extension will be constructed to BREEAM Excellent status by incorporating renewable energy sources, contributing to the Government's sustainable energy strategy.

The proposal is not considered to have any adverse effect on the character of the area or on residential amenity and therefore is considered to comply with Policies ENV3.1 'Development and the Environment' and EC3.1 'Land Identified for Industrial and Business Development'.

The impact of the proposals on the local and strategic highway network are considered to be minimal and in accordance with the conclusions of the previously approved Transport Assessment. The level of car parking provision also accords with the maximum parking standards and is therefore considered to be acceptable in terms of sustainability. The development therefore accords with the provisions of PPG13 'Transport'.

In terms of drainage and flood risk, the exportation of material and the erection of an extension in this location will not have an increased detrimental impact on flooding in the local area and is therefore acceptable in terms of PPS25 'Development and Flood Risk'.

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:

General

01

[PC99] The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

02

[PC91*] The development shall only take place in accordance with the submitted details and specifications shown on the plans listed below:

- Site Location Plan – dwg no. (01(001) Rev PL0
- Topographical Survey – dwg no. (01)003 Rev PL0
- Existing Ground Floor GA Plan – dwg no. (02)001 Rev PL0
- Existing Mezzanine GA Plan – dwg no. (02)002 Rev PL0
- Existing First Floor GA Plan – dwg no. (02)003 Rev PL0

- Existing Roof GA Plan – dwg no. (02)004 Rev PL0
- Existing GA Elevations 1 of 2 – dwg no. (03)001 Rev PL0
- Existing GA Elevations 2 of 2 – dwg no. (03)002 Rev PL0
- Proposed Site Layout – dwg no. (06)001 Rev PL2
- Proposed Ground Floor GA Plan – dwg no. (07)001 Rev PL5
- Proposed Roof GA Plan – dwg no. (07)002 Rev PL2
- Proposed GA Elevations 1 of 2 – dwg no.(08)001 Rev PL2
- Proposed GA Elevations 2 of 2 – dwg no. (08)002 Rev PL2
- Proposed GA Sections – dwg no. (09)001 Rev PL1
- General Arrangement – dwg no. 410-001F
- Proposed Sections A-C – dwg no. 410-003A
- Proposed External Levels – dwg no. (SK)011 Rev PL3
- Proposed Regrading Plan – dwg no. (SK)012 Rev PL2

03

[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.

04

The premises hereby approved shall be used for uses which fall within Use Class B1(b) and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Transport

05

[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.

Landscape

06

[PC39*]

Landscaping of the site as shown on the approved plans (drawing no. 410-101F) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

07

[PC40*] No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2.30 metre high barrier fence in accordance with BS 5837: 2005 Guide for Trees in Relation to Construction. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Drainage

08

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

09

No development shall take place until details of the proposed means of disposal of foul and surface water drainage (land drainage), including a detailed flood routing plan on and off site and details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

10

Unless otherwise approved 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 (land drainage) works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reasons for Conditions:

General

01

[PR99] In order to comply with the requirements of the Town and Country Planning Act 1990.

02

[PR91] To ensure the development is carried out in accordance with the approved plans.

03

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'.

04

To ensure that the development complies with Planning Policy Statement 4 'Planning for Economic Growth'.

Transport

05

[PR24A] To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this

purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

Landscape

06

[PR39] 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'.

07

[PR40] To ensure the trees/shrubs are protected during the construction of the development 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'.

Drainage

08

In the interest of satisfactory and sustainable drainage.

09

To ensure that the development can be properly drained.

10

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

Informatives

01

INF 28 Flooding (within Flood Plain)

The proposed extension to the existing property lies within the flood plain as shown on the Environment Agency's Indicative Flood Plain Maps. It is important that all proposed extensions must be designed and constructed, to protect and safeguard against all possible risks from flooding. Further guidance on how properties may be protected against possible flooding problems can be found on the Environment Agency's web site. In all events the proposed extension must not divert or create or cause additional flood water problems to any adjacent or neighbouring land.

02

INF 29 Flooding (Outside Flood Plain)

Whilst the property does not lie within the flood plain as shown on the Environment Agency's 1 in 100 year Indicative Flood Plain Maps it is noted that the site is within an area that has historically flooded in the past. It is important that all proposed extensions must be designed and constructed, to protect and safeguard against all possible risks from flooding. Further guidance on how properties may be protected against possible flooding problems can be found on the Environment Agency's web site. In all events the proposed extension must not divert or create or cause additional flood water problems to any adjacent or neighbouring land.

03

Examples – For Guidance Purposes Only

Protect property by considering appropriate flood defence measures such as:

Proposed FFL should be set at a minimum of 600mm above the 1 in 100 year flood level, solid floor construction, waterproofing external walls, position electrical appliances above flood level, have an appropriate flood evacuation plan, provide additional flood defence measures to minimise further flooding of property such as air vent caps, flood gates where appropriate, etc. The above examples are only to be used for guidance purposes and to be helpful to applicants in what may be required to protect property against possible flooding problems, in all cases the applicant is strongly advised to seek further information on the EA web site.

04

Foul water domestic waste may discharge to the public sewerage system recorded off Brunel Way at a point approximately 220 metres from the site. If sewage pumping is required, the peak pumped discharge must not exceed 2 (two) litres per second.

05

The local public sewer network does **not** have capacity to accept any discharge of surface water from the proposal site.

06

The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

07

Environment Agency

If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from us. The Environment Agency are unable to specify what exactly would be required if anything, due to the limited amount of information provided. If the applicant wishes more specific advice in the first instance contact our national Customer Contact Centre on 08708506506. Or look at available guidance on the EA website <http://www.environment-agency.gov.uk/subjects/waste>.

08

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.



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Background

A number of planning applications have been made in relation to Business and Industrial uses on the site.

Relevant planning applications are listed as follows:

RB2000/0571 Outline application for a mixed use development comprising B8 (storage and distribution), B2 (General industry), C1 (Hotel, offices, research and development/industry) – WITHDRAWN – 13/02/03

RB2000/1436 Outline application for the development of first phase of advanced technology park including uses in class B1, offices, research and development/industry at Waverley Development site Poplar Way/ High Field Spring Catcliffe - GRANTED CONDITIONALLY - 07/03/01.

RB2001/0401 Details of the erection of a research development and technology centre for office and laboratory use (some of the matters reserved by outline permission RB2000/1436) Waverley Development site Poplar Way/ High Field Spring Catcliffe - GRANTED CONDITIONALLY – 14/08/01.

RB2006/1444 Erection of manufacturing research building (Use Class B1 (b)) with associated 2 no. 56m high wind turbines – GRANTED CONDITIONALLY – 31/07/06.

Site Description & Location

The application site extends to 0.32 hectares and consists of an area of land to the rear of the existing Advanced Manufacturing and Research Centre (AMRC). It is located within the larger Advanced Manufacturing Park (AMP) at Waverley which forms part of the former open cast mine, reclaimed over the last ten years.

The site is bounded to the north by a structure planting belt and Poplar Way, which is located at a lower level than the site, to the east by the existing bi-blade wind turbine and to the west by a vacant plot of land, which has recently been the subject of a planning application and subsequent approval for a new Nuclear Advanced Manufacturing and Research Centre.

Access to the site is gained via Wallis Way into a car parking area to the front of the AMRC.

Proposal

The application seeks permission for the exportation of material off site and the erection of an extension to the rear elevation of the existing Advanced Manufacturing and Research Centre.

The exportation of material is required as enabling works prior to the construction of the extension. The existing ground overburden resulted from the original AMRC building work and requires relocating within the Advanced Manufacturing Park (AMP), where

additional fill is required to achieve acceptable ground levels for future development. It has been estimated that 4800m³ of earth will need to be relocated and this will take approximately 400 vehicle movements over a 7 day period, locally between the site and the recipient.

The extension is proposed on the rear elevation of the existing AMRC building, to the north of the site. It has a rectangular footprint that largely represents the proportions of the existing AMRC, with the exception of a small off shot to the east projecting 10.5 metres and one to the west projecting 6 metres.

The extension will span 83 metres in length, 25.5 metres wide and stand 9.7 metres to the highest point. The building will be of single storey, double height construction and have a flat roof with a galvanised guard rail around the perimeter of the roof. The building has been designed with the specific needs of the applicant in mind and to reflect the external appearance of the host building.

The building is to be constructed to BREEAM excellent standard (an environmental assessment method used to assess the environmental performance of buildings) and will feature ground source heat pumps and other renewable energy features.

No change to the existing access arrangements are proposed, which consists of an access off Wallis Way. The provision of car parking also exists to the front of the AMRC, including 78 standard parking bays and 4 disabled bays and 2 covered cycle stands.

Submitted Documents

The application is accompanied by the following documents:

Planning Statement

The Planning Statement demonstrates that the proposed development is in accordance with local and national policy. The document also provides a background to the development and the AMP, setting the context for the proposed extension to form the Composite Centre.

Design and Access Statement

The Design and Access Statement provides detailed information on what the proposed development entails in terms of the requirements of the applicant and the vision of Sheffield University for this site. It also provides detailed information relating to the scale of the proposed extension and external appearance.

Public Consultation Document

This document provides detailed information relating to the public consultation event that the Applicant's undertook on 29th April 2010 at the AMP. Catcliffe Parish Council and the local community were invited to attend the event which consisted of a formal exhibition with detailed boards and a powerpoint presentation. Representatives from the University of Sheffield, Advanced Manufacturing Research Centre and the design team were present to answer questions. The document concludes by stating no significant feedback was received from this event.

Transport Statement

This assessment has assessed movement to the site by all modes of transport and considered the impact of the development, concluding that there would not be a significant negative impact on the local or strategic transport network. The TS has also shown that the traffic generation of the proposed development is consistent with previous assumptions regarding traffic generation for Phase 1 of the AMP.

Travel Plan Strategy

The Travel Plan primarily deals with staff and students commuting and provides the framework for addressing travel to the existing AMRC. The proposed extension will accommodate 2-6 additional members of staff and up to 140 students. It builds upon the objectives of the University's Transport policy and their Energy and Environment team will ensure that it is adhered to. In addition to car parking management strategies and car sharing schemes, the document is also proposing to introduce a public transport strategy, walking and cycling strategies and targets for modal splits. Monitoring of these will be undertaken within 3 months of occupation and at years 3 and 5.

Air Quality Assessment

This document states that the energy strategy for the building has been developed to provide the efficient use of energy and integration of low and zero carbon technologies. The development will therefore not cause deterioration in local air quality and the local air quality will not have a negative impact on the development.

Lighting Assessment

The external lighting scheme is detailed in this document, which states that the lighting scheme has been developed to provide safe access for vehicle and pedestrians and act as security lighting out of working hours. The design and layout of the external lighting will also comply with dark Skies, limiting upward lighting components.

Noise Impact Assessment

This assessment provides details of the proximity of nearby residences and commercial premises and concludes that the proposed development will not raise any issues of disturbance by noise to the occupants of nearby existing buildings.

Foul Sewerage and Utilities Assessment

This document provides details of connection points in relation to foul sewerage and where the location of the new gas supply will be located. It also provides the location of the new water and electricity supply and states that all data and telephony services will originate from the existing AMRC. In summary, the document demonstrates that connection points for foul sewerage and utilities can be achieved.

Flood Risk Assessment

The Flood Risk Assessment deals with the probability and flood risk measures in accordance with the guidance contained within PPS25. It confirms that the site is categorised as Flood Zone 1 on the Environment Agency's flood maps and standing advice from them indicates that 'the primary flood risk issues generated by most new development (in flood zone 1 areas) is the risk posed to others by surface water run off'. The report concludes that surface water run off can be dealt with via a pumped surface water drainage solution and by limiting discharge rates to Greenfield rates of 5 l/s/ha or 10.9 l/s in line with the Waverley Surface Water Drainage Strategy.

Ecological Assessment

The purpose of this survey was to undertake an ecological survey and assessment to review the potential for the site to contain, or to be used by, species protected under both UK and European nature conservation legislation. The report concludes that no records of great crested newts, water voles, bats, badgers or protected birds species were found within 1km of the site.

Economic Statement

This statement confirms that the AMRC is the most successful manufacturing focused research organisation to have been established in recent years and its Rolls Royce Factory of the Future has attracted interest from around the world and assisted in persuading major companies to invest in the AMP.

Development Plan Allocation and Policy

UDP Policies

EC1 'Existing Industrial and Business Areas' states that land allocated on the Proposals Map for industrial and business uses will remain predominantly in industrial or business use.

EC1.1 'Safeguarding Existing Industrial and Business Areas' seeks to support proposals which safeguard the viability of established industrial and business areas.

EC3.1 'Land Identified for Industrial and Business Uses' identifies that uses falling within Classes B1, B2 and B8 will be acceptable within areas allocated for industrial and business use.

UTL3.3 'Energy Conservation' encourages new development proposals which promote and improve energy efficiency.

UTL3.4 'Renewable Energy' favours proposals for the generation of power from renewable energy sources unless the proposed development would cause demonstrable harm to interests of acknowledged importance.

ENV3.1 'Development and the Environment' aims to ensure that development should not 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, layout and landscaping.

ENV3.2 'Minimising the Impact of Development' seeks to minimise the impact of development on the environment and looks 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 compelling justification for doing so.

ENV4.3 'Unstable Land' states that developers will need to demonstrate that any potential for ground instability has been investigated.

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

PPS1 'Delivering Sustainable Development' sets out the overarching planning policies on delivery of sustainable development through the planning system. Sustainable development is defined as the core principle underpinning planning and incorporates strong, vibrant and sustainable communities; protection and enhancement of the environment; prudent use of natural resources; and sustainable economic development.

Supplement to PPS1 'Planning and Climate Change' sets out how planning, in providing for the new homes, jobs and infrastructure needed by communities, should help shape places with lower carbon emissions and be resilient to the climate change now accepted as inevitable.

PPS4: 'Planning for Sustainable Economic Growth' sets out how planning bodies should, in the wider context of delivering sustainable development, positively plan for sustainable economic growth and respond to the challenges of the global economy, in their plan policies and planning decisions.

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.

PPG14 'Development on Unstable Land' advises Local Authorities, land owners and developers on development on land which is unstable or is potentially unstable. To ensure that development is suitable and any physical constraints on land are taken into account at all stages of planning.

PPS22 'Renewable Energy' sets out how by facilitating renewable energy developments, planning can contribute to the Government's sustainable development strategy.

PPS 25 'Development and Flood Risk' states Local Planning Authorities should in determining planning applications have regard to the policies in PPS25 as a material consideration which may supersede the policies in their existing development plan; ensure that planning applications are supported by site-specific flood risk assessments and ensure that all new development in flood risk areas is appropriately flood resilient and resistant. Furthermore, the development will also have regard to the Waste Strategy for England 2007, which sets out the Governments key objectives to waste management.

Publicity

The application has been advertised by way of a press and site notice and neighbouring properties have been notified. No representations have been received.

Consultations

Transportation Unit acknowledges that no additional staff will be employed as a result of the proposed development; therefore the existing parking provisions and Travel Plan measures will continue to be implemented. The exportation of material is also considered to be acceptable as the vehicular movements will only consist of short journeys within the confines of the wider AMP site.

Streetpride (Landscape Design) raise no objections to the proposal subject to conditions.

Drainage Engineer does not object to the proposals subject to conditions relating to the submission of full drainage details and flood routing plans prior to commencement of development.

Streetpride (Ecology) do not wish to make any comments on the proposals

Director of Housing and Neighbourhoods (Environmental Health) acknowledge that the site will be located over 600m away from any nearby residences. It is therefore considered that the development will not raise issues of disturbance by reason of noise or air quality.

The Environment Agency raise no objections to the exportation of material or the erection of the proposed extension.

The Highways Agency is content that the size of the proposed development will not exceed the quantum of development permitted under the outline application and therefore they do not raise any objections to the proposal.

Yorkshire Water do not raise any objections to the proposals subject to conditions.

South Yorkshire Archaeology have not commented on the application.

Sheffield City Council have not commented on the application.

South Yorkshire Passenger Executive acknowledge that the application forms part of the first phase of the outline AMP and the submitted transport statement does not deviate from the agreed trip generation forecasts of approved outline application.

Police Architectural Liaison Officer suggests that the site is developed to achieve secured by Design certification.

Yorkshire Forward support the proposals and welcome the contribution it will make to the economy of South Yorkshire and the wider region as it is well aligned to the vision of the AMP and the Regional Manufacturing Strategy.

Catcliffe Parish Council have not commented on the application.

Appraisal

Where an application is made to a local planning authority for planning permission.....in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

The application site is allocated for industrial and business use in the adopted Unitary Development Plan. The application is for enabling works comprising the exportation of material to form a flat development platform and the erection of an extension to an existing building for use within Use Class B1 (b) on a site allocated for industrial and business use. Therefore, the proposal is acceptable in land use terms and in accordance with UDP Policy EC3.1 'Land Identified for Industrial and Business Use'.

The proposed exportation of material and extension is not considered to have any adverse effect on the character of the area or on residential amenity and therefore is considered to comply with UDP Policy EC1.1 'Safeguarding Existing Industrial and Business Areas'.

Furthermore, National Policy set out in PPS4 contains Policy EC10 'Determining planning applications for economic development. This policy states that planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions...;
- The accessibility of the proposal by a choice of means of transport;
- Whether the proposal secures high quality and inclusive design;
- The impact on economic and physical regeneration in the area;
- The impact on local employment.

In this instance, the proposed extension is considered to be located in a sustainable location with good access to a choice of means of transport. The design and scale is also considered appropriate for this location which is characterised by large scale buildings. Overall, it is considered that the proposal is acceptable in PPS4 terms.

The main issues with regard to the application proposals therefore relate to the following:

- Visual Impact
- Transportation Issues
- Drainage and Flood Risk
- Landscaping

Visual Impact

In terms of visual appearance, the site currently slopes upwards from the AMRC towards the northern boundary, resulting in a change in land levels of approximately 1.5 metres from the building to the site boundary. The proposal includes the exportation of material to provide a flat building platform for the proposed extension. This change in levels will therefore not materially affect the appearance of the site.

The proposed extension will be located on the levelled area to the north of the existing AMRC building. It has a rectangular footprint which largely reflects the width of this building, however it projects westwards by 6 metres and eastwards by 10.5 metres. The overall height will be approximately 9.7 metres, which is 4 metres lower than the existing AMRC. Due to the location and scale of the extension, the projection to the west and east of the existing AMRC will be the only visible elements from Wallis Way, however due to the topography of the site it will be readily visible from Poplar Way to the north.

The site, when viewed from Poplar Way is elevated and the proposed extension will bring the built form of development closer to the existing planting belt and consequently result in it being a more prominent feature in the street scene. The extension however is 4 metres lower than the existing AMRC and the external materials reflect those used in this building. It is therefore considered that whilst the extension will be a prominent feature when viewed from this public vantage point, the scale of the extension which will appear subservient to the host building and the use of matching materials will ensure that the extension reflects the character of the wider area. Furthermore, the existing structure planting located between the site and Poplar Way will assist in reducing the impact of the built form.

In summary and taking account of the surrounding uses and appearance of the surrounding buildings, it is considered that the proposed development is appropriate for its location and would not have a materially detrimental impact on the visual amenity of the locality in line with UDP Policy ENV3.1.

Transportation Issues

The site lies within AMP Phase 1, which was granted outline permission in 2001. The impact of vehicular trips likely to be generated by this Phase was previously considered

in a TA submitted as part of this outline application. The TA concluded that there would be an increase in traffic on the A630 Sheffield Parkway of between 2.9% and 4.8% at peak times which was considered to be acceptable. The proposed extension will not result in any additional employees; therefore the trip generation will not increase and as result is consistent with the conclusions of the previously approved TA.

The proposed car parking provision is to be shared with the AMRC (78 No. spaces and 4 no. disabled) and accords with the Council's Maximum Parking Standards and. Public transport facilities are available along High Field Spring and Poplar Way. Accessibility by cycle is good and this can be promoted further in the Travel Plan which meets appropriate standards.

In terms of layout, the site will be accessed via the existing access off Wallis Way, no alterations are proposed to the access of the internal road layout.

With regard to the exportation of material, it is estimated that 40 vehicular movements will be generated as a result of the works over a 7 day period; however, these movements will be contained within the confines of the Advanced Manufacturing Park. These works will therefore not have a detrimental impact on the free flow of traffic on the local or strategic highway network and are therefore considered to be acceptable.

The Highways Agency and the Council's Transportation Unit have considered the proposals and have concluded that they have no objections to either the exportation of material or the erection of the extension.

In summary it is considered that the impact of the proposals on the local and strategic highway network are largely in accordance with the conclusions of the previously approved transport assessment and therefore unlikely to have an adverse traffic impact. Furthermore the level of car parking provision accords with the maximum parking standards and is therefore considered to be acceptable in terms of sustainability.

Drainage and Flood Risk

The site is shown on the Environment Agency (EA) flood risk map as lying within Flood Zone 1; outside the extent of 0.1% (1 in 1000) risk of flooding from a major watercourse. However, whilst the site itself is not at risk from flooding it should be acknowledged that water flows from the site and development has the potential to contribute towards serious flooding events elsewhere.

PPS25 'Development and Flood Risk' seeks to avoid inappropriate development in areas at risk of flooding and to direct development away from areas of highest risk. In this instance a Flood Risk Statement has been submitted which demonstrates that the proposed development is in compliance with the requirements of PPS25.

The Environment Agency have been consulted on the application and have confirmed that they have no objections on the grounds of potential to increase flooding in the area. Furthermore the Council's Drainage department have also been consulted and they have confirmed that subject to the submission of full drainage details, including flood routing plans on and off site detailing how surface water will connect to the wider site, no objections are raised.

It is therefore considered that the proposed works are acceptable in terms of flood risk and drainage and comply with PPS25 Flood Risk.

Landscaping

The application is accompanied by a landscaping layout and a sections plan indicating how the proposed extension effects the existing structure planting along the northern boundary with Poplar Way and the planting proposed as part of this application. The proposals include wildflower planting and the retention of an existing hedgerow to the east of the extension and additional standard trees between the northern most elevation of the extension and the existing structure planting belt.

The proposed planting will assist in integrating the extension with the surrounding area, especially when viewed from Poplar Way and after careful consideration it is considered that the proposed extension will not have a detrimental impact on the existing structure planting between the site and Poplar Way. Furthermore, the proposed landscaping will assist in strengthening this belt and is therefore considered to be acceptable in this location and in accordance with the provisions of UDP Policy ENV3.1 'Development and the Environment'.

Conclusion

The application seeks consent for the exportation of material and an extension to the existing AMRC. It will incorporate sustainability benefits enabling the building to achieve BREEAM Excellent status. Taking account of the surrounding uses and appearance of the surrounding buildings, it is considered that the proposed development is appropriate for its location and would not have a materially detrimental impact on the visual amenity of the locality in line with UDP Policy ENV3.1. In terms of National Policy PPS4, it is considered that the proposal accords with the key aims of this national policy document in that it pursues economic development together with providing environmental improvements by extending an existing high quality purpose built research and development facility.

The impact of the proposals on the local and strategic highway network are largely in accordance with the conclusions of the previously approved transport assessment and the additional vehicular movements associated with the exportation of material are not considered to be significant. It is therefore considered that the proposals are unlikely to have an adverse traffic impact in accordance with the provisions of UDP Policy T6 and national policy PPG13.

In terms of flood risk and drainage, the proposals are considered to accord with the aims of PPS 25 in that flood waters will not be transferred further downstream and the proposed development will not alter the existing situation. Furthermore, the proposed development lies within a larger development where roads and access points have been previously designed. In this regard there are existing surface water and foul drainage runs within the roads that encompass the site.

The proposed level of landscaping is also considered to be acceptable in this location given the nature of the surrounding area and the previous landscaping scheme

approved as part of the outline consent. On this basis the proposals comply with the provisions of UDP Policy ENV3.1.

RB2010/0844

Erection of 8 No. two storey townhouses with rooms in roofspace and dormer windows at former Rockingham Car Sales, Rockingham Road, Swinton. The applicant is MSSR.

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) Local Planning Policy

HG1 'Existing Housing Areas' indicates that the Council will ensure that predominantly residential areas are retained primarily for residential use by permitting developments that have no adverse effect on the character or area, are in keeping in terms of scale, make adequate arrangements for parking and manoeuvring of vehicles and are ancillary to the residential nature of the area.

HG4.3 'Windfall Sites' indicates that the Council will determine proposals in light of their location within the built up area and compatibility with adjoining uses.

HG5 'The Residential Environment' indicates that the Council will encourage best practice in layout and design in order to enhance the quality of residential environment.

ENV3.1 'Development and the Environment' indicates that development will be required to make a positive contribution to the environment.

RET6 'Local Shopping Provision' indicates that the Council will oppose changes from retail uses to other uses, unless it can be demonstrated that the retail use is no longer viable.

- b) Other relevant material planning considerations

PPS3 'Housing' indicates that schemes should have a mix of types and tenures of residential units and seeks good design in new residential layout and development.

PPG24 'Planning and Noise' seeks to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business.

2. For the following reasons:

It is considered that development of this site for residential purposes would have a smaller impact on the surrounding residential properties in terms of noise, disturbance and traffic movements than the implementation of the existing live retail permission RB2008/1849. The site has been marketed to the main national operators for the last 18 months without success. The character of the area is predominantly residential and the principle of residential development in this location is considered to be acceptable from a planning policy aspect and is not considered detrimental to the adjacent local shopping parade.

It is considered that the overall height of the development is acceptable in this area and would not have a detrimental impact on the amenity of the street scene in terms of scale and that the development being set back from the road with front gardens on a lower site area with hipped roof features with breaks in the frontage would satisfactorily reduce the overall massing and dominance on the street scene. The plots have a combined footprint of less than 33% of the site area and the majority of the plots have rear gardens in excess of 10 metres.

The Transportation Unit have indicated that there are no objections on highway safety grounds.

It is not considered that there are grounds for refusal on the impact of excessive noise impact from Rockingham Road.

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

[PC99] The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

[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.

04

The development shall not be commenced until details of the proposed vehicular accesses and the re-kerbing and reconstruction of the footway / verge on the site

frontage to Rockingham Road, have been submitted to and approved in writing by the Local Planning Authority and the proposed development shall not be occupied until the approved details have been implemented.

05

[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 within a timescale agreed, in writing, by the Local Planning Authority.

06

[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. 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.

07

[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.

08

[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.

09

[PC26]

Prior to the commencement of development details of the measures to be employed to prevent the egress of mud, water and other detritus onto the highway and details of the measures to be employed to remove any such substance from the highway shall be

submitted to and approved in writing by the Local Planning Authority. Such measures shall be used for the duration of the works.

10

Except in case of emergency, no operations shall take place on site other than between the hours of 08:00 to 18:00 Monday to Friday and between 09:00 to 13:00 on Saturdays. There shall 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 shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

11

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. 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.

12

Prior to the commencement of development an intrusive investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The report of the findings must include the following:

- (i) A survey of the extent, scale and nature of contamination
- (ii) An assessment of the potential risks to:
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - Adjoining land
 - Groundwaters and surface waters
 - Ecological systems,
 - Archeological sites and ancient monuments.
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

13

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

14

The approved remediation scheme must be carried out in accordance with its terms

prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrated the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

15

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13 above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14 above.

Reasons for Conditions:

01

[PR99] In order to comply with the requirements of the Town and Country Planning Act 1990.

02

[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'.

03

[PR94] In order to promote sustainable transport choices.

04

In the interests of road safety.

05

[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'.

06

[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'.

07

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

08

[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'.

09

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, in accordance with Policy WM 1.3 of the adopted UDP.

10

In the interests of the amenity of surrounding residential properties in accordance with Policy ENV3.1 'Development and the Environment' of the adopted Unitary Development Plan.

11

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, in accordance with Policy WM 1.3 of the adopted UDP.

12

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

13

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

14

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

15

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



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Scale 1:1250

Date: 08/09/2010

Map Centre: □
444691,399203

Rotherham MBC

Envt & Devt Services □
Bailey House □
Rawmarsh Road □
Rotherham S60 1TD □
□



Background

Members will be aware that there is an extant planning permission for the creation of a single storey retail unit on this site that was approved in February 2009 under application RB2008/1849.

Prior to this two previous outline applications for retail with residential above were refused on this site. Application RB2008/1634 was refused in January 2009 and application RB2008/0931 was refused in August 2008. The reasons for refusal were based on overdevelopment of the site and the impact of excessive scale and massing on the street scene.

Prior to this the site had previously been used as Rockingham garage/car sales since the early 1970s. The former garage was demolished in July 2008. Planning permission was not required for these demolition works.

Site Description & Location

The site lies directly to the west of Rockingham Road, close to the junction with Racecourse Road and is approximately 1km south-west of the main retail centre in Swinton. The site has predominantly residential properties to the east, south and west with a parade of local retail outlets to the north. The site has a direct southern boundary with a single storey bungalow on an elevated level. An un-adopted track borders the west of the site and is used by vehicular and pedestrian traffic to access the rear of properties along Rockingham Road and Highmill Avenue. In addition there is a telegraph pole that is sited on the front elevation facing Rockingham Road.

The site slopes downwards by approximately 2.5 metres from the lane to the north to Rockingham Road. The cleared site area of the former garage is approximately 1200 square metres.

Whilst the site is allocated for Local Retail purposes, there is no retail history on this site, other than the previous use for use as a garage/car sales site.

Proposal

This is a full application for eight residential townhouses which are to be two storey in height with rooms in the roof space on the front elevation facing Rockingham Road. The site is split level front to back owing to the strongly sloping ground levels and appears as a storey lower on the rear elevation. The development comprises of a central higher block, which would accommodate 4 units, has half dormer features on the front elevation and gable sides. On each side of the central block are two lower blocks with half-hip features and a strong protruding hip style feature that would be rendered. The front elevation comprises of full balconies and Juliet balconies at first floor level. The materials to be used are predominantly brick and render.

All of the units are served by individual private drives from Rockingham Road, capable of accommodating two vehicles, with a small front garden area. The properties all have private rear garden areas ranging from 8 metres to 16 metres.

A Design and Access Statement has been submitted and can be summarised as follows:-

- The site is sustainable with Rockingham Road being located on a frequent bus route.
- The building will be clad in brickwork with glazed openings facing the main road.
- A high level of planting is proposed.

On 02 August the applicant submitted an updated plan showing the development to a recognised scale. Accordingly the application has been re-validated to start with this new date and neighbours re-notified.

In addition some further policy justification has been provided in the updated Design and Access Statement. This justification can be summarised as follows:-

- Planning Approval (Ref RB2008/1849) for retail use was granted in February 2009 for 373m² gross floor area. This proposal has been offered to all four of the major supermarket chains and SPAR and despite initial interest has been declined by all. TESCO, initially keen to take up the site option declined after lengthy negotiation with the current owner primarily due to the gross floor area not being compatible with their trading models and standards.
- Subsequent to this SAINSBURY'S engaged in protracted negotiations which lead to a revised proposal being drawn up with a smaller floor area and a square footprint. This design was developed to an advanced stage and was submitted for new Planning Approvals in February 2010, as noted in RBMC correspondence ref PS1418. Unfortunately this retailer also declined at approximately the time of submission due to changes in their corporate policy directives.
- The site has been offered to others and whilst there has been dialogue there is little expressed interest primarily due to size and location. The ownership of the site has been consistently advertised throughout and there has been no local independent interest. Local Retail Analysis indicates competition in the immediate locality and demonstrates that there is already sufficient supply to meet the demands of the community.

Development Plan Allocation and Policy

The site is allocated as a Retail use (Local Centre) in the Development Plan.

UDP Policies

HG1 'Existing Housing Areas' indicates that the Council will ensure that predominantly residential areas are retained primarily for residential use by permitting developments that have no adverse effect on the character or area, are in keeping in terms of scale, make adequate arrangements for parking and manoeuvring of vehicles and are ancillary to the residential nature of the area.

HG4.3 'Windfall Sites' indicates that the Council will determine proposals in light of their location within the built up area and compatibility with adjoining uses.

HG5 'The Residential Environment' indicates that the Council will encourage best practice in layout and design in order to enhance the quality of residential environment.

ENV3.1 'Development and the Environment' indicates that development will be required to make a positive contribution to the environment.

RET6 'Local Shopping Provision' indicates that the Council will oppose changes from retail uses to other uses, unless it can be demonstrated that the retail use is no longer viable.

Other Material Considerations

National Policies

PPS3 'Housing' indicates that schemes should have a mix of types and tenures of residential units and seeks good design in new residential layout and development.

PPG24 'Planning and Noise' seeks to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business.

Publicity

All relevant neighbours were informed by letter on 07 July 2010 and a site notice was erected on 15 July 2010. Neighbouring properties were re-notified of the corrected plans on 04 August 2010.

Two letters of objection has been received and can be summarised as follows:-

- The application for residential is more desirable than the previous retail applications.
- The development is too high and should be reduced to two storeys.
- The height should not exceed that of the adjacent bungalow.
- There should be two parking spaces per dwelling, as parking is at a premium in this area.
- Public access to the track at the rear of the site should be prevented.

Consultations

Transportation Unit – No objections subject to conditions

Neighbourhood and Adult Services – No objections subject to conditions

Police Architectural Liaison Officer – No objections

Yorkshire Water – No objections

Environmental Health – No objections

Appraisal

Where an application is made to a local planning authority for planning permission.....in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

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

- The principle of a residential development in this location.
- The scale, massing, footprint and landscaping quality of the proposal.
- Impact on visual amenity and the general street scene in this part of Rockingham Road.
- Impact on residential amenity.
- Highway safety and parking provision.

Principle

Whilst this site has been allocated for local retail purposes within the Development Plan, this site has no previous retail history, other than that as a garage and car sales area since the early 1970s. The site has benefitted from an existing planning permission since February 2009 and the applicant has marketed the site to all four of the major retailers, without success during the last 18 months.

The site is surrounded on three sides by housing with a local parade of shops directly to the north of the site. The general character of the site is considered to be predominantly residential. It is considered that the development of the site for residential purposes would have a smaller impact on the existing properties in terms of noise, disturbance and traffic movements than the implementation of the existing live retail permission.

As such the principle of a purely residential development in this location is considered to satisfactorily meet the requirements of UDP Policy RET6 'Local Shopping Provision' and is considered to be acceptable from a planning policy aspect.

Scale, massing and footprint

In terms of scale, the property immediately adjacent the site is on land levels that are approximately 2.5 meters higher than the site area. The bungalow directly to the south of the site is considered to have a high roof pitch and this factor combined with the low proposed eaves height on the development would result in a maximum height approximately comparable to the height of the existing bungalow. It is considered that the overall height of the development is acceptable in this area and would not have a detrimental impact on the amenity of the street scene in terms of scale.

Moving to the issue of massing, this development has a significantly higher density than the low-density development that are located to the west and south of the site, predominantly detached and semi-detached residential properties. However, it is considered that the development being set back from the road with front gardens on a lower site area with hipped roof features with breaks in the frontage would satisfactorily

reduce the overall massing and dominance on the street scene. The development would continue the building line along this part of Rockingham Road and it is considered that the development has an acceptable visual appearance on the street scene.

In terms of footprint, the plots have a combined footprint of less than 33% of the site area and all of the plots (with the exception of the northernmost two) have rear gardens in excess of 10 metres. Bearing in mind that all of the units have small front gardens and off-street parking for two vehicles, whilst the proposal has a significantly higher density than the surrounding low density residential properties, it is not considered that the proposal would represent overdevelopment of the site. It is therefore considered that the development complies with national policy PPS3 'Housing' and UDP Policy HG1 'Existing Housing Areas', HG4.3 'Windfall Sites', HG5 'The Residential Environment' and ENV3.1 'Development and the Environment'.

Impact on residential amenity

Whilst the development is of a larger scale than the neighbouring bungalow, the houses would not project beyond the rear building line of existing properties and there are to be no side windows inserted within the development. On balance it is considered that the overall height of the development and half-hipped style roofs with shallow pitches would mitigate the potentially dominating impact on the nearby residential properties, particularly the single storey bungalow at 38 Rockingham Road.

In terms of outlook, all of the rear gardens are in excess of 10 metres, with the exception of the two northernmost plots which are in the order of 8 metres due to the proximity of the rear access drive. The principal elevations are located approximately 26 metres from the gable side of 1a racecourse Road and it is not considered that the proposals would materially increase the levels of overlooking to this property.

Highway safety and parking provision

The Transportation Unit have indicated that there are no objections on highway safety grounds subject to conditions. The site is considered to be in a moderately sustainable location, being within an existing residential area and within walking distance of some local facilities and services.

Other issues

Environmental Health Unit has commented that there has been no additional information submitted relating to contamination. The site has been used in the past as a newsagent, a filling station and for car sales. Based on the historical use there is a significant possibility for ground contamination to exist. There is also a potential for ground gases and organic vapours to exist within the made ground. Based on the above it is likely that some remediation works may be required to bring the site to a suitable condition to be protective of human health and a condition has been imposed on the application.

The issue of noise has also been raised; however, taking into account that the site is surrounded on three sides by existing residential properties and Rockingham Road is

only a regular two lane road which links Rotherham to Swinton, it is not considered that there are grounds for refusal on noise impact alone.

Conclusion

It is considered that development of this site for residential purposes would have a smaller impact on the surrounding residential properties in terms of noise, disturbance and traffic movements than the implementation of the existing live retail permission RB2008/1849. The site has been marketed to the main national operators for the last 18 months without success. The character of the area is predominantly residential and the principle of residential development in this location is considered to be acceptable from a planning policy aspect and is not considered detrimental to the adjacent local shopping parade.

It is considered that the overall height of the development is acceptable in this area and would not have a detrimental impact on the amenity of the street scene in terms of scale and that the development being set back from the road with front gardens on a lower site area with hipped roof features with breaks in the frontage would satisfactorily reduce the overall massing and dominance on the street scene. The plots have a combined footprint of less than 33% of the site area and the majority of the plots have rear gardens in excess of 10 metres.

The Transportation Unit have indicated that there are no objections on highway safety grounds.

It is not considered that there are grounds for refusal on the impact of excessive noise impact from Rockingham Road.

RB2010/0944

Demolition of existing buildings & erection of 5 No. two storey dwellinghouses with associated garages and boundary wall, and erection of a double garage for Grange Farmhouse at Grange Farm, Lindrick Road, Woodsetts for C. Bealby and Sons.

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 HG4.3 'Windfall Sites' states: -"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.”

Policy HG5 ‘The Residential Environment’ states: - “The Council will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone.”

Policy ENV1.4 ‘Land adjacent to the Green Belt’ states: -“In areas adjacent to the Green Belt, development should be sympathetic to the visual amenity and environment quality of the Green Belt.”

Policy ENV2.11 Development in Conservation Areas states:

“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 grant 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 purposes of redevelopment, only when the development has been granted planning permission and is subject to a legally agreed commitment to its commencement 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 ENV2.12 Development adjacent to Conservation Areas: - “In considering proposals for developments adjacent to Conservation Areas, special regard will be had to their effect on the Conservation Areas and, if necessary, modifications to ameliorate the effect will be required before approval is given.”

Policy ENV3.1 ‘Development and the Environment’ states: - “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.”

Policy T6: Location and Layout of Development states: "In considering the location of new development, the Council will have regard to the increasing desirability of reducing travel demand by ensuring that (amongst other things):

(i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure; and

(v) a range of services and facilities are available in villages and local centres with safe and convenient access for pedestrians, cyclists and people with disabilities. In addition, the detailed layout of development should have regard to accessibility by private car, public transport, service vehicles, pedestrians and cyclists and people with disabilities."

b) Other Material Planning Considerations:

Supplementary Planning Guidance

The Council's Interim Parking Standards (adopted in June 2002) states that the maximum spaces required for residential developments are two spaces per unit where the dwelling has less than four bedrooms and three spaces per unit where the dwelling has more than four bedrooms. As regards flatted developments this should be one space per unit with a further visitor space per two flats.

Supplementary Planning Guidance Housing Guidance 3: Residential Infill Plots sets out guidance on space standards between dwellings and suggests that there should be 20 metres between principal elevations or 12 metres between a principal elevation and an elevation with no habitable room windows. It also suggests that any elevation less than 10 metres from a boundary should contain no habitable room windows at first floor level, nor should it contain a window or door to any habitable room at ground floor level unless there is adequate screening to prevent loss of privacy. This guidance was specifically prepared to relate to development on corner plots but is considered to be applicable to all types of residential development.

National Policy.

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.

PPS3: 'Housing' still reinforces the message from PPS1 in that development should be well integrated with and complements neighbouring buildings and the local area more generally.

PPS3 has removed the requirement for Councils to have regard to the national minimum density for housing and to focus densities which are characteristic of the locality. It further advises that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

PPS9: 'Biodiversity and Geological Conservation' advises that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought.

PPG13: 'Transport' advises on sustainable development and transport modes and indicates that planning has a key role in promoting sustainable transport choices (other than the car) and to not require developers to provide more parking spaces than they themselves wish.

2. For the following reasons:

The development will constitute the efficient use of land and provide a variety of high quality residential units in a sustainable location with access to a variety of local services and modes of transport. The proposals also meet to an acceptable degree the advice and criteria in all the other material considerations referred to above and is acceptable in terms of the design, density, scale and massing, along with the effect on the amenities of adjoining occupiers and the character of the Woodsetts Conservation Area.

It is further considered that the proposal will not be detrimental to highway safety and that the proposed access is capable of accommodating the 5 detached dwellings.

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

1.

[PC99]

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

2.

[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.

(Amended Drawing number 1522 A1d) (received 6/09/2010)

(Original Drawing numbers, 1522 A2,A3,A4b, A5, A6, A7, A8, A9 ,A10) (received 19/07/2010)

3.

[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.

4.

Before the development is brought into use the turning area shown on the approved plan shall be provided, marked out and thereafter maintained for such purposes.

5

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. These details shall include a native species hedge to be planted along the western boundary of the site. The approved boundary treatment shall be completed before the development is first occupied.

6

[PC39*]

Landscaping of the site as shown on the approved plan (drawing no. 1522.A1d) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

7.

All window and door frames shall be constructed in timber and recessed in their openings a minimum of 150mm behind the front face of the external walls of the buildings. Details of the painted or stained finish shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

8.

Unless otherwise agreed in writing all new roof tiles shall be red clay pantiles (not concrete), samples of which should be submitted to and approved by the Local Planning Authority prior to the commencement of development.

9

Unless otherwise agreed in writing with the Local Planning Authority all rainwater goods (gutters, hoppers and downpipes), shall be coloured black. Guttering should be fixed directly to the walls by means of painted rise and fall brackets, without the use of fascia boards.

10

Prior to the commencement of the development, a sample panel (minimum of 1 metre square) of the external materials to be used in the construction of the approved development, to include the natural coursed stonework and associated pointing shall be built on site and approved in writing by the Local Planning Authority.

11

[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.

12

Prior to the commencement of development details of bat roost features and access point to the dwellings should be submitted to and approved by the Local Planning

Authority and the approved details implemented before the development is brought into use.

13

[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.

Reasons

1.

[PR99] In order to comply with the requirements of the Town and Country Planning Act 1990.

2.

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

3.

[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'.

4.

[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.

5.

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

6.

[PR39] 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'.

7.

In the interest of visual amenity and to protect the character and setting of the adjacent Woodsetts Conservation Area in accordance with policy ENV3.1 Development and the Environment and ENV2.12 Development adjacent to Conservation Areas.

8.

In the interest of visual amenity and to protect the character and setting of the adjacent Woodsetts Conservation Area in accordance with policy ENV3.1 Development and the Environment and ENV2.12 Development adjacent to Conservation Areas.

9.

In the interest of visual amenity and to protect the character and setting of the adjacent Woodsetts Conservation Area in accordance with policy ENV3.1 Development and the Environment and ENV2.12 Development adjacent to Conservation Areas.

10.

In the interest of visual amenity and to protect the character and setting of the adjacent Woodsetts Conservation Area in accordance with policy ENV3.1 Development and the Environment and ENV2.12 Development adjacent to Conservation Areas.

11.

[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'.

12.

In order mitigate against the loss of potential bat habitat.

13.

[PR94] In order to promote sustainable transport choices.

Informative

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. Breeding Birds

All birds, their nests and eggs are protected by law and it is an offence under the Wildlife and Countryside Act 1981 (as amended), with certain exceptions, to:

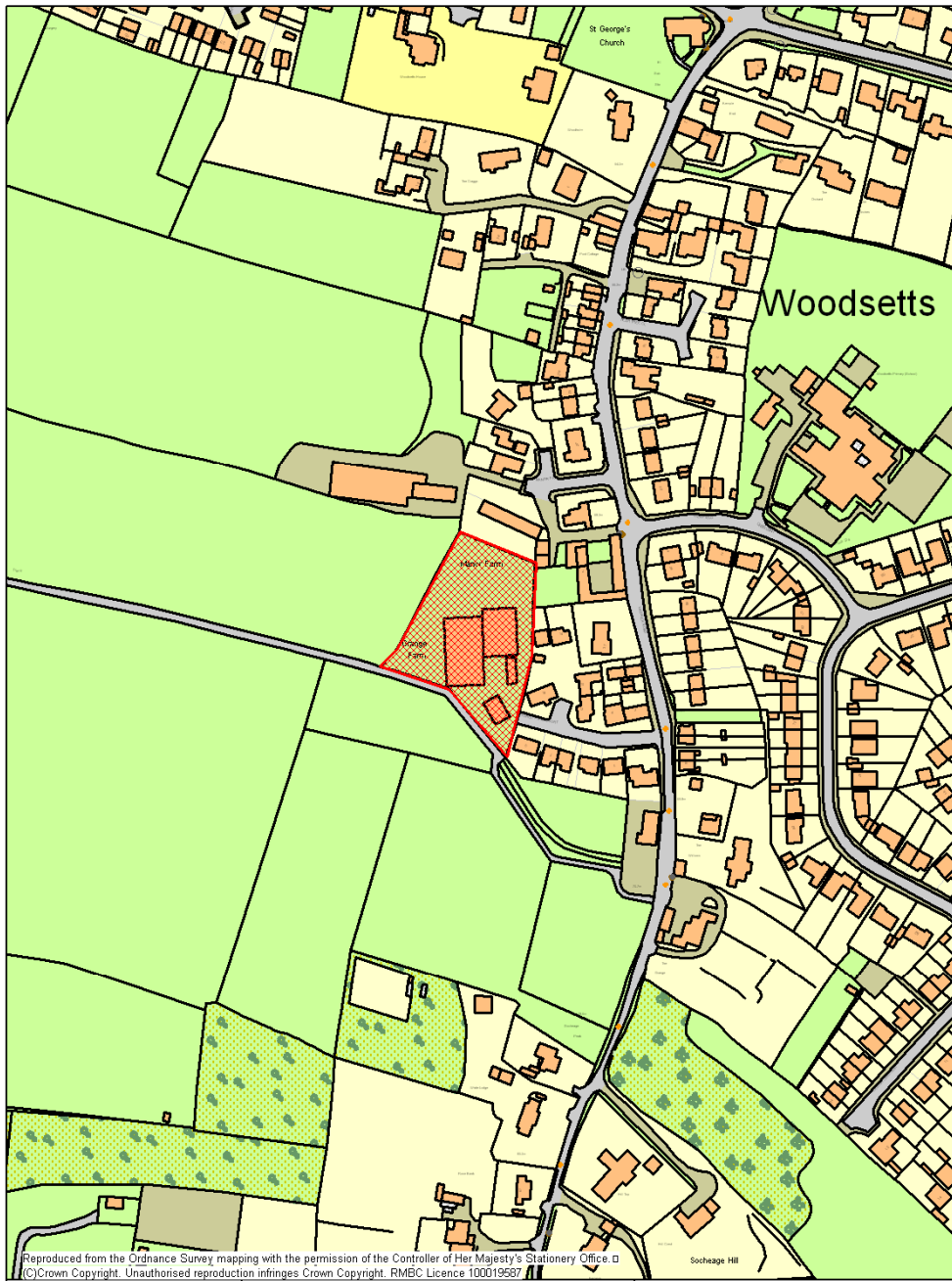
- Intentionally kill, injure or take any wild bird,
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built,
- Intentionally take or destroy the egg of any wild bird.

Certain species receive increased protection; it is an offence to:

- Intentionally (or recklessly in England and Wales only) disturb any wild bird listed on Schedule 1 while it is nest building or is at (or near) a nest with eggs or young; or disturb the dependant young of such a bird.

3. Asbestos Informative

The applicant is advised that prior to the demolition of the existing asbestos barns details of the means of their disposal should be agreed with the Environment Agency, including the location and name of the registered waste transfer station.



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Background

RB1992/0426 - Details of the erection of a farm dwelling (being some of the matters reserved by outline permission R90/747P) - GRANTED CONDITIONALLY

RB1995/0894 - Erection of two stable buildings (containing six stalls) and six stalls within adjacent barn, all for use by horses belonging to, and for the recreation of the occupiers of Grange Farm - GRANTED CONDITIONALLY

RB2010/0077 - Application for variation of condition 1 (occupier to be involved in agriculture) imposed by RB1992/0426 to allow occupier not to be involved in agriculture - GRANTED

Site Description & Location

The site of application is an existing farm, including farmhouse and two large asbestos barns, with an additional small stables building. The farm is located on the edge of Woodsetts village and the application site has an overall site area in the region of 0.35 hectares. The farm business is accessed off a long track linking to Dinnington Road with the farmhouse currently accessed off Grange Farm Court.

To the east of the site is Grange Farm Court, a small residential cul de sac made up of detached and semi detached new build dwellings constructed in traditional Limestone and Clay Pantiles. To the south and west lies the open countryside and a public footpath linking to Lindrick Road. To the north is a large detached private residence accessed off Manor Farm Croft.

Proposal

The applicant proposes to demolish the existing asbestos barns and construct five detached two storey dwellings, accessed off Grange Farm Court. The access to the new development will utilise the existing 3.6m wide access, increasing to 5m within the site. The properties have been designed in a traditional manner to respect the adjacent Conservation Area with natural stonework, clay pantiles and architectural detailing such as chimneys and window lintels and cills.

The existing farmhouse will be retained and reconfigured so as to be accessed off the agricultural track linking to Dinnington Road, as opposed to Grange Farm Court. A new double garage is proposed to be constructed to provide covered parking for the reconfigured farmhouse.

A bat and bird survey has accompanied the application and concludes that:

- No evidence of bats was found within the buildings surveyed.
- The buildings are not suitable for bat roosting.
- The large barn contains some 20 nesting pigeons.
- No evidence of barn owls were recorded on site.
- Work to demolish the barn should not be undertaken during March to September when pigeons will be nesting.

Development Plan Allocation and Policy

01 Local Planning Policy

The application site is allocated for residential purposes in the Rotherham Unitary Development Plan, whilst the open agricultural land to the south is allocated as Green Belt. Part of the site containing the existing farmhouse, is within the Woodsetts Conservation Area whilst the remainder is adjacent to the Conservation Area. The following policies are therefore considered material to the determination of this application.

Policy HG4.3 'Windfall Sites' states: -"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."

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

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

Policy ENV2.11 Development in Conservation Areas states:

"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 grant 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 purposes of redevelopment, only when the development has been granted planning permission and is subject to a legally agreed commitment to its commencement 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 ENV2.12 Development adjacent to Conservation Areas: - “In considering proposals for developments adjacent to Conservation Areas, special regard will be had to their effect on the Conservation Areas and, if necessary, modifications to ameliorate the effect will be required before approval is given.”

Policy ENV3.1 ‘Development and the Environment’ states: - “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.”

Policy T6: Location and Layout of Development states: “In considering the location of new development, the Council will have regard to the increasing desirability of reducing travel demand by ensuring that (amongst other things):

(i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure; and

(v) a range of services and facilities are available in villages and local centres with safe and convenient access for pedestrians, cyclists and people with disabilities. In addition, the detailed layout of development should have regard to accessibility by private car, public transport, service vehicles, pedestrians and cyclists and people with disabilities.”

Other Material Considerations

The Council’s Interim Parking Standards (adopted in June 2002) states that the maximum spaces required for residential developments are two spaces per unit where the dwelling has less than four bedrooms and three spaces per unit where the dwelling has more than four bedrooms. As regards flatted developments this should be one space per unit with a further visitor space per two flats.

Supplementary Planning Guidance Housing Guidance 3: Residential Infill Plots sets out guidance on space standards between dwellings and suggests that there should be 20 metres between principal elevations or 12 metres between a principal elevation and an elevation with no habitable room windows. It also suggests that any elevation less than 10 metres from a boundary should contain no habitable room windows at first floor level, nor should it contain a window or door to any habitable room at ground floor level unless there is adequate screening to prevent loss of privacy. This guidance was specifically prepared to relate to development on corner plots but is considered to be applicable to all types of residential development.

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.

PPS3: ‘Housing’ still reinforces the message from PPS1 in that development should be well integrated with and complements neighbouring buildings and the local area more generally.

PPS3 has removed the requirement for Councils to have regard to the national minimum density for housing and to focus densities which are characteristic of the locality. It further advises that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

PPS9: 'Biodiversity and Geological Conservation' advises that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought.

PPG13: 'Transport' advises on sustainable development and transport modes and indicates that planning has a key role in promoting sustainable transport choices (other than the car) and to not require developers to provide more parking spaces than they themselves wish.

Publicity

The application was advertised on site and adjoining neighbours notified in writing. 12 letters of objection have been received. The objectors state that:

- Grange Farm Court is not capable of accommodating additional vehicular traffic.
- The access is of a substandard width to accommodate a fire engine and delivery lorries.
- The existing drains cannot accommodate the new houses.
- The new traffic generated will be detrimental to children playing in the street.
- The new development will create a flood risk.
- Asbestos from the existing barns has been illegally buried on adjacent land.

In addition the SK58 Birder Group have requested that bat and barn owl boxes are positioned on the building to mitigate the loss of habitat.

In addition Woodsetts Parish Council have objected to the proposal and have asked for a site visit. They consider that access is unacceptable and that the proposed development represents overdevelopment of the site.

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

Consultations

Transportation Unit:

No objections to 3.6m access, subject to appropriate planning conditions.

Ecology Officer:

The EMEC Ecology Bat and Barn Owl Survey report (June 2010) is considered acceptable; the survey methodology is appropriate and the results are accepted. The report states that the current buildings are unsuitable for use by roosting bats and that no barn owls have been found to be using the site. The report confirms that the buildings do support some nesting birds and provides advice as to how proposed development can proceed without unlawful activity. The report also includes an appendix outlining appropriate action to take if any bats are subsequently found within the existing buildings. The recommendations provided in the report are acceptable and should be incorporated into the development proposals.

Planning Policy Statement 9: Biodiversity and Geological Conservation includes the recommendation that all developments demonstrate biodiversity gain. The location of the proposed development site adjacent to wider countryside allocated as Green Belt provides opportunities to incorporate simple measures to achieve this. It is recommended that the proposed new dwellings include bat roost features and access points to help to support local bat populations; such features can be designed to provide suitable roosting features but that prevent access by bats into the roof space. Further details can be supplied on request.

It is also recommended that suitable boundary treatment, in the form of native species hedging, be agreed for the boundary of the proposed development site to the west and south; this will further demonstrate biodiversity and landscape enhancement and will help to integrate the proposed development into the wider countryside setting.

Police Architectural Liaison Officer - Comments that the revised scheme should be developed in line with Secured by Design certification and suggests that secure 1.8m high boundary fencing is used and appropriate gates to the rear gardens.

Neighbourhoods and Adult Services (Environmental Health):

The application site is situated in the rural village of Woodsetts with residential premises in the immediate vicinity. As a result there is a potential for a disamenity to the surrounding residents by virtue of noise and dust during the construction of the development. The standard informative is required to ensure that this is addressed during both demolition and construction phase.

Appraisal

Where an application is made to a local planning authority for planning permission.....in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

The site is allocated for residential purposes in the Unitary Development Plan and there are no objections to the principle of the development. The main issues to be considered in the assessment of this application are:-

- The proposed highway access.
- The impact upon the adjacent Conservation Area.
- Ecological issues.
- Issue of asbestos disposal.
- The design of the proposed housing.
- Impact upon neighbouring amenity.
- Impact upon the openness and character of the adjacent Green Belt.
- Impact upon drainage and flood risk.

The proposed highway access

The 5 new dwellings will be accessed off the existing 3.6m wide access to the existing farmhouse. The width of the access is unable to accommodate 2 way traffic and the existing boundary fences and the proposed drive alignment will result in limited inter-visibility at the site entrance. Notwithstanding this, the proposed layout will result in vehicles accessing / exiting the site at very low speed and the number of such vehicle movements is likely to be relatively low. In this respect the refusal of planning permission on the grounds of substandard access cannot be justified in highway terms. With regard to access for a fire appliance, whilst this is a matter for Building Regulations it is considered that a typical fire appliance could negotiate the access and manoeuvre within the site.

In respect of refuse collection, it is quite normal for residents to bring their bins onto the public highway on collection day. Grange Farm Court was designed and constructed as a mews court i.e. no footway with a 5.5 metre wide carriageway, which is considered capable of accommodating the additional traffic (vehicular and pedestrian) likely to be generated by the additional dwellings. Lindrick Road is also considered to be capable of accommodating the additional traffic, notwithstanding the point raised by the objectors regarding parking at peak school times.

It is the Council's usual practice to restrict the No of dwellings served from a private drive to a maximum of 5. This is due to issues of highway maintenance rather than road safety. Whilst the existing farm house is to be served from the track leading to Dinnington Road, it is accepted that it is likely that visitors may choose to approach via Grange Farm Court and utilise the existing adopted visitor parking bays. Such an occurrence would not have a material adverse impact in road safety terms.

The impact upon the adjacent Conservation Area

The site of application partly falls within the Woodsetts Conservation Area although the new dwellings to be constructed fall outside the boundary. As such the dwellings will impact upon its character and it is important that any development respects the character of the area. In this instance it is considered that the massing, design and materials used in the construction of the dwellings respects the character of the Conservation Area, and their natural stone appearance and red clay pantiles will blend

in with the traditional built form of the village. The removal of the large utilitarian barns will greatly improve the visual appearance of the area and the built form of the village when viewed from the Green Belt. As such the proposal would comply with Policies ENV 2.11 'Development in Conservation Areas' and ENV2.12 'Development adjacent to Conservation Areas' of the UDP.

Ecological issues

The Council's Ecologist considers that the submitted Bat and Bird survey is acceptable and notes that no bat roost or barn owls were evident on the site, indeed the type of modern agricultural buildings located on site are not suitable for either bat roost or for barn owls. However the inspection did uncover a number of pigeon nests which will need to be carefully removed outside of the breeding season.

In order to provide future potential bat and bird habitat the Council's Ecologist recommends a number of mitigation measures including bat roost features to the new dwellings and suitable native hedging to the Green Belt boundary. These mitigation measures are included in the planning conditions listed above. It is not considered that it would be reasonable to require provision of owl boxes in the locality, as requested by the SK58 Birders, as there is no evidence of owls using the site.

Issue of asbestos disposal

The applicant is currently subject to enforcement action by the Environment Agency regarding the illegal tipping of asbestos material on the land adjacent to the proposed residential development. The asbestos material was material that formed part of the existing asbestos barns that the applicant now intends to fully demolish.

The Council understands that the applicant has failed to comply with the Environment Agency's request to dispose of the asbestos and that the Environment Agency is seeking formal legal Enforcement Action. Whilst the previous tipping of the asbestos upon the adjoining land is not a material planning consideration, it is important that in granting the above application, the remaining asbestos is disposed of in a safe and environmentally acceptable manner. For this reason an informative has been attached informing the applicant that details of the disposal of the asbestos should be submitted to the Environment Agency prior to the commencement of development on site.

The design of the proposed housing

The proposed dwellings have been laid out and designed in a small court yard development that reflects the character of the area and will create good quality family housing. Each dwelling has a reasonable sized garden and associated off street parking and garage accommodation. Small stone walling is to be used to the front of the dwellings to create a sense of enclosure and a traditional village appearance.

The traditional architectural style of the properties is appropriate for the context and subject to the use of good quality natural materials such as clay pantiles and limestone walling the dwellings will not look out of keeping in accordance with ENV3.1 Development and the Environment. This type of medium density family housing is

suitable for the location and is in accordance with the guidance contained within PPS3 'Housing'.

Impact upon neighbouring amenity

In terms of the impact upon neighbouring amenity the development has been laid out to minimise overlooking and so as not to appear overbearing. The rear elevations of the plot Nos. 3 & 4 are over 20m away from the rear elevation of Manor Farm, the only dwelling directly overlooking the site. By demolishing the existing large grey barn buildings the visual amenity of the properties along Grange Farm Court will be greatly improved, especially Nos. 16 & 18.

Impact upon the openness and character of the Green Belt

Finally in terms of the impact upon the openness and character of the Green Belt, the development site including rear gardens falls within the residential allocation. The dwellings are to be set back from the Green Belt boundary and include planting to soften the impact of the proposal. These two storey dwellings are considered to have less of an impact upon the character of the Green Belt than the existing large grey asbestos shed currently on site.

Impact upon drainage and flood risk

Some objectors have raised concerns about drainage and flooding problems. The site is not within a flood risk area and a condition is recommended relating to the provision of appropriate drainage details should Board Members be minded to grant permission.

Conclusion

The development will constitute the efficient use of land and provide a variety of high quality residential units in a sustainable location with access to a variety of local services and modes of transport. The proposals also meet to an acceptable degree the advice and criteria in all the other material considerations referred to above and is acceptable in terms of the design, density, scale and massing, along with the effect on the amenities of adjoining occupiers and the character of the Woodsetts Conservation Area.

It is further considered that the proposal will not be detrimental to in highway safety and that the proposed access is capable of accommodating the 5 detached dwellings.

RB2010/0954

Erection of 1,625 square metres of commercial units comprising Use Class A1 (convenience and comparison retail), A2 (financial and professional services), A3 (restaurant) and A5 (hot food takeaway) and associated car parking – application for variation to Conditions 17, 18 & 20 imposed by application RB2010/0251 at land at Manvers Way, Manvers for Onward Holdings 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
 - (i) Local Planning Policy

The site is allocated for industrial and business use in the Unitary Development Plan.

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, 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 and where developments adjoin or include a transport route or other important linear feature (e.g. a river, canal or stream) the Council will negotiate the creation or maintenance of a landscaped 'green corridor.' Developments which make a positive contribution to the environment through a reduction in harmful emissions, but cannot meet the design standards mentioned above, will be considered on their merits. Encouragement will be given to the inclusion of works of public art within the design of major developments."

Policy T6 'Location and Layout of Development' states that: "In considering the location of new development, the Council will have regard to the increasing desirability of reducing travel demand by ensuring that: (i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure, (ii) major trip generating land uses, such as major employment, leisure, retail and high density residential developments, are located in close proximity to public transport interchanges and service corridors, (iii) the development of sites which cause unacceptable traffic congestion on motorways, and local approach roads and trunk roads is avoided, (iv) development patterns, where appropriate, provide

opportunities for living close to places of work, and (v) a range of services and facilities are available in villages and local centres with safe and convenient access for pedestrians, cyclists and people with disabilities. In addition, the detailed layout of development should have regard to accessibility by private car, public transport, service vehicles, pedestrians and cyclists and people with disabilities.”

EC1.1 ‘Safeguarding Existing Industrial and Business Areas’ seeks to support proposals which safeguard the viability of established industrial and business areas.

Policy EC3.1 ‘Land Identified for Industrial and Business Uses’ states that: “Within areas allocated on the Proposals Map for industrial and business use, development proposals falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) will be acceptable, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses.”

b) Other relevant material planning considerations

Planning Policy Statement 1 ‘Delivering Sustainable Development’ sets out the Government’s overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 4: Planning for Sustainable Economic growth sets out the Government’s comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

Planning Policy Guidance 13 ‘Transport’ sets out the objectives to integrate planning and transport at the national, regional and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

2. For the following reasons:

It is considered that the amendments to the conditions to allow for the development to be delivered in two phases would not have a material impact on highway safety. Given that the car parking linked to each phase will be delivered before that phase is occupied it is considered to be appropriate and the delivery of the car parking will be associated with each phase and will still be delivered before that phase is occupied it is considered that the proposed amendment is acceptable.

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

[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.

(received 20 April 2010)

03

The net retail floorspace (Use Class A1) of the proposed development shall not exceed 740sqm.

04

A maximum of two units shall be occupied by Use Class A5 (hot food takeaway).

05

Any Use Class A2 (Financial and Professional Services) use shall have a minimum floorspace of 232 square metres.

06

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

07

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before the development commences.

08

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

09

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by WSP (dated February 2010) and the following mitigation measures detailed in the FRA:

- (a) Finished floor levels are set no lower than 300mm above existing ground levels for the site.

10

[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 within a timescale agreed, in writing, by the Local Planning Authority.

11

[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. 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.

Security

12

[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 development is occupied.

13

Prior to the commencement of development, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how the lighting meets the guidance provided by the Institute of Lighting Engineers in their document 'Guidance Notes for the Reduction of Obtrusive Light' (available from website www.ile.org.uk). The approved lighting details shall be implemented in accordance with the approved details prior to the first occupation of the units.

14

Prior to the commencement of development, details of a proposed CCTV system for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved CCTV systems shall be implemented in accordance with the approved details prior to the first occupation of the units.

Highways

15

[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

16

Before any phase of the development is brought into use, the associated part of the site to be used by vehicles as indicated on the phasing plan 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.

17

Before any phase of the development is brought into use the appropriate car parking area shown on the approved phasing plan shall be provided, marked out and thereafter maintained for car parking.

18

Visibility at the proposed site access to the highway and across the inside of the bend in the internal access road shall be provided and maintained in accordance with a scheme which shall be submitted to and approved by the LPA before the development is brought into use. The approved visibility areas shall remain clear of all obstructions to visibility in excess of 900mm in height measured above the nearside road channel.

19

The proposed development shall not be commenced until details of the proposed footpath linking the car park with Manvers Way indicated on the approved plan has been submitted to and approved by the LPA and each phase of the development shall not be occupied until the approved footpath details associated with that phase have been implemented.

20

[PC29] Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority.

Reasons for Conditions:

General

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

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

03

In order to ensure that the retail element of the proposal is not expanded and remains as a local shopping facility.

04

In order to ensure that all of the units are not operated as hot food takeaways and ensure a range of uses in order to ensure a local shopping facility.

05

To ensure that any smaller A2 Use would be directed towards the sequentially preferable site in Wath Town centre.

Drainage

06

In the interest of satisfactory and sustainable drainage.

07

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

08

In the interest of satisfactory drainage.

09

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

Landscaping

10

[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'.

11

[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'.

Security

12

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

13

In the interest of the safe and secure use of the site in line with PPS1.

14

In the interest of the safe and secure use of the site in line with PPS1.

Highways

15

PR94] In order to promote sustainable transport choices.

16

[PR24A] To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

17

[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.

18

In the interest of road safety.

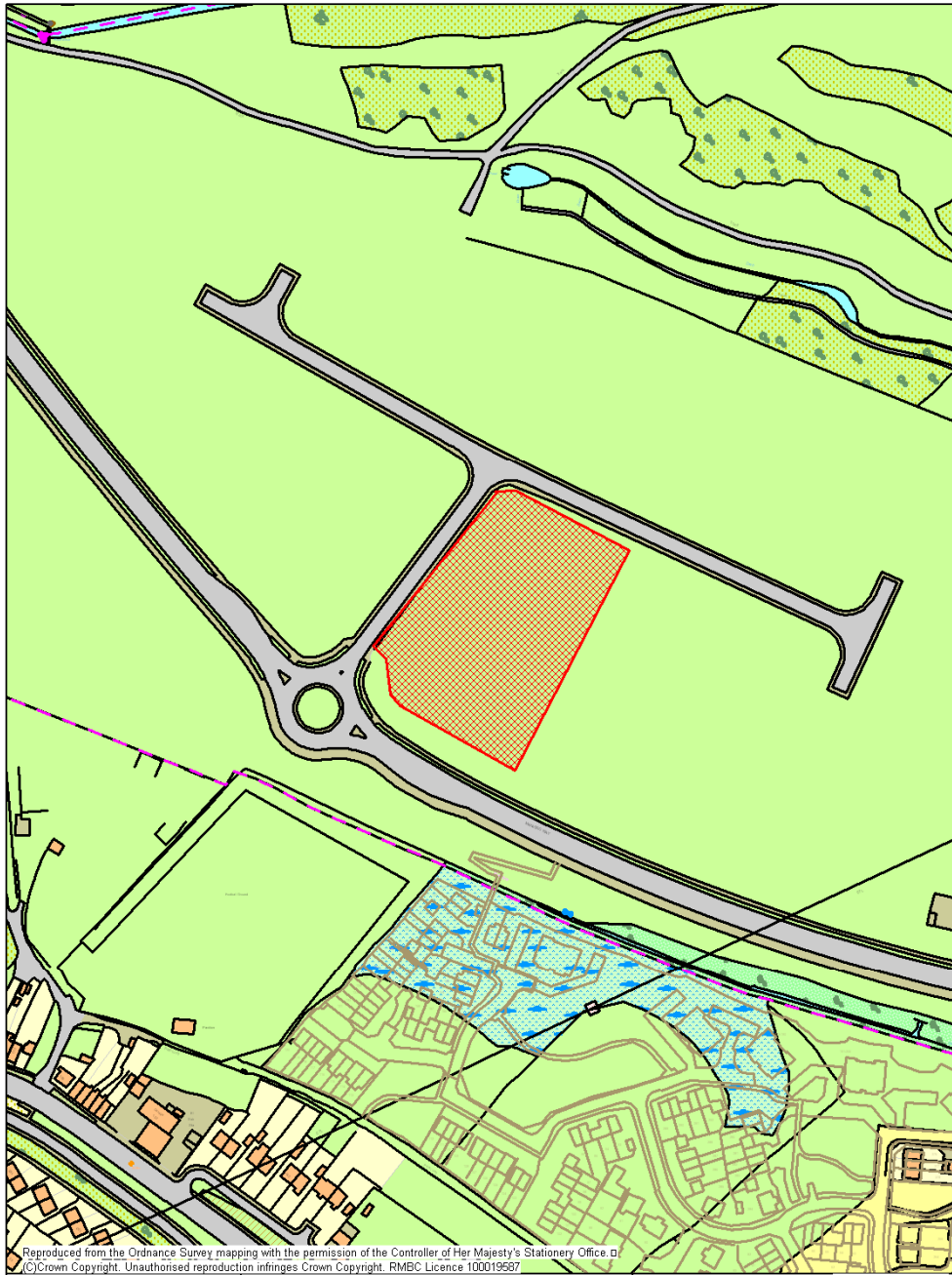
19

In the interest of promoting sustainable transport.

20

[PR29] No details having been submitted they are reserved for approval.

Sustainability



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Background

The original application for the wider Manvers mixed use site was granted conditionally under application reference RB2004/2304 for the formation of golf course with associated driving range, clubhouse & greenkeepers store, erection of a boathouse, residential development (comprising 10 apartment blocks, 202 dwellinghouses & retirement village), public house/restaurants, extreme sports centre, bowling alley, bingo hall, hotel, health & fitness centre, day nursery, neighbourhood centre including medical centre, car showroom, petrol station, general industrial units and landscaping (including boardwalks & picnic areas).

A subsequent outline application was approved under application reference RB2008/0524 for mixed use development of a smaller part of the wider Manvers mixed use area which originally was zoned for an extreme sports centre, bowling alley, bingo hall, health and fitness centre and retirement village.

The outline permission granted under reference RB2008/0524 consists of a mixed use development of residential dwellings and apartments, A1 (retail), A3 (restaurant), D1 (medical centre) and D2 (leisure). A condition of this permission limited the A1 retail floorspace to a maximum of 7,800 square feet.

Members may also recall that a full planning application for this site was presented to Planning Board in May 2010. This application proposed the erection of 1625 square metres of commercial units comprising Use Class A1 (convenience and comparison retail), A2 (financial and professional services), A3 (restaurants) and A5 (hot food takeaway) and associated car parking. It is three of the conditions on this permission which this application seeks to amend.

Environmental Impact Assessment

The proposed development falls within the description contained within paragraph 10(b) 'Urban Development Projects' of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and meets the criteria set out in column 2 of the table in that the area of development exceeds the 0.5 hectare threshold. Therefore consideration has been given as to whether this particular development would be likely to have significant effects upon the environment. In this regard the proposal has been assessed under Schedule 3 of the Regulations and in this instance it is felt that the development would be of no more than local importance, is not located in a particularly environmentally sensitive location, nor would it involve unusually complex or potentially hazardous environmental effects. The Council has accordingly formed the view that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. As such the Local Planning Authority has adopted the opinion that the development referred is not EIA development as defined in the 1999 Regulations.

Site Description & Location

This application relates to a small part of the wider Wath Manvers Colliery development site which was reclaimed in the mid 1990's.

The specific site fronts Manvers Way and occupies a relatively prominent position of the corner of Manvers Way at the roundabout access into the wider mixed use site which was subject of the outline permission under application reference RB2008/0524. The site is currently vacant and covers an area of approximately 1.11 hectares.

The site lies to the north of Manvers Way, to the south of the recently approved residential development under application reference RB2010/0054. To the east are the recently completed neighbourhood centre, hotel and public house.

Proposal

The development of this site for the erection of 1625 square metres of commercial units comprising use class A1, A2, A3, and A5 which was approved on 18 May 2010 by Planning Board subject to a number of conditions.

This application proposes to vary three conditions (17, 18 and 20). The reason for amending the wording of the conditions is to allow the development to be constructed in two phases. The original wording and proposed wording of the three conditions is detailed below:

Condition 17 states:

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.

It is proposed to amend Condition 17 to read:

Before any phase of the development is brought into use, the associated part of the site to be used by vehicles as indicated on the phasing plan shall be constructed with either;

- (c) a permeable surface and associated water retention/collection drainage; or
- (d) an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

Condition 18 states:

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.

It is proposed that Condition 18 is amended to read:

“Before any phase of the development is brought into use the appropriate car parking area shown on the approved phasing plan shall be provided, marked out and thereafter maintained for car parking.”

Condition 20 states:

The proposed development shall not be commenced until details of the proposed footpath linking the car park with Manvers Way indicated on the approved plan has been submitted to and approved by the Local Planning Authority and the development shall not be occupied until the approved details have been implemented.

Condition 20 is proposed to be amended as follows:

“The proposed development shall not be commenced until details of the proposed footpath linking the car park with Manvers Way indicated on the approved plan has been submitted to and approved by the LPA and each phase of the development shall not be occupied until the approved footpath details associated with that phase have been implemented.”

The applicant has submitted a supporting letter which states that:

“This application seeks approval to vary Conditions 17, 18 and 20 in order to phase the scheme into two elements as shown on the phasing plan thereby enabling occupation and use of the smaller units to take place prior to the completion of the larger southern units and the car parking associated with those buildings.”

Development Plan Allocation and Policy

01 UDP Policies

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, 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 and where developments adjoin or include a transport route or other important linear feature (e.g. a river, canal or stream) the Council will negotiate the creation or maintenance of a landscaped ‘green corridor’. Developments which make a positive contribution to the environment through a reduction in harmful emissions, but cannot meet the design standards mentioned above, will be considered on their merits. Encouragement will be given to the inclusion of works of public art within the design of major developments.”

Policy T6 ‘Location and Layout of Development’ states that: “In considering the location of new development, the Council will have regard to the increasing desirability of reducing travel demand by ensuring that: (i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure, (ii) major trip generating land uses, such as major employment, leisure, retail and high density residential developments, are located in close proximity to public transport interchanges and service corridors, (iii) the development of sites which cause

unacceptable traffic congestion on motorways, and local approach roads and trunk roads is avoided, (iv) development patterns, where appropriate, provide opportunities for living close to places of work, and (v) a range of services and facilities are available in villages and local centres with safe and convenient access for pedestrians, cyclists and people with disabilities. In addition, the detailed layout of development should have regard to accessibility by private car, public transport, service vehicles, pedestrians and cyclists and people with disabilities.”

EC1.1 ‘Safeguarding Existing Industrial and Business Areas’ seeks to support proposals which safeguard the viability of established industrial and business areas.

Policy EC3.1 ‘Land Identified for Industrial and Business Uses’ states that: “Within areas allocated on the Proposals Map for industrial and business use, development proposals falling within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) will be acceptable, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses.”

Other Material Considerations

Planning Policy Statement 1 ‘Delivering Sustainable Development’ sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

Planning Policy Statement 4: Planning for Sustainable Economic growth sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

Planning Policy Guidance 13 ‘Transport’ sets out the objectives to integrate planning and transport at the national, regional and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

Publicity

Neighbouring properties were notified of the proposal in writing on 23 July 2010. In addition site and press notices were posted at the site on 29 July 2010. No representations have been received.

Consultations

The Transportation Unit has no objections to the revised condition wording.

Appraisal

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

development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

The main considerations in the determination of this application are:

- The principle of the development;
- Impact of the proposal on highway safety.

Principle of the development

The principle of this development was established under the previous permission - RB2010/0251. This application now seeks to amend three conditions to allow for the phased development of this site which is also considered to be acceptable in principle.

Impact on Highway Safety

The amendment to the conditions is considered to be relatively minor. The applicant has submitted a phasing plan with this application which shows the development of the site in 2 phases. Phase 1 comprises the northern half of the site and the 6 smaller units which lie adjacent to the internal access road whilst Phase 2 comprising the larger units 7 and 8 adjacent to Manvers Way.

To enable the phased development of the site the applicant has requested the amendment of the conditions which relate to the construction of the car park. The current conditions require delivery of the car parking area prior to the occupation of any of the units which would mean that the whole car parking area would have to be delivered prior to the occupation of any of the units in Phase 1. However, in delivering the development in 2 phases the car parking area associated with those units (as shown on the phasing plan) would be developed in association with that phase and this requires amendments to Conditions 17, 18 and 20 to refer to the phasing plan rather than 'before the development is occupied'.

Conclusion

In conclusion it is considered that the amendments to the conditions to allow for the development to be delivered in two phases would not have a material impact on highway safety. Given that the car parking linked to each phase will be delivered before that phase is occupied it is considered to be appropriate and the delivery of the car parking will be associated with each phase and will still be delivered before that phase is occupied it is considered that the proposed amendment is acceptable.

The application is therefore recommended for approval.

RB2010/0987

Change of use of car park for temporary storage of tube train cars for 18 months at Millmoor Stadium, Masbrough Street, Masbrough for C. F. Booth 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

Local Planning Policy

CR1 'Community and Social Provision' seeks to enable the provision and retention of a range of community and social facilities through a variety of local authority, private sector and local community partnerships, wherever appropriate, which enhance the quality of life and serve the changing needs of the resident population.

CR1.5 'Community Facilities' indicates that those areas allocated on the proposals map for community facilities will, wherever possible, be retained or developed for such purposes during the plan period.

ENV3.1 'Development and the Environment' aims to ensure that development should not 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, layout and landscaping.

ENV3.2 'Minimising the Impact of Development' seeks to minimise the impact of development on the environment and looks 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 compelling justification for doing so.

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.

- b) Other relevant material planning considerations

PPS4 'Planning for Sustainable Economic Growth' sets out how planning bodies should, in the wider context of delivering sustainable development,

positively plan for sustainable economic growth and respond to the challenges of the global economy, in their plan policies and planning decisions.

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.

PPG17 'Planning for Open Space, Sport and Recreation' stresses the importance for sport and recreation and improving people's quality of life and promotes the inclusion of high quality, well managed and maintained open spaces, sports and recreational facilities.

2. For the following reasons:

The proposals broadly meet the requirements of UDP Policy CR1.5 and PPS4 Policies EC10 and EC11 in that the Local Authority is satisfied that the site is not viable at this moment in time as a community facility and due to the temporary nature of the proposals it will not negatively impact on any current uses on site. The proposals will also safeguard existing employment and contribute to the regeneration of the local area. The visual impact of the proposal is not ideal however it is considered that the carriages will be sited in such a manner as to reduce the impact as far as is practicably possible.

In terms of visual impact, the site is only readily visible from Corporation Bridge and the carriages will be stored in a linear form adjacent to the railway line. It is considered that the temporary siting of these carriages will not have a long term detrimental effect on the visual character of the area and is considered to be acceptable in this instance and in accordance with the provisions of UDP Policy ENV 3.1.

In relation to highway safety, there will be no alteration to the existing access off Masbrough Street and the vehicular movements associated with the proposals will not have a negative impact on highway safety. It is therefore considered that the proposal is acceptable on highway safety grounds and accords with PPG13 and UDP Policy T6.

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

[PC72*] This permission shall be valid until 31st March 2012 only and at the end of that period (unless further permission be granted by the Local Planning Authority prior to the end of that period) the use hereby permitted shall cease.

Reasons for Conditions:

01

[PR72B] So as not to prejudice the long term development proposals for the area and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

Informatives

01

The Applicant should be aware that the Abnormal Loads procedures will apply regarding the movement of vehicles of this size. It is requested that contact is made with Richard Walker in our Streetpride (Structures) Department in this regard on 01709 822975 prior to any deliveries on site.

02

INF 32A FIRE APPLIANCES

The applicant is advised that access for fire appliances should be in accordance with Building Regulations Approved Document B volume 2 part B5 section 16.



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Background

RB1990/0360 – Extension to gymnasium to form changing and toilet facilities and security fence – Granted Conditionally 03 June 1991.

RB1990/0700 – New stand roof to replace existing toilet block and refreshment kiosks – Granted Conditionally – 19 July 1990.

RB2005/0440 – Erection of new grandstand and formation of car parking area – Granted Conditionally – 28 April 2005.

RB2005/1404 – Erection of new grandstand and formation of car parking area (amendment to RB2005/0440) – Granted Conditionally – 01 September 2005

RB2010/0623 – Erection of new grandstand and formation of car parking area (amendment to RB2005/0440) (non material amendment to west elevation first floor level (level 3) between gridlines 9 to 4 brickwork (Queens Blend) to be omitted and replaced with vertical profiles steel. – Granted 15 June 2010

Site Description & Location

The site is located to the south of Masbrough Street, approximately 1km to the west of the Rotherham town centre. The site extends to approximately 1.32 hectares and forms the car parking area to the adjacent Millmoor football stadium, which has been vacant for approximately 3 years due to the relocation of Rotherham Football Club.

The site is bound to the west by a railway line, to the south by industrial land, to the east by the football stadium and to the north by Masbrough Street. The site itself has recently been re-surfaced under planning permission reference RB2005/1404 and now forms a level hardstanding. It is located at a lower level than Masbrough Street as the level of the highway increases to form Corporation Bridge.

Access to the site is gained via Masbrough Street to the north of the site, fronting the Tivoli Stand.

Proposal

The application seeks permission for the change of use of a car parking area for the temporary storage of disused London tube carriages for up to 18 months.

The storage of the carriages are required prior to them being dismantled and converted into scrap at the adjacent CF Booth premises to the south of Millmoor stadium.

The carriages will be stored in a vertical line adjacent to the railway line and each carriage measures approximately 16 metres in length, 3 metres in width and a maximum of 3 metres in height. The submitted plan shows capacity for the storage of 45 carriages at any one time on the site.

On average 8 carriages will be delivered at 10 to 14 day intervals to the site by low-loaders via the existing access from Millmoor Street to the north of the site. Carriages will then be transported from the temporary storage area to the scrap yard to the south via Brinsworth Street, then Armer Street.

Development Plan Allocation and Policy

UDP Policies

The site is allocated for Community Facilities on the adopted Rotherham Unitary Development Plan.

CR1 'Community and Social Provision' seeks to enable the provision and retention of a range of community and social facilities through a variety of local authority, private sector and local community partnerships, wherever appropriate, which enhance the quality of life and serve the changing needs of the resident population.

CR1.5 'Community Facilities' indicates that those areas allocated on the proposals map for community facilities will, wherever possible, be retained or developed for such purposes during the plan period.

ENV3.1 'Development and the Environment' aims to ensure that development should not 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, layout and landscaping.

ENV3.2 'Minimising the Impact of Development' seeks to minimise the impact of development on the environment and looks 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 compelling justification for doing so.

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

PPS4 'Planning for Sustainable Economic Growth' sets out how planning bodies should, in the wider context of delivering sustainable development, positively plan for sustainable economic growth and respond to the challenges of the global economy, in their plan policies and planning decisions.

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.

PPG17 'Planning for Open Space, Sport and Recreation' stresses the importance for sport and recreation and improving people's quality of life and promotes the inclusion of

high quality, well managed and maintained open spaces, sports and recreational facilities.

Publicity

The application has been advertised by way of a press and site notice. No representations have been received.

Consultations

Transportation Unit acknowledge that the carriages are intended to be delivered to the site via the existing access at Masbrough Street on low loaders and the use of the site will be for a temporary period only. On that basis no objections are raised on highway grounds.

Forward Planning state that whilst the site is allocated for leisure use in the UDP, the application is for a temporary period of time and therefore would not appear to impact detrimentally on considering longer term uses for the site in line with Policy CR1.5. Furthermore the proposals meet the requirements of PPS4 Policy EC10.2 and EC11 in that it will help safeguard local employment and contribute towards regeneration aims.

Streetpride – Drainage have not commented on the application.

Environmental Health state that the site is shielded by Coronation Bridge which will minimise the likelihood of any complaints regarding noise from the nearest residential properties to the north to the site. On this basis no objections are raised, however an informative relating to the control of working practices is required.

British Waterways have considered the application and raise no objections to the proposal.

Appraisal

Where an application is made to a local planning authority for planning permission.....in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

The main issues to be considered in the assessment of this application are:

- The principle of development
- The visual impact of the development
- The impact on the highway network

Principle of Development

The application site is allocated as a Community Facility in the adopted Rotherham Unitary Development Plan (UDP). Policy CR1.5 of the UDP states that development proposals which involve the loss of key community facilities shall only be permitted where the local planning authority is satisfied that the retention of the land or building in community use is no longer viable, or where adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility.

National Policy set out in PPS4 contains Policy EC10 'Determining Planning Applications for Economic Development.' This policy states that planning applications for economic development should be assessed against the following impact considerations:

- Whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions;
- The accessibility of the proposal by a choice of means of transport;
- Whether the proposal secures high quality and inclusive design;
- The impact on economic and physical regeneration in the area;
- The impact on local employment.

Furthermore PPS4 Policy EC11 states that when determining planning applications for economic development other than for main town centre uses which are not in accordance with the development plan, local authorities should:

- Weigh market and other economic information alongside environmental and social information;
- Take account of longer term benefits ... such as job creation ...;
- Consider whether the proposals help to meet the wider objectives of the development plan.

In this instance, Millmoor football stadium has been vacant since 2007 when Rotherham Football Club relocated to Don Valley Stadium. The land and buildings have therefore stood empty since this time and have not been functioning either as a community facility or contributing towards the economic viability of the area.

The proposals to use the site for the storage of the carriages is a departure from the development plan and therefore requires careful consideration, however in this instance the proposal is for a temporary period of time (up to 18 months) and if the stadium was to be brought back into use, it is considered that the site could be cleared relatively quickly as no physical changes are required.

On this basis it is considered that the proposals broadly meets the requirements of UDP Policy CR1.5 and PPS4 Policies EC10 and EC11 in that the Local Authority is satisfied that the site is not viable at this moment in time as a community facility and due to the temporary nature of the proposals it will not negatively impact on any current uses on site. The proposals will also safeguard existing employment and contribute to the regeneration of the local area. The visual impact of the proposal is not ideal, however it is considered that the carriages will be sited in such a manner as to reduce the impact as far as is practicably possible.

Guidance on considering temporary permissions is also provided within Circular 11/95 'Use of Conditions in Planning Permission'. Paragraph 109 of the Circular states that 'in deciding whether a temporary permission is appropriate, three main factors should be taken into account. First, it will rarely be necessary to give a temporary permission to an applicant who wishes to carry out development which conforms with the provisions of the development plan. Next, it is undesirable to impose a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent. Lastly, the material considerations to which regard must be had in granting any permission are not limited or made different by a decision to make the permission a temporary one'.

In this regard, it is considered that the proposed temporary use of the site complies with this guidance in that the development is a departure from the development plan, no erection or demolition of buildings are required as part of the proposals and finally the material considerations are the same as if the application was for a permanent permission.

On this basis it is considered that the temporary storage of London tube carriages is acceptable in principle.

Visual Impact

In terms of the visual impact of the proposed development, the site is located within a relatively mixed use area of Masbrough comprising of heavy industrial uses, a football stadium, small scale retail, hot food takeaways and residential uses all within close proximity to the site.

The site itself is set at a much lower level when viewed from Masbrough Street and in particular Corporation Bridge. It is bound by the football stadium to the east, a 3 metre high wall to the west, which screens the site from the adjacent railway line and Corporation Bridge to the north. The site is therefore relatively well screened and the bridge structure itself assists in screening the site from the residential properties further to the north. It is considered therefore that the site is only readily visible by pedestrians walking across the bridge.

The London tube carriages themselves are less than 3 metres in height and will be stored in a linear manner to the west of the site, parallel to the 3 metre high wall adjacent to the railway line. The submitted layout plan shows that 45 carriages can be accommodated on the site in this way. It is considered that by siting the carriages adjacent to the wall and railway line it will minimise the visual impact of the development as when viewed in this context they will not appear as an incongruous feature in the street scene. Furthermore and whilst it is acknowledged that the site is not ideal for this use due to it being visible from Masbrough Street, the use is for a temporary period of time and therefore it is not considered that the siting of these carriages will detract from the mixed use character of the wider area.

On balance therefore it is considered that the temporary siting of London tube carriages on this site will not have a long term detrimental effect on the visual character of the area and is considered to be acceptable in this instance and in accordance with the provisions of UDP Policy ENV 3.1.

Impact on the Highway Network

The proposal involves the delivery of 8 carriages every 10 days to the site from London on low loaders. They will be delivered via the existing access at Masbrough Street, adjacent to the Tivoli Stand, as there is ample manoeuvring space for turning and unloading within the site. No alteration to this access is proposed. The main transportation operations are not within the control of the applicant but they have confirmed that the timing of the journeys are planned to avoid busy and congested times.

On this basis, the Transportation Unit have assessed the proposals in relation to the temporary effects on the local highway network and conclude that the proposed works would not have a detrimental impact on the free flow of traffic or on highway safety. They do however wish to make the Applicant aware that the Abnormal Loads procedure will apply regarding the movement of vehicles of this size.

In summary it is considered that the impact of the proposals on the local and strategic highway network will be negligible and in accordance with PPG13.

Conclusion

The application seeks permission for the temporary storage of London tube carriages on a site allocated as a Community Facility in the adopted Unitary Development Plan. In this instance, Millmoor football stadium has been vacant since 2007 and have not been functioning either as a community facility or contributing towards the economic viability of the area. The proposal is for a temporary period of time (up to 18 months) and if the stadium was to be brought back into use, it is considered that the site could be cleared relatively quickly as no physical changes are required.

On this basis it is considered that the proposals broadly meet the requirements of UDP Policy CR1.5 and PPS4 Policies EC10 and EC11 in that the Local Authority is satisfied that the site is not viable at this moment in time as a community facility and due to the temporary nature of the proposals it will not negatively impact on any current uses on site. The proposals will also safeguard existing employment and contribute to the regeneration of the local area. The visual impact of the proposal is not ideal, however, it is considered that the carriages will be sited in such a manner as to reduce the impact as far as is practicably possible.

Turning to the visual impact of the development, the site is only readily visible from Corporation Bridge and the carriages will be stored in a linear form adjacent to the railway line, reducing their visual impact as far as is practically possible. On balance therefore it is considered that the temporary siting of London tube carriages on this site will not have a long term detrimental effect on the visual character of the area and is considered to be acceptable in this instance and in accordance with the provisions of UDP Policy ENV 3.1.

In relation to highway safety, the transportation unit have no objections to the proposal on the basis that there will be no alteration to the existing access off of Masbrough Street and the vehicular movements associated with the proposals will not have a

negative impact on highway safety. It is therefore considered that the proposal is acceptable on highway safety grounds and accords with PPG13 and UDP Policy T6.

RB2010/0988

Application for variation to Condition 20 (retail units hereby approved shall not be subdivided to create individual units less than 929sq.m gross floor space) imposed by RB2009/0660 to allow retail units to be not less than 697sq.m gross floor space at land at Rotherham Road, Parkgate for Henry Boot Developments Ltd.

RECOMMENDATION: GRANTED CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

1. Having regard to the policies and proposals in the Development Plan and all relevant Guidance, as set out below, along with all other relevant material planning considerations:

UDP

EC1.1 Safeguarding Existing Industrial and Business Areas aims to support proposals which safeguard the viability of established industrial and business areas, including those which seek to improve buildings, infrastructure and the environment.

EC2.1 Sites for New Development aims to allocate land for industrial and business uses in a variety of areas.

EC3.1 Land Identified for Industrial and Business Uses aims to restrict the uses in these areas to B1 (Office/Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) in the interests of providing land for economic and employment purposes.

EC3.3 Other Developments within Industrial and Business Areas aims to ensure other developments within Industrial and Business areas are acceptable with no adverse effect on the character of the area or on residential amenity.

ENV2.2 Interest Outside Statutorily Protected Sites aims to protect any key species, key habitat, or significant geological or archaeological features.

ENV5.1 Allocated Urban Greenspace aims to protect arrears allocated as such on the proposals map.

Other Material Considerations:

PPS 1 Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPS4 Planning for Sustainable Economic Growth, this is the guidance that sets out planning policies for economic development.

PPS 25 Development and Flood Risk sets out the Government's Guidance in relation to developments and flood risk.

2. For the following reasons:

The variation of the condition to reduce the minimum unit floorspace to 697sqm, for the sale of bulky goods on the Henry Boot site would not create an increase in floorspace. It is considered that the applicant has demonstrated compliance with the requirements of the sequential approach, and that there is no evidence that the proposal would lead to significant adverse impacts. It is considered that the proposal is in accordance with national policies contained within PPS 4 and would not have an adverse effect on the vitality or viability of the town 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 and the application case file and associated documents.

Conditions Imposed:

01

The planting of trees and shrubs on the site shall be undertaken in accordance with drawings ECUS 91-03C sheets 1 and 2 within the first available planting season after the commencement of the development. Any plants dying, removed or destroyed within five years of planting shall be replaced in a manner to be agreed with the Local Planning Authority.

02

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

03

The means of disposal of foul and surface water drainage including the outfall for surface water shall be completed in accordance with drawings D202171-206 rev A, D202171-115 rev P5, D202171-174 rev P1, D202171-182 rev P2 and D202171-227 rev P3.

04

Surface water from vehicular parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage shall not be passed through any interceptor.

05

The settlement facility for the removal of suspended solids from surface water run-off during construction works, as shown in the drawings referred to in Condition 3 shall be retained throughout the construction period.

06

The scheme to alleviate flooding between the development site and the adjoining depot site to the south west and provision for all necessary compensatory flood storage shall be completed in accordance with the drawings referred to in Condition.

07

The development shall be completed in accordance with the approved Flood Risk Assessment, submitted with Planning Application RB2005/0428, incorporating the accepted mitigation measures into the construction of the development.

08

Surface water discharge from the development shall be balanced to a maximum rate of 5 litres/sec/ha.

09

The development shall be completed in accordance with ECUS Water Vole Survey Report (dated July 2008), ECUS Ecological Assessment Report (dated July 2007), ECUS Reptile and Botanical Surveys Final Report (dated 15th December 2005) and ECUS Amphibian and Water Vole Surveys Report (dated July 2005).

10

The development shall be completed in accordance with the "Report on a Ground Investigation at Northfield, Rotherham Road, Parkgate" by Structural Soils Limited dated January 2009.

11

If during reclamation works any contamination is identified that has not been considered in the Reclamation Method Statement submitted with Planning Application RB2005/0428, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Reclamation Method Statement.

12

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

13

No part of the land other than that occupied by buildings shall be used at any time for the storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

14

A secure and lockable cycle shelter shall be provided in accordance with drawing D202171-SK3 Rev P1 before each of the approved buildings are brought into use and shall be retained.

15

Before each building within the development is brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include clear and unambiguous objectives and modal split targets, together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of, and give prior approval

in writing to, any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation.

16

The retail units hereby approved shall not exceed 7,900 square metres net sales floor space, and no additional floor space shall be created without the prior approval of the Local Planning Authority.

17

The retail units hereby approved shall not be subdivided to create individual units less than 697 square metres gross floor space unless otherwise agreed in writing by the Local Planning Authority.

18

Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987, or the Town and Country Planning (General Permitted) Order 1995, or any order revoking, re-enacting or modifying these orders, there shall be no display for retail sale of any of the following goods within the retail units hereby approved: food; alcoholic drinks; tobacco; books; newspapers and magazines; clothing and footwear; chemists' goods; jewellery; silverware; watches and clocks; bicycles and cycling accessories; toys; sports equipment; caravans; camping and boating equipment; pets and pet supplies; luggage; unless sold as ancillary to the sale of other types of goods permitted within the development.

19

Not less than 2,787 sq. m of the gross retail floor space hereby permitted shall be occupied by a DIY/hardware retail operator. The written approval of the Local Planning Authority must be given before any subsequent change in occupation of that unit by a retail operator selling any of the other categories of goods permitted under condition 18 takes place.

Reasons for Conditions:

01

[PR38] 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'.

02

[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'.

03

[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'.

04

[PR11] To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

05

[PR11] To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

06

To ensure adequate measures are put in place to prevent flooding in the area.

07

To ensure adequate measures are put in place to prevent flooding in the area.

08

To ensure adequate measures are put in place to prevent flooding in the area.

09

To ensure that appropriate ecology mitigation needs can be addressed.

10

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

11

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

12

[PR11] To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

13

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

14

[PR67] To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

15

To ensure adequate cycle parking facilities are made available with the development.

16

[PR95] In order to promote sustainable transport choices.

17

To restrict the retail element of the proposal to that hereby approved in the interest of the security of the vitality and viability of Rotherham Town Centre.

18

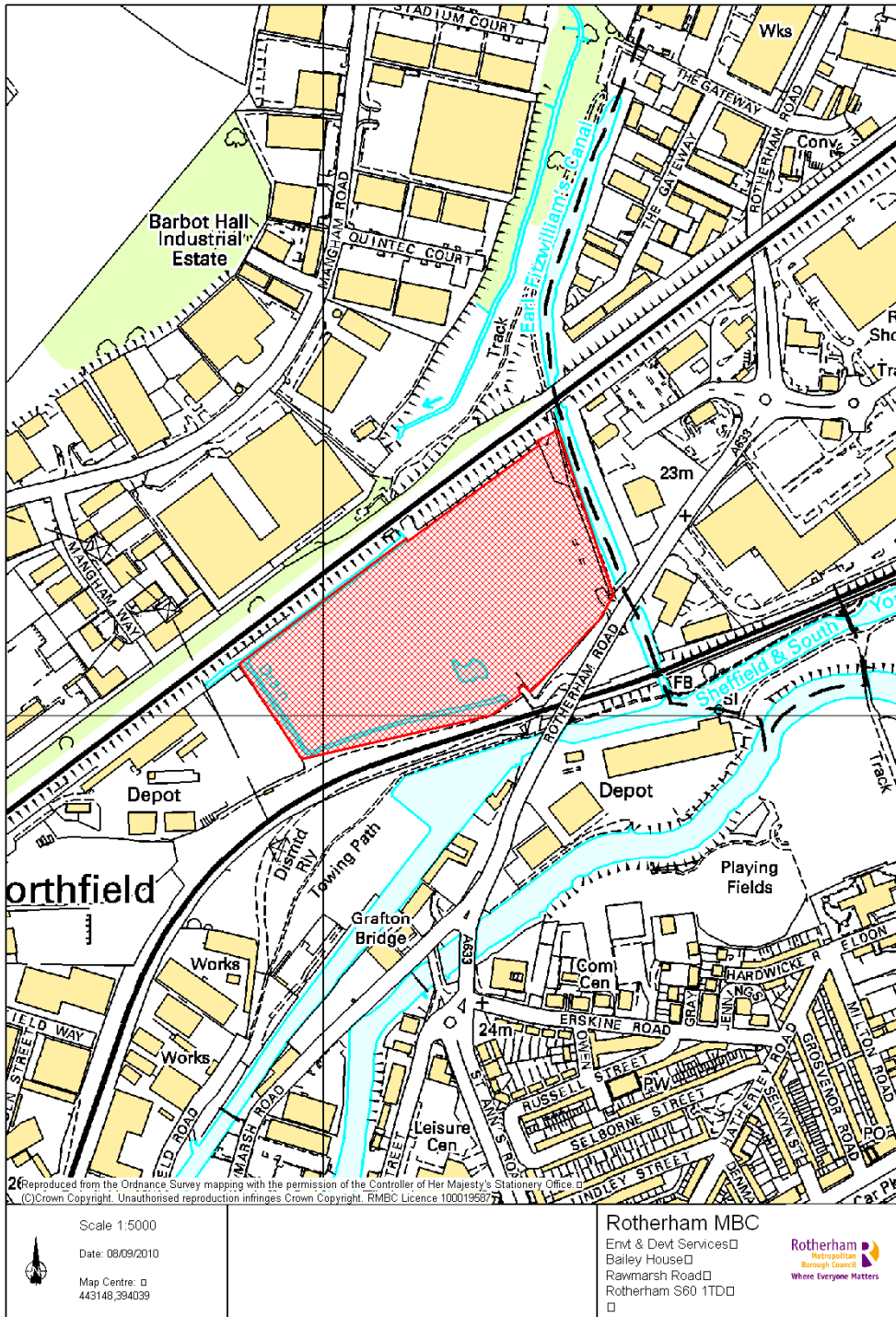
To restrict the retail element of the proposal to that hereby approved in the interest of the security of the vitality and viability of Rotherham Town Centre.

19

To restrict the retail element of the proposal to that hereby approved in the interest of the security of the vitality and viability of Rotherham Town Centre.

20

To restrict the retail element of the proposal to that hereby approved in the interest of the security of the vitality and viability of Rotherham Town Centre.



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Rotherham
 Metropolitan
 Borough Council
 Where Everyone Matters

Background

There have been numerous planning applications relating to the application site, however the applications relevant to this application are detailed below.

RB2005/0428 Outline planning permission was granted on 19th October 2006 for a mixed use development of industrial and retail units (with details of access) by the Planning Inspectorate (following an appeal against the non-determination of the planning application by the Council).

The Planning Inspector imposed the following condition (amongst others):

“The retail units hereby approved shall not be subdivided to create individual units less than 929 square metres gross floor space unless otherwise agreed in writing by the Local Planning Authority.”

The reason for this condition was as follows:

“...to avoid the harm that might arise from attracting smaller retail units from nearby centres.”

In 2007, two planning permissions were granted to vary conditions attached to the RB2005/0428 outline planning permission:

RB2007/0868 Planning permission was granted on 27 November 2007 to vary condition 34 attached to RB2005/0428 which states:

'Not less than 4645 square metres of the gross floorspace hereby permitted shall be occupied by a DIY/hardware retail operator. The written approval of the Local Planning Authority must be given before any subsequent change in occupation of that unit by a retail operator selling any of the other categories of goods permitted under condition 33 takes place' **to**

'Not less than 2787 square metres of the gross floorspace hereby permitted shall be used for the sale of DIY, hardware, home improvement and garden goods. The written approval of the Local Planning Authority must be given before any subsequent change in occupation of that unit by a retail operator selling any of the other categories of goods permitted under condition 33 takes place.'

RB2007/0872: Planning permission was granted on 27 November 2007 (same day as RB2007/0868) to vary condition 33 imposed by RB2005/0428 which states:

'The retail units shall not be used to sell goods other than: a) DIY and Hardware goods; b) Furniture and Floor Covering goods; c) Electrical goods' **to**

'Notwithstanding the provisions of the Town & Country Planning Use Classes Order 1987, or the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking, re-enacting or modifying these orders, there shall be no display for retail sale, or retail sale, of any of the following goods within the retail units hereby approved: food; alcoholic drinks; tobacco; books; newspapers and magazines; clothing and footwear; chemist's goods; jewellery; silverware; watches and clocks; bicycles and cycling accessories; toys; sports equipment; caravans: camping and boating

equipment: pets and pet supplies; luggage; unless sold as ancillary to the sale of other types of goods permitted within the development.'

The applicant chose to implement Planning Permission RB2007/0872. The original condition attached by the Planning Inspector, restricting the size of the retail units to a minimum of 929 sq.m was carried over onto this new permission.

RB2008/1402 The approval of the reserved matters (reserved under permission RB2007/0872) was given on 20 November 2008. This included a large DIY unit, five smaller retail units and six industrial units. To date, a large DIY unit (B&Q), one industrial unit and access roads and parking areas have been built. The retail units and the remaining five industrial units have not been built.

The condition that is the subject of this application is relevant to the un-built five retail units.

RB2009/0660 Planning permission was granted on 13 August 2009 to vary condition 32 (amount of floorspace to be occupied by DIY/Hardware operator) imposed by RB2007/0872 to allow not less than 2787m² of gross floorspace to be occupied by DIY/Hardware operator. This condition has already been varied on RB2007/0868 but RB2007/0872 was the permission implemented, so to regulate the matter the condition was varied on this implemented permission.

RB2009/1139 Planning permission was refused on 17th December 2009 to vary condition 30 (retail units to be not less than 929 sq.m) imposed by planning permission RB2007/0872 to allow the minimum size of the units to be decreased to 697sq.m. The reason for refusal was "The Council considers that insufficient information has been submitted to demonstrate the impact of reducing the size of the retail units would have on the vitality and viability of Rotherham town centre and therefore the proposal is contrary to Planning Policy Statement 6 (PPS6) Planning for Town Centres."

RB2010/0599 is to be determined concurrently with this application. In essence both the planning applications seek the same variation of a planning condition, albeit on different planning permissions.

Site Description

The site lies to the north-west of Rotherham Road, approx 1km north of the town centre. Railways run along the south-east and north-west boundaries of the site. A council depot lies to the south-west. The Earl Fitzwilliam canal and public footpath runs along the north-east boundary. It was formerly used as power station railway sidings and has since been reclaimed and decontaminated. Most of the site is allocated for industrial and business uses. However, part of the site adjacent to the canal is designated as green open space. The site has a total area of 6.44 hectares. A DIY store, B&Q, and an industrial unit has been completed on site. The B&Q is trading, whilst the industrial unit remains vacant.

Proposal

The implemented permission on site, still allows for 5 more retail units to be constructed. The applicants want to vary the condition to allow smaller retail units (with a minimum of 697 sq.m of gross floorspace) to be built on the site. The existing planning permission has a condition attached stating that the minimum size of unit should be 929 sq.m. The applicant's agent states that because of changing market and retailer requirements smaller units would be easier to let in the current market. The application includes a letter from the agents for the development outlining the difficulties in finding occupiers for the units and which considers that bulky goods retailers are favouring units with a floorspace of between 464.5 – 650 sq.m.

The overall amount of retail floorspace to be provided on the site is no more than 7,900 sq.m net sales floor space, as conditioned within the planning permission. Conditions 20 of planning permission RB2009/0660 restricts the subdivision of individual units to no less than 929 sqm gross floor space. The current reserved matters approval allows five units of 929 sq.m (totalling 4,645 sq.m) to be built, as well as one larger unit of 4645sqm that has been built on site and is occupied by B & Q. The approval of this current application "could potentially comprise a mix of units of different sizes" within the 4,645 sq.m limit, of which no one would be smaller than 697 sq.m gross floor space. This would allow the addition of a maximum of 6 units to be provided (additional to the existing B&Q unit) within the total 4,645 sqm, whilst the total amount of net sales floorspace on the site would not exceed 7,900 sqm, as limited by condition.

Environmental Impact Assessment

The proposed development falls within the description contained within paragraph 10(b) 'Urban Development Projects' of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and meets the criteria set out in column 2 of the table in that the area of development exceeds the 0.5 hectare threshold. Therefore consideration has been given as to whether this particular development would be likely to have significant effects upon the environment. In this regard the proposal has been assessed under Schedule 3 of the Regulations and in this instance it is felt that the development would be of no more than local importance, is not located in a particularly environmentally sensitive location, nor would it involve unusually complex or potentially hazardous environmental effects. The Council has accordingly formed the view that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. As such the Local Planning Authority has adopted the opinion that the development referred is not EIA development as defined in the 1999 Regulations.

Development Plan Allocation and Policy

The site is within an area allocated for Industrial and Business Uses in the Rotherham Unitary Development Plan, and a section of the site is allocated as Urban Greenspace.

The following UDP policies are relevant to the determination of the proposal:
EC1.1 Safeguarding Existing Industrial and Business Areas aims to support proposals which safeguard the viability of established industrial and business areas, including those which seek to improve buildings, infrastructure and the environment.

EC2.1 Sites for New Development aims to allocate land for industrial and business uses in a variety of areas.

EC3.1 Land Identified for Industrial and Business Uses aims to restrict the uses in these areas to B1 (Office/Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) in the interests of providing land for economic and employment purposes.

EC3.3 Other Developments within Industrial and Business Areas aims to ensure other developments within Industrial and Business areas are acceptable with no adverse effect on the character of the area or on residential amenity.

ENV2.2 Interest Outside Statutorily Protected Sites aims to protect any key species, key habitat, or significant geological or archaeological features.

ENV5.1 Allocated Urban Greenspace aims to protect arrears allocated as such on the proposals map.

Other Material Considerations:

PPS 1 Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPS4 Planning for Sustainable Economic Growth, this is the guidance that sets out planning policies for economic development.

PPS 25 Development and Flood Risk sets out the Government's Guidance in relation to developments and flood risk.

Publicity

The proposal was advertised by a site notice on site and neighbouring properties were consulted by letter. A letter was also sent to a party who made representations to the previous approval. No letters of representation have been received.

Consultations

Council Transportation Unit: No objection.

Council Environmental Health: No objection.

Appraisal

The main issue with the application is as follows:

- The impact of reducing the size of the approved bulky goods retail units on Rotherham town centre.

Although the site is allocated for Industrial and Business Uses and Urban Greenspace, and there are existing UDP Policies which look to restrict development in these areas (UDP Policy EC3.1 and ENV5.1), the Planning Inspector allowed the sale of bulky

goods from the Henry Boot site on appeal, in addition to proposed industrial units (Planning Permission RB2005/0428).

The original outline permission was granted planning permission at Public Inquiry, RB2005/428 and permission was granted after the signing of a Section 106 on 19th October 2006.

The Planning Inspector imposed conditions to restrict the type of goods sold and to ensure that units provided were a minimum size in order to protect the vitality and viability of the town centre. Since this time, planning permission RB2007/0872 has been granted to vary the condition to clarify the range of goods that could be sold but this would remain primarily as bulky goods.

RB2009/1139, was refused on 17th December 2009 to vary condition 30 (retail units to be not less than 929 sq.m) imposed by planning permission RB2007/0872 to allow the minimum size of the units to be decreased to 697sq.m. This is the same form of development that this planning application seeks, although it relates to a different permission, RB2009/0660. The reason for refusal was “The Council considers that insufficient information has been submitted to demonstrate the impact of reducing the size of the retail units would have on the vitality and viability of Rotherham town centre and therefore the proposal is contrary to Planning Policy Statement 6 (PPS6) Planning for Town Centres.”

This current application again seeks to reduce the minimum size of the proposed bulky goods retail units from 929 sqm to 697 sqm. This application is submitted with additional supporting information and is also re-assessed in relation to the new Planning Policy Guidance contained within PPS 4, Planning for Sustainable Economic Growth, that supersedes PPS6, now cancelled, which was the policy guidance under which the previous application was assessed.

A report has been submitted with the application which deals with each relevant policy contained within PPS4 – Planning for Sustainable Economic Growth.

The supporting documentation contains the following information “EC10 – this policy requires local authorities to adopt a positive and constructive approach towards planning applications for economic development. The proposal complies with all five criteria that are listed in this policy as:-

- The scheme has been planned to be resilient to climate change over its lifetime.
- The scheme is accessible by a choice of means of transport and will not have an unacceptable impact on local traffic levels.
- The design is of a high quality.
- Development will have a positive impact on the economic and physical regeneration of the area, and
- Development will have a positive impact on local employment.”

It is considered that the proposal complies with Policy EC10, and that the previous outline permission and reserved matters approval have taken the above issues into consideration. It is considered that the decrease in minimum floor areas as proposed, is in accordance with Policy EC10.

The supporting document contains the following information “EC14 – this policy outlines supporting information that is required to be submitted for applications for main town centre uses. As this proposal does not create any additional floorspace, or a change in goods sold, in relation to this policy there is no need for the Council to give weight to these issues as part of its consideration of this planning application.” However, the report does go on to include a sequential assessment and an impact assessment in accordance with Policy EC15 and EC16.

It is considered that in accordance with the policies in PPS4, as there is no additional floorspace created within the proposal, there is no requirement for the applicant to carry out a sequential assessment and an impact assessment. However the applicant has carried out both of the assessments which are addressed below.

The supporting documents contain the following information “EC15 – this policy requires that a sequential approach to site selection is carried out. The agent states that the application site as a retail location was fully assessed in this regard, at the Public Inquiry as part of the original planning application in accordance with PPS6. As part of this application information has also been submitted that concludes that there are no sequentially preferable sites or buildings within or on the edge of the town centre that are available, suitable and viable for any bulky goods retailer seeking a unit with a minimum size of 697sqm.”

The application contains evidence that there are no sites or units available within or on the edge of the Town Centre, of a similar size to the minimum size of unit being proposed, that could be considered to be suitable, available or viable for retailers offering the `range of goods` to which the units on the current application are restricted. Additional information has been submitted with this proposal that looks at the former Marks and Spencer Unit within the Town Centre and the site at Westgate.

The supporting documentation outlines Former Marks and Spencer unit – “There are issues in relation to the current state of this unit, and the cost of subsequent repairs needed. The high rent asked for the property has resulted in the owners being unable to attract an A1 retail occupier; and so on that basis the rent would be too high for a bulky goods occupier. Additionally the size of the unit is unsuitable for a bulky goods retailing of the type that would be attracted to the new smaller units on the application site. These issues would make the unit unviable for a bulky goods retailer.”

Westgate Site – “The reserved matters approval on this site has now expired, without any work being started on site. At the time of the last application this was uncertain. As a result any new proposal would have to be assessed against the new tests in PPS4. Therefore the Westgate site is not available for retail development now, and is unlikely to become available within a reasonable time period. The presence of the Design Code allows for small scale development that would preclude the creation of large bulky goods retail units of the type on the application site.”

It is considered that the applicant has undertaken a thorough sequential assessment, and as a result has shown that there are no other sequentially preferable sites for the development as proposed in this planning application.

The submitted documentation contains the following information – “EC16 – this policy requires an impact assessments for applications for main town centre uses that are not in accordance with an up to date development plan. The impact issues were considered as part of the original planning application at the Public Inquiry. However, the application includes an updated impact assessment in relation to the current criteria in PPS 4:-

- There is no evidence that the proposed application would have any impact on existing, committed or planned public or private investment in the town centre.
- The impact of the proposal on the town centre is small and acceptable.
- The development would have no impact on allocated sites outside the town centre being developed as there are no such allocations remaining.
- The development will have no additional impact on in-centre turnover or on trade in the wider area as the consent already exists for the retail floorspace at the site.
- There are no locally important impacts that need to be addressed.

Therefore, the proposal shows that the development would have an acceptable impact on the town centre.”

It is considered that the current proposal, which does not propose any new floorspace, would not have an adverse impact on the vitality and viability of Rotherham Town Centre, nor would the proposal impact on investments in the catchment area, or other allocated sites within the catchment area.

The Rotherham Town Centre Retail and Leisure Study was undertaken in January 2010, and in this draft document, an assessment of the need for bulky goods floorspace was undertaken. It concludes that a very small surplus of bulky comparison goods floorspace in the town centre is forecast at 2014, 2019 and 2026. However, it states that the lack of need for bulky comparison goods floorspace in the town centre is not considered to be a handicap to its future regeneration, since the emphasis must be placed on improving both the quantity and quality of non-bulky comparison goods and convenience goods floorspace. These two goods categories already effectively anchor (or should anchor) the town centre and with a shortage of sites to accommodate new retail provision, the priority must be on facilitating development of these two retail goods categories. Therefore, it is not considered appropriate for bulky goods retailers, with minimum unit size of 697sqm, to be located within Rotherham Town Centre, as the units and available sites should be made available for non-bulky comparison goods and convenience goods that are required in the centre to improve its vitality and viability.

Conclusion

The variation of the condition to reduce the minimum unit floorspace to 697sqm, for the sale of bulky goods on the Henry Boot site would not create an increase in floorspace. In relation to the implemented planning permission at the site it would allow the provision of one extra unit due to the reduction in floor area of the other approved units.

This application is a submission of a previous application that has been refused, however as the application included additional information, it has been assessed against different national policy than the previous application. (PPS4 has now

superseded PPS6), and the draft Rotherham Town Centre Retail and Leisure Study is also now a material consideration.

In accordance with Policy EC17 of PPS4, it is considered that the applicant has demonstrated compliance with the requirements of the sequential approach, and that there is no evidence that the proposal would lead to significant adverse impacts. It is considered that the proposal would not have an adverse effect on the vitality or viability of the town centre, and therefore it is recommended that planning permission be granted.

RB2010/0996

Application for variation of Condition 2 (The floodlights shall be switched off between the hours of 2130hrs and 0900hrs) imposed by RB2007/1365 to allow operation between the hours of 0900 and 2200 Monday to Friday and 0900 and 2000 Saturday and Sunday at Winterhill School, High Street, Kimberworth for Winterhill School.

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

UDP policy ENV3.7 'Control of Pollution' which states the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development.

2. For the following reasons:

The increased hours of use (by 30 minutes until 22:00 hours) of both the Multi-Use Games Area and associated lighting is not considered to have a materially adverse impact on the surrounding residential properties which are located a significant distance from the facility. Therefore, the proposal would be in compliance with the provisions outlined within UDP policy ENV3.7 'Control of Pollution'.

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 floodlights shall be illuminated only between 09:00 and 22:00 hours Monday to Friday and 09:00 and 20:00 Saturday and Sunday, and shall be fitted with an automatic switch gear to preclude illumination outside those hours.

02

The use of the facility shall only take place within the hours of 09:00 to 22:00 Monday to Friday and 09:00 to 20:00 on Saturday and Sunday.

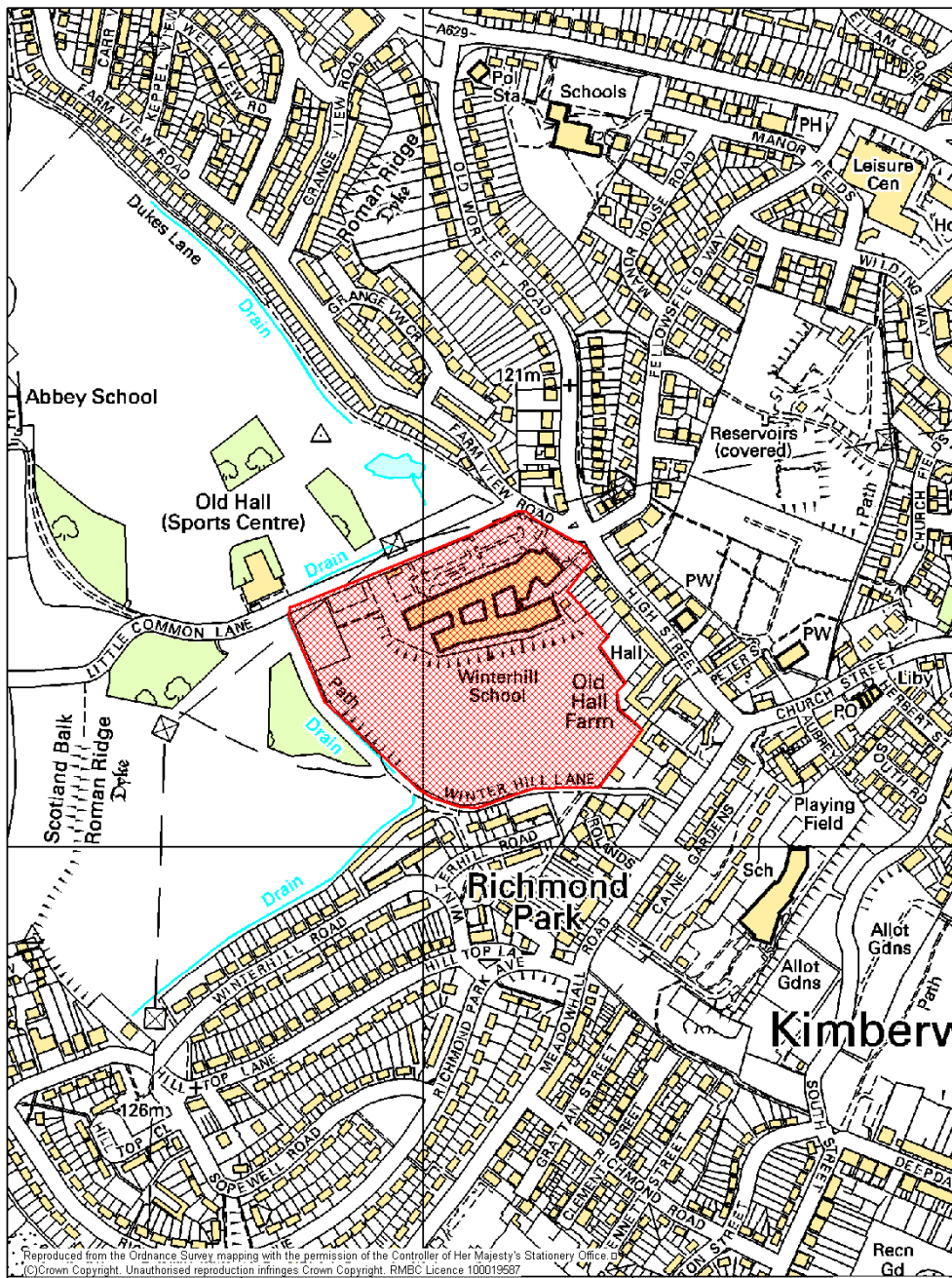
Reasons for Conditions:

01

In the interests of residential amenity and in order to comply with Policy ENV3.7 'Control of Pollution' of Rotherham's adopted Unitary Development Plan.

02


In the interests of residential amenity and in order to comply with Policy ENV3.7 'Control of Pollution' of Rotherham's adopted Unitary Development Plan.



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Background

There have been a number of previous planning applications relating to this school including the extension and alteration of the building along with applications for various signs.

The main previous application which relates to this application is RB2007/1365 which was for the 'Formation of a new multi-use games area to include 5m high fence and floodlights,' this application was granted conditionally by the Planning Board.

Condition 2 of the aforementioned application stated:

"The Floodlights shall be switched off between the hours of 2130hrs and 0900hrs."

Site Description & Location

Winterhill Comprehensive School is situated on the edge of a residential area adjacent to the open countryside in the Kimberworth area of the Borough. A private road, Little Common Lane runs along the northern boundary of the school from Farm View Road. To the north-west of the school is an area of open land with a sports hall and youth and community centre.

The site of the existing Multi-Use Games Area is located to the west of the existing school building and south of the existing hardstanding area which is used for a number of sports, including tennis and netball. To the west of the Multi-Use Games Area is a pedestrian footpath and a large area of open space.

The nearest residential properties are 200 metres to the south, 220 metres to the east and 240 metres to the north-east.

Proposal

The school is seeking to vary condition 2 which was attached to the original approval (application ref: RB2007/1365) to change the hours the floodlights are in operation.

Condition 2 of the previous application required the floodlights to be switched off between the 2130 – 0900 hours.

The applicant is seeking permission to alter the hours in which the floodlights are operational by an additional 30 minutes on a Monday and Friday to 2200 hours and 90 minutes less on Saturday and Sunday.

Therefore the applicant wishes to use both the facility and have the floodlights in operation between 0900 – 2200 hours Monday to Friday and 0900 – 2000 hours Saturday and Sunday.

Development Plan Allocation and Policy

The application site is located within an area allocated as Green Belt within the adopted Unitary Development Plan (UDP).

The current application shall only be assessed against UDP policy ENV3.7 'Control of Pollution' given the principle of the Multi-Use Games Area has been established under the previous permission and has been in operation for approximately 2 years.

Policy ENV3.7 states; "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...or
- (ii) would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects..."

Publicity

The occupiers of neighbouring residential properties have been notified in writing. No objections have been received.

Consultations

Transportation Unit have no objections.

Director of Housing and Neighbourhood Services (Environmental Health) have stated that there have not been any complaints relating to light pollution from the MUGA in the last 6 months and they would envisage no significant loss of amenity by virtue of noise, air quality or land pollution impact.

Appraisal

Where an application is made to a local planning authority for planning permission.....in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

The main issue in the determination of the application is the impact of the increased hours of use of the existing facilities and floodlights on the amenities of neighbouring residential properties. This is due to the fact that the principle of this Multi-Use Games Area and the floodlights in the Green Belt have been established under RB2007/1365.

Increase in noise and disturbance

The size of the facility is not going to increase the number of users that can use the facility at any one time and it is not anticipated that there would be any material increase in noise levels. Environmental Health have indicated that they have not received any complaints about the existing Multi-Use Games Area or lighting since they have been in use and they have no objections to the increase in hours to 2200 hours on Mondays and Fridays and are supportive of the reduction in hours on weekends, even though they have not received any complaints from residents.

Given that the additional use of the Multi-Use Games Area and the existing floodlights would be for only an additional 30 minutes on week days, and the nearest dwellinghouses are 200 metres to the south, 220 metres to the east and 240 metres to the north-east, on balance it is considered that the extended use of the facility and the floodlights would not have any significant detrimental impact on the surrounding residential properties.

In light of the above, it is considered that the proposed increase in the use of the facility and floodlights by 30 minutes on week days will not have an adverse effect on the amenity of residents of surrounding properties and for that reason the proposal would be in full compliance with the provisions outlined within UDP policy ENV3.7 'Control of Pollution', which seeks to minimise the adverse effects of nuisance, disturbance and pollution associated with development.

Impact on Highways

There will be no alterations to the existing highway layouts and the Transportation Unit have no objections.

Conclusion

The increased hours of use (by 30 minutes until 22:00 hours) of both the Multi-Use Games Area and associated lighting is not considered to have a materially adverse impact on the surrounding residential properties which are located a significant distance from the facility. Therefore, the proposed extended hours would have no adverse effect on the amenity of neighbouring residents and the proposal fully complies with the provisions outlined within Policy ENV3.7 'Control of Pollution' of Rotherham's adopted UDP.

For the reasons outlined above the application is recommended for approval subject to conditions.

RB2010/1012

Erection of a bungalow for a dependant relative at 52 Chesterfield Road, Swallownest for Mr. A. Dodd.

RECOMMENDATION: Refuse

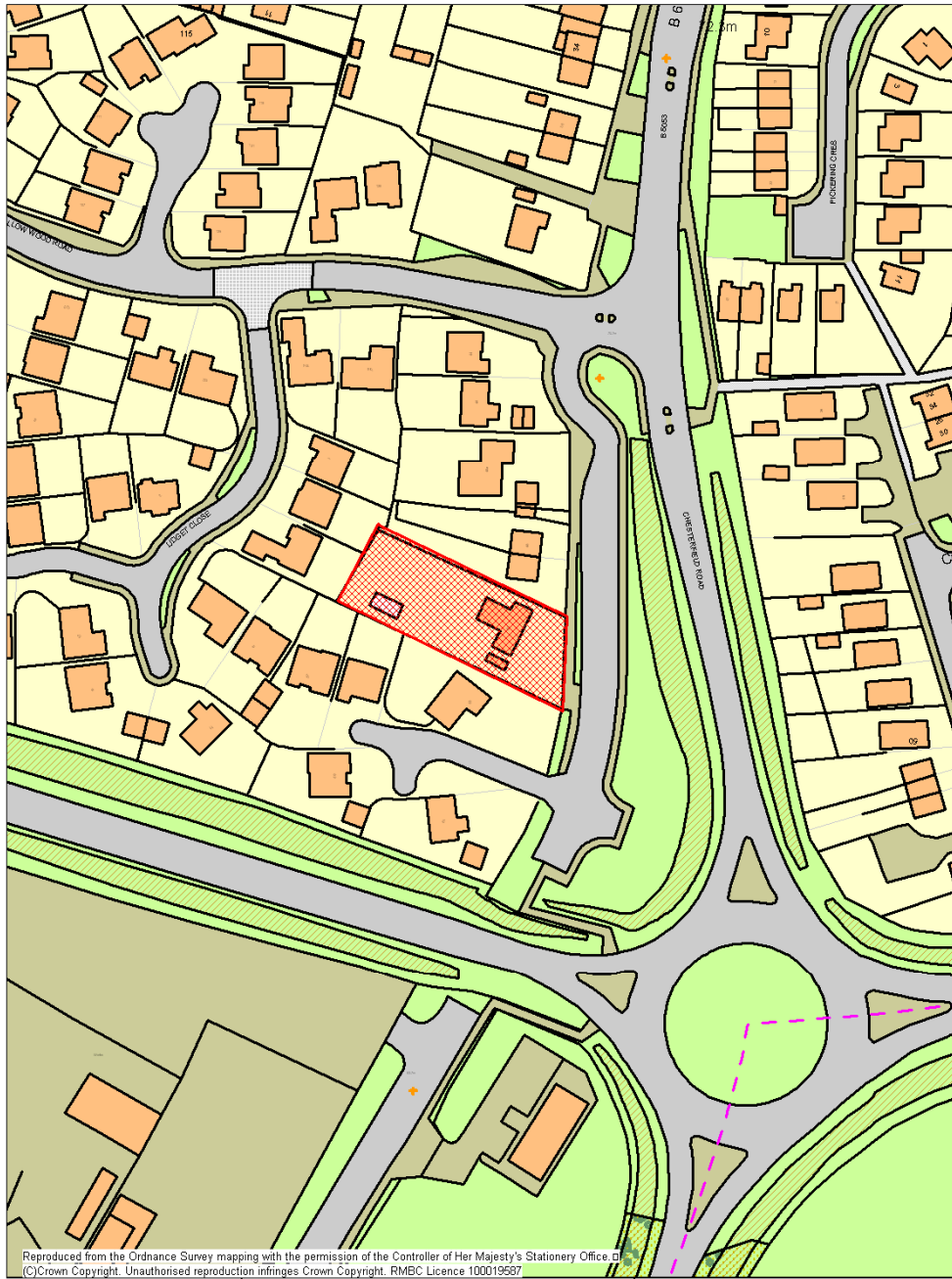
Reason For Refusal

1.

The proposed development of a detached bungalow to the rear of the property is considered excessive in size and exceeds what could be deemed necessary for a dependant relative. The proposed dependant relative accommodation could easily be converted into an independent dwelling and cannot be considered ancillary to the main dwellinghouse. Therefore the proposed development is contrary to Supplementary Planning Guidance, Householder Guidance 1 'Householder Development' of the Unitary Development Plan.

2.

The proposed dependant relative bungalow by virtue of its siting, massing, height and first floor rooflights in close proximity to neighbouring properties, would have a detrimental impact upon the neighbouring amenity of properties on Chesterfield Road and Lidget Close, and the overall character of the area. As such the development would be contrary to Policy ENV3.1 Development and the Environment, and Supplementary Planning Guidance, Householder Guidance 1: 'Householder Development' of the Unitary Development Plan, and PPS3 'Housing'.



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Rawmarsh Road □
Rotherham S60 1TD □



Background

On the 29 November 2009 the Council received a householder enquiry form for the above site, requesting confirmation that a proposed garage and garden room were classed as permitted development. The applicant indicated that the structure would be set 2m away from neighbouring boundaries, be no higher than 4m and take up no more than 50% of the residential curtilage. Subsequently the Council issued a letter dated 8 December 2009 indicating that the proposed development was permitted development in accordance with The Town and Country Planning (General Permitted Development) Order 1995 as amended in October 2008.

On the 5 July 2010 the Council received an enforcement complaint from a neighbouring resident regarding the close proximity of the development to neighbouring boundaries and the overall size and residential nature of the foundations.

The Council's Enforcement Officer visited the site in July and discussed the proposed development with the applicant, who indicated that he now intended to construct a dependant relative bungalow. The applicant agreed to cease work on site and seek formal planning permission for his proposal.

Site Description & Location

The site of application is the rear garden of No.52 Chesterfield Road, a large detached stone built dwelling dating from the Edwardian period. The property has a large rear garden measuring 38m long by 20m wide and adjoins a number of properties, including properties on Chesterfield Road and Lidget Close.

Proposal

The applicant seeks permission to erect a detached bungalow with rooms in the roofslope to the rear of the garden, for a dependant relative. The bungalow will include two bedrooms, lounge, bathroom, kitchen and internal garage at ground floor and large study/ recreation room and storage area at first floor area. The bungalow will be 5.5m high to roof ridge and constructed in an L shape measuring 14.4m by 14.25m.

The applicant has indicated that the bungalow will be constructed in artificial stone, and concrete roof tiles. No details have been submitted indicating the highway access to the bungalow, as an existing attached garage to the main dwellinghouse currently restricts access. In addition, no information has been submitted to explain why the additional separate accommodation is required.

Development Plan Allocation and Policy

The site is allocated residential in the adopted Unitary Development Plan.

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, 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 and where developments adjoin or include a transport route or other important linear feature (e.g. a river, canal or stream) the Council will negotiate the creation or maintenance of a landscaped 'green corridor.' Developments which make a positive contribution to the environment through a reduction in harmful emissions, but cannot meet the design standards mentioned above, will be considered on their merits. Encouragement will be given to the inclusion of works of public art within the design of major developments."

Other Material Considerations

Supplementary Planning Guidance 1 'Householder Development'

"Providing extra living accommodation for an elderly relative

61. The Council is sympathetic towards the wishes of people who wish to be close to sons or daughters in their old age. Frequently, this will mean adding an extension to the son's or daughter's house, to provide semi-independent living accommodation for the elderly person. Most such extensions are subject to planning control, and to the same rules as any other house extension.

62. Previous paragraphs set the design guidelines that the Council would like to be encouraged. In addition, the Council will have regard to the following considerations:

63. As with any other extension, the Council will consider the effect of the extension on the appearance of your house, on the street scene in general, and on immediate neighbours in particular. Planning permission is not likely to be granted merely because the accommodation is for an elderly relative, in cases where the extension is considered to be over-large, inconsiderately located or badly designed.

64. When dealing with any planning application for a "granny flat" the Council will consider whether the additional accommodation to be provided exceeds what is reasonably necessary for an elderly person. Planning permission is not likely to be granted in such cases, as the Council does not wish to allow extensions which could easily be adapted to independent dwelling units. This is because most "granny flats" are on conventional houses or bungalows, and share access, car parking and gardens with the "host property" and for this reason are not suitable for use as independent dwelling units.

65. When granting planning permission for a "granny flat" the Council will usually impose a condition on the permission, restricting its use to additional family living accommodation for the house which is being extended. This allows it to be used at some future time by other members of the household, including grown-up sons and daughters or other relatives. However, it discourages it being sold or rented to other people as separate living accommodation.

66. All of the above guidelines apply also to any proposal to build a free-standing building in a residential curtilage for use as a "granny flat". The conversion of an existing

outbuilding in a residential curtilage to a “granny flat” may not need planning permission (though permission would certainly be needed to use it as a separate dwelling unit).”

National Policy

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 of the area should not be accepted.

PPS3: ‘Housing’ states that:

Matters to consider when assessing design quality include the extent to which the proposed development:

- Is easily accessible and well-connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user-friendly.
- Provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.
- Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.
- Facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.
- Takes a design-led approach to the provision of car-parking space, that is well integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.
- Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.
- Provides for the retention or re-establishment of the biodiversity within residential environments.

Publicity

The application was advertised on site and neighbours notified in writing of the proposal. A total of 11 letters of objection have been received as well as a petition signed by 38 members of the public.

The objectors state that:-

- The proposed bungalow is excessive for the needs of a dependant relative.
- The proposal is tantamount to the erection of an independent bungalow.
- The proposed bungalow is not suitable for a dependant relative by way of its two storey nature.
- Work has already commenced and the foundations may not be suitable for a dwelling.
- The bungalow will appear overbearing to neighbouring properties and block light.
- The bungalow will overlook neighbouring properties and gardens.
- The bungalow is a fire risk due to its proximity to neighbouring properties and the lack of highway access.
- The bungalow is out of keeping with the character of the area.
- The bungalow is positioned on land not in the applicant’s ownership.

- The proposal could create flooding issues.

Five objectors have requested the right to speak at Planning Board.

Consultations

Transportation Unit: No objections subject to further details of parking for the existing and proposed dwellings.

Appraisal

Where an application is made to a local planning authority for planning permission.....in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

In this instance it is considered that the main issues for consideration are:

- The ancillary nature of the proposed dependant relative accommodation.
- The visual appearance of the bungalow on the character of the area.
- The impact upon neighbouring amenity.

The ancillary nature of the proposed dependant relative accommodation

The Council is supportive of modest proposals for ancillary dependant relative accommodation to meet the needs of a relative. However any new structure for a dependant relative must remain ancillary to the main dwellinghouse and should be not of such a size or layout whereby it could be readily converted to a separate residential unit.

In this instance the proposed bungalow with rooms in the roofspace goes far beyond what could reasonably be considered ancillary dependant relative accommodation. The bungalow will have two bedrooms in addition to rooms in the roofspace that could be used for additional bedroom accommodation. The bungalow would have its own integral garage, although no details as to how the garage would be accessed by vehicles have been submitted. With a habitable floor area of approximately 190 sqm the dependant relative accommodation exceeds the size of an average new build dwelling.

The applicant has submitted no justification for the dependant relative accommodation and their requirement for such a large structure which could easily be converted to a separate residential dwelling at a future date.

The visual appearance of the bungalow on the character of the area

In terms of the visual impact upon the area, the locality is characterised by a number of suburban style properties with large residential gardens, although the newer Persimmon dwellings in the area have been built to a higher density with smaller gardens. The new dependant relative accommodation would erode the open and suburban nature of the area, creating intensive urban development in an existing open and pleasant garden area. PPS3 'Housing' states that new development should complement neighbouring buildings and the local area in terms of scale, density, layout and access. The guidance goes on to state that new development should create, or enhance, a distinctive character that relates well to the surroundings and retain or enhance the biodiversity of the area. The backland development is out of keeping with the character of the area and would relate poorly to existing buildings by way of its awkward position and mass.

The impact upon neighbouring amenity

In terms of neighbouring amenity the bungalow at 5.5m high is of a significant height and would be readily visible to a number of adjoining neighbours in the modern Persimmon housing estate. These properties have only modest 10m long gardens and as such the bungalow in close proximity to the boundary would be harmful to their residential amenity and appear overbearing.

In addition to the visual harm to the neighbour, first floor level rooflights are proposed that would directly overlook neighbouring gardens and the rear elevation of properties on Lidget Close.

Conclusion

The proposed dependant relative bungalow would by virtue of its excessive size, exceed what is considered necessary for such accommodation and would have a detrimental effect upon the neighbouring amenity of properties on Chesterfield Road and Lidget Close and the overall suburban character of the area. As such, it is recommended that planning permission be refused.

RB2010/1019

Retrospective application for formation of pocket park including 4.5 metre high entrance feature, benches, lighting columns, fencing and sign board at Biscay Way, Montgomery Road, Wath Upon Dearne for RMBC.

RECOMMENDATION: GRANT

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) Local Planning Policy

ENV2.11 'Development in Conservation Areas' states that: "In respect of designated Conservation Areas, the Council will: (i) not permit development, demolition or work to trees which would adversely affect their architectural or historic character or visual amenity...(ii) not grant consent to demolish buildings which make a positive contribution to them..."

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..."

ENV5.2 'Incidental Urban Greenspace' states that: "Development which results in the loss of small areas of Urban Greenspace not identified on the Proposals Map will only be permitted in the same circumstances outlined in ENV5.1."

b) Other relevant material planning considerations

SPG Environment Guidance 3 'Development in Conservation Areas' provides advice to guide any works to buildings within Conservation Areas.

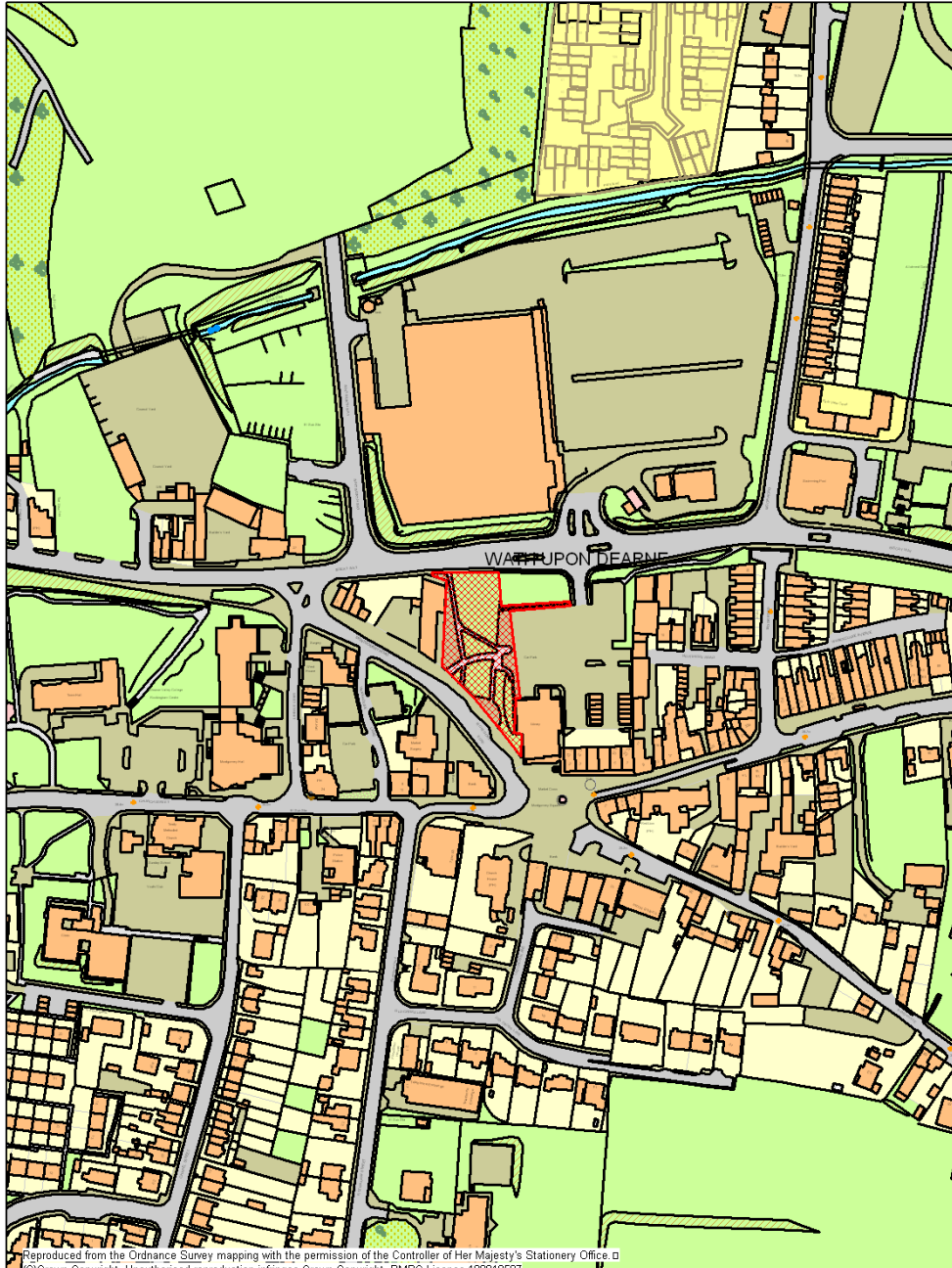
PPS5 'Planning for the Historic Environment.'

2. For the following reasons:

It is considered that the proposal enhances the appearance of an existing area of incidental urban Greenspace in a manner which is appropriate not only to the wider town centre but also within the Conservation Area.

It is also considered that the amendments to the previously approved scheme are relatively minor in nature and do not detract from the overall aim and quality of the scheme. It is considered that the scheme accords with UDP Policies ENV2.11 which seeks to ensure that developments are appropriate to the Conservation Area, ENV3.1 which states that development should make a positive contribution to the environment and PPS5 which seeks to ensure that developments make a positive contribution to the Conservation Area.

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.



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Rotherham MBC

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



Background

Members may recall 2 previous applications for this site as detailed below:

RB2009/0968 – Clearance of site and demolition of part of stone wall to form entrance, replacement lighting columns and landscaping of site to create new park including alterations of levels (Application under Regulations 3 & 9A of the Town & Country Planning General Regulations 1992) – Granted Conditionally

RB2009/0979 - Conservation Area Consent for demolition of part of stone wall to create new entrance – Granted Conditionally

Site Description & Location

The site comprises an area of open space between Montgomery Road and Biscay Way, adjacent to Wath Town Centre and the bus interchange.

The site now consists of a landscaped area of open space which contains benches and tarmac paths and provides a pedestrian link from both the Tesco superstore to Wath town centre and from the adjacent car park.

To the north of the site is Biscay Way and beyond this is the large Tesco superstore, to the east is Wath Library building and the car park to the rear of the library. To the South is Montgomery Road and the bus interchange and to the west is Wath Market building. The site slopes from South to North.

Proposal

This is a retrospective application for the reconstruction of the open space area in order to ensure that the site is more user friendly and to increase the appearance of the space as a gateway to Wath town centre.

The works consisted of clearing the site, re-landscaping, replacement of lighting columns, and regrading of levels to create pathways through the site which accord with the Disability Discrimination Act. The scheme also creates a new level access from Montgomery Road.

This application has been submitted following the full planning permission which was granted in September 2009 for works to this area. The scheme which has been carried out on site is slightly different to that which gained planning permission. The main differences are outlined below:

- Removal of the gabion wall feature on Montgomery Road and its replacement with a bench;
- Slight variations to level changes particularly around Montgomery Road which includes the retention of the banking which slopes towards the Library rather than regrading of this area as originally proposed;
- Inclusion of an additional footpath link to the existing car park;
- Extension of a fencing line along the boundary with the existing car park;

- Realignment of path through the area to make it more straight;
- Repositioning of new tree planting throughout the site;
- Repositioning of benches and bins along the pathways;
- An additional entrance feature facing Biscay Way.

The entrance features are 4.5 metres in height and constructed of metal with Wath Park lettering as a feature.

The proposed lighting columns are 3.985 metres in height and are lantern style columns.

Development Plan Allocation and Policy

01 UDP Policies

ENV2.11 'Development in Conservation Areas' states that: "In respect of designated Conservation Areas, the Council will: (i) not permit development, demolition or work to trees which would adversely affect their architectural or historic character or visual amenity...(ii) not grant consent to demolish buildings which make a positive contribution to them..."

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..."

ENV5.2 'Incidental Urban Greenspace' states that: "Development which results in the loss of small areas of Urban Greenspace not identified on the Proposals Map will only be permitted in the same circumstances outlined in ENV5.1."

Other Material Considerations

SPG Environment Guidance 3 'Development in Conservation Areas' provides advice to guide any works to buildings within Conservation Areas.

PPS5 'Planning for the Historic Environment.

Publicity

Neighbouring properties were notified of the proposal on 5 August 2010. In addition a site and press notices were posted on 9th and 12 August respectively. No objections have been received.

Consultations

Transportation Unit has no objections.

Neighbourhood and Adult Services have no objections.

Police Architectural Liaison Officer has no objections.

Landscape Section has no objections to the proposal.

Appraisal

Where an application is made to a local planning authority for planning permission.....in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

The proposal seeks amendments to the previously approved scheme to re-landscape the site following its clearance, replacement of lighting columns and regrading of levels to create pathways and new entrance features on the eastern and northern boundaries of the site.

This area of Greenspace is considered to make a positive contribution to Wath Town Centre and to the Conservation Area by providing an area of landscaped, usable open space within an otherwise urban environment. The site also fulfils a function as a link from the car park and adjacent Tesco superstore to Wath Town Centre and the scheme is therefore considered to represent an improvement to accessibility of the town centre to have an attractive and accessible route.

The materials used in the scheme including the Tegula edging, lighting, benches, entrance feature and bins match those which have been used in the open space areas in other parts of Wath town centre and are therefore considered to be appropriate in this location in line with UDP Policy ENV3.1 which seeks to ensure that development makes a positive contribution to the environment and Policy ENV2.11 which seeks to ensure that development does not have a detrimental impact on the Conservation Area.

It is considered that the scheme of works improves the visual appearance of the site and the amendments are relatively minor in nature and do not detract from the overall quality or appearance of the previously approved scheme. Therefore it is considered that the scheme improves the appearance of the site within the Conservation Area. The proposed works also enhance the accessibility of the site by using appropriate materials and creating an entrance feature which will act as a gateway and create a clear route from the adjacent car park and Tesco to Wath Town Centre.

Conclusion

In conclusion it is considered that the proposal enhances the appearance of an existing area of incidental urban Greenspace in a manner which is appropriate not only to the wider town centre but also within the Conservation Area.

It is considered that the amendments to the previously approved scheme are relatively minor in nature and do not detract from the overall aim and quality of the scheme. It is considered that the scheme accords with UDP Policies ENV2.11 which seeks to ensure that developments are appropriate to the Conservation Area, ENV3.1 which states that development should make a positive contribution to the environment and PPS5 which

seeks to ensure that developments make a positive contribution to the Conservation Area.

RB2010/1048

Application for variation of Condition 1 (opening hours) to extend opening hours until 1900 hours on Thursday and Friday (previously approved under RB2009/1306) at Hair @ Sorby's, 50 Morthen Road, Wickersley for Mr. David Bridge.

RECOMMENDATION: GRANT CONDITIONALLY

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

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

a) Development Plan

Policy HG1 'Existing Housing Areas' advises 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,
- (iii) make adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development, or
- (iv) are ancillary to the residential nature and function of the area and which also satisfy the above requirements."

Policy ENV3.7 'Control of Pollution' advises 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.

b) Other Material Considerations

PPS4 'Planning for Sustainable Economic Growth' seeks to deliver more sustainable patterns of development, reduce the need to travel by car and respond to climate change, and promote the vitality and viability of town and other centres.

2. For the following reasons:

The Council consider that the proposed extension of opening hours for an additional 2 hours on a Thursday and Friday evenings until 19:00 hours would not be detrimental to the amenities of the occupiers of nearby residential properties by reason of noise

nuisance, general disturbance and traffic generation at unsocial hours. As such the proposal would be in accordance with Policy HG1 'Existing Housing Areas' and ENV3.7 'Control of Pollution' of the Rotherham Unitary Development Plan.

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 file and associated documents.

Conditions Imposed:

01

Unless further approval is granted in writing with the Local Planning Authority, the premises shall not be open to customers or deliveries outside the hours of 09:00 and 17:00 Mondays, Tuesdays, Wednesdays and Saturdays and between the hours of 09:00 and 19:00 Thursdays and Fridays nor at any time on Sundays, Bank or Public Holidays.

Reasons for Conditions:

01

[PR73] In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policies HG1 'Existing Housing Areas' and ENV3.7 'Control of Pollution'.



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Background

There have been a number of previous planning applications submitted relating to the previous office use at this site, the most recent application was:

RB2009/1306 - Change of use of ground floor from offices to hairdressers
Granted Conditionally 08/04/2010.

Following complaints from local residents regarding the extended hours of opening which was not in accordance with the above permission, the applicant was requested to submit a revised application in order to regularise the situation.

Site Description & Location

The premises consist of a part two storey (no.48a Morthen Road) and part three storey (no.50 Morthen Road) stone built concrete tiled roofed building sited on the northern corner of the Morthen Road/Sorby Way junction. The applicant now occupies the ground floor frontage building onto Morthen Road.

Staff and customer parking provision for approximately 8 vehicles exists to the rear of the site within an enclosed area which has been created from the partial demolition of a former stone built garage/warehouse and is accessed off Sitwell Lane (which also forms part of Wickersley footpath no.5).

To the north of the application site is a footpath link which joins Morthen Road with Sitwell Lane behind which lies a terrace of existing properties (Sitwell Terrace). To the south and west are located existing residential properties on Sorby Way and Sitwell Lane.

Proposal

The applicant is seeking a variation of Condition 1 to the opening hours that were attached to planning application RB2009/1306.

Under the above permission Condition 1 stated:

“The use of the premises hereby permitted shall be open to customers or for deliveries between the hours of 09:00 and 17:00 Mondays to Saturdays with no opening and deliveries on Sundays or Public Holidays.”

The applicant is now seeking a variation to the opening hours so the premises can remain open from 09:00 hours until 19:00 hours on Thursday and Friday evenings, the reason stated for this extension in opening times is to provide a much needed and popular facility. For the remainder of the week the closing hours would be line with that agreed under Condition 1 i.e. 17:00 hours closing.

Development Plan Allocation and Policy

The application site is allocated for residential purposes and within Wickersley Conservation Area within the Council's adopted Unitary Development Plan (UDP). However, the application premises have a long established history of being used for non-residential purposes.

The current application shall be assessed against the following UDP Policies:

HG1 'Existing Housing Areas' states "The Council will seek to ensure that predominantly residential areas are retained primarily for residential use by permitting only those 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,
- (iii) make adequate parking and manoeuvring of vehicles associated with the proposed development, or
- (iv) are ancillary to the residential nature and function of the area and which also satisfy the above requirements."

ENV3.7 'Control of Pollution' states "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... or
- (ii) would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects..."

Other Material Considerations

PPS4 'Planning for Sustainable Economic Growth' seeks to deliver more sustainable patterns of development, reduce the need to travel by car and respond to climate change, and promote the vitality and viability of town and other centres.

Publicity

The application has been advertised by way of both press and site notice, while occupiers of neighbouring residential properties have been notified in writing. Nine letters of objection have been received, raising the following comments:

- Since the opening of the premises, traffic parked on and around the business is horrendous;

- It is often difficult to approach or exit Sorby Way due to solid line of cars right up to Morthen Road junction;
- This is further compounded by cars parked on Morthen Road itself blocking sight lines when trying to exit;
- Extended hours will cover a time of day when workers are arriving home and the area becomes busier. It is felt existing hours should stand;
- With the advent of darker evenings it is inevitable there will be a collision at this busy junction;
- Extending the opening hours will only serve to increase this risk;
- Parking close to the junction is illegal under the Highway Code;
- If hours extended to 19:00 this means client arriving at this time will extend opening hours longer;
- Photographic evidence of staff and clients not using the car park on a daily basis clearly indicates highway safety issues;
- Cars parked opposite existing driveways means residents now park on the highway to ensure they aren't blocked in; and
- A review of parking is now needed.

Consultations

Transportation Unit confirm that a residents parking scheme would not be appropriate in this particular location and waiting restrictions will not be progressed until other solutions have been attempted.

Director of Housing and Neighbourhood Services (Environmental Health) does not consider that the additional hours of opening as proposed on just two days a week would have a significant impact on local residents and raises no objections.

Appraisal

Where an application is made to a local planning authority for planning permission.....in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

The main issue relating to the determination of this application to extend opening hours is in relation to the impact on residential amenity. As such the requirements outlined in Policy HG1 and ENV3.7 of the adopted UDP are material in this matter.

The application site is located within an area allocated for residential purposes within the Council's adopted UDP. Policy HG1 of the UDP seeks to ensure that predominantly residential areas are retained primarily for residential use by permitting only those proposals which have no adverse effect on the character of the area or on residential amenity or are in keeping with the character of the area in terms of scale, layout and intensity of use. Policy ENV3.7 further seeks to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

Notwithstanding the previous use of the site for offices, the surrounding area comprises predominantly of residential dwellings with the nearest properties located 10 – 21 metres from the existing facility. It is considered that given the limited floor space of the premises, the increase in opening hours of an additional two hours on a Thursday and Friday evening does not have the potential to generate significant numbers of additional customers using the facility which would be of detriment to adjacent occupier's amenity through noise nuisance and general disturbance. This is also the opinion of the Council's Environmental Health service who have indicated that they do not envisage any significant loss of amenity by virtue of noise and as such have raised no objections.

Taking into account the above and the comments received from objectors in respect of highway safety issues, the Council's Transportation Unit remain of the opinion that the premises are afforded with an acceptable level of street parking for both staff and customers in the existing parking area located off Sitwell Lane and a sign should be placed on the premises advising that this parking is available.

The views of residents in terms of the perceived parking issues are acknowledged and officers have visited the locality since the premises have opened to monitor the matter. Whilst it is acknowledged that some parking appears to be taking place on Morthen Road, Sorby Way and Gill Close it is not possible to categorically evidence whether the traffic generated is directly attributable to the hairdresser's premises and as such a reason for refusal cannot be substantiated on this matter alone.

The Transportation Unit have considered that, given the inappropriateness of the location, it would not be possible to implement a resident parking scheme, and to progress with waiting restrictions (i.e. yellow lines) would be the last resort having assessed what other more immediate solutions are available. In the interim such solutions have involved liaison with the Police Safer Neighbourhood Team with a view to follow up action such as enforcement for traffic offences and further advice to the owners of the premises to ensure parking for the premises is contained in the existing parking facility.

Conclusion

Having regard to all of the above it is concluded that the extension of opening hours would not be detrimental to the amenities of the occupiers of nearby residential properties by reason of noise nuisance, general disturbance and traffic generation. As such the proposal would be in accordance with Policy HG1 'Existing Housing Areas' and ENV3.7 'Control of Pollution' of the Rotherham Unitary Development Plan.

It is therefore recommended that planning permission be granted subject to the condition set out at the commencement of this report.

RB2010/1061

Retrospective application for erection of a detached single storey building to rear at 20 Milton Street, Maltby for Mrs. C. Holland.

RECOMMENDATION: GRANT

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

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."

- b) Other relevant material planning

Supplementary Planning Guidance 'Building a Detached garage, Carport or other building in your garden' states "Because most buildings in back and side gardens are exempt from planning control the Council does not usually impose stringent design criteria on the minority that do come under its control. The Council hopes that householders will use good quality materials for such buildings and will have regard for neighbours in their location, design and use."

2. For the following reasons:

The Council considers that the detached building would not have an adverse effect on the visual amenities of the area or appearance of the property by way of its location, scale, size and design, nor would it have any detrimental effect on the residential amenities of adjoining properties by way of loss of privacy or overlooking. As such, the proposal complies with the UDP Policy and SPG referred to above.

- 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.



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 Rawmarsh Road □
 Rotherham S60 1TD □



Background

No relevant background to the site itself, however planning permission has been granted (Ref RB2007/1666) on the site to the rear of this property for the erection of 2 retail units with apartments above and a block of 8 apartments with associated car parking which will be sited directly to the rear of this site.

Site Description & Location

The site of application is an end terrace property located at the top of Milton Street which runs downhill from Rotherham Road in Maltby. Consequently the adjacent dwellings and their garden areas are located at a lower level. The property has a narrow rear garden area which is at a much lower level than the adjacent land to the north and west.

Proposal

The application seeks retrospective approval for the erection of a single storey outbuilding at the top of the rear garden. The dimensions of the building are 4.2m wide and 4m in length with a height of 2m to the eaves and 3.05m to the ridge. The outbuilding was originally to be constructed within the constraints of permitted development as defined in The Town and Country Planning (General Permitted Development) Order 1995, as amended in October 2008, which states that an outbuilding can be erected to a height of 2.5m where it is within 2m of the boundary of the property. After the building was partially completed the applicant was informed that in order to comply with Building Regulations the roof pitch would have to be increased, which increased the height to over 2.5m and consequently resulted in the proposal requiring planning permission.

The application has been submitted by a council employee, who owns the property, on behalf of the applicant, Mrs Holland, who resides there. A letter has been submitted in support of the application which states that Mrs Holland suffers from severe arthritis and chronic asthma and has difficulties accessing the first floor of the property; the provision of a stairlift is not feasible due to the narrow entrance hall. A number of medical aids have already been fitted including handrails to enable access to the garden. The provision of this building with the installation of a toilet to replace the existing external toilet will enable Mrs Holland to remain at the property. The building will also be used to store medical equipment and nebulisers when the need arises.

Development Plan Allocation and Policy

The site is allocated as residential in the Rotherham Unitary Development Plan.

The following policies are relevant:

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

Supplementary Planning Guidance ‘Building a Detached garage, Carport or other building in your garden’ states “Because most buildings in back and side gardens are exempt from planning control the Council does not usually impose stringent design criteria on the minority that do come under its control. The Council hopes that householders will use good quality materials for such buildings and will have regard for neighbours in their location, design and use.”

Publicity

Adjacent occupiers were notified by letter, no representations have been received.

Consultations

The Transportation Unit have raised no objections to the proposal.

Appraisal

Where an application is made to a local planning authority for planning permission.....in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations - S.70 (2) TCPA 1990.

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

The application seeks retrospective permission for a detached, brick built outbuilding in the rear garden of the dwelling, the building had been partially completed before the need to apply for planning permission was identified. The issues to be considered are:-

- The visual impact on the area
- The impact on the residential amenity of adjacent occupiers

Visual Amenity

The building is sited at the top of the rear garden and fills the width of the garden. Although it has been located close to the boundary with the rear garden of the adjacent property, there is a detached outbuilding located in a similar position within the rear garden of that dwelling, albeit at a lower level than this building due to the differing land levels. The building has been constructed in brickwork with grey roof tiles and white pvc windows. The land to the north and west of the site is at a much higher level, as a result only 1.5m of the building will be visible from the land at the rear and 1.2m above the side boundary wall, therefore the building will not be readily visible when viewed from the existing property on Rotherham Road or the new apartments to be built to the rear. The building is considered to comply with UDP Policy ENV3.1 ‘Development and the

Environment' in that it achieves an appropriate standard of design in relation to the locality that is not considered to have any detrimental effect on the character and appearance of the host dwelling or the surrounding area.

Residential Amenity

Supplementary Planning Guidance 'Building a Detached garage, Carport or other building in your garden' advises that care should be taken in the siting and use of detached building within the rear garden of dwellings with regard to neighbour's amenity. The building has been sited away from the existing dwellings and is adjacent to the neighbour's outbuilding, as such it is not envisaged that there would be any detrimental impact on the adjacent occupiers by way of overshadowing or overbearing impact. With regard to the proposed apartments at the rear, whilst these have not yet been constructed, the approved plans show the car parking area to be sited at the rear of this property with a retaining wall and a 1.8m timber panel fence along this boundary. It is considered therefore that the construction and use of this building as ancillary accommodation for the existing dwelling will not result in any loss of amenity for adjacent occupiers.

Conclusion

It is considered that the detached building would not have an adverse effect on the visual amenities of the area or appearance of the property by way of its location, scale, size and design, nor would it have any detrimental effect on the residential amenities of adjoining properties by way of loss of privacy or overlooking. The application is therefore recommended for approval.