

**PLANNING BOARD**  
**16th May, 2013**

Present:- Councillor The Mayor (Councillor Pickering) (in the Chair); Councillors Astbury, Atkin, Dodson, Godfrey, Kaye, Pitchley, G. A. Russell, Sims, Smith and Whysall; together with Councillor Roche (attending as substitute for Councillor License).

Apologies for absence were received from Councillors License, Middleton and Tweed.

**T113.      DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**T114.      MINUTES OF THE MEETING OF THE PLANNING REGULATORY BOARD HELD ON 25TH APRIL, 2013**

Resolved:- That the minutes of the meeting of the Planning Regulatory Board held on 25<sup>th</sup> April, 2013, be approved as a correct record for signature by the Chairman.

**T115.      DEFERMENTS/SITE VISITS**

That consideration of application RB2013/0401 be deferred, as requested by Councillor G. A. Russell, to allow Members to consider the concerns about the proposed height of this industrial building within a largely residential area, before coming to a decision and that consideration be given to a visit of inspection and that the Director of Planning, Regeneration and Culture, in consultation with the Chairman and Vice-Chairman of the Planning Board, approve the arrangements.

**T116.      VISIT OF INSPECTION - APPLICATION TO FELL AN ASH TREE WITHIN WICKERSLEY WOODS (RB2013/0371)**

Before the formal meeting of the Planning Board, Members of the Board made a visit of inspection to the site of the application to fell an Ash tree protected by RMBC Tree Preservation Order No. 3 1975 at land adjacent Larch House, First Lane, Wickersley (B2013/0371).

In accordance with the right to speak procedure, Mr. P. Thirlwall (objector, on behalf Wickersley Parish Council) and Mr. N. Cragg (Applicant) attended the meeting and spoke about this application.

Resolved:- That planning permission be granted for the reasons adopted by Members at the meeting and subject to the following condition:-

All tree works shall be carried out in accordance with B.S.3998: 2010 and no tree work shall commence until the applicant or his contractor has

given at least seven days' notice of the intended starting date to the Local Planning Authority.

Reason:- To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area 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'.

#### **T117. DEVELOPMENT PROPOSALS**

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

(2) That application RB2013/0346 be referred to the Secretary of State for Communities and Local Government to decide if he wishes to call-in the application for his determination, but should the Secretary of State not wish to call-in this application, permission shall be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the report.

(3) That consideration of application RB2013/0401 be deferred, as requested by Councillor G. A. Russell, to allow Members to consider the concerns about the proposed height of this industrial building within a largely residential area and to make a visit of inspection and that the Director of Planning, Regeneration and Culture, in consultation with the Chairman and Vice-Chairman of the Planning Board, approve the arrangements.

#### **T118. PLANNING INSPECTORATE APPEAL DECISION - NORTH ANSTON (RB2012/0518)**

Consideration was given to a report by the Director of Planning, Regeneration and Culture concerning the Inspector's decision on the appeal against the refusal of planning permission for the retention of the extension to dwelling curtilage and retention of building comprising ground floor garages and store and first floor ancillary living accommodation for use by guests/dependent relatives at 29 Sanctuary Field, North Anston (RB2012/0518).

The Inspector dealing with this appeal noted that the main issue was the effect of the proposal on the provision of Urban Greenspace in the locality. The Inspector noted that the appeal site is immediately adjacent to No. 29 Hillcrest and within a wider area allocated as Urban Greenspace in the Rotherham Unitary Development Plan (UDP). She noted that before the development took place the site was steeply sloping, densely vegetated with undergrowth, shrubs and some trees, not easily or

obviously accessible by the public from adjoining land, without footpaths, unmaintained, and different in character to the open land beyond. Nevertheless, the Inspector considered that it would have provided a natural area in an undeveloped state, contributing to ecology in the area and supporting habitats for wildlife, with a different, but complimentary function to the informal recreation offered by the park.

The Inspector noted that although the boundary of the Urban Greenspace around the appeal site has already been eroded, and its original extent reduced, this did not persuade her that a further loss would be acceptable. The Inspector noted under the terms of UDP Policy ENV5.1 such a loss may be acceptable if alternative provision of equivalent community benefit and accessibility, or enhancement to local Urban Greenspace is made. The appellant had previously offered monies to provide enhancement of the Urban Greenspace to the north of the site, which was negotiated with the Council. These previously agreed enhancement works would provide fencing, a footpath, landscaping and tree works, making the area more accessible for informal recreation and effectively providing an extension to Greenlands Park. The Inspector stated that she understood that the appellant agreed to pay some £64,500 to the Council via a planning obligation, which would have been completed alongside the purchase of the land from the Council.

The Inspector concluded that, in the absence of any alternative provision or enhancement, the loss of Urban Greenspace was unacceptable. The Inspector went on to state that, overall on this issue the proposal would have a harmful effect on the provision of Urban Greenspace in the locality, contrary to UDP Policies ENV5.1 and ENV5.2. It would be at odds with paragraph 118 of the Framework which seeks to conserve and enhance biodiversity, and indicates that if significant harm resulting from a development cannot be avoided, mitigated or as a last resort, compensated for, then planning permission should be refused.

Members asked to be kept informed of any future progress with this issue.

Resolved:- That the report be received and the Inspector's decision to dismiss the appeal be noted.

## **T119. UPDATES**

(1) Statutory Instrument 2013 No. 1101 - the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

Members were informed that the coalition Government [has announced details of the new permitted development rights](#) with the publication of secondary legislation amending the Town and Country Planning Act 1990 General Permitted Development Order. The permitted development rights will become effective on Thursday, 30<sup>th</sup> May, 2013 and will last for a temporary period of three years. Discussion took place on the implications of these new rights for the planning system in Rotherham, especially the

size of residential house extensions, potential development within the green belt and on agricultural land, the rights of the public to make representations, time limits for the completion of permitted development and possible future planning enforcement issues.

It was agreed that appropriate training be arranged for Members of the Planning Regulatory Board about the new permitted development rights.

(2) Visits of Inspection - arrangements

It was agreed that all Members of the Council receive the notification of applications for planning permission which are to be considered by the Planning Regulatory Board, enabling them to notify officers of requests for site inspections relating to any application.

(3) Local Plan – Public Consultation

Members were reminded of the forthcoming public consultation process in respect of the Local Plan and of the various drop-in sessions taking place throughout the Rotherham Borough area during May, June and July, 2013.