

**PLANNING BOARD  
10th October, 2013**

Present:- Councillor Pickering (in the Chair); Councillors Astbury, Atkin, Dodson, Godfrey, Kaye, License, Middleton, Pitchley, Roddison, G. A. Russell, Sims, Tweed and Whysall.

An apology for absence was received from Councillor Smith.

**T43.       DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**T44.       MINUTES OF THE MEETING OF THE PLANNING REGULATORY BOARD HELD ON 19TH SEPTEMBER 2013**

Resolved:- That the minutes of the meeting of the Planning Regulatory Board held on Thursday 19<sup>th</sup> September, 2013, be approved as a correct record for signature by the Chairman.

**T45.       DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended.

**T46.       DEVELOPMENT PROPOSALS**

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

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

- Change of use to shop (use class A1) including new shop front, access ramps, gates and car parking at Bowbroom Working Mens Club 88 Thomas Street, Swinton for Warrior Developments Limited (RB2013/1044)

Mr. G. Swarbrick (Supporter)  
Mr. K. Kotecha (Objector)  
Mr. H. W. Marshall (Objector)  
Mr. G. Moxon (Objector)  
Mrs. J. Depledge (Objector)

- Erection of 6 No. dwellinghouses with associated parking and formation of turning head at land adjacent 12 Cadman Street, Wath-upon-Deerne for Eton Homes (RB2013/1051)

Mr. C. Green (Applicant)  
Mr. M. Catton (Objector)

- Demolition of existing side store, roof and dormers and erection of two storey front and side extension, first floor and roof extension with front and rear dormers to existing house and ground floor bay window to front (amendment to RB2013/0220) at 77 Union Street, Harthill for Mr. S. Tristram-Jones (RB2013/1105)

Mr. S. Tristram-Jones (Applicant)

(2) That applications RB2013/0956, RB2013/0974, RB2013/1000, RB2013/1044, RB2013/1051 and RB2013/1105 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the report.

**T47. APPEAL DECISION - AGAINST REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF TWO 5 BED DETACHED DWELLINGS WITH DETACHED DOUBLE GARAGES ON LAND TO THE REAR OF 12 CHURCH STREET, WALES (RB2011/0178)**

Consideration was given to a report by the Director of Planning and Regeneration Services which detailed an appeal against the refusal of planning permission for the erection of two 5 bed detached dwellings with detached double garages on land to the rear of 12 Church Street, Wales.

The Inspector dealing with appeal that visibility to the south was restricted and that the sightlines were substantially less than recommended in Manual for Streets. However, he had no evidence that this had caused any danger to existing road users. The road to the south lead to a dead end meaning that traffic from that direction was limited and he noted that the road was very quiet and vehicles passed at only a moderate speed. In addition, the existing junction of the access with Church Street would be angled slightly further to the north thereby providing a small improvement in visibility towards the south.

In respect of the number of dwellings being served off a private drive the Inspector noted that the private drive currently served four properties and the proposal would result in it serving six properties. Whilst he noted the Council's reference to Manual for Streets, he did not agree that this set a limit for the number of dwellings that could be accessed off an unadopted road; rather it indicated that highway authorities have tended to only adopt streets that serve more than a particular number of individual dwellings. In any event, paragraph B.1.1.9 of the document was clear that the maximum of five dwellings related to the notional capacity of a private service connection. It had not been shown that six (rather than five) dwellings on the proposed access would be inappropriate in this context. The Inspector had no real evidence that the use of the access for an additional two dwellings would cause any harm to interests of acknowledged importance. He noted the Council's reference to other

appeal decisions, but in both of these appeals the Inspectors considered that the roads were of insufficient width. The width of the drive in this instance had not been raised as a problem by the Council and there would be spaces for two vehicles to pass.

Finally, in respect of the size and scale of the proposed dwellings the Inspector noted that the appeal site sloped very gently upwards away from this cluster of buildings and as the proposed dwellings would be two-storeys in height with additional accommodation in the roof-space they would appear taller than the buildings in this group. Nevertheless, he noted that there were other buildings in the vicinity, such as the pub and many other houses on Church Street, that were larger or of a comparable height, scale and massing to the proposed dwellings. He concluded that the proposal would be acceptable within this context.

In respect of other concerns raised by local residents the Inspector did not consider that the development would have a material impact on the adjacent Green Belt or the nearby Wales Conservation Area, or on the amenities of nearby residents in terms of noise generation or loss of privacy. He also concluded that the site was in a sustainable location and that any impact on protected species could be controlled by way of a condition.

In view of the above the appeal was allowed subject to the following conditions:-

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 475 - /01; /02A; /03A; /04A; /05 and /06.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. The development hereby permitted shall not be occupied before the access to Church Street is laid out in accordance with the details shown on approved plan No 475 - /02A. The access shall be retained in accordance with these details thereafter.
5. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

6. No development shall take place until there has been submitted to, and approved in writing by the local planning authority a scheme of hard and soft landscape works including a programme for their implementation. The scheme shall include boundary treatments and measures for biodiversity enhancement as described in paragraph 1.4 of the Ecological Assessment dated May 2011 submitted by the appellant. The scheme shall also include indications of all existing trees and/or hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development. Development shall take place in accordance with the approved scheme. Any bird or bat boxes provided as part of the scheme shall be erected before the first occupation of the dwellings and retained thereafter.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

8. No development shall take place until a scheme for foul and surface water drainage of the site has been submitted to and approved in writing by the local planning authority. No part of the development hereby permitted shall be brought into use until the approved drainage scheme has been implemented, and the foul and surface water drainage shall be retained thereafter.

9. No development shall take place until a scheme for protecting the proposed dwellings and their gardens from noise from the M1 motorway has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any dwelling hereby permitted is occupied and these works shall be retained as such thereafter. The approved scheme shall be in accordance with the noise levels indicated in Paragraph 5.1.1 of the application's Noise Impact Assessment report reference NIA/3551/11/3021/REV A dated 14 June 2011.

Resolved:- That the decision to allow the appeal be noted.

#### **T48. UPDATES**

The following update information was provided:-

- (a) Enforcement Notice Appeal Decisions:-
1. Requiring demolition of building.
  2. Requiring cessation of the use of the building for residential purposes, at land at Bonsall Stables, Common Road, Thorpe Salvin

Members were informed that appeals against two enforcement notices served in respect of the building on the site had been considered at a recent Public Inquiry and that the appeal against the first Notice (requiring the demolition of the building) had been upheld, but that the appeal against the second Notice (requiring cessation of the use of the building for residential purposes) had been dismissed. In respect of the second Notice the Inspector agreed with the Council that, whilst the conversion of the building had taken place, it had not been lived in on a permanent basis for over the relevant four year period. He also agreed that the residential occupation of the building was not required in connection with the nearby stables.

The owner is required to remove all internal evidence of a dwellinghouse within six months.

(b) Statutory Instruments

An update was provided on the Statutory Instruments issued by Government in relation to the planning function, which had led to a further eleven that came into force this week. These included:-

- Speeding up the appeals process.
- Permitted Development in relation to communications masts had been extended.
- Requirement for planning permission for the demolition of buildings within Conservation Areas.
- Applications to be submitted to Government Office for demolition of buildings owned by the Local Authority in Conservation Areas.
- Repayment of planning application fees for applications being undetermined within twenty-six weeks.

(c) Former Car Sales Sites, Parkgate

Clarification was sought on the future use of the sites previously occupied by car sales at Parkgate, which had recently been cleared and boarded up.

(d) Consultation on the Housing Standards Review

It was queried whether Planning had had an input to the consultation response on the Housing Standards Review, which was confirmed.

(e) South Yorkshire Archaeological Society

The Cabinet Member for Culture and Tourism had asked if a member of the Planning Board wished to join herself and her Adviser on the above Group, especially the role they had in the role of planning.

Councillors Astbury and Middleton kindly volunteered to be part of this group and wished to be informed of meetings in due course.