

PLANNING BOARD
15th May, 2014

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

Apologies for absence were received from Councillor Tweed.

T104. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

T105. MINUTES OF THE MEETING OF THE PLANNING REGULATORY BOARD HELD ON 24TH APRIL, 2014

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday 24th April, 2014, be approved as a correct record for signature by the Chairman.

T106. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

T107. 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 persons attended the meeting and spoke about the applications below:-

Change of use of ground floor to beauty salon (use class Sui Generis) at Botel Travel, 48A Morthen Road, Wickersley for Mr D Bridge (RB2014/0072)

Mr. D. Bridge (Applicant)
Mr. R. J. Toller (Objector)

Two storey and single storey rear extension and porch to front (amendment to RB2014/0223) at 8 Welham Drive Moorgate for Mr. M. Mazamil (RB2014/0377)

Mr. M. Mazamil (Applicant)
Mr. M. Taylor (Objector)
Councillor R. McNeely (Objector)

Two storey side and rear extension, formation of hipped roof to existing first floor side and rear extensions, including formation of rear dormer and erection of single storey front and rear extensions at 38 Sheep Cote Road Brecks for Mr S Yousaf (RB2014/0447)

Mr. S. Yousaf (Applicant)
Mrs. S. Waters, on behalf of others (Objector)
Ms. V. Pratt (Objector)
Mr. D. Ridgway (Objector)

(2) That applications RB2014/0072, RB2014/0361, RB2014/0377, RB2014/0392, RB2014/0408 and RB2014/0447 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

T108. PROPOSED TREE PRESERVATION ORDER NO. 1 (2014) - 1 GROVE BANK, MOORGATE GROVE, ROTHERHAM

Consideration was given to a report of the Director of Planning and Regeneration Service stating that an application for six weeks' notice of intent to fell a tree within the Moorgate Conservation Area was submitted in respect of this site at Grove Bank, Moorgate Grove, Rotherham on 11 December 2013. In considering the application, Planning officers concluded that the tree met the criteria for inclusion within a new preservation order and insufficient evidence had been provided to justify the loss of this mature Beech tree (*Fagus sylvatica*). Consequently, on 14th January 2014 a Tree Preservation Order was made in respect of this Beech tree. The Local Planning Authority has six months in which to confirm the Tree Preservation Order.

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

(2) That the serving of Tree Preservation Order No. 1 (2014) with regard to the mature Beech tree at No. 1 Grove Bank, Moorgate Grove, Rotherham be confirmed.

T109. APPLICATION TO MODIFY A SECTION 106 AGREEMENT IMPOSED BY PLANNING PERMISSION RB1999/0737 AT RETAIL WORLD, PARKGATE

Consideration was given to a report of the Director of Planning and Regeneration Service concerning an application to amend the Section 106 Agreement (Town and Country Planning Act 1990) in order to remove the restriction on the part of Unit 1, previously occupied by the Comet company at Retail World, Parkgate, for the sale of bulky goods only from these commercial premises. Members noted that this Unit has been vacant since the liquidation of the previous owner and subsequent closure of the Unit.

The report referred to the covenant which placed a restriction on the sales from Unit 1 to bulky goods only. The proposal is to remove this restriction to allow open A1 sales from the part of the Unit and to allow the new owner to occupy part of the premises.

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

(2) That the Section 106 Agreement be amended to remove the restriction on part of Unit 1, Retail World, Parkgate, for the sale of bulky goods only, as detailed in the report now submitted.

T110. APPEAL DECISION - REFUSAL OF PLANNING PERMISSION FOR THE CHANGE OF USE TO TAXI BOOKING OFFICE (USE CLASS SUI GENERIS) AT 54-56 RAWMARSH HILL, PARKGATE (RB2013/1116)

Further to Minute No. T64(4) of the meeting of the Planning Board held on 12th December, 2013, consideration was given to a report of the Director of Planning and Regeneration Service, stating that the appeal against the refusal of planning permission for the change of use to a taxi booking office (use class sui generis) at 54-56 Rawmarsh Hill, Parkgate, had been allowed.

The reasons for the Planning Inspector's decision on this appeal were explained in full in the report. The Inspector considered that the main issues in this case were the effect of the proposed use on the living conditions of nearby residents and its effect on the safety and convenience of users of the adjacent highway.

The Inspector had concluded that:-

(i) the use of the property as a taxi booking office does not adversely affect the living conditions of nearby residents and therefore accords with policy ENV3.7 of the Rotherham Unitary Development Plan (1999) which seeks to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport and paragraph 17 of the National Planning Policy Framework where one of the core planning principles requires a good standard of amenity for all existing and future occupants of land and buildings; and

(ii) the use of the property as a taxi booking office also accords with paragraph 35 of the National Planning Policy Framework, which requires minimal conflict between traffic and cyclists or pedestrians and does not adversely affect the safety and convenience of users of the adjacent highway.

The Planning Inspector allowed the appeal and granted permission for the development, subject to the following conditions:-

(1) There shall be no customer waiting area or facilities for taxi drivers within the building and no customers shall be picked up from the building;

(2) Visits to the premises by taxi drivers shall only take place between 0900 hours and 1700 hours on any day.

(3) This planning permission relates only to the first floor of the premises and to the staircase giving access to the first floor.

The Inspector considered conditions 1 and 2, as suggested by the Council, met the tests in paragraph 206 of the National Planning Policy Framework and the Government's Planning Practice Guidance. However, the Inspector considered that the Council's suggested condition restricting the parking of taxis on Rawmarsh Hill is not enforceable as the highway is outside the appellant's control. The Inspector imposed condition 3 for the avoidance of doubt, as it restricts the use to the operational floorspace of the premises and limits the possibility of disturbance to neighbours which may arise from any expansion of the business.

Resolved:- That the report be received and the reasons why the Planning Inspector has decided to allow this appeal be noted.

T111. UPDATES

The following update information was provided:-

(1) Appeal Hearing - Further to Minute No. T52(6) of the meeting of the Planning Board held on 31st October, 2013, concerning the refusal of the application for planning permission for the erection of 9 No. detached dwellings with associated garages at land off Grange Farm Drive, Aston for W. Redmile and Sons Ltd. (RB2013/0696), it was agreed that Councillors Kaye and Smith attend any public inquiry and/or hearing which may be arranged to hear the appeal against the refusal of this application, in order to provide information about the reasons for the Planning Board's decision.

(2) Appeal Decision – Further to Minute No. T57(8) of the meeting of the Planning Board held on 21st November, 2013, Members noted that the appeal against the refusal of the application for planning permission for the erection of a single storey extension and 3 No. dwellings at the Black Lion, 9 New Road, Firbeck for Mr. P. Rogers (RB2013/1379) had been dismissed. A report about this appeal decision would be submitted to the next meeting of the Planning Board.

(3) Completed Developments Tour – Further to Minute No. T103(b) of the meeting of the Planning Board held on 24th April, 2014, Members of the Planning Board were encouraged to suggest appropriate sites to be inspected during the Board's completed developments tour. It was noted that it may be necessary to alter the suggested date of this tour (Wednesday, 6th August, 2014) to an alternative date (probably Thursday, 21st August, 2014), because of Members' availability.