

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 7 AUGUST 2014**

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 7 AUGUST 2014**

**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.**

|                              |  |
|------------------------------|--|
| <b>Application Number</b>    | <b>RB2014/0126</b>   |
| <b>Proposal and Location</b> | Erection of three storey building to form 2 No. retail units and 14 No. apartments, former Foljambe Arms site, Doncaster Road, Eastwood. S65 2UF |
| <b>Recommendation</b>        | Grant subject to conditions  |



**Site Description & Location**

This site relates to an area of land that is directly to the north of the former Foljambe Arms Public House. This pub was demolished in 2010 and a new development comprising of 12 apartments and a nursing home was approved in July 2010 under RB2010/0641. The 12 no. apartments approved by this permission have now been completed and are occupied although the nursing home element associated with this development has not been started and the land to the north of Faheem Court is vacant. This application site relates only to this vacant land, along with the access to the site between the existing Pumping Station Cottage and the new apartments from Doncaster Road. This occupies a site area of approximately 0.32 hectares in size.

The majority of the site is allocated as Urban Greenspace in the Unitary Development Plan, although the site is not easily accessible to the general public and comprises predominantly of rough grassland and scrubland and is poorly maintained. The northern section of the site has a landscaping buffer that separates it from Fitzwilliam Road.

To the north lies the busy Fitzwilliam Road (A630) which is a dual carriageway at this point and connects Rotherham Town Centre with Dalton and beyond. Directly to the east of the site is a public footpath that connects Doncaster Road with Fitzwilliam Road and beyond this lies the former Burberry factory and Mushroom Roundabout. To the south and west of the site is the main East Dene residential area.

The site lies approximately less than 500 metres south-east of the local East Dene shopping parade and does not lie within a flood risk area. There are a number of trees along the western boundary of the site.

## **Background**

The planning history of the site can be summarised below. Alterations and improvements to the pub were approved in 1974 and 1980.

In 1996 the northern part of the site had permission for temporary use for car sales and erection of marquee and portacabins (RB1996/0630). This was conditioned for a maximum of 6 months and any evidence of this use is no longer visible.

In 2009 an application for residential development was withdrawn (RB2009/1459).

In 2010 the site obtained planning permission for the demolition of the existing public house and the erection of a three storey nursing home and 2 No. three storey apartment buildings (12 apartments in total) under RB2010/0641. The southern section of the site (the two blocks of apartments) were constructed and are now occupied though the northern section of the site was never built out. As part of this permission has been implemented it remains extant.

The proposed site area is approximately 0.32 hectares and falls below the threshold that would require the LPA to undertake a Screening Opinion.

## **Proposal**

This application is for the erection of a three storey mixed use development comprising of 2 no. A1 retail units (each 350sqm in size) with ancillary storage/staff areas at ground floor and a total of 14 no. apartments on the first and second floors.

The apartments have the same layout on the first and second floor with 7 no apartments on each floor in a symmetrical layout. The apartments are all two beds and have a size ranging from the smallest units at 65sqm (flats 1, 7, 8 14) to the largest units at 75sqm (flats 3, 5, 10, 12). The amended layouts show the flats ordered around a central courtyard.

The access into the site is from the south, joining Doncaster Road to the west of the existing residential apartments that have already been constructed. There is a car park in front of the proposed buildings on the western elevation of the site, behind the existing apartments. A total of 34 car parking spaces are proposed which includes 2 disabled parking bays. The retail units are proposed to operate for the following hours:

|                 |               |
|-----------------|---------------|
| Monday – Friday | 08:00 – 20:00 |
| Saturday        | 08:00 – 20:00 |
| Sunday          | 10:00 – 16:00 |

The proposed development does not have a frontage onto Doncaster Road though it will be visible from Fitzwilliam Road to the rear of the site. The site has the northern area given over to landscaping. Also the area to the east of the building will be secured and the area behind this given over to private amenity space.

The following supporting documents have been submitted and can be summarised as follows:

#### Sequential Test

- As the shops are to serve the local community, the catchment area should typically equate to approximately an 800 metre radius from the site.
- The proposal will not detrimentally impact upon the objectives of the Rotherham Unitary Development Plan or Rotherham town centre.
- It is anticipated that the staff numbers generated for this use and floorspace would amount to 8 full time equivalent employees, these being split over a shift pattern to accommodate the hours expected of such a convenience store.
- It is anticipated that there will be no greater numbers than 1 delivery per day contained within a medium sized lorry.
- A search has been undertaken of property databases, including the Rotherham Investment and Development Office (RIDO) database, for premises within Rotherham town centre and the surrounding local shopping centres. These include Corporation Street, Bridgegate, Effingham Street, Thames Street and Doncaster Road in Dalton. None of these were available, and in any case none lie within an 800m radius of the site.

#### Transport Statement and Traffic Count

- Automatic traffic counts were undertaken on Doncaster Road between Mowbray Street and A6123 Herringthorpe Valley Road.
- Another count was secured to fence post opposite house 401

- The count took place between Friday 25 April 2014 to Thursday 01 May 2014 collected in both directions at both locations with survey hours of 00:00 to 00:00 (24 Hours).
- METROCOUNT 5600 series automatic traffic counters, attached to pneumatic tubes, were used at all the sites.
- The speed results are showing 25mph as a Mean and 28.6 as 85% – equating to sight lines of 33 and 39metres respectively.

### Tree Survey

- The site visit was on 3<sup>rd</sup> June 2014.
- This project will not have any significant impact on the neighbourhood tree stock. It appears that majority of the trees and shrubs are outside the site.
- The two trees that are superficially reasonable, the two Ash, are vandal damaged and would be better replaced.
- If the roadside planting scheme does belong to the site, then it may be reasonable to remove nearly all the shrubs to give the Lime trees more space. The shrubbery could then be replaced with something with better biodiversity value.
- Trees and shrubs scheduled for retention should be protected from accidental damage during the construction period. The site fencing and hoarding can be set out to serve this purpose without any significant additional expense.
- A landscaping scheme has also been submitted, though this has minimal detail.

### **Development Plan Allocation and Policy**

The application site lies within a mixed residential and Urban Greenspace allocation and the following policies are relevant.

HG1 'Existing Housing Areas'  
 ENV3.1 'Development and the Environment'  
 ENV5.1 'Allocated Urban Greenspace'

### **Other Material Considerations**

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted prior to this in June 1999.

Under such circumstances the NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

The South Yorkshire Residential Design Guidance (SYRDG) has been adopted by Barnsley, Doncaster and Rotherham Councils. This guidance relates to issues of unit size, minimum room dimensions and amenity space. Whilst the SYRDG has a threshold of 10 dwellings, it also indicates that the Guide is underpinned by the principles in Building for Life (BfL). Many of the design guidelines are appropriate to smaller developments and the guidelines and assessment criteria in this Guide will be used as the main point of reference when assessing schemes of less than ten dwellings.

## **Publicity**

Neighbouring properties were notified in writing on 17 February 2014 and a site notice was erected on 20 February 2014 and was advertised in the local press on 21 February 2014.

Following the submission of additional details (Tree Survey, Transport Statement and Amended plans) neighbouring properties were re-notified in writing on 10 June 2014 and a new site notice was erected on 12 June 2014.

No representations have been received at either publicity stage.

## **Consultations**

### RMBC Consultees

Streetpride (Transportation and Highways) – no objections subject to conditions

Streetpride (Tree Service Manager) – no objections subject to conditions

Streetpride (Landscape) – the revised landscaping is an improvement but a final landscaping scheme should be conditioned.

Streetpride (Ecology) – no objections subject to condition

Planning Policy – no objections

Neighbourhoods (Environmental Health) – no objections subject to conditions

Neighbourhoods (Urban Design) – the revisions are an improvement to the design

CYPS (Education) – no objections

Architectural Liaison Officer S Y Police – no objections

SYPTTE – no objections

Yorkshire Water – 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 -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

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 of the application are considered to be as follows:

- Principle of a mixed retail and residential development
- Impact on the Town Centre and the Sequential Test
- Design and impact on surrounding properties
- Impact on highway safety
- Impact on trees
- Landscaping and other issues

### Principle of a mixed retail and residential development

The previous permission (RB2010/0641) remains extant and is a material consideration in the consideration of this application as the nursing home element of that permission could be built out at any time.

The majority of the site is allocated for residential purposes in the Development plan with part of the area to the north of the site allocated for Urban Greenspace., The area allocated as Urban Greenspace has previously been assessed as being of low value with the majority of it being unmaintained scrubland. The proposed new development will improve the pedestrian links to the east of the site by increasing the overlooking to this existing footpath. Whilst this application does not propose any alternative provision of Urban Greenspace of equal value, when taking into account the improved pedestrian links, together with the previous permission, it is considered acceptable in principle and in accordance with Policy Env 5.1.

As previously discussed, the remainder of permission RB2010/0641 (the nursing home element) could still be implemented and the principle of the residential aspect of this application is therefore considered acceptable and in line with the aims of the NPPF. The residential element proposes 14 apartments which is under the threshold for providing any Affordable Housing.

### Impact on the Town Centre and the sequential assessment.

The application includes two small retail units and the planning statement suggests that the catchment area of such uses would equate to a radius of approximately 800m from the site as it will only serve the local population.

Whilst this may be true for local shopping provision, a wider sequential search would be necessary should the units be for open A1 use. If an open A1 consent was proposed then the sequential test should be extended to existing town centres. However, the applicant has indicated that the use would be for the sale of A1 convenience goods only aimed at a local market.

Whilst the consideration of 'need' has been removed from national planning policy there is concern about whether the scale of units proposed is appropriate for the provision of local convenience facilities. In particular when considering the possibility of speculative retail premises when there appears to be some evidence which indicates a lack of demand for local retail facilities in this area.

However, given that this out of centre site is not a suitable location for general A1 retail shops, and that the sequential approach is based on the provision of local convenience retail premises, then it is recommended that it is conditioned that the units should be restricted to a maximum of 350 sq m floorspace each (so that they cannot be combined to form a single larger unit) and that they can only be used for A1 convenience purposes only. This would ensure that the units are not used for other retail uses which would more appropriately be located within defined centres.

As such, it is accepted that there are no more sequentially preferable sites within the immediate locality.

### Design and impact on surrounding properties

The units within the proposal are a full three storey in height with a high roofline giving a total height of approximately 13m. The residential scheme along the frontage of Doncaster Road that has been implemented in 2010 is also three storeys' in height (albeit with a lower roofline) and there are no other residential properties directly adjacent to the boundary of the site. When compared to the previous approval for the nursing home, this proposal indicates a slightly lower scale and it is considered that this site could accommodate a proposal of this scale without having a detrimental impact on the amenities of surrounding residential areas or having an excessively dominant impact on the street scene.

The scheme meets the minimum recommended internal spacing standards for two bedroom apartments as outlined in the SYRDG with the internal spaces of the units ranging from a minimum of 65sqm to 75sqm. The SYRDG advocates a minimum floorspace of 62sqm for 2 bed apartments.



The SYRDG also advocates that shared private space should be a minimum of 50sqm plus an additional 10 square metres per unit either as balcony space or added to shared private space. The proposals also exceed these minimum recommended garden areas and overall the proposals are considered to be of a satisfactory density when compared to the character of the surrounding urban area and conform to the guidance in the SYRDG and the NPPF.

The proposal is considered to have satisfactory spacing distances sufficient to prevent overlooking as recommended in the SYRDG. The proposal has spacing distances of approximately 21m on the southern elevation between this proposed elevation and the principal elevation of the existing apartments along Doncaster Road. Whilst the proposal does not have a 10 metre outlook to the east, there are no properties on this elevation and the development would assist in increasing the overlooking to the path that connects Fitzwilliam Road with Doncaster Road. Overall the scheme is not considered to materially increase the loss of privacy to the existing properties which lie along Doncaster Road.

The originally submitted plans indicated a visual appearance that was considered rather bland with a high level of featureless brickwork on the northern elevation. The elevations were subsequently revised on the advice of the Urban Design officer and it is considered that the revisions which include greater animation and an increase in glazed areas, along with some Juliet balconies at first and second floor improve the overall appearance and give greater interest to the overall design. It is now considered that the revisions show a satisfactory level of design that conforms to the guidance within the NPPF and SYRDG along with the general advice within ENV3.1 'Development and the Environment.'

#### Impact on highway safety

The western sight line is slightly below what the Transportation Unit would normally consider acceptable. Accordingly the Transportation Unit requested that the agents conduct a speed survey to demonstrate the relationship between recorded vehicle speeds and the available sight line towards the roundabout. The results of this survey have indicated that the 85<sup>th</sup> percentile speed for vehicles approaching from the roundabout to be 28.6mph which equates to a visibility distance of some 39m (Manual for Streets). The available sight line towards the roundabout is of the order of 34m from a point 2.4m measured down the centreline of an access some 3m from the boundary wall to the adjacent block of flats. .

Consideration has been given to altering the kerbline along this part of Doncaster Road with a build out in an attempt to increase the potential visibility, but such improvements would be minimal.

Although the site has a slight shortfall in the westerly sight line, on balance it is considered that the proposed visibility is acceptable to cater for the vehicular traffic likely to be generated by the proposed 14 No. apartments and 2 No. A1 convenience retail units subject to conditions.

### Impact on trees

The majority of trees within the site and along the site boundaries are to be retained and it is considered that these trees provide the greatest amenity to the site. The Tree Services Manager has indicated that overall there are no objections to the proposed development subject to conditions.

The Tree Survey indicates that the best tree on the site appears to be the Sycamore positioned towards the western corner, although its exact condition and future prospects are unknown due to the dense growth preventing a more detailed inspection. Apart from this the site does not contain any significant trees.

The 2 Ash trees towards the northern corner of the site are not considered to be worthy of long term retention and there are no objections to their removal, subject to suitable replacement planting as part of an overall landscape scheme for the site.

The screen planting on the northern boundary is considered to be important and it is recommended that this be retained in any future development. It is also considered that the future prospects of the retained trees/screen planting will need to be safeguarded throughout any development by the provision of suitable fencing in accordance with the standard planning tree barrier condition.

### Landscaping and other issues

The submitted landscaping plan shows some additional landscaping detail as well as the grassed area around the building. It is understood that this area will comprise of a private amenity area for future residents and will be secured by a gated access preventing the public to access the rear areas of the site. As such, it is recommended that a more comprehensive landscape scheme be submitted to help soften the overall appearance of the development and improve the visual appearance of the area. This is subject to a recommended condition.

### **Conclusion**

Overall the principle of a mixed residential and retail development in this location is considered to be acceptable and satisfactorily conforms to the provisions of the NPPF and the UDP. The retail element is considered to satisfactorily pass the sequential test, subject to conditions and the revised design of the elevations is considered to be acceptable and in accordance with the general design advice within the SYRDG. The proposal is not considered to have a detrimental impact on highway safety and as such is recommended for approval, subject to conditions.

## **Conditions**

01

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

Reason

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

02

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)

(Drawing numbers revised elevations and floor plans MS/CDL/DR - 03, site plan MS/CDL/DR - 01 A, site section MS/CDL/DR - 05) (received 03-06-2014)

Reason

To define the permission and for the avoidance of doubt.

03

The premises shall be used for A1 convenience Use only and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987).

Reason

The premises are not considered suitable for general use within the Class quoted for policy reasons and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

04

The premises shall be restricted to a maximum of 350 sq m floorspace each and shall not be further sub-divided at any point in the future without the prior written consent of the Local Planning Authority.

Reason

In order to satisfactorily safeguard the use of the site for local shopping purposes and to safeguard the vitality and viability of the town centre in accordance with the NPPF.

05

The retail use hereby permitted shall only be open to customers or for deliveries between the hours of Monday – Friday 08:00 – 20:00, Saturday 08:00 – 20:00 and Sundays and Bank Holidays 10:00 – 16:00.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

06

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

07

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.

Reason

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.

08

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

Reason

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.

09

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.

Reason

In order to promote sustainable transport choices.

10

A 2m wide footway shall be constructed on the western side of the proposed access from Doncaster Road to parking bay No. 1 before the development is brought into use.

Reason

In the interests of highway safety

11

Concurrent with the construction of the vehicular access to Doncaster Road, the redundant vehicular access shall be closed and the kerblines/footway reinstated.

Reason

In the interests of highway safety

12

Prior to development a limited intrusive site investigation shall be undertaken to determine the presence of contaminated materials within near surface soils. Testing for asbestos will also be required. A report of the findings shall be approved in writing by the Local Planning Authority and any recommendations within the report shall be implemented. The report should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 and Contaminated Land Science Reports (SR2 – 4).

Reason

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

If subsoils / topsoils are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.

Reason

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

In the event that during development works unexpected significant contamination is encountered at any stage of the process (i.e. the remains of a cellar), the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in

writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

#### Reason

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

Following completion of any required remedial/ground preparation works a Verification Report should be forwarded to the Local Authority for review and comment. The Verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the Local Authority.

#### Reason

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.

16

Prior to the commencement of development a biodiversity enhancement statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

#### Reason

To improve the general amenity and level of biodiversity provision in the surrounding area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment.'

17

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 2m high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and 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.

Reason

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'.

18

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

To ensure that there is a well laid out landscaping scheme 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**

### Police ALO

- The rear of the apartments should be secured for residents use only.
- All doors and windows should be to PAS 24:2012 the required standards for Secured by Design.
- Each door to the individual apartments should also be PAS 24:2012 standard.
- Glazing on the retail units should be laminated.
- All fire doors to have no external furniture on them.
- The refuse areas must be secured at all times to prevent attempted arson attacks.

### Yorkshire water

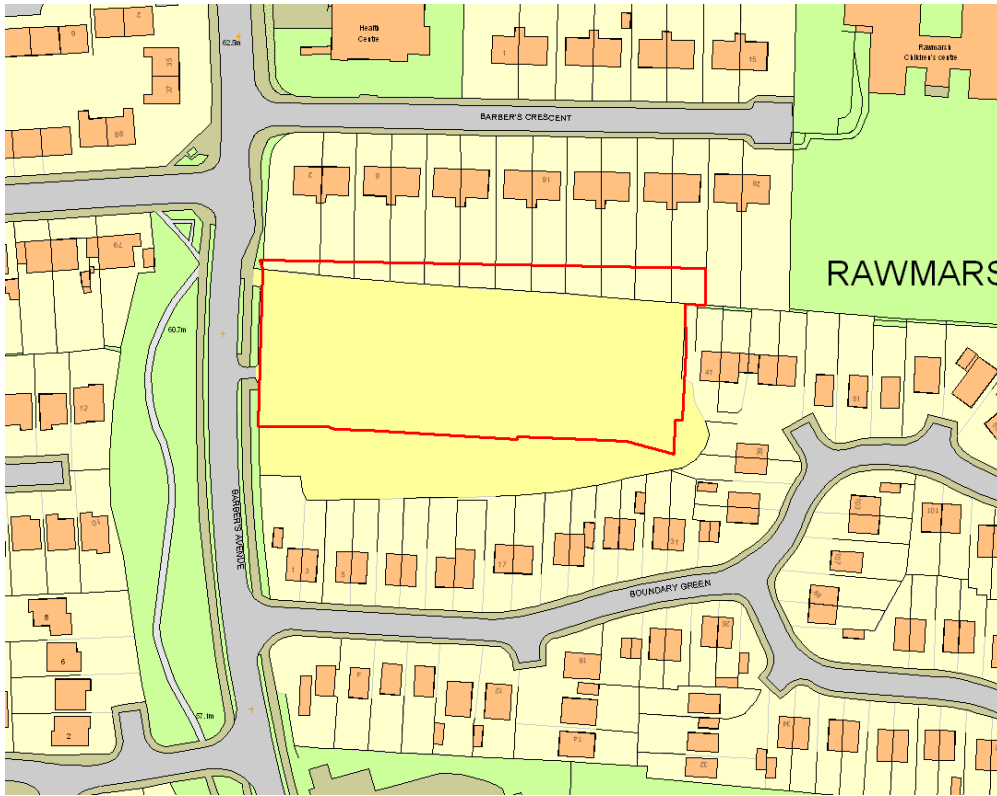
- The local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site.
- Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged.
- The developer is advised to seek comments on the suitability of SUDS from the appropriate authorities.
- The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals.
- The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.
- An off-site foul and an off-site surface water drain may be required. These may be provided by the developer.
- Surface water run-off from hardstanding (greater than 800 sq metres) and/or communal car parking (greater than 49 spaces) must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to prospectively adoptable sewer/public sewer network.
- Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator.
- It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.
- Land and highway drainage have no right of connection to the public sewer network.
- Land drainage will not be allowed into a public sewer. Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option and there is no highway drain available and if capacity is available within the public sewer network. In this event, the developer will be required to enter into a formal agreement with Yorkshire Water Services under Section

### POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, and was further amended prior to determination to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.



|                              |  |
|------------------------------|--|
| <b>Application Number</b>    | <b>RB2014/0671</b>   |
| <b>Proposal and Location</b> | Erection of 25 No. dwellinghouses with associated access at former Rawmarsh Cricket Club, Barbers Avenue, Rawmarsh S62 6AD |
| <b>Recommendation</b>        | Grant subject to conditions  |



### Site Description & Location

The site, 0.57 hectares in size, comprises predominantly of a hard surfaced/gravelled area that was formally used as car parking area for the cricket club/snooker club. The snooker club was demolished in mid-2012 and since then the site has been secured by fencing along the boundaries. In the south-eastern corner of the site there is an area of rough grassland that is uncut and poorly maintained. The land within the site is generally level and sited approximately 1-2 metres above the level of the properties along Boundary Green. There are some trees along the northern boundary of the site.

The area surrounding the site is predominantly residential, comprising of two storey semi-detached houses to the south and east of the site and semi-detached single storey bungalows to the north of the site (Barbers Crescent).

Historically the land was part of the field belonging to Rawmarsh Cricket Club. In the mid 1980s the land to the south was developed for housing. At some stage in the past, most likely in the early 2000s, a number of the rear gardens to Boundary Green have been extended northwards.

## **Background**

The cricket/snooker club has had a number of extensions in the 1980s and 1990s. The following planning history is the most relevant:

RB1996/0390 – outline application for residential development – granted

RB2007/1324 – residential development for 25 units – withdrawn

RB2007/1896 – residential development for 23 units – granted but never implemented

RB2010/1599 – renewal of application RB2007/1896 – withdrawn

## **Proposal**

This is a full application for a new residential development for 25no. units on the land at the former Rawmarsh Snooker Club on land to the east of Barbers Avenue in Rawmarsh. This application has been submitted on behalf of Rotherham Council, but the site will be developed by Reshape Architecture & Design, based in Doncaster. The scheme will be for 100% Affordable Units.

The development involves a collection of semi-detached and detached properties that are accessed by a single access from Barbers Avenue that has a shared surface and ends in a cul-de-sac. All of the properties on the southern side of the proposed development are two storey in height and 4 of the properties on the northern side of the development are single storey bungalows (units 5-8). None of the units have garages and the majority of the units have 2 off-road parking bays. There are a total of 5 visitor parking bays spread throughout the site. The site has 46 parking spaces in total.

Materials proposed for the site include a brick and render finish for external elevations and grey concrete tile roofs.

The proposal also involves shortening of the gardens to the existing bungalows along Barbers Crescent from approximately 20m to approximately 12m. All of the existing properties are within Council ownership.

A Building for Life Assessment has been submitted for the scheme and this indicates a score of 5 for Environment and Community, 5 for Character, Street, 3.5 for Streets, Parking and Pedestrianisation and 4 for Design and Construction, giving a total of 17.5 which represents a good standard.

## **Development Plan Allocation and Policy**

The application site lies within a mixed residential and Urban Greenspace allocation and the following policies are relevant.

HG1 'Existing Housing Areas'

ENV3.1 'Development and the Environment'

ENV5.1 'Allocated Urban Greenspace'

## **Other Material Considerations**

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

## **Publicity**

Neighbouring properties were informed by letter on 23 June 2014 and a site notice was erected on 25 June 2014. In addition the application was advertised in the local press (Rotherham Advertiser 27 June 2014.

Four letters of objection have been received and can be summarised as follows:

- Reduction in privacy to surroundings plots, in particular to the properties at 3, 39, 41 Boundary Green
- The site lies above the property levels of Boundary Green.
- Loss of sunlight to garden areas.
- Increase in traffic onto Barbers Avenue.
- Devaluation of existing property.

## **Consultations**

Transportation Unit – no objections subject to conditions

Affordable Housing Officer – the proposal is for 100% Affordable Housing provision which does not require an additional S106 agreement.

SY Police – no objections subject to secured by design standards

Schools Service – 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 -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

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 of the application are considered to be as follows:

- Principle of a mixed retail and residential development
- Design and impact on surrounding properties
- Impact on highway safety
- Impact on trees
- Landscaping and other issues
- Other issues

### Principle of a mixed retail and residential development

The majority of the site is allocated for residential purposes in the Development plan with a small part of the southern area allocated for Urban Greenspace. The area allocated as Urban Greenspace relates to a former cricket pitch that was built over when the housing estate to the south was constructed in the 1980s. A small residual area of Urban Greenspace has remained, though this is hard-surfaced and used as an overspill car park to the former snooker club.

The principle of residential development of the site in land use terms has previously been accepted in the approval of application RB2007/1896. Whilst this application does not propose any alternative provision of Urban Greenspace of equal value, the remaining slither of Greenspace land is considered to be of low value, is not maintained and has not been easily accessible to the public for many years. The proposed development of the site is considered to be acceptable in principle and in accordance with Policy ENV5.1 'Allocated Urban Greenspace.'

### Design and impact on surrounding properties

The scheme has a contemporary design and appearance and is considered to represent a stand alone site. The general design involves a single point of access from Barbers Avenue ending in a cul-de-sac. This is considered to be the only realistic layout available due to the constraints of a narrow rectangular site available for future development.

The proposal is considered to be of a similar scale (some single storey and some two storey with no rooms in the roofspace) to the surrounding properties and is not considered to have a dominant impact on the existing properties or to the surroundings.

A new residential development has recently been constructed on the site of the former NHS clinic which has a mixture of brick and render materials. This development is also contemporary and is considered to satisfactorily blend in with the general urban pattern found in the surrounding area.

The majority of the properties are considered to have an acceptable proportion of brickwork/render/windows at street level. Also the amount of on site parking available meets the minimum standards in the SYRDG. Although the majority of parking is present on front elevations, it is not in large hardsurfaced blocks across the site. It is considered that small areas of car parking, interspersed with landscaping areas does reduce the visual dominance of car parking on the street scene and provide some relief to the surroundings..

All of the plots have private rear amenity areas, the smallest gardens being between plots 17-21 and which are in the order of 50sq metres, especially when bin stores are included within the calculation. The largest gardens are at plots 5, 6 and 8 which are all well in excess of 100sqm. The proposed new units generally have rear outlooks of approximately 10m, the exceptions being plots 24 and 25 which are approximately 8.8m and plots 5-7 which are just short of 8m. All of the plots have principal elevation spacing distances of 21 metres, except bungalow plots 5-8 which are approximately 19m.

Not all of the properties meet the minimum recommended external spacing standards highlighted in the SYRDG. However, the properties that are slightly beneath standards (plots 5, 6 and 8) are single storey bungalows which will not create any overlooking as there are no first floor windows proposed. As such an 8m rear garden in this instance is considered acceptable. Plots 24 and 25 are also slightly below 10m in length, but these look onto a new car parking area within the scheme and are not considered to increase overlooking to the surroundings.

With regard to the objections, all of the proposed two storey plots that adjoin existing dwellings exceed the minimum recommended standards of 21m as indicated in the SYRDG. The shortest spacing standards are from plots 1-4 northwards (22.6m) and plot 14 eastwards (22.8m). All other principal spacing distances are generally in excess of 30m. Whilst the objections are acknowledged and the site may be at slightly higher ground levels than those on Boundary Green, the spacing standards exceed the minimum distances by nearly 2m which is considered acceptable

Overall, it is considered that there are a number of different architectural styles in the surrounding areas. Although this proposal has a more contemporary appearance than the properties along Barbers Crescent and Boundary Green, it is considered to have an acceptable appearance and satisfactorily blend in with the general character of the surroundings.

#### Impact on highway safety

The Transportation Unit have not raised any objections to the scheme on highway safety grounds. The scheme meets recommended parking standards within the SYRDG and adequate sight lines along Barbers Avenue have been demonstrated. Although some of the parking areas are remote to the properties served, white lines will be numbered to mark out ownership and this is similar to what happens on other council owned sites. This is considered to be something that can be conveniently managed by the Council as a single landowner and is likely to reduce future problems regarding ownership and cars parking within the highway.

#### Impact on trees

There are no trees of any significance on the site, with a couple of trees in the north-western corner of the site removed when the snooker club was demolished. The remainder of the site does not have any significant trees or shrubbery, with the majority of site screening comprising of hedges and conifers.

#### Landscaping and other issues

The Landscaping Team have indicated that there are no objections to the proposals although final landscaping details should be conditioned.

They go on to indicate that they would expect to see future landscape proposals specify the import of a minimum 300mm depth of topsoil (underlain with a marker membrane) for landscape areas as recommended in the site investigation report. For shrub planting areas a minimum of 450mm depth topsoil which may be considered appropriate for all landscaped areas as future occupants may wish to cultivate grass in favour of planting beds.

It is considered that final details of the boundary treatments should be submitted as part of a condition. Currently the plan information indicates a low timber knee rail to the frontage of no.24 and 25 and plot no.1. This is considered to be inconsistent with other boundary treatments along Barbers Avenue and a low brick wall would be more appropriate and provide a higher degree of protection and privacy to the properties that front the main road.

#### Affordable Housing

As indicated in the description, the application is for a scheme that will be 100% Affordable. The Council's Affordable Housing Officer has supplied an Affordable Housing Statement demonstrating that this will be kept in perpetuity and the scheme does not therefore require a S106 agreement to secure this.

### Other issues

The proposals involve a considerable shortening of the existing gardens to the properties along Barbers Crescent, in some cases up to 10m. These properties are all Council-owned and tenants have been notified of these changes and have signed new tenancy agreements, with a new garden plan attached. No specific objections have been raised about the shortening to the gardens. The shortening of the gardens would not by themselves require planning permission. The remainder of the garden areas to the properties along Barbers Crescent retain an amenity area in excess of 60m and all properties will retain an outlook of 10m or more.

In terms of ground contamination, site intrusive investigations were undertaken in September 2013 to assess for potential contamination within the surface soils and made ground. It is reported that at the time of the site investigation no visible contaminated material was noted on the surface of the site, nor were there any reports of distressed vegetation suggestive of significant or serious contamination. Environmental Health have not raised any objections, subject to conditions.

An Education Contribution is not required on schemes that are for fully affordable units.

### **Conclusion**

The principle of residential development on this brownfield site, which has previously had permission for residential is considered acceptable in policy terms. No S106 contributions are required on fully affordable schemes. The proposal is considered to have an acceptable impact in terms of highway safety and amenity. The design of the layout is considered contemporary and compatible with the general urban grain of the surrounding residential areas. The proposal meets the minimum recommended spacing standards as recommended in the SYRDG and conditional approval is recommended.

### **Conditions**

01

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

Reason

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

02

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)  
(Drawing numbers site plan revision A, original elevations to plots 1-25, plans 1-25)(received 18.07.14 and 19.06.14)

Reason

To define the permission and for the avoidance of doubt.

03

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.

Reason

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

04

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.

Reason

In order to promote sustainable transport choices.

05

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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'.

06

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.

#### Reason

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

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.

#### Reason

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

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.

#### Reason

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

09

Prior to development a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

1. Basic ground gas protection measures consistent with an Amber I Gas Characteristic Situation shall be installed in each new development. Gas protection measures shall comprise as a minimum:
  - a) Suitably resistant gas protection membrane; and
  - b) Ventilated sub floor void

Reason

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.

10

Prior to occupation in all proposed garden/landscaping areas where elevated levels of contamination have been identified a clean soil capping layer of 600mm of subsoil/topsoil underlain by a marker membrane will be required to ensure protection to human health from affected soils. The details of the capping materials placed shall be recorded in the format of a Validation Report to ensure suitable soils of sufficient quality and quantity have been placed.

Reason

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.

11

Prior to occupation if subsoil's / topsoil's are required to be imported to site for soil capping works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to site then the results of testing thereafter shall be presented to the Local Authority in the format of a Validation Report.

#### Reason

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.

12

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

#### Reason

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

Following completion of any required remedial/ground preparation works a Verification Report should be forwarded to the Local Authority for review and comment. The Verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the Local Authority.

#### Reason

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.

### **Informatives**

The applicant should note the following comments from Yorkshire Water.

- a) The development of the site should take place with separate systems for foul and surface water drainage.
  
- b) Foul water domestic waste should discharge to the 225mm diameter public foul water sewer recorded in Barber's Avenue, at a point approximately adjacent the site. Furthermore, it is not possible to determine if the site is low-lying relative to the location(s) of the public sewer network. If the ground level of a site or the level of any basement is below the ground level of the point of connection to a public sewer, the developer may have to take precautions to prevent the risk of flooding of the site from surcharge of the public sewer network. Such precautions may include raising the level of the site, having (a) pumped discharge(s) from the site and/or the installation of (a) anti-flooding valve(s).
  
- c) It is noted that the planning application states 'soak away' for surface water disposal. Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPA's attention is drawn to NPPF. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities.
  
- d) The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals.

### **POSITIVE AND PROACTIVE STATEMENT**

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

|                              |  |
|------------------------------|--|
| <b>Application Number</b>    | <b>RB2014/0688</b>   |
| <b>Proposal and Location</b> | Erection of a residential care home at Land at Knollbeck Lane, Brampton Bierlow. |
| <b>Recommendation</b>        | Grant subject to conditions  |



### Site Description & Location

The application site covers approximately 0.56ha and consists of the site of the former Brampton Fire Station. The site was cleared of all buildings recently, following the relocation of the fire station to a new building at Manvers and now consists predominantly of a hard surfaced area. The fire station building which occupied the site was a two and single storey flat roof building.

The site includes an unlisted war memorial close to the eastern corner of the site. The site is relatively level at the front but slopes at the rear towards the existing garage site which lies at a significantly lower level.

The site has a wide frontage onto Knollbeck Lane and is bounded to the north by residential properties in the form of traditional semi-detached two storey dwellings and to the west by a Council owned garage site, beyond which are similar residential properties. A single community hall lies immediately to the south of the site with a children's playground adjacent. On the opposite side of Knollbeck Lane is a large two storey building which is occupied as a Miner's Welfare Club set back from the road with a forecourt parking area.

## **Background**

No relevant site history.

### Environmental Impact Assessment

The proposed development falls within the description contained at paragraph 10 (b) of Schedule 2 to the 2011 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However the Council as the relevant Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2011 Regulations, is of the opinion 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.

Accordingly the authority has adopted the opinion that the development for which planning permission is sought is not EIA development as defined in the 2011 Regulations.

## **Proposal**

This application seeks permission for the erection of a three storey, two storey and single building to form a 62 bedroom residential care home. The submitted plans show a substantial building in a H shape to occupy the central part of the site with landscaping to the south and west and car parking spaces/servicing to the north and east of the building.

The building has been designed to incorporate a central 3 storey element with the front elevation being stepped to incorporate two storeys, reducing to single storey. The building is also proposed to be two storeys to the rear.

The design of the building, albeit of a large scale is considered to be relatively domestic and consists of differing roof heights of both gable and hipped design. The windows are of a domestic scale and are regular on the front elevation with a central entrance in the three storey element of the building. The proposed materials include render and brickwork with a tiled roof.

A total of 10 staff car parking spaces plus 18 visitor car parking spaces are proposed within the site boundary.

It is proposed to retain the war memorial and provide a boundary mesh fence to provide a separation from the care home site.

## **Development Plan Allocation and Policy**

UDP Policies

CR1.5 'Community Facilities'

HG4.5 'Special Needs Housing'

HG4.6 'Sheltered and supportive housing'

ENV3.1 'Development and the environment'

T6 'Location and Layout of Development'

## **Other Material Considerations**

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

## **Publicity**

The application has been advertised by way of site notice, press notice and letters to individual neighbouring properties. Two letters of representation have been received from neighbouring properties which raise the following points:

- The development is considered to be a good use of the site;
- The provision of car parking within the site will mean that cars will not have to park on Knollbeck Lane itself;
- The War Memorial should be retained in its current position on site and its loss would be objected to;

In addition Brampton Bierlow Parish Council has confirmed that they have no objections to the proposed development.

## **Consultations**

Yorkshire Water – No Objections subject to conditions

Streetpride (Transportation Unit) – No objection subject to conditions

Neighbourhood and Adult Services (Contaminated Land Officer) – no objections subject to conditions

Neighbourhood and Adult Services (Environmental Health) – no objections

Streetpride (Landscape Team) – No objections subject to 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 -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

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:

Principle of the development  
Design, Visual Amenity and Impact on street scene  
Residential Amenity  
Highway Safety  
Landscaping

### Principle

UDP Policy CR1.5 'Community Facilities states: "Those areas allocated on the Proposals Map for Community Facilities will, wherever possible, be retained or developed for such purposes during the Plan Period. In addition, land or buildings currently used or last used for community purposes, but not identified as such on the Proposals Map will be similarly safeguarded wherever possible. 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."

UDP Policy HG4.6 'Sheltered and Supportive Housing' states that: "The Council will permit the provision of sheltered or supportive accommodation, care homes and nursing homes in residential areas, for people in need of care and support, provided that: (i) a concentration of these forms of accommodation does not seriously interfere with the amenities of existing residents, (ii) adequate provision is incorporated into any development to accommodate off-street parking for residents and visitors, and (iii) appropriate provision is made for the laying out of open space and landscaped areas for the enjoyment of the residents."



The site is allocated for Community Use in the Unitary Development Plan although it lies within a wider residential area. The allocation was based on the last use of the site as a Fire Station. It is understood that the building was not suitable for reuse and as a result it has now been demolished leaving a vacant site.

A statement has been submitted in support of the application which details marketing information including the period of marketing and the lack of interest in the use of the vacant site or the building which previously occupied the site for an alternative community use. Furthermore, it should be noted that the Fire Station has been relocated to a more modern facility within the same community (at Manvers).

In addition, and in relation to UDP Policy HG4.6 the supporting statement details that the use of the site is to provide a care home for the elderly which will provide care within a home environment within the Community. Whilst it is acknowledged that this is a residential use it is considered that there is some community benefit to the proposal. There is no concentration of supportive housing in the immediate vicinity and the remaining points set out in Policy HG4.6 are considered in the following sections of this report.

Overall, considering that the site has been marketed for a considerable period of time with no interest in the reuse for an alternative community use and that the site will be used to provide a care home (Supportive housing) within a community, it is considered that the development is acceptable in principle.

#### Design, Visual Amenity and Impact on street scene

Paragraph 56 of the NPPF states that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Paragraph 60 goes on to state that: “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

UDP 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.”

The application site is within an area which comprises of a mix of uses in the immediate vicinity including residential estates, a club/public house opposite, community centre adjacent and Council garage site immediately to the rear.

However, it is reasonable to conclude that the majority of the surrounding area at Brampton is within residential use and the vast majority of buildings whether residential or not are relatively small scale traditional buildings constructed of brickwork and render. The street scene comprises of predominantly two storey buildings (with the exception of the community centre which is single storey), however the building which is directly opposite the site is of a relatively large scale comprising a traditional two storey building with high pitched roof more similar in height to a modern three storey building.

The application site occupies a prominent position on one of the key routes into Rotherham from the neighbouring borough of Barnsley and it is therefore considered that a high quality development is important. The proposed development has been designed to form a striking building where the highest element is three storeys, it is considered that by providing a building with an element of three storeys it will reflect the strong building on the opposite side of the road (Miners Welfare) and that there will be an avenue created which is flanked on both sides by buildings with strong elevations. However, it is also noted that within the street scene there are residential properties of traditional construction and two storeys in height. The development therefore steps down on the front elevation to provide two storey and single storey elements adjacent to the boundaries. It is accepted that the proposed building is of a considerable scale and mass, however, bearing in mind the extent of the frontage of this site and its former use it is considered that the design of the building will allow it to sit in an acceptable manner with the adjacent residential properties and provide an acceptable form of development whilst maximising the development potential of the site.

The fenestration of the building is regular and of a scale which is considered to reflect the traditional buildings within the street scene, similarly the use of brickwork and render will allow the building to have a visual relationship with the existing residential properties which are constructed of similar materials.

Overall, it is considered that the scale, form and design of the building is suitable for the application site and whilst the proposed building will form a considerable component it will integrate within the street scene in an acceptable manner. The proposal is therefore considered to accord with UDP Policy ENV3.1 and paragraphs 56 and 60 of the NPPF.

### Residential Amenity

Policy HG5 'The Residential Environment' states that: "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."

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

The closest residential properties are those on Knollbeck Lane and Knollbeck Crescent to the north and Knollbeck Avenue to the south west. The properties, particularly on Knollbeck Crescent have long garden areas with a length of approximately 20 metres. The proposed building is set in from the boundary with car parking and servicing along the northern boundary. In addition, the windows in the side elevation of the building are limited to the central section which is set furthest in from the boundary.

It is acknowledged that the residential properties to the rear on Knollbeck Avenue are at a lower level but with the exception of 103b and 103c these properties lie beyond a Council owned garage site. In terms of 103b and 103c, these properties face the application site with less of a separation distance than any other surrounding properties. However, the proposed building does not directly face these properties are in fact the layout of the site indicates that the garden area of the proposed development would be directly opposite the front elevations of these dwellings.

Combined with the distance of the proposed care home from the boundary, the separation distances with the surrounding properties are considerably in excess of those set out in the South Yorkshire residential design guide which aim to prevent a loss of privacy and overshadowing/overbearing impact on existing dwellings.

Overall, it is not considered that the proposed development would have a detrimental impact on the residential amenity of neighbouring properties.

### Highway Safety

UDP 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 others):

- (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 ...retail..., are located in close proximity to public transport interchanges and service corridors,
- (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."

Paragraph 34 states that: "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework."

Paragraph 36 further notes that: "All developments which generate significant amounts of movement should be required to provide a Travel Plan."

The submitted details indicate that a total of 10 full time and 4 part time staff would be employed at any one time and the layout indicates that a total of 28 car parking spaces are to be provided on site (10 staff and 18 visitor parking spaces). Two access points are proposed to be provided into the site, one dedicated to the servicing area and staff car parking which is along the northern boundary of the site and a further access (which is existing) adjacent to the war memorial which will provide access to the 18 car parking spaces to the front of the building. The level of car parking accords with the Council's Standards and is considered to be appropriate. The application site is considered to lie within a sustainable location where there is good access to public transport and the potential for walking from neighbouring residential areas for staff.

At present the frontage of the application site consists of a long dropped kerb as a result of the requirements of the former use of the site as a fire station. The Council's Transportation Unit have confirmed that significant works will be required to the highway fronting the site to include reinstating a kerblines along the entire site frontage, amendments to the hatching in the centre of the highway and creation of an informal right turn area together with the removal of the highway markings relating to the fire station location. These works are to be carried out at the applicant's expense and are secured by way of recommended conditions.

Overall, it is considered that the proposed access to the development is acceptable as is the internal arrangement and level of car parking. There are considerable works required to the carriageway and site frontage and the agent has confirmed that these will be carried out at the expense of the applicant. It is therefore considered that the proposal accords with the above mentioned policies.

### Landscaping

In respect of landscaping on the site, UDP Policy ENV3.1 'Development and the Environment,' as set out above is considered to be of relevance, as is Policy ENV3 'Borough Landscape,' which notes that: "The Council recognises the vital importance of maintaining and enhancing the landscape of the Borough, pursuing and supporting this objective through positive measures or initiatives and, when considering development or other proposals, taking full account of their effect on and contribution to the landscape, including water resources and environments." The NPPF at paragraph 58 notes that planning

decisions should aim to ensure that developments are visually attractive as a result of appropriate landscaping.

With regards to landscaping matters, the applicants have submitted a revised landscaping scheme which indicates that the war memorial will be retained within the site and will be fenced to provide some separation from the proposed car parking area. In terms of the layout of the site, there is considered to be a sufficient area of open space/garden area around the building to provide a pleasant environment and there are opportunities around the entrance and site frontage to provide some landscaping to soften the appearance of the car parking and entrance to the site. However, at this stage, insufficient information has been submitted in terms of the landscaping and in this regard a condition is recommended to ensure that an adequate landscaping scheme is submitted and landscaping of the site is carried out in accordance with these details.

### **Conclusion**

In conclusion, it is considered that the principle of the development is acceptable given that adequate evidence has been submitted to demonstrate that the site is not viable for an alternative community use. The design, scale and layout of the building is considered to be appropriate for the site and the development would introduce a strong building within the street scene which would sit in an appropriate manner with the existing buildings on Knollbeck Lane.

In terms of residential amenity, the proposed development achieves the separation distances which are set out in the SYRDG and it is not considered that there would be a material impact on the amenity of neighbouring properties.

The proposed development is considered to be acceptable from a highway safety perspective and provides for an appropriate level of car parking and servicing within the site.

### **Conditions**

#### **General**

01

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

Reason

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

02

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

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)  
(Drawing numbers Site Plan Rev G, Elevations Rev G, Elevation with site Levels )(received 26 June 2014, 11 July 2014 and 18 July 2014 )

Reason

To define the permission and for the avoidance of doubt.

#### Drainage

04

Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main, which crosses the site.

Reason

In order to allow sufficient access for maintenance and repair work at all times.

05

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, have been submitted to and approved by the local planning authority.

Reason

To ensure that the development can be properly drained.

## Highways

06

No development shall take place until full engineering details of the highway improvement scheme including the relocation of the central refuge and cushions, alterations to the road markings and the realignment / reinstatement of the kerbline / footway fronting the site as indicated in draft form on Drg No 126/WN/Brampton have been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the development being brought into use. #

Reason

In the interest of highway safety.

07

The existing adopted footpath linking Knollbeck Lane and Knollbeck Avenue shall be increased in width to a minimum of 2m for the length of the site boundary.

Reason

In the interest of highway safety.

08

Before the development is brought into use, that part of the site to be used by vehicles shall be properly 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. All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition

Reason

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.

09

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

Reason

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.

10

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

Reason

No details having been submitted they are reserved for approval.

11

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.

Reason

In order to promote sustainable transport choices.

Landscaping

12

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.

Reason

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



13

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.

**Reason**

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'.

**POSITIVE AND PROACTIVE STATEMENT**

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

|                              |   |
|------------------------------|---|
| <b>Application Number</b>    | <b>RB2014/0788</b>  |
| <b>Proposal and Location</b> | Partial demolition of public house and erection of extension to public house and 2 detached dwellinghouses at The Black Lion, 9 New Road, Firbeck S81 8JY |
| <b>Recommendation</b>        | Grant subject to conditions   |



## **Site Description & Location**

The site of application is part of the existing public house building, known as the Black Lion, with the remainder of the site being part of the car park area of the public house. The Black Lion is an attractive public house dating from the mid C19th. The site occupies a prominent location on New Road in the centre of the village of Firbeck. There is a car park that curves around the building to the north and to the rear of the public house to the west. The surrounding area is residential. There are a number of trees on the site located in the current car parking area protected by TPO No 1, 1952.

## **Background**

There have been several applications relating to the pub, the most relevant of which are as follows:

RB1991/0048: Extensions to form restaurant & bedroom accommodation car park extn.& new access  
- GRANTED CONDITIONALLY 17/10/91

RB1995/0755: Extension to form restaurant and bedroom accommodation  
- GRANTED CONDITIONALLY 19/10/95

RB1996/1122: Application for amended access to car park (variation of condition 5 attached to R95/0755P)  
- GRANTED CONDITIONALLY 15/11/96

RB1996/1154: Application for variation of condition 4 (number of car parking spaces) imposed by R95/0755P  
- REFUSED 15/11/96

RB1997/0171: Retention of restaurant and bedroom accommodation with variation of condition 4 (number of car parking spaces) imposed by R95/0755P - GRANTED CONDITIONALLY 07/04/97

RB2003/1666: Continuation of use of extension without compliance with Condition 3 (restaurant to be used solely for that purpose and no other uses within Class A3) imposed by R95/0755P  
- GRANTED CONDITIONALLY 04/12/03

RB2007/1250: Erection of canopy to existing patio area  
- GRANTED CONDITIONALLY 17/08/07

RB2013/1379: Demolition of extension and outbuilding to public house and erection of single storey extension and 3 No. dwellings was refused for the following reason:

01

The Council considers that the proposal for the erection of 3 No. dwellings is inappropriate development in the Green Belt and that very special circumstances necessary to justify the inappropriate development have not been demonstrated by the applicant. As such, the proposal is contrary to Policy ENV1 'Green Belts' of the Rotherham UDP and policy contained within the NPPF.

A subsequent appeal against the refusal was dismissed on 14/05/2014.

In addition, planning permission was granted for 2 detached dwellinghouses & garages on adjoining land in 1988 (RB1988/0179). The applicant claims that this permission has been implemented though no detailed verification of this has been provided and it was given little weight by the Inspector when dealing with the recent appeal on the application site.

### **Proposal**

Following the recent dismissal at appeal for 3 dwellings the scheme has now been reduced by one dwelling to the erection of 2 No. dwellinghouses. The application originally included two detached garages proposed, one for each dwelling, though further to negotiations with the applicant the two garages have been removed from the application.

The proposal would still require the partial demolition of the public house, which would include the existing single storey restaurant building and a converted barn containing bed and breakfast letting rooms.

Each dwelling would differ slightly in design and appearance:

#### **Plot 1**

Would be located to the front of the site facing New Road. It would be an 'L' shaped dwelling measuring 10m in width and a maximum depth of 11.5m. The eaves height would be 4.5m with the ridge height of 7.9m.

#### **Plot 2**

Would be located to the rear corner of the site directly behind St Martin's Close. The dwelling would measure 12.7m in width with a maximum depth of 8m. The height to the eaves would be 5.2m with the height to the ridge of the roof of 8.6m. The property would have 3 No. pitched roof dormer windows to the front elevation.

The proposal also includes the erection of a store room and pot wash room to the rear of the public house where the larger extension to be demolished is currently located. The extension would be single storey with a mono pitched roof and is identical to that proposed under the previous scheme.

The car park area of the public house would be significantly reduced in size by the development. The applicants have indicated that 13 No. parking spaces would remain at the site, as opposed to the 31 currently available. Once again, this is the same as that proposed under the previous scheme.

### **Development Plan Allocation and Policy**

The site is within the centre of the village of Firbeck which is allocated as washed over Green Belt in the Rotherham Unitary Development Plan. It is also located adjacent to a Grade II listed building. The following policies are considered relevant to the proposal:

ENV1 'Green Belt'

HG5 'The Residential Environment.'

ENV2.8 'Settings and Curtilages of Listed Buildings'

ENV3.1 'Development and the Environment'

ENV3.4 'Trees, Woodlands and Hedgerows.'

### **Other Material Considerations**

Supplementary Planning Housing Guidance 3: 'Residential infill plots'

South Yorkshire Residential Design Guide (SYRDG)

Adopted Parking Standards (June 2011).

Interim Planning Guidance - 'Development in the Green Belt'. This has been subject to public consultation and adopted by the Council on 3<sup>rd</sup> March.

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

## Publicity

The application was advertised in the press as a departure and as the proposal affects the setting of the adjacent Grade II listed building (Yew Tree House). In addition, the application was advertised by way of neighbour notification letter and by site notice.

At the time of writing this report the Council has received 21 representations in support of the application, of whom 4 live in the village of Firbeck, 12 do not live locally and 5 have not supplied an address. The Council has received 9 objections from residents of the village of Firbeck and 1 objection with no address supplied. The Council has received 1 neutral response. In addition, Firbeck Parish Council have objected to the application whilst Letwell Parish Council have written in support. The comments raised in support of the application shall be summarised below:

- This application will support the existing business operated by the applicant and will help to retain the public house within the village, which is a focus for the village and one of the few community facilities remaining.
- If the proposed development is the only way for the pub to be retained as a viable business it should be supported by Rotherham Council.
- The houses are in keeping with their surroundings.
- The Black Lion is a good traditional pub serving good food and drink.
- The Black Lion is a very attractive building and this application would return it to its original size and appearance. It would be shame for the pub to close down and the building be demolished.
- This scheme should be granted by RMBC as it is what the landlord deserves for his hard work and tireless commitment to the village.

The neutral response raised the following comment:

- Concerns were raised that the existing tree and hedge line would be retained to the boundary of the site with a neighbouring property No. 11 New Road. The neighbour requested that the existing tree and hedge line should be retained.

The objectors raised the following comments:

- The proposal is inappropriate development in the Green Belt and very special circumstances need to be demonstrated to justify approval.
- The applicant has not demonstrated very special circumstances for the development.
- The redevelopment of the site would have a greater impact on the openness of the Green Belt based on a comparison of the volume of the existing buildings and the proposed new dwellings, in particular with regard to the dwelling on Plot 2.
- Adverse effect on the residential amenity of neighbours, by reason of loss of light and loss of existing views.
- The proposal is overdevelopment of the site and harms the open aspect of this part of the village.

- Visual impact on the setting of the Grade II Listed Yew Tree House.
- The three storey dwelling is overbearing and out of scale and character with the surrounding area.
- You cannot take bits of one building and put it onto another in the Green Belt.
- The old coach house element of the building is historic and should be preserved.
- The wall of the Black Lion should not be altered and is a protected structure. The building should not be altered.
- Concerns were raised about how the development would be drained as the drains are at capacity and water is already pumped out of the Black Lion's cellar into the road.
- The access to the proposed dwellings is dangerous coming onto New Road.
- The reduction in car parking spaces would not be enough to serve the remaining public house and this could affect the viability of the public house.
- The reduction in parking could cause problems with cars parking outside of the site on the road, to the detriment of highway safety.
- Parked cars around the village could cause noise and disturbance to local residents.
- The applicant is claiming that the patrons of the public house could use the Village Hall car park, but this was denied by the Village Hall Committee.
- The height of the 3 storey dwelling on the site would reduce light to the gardens of properties along St Martins Close.
- The pub will not survive and Mr Rogers has left the village and now lives elsewhere.
- The site is within the Green Belt so can owners of Green Belt land within the village apply for planning permission to build houses and factories and turn Firbeck into a town and not a village.
- Is the demolition of a very attractive restaurant and coach house in accordance with the Council's own criteria on converting existing buildings in rural communities.
- The applicant purchased the public house with a view to making a profit from the re-sale of the premises and this has backfired and he is now trying to make what money he can from the site.
- The pub should serve traditional pub fayre instead of its current menu.
- If the only way for the Black Lion pub can be made to pay is by selling off the car park this could make the public house less attractive to any future purchasers e.g. a chef looking for a village pub. If the car park goes so does the pub, and if the pub goes then all the good work in trying to bring the village together will be lost too.
- If the current landlord does not want to run the pub, it could be successfully run by someone else.
- The application has caused disharmony and rifts within the village community.

- A number of representations have been received by members of the public who have not specified their addresses these should not be given any weight.
- What fuel sources would the development use?
- The development cannot be considered as the partial or complete redevelopment of a previously developed site. This was dismissed by the Planning Inspector.
- Why is the scheme not for affordable housing which seems to be more in accordance with the Council's adopted policies.
- The proposal is tandem development and is not acceptable.
- Firbeck will shortly be designated as a Conservation Area this should be taken into consideration with regards to this application.
- The development would lead to the loss of views from neighbouring dwellings.

Objections raised by Firbeck Parish Council:

- The proposed development fails to address potential problems of parking at the site. This could cause problems for local residents in terms of noise nuisance at nights when patrons return to their vehicles.
- As the current application site is already developed, the question appears to be whether the development would have a greater impact on the openness of the green belt than the existing public house on its own. The Parish Council consider that owing to the distribution of the development across the site this would have a greater impact on the openness of the Green Belt and is therefore significantly harmful.
- The applicant appears to have failed to provide any very special circumstances to justify this inappropriate development in the Green Belt.
- Concerns have been raised about the future viability of the public house in its reduced form.
- Plot 2 appears to be higher than the existing public house and would result in potential loss of light for neighbouring properties.

Four right to speak requests have been received, one from the applicant and one from the applicant's agent and two from members of the public objecting to the application.

The applicant has contacted the Council and wanted to address comments raised by an objector. The comments he has made are as follows:

- Drainage is not a problem, the problem referred to is when the water table rises. This information was given to me by Mr & Mrs Skinn who's family kept the pub for many years.
- The entrance was moved to its position on advice from the Transportation Unit.
- In respect of car parking, the applicant notes that the Transportation Unit has not raised any objection.
- Plot 2 is not a three storey house, it makes use of the roof space.

- I personally have not left the village, I am back and forth at least 6 times a day. It is my wife that has left the village on advice from her medical team. She has 5 fractures in the base of her spine and finds it extremely difficult with stairs.
- I am not intending to turn the pub into a house. I have been in the pub trade 30 years. I have many friends at the Black Lion and will not let them down.
- The Black Lion has indeed been successful in the past, but so were many more pubs that are now closed down. What has not been said is that my 5 predecessors found it impossible to make a living out of the Black Lion.

Other comments have also been received from objectors, including the way the planning application has been handled procedurally, and some of these comments have been responded to by the applicant, though none are material to the consideration of the planning application.

## **Consultations**

Streetpride (Transportation & Highways Unit): Has considered whether the remaining number of parking spaces would be adequate when assessing this and the earlier planning application. Whilst the Councils Parking Standards for a public house (Use Class A4) list 1 space per 3 sq m (net) of public area and 1 space per 3 seats in the case of a dining area, these are maximum figures. It then becomes a matter of judgement whether the parking will be adequate, and whether any overspill parking would result in a road safety problem that would warrant a recommendation of refusal of planning permission. The Transportation Unit considers that the remaining number of proposed car spaces is acceptable in this instance. In reaching this view the Transportation Unit took into account the "local" nature of the retained pub and the availability of some parking in the wider part of New Road opposite the site. Furthermore, in the event that parking in the highway resulted in road safety concerns, the Council as Highway Authority could consider waiting restrictions.

The Transportation Unit raised no objections to the proposals in highway safety terms, subject to conditions relating to the retention of sight lines and the provision of suitable parking and turning facilities and parking areas being suitably hard surfaced. They have also requested details of sustainable transport measures being demonstrated to encourage new occupants of the residential properties to use travel means other than the car.

Streetpride (Tree Service Manager): Raises no objections to the application in terms of the impact of the protected trees on the site. However, conditions are recommended that relate to tree protection measures being undertaken during the construction phase where the development is proposed within the root protection areas.



## 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 -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

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 consider in the determination of this application are:

- Principle of development in the Green Belt, including impact on the openness of the Green Belt.
- Design and appearance of the proposed development and impact on the surrounding area and the setting of the adjacent Grade II Listed Building.
- Impact on the residential amenity of neighbouring occupiers and future occupiers of the properties.
- Impact on highway safety.
- Impact on protected trees.
- Other issues raised by representees.

### Principle of Development:

The site is within the centre of the village of Firbeck which is a washed over Green Belt village. With regard to new development in the Green Belt UDP Policy ENV1 'Green Belt,' sets out: "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 (amongst other things):

- (iii) limited extension, alteration or replacement of existing dwellings, and
- (iv) limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG2 (Green Belts) and PPG3 (Housing)."

This policy advice is further re-iterated in the NPPF which states at paragraph 89 that: "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (amongst other things):

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan;”

It is noted that the NPPF allows certain extensions to buildings as opposed to just dwellings as set out in the UDP. The proposed extension to the pub itself is discussed in more detail below. In addition, the NPPF adds a further exception at paragraph 89 which is not included in the UDP, being:

- “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

UDP Policy ENV1.5 ‘Infilling within Green Belt Villages’ states “In those Green Belt villages and other building groups listed below, limited residential infilling may be appropriate, notwithstanding the general presumption against residential development. ‘Infilling’ means the filling of a small gap in an otherwise built up frontage. Generally, it will be limited to a single dwelling and each will be considered on merits with due regard to Policy ENV3.2”

The Council’s Interim Planning Guidance - ‘Development in the Green Belt’ in respect of infill development within Green Belt villages notes that: “Limited infilling which can demonstrate that it will not erode the character of the area may be acceptable in the villages listed in Appendix 3 (which includes Firbeck). This relates to the development of a single dwelling and the filling in of a small gap between an otherwise built up frontage.” The guidance goes on to define a small gap onto a highway having a width less than 20 metres between existing buildings. Though Firbeck is listed as a Green Belt village where infill development would be acceptable in principle it is noted that the gap between existing buildings in this instance is greater than 20 metres. As such, it is not considered that the scheme falls within this category.

In the recent appeal against the refusal of the 3 dwellings on the site the Planning Inspector did not consider that the scheme could be considered residential infill development. The Inspector stated the following: “The Framework also allows for the limited infilling within villages in Green Belt. However, the nature of the scheme, which would comprise three dwellings and the partial redevelopment of the existing site, along with the extent of the land involved would, in my view, go beyond what could reasonably be described as limited infilling.”

The reduction in the proposed built form from 3 to 2 dwellings would still not meet the criteria set out in Policy ENV1.5 ‘Infilling within Green Belt Villages’ and the related Interim Planning Guidance - ‘Development in the Green Belt’.

The Inspector went on to consider the following: “The proposal would include the removal of a substantial portion of the existing building and would involve redevelopment of part of the site currently used for parking. The Framework makes provision for the partial redevelopment of previously developed sites in the Green Belt, including those in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. It therefore follows that whether the proposal would constitute inappropriate development is dependant upon whether the proposal would have a greater impact on openness, and the purposes of including land within it.”

Therefore, and in light of the previous appeal decision, it is considered that the proposal is considered to be a partial redevelopment of a brownfield site. As noted above, such development is not inappropriate provided that it “would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.” The main consideration is therefore whether or not the redevelopment of the site represents a “greater impact” on the openness of the Green Belt and “the purpose of including land within it than the existing development.” In respect of the latter, the NPPF notes at paragraph 80 that “Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

It is not considered that the proposed infilling of this previously developed site within the village would compromise any of these purposes.

The Inspector noted that “the development would be contained within the built envelope of the village, and uses land which forms part of an existing development. It would not encroach upon the countryside or compromise any of the other stated purposes of the Green Belt outlined in paragraph 80 of the Framework. Nevertheless, the amount of built development and how it would be distributed across the site would have a greater impact upon openness.” In terms of the impact on openness, paragraph 79 to the NPPF notes: “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” Paragraph 86 adds that “If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt.” The village is indeed within the Green Belt and the importance of retaining the open character of the village therefore needs to be considered.

On the test of whether the current development represents a “greater impact”, it is noted that the previous application for the 3 No. dwellings and associated garages and the single storey extension proposed to the pub itself represented an approximate total volume of 2,040 cubic metres, whilst the existing extension and outbuilding to be demolished represented an approximate total volume of 1,344 cubic metres (this is a slight reduction from the original estimate provided by the applicant of 1,350 cubic metres). As such, the previous proposed development would have led to an estimated 51% increase in volume over and above the existing built form that would be demolished on the site. It was concluded that this had a greater impact on openness and was, therefore, inappropriate development. The Inspector dealing with the recent appeal concurred with this view.

The current application has reduced the volume of the built form on the site significantly by removing one of the proposed plots and further to negotiations with the applicant the by removal of the proposed garages. The combined volume of the two dwellings and the extension to the public house is estimated as 1,322 cubic metres which is a net reduction of approximately 22 cubic metres from the volume of the built form on the site to be demolished (estimated as 1,344 cubic metres). This represents a slight decrease in volume of approximately 1.6%.

It is noted that the development would be contained within the built envelope of the village, and uses land which forms part of an existing development. The development would not encroach upon the countryside. It is noted that the amount of built development on the site would not be larger than the existing built form on the site. However, it is noted that how it would be distributed would be different than at present, including a proposed dwelling sited on the open car park area of the pub. In this respect the Inspector noted: “The dwellings would be seen in the context of adjoining residential property and the scale and form of the proposed development would be commensurate with other properties within the residential streetscene. Nevertheless, the proposal would significantly increase the amount of built form present and would also increase the extent to which it covers the site. In particular, towards the rear of the site, it would introduce buildings where they are currently absent. This would have a greater impact on openness than the existing development.”

These comments are noted and the scheme has been significantly amended to overcome the Council and the Inspector’s concerns with regards to the previous scheme. Though the dwelling identified as Plot 3 on the previous scheme (now Plot 2) would remain in the same location, it is considered that the loss of the third dwelling (known as Plot 2 on the previous application) would increase openness in this part of the development. It is noted that the built form across the site would be distributed in a more dispersed form than at present, and that the resultant scale of development would in fact be slightly reduced, providing a sense of openness around the public house that is now occupied by built form.

Firbeck is a washed over Green Belt village and the impact on openness should not purely be considered in relation in views to the development from open fields but also from within the village settlement. The development would be relatively low density and would provide generous gardens for both properties which helps to maintain a degree of openness across the site. Furthermore, it is considered that the development is roughly in line with the overall built form surrounding the site and would not unduly impact upon or harm the openness of the Green Belt in this location.

However, in view of the Green Belt location of the dwellings it is considered that it would be reasonable for permitted development rights to be removed from the dwellings to control additional extensions and outbuildings at the properties, to protect the openness of the Green Belt.

It is noted that the NPPF is silent on how much development represents “a greater impact” in terms of the openness of the Green Belt when developing previously developed sites. However, it is considered that a greater impact is most likely to be represented by a larger resultant volume than the existing built form on the site. A scale of development that equated to the same level of built form on the site could be considered to not have a greater impact on the openness of the Green Belt.

In this instance this proposal would result in a net decrease in the volume of the built form present on the site. As such, and notwithstanding the more prominent location of one of the dwellings, it is considered that the proposal would not have a greater impact on the openness of the Green Belt than the built form that would be lost on the site. Therefore the proposal is not considered to be inappropriate development in the Green Belt.

In terms of the proposed extension to the public house, as noted above the NPPF at paragraph 89 indicates that the extension or alteration of a building is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building. The Council’s Interim Planning Guidance ‘Development in the Green Belt’ states, with regards to extensions to existing buildings in the Green Belt that “An extension should not exceed more than 33% of the volume of the original building.”

It is noted that the proposal to demolish the large extensions on the building would reduce the size of the public house to more or less its original size and dimensions as it was constructed in the C19th. The applicant has not provided any details of the cubic volume of the remaining parts of the building, though it is considered that owing to the very modest size of the pot wash extension on the public house it would be well below the 33% limit to extensions to buildings allowed under the above mentioned policy and guidance. As such, it would not represent inappropriate development in the Green Belt.

Furthermore, it is considered that it is modest in size with a total volume of 75 cubic metres. It is considered that this modest extension to the public house would not harm the openness of the Green Belt due to its limited size and location on the building.

### Design and appearance and impact on the setting of a Grade II Listed Building

With regards to design it is noted that Policy ENV3.1 'Development and the Environment,' advises 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."

The NPPF notes at paragraph 56 that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The proposals would include the demolition of a modern single storey rear extension to the public house and the demolition of a two storey section of the building. It is considered that the design of the dwellings is sympathetic to the vernacular characteristics of the village and the public house itself and it is noted that the applicant proposes to use high quality materials of natural stone and clay pantile roofs.

With regards to the remaining public house it is noted that it would be reduced in size to largely its original size, that is to its pre C20th appearance. Though the proposal includes a small extension to the public house to form a pot wash room it is considered that this is acceptable in design terms and is considered not to harm the character and appearance of the remaining public house.

With regards to the impact of the extensions on the surrounding area, including the adjacent Grade II Listed Building, it is noted that Policy ENV2.8: 'Settings and Curtilages of Listed Buildings' states: "The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context."

The National Planning Policy Framework further states at paragraph 132: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

It is considered that the design and appearance of the proposed dwellings is attractive and owing to their location set away from the Listed Building would not harm the setting of the Grade II Listed Building known as Yew Tree House. As such, it is considered that the extensions are fully in accordance with Policy ENV2.8 ‘Settings and Curtilages of Listed Buildings’ and the advice contained within the NPPF.

It is noted that objections were raised on the basis of the demolition of elements of the building being inappropriate and destroying historic elements of the building, namely, the Coach House. Though this is noted the building is not Listed and not located within a Conservation Area and therefore has no special protection in planning policy terms. However, it is noted that the Coach House has been significantly altered and does not have any special character or appearance. It is also considered that the removal of the relatively modern restaurant extension would not harm the overall character and appearance of the building.

Concerns were raised by a member of the public that the boundary wall fronting New Road is Listed and therefore cannot and should not be altered. However, the wall in question is not Listed and the site is not within a Conservation Area and therefore there is no statutory protection for this wall. In any case it is considered that its partial breaching to allow vehicular access to this site is acceptable in design terms and would not harm the character and appearance of the surrounding area.

Furthermore, it is noted that objections have been raised about the scale of Plot 2 being higher than the existing public house on the site. It is noted that the highest part of the ridge height of the remaining part of the public house is 7.7 metres with the ridge height of plot 2 of 8.6 metres. It is considered that owing to the distance of Plot 2 from the public house and indeed other neighbouring properties would not lead to the dwelling appearing unduly high or appear out of context with regards to surrounding properties in design and appearance terms.

It is noted that a neighbouring resident objected to the application on the basis that the proposal is tandem development and that no exceptional circumstances have been demonstrated to justify this as being acceptable. It is considered that the Council’s Supplementary Planning Housing Guidance 2: Back Land and tandem development refers specifically to the development of residential garden land and is not considered to be applicable in this instance, and was not a reason for refusal in respect of the previous

application. It is considered that the layout of the development is acceptable and would not be out of character with the grain and character of the surrounding area.

A neighbouring resident stated that as the village of Firbeck is to be designated as a Conservation Area this should be given consideration in regards to the assessment of this application. It is noted that the Council has a long standing commitment to designating parts of the village of Firbeck as a Conservation Area though this intention has no statutory weight and therefore cannot be taken into consideration with regards to this application.

Overall the proposed residential scheme and the extension to the public house are considered to be sympathetic to the character of the site and its prominent location within the village of Firbeck. It is therefore considered that in design terms the proposals fully accord with Policy ENV3.1 'Development and the Environment and policy contained in the NPPF.

#### Impact of the development upon neighbouring properties and future occupiers:

The NPPF notes at paragraph 17 that: "Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should (amongst others):

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

The Council's inter-house spacing standards outlined within adopted Supplementary Planning Guidance - Housing Guidance 3: 'Residential infill plots,' indicates that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing habitable room windows at first floor should be located within 10 metres of a boundary with another property.

Furthermore the South Yorkshire Residential Design Guide (SYRDG) is considered to be of relevance in assessing the appropriateness of this development, in particular Chapter 4A, section A.1, paragraph A.1.1 states "Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses / bungalows should be at least 50 sq. metres; for three or more bedroom houses / bungalows, 60 sq. metres. Smaller gardens may be acceptable in corner zones or blocks if privacy and day lighting can be maintained."



With regards to the impact of the proposals on neighbouring amenity it is noted that the dwellings have been designed in such a way as to comply with the aforementioned guidance and not to overlook neighbouring properties, in particular No. 9 New Road and Nos. 3 and 5 St Martin's Close. It is considered that the design and layout of the development would not appear overbearing to neighbouring residents or harm their outlook.

With regards to the residential amenity of the proposed future occupiers of the properties, it is noted that the room sizes and the private garden areas of the dwellings all adhere to or exceed the requirements set out in the South Yorkshire Residential Design Guide.

Taking account of the above, it is therefore considered to accord with the advice as set out in the South Yorkshire Residential Design Guide along with the advice within the NPPF.

### Highway Impact

The Council's Transportation Unit has considered whether the remaining number of parking spaces would be adequate in respect of the future use of the pub And notes that whilst the Councils Parking Standards for a public house (Use Class A4) list 1 space per 3 sq m (net) of public area and 1 space per 3 seats in the case of a dining area, these are maximum figures. It then becomes a matter of judgement whether the parking will be adequate, and whether any overspill parking would result in a road safety problem that would warrant a recommendation of refusal of planning permission. It was accepted that no parking could be available for customers of the pub at the Village Hall car park. It was considered that the remaining number of proposed car spaces was acceptable in this instance. In reaching this view the Transportation Unit took into account the "local" nature of the retained pub and the availability of some parking in the wider part of New Road opposite the site. Furthermore, in the event that parking in the highway resulted in road safety concerns, the Council as Highway Authority could consider waiting restrictions.

The Transportation Unit concluded that the proposals are acceptable in highway safety terms, subject to conditions relating to the retention of sight lines and the provision of suitable parking and turning facilities and parking areas being suitably hard surfaced. They have also requested details of a sustainable transport measures being demonstrated to encourage new occupants of the residential properties to use travel means other than the car.

As such, the development would be acceptable in highway safety terms.

### Impact on protected trees

Policy ENV 3.4 Trees and Woodlands states that: "The Council will protect individual and groups of trees by the declaration of Tree Preservation Orders where it is important in the interest of visual amenity or there is reason to believe that trees are under specific threat by development or the detrimental use of land." The Policy further goes on to state that: "The Council will seek to

promote and enhance, tree hedgerow and woodland coverage throughout the Borough.”

Further to consultation with the Council’s Tree Services Manager no objections to the application are raised in terms of the impact of the protected trees on the site. However, conditions are recommended that relate to tree protection measures being undertaken during the construction phase where the development is proposed within the root protection areas.

As such, it is considered that the development accords with Policy ENV3.4 ‘Trees and Woodlands’ of the Rotherham UDP.

Other issues raised:

An objection was received raising concerns about the drainage from the site, with concerns that the existing drains were at capacity. It is considered that if the application were to be approved then a condition could be attached requiring the satisfactory and suitable drainage from the site to be agreed with the Council prior to the commencement of the development.

An objection was received raising concerns about the loss of car parking at the site and how this could impact on the future attractiveness of running this as a village pub. Though this is noted, it is considered that the application proposes to retain a car park with 13 No. car parking spaces and it is considered that the reduction in car parking spaces is commensurate with the reduction in commercial floorspace of the building. It is further noted that the Council’s Transportation & Highways Unit raise no objections to the reduction in car parking spaces in highway safety terms. Furthermore, the Inspector dealing with the recent appeal considered the following: “the remaining bar and lounge area would still represent a reasonably large commercial premises and do not therefore accept that the proposal would jeopardise the ongoing viability of the future pub.”

Comments were also received stating that the Council’s policies seek to encourage the conversion of rural buildings within the Green Belt rather than new build. Though this is the case with vernacular rural buildings it is not considered to apply in this instance. The elements of the building that are proposed to be removed, though substantial, do not lend themselves to residential conversion owing to their location, shape and relationship to the existing public house.

Concerns were raised about the potential for the new dwellings to devalue neighbouring properties. This is not a material planning consideration and cannot be taken into consideration with this application.

A representation raised concerns that a scheme of affordable housing on the site would appear to be more in accordance with the Council’s adopted policies than the current scheme. This application is not for affordable housing and this is not considered to be of relevance to this application.

An objection was raised about the loss of views across the land. This is not a material planning consideration and cannot be taken into consideration with regards to the assessment of this application.

An objector refers to Core Strategy policies and it is noted that on 9 July Cabinet recommend that the Council adopt the Core Strategy. Actual adoption should take place at the next Council meeting on 10 September and we can afford some weight to the Core Strategy in decision making. However, the policy relating to the Green Belt (CS4 Green Belt) is a strategic Policy and it is not considered that this or any other Core Strategy Policy would be relevant when considering the detailed aspects of the current application.

The Parish Council raised concerns that a neighbouring resident was not notified of the application and that the correct publicity was not undertaken of the application. A neighbouring resident was not notified as part of the initial consultation though this was rectified and they were given the full 21 days to comment on the application. The application was advertised in accordance with the guidance contained within the Town and Country Planning General Procedure Order.

Comments were made on technical and procedural matters of the application. These matters related to how the application was to be considered. These matters were clarified to the neighbour directly. Other issues raised by the objectors are not relevant to the determination of the planning application.

It was noted in the recent appeal decision that the Planning Inspector considered the matter of housing land supply in the Borough. The Inspector stated that she was “mindful that although the provision of three additional dwellings would make only limited contribution towards housing supply in the Borough, given the importance of meeting housing need expressed in the Framework, this matter must carry significant weight.” It is considered that the provision of two dwellings in the Borough is a material consideration as helping to meet the Borough’s housing needs, though would not in itself justify inappropriate development.

## **Conclusion**

The proposal for the partial demolition of the existing public house and the erection of 2 No. dwellings on the site and the extension to the public house would not represent a greater impact on the openness of the Green Belt than the existing built form on the site. In addition, the extension to the pub itself does not represent a disproportionate addition to the original building. As such, the proposal does not represent inappropriate development in the Green Belt and is in accordance with policy contained within the NPPF.

Furthermore, it is considered that the development is acceptable in terms of the impact on the adjacent Listed Building, neighbouring residents, highway safety and protected trees, subject to the recommended conditions.

As such, it is recommended that planning permission be granted for the scheme for the aforementioned reasons.

### **Conditions**

01

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

Reason

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

02

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)

(Drawing numbers 2320-01)(received 05/06/2014)

(Drawing numbers 2320-03A)(received 05/06/2014)

(Drawing numbers 2320-04)(received 05/06/2014)

(Drawing numbers 2320-05A)(received 05/06/2014)

(Drawing numbers 2320-07A)(received 05/06/2014)

Reason

To define the permission and for the avoidance of doubt.

03

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

The shared drive shaded yellow on the attached plan shall be maintained clear at all times for vehicular access/turning purposes.

Reason

In the interests of highway safety.

05

Before the development is brought into use the sight lines indicated on the submitted plan 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.

Reason

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

06

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.

Reason

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'.

07

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.

Reason

In order to promote sustainable transport choices.

08

A detailed landscape scheme shall be submitted to the Local Planning Authority which 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.

#### Reason

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'.

09

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.

#### Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

10

No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

#### Reason

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'.

11

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 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and 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.

Reason

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'.

12

Prior to the commencement of any demolition or construction on the site a detailed Arboricultural Method Statement shall be submitted to the Local Planning Authority for consideration and approval in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. The approved development shall then be completed in accordance with the approved details.

Reason

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'.

13

Prior to the commencement of any development, including any demolition on the site, details of any special design and construction methods required within the recommended root protection areas of the trees to be retained on and / or adjacent to the site shall be submitted to the LPA for consideration and approval. The details shall include design and construction methods above existing ground levels, using of no dig techniques in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations and Arboricultural Practice Note 12 Through the trees to Development . The development shall be implemented in accordance with the approved details.

Reason

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'.

14

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions shall be carried out to the dwellings hereby approved, or additional buildings be erected within the curtilage of the dwellings formed.

**Reason**

In the interest of protecting the openness of the Green Belt in accordance with Policy ENV1 'Green Belt'.

**POSITIVE AND PROACTIVE STATEMENT**

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions and was during the consideration of the application further amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

|                              |   |
|------------------------------|---|
| <b>Application Number</b>    | <b>RB2014/0840</b>  |
| <b>Proposal and Location</b> | Demolition of existing bungalow & erection of 1 No. dwellinghouse at 11 Reneville Road, Moorgate, S60 2AR |
| <b>Recommendation</b>        | Grant subject to conditions   |





## **Site Description & Location**

The application site is a detached bungalow located toward the end of Reneville Road, a residential street accessed from Moorgate Road comprising a variety of property types.

The plot is positioned adjacent to Reneville Court, a three storey block of flats which is positioned at a higher land level than the host plot. A detached bungalow 4 Reneville Close is located to the south east also positioned to a higher level with two detached properties nos. 15 & 17 Reneville Road positioned to the south of the site, accessed from a private drive to the west of the host property. Properties within the locality have been previously altered and extended including properties directly adjacent nos. 12, 14 & 16 Reneville Road, of which no. 14 has been recently converted from a bungalow to a two storey dwelling.

The property is set back from the highway and includes ample space for vehicular parking to the front and side of the dwelling. An amenity space to the rear is screened from neighbouring properties by virtue of a boundary fence and vegetation.

## **Background**

One application for a similar development has recently been submitted and withdrawn;

RB2014/0407 - Conversion of existing bungalow to form two storey dwelling - WITHDRAWN

## **Proposal**

The applicant is seeking planning permission for the demolition of the existing bungalow and erection of a replacement detached two storey dwelling.

The proposed dwelling has been designed with a dual gable feature, with one gable projecting marginally beyond the other including a central glazed entrance feature between the two which extends to first floor level. The proposed dwelling would measure approximately 11.3 metres in width and approximately 10.5 metres in length to the eastern elevation and approximately 11.5 metres in width to the western elevation. It would include a hipped roof form comprising an eaves height of approximately 5.4 metres and a total height of approximately 7.7 metres. The building would be of a brick built construction with a tiled roof and has been designed to include a uniformed window design with sill detailing. The building would include side facing windows toward the western field and two first floor bathroom windows to the eastern elevation.

## **Development Plan Allocation and Policy**

The application site is allocated as residential use within the adopted Rotherham Unitary Development Plan (UDP).

The application has therefore been assessed against UDP Policy ENV3.1 'Development and the Environment'.

## **Other Material Considerations**

Interim Planning Guidance - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 3<sup>rd</sup> March and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

## **Publicity**

The application has been advertised by way of letters to immediate neighbouring properties, one comment has been received from Cllr Peter Wooton on behalf of the occupier of Flat 4, Reneville Court. The comment wishes to object to the proposal on the same grounds as the previous submission, concerns of which were the impact of development at first floor level restricting natural light to the side facing habitable window to the building.

Other non material planning issues were raised including the potential loss of view and the disturbance during construction.

## **Consultations**

Streetpride (Highways and Transportation) have raised no objections.

Yorkshire Water have confirmed they do not wish to provide comments.

Streetpride (Ecology): No objections.

Neighbourhoods (Environmental Health): Confirmed they do not envisage any risks to human health from contaminated land and therefore have not requested any conditions be imposed.

## **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 -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

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 comprises the demolition and rebuild of the existing bungalow to form a detached two storey dwelling at no. 11 Reneville Road, Moorgate. The application follows a recent withdrawal for a proposal of similar nature. In order to determine whether this proposal is acceptable or not the development has been assessed against the requirements of the relevant UDP policies and Interim Planning Guidance in addition to the aims and objectives of the NPPF. In addition, the following are considered to be the main issues:

- Impact on the character and appearance of the host property
- Impact on the character and appearance of the street scene
- Impact on the amenity of neighbouring residents
- Impact on the living conditions of future occupiers
- Highways Issues

### Design Issues & Impact on the Street Scene

With regard to the design of the proposal, UDP Policy ENV3.1 'Development and the Environment,' advises 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."

The Council's Interim Planning Guidance 'Householder Design Guide' for 'Making a bungalow into a two storey house' states "Planning permission may be granted for an upward extension on a detached bungalow in certain circumstances:

(i) where the dwellings in an area are of varied types, with little uniformity of design and layout, and there is already a mix of single storey and two-storey dwellings,”

The NPPF notes at paragraph 56 that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 64 adds that: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

With regards to the design of the proposal, it is firstly acknowledged that the area does not benefit from any form of architectural precedent and comprises a wide variety of property styles and scales. In addition, several properties adjacent have been significantly altered or extended, including no. 14 which has recently been converted from a bungalow to a two storey dwelling. Given the siting of the existing bungalow adjacent a three storey block of flats together with the presence of two storey dwellings immediately adjacent it is not considered the principle of the erection a two storey property within the site would appear out of context when viewed within the street scene. The proposed replacement dwelling would therefore meet the provisions of the Council’s Interim Planning Guidance in this respect. The boundary of the site comprises a substantial amenity space and it is considered that the dwelling proposed would be of an overall size and scale such that it would comfortably sit within the site, without resulting in any form of over development.

The proposed plot has been designed to include a dual gable feature fronting Reneville Road, set back from the highway in similar position to the existing bungalow. The proposed dwelling would include a hipped roof to soften the impact of the built form and the dwellings appearance within the street scene.

Given the lack of architectural precedent on Reneville Road, which comprises a variety of architectural designs and scale, and in accordance with paragraph 56 of the NPPF which states that it is important to ensure a good standard of design, the design is reflective of a modern two storey dwelling, which whilst not present on Reneville Road, can be found throughout other areas of Moorgate. The dwelling would include a glazed central entrance feature at both ground and first floor which is considered to introduce a more modern style of design which would compliment the area and be without detriment to the street scene. The design of the proposal is therefore considered reflective of paragraph 60 of the NPPF which states “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.”

As such, the proposed dwelling, whilst being of a modern contemporary design would comfortably occupy the site without detriment to the character and appearance of the locality. The principle of creating a two storey dwelling from a former bungalow is considered acceptable in this location given the character of existing plots within the area and it is considered that the modern design that would appear appropriate in its location. The proposal is therefore considered to accord with UDP Policy ENV3.1 'Development and the Environment' together with paragraph 56 of the NPPF and the Council's Interim Planning Guidance.

### Impact on Neighbouring Amenity

With regard to the neighbour's amenity, the NPPF, at paragraph 17 states that: "within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking." Amongst these 12 principles, it further goes on to state that: "...planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

The Council's Interim Planning Guidance 'Householder Design Guide' for 'Making a bungalow into a two storey house' states "It is not the Council's usual practice to support bungalows being altered to two-storey houses, as in most cases this would have a serious effect on neighbours' amenity and on the appearance of residential areas. The Council will consider such proposals for "upward extensions" very carefully, having regard to the following guidelines:

Planning permission may be granted for an upward extension on a detached bungalow in certain circumstances:

(ii) where new habitable room windows at first-floor level would be more than 21 metres from habitable room windows of existing dwellings to the front, side or rear and more than 10m away from a neighbours boundary.

Where an upward extension is considered acceptable in principle, it is essential that it be designed to minimise the effect on neighbours' properties by overshadowing and overlooking. Furthermore, the most appropriate design solution will depend on the design of the property and neighbouring properties. It may be appropriate to create a "dormer bungalow", by building a more steeply-pitched roof with dormer windows in it."

In addition, the Council's adopted SPG Housing Guidance 3: Residential infill plots states "normal inter-house spacing should be observed (that is, 20 metres minimum between principal elevations or 12 metres minimum between a principal elevation and an elevation with no habitable room windows)". Although this guidance is in respect of new builds, the principals can be applied to house extensions.

With regards to the impact of the proposal on neighbouring amenity, the application follows a previous submission for a proposal of a similar nature which was subsequently withdrawn following concerns regarding the impact of the development on the amenities of the adjacent flats at Reneville Court, together with the spacing distance to the property to the rear, no. 15 Reneville Road.

The revised proposal has sought to address the issues previously raised and whilst the appearance of the dwelling is of a similar design, the application has addressed the previous concerns. Firstly with regards to the distance to the rear boundary and habitable windows to no. 15 Reneville Road, the proposal would meet 10 metres to the rear boundary and has been amended to ensure 21 metres would be retained between the rear elevation of the plot and habitable windows to no. 15 Reneville Road.

With regards to the design of the dwelling, it would be positioned approximately 7.5 metres from the side elevation of the adjacent Reneville Court flats which are positioned to a higher land level than site. Furthermore the eaves height of the replacement dwelling has been reduced from approximately 5.9 metres to 5.4 metres with the total ridge height of the hipped roof also reduced from approximately 8.6 metres to 7.7 metres. The proposed dwelling is not considered to adversely impact the amenities of flats positioned at first and second floor taken into account the proposed hipped roof form together with the overall eaves height. Whilst it is acknowledged the dwelling would potentially erode some of the view westward, this is not a material planning consideration.

With regards to the impact on the ground floor, one habitable window is positioned to the side elevation, with the other window serving a garage. The habitable window, which according to the layout of the historic application, serves a dining room. Whilst not stipulated within the Council's Interim Planning Guidance, good architectural practice as referenced within the South Yorkshire Residential Design Guide Section B1.3 indicates a 25 degree line drawn upwards can be applied from the centre of the lowest habitable room window to assess the impact of the proposal on the amenities of a neighbouring property. In this instance a sectional elevation has been provided which demonstrates a 25 degree line applied from 1.6 metres above ground level would not intersect the hipped roof. In addition to this it is noted that according to the historic layouts available on the Council's records, the window in question would to some degree be considered a secondary window, given a large window is present to the rear of the flats which provides natural light to both the living area and dining room. Taking these factors into account it is not considered the proposal to adversely impact the habitable room window to the adjacent flats at Reneville Court, the revised application has taken account of the impact on neighbouring amenity and by reducing the overall height together with the proposed hipped roof would not result in an over dominant or over bearing impact.

Turning to the impact of the proposal on no. 4 Reneville Close, positioned to the south east of the site to a higher land level, the building includes an obscure glazed window on the northern elevation which would in any case be positioned over 10 metres away. To the rear/western elevation of the property, the nearest habitable window would be positioned around 12 metres from the new property, and would have a marginally obscured view given the property comprises a rear entrance feature, projecting from the rear elevation directly adjacent the window. Therefore taking into account the spacing distance together with the changes in levels to the site, it is not considered the replacement dwelling to bear any adverse impact on the amenities of no. 4 Reneville Close.

#### Impact on the living conditions of the prospective residents

With regard to the impact on the living conditions of the future residents of the dwelling hereby proposed, the main issue is the amount and quality of amenity space provided for the future residents and whether the amenity of future residents would be affected by way of overlooking, overshadowing or loss of privacy.

In this instance the amount of private amenity space to be provided with the proposed dwelling would be significantly over the 60 sq. metres of private amenity space recommended for a three bedroom or more property within the South Yorkshire Residential Design Guide at around 500 square metres. Therefore it is considered that the amount of amenity space provided is acceptable in relation to the number of bedrooms.

In terms of the internal spacing standards of the dwelling, the South Yorkshire Residential Design Guide recommends a minimum of 93 sq. metres for a four bedroom dwelling. The dwelling proposed would comfortably achieve this at approximately 210 square metres. It is further considered that given the relationship between the proposed dwelling and those either side, together with the orientation of the site and land levels the future occupants of the proposed dwelling will not be subject to any adverse levels of overshadowing or privacy issues.

#### Impact on highways safety

With regards to the impact on highways safety, the site comprises an existing vehicular access available for off street parking. The Council's Streetpride (Highways and Transportation) Officers have raised no objections to the proposal and taking into account the parking available it is considered the proposal acceptable from a highways perspective.

## **Conclusion**

Having regards to all of the above it is considered that the applicant has taken account of previous concerns surrounding the potential impact on neighbouring amenity and has designed the replacement dwelling appropriately to mitigate any issues of overlooking or overshadowing on neighbouring amenity. The proposed replacement dwelling is considered acceptable in principle given the character of the locality and is considered to achieve a good standard of design reflective of UPD Policy ENV3.1 'Development and the Environment' together with paragraph 56 of the NPPF. Therefore for the reasons outlined within this report, the application is recommended for approval.

## **Conditions**

01

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

Reason

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

02

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

The windows on the first floor eastern side elevation of the property hereby approved (facing Reneville Court) shall be non-openable unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. All non-openable windows shall be fitted with glass to a minimum industry standard of Level 3 obscured glazing. The window(s) shall be permanently retained in that condition thereafter.

Reason

In the interests of the amenities of the occupiers of adjoining properties.



## POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

|                              |  |
|------------------------------|--|
| <b>Application Number</b>    | <b>RB 2014/0857</b>  |
| <b>Proposal and Location</b> | Application to vary Condition 02 (approved plans) imposed by RB2013/0336 at Grange Farm, Lindrick Road, Woodsetts, S81 8RD |
| <b>Recommendation</b>        | Grant subject to conditions  |



### Site Description & Location

The site of application is a former farm, which has now been demolished and cleared except for the original farmhouse and work has commenced on two previously approved dwellings. 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 was accessed off a long track linking to Dinnington Road, via Cross Lane.

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 within the Green Belt and a public footpath linking to Lindrick Road. To the north is a large detached private residence accessed off Manor Farm Croft.

## **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

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 - GRANTED CONDITIONALLY (following a site visit by Planning Board Members).

RB2013/0336 - Erection of 2 No. detached dwellinghouses with associated garages - GRANTED CONDITIONALLY

Works commenced on the construction of the 2 dwellings and garages approved in 2013 and the site was inspected following a complaint received in respect of the construction of one of the garages (plot 1). It was noted that the garage was not being constructed in accordance with the approved plans and the applicant was requested to submit a revised application to address the matter.

## **Proposal**

The proposal is to vary Condition 2 (approved plans) in order to allow a redesigned garage on plot 1 only. The development is otherwise as approved under RB2013/0366.

The garage was originally intended to be a timber built cart style garage, with an open front. The applicant has since constructed a breeze block garage with stone front and clay pantile roof. Only one larger garage door is now proposed and the applicant intends to render the breeze block once completed.

The garage will be positioned in the same position as previously and will measure 5.6m deep by 9.2m wide. The maximum height will be 5.4m. The overall size of the garage is slightly smaller than the original approval, being 0.4m lower and 0.8m less in width.

The applicant has verbally indicated that the cost of constructing a timber garage structure was excessive.

Following the Officer's advice the applicant has agreed to use an up and over vertically ribbed timber door as opposed to a roller shutter door. This is in order to give the garage a more traditional appearance and will be agreed by way of condition.

### **Development Plan Allocation and Policy**

The site is allocated residential in the Unitary Development Plan and a very small part of the site is within the Woodsetts Conservation Area. The following policies are relevant:

HG4.3 'Windfall Sites'

HG5 'The Residential Environment'

ENV2.12 'Development adjacent to Conservation Areas'

ENV3.1 'Development and the Environment'

### **Other Material Considerations**

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision."

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted prior to this in June 1999. Under such circumstances the NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

South Yorkshire Residential Design Guide (SYRDG): The SYRDG has been adopted by Barnsley, Doncaster and Rotherham Councils. This guidance

relates to issues of unit size, minimum room dimensions and amenity space. Whilst the SYRDG has a threshold of 10 dwellings, it also indicates that the Guide is underpinned by the principles in Building for Life (BfL), Many of the design guidelines are appropriate to smaller developments and the guidelines and assessment criteria in this Guide will be used as the main point of reference when assessing schemes of less than ten dwellings.

## **Publicity**

The application was advertised on site and by way of neighbour notification letter. Two letters of representation have been received, one letter is in support and one letter objects to the application. In addition, Woodsetts Parish Council has objected to the proposals.

The supporter states that:

- The proposal seems to be a reasonable request as this does not detract from the overall style of the proposed plan for the two dwellings with garages.

:

The objector states that:

- No reason is provided for the changes.
- Is this for both plots?
- The design of the new garage is not in keeping with the character of the area or the host property.
- The stone used does not match that used in surrounding dwellings.
- The applicant should not have been able to construct the garage without permission.

The Parish Council states that:

- Objects on the basis of design, appearance and materials

## **Consultations**

Streetpride (Transportation & Highway Unit): No objections to the proposed scheme in terms of highway safety or access.

## **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 -

(a) the provisions of the development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and  
(c) any other material considerations. - S. 70 (2) TCPA '90.

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 to vary the approved plans relating to the garage to Plot 1. As such the principle of development has been accepted and there are no material changes in circumstance in this respect since the previous permission was granted. The main issues to be considered in the assessment of this application are:-

- The impact upon the adjacent Conservation Area.
- The design of the proposed garage.
- Impact upon neighbouring amenity.

#### The impact upon the adjacent Conservation Area.

Policy ENV2.12 Development adjacent to Conservation Areas, states that: -  
“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.”

The NPPF states that local planning authorities should take account of: ‘the desirability of new development making a positive contribution to local character and distinctiveness.’

A very small part of the site falls within the Woodsetts Conservation Area although the garage part constructed falls outside the boundary. In this instance it is considered that the massing, design and materials used in the construction of the garage respects the character of the adjacent Conservation Area, and the elements of natural stone, render and red clay pantiles will blend in with the traditional built form of the village, and would match the render and stonework approved in the host property at Plot 1. Furthermore the applicant has agreed to use a timber style garage door as opposed to a roller shutter door to give the garage more of a traditional appearance. As such the proposal would comply with Policy ENV2.12 ‘Development adjacent to Conservation Areas’ of the UDP.

### The design of the proposed garage.

UDP Policy ENV3.1 'Development and the Environment,' advises 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."

The NPPF further notes at paragraph 56 that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The amended garage design matches the render and stonework approved in the host property approved on Plot 1. As such, and considering the backland location and its position outside the Conservation Area, such a design is considered appropriate in its context. The application has also used natural clay pantiles to the roof which reflects the character of the area.

As the new garage is accordance with ENV3.1 Development and the Environment. This type of low density family housing is suitable for the location and is in accordance with the guidance contained within the NPPF.

### Impact upon neighbouring amenity.

The NPPF states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. Amongst these 12 principles, it states that planning should: "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building."

In terms of the impact upon neighbouring amenity the garage is slightly smaller than the previously approved garage and represents an appropriate design which is set in from neighbouring boundaries to limit any impact.

As such the proposed development is acceptable in terms of neighbouring amenity.

### **Conclusion**

The scheme is identical to that previously approved other than the design and appearance of the proposed garage on Plot 1. The redesigned garage to Plot 1 is acceptable in terms of the design and materials along with the effect on the amenities of adjoining occupiers and the character of the adjacent Woodsetts Conservation Area.

## **Conditions**

01

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 Site Plan P2 (1/13) Rev C, received 1/5/13)

(Building Elevations/layouts P3-P11, received 14/03/13)

(Amended Garage design to plot 1, Drawing No. 14:044:01) (Received 18/06/14)

Reason

To define the permission and for the avoidance of doubt.

02

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.

Reason

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

Prior to the development being brought into use a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. 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.

Reason

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

04

Landscaping of the site as shown on the approved plan (drawing no. P2 1/13 Rec C) 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.

#### Reason

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

05

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

#### Reason

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.

06

Unless otherwise agreed in writing with the Local Planning Authority all rainwater goods (gutters, hoppers and downpipes), shall be coloured black.

#### Reason

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.

07

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. Details of the proposed stonework and render shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with these details.

#### Reason

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.



08

Within one month of the date of this permission 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.

Reason

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.

09

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

Reason

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.

10

The proposed 1.8m high screening to the balcony of property No.1 shown on drawing No.P6 shall be installed prior to the occupation of the dwelling and permanently so maintained.

Reason

In the interest of neighbouring amenity

11

Within 1 month of this permission, details of the garage door to Plot 1 shall be submitted to and approved in writing by the Local Planning Authority. The garage door shall then be installed in accordance with the approved details.

Reason

In the interest of the character of the development.

## POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

|                              |  |
|------------------------------|--|
| <b>Application Number</b>    | <b>RB2014/0859</b>   |
| <b>Proposal and Location</b> | Application to vary Conditions 02 (approved plans) and 08 (roof and gutters) imposed by RB2013/1638 at 34 Main Street, Ulley |
| <b>Recommendation</b>        | Grant Conditionally  |



### Site Description & Location

The site of application comprises a former bungalow and integral garage within a substantial plot in the core of Ulley Village and Conservation Area. The bungalow has since been demolished and work has commenced on site to erect the approved two storey dwelling under RB2013/1638. To the east is an area of grassed land which forms part of the curtilage to the Royal Oak Public house. To the west is a detached two storey house. To the south is open land, whilst to the north are barn conversions and the Holy Trinity Church and burial ground.

### Background

RB2013/1300 - Demolition of existing bungalow and erection of two storey dwellinghouse with rooms in roofspace and alterations to access – REFUSED for the following reasons:

01

The proposed replacement dwelling would constitute inappropriate development in the Green Belt which would have an adverse impact on the openness of the Green Belt in this location, and no very special circumstances to clearly outweigh the harm to the Green Belt have been submitted. As such, the proposals are in conflict with Policy ENV1 Green Belt of the Unitary Development Plan and advice in the NPPF.

02

The proposed house would, by way of its scale, design and location, constitute an unacceptable and incongruous element in the street scene, and would fail to take the opportunities available for improving the character and quality of the area and the way it functions, and fail to make a positive contribution to the local character and distinctiveness of the Conservation Area. The proposals are therefore in conflict with Policies ENV2.11 Development in Conservation Areas and ENV3.1 'Development and the Environment' of the Unitary Development Plan, and advice in the NPPF.

RB2013/1301 - Conservation Area Consent for demolition of existing bungalow - GRANTED CONDITIONALLY

RB2013/1638 - Demolition of existing bungalow and erection of two storey dwellinghouse with rooms in roofspace and alterations to access (amendment to RB2013/1300) - GRANTED CONDITIONALLY

### **Proposal**

The applicant seeks permission to vary Condition 2 (approved plans) and Condition 8 (roof and gutters).

The amendments to the approved plans involve a slight increase in the pitch of the roof from 35 degrees to 36 degrees. The applicant has also indicated that the building has been slightly dug into the site to minimise any increase in height above original ground level.

The new dwelling will be 8.21m high (7.45m previously), 11m wide and have a maximum depth at ground floor of 15.7m. The resulting increase in height increases the dwellings cubic volume from the 682 cubic metres previously approved to 742 cubic metres. This represents an increase on the original dwelling (bungalow now demolished) from 23% (previous approval) to 34%. The impact of the increase in the height of the dwelling (by approximately 0.76m) has been mitigated against by lowering the ground levels by approximately 0.74m. As such the overall roof ridge height of the dwelling when viewed in the streetscene is virtually identical to that previously approved.

In terms of Condition 8 the applicant seeks permission for a small black barge board to the front and rear elevations to attach the guttering to. The applicant indicates this detail is similar to another recently constructed dwelling on Turnshaw Road.

## **Development Plan Allocation and Policy**

The site is within the Green Belt and the Ulley Conservation Area and the following UDP policies are considered to be relevant.

ENV1 Green Belts  
ENV3.1 Development and the Environment  
HG5 The Residential Environment  
ENV2.11: Development in Conservation Areas

## **Other Material Considerations**

UDP Environment Guidance 3: Development in Conservation Areas

Interim Supplementary Planning Guidance - 'Development in the Green Belt'. This has been subject to public consultation and was adopted by the Council on March 3<sup>rd</sup> 2014.

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted prior to this in June 1999. Under such circumstances the NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

## **Publicity**

The application was advertised on site and in the press as affecting the Conservation Area and adjoining occupiers notified by letter. No letters of representation have been received.

## **Consultations**

Streetpride (Transportation and Highways Unit): No objections subject to closing of the existing access, and surfacing of vehicular areas.

## **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 -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

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 involves changes to the approved detailed plans and an increase in the scale of development. The main issues to consider in respect of this proposal are:

- The principle of the development in this Green Belt location.
- The impact on the openness of the Green Belt.
- The design and appearance of the building and the impact on the Conservation Area.
- Impact on neighbours.
- Very special circumstances to justify inappropriate development and any other harm caused.

### Principle of Development

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 (amongst other things):

- (iii) limited extension, alteration or replacement of existing dwellings.

Paragraph 89 of the NPPF states that: "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (amongst other things):

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;"

Interim Supplementary Planning Guidance - 'Development in the Green Belt' provides guidance in respect of replacement buildings in the Green Belt. It states that; "an increase in excess of 10% of the volume of the existing building would make the replacement building materially larger and, therefore, inappropriate development in the Green Belt and you would need to demonstrate the very special circumstances to justify it. An example of a very special circumstance to justify an increase of more than 10% could be where you are planning on removing lawful outbuildings within the curtilage of the building which spoil the openness of the Green Belt." It adds that: "No allowances will be given for what may be done under permitted development or any extant permission for extensions when working out the volume of the replacement building."

The applicant has further increased the size of the dwelling which was previously considered inappropriate from 23% to 34%. As such the proposed replacement building would still constitute inappropriate development in the Green Belt, in conflict with Policy ENV1 Green Belts of the Unitary Development Plan, the Interim Green Belt guidance, and Paragraph 89 of the NPPF. As such, very special circumstances have to be demonstrated to overcome the harm caused, and any other harm, and these are discussed in more detail below.

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

Paragraph 79 of the NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 86 adds that: "If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt." That applies in this instance.

The proposals are for a structure that is approximately 34% larger in volume than the original bungalow. Consequently, it is considered that the scale and massing of the new structure would result in a materially adverse impact on the openness of the Green Belt in conflict with advice in Paragraph 79 of the NPPF.

#### The design of the building and impact on the Conservation Area.

Policy ENV2.11 'Development in Conservation Areas' states that, in respect of designated Conservation Areas, the Council (amongst other things) will not permit development which would adversely affect the architectural or historic character or visual amenity of the Conservation Area, except in limited cases when compelling justification exists. It adds that demolition of buildings will not be granted where they make a positive contribution to the Conservation Area and only when there is a legally agreed commitment to the commencement of any replacement development. Finally, Policy ENV2.11 notes that the Council will have regard to the degree to which proposals are compatible with the

Conservation Area's vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character.

In respect of conserving and enhancing the historic environment, paragraph 131 of the NPPF states: "In determining planning applications, local planning authorities should take account of (amongst other things): The desirability of new development making a positive contribution to local character and distinctiveness."

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."

The NPPF notes at paragraph 56 that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The site of application is within Ulley Conservation Area. The proposal should therefore reflect the vernacular scale, design and materials of the older buildings in the core of the Conservation Area. The amended scheme involves a slight increase in the roof pitch and an increase in the overall height, although the impact has been reduced by lowering the ground level. The proportion of the building reflects the proportions of similar traditional dwellings in the Conservation Area and the use of natural stone and a slate roof is in keeping with local building materials. The applicant has used small Conservation Standard rooflights and the overall design will when completed respect the village context.

Furthermore the demolition of the existing poor quality red brick 1960s bungalow and its replacement with a stone built dwelling will make a positive contribution to local character and distinctiveness of the Conservation Area.

The variation of Condition 8 and the use of small barge boards is considered acceptable and reflects a similar successfully constructed new build dwelling on Turnshaw Road, which reflects the traditional architectural style of Ulley.

The proposals are therefore in accordance with Policies ENV2.11 Development in Conservation Areas, and ENV3.1 'Development and the Environment' of the Unitary Development Plan, and advice in Paragraphs 56, 64 and 131 of the NPPF.

### Impact on neighbouring residents:

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.”

Paragraph 17 of the NPPF notes that one of the 12 principles underpinning decision making is that planning should always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The house now partly completed projects forward of the adjacent property, 32 Main Street, by 1.5m, but would not be readily visible from the neighbouring property or harm its outlook. Furthermore, advice in the Interim Supplementary Planning Guidance on house extensions indicates that extensions should not come within a 45 degree angle of the centre of a habitable room window in an adjacent property. The proposals would be in accordance with this advice as the first floor rear element of the proposal is set away from the neighbouring property.

The amended plans show a rear Juliet balcony as opposed to standard window. It is however important that the conservatory roof does not become an informal balcony and as such a condition has been attached requiring a railing to prevent access onto the roof.

Having regard for this, the orientation of the properties, it is considered that in this respect the impact on the residential amenities of the adjacent occupiers would be acceptable.

### Are there any very special circumstances?

Paragraph 14 of the NPPF states: “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and granting permission unless: specific policies in this Framework indicate development should be restricted” (for example, land designated as Green Belt.)

Paragraph 87 of the NPPF states: “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 88 states: “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”



The applicant indicates that they require an improved design on the existing 1960s bungalow due to Mrs Woolhouse's illness and resulting disability. The dwelling will therefore provide the additional accommodation they require as well providing adequate disabled access and internal features such as a lift. It was accepted that the 23% addition proposed under the previously approved scheme is required for larger bathrooms/lifts etc and these factors were considered to represent very special circumstances. Unfortunately it would appear that the previous approval was unrealistic and did not allow adequate head height in the roofspace. The resulting increase in the height results in an increase in total volume over and above the bungalow that existed on the site of approximately 34%. The applicant states that the increase in roof height is essential to meet Building Regulations and has been mitigated against by slightly lowering the site levels, such that the overall height of the dwelling, when viewed in the streetscene and compared with the adjacent property, is virtually identical to that approved under the previous scheme.

Furthermore the new dwelling will be more sympathetic to the Conservation Area, with stone walling and traditional proportions. The applicant could reduce the roof height further to minimise the impact upon the Green Belt, but this would spoil the traditional proportions of the dwelling and make it appear out of keeping in the Conservation Area.

Finally, a condition is recommended that would remove permitted development rights for any future extensions or outbuildings which would increase the volume of the building and its impact on the openness of the Green Belt.

It is therefore considered that these benefits amount to the 'very special circumstances' to outweigh the harm to the Green Belt in terms of the inappropriate development proposed and the impact on the openness of the Green Belt and as such the proposals are in conflict with Policy ENV1 Green Belt of the Unitary Development Plan and advice in Paragraph 87 and 88 of the NPPF.

## **Conclusion**

The proposed development is inappropriate development in the Green Belt that would have a detrimental impact on the openness of the Green Belt. However the applicant has demonstrated very special circumstances to outweigh the harm to the Green Belt.

Furthermore the development is acceptable in neighbouring amenity terms and highway safety and would not adversely impact on the Conservation Area.

In view of the above it is recommended that planning permission be granted conditionally.

## **Conditions**

01

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)  
(Amended elevations, Received 21/07/14)  
(Site plan, Received 24/06/14)

Reason

To define the permission and for the avoidance of doubt.

02

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking it, at no time shall any further alterations be made to the external appearance of the buildings other than those shown on the approved plans; neither shall any extensions, walls or means of enclosure be constructed, nor additional buildings erected, within the site of application: neither shall any dormer windows or roof lights be added without the prior written permission of the Local Planning Authority.

Reason

In the interests of the openness of the Green Belt and in accordance with Policy ENV1 'Green Belt' of the UDP.

03

The development shall be constructed in natural sandstone (as submitted in e-mail dated 26/04/14), Spanish Natural slate and H-Bar storm-proof windows colour cream (set within their reveals by a minimum of 75mm), unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and the character and appearance of the Conservation Area in accordance with UDP Policies ENV3.1 'Development and the Environment,' and ENV2.11 'Development in Conservation Areas'.

04

The proposed rear first floor Juliet balcony shall be constructed with an external guard rail to prevent direct access onto the conservatory roof.

Reason

In the interest of neighbouring amenity.

05

Prior to the occupation of the dwelling a plan indicating the positions, design, materials and type of boundary treatment (including the front stone boundary wall) to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before occupation.

Reason

In the interests of the amenities of the occupiers of adjoining properties and to ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and the character and appearance of the Conservation Area in accordance with UDP Policies ENV3.1 'Development and the Environment,' and ENV2.11 'Development in Conservation Areas'.

06

The end gables of the roof shall be finished with a cement pointed verge, without the use of any barge board detailing. All rainwater goods shall be coloured black.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and the character and appearance of the Conservation Area in accordance with UDP Policies ENV3.1 'Development and the Environment,' and ENV2.11 'Development in Conservation Areas'.

07

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.

Reason

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'.

08

All rooflights shall be Conservation style rooflights fitted flush with the roofslope.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and the character and appearance of the Conservation Area in accordance with UDP Policies ENV3.1 'Development and the Environment,' and ENV2.11 'Development in Conservation Areas'.

09

When the proposed vehicle access has been brought into use, the existing access shall be permanently closed and the kerbline / footway reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interest of highway safety.

## POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.