

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
15TH FEBRUARY, 2018**

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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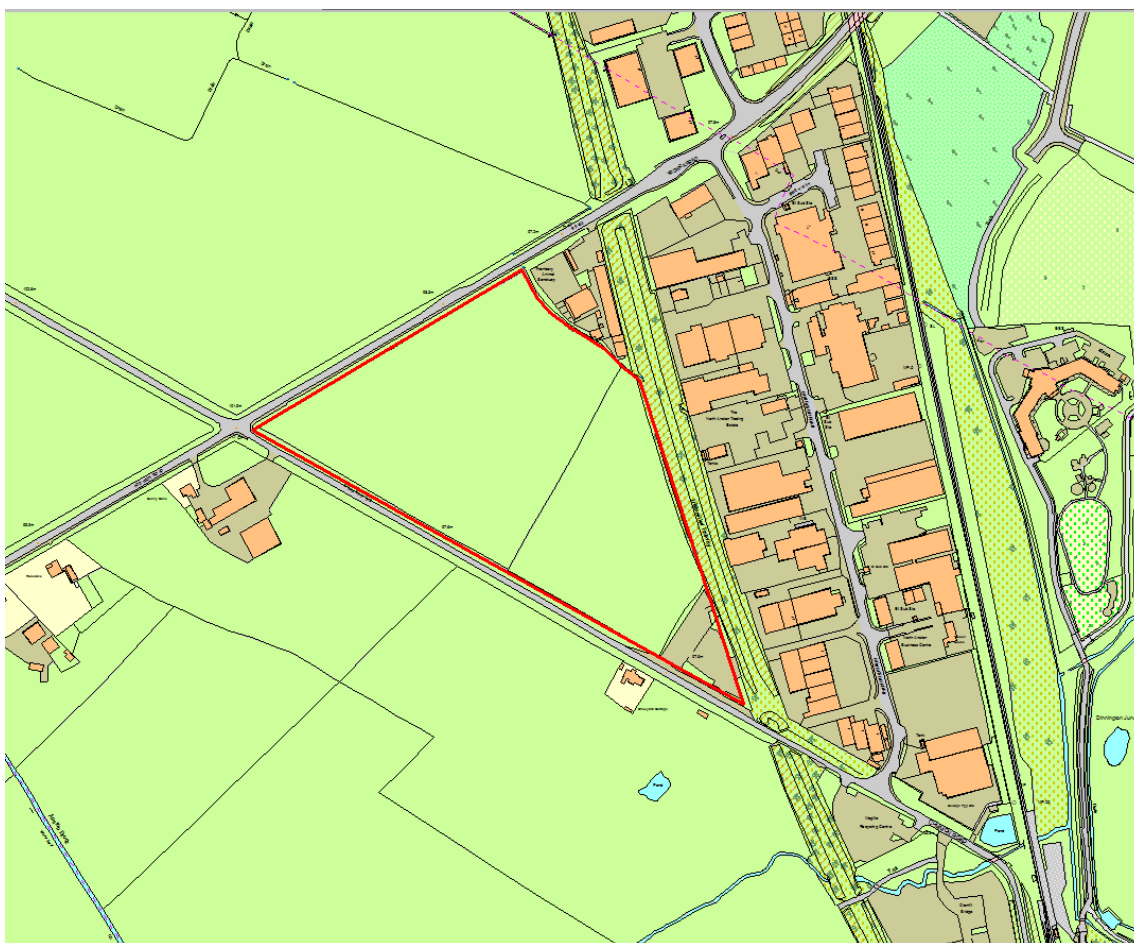
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## REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 15TH FEBRUARY, 2018

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>RB2017/1192</b>
<b>Proposal and Location</b>	Erection of church and formation of 211 car parking spaces, formation of football facilities including 6 no. pitches, clubhouse, groundsman shed, 120 car parking spaces with means of access, 16 x 8m floodlights to car parks & landscaping including earth bund and 2.4m high security fence at land at Common Road, North Anston, S25 4UJ for Elsworth Acres Ltd.
<b>Recommendation</b>	Refuse

This application is being presented to Planning Board as it does not fall within the Council's Scheme of Delegation.



### Site Description & Location

The application site is triangular-shaped to the north of Common Road and to the south of Todwick Road. An embankment on the eastern boundary of the site marks the location of a former railway line and separates the site from the adjacent North Anston

Trading Estate and although in the applicant's ownership the embankment is not part of the application site in this instance.

Common Road is a long rural road that goes to North Anston village in the east and Brampton-en-le-Morthen to the west; while Todwick Road is a busy, fast A-road with Todwick to the south-west and Laughton Common to the north-east. There is a single residential property on Common Road, directly opposite the site, called 'Brickyard Cottage', while there are some residential dwellings on Todwick Road in close proximity to the site, including Sunnybank Farm and Thornberry Animal Sanctuary, but it is mainly agricultural fields on either side of Todwick Road in the vicinity of the site.

The site is approximately 7.2 hectares in area and the majority of the site is grassed with hedgerows on the frontages of the site and extensive vegetation on the adjacent embankment.

The eastern portion of the site is also triangular in shape and is entirely surrounded by metal palisade fencing approximately 2.4m high and relates to a former car dismantling facility on this part of the overall site. Within the site is a further metal palisade fence which separates this part of the overall site into two further areas. All of this part of the site is hard surfaced.

## **Background**

The applicant Elsworth Acres Ltd, represents the interest of all the parties whose activities are involved in this application (both football and church). The Church, part of the Plymouth Brethren Christian Church community, was formerly based at a church on Carter Knowle Road in Sheffield, but is now temporarily using another facility at Sandford Road in Doncaster.

The Plymouth Brethren community is an international Christian community with an expanding number of congregations and members. The churches are used only for Christian worship and congregation and are used exclusively for services, church meetings, prayer meetings, bible meetings, Gospel Sermons and the Lord's Supper (Holy Communion). Meetings of varying scale are held most days of the week, usually with one meeting a day, although there are two or three meetings each Sunday.

The football element of the overall scheme would be occupied by Anston Rangers JFC which was established in 2011. They currently play at the Council owned Greenland Park recreation ground in North Anston, though the applicant states that the facilities are; "just about adequate for the club's needs now, but are out-growing the site..." The football club approached the Brethren to pursue the possibility of providing football facilities at the current application site.

There has been a number of planning applications submitted relating to this site:

KP1960/1084 – Car dismantling premises – Granted conditionally

RB2000/1137 - Change of use from scrap yard to building supplies yard and erection of office/reception and store buildings – Refused (Allowed on appeal)

RB2004/2282 – Erection of building for depolluting end of life vehicles and erection of security fencing – Granted conditionally

RB2012/1623 - Erection of 2 No. buildings to form independent school, convention centre and gospel hall including associated car parking, landscaping and surface water retention pond – Refused

RB2015/0174 – Erection of a church, formation of 144 car parking spaces and means of access, formation of earth bund and boundary fencing, balancing pond, and landscaping – Refused

The previous reasons for refusal were:

01

*The proposed development represents inappropriate development in the Green Belt and no very special circumstances have been demonstrated to overcome the harm caused by the inappropriate development, and other harm caused, and consequently the proposal is in conflict with the guidance contained within the National Planning Policy Framework and policy CS4 'Green Belt' of Rotherham's adopted Core Strategy.*

02

*It is considered that by way of its size and location the proposed development would have a materially adverse effect on the openness and visual amenity of the Green Belt and would thereby be in conflict with the guidance contained within the National Planning Policy Framework and Policy CS4 'Green Belt' of Rotherham's adopted Core Strategy.*

03

*The development of the land allocated for Industrial and Business use would not provide adequate arrangements for the parking and manoeuvring of vehicles associated it, would have an adverse effect on the character of the area and would not be compatible with adjacent existing and proposed land uses. Additionally, the proposal would not provide significant employment opportunities within the area. As such the development of the land allocated for Industrial and Business use would be in direct conflict with 'saved' UDP Policy EC3.3 'Other Development within Industrial and Business Areas'.*

04

*The development of the Gospel Hall on part of the former railway line, which has naturally regenerated and constitutes a Green Infrastructure asset, would have an adverse impact on such asset and would also impact on the adjacent Local Green Infrastructure Corridor (9 – Anston Brook/Sandbeck). In addition, the development would remove a buffer that currently acts as a strong Green Belt boundary / buffer to the adjacent North Anston Trading Estate, thus enabling views of the Trading Estate to be seen from Common Road within the Green Belt. Such development would be in conflict with Policy CS19 'Green Infrastructure' of Rotherham's Core Strategy.*

05

*The development will introduce a significant number of additional, potentially conflicting vehicular turning movements at the Todwick Road/Common Road crossroads which has a history of personal injury accidents, such that safe and suitable access cannot be achieved, contrary to the provisions of the NPPF.*

Screening Opinion

The proposed development falls within the description contained at paragraph 10(b) of Schedule 2 to the 2017 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However the Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2017 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. Further details of the Screening Opinion are attached.

Accordingly the Local Planning Authority has adopted the opinion that the development referred to above for which planning permission is sought is not EIA development as defined in the 2017 Regulations.

## **Proposal**

The proposal includes the construction of new church and junior football facilities, including:

- A new church
- Two new site access from Common Lane
- Car parking
- Associated landscaping
- Sports pitches (natural grass)
- Clubhouse
- Maintenance shed

## **Church Facilities**

The part of the site for the church would be the south-eastern portion of the site and would be approximately 19,000 square metres in area.

The church building would be sited towards the centre of the wider site set back from Common Road and in from the embankment to the east. The proposed Hall would be provided with the following facilities:

- Main Hall
- Socialising area and family gathering point
- Toilet facilities
- External meeting / communal areas

The building would be 57.4m x 34.4m with a maximum ridge height of 8.7m. It is proposed to be constructed in a mixture of red brick, timber cladding and limestone walling with a slate effect roof.

A plaza area to the front of the church to the main entrance is provided for an outdoor informal space for the congregation.

To the south-east of the building would be a car park comprising of 211 spaces for use by the church. The remainder of the site would be landscaped. The car park would be lit by 9 no. x 8m columns and a number of floor mounted and wall mounted lights.

The supporting information indicates that Monday to Friday meetings start between the hours 18:30 and 19:15, on Saturday at 10:30 and on Sunday there are three meetings at 06:00, 10:30 and 17:15. The applicant notes that at busy meeting arrivals may be spread across the whole hour before the start of the meeting. The early morning meeting is the Lord's Supper and is the most important of the Brethren meetings. The celebration of the Holy Communion occurs universally at the same time in each time zone across the world for the Plymouth Brethren. It is therefore sacrosanct to their gatherings and the time of this church activity is somewhat "fixed".

The times listed above are significantly less than those outlined in the previous application whereby the Church was proposed to be open Sunday 5.30am - 7.00pm, Monday - Friday 7.00am - 9.30pm, Saturday 7.00am - 6.00pm.

### Football Facilities

The football facilities would be sited towards the north-western portion of the site and would be approximately 44,180 square metres in area. The facilities proposed will include the following:

- 6 no. pitches laid out from the centre of the whole site up towards the Todwick Road boundary, including 2no. full size pitches, 2no. junior pitches and 2no. mini pitches
- A clubhouse towards the eastern boundary
- A groundsman's shed towards the Todwick Road boundary

The clubhouse would be 44m x 16m at its extremities with a dual pitched roof 5.9m high to the ridge. It would be constructed of red brick with some timber cladding on the gables under a slate roof. The clubhouse would provide the following facilities:

- 4no. team changing rooms and showers
- 2no. changing rooms for officials
- A male, female and disabled W/Cs
- An office
- 4no. store rooms
- A classroom
- Kitchen / server area
- Club room

The clubhouse has been designed to comply with the guidance contained in the relevant Sport England, Football Association and Football Foundation documents (Sport England's Pavilions and Clubhouses (2010 and 2016 update) and the Football Foundation's Changing Accommodation Data Sheet (undated).

The clubhouse will be a flexible facility and used for refreshments, coaching and club / community activities. Any wider community use of the club house has not yet been finalised.

The classroom will be used for player and coach education in a classroom format. The kitchen facility is to provide drinks and snacks to serve the players, coaches, helpers and parents / spectators.

The groundsman's shed would be of a rectangular footprint 13.9m x 6.3m with a dual pitched roof 4.2 metres high to the ridge. It would be constructed of timber cladding under a slate effect roof, with a two course of red brick plinth. It would have a large agricultural style door in the south-east elevation.

Between the football pitches and the Gospel Hall would be a further area of car parking providing 120 spaces for users of the sports facilities. The car park will have 6 no. x 8m high lighting columns.

The proposal also involves a new vehicular access off Common Road into the site, reinforcement and enhancement of existing hedge boundaries, an earth bund and acoustic fence (overall height 4m) along the Common Road boundary, and an attenuation pond close to the embankment with the adjacent industrial estate.

Hard surfacing to the car park areas will consist of tarmacadam to access roads and Marshalls Harvest Buff Tegula Priora permeable paving to parking bays and plaza areas. Pedestrian walkways within the car parks will be tarmacadam in a contrasting colour to access roads and parking bays.

Overflow parking areas will be formed using reinforced grass, to be Netpave 50 or similar.

None of the pitches will be floodlit and there will be no PA system.

Boundary treatment along Todwick Road will be hedgerows and mature tree planting. Boundary treatment along Common Road in addition to the bund will be 2.4m high weldmesh fencing which may have hedges grown around.

In support of the application the following documents have been submitted:

#### *Design and Access Statement*

The statement provides information on the layout, scale and appearance of the proposal, access issues and sustainability of the site.

#### *Planning Statement*

The statement sets out details about the proposed development site and locality; details of the development proposal; the existing Gospel Hall facility; the planning history of the site; details of relevant planning policy and sets out a case for development of the site.

#### *Flood Risk Assessment*

The FRA concludes that the site is not at significant flood risk, and simple mitigation measures have been recommended to address any residual risks that may remain. Moreover it states the development will not increase flood risk to the wider catchment area subject to suitable management of surface water runoff discharging from the site.

#### *Noise Impact Assessment*

The Noise Impact Assessment's conclusions and predictions include the sound reducing effect of an earth bund with an acoustic fence on its ridge along part of the

Common Road boundary of the premises. The proposed overall height of the bund and fence is 4.0m above ground level.

The Assessment states that sources at the church will cause “low impact” at Brickyard Cottage and no observable impact at Sunnybank Farm.

The report further notes that with respect to sources at the football facilities give sound predications that will comply with the limits currently set by the Local Planning Authority.

The report further states that the predicted indoor sound levels inside the dwellings with windows open for ventilation are predicted below the thresholds of sleep disturbance for all sources at the development.

The Assessment further concludes that: “In terms of the National Planning Policy Framework the development without a PA system would be predicted to reach the Lowest Observable Adverse Effect Level (LOAEL) at Brickyard Cottage and No Observed Effect Level (NOEL) at all other dwellings. If a PA system is installed at the football facilities then these levels may be exceeded.”

### *Transport Assessment*

The TA notes that travel to the church is typically made by the most efficient means, utilising the maximum capacity of vehicles and it is therefore unlikely that there would be any demand to access the site by public transport or foot.

The TA states that the proposed development will have a negligible effect on the operation of the highway network and the worship times are set such that members travelling to the church will arrive and depart outside of peak hours on the local highway network.

It further states that traffic control will be mandatory during meetings at the church, with the access being marshalled so that there will only be a left turn out of the site, traffic will then be directed to Todwick Road via Houghton Road.

With respect of the football activities, the TA notes that some training will take place during the weekday PM peak hour, but due to the low volume of traffic which will be generated, the proposals are not expected to have a material impact on the operation of the local highway network. Football matches on Saturday and Sunday are outside of the usual peak hours.

### *Phase 1 Desk Study*

The study recommends that a detailed Phase II Intrusive Geo-Environmental ground investigation should be undertaken in order to confirm the findings of the initial conceptual site model, to determine foundation design and to assess the anticipated depths of potential Made Ground.

### *Ecological Appraisal*

The appraisal notes that the works would not have a detrimental effect on statutory and non-statutory designated sites, due to the scale of development and distance from these sites.



It further notes that the site was considered to provide suitable habitat for the following protected / notable species: foraging bats; nesting and foraging birds, Great Crested Newts, reptiles and foraging and commuting badgers. A watercourse (surface water drainage ditch) was identified along the north east of the site and two areas of Japanese knotweed were located within and in close proximity to the site.

Notwithstanding the above the appraisal notes that no further surveys are required but outlines what needs to be done to protect the various habitats during construction and during the life of the development.

### *Geophysical survey*

The survey has been produced to cover a geophysical survey of all available land within the proposed development area and also a scheme of trial trenching which will have to be finalised following the geophysical survey and in response to any comments, suggestions or amendments required by the South Yorkshire Archaeology Service (SYAS).

### *Landscape & Visual Appraisal*

This appraisal describes the landscape and visual baseline of the site, its surroundings and views. It then goes on to describe the potential landscape and visual changes the development is likely to result in.

### *Sequential Assessment (Church)*

The Sequential Assessment has been prepared to demonstrate that there are no sequentially preferable sites currently available for the Church.

It states that Plymouth Brethren were formerly based at a church at Carter Knowle Road in Sheffield, but are now temporarily using another hall at Sandford Road in Doncaster, due to the site in Sheffield being inadequate for the following reasons:

- Brethren families try to live in the same location as other members of their congregation / community. Over recent years, the local congregation has migrated eastwards towards the semi-rural parts of Rotherham closer to their primary and secondary schools at Bramley Campus, adjacent to the M18 (junction 1).
- Only around 45 regular members of the congregation now live in the immediate vicinity of the church at Carter Knowle Road, all other members of the congregation who regularly attend services travel to the Carter Knowle Road and Sandford Road sites.
- The Carter Knowle Road church needs complete refurbishment as the existing facilities are outdated and unsatisfactory.
- The Carter Knowle Road church is too small with insufficient car parking facilities.
- The Carter Knowle Road church is poorly located in relation to the congregation.

The Sandford Road site is seen as a stop-gap as it shares many of the same problems outlined above.

The applicant states that the new church would address all of the above issues.

The sequential assessment has:

- Identified a search area of 30 minute drive time and 50 minute drive time;
- outlined the requirements of any site, which is to be able to accommodate 500 people;
- provided details of search sources, which include all the local authorities within the search area (Rotherham, Sheffield, Barnsley, Doncaster, Ashfield, Mansfield, Chesterfield, North East Derbyshire, Amber Valley, Bassetlaw and Wakefield); and
- the evaluation of the sites in terms of their availability, land allocation, neighbouring land uses, transport.

The assessment concludes that 152 sites were initially identified and after a desk top assessment 32 sites were visited, and 15 were identified as potentially being suitable to accommodate the proposed church and associated development. However, further assessment established none of the identified sites were suitable, available or deliverable for the proposed development and the application site is the only site suitable to accommodate the proposed development.

#### *Sequential Assessment (Football)*

This sequential test has been prepared to demonstrate that there are no sequentially preferable sites currently available.

The assessment states that Anston Rangers JFC is a rapidly growing football club and the proposed facilities will allow boys and girls of all ages to train, practice and competitively play on appropriately sized pitches.

The club currently plays at the Council-owned Greenlands Park recreation ground in North Anston, which is a community facility used for wider sporting and recreational purposes. It notes that the facilities are just about adequate for the club's needs now, but they are out-growing the site and will not be sufficient to meet the club's needs in the future.

The assessment further notes that the new facilities proposed as part of this application will meet the requirements of Anston Rangers JFC for the foreseeable future and will provide them with their own home, rather than having to share a multi-purpose community recreation ground. The new ground is less than a mile from the existing ground and is easily accessible on foot, bicycle and by public transport, in addition to private vehicles.

The sequential assessment has:

- identified a search area within the settlement boundaries of South Anston, North Anston and Dinnington, as with most junior football clubs, the majority of the club's players come from the local community;
- outlined the requirements the club which are specified as:
  - 
  - 2 x full size pitches (U17/U18 – 106m x 70m)
  - 2 x youth pitches (U11/U12 – 79m x 52m)
  - 2 x mini pitches (U9/U10 – 61m x 43m)

- Club house facilities
  - Groundsman's hut
  - Car parking for 120 vehicles
- provided details of search sources, which were taken from the Rotherham emerging Local Plan; and
  - the evaluation of the sites in terms of their availability, land allocation, neighbouring land uses, transport, topography and contamination free.

The assessment concludes that of the 12 sites assessed none of them were suitable to deliver the proposed football facilities and the only sites that the facilities could potentially be delivered are located within the Green Belt and are therefore not sequentially preferable to the application site.

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

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' (RSPD) was published in September 2015.

The application site is allocated for Green Belt purposes in the UDP as well as in the emerging Local Plan 'Publication Sites and Policies'. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS3 'Location of New Development'  
 CS4 'Green Belt'  
 CS14 'Accessible Places and Managing Demand for Travel'  
 CS19 'Green Infrastructure'  
 CS20 'Biodiversity and Geodiversity'  
 CS21 'Landscape'  
 CS22 'Green Space'  
 CS25 'Dealing with Flood Risk'  
 CS27 'Community Health and Safety'  
 CS28 'Sustainable Design'  
 CS29 'Community and Social Facilities'  
 CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

ENV3.4 'Trees, Woodlands and Hedgerows'  
 ENV3.7 'Control of Pollution'

Emerging Rotherham Sites and Policies Document policy(s):

SP2 'Development in the Green Belt'  
 SP10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt'  
 SP29 'Sustainable Transport for Development'  
 SP35 'Green Infrastructure and Landscape'

SP36 'Conserving the Natural Environment'  
SP42 'Design and Location of Green Space, Sport and Recreation'  
SP55 'Pollution Control'  
SP58 'Design Principles'

## **Other Material Considerations**

Supplementary Planning Guidance – The Council's Car Parking Standards (adopted June 2011).

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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 Core Strategy / 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 emerging Policies within the Sites and Policies document (September 2015) have been drafted in accordance with both the NPPF and the Core Strategy. The weight given to these Policies is dependent on the status of the Local Plan at the time of consideration and on the comments received from the Inspector (dealing with the adoption of the Local Plan) in relation to each specific Policy following the Examination in Public. The Inspector wrote to the Council on 3 November 2017 setting out the Proposed Main Modifications he considers necessary to make the plan sound and the consultation on the Main Modifications is programmed for 8 January to 19 February 2018. It is expected that the Inspector's final report will be produced in April or early May, with adoption of the plan by the Council following in July 2018.

## **Publicity**

The application has been advertised by way of press and site notice as a departure from the Local Plan along with individual neighbour notification letters to adjacent properties. 349 letters of representation have been received, 327 in support and 22 objecting, including the Dinnington Parish Council.

The issues raised by the objectors are summarised below:

- Increase in volume of traffic.
- Impact on road safety at the junction of Todwick Road / Common Road.
- The site is in the Green Belt and therefore not in keeping with the Local Plan.

- Adverse impact on the surrounding area.
- Noise impacts on local wildlife from the football facilities.
- No very special circumstances exist.
- What will happen when the pitches are no longer viable?
- Todwick Road has had a number of road traffic incidents and this development will increase this.
- There are other football facilities in the area that are currently unused.
- The worship hall is not for the local community it is for the exclusive use by the Brethren.
- Will result in Penny Piece Lane, which is a country lane that is narrow in places and has several bends, being used as a rat run

The Parish Council has raised the following comments:

- The application relates to green belt land.
- The application has not taken into account the effects of increased traffic in the area and the transport issues.
- The development will have a materially adverse impact on the openness and visual amenity of the green belt due to its scale, the siting and appearance of the buildings and the extensive car parking and site boundary treatment.
- The surrounding road network is extremely narrow and is unable to accommodate the additional amount of traffic that this proposed development will bring. The proposed numbers and frequency of vehicles using the site will only serve to increase the volume of traffic using these roads especially as a site on nearby Penny Piece Lane has now been allocated as housing land for 38 dwellings under the Local Development Plan. Additional industrial development is also proposed under the Local Plan at the nearby Todwick Road/Bookers Way Industrial Estate (LDF0229) and at Dinnington East (LDF0235) some 500 metres from this site and which will eventually add further traffic onto the already extremely busy Todwick Road.
- The proposals will have a detrimental effect on the local wildlife and ecology of the surrounding area as well as increase in air pollution over and above that already generated by the adjoining industrial estates.
- This is now the fourth application for this site and again the applicant has failed to demonstrate the very special circumstances that are required in order to allow both the Gospel Hall and the football pitches to be built on designated green belt land.

The reasons for supporting the application are summarised below:

- Will result in the site being tidied up and put to good use.
- Will benefit the whole area.
- The proposals look excellent.
- Will improve the lives and well-being of young people in the area.
- The current site is an eye-sore that has been abused by travellers and fly-tippers.
- Would not affect traffic levels in the area.
- A great future for the many local children who will benefit from the facility for many years to come.
- Will provide much needed facilities.
- A great community gesture.
- Will promote a healthy lifestyle.

- Encourage more revenue to the local area.
- The location of the church close to the school is welcomed.
- The football facilities will keep kids off the street.
- How can sport progress without projects like this?
- Both facilities will be used outside of peak hours, thus having no impact on the highway.
- Will provide children with a safe environment to play.
- Will benefit the health of children.

Three Right to speak requests have been received, from the applicant's agent and two local parish councillors who are objecting to the application.

## **Consultations**

RMBC – Transportation and Highways Design: Have no objections subject to conditions.

RMBC – Leisure and Green Spaces Manager: Have stated that a sequential test in respect of possible sites for new football pitch provision has been submitted in response to previous comments and planning will determine whether this satisfies their requirements.

RMBC – Land Contamination: Have no objections subject to conditions.

RMBC – Landscape Design: Have no objections.

RMBC – Drainage: Have no objections, subject to conditions.

RMBC – Ecologist: No objections subject to conditions.

RMBC – Environmental Health: Have no objections subject to conditions.

RMBC – Tree Service Manager: Have no objections subject to conditions.

RMBC – Air Quality: Have no objections subject to a condition regarding the provision of electrical car charging points.

RMBC – Street Lighting: Have no issues with the lighting at the above proposed development, but would advise that no direct light should be visible from any properties or the adopted highway which may cause a distraction

South Yorkshire Archaeology Service: The application has archaeological implications and recommended conditions should be appended to any approval.

Counter Terrorism Security Advisers: Have not provided any comments.

CPRE: Have raised an objection to the proposal as no very special circumstances have been put forward and as such the proposal is inappropriate and would have a significant visual impact. Additionally, the need for a Green Belt site for the church has not been justified and they do not accept that alternative, non-Green Belt sites in the Borough are not available.

Severn Trent Water: Have not provided any comments.

SYLTE: Have not provided any comments.

SY Fire and Rescue: Have no objections.

SY Police Architectural Liaison Officer: Has recommended various standards to ensure the scheme is built to Secured by Design.

Sport England: Support the application and have recommended conditions should the application be approved.

Environment Agency: Have 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.

It is of note that the current scheme differs from the previous refused scheme as follows:

- All the development will be located on land allocated for Green Belt, the railway embankment allocated for Industrial and Business use and part of the Green Infrastructure corridor will not be developed; and
- Introduction of football pitches and associated buildings.

Accordingly, by ensuring the railway embankment which is allocated Industrial and Business in the UDP and forms part of the Green Infrastructure Corridor is not being built on the previous reasons for refusal 03 and 04 have been overcome.

The main considerations in the determination of this application are:

- The principle of development and the impact on the visual amenity and openness of the Green Belt
- Sustainability of the development
- Very special circumstances to overcome harm
- Design of the proposals
- Landscaping of the site and impact on trees/hedgerows
- Ecological issues
- Drainage issues
- Impact on residential amenity
- Highways issues
- Other considerations

## The principle of development and the impact on the visual amenity and openness of the Green Belt

The application site is located on land allocated as Green Belt in the UDP, and will remain as such in the emerging RSPD. The Sites and Policies document is currently at examination, with the Inspector publishing in March 2017 his letter regarding proposed Main Modifications. The Council's Cabinet considered the Proposed Main Modifications for consultation on 11 December 2017; at present there is a six-week period of public consultation, running from 8<sup>th</sup> January to mid-February 2018. In March 2018 the Consultation responses shall be sent to the Inspector, who will consider the representations. It is then anticipated the Inspector will issue his Final Report to the Council towards the end of April / May 2018.

Given the stage of plan preparation the Council considers that significant weight can be given to the draft Policies in line with paragraph 216 of NPPF.

In terms of general Policy background, Core Strategy Policy CS4 'Green Belt' states Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy.

Emerging Sites and Policies Policy SP2 'Development in the Green Belt' states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances", and that all proposals for development should satisfy other relevant policies of the Local Plan and National Guidance.

Policy SP10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt' states that: "Provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries, will be acceptable as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it", subject to certain criteria, which includes that; "the impact of the proposals will not be detrimental to the preservations of the openness of the Green Belt or to its character."

Paragraph 79 of the NPPF sets out the Government's approach to the Green Belt and states: "The Government attaches great importance to Green Belts. 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."

The proposed development can be broken down into the two main elements, being the Church and associated parking, and the sports pitches and associated clubhouse/maintenance shed and other facilities, including parking.

### Church and car park:

The land at Common Road has been purchased by the Brethren and this is the third application to develop on this land within the Rotherham Green Belt despite the Council's refusal of the two earlier applications. The Brethren did seek a change in the allocation of this land during the various stages of plan making and the preparation of the Sites and Policies Document, to community use for a new Church but this has not been supported by the Planning Policy Team drafting the Local Plan nor the Planning Inspector currently undertaking the independent examination of that Local Plan.



The applicant acknowledges that the proposed church must be regarded as inappropriate development in the Green Belt and the Council support this approach. This is due to the fact that the construction of a new church building in the Green Belt does not fall within any of the exceptions listed in paragraph 89 of the NPPF for constructing new buildings in the Green Belt. In addition, the extensive parking area would have a significant impact on the openness of the Green belt when parked up, albeit that this does not occur all the time.

#### Sports facilities:

The applicant also acknowledges that the change of use of land and associated works to deliver the football facilities, including the erection of a sports pavilion and maintenance shed, must also be considered to be inappropriate development in the Green Belt; again the Council support this approach. This is due to the fact that whilst paragraph 89 indicates that the erection of buildings is not inappropriate for the “provision of appropriate facilities for outdoor sport,” this is under the proviso that they “preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”. It is considered that by virtue of the size and scale of the proposed sports pavilion and maintenance shed, along with other structures such as fencing and floodlighting, and extensive car parking would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it, insofar as checking of the unrestricted sprawl of large built up areas and assisting in safeguarding the countryside from encroachment.

In addition, changes of use of land are not specifically referred to in the NPPF though the change of use of the site to form the football pitches with associated landscape works and car park would also have an adverse impact on the openness of the Green Belt and add to the encroaching impact of the development.

With regard to the bund with fencing on top, it is noted that the bund would constitute engineering operations and the fence would constitute a building operation. It is considered that the bund, by itself, could be appropriate development under paragraph 90 of the NPPF, however together with the fence, given its height at four metres it would have an adverse impact on the openness, in particular the fence which would have an urban appearance, thereby conflicting with two of the purposes of the Green Belt, insofar as checking of the unrestricted sprawl of large built up areas and assisting in safeguarding the countryside from encroachment.

Therefore the associated works, including the formation of the bund, security fencing, floodlights to the car park, and the car park itself would constitute inappropriate development due to the adverse impact the development would have on the openness of the Green Belt.

With regard to the balancing pond this would constitute an engineering operation. However, it is considered it would not have an adverse impact on the openness of the Green Belt and would not conflict with any of the purposes for including land within the Green Belt.

## Sustainability of the development

In terms of the sustainability of the site, policy CS3 'Location of New Development' states: "In allocating a site for development the Council will have regard to relevant sustainability criteria, including its...access to public transport routes and the frequency of its services...effect on other environmental matters..."

In addition, policy CS14 'Accessible Places and Managing Demand for Travel' states: "Accessibility will be promoted through the proximity of people to...leisure...and public services by: a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport)...b. Enabling walking and cycling to be used for shorter trips and for links to public transport interchanges..."

Furthermore, policy CS33 'Presumption in Favour of Sustainable Development' states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework..." and "...the Council will grant permission unless material considerations indicate otherwise – taking into account whether: a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits..."

Policy SP29 'Sustainable Transport for Development' states: "Development proposals will be supported where it can be demonstrated that:

- a. As a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate..."

The above policies are supported by paragraph 15 of the NPPF which states: "Policies in Local Plans should follow the presumption in favour of sustainable development, so that it is clear that the development which is sustainable can be approved without delay..."; and paragraph 17 which states as one of the twelve principles that planning should: "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable".

Further to the above, Section 4 'Promoting Sustainable Transport' of the NPPF and specifically paragraphs 29, 30, 32, 34 and 35 are relevant. The following are some of the most important extracts from these paragraphs and of relevance to the consideration and determination of this application:

- reducing the need to travel; giving people a real choice about how they travel;
- supporting reductions in greenhouse gas emissions and reducing congestion;
- support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport;
- decisions should take account of whether safe and suitable access to the site can be achieved for all people;

- 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;
- give priority to pedestrians and cycle movements and have access to high quality public transport facilities;
- consider the needs of people with disabilities by all modes of transport.

The proposals will generate an increase in car borne traffic in this rural area and provide for significant number of parking spaces (total 211 spaces for the Church - which will be in use for a considerable amount of time during the week); the proposals are not well related to the existing built communities of Dinnington / North Anston and the site is not proposed to be released from the Green Belt in the emerging Sites and Policies Document. The site does not have good public transport, pedestrian / cycle links to Dinnington / North Anston and is located a good distance from these settlements. Therefore, the location of such facilities would be unsustainable. It is further considered that the creation of an additional 120 parking places to support football sports pitches for junior league teams is also unsustainable development within a relatively remote Green Belt location.

The above noted sustainability concerns are of particular importance in assessing the proposals for playing pitches for junior football teams and considering the predominantly car borne nature of the people who will use the sports pitch facilities as evidenced by the large number of car parking spaces that are proposed to be provided (120 spaces). It is considered that this significant number of car parking spaces to support Sunday league junior football clubs currently located within the Dinnington, Anston, Laughton Common settlement grouping at Anston, Greenlands Park, clearly demonstrates the unsustainable location of the proposed facilities and the reliance on the private vehicle to access the pitches. Accordingly, the scheme would be in direct conflict with the provisions outlined in adopted policies CS3, CS14 and CS33, emerging policy SP29 and paragraphs 15, 17, 29, 30, 32, 34 and 35 of the NPPF.

It is acknowledged that the sustainability argument was not addressed under the previous application despite the Core Strategy being adopted at the time and the NPPF being a material consideration. However, in the intervening period since the previous refusal, the Council have gone through the Examination in Public of the Local Plan and done work on other applications / appeals whereby sustainability has become a more prevalent consideration and this has been backed-up by appeal decisions and caselaw. In addition due to the status of the emerging plan and the fact that it has been through the Examination in Public and the Inspector has submitted his Main Modifications, the Council are of the opinion that substantial weight can be given to those emerging policies not identified in the Main Modifications, of which SP29 is one.

It is therefore considered that whilst it was not raised for the previous application for solely the Gospel Hall, if that application were to be resubmitted the issue of sustainability would be a key consideration in the decision and on the basis of the emergence of the Local Plan and dealing with applications and appeals in the interim it would be raised as a reason for refusal.

Accordingly, for the reasons detailed above the current scheme both collectively and individually would result in a development in an unsustainable location that relies heavily on access to the site via car borne journeys.

### Very special circumstances to overcome harm

Having accepted that the majority of the proposals must be considered as inappropriate development in the Green Belt, it is therefore necessary to demonstrate that very special circumstances exist which outweigh any harm. Paragraph 87 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.”

The very special circumstances provided by the applicant can be summarised as follows:

- Need for the Church which cannot be met elsewhere
- Need for the football facilities which cannot be met elsewhere

#### *Need for Church*

The applicant in the supporting documents notes that: “The Plymouth Brethren Christian Church community is an active and growing religious body which is seeking to provide good quality meeting facilities which are both large enough to accommodate the needs of the relevant communities and located where they can be readily accessed to those communities.”

The Church was formerly based in Sheffield on Carter Knowle Road and is currently temporarily using another church in Doncaster, but both the former site and current temporary use are deemed too small for longer term use by the applicant.

It is noted that there is a need for the Brethren to find an appropriate site for the congregation, but this does not override the fact that any proposal needs to satisfy the relevant national and local planning policies and therefore does not constitute a very special circumstance to introduce a church and significant numbers of car parking spaces into the Rotherham Green Belt.

The applicant points out that a facility needs to be provided in a location which best serves the members of the Rotherham Brethren community. Information provided shows that over the last several years the congregation have moved into Rotherham from Sheffield to be closer to the school within Hellaby Industrial Estate (a decision granted on appeal).

A sequential assessment for the church has been submitted and shows there are no sequentially preferable sites on which to locate a church within a catchment area and the applicant claims the needs cannot be met on non-Green Belt sites. The applicant therefore considers that the need for the church, the lack of a non-Green Belt alternative site and the support for enhanced places of worship found in national and local planning policy, would constitute very special circumstances which clearly outweigh any harm to the Green Belt.

It is noted that paragraph 28 of the NPPF states that planning policies should promote the retention and development of local services and community facilities in villages, such as places of worship and paragraph 70 states planning policies and decisions should plan positively for the provision of community facilities (such as places of worship) to enhance the sustainability of communities and residential environments. However, given the detached location of the site which is a good distance from

neighbouring settlements of Todwick / Anston / Dinnington, together with the poor public transport / walking / cycling links, the site is not within a village and would not enhance the sustainability of the local community.

Further to the above the Gospel Hall is considered to be a proposal for a sub-regional Church with no direct cultural links to local communities of Dinnington and North Anston, being originally based at Carter Knowle Road, Sheffield. It is noted that in recent years (and particularly since the submission of the first planning application for religious purposes on the Common Road site) the Brethren membership, have moved to live within south Rotherham in anticipation of eventually gaining planning permission for the development of this site.

The Brethren vacated the Gospel Hall site at Carter Knowle Road in Sheffield, as they now consider the site to be isolated and no longer deem it sustainable in terms of the travel distances undertaken by the Brethren. The numbers of the congregation who have moved is not noted but only 45 members remain in the locality of the Carter Knowle site which has closed for various reasons as noted in the Planning Statement. The Planning Statement also notes that a number of the Brethren undertake relatively challenging journeys to access the current Gospel Hall (in Doncaster) through congested urban areas and residential roads. It is not considered that these issues demonstrate very special circumstances.

As outlined above the Brethren have moved to South Rotherham (from Sheffield) to be nearer to a school that they have located within the Hellaby Industrial Estate. This is not however a good enough planning reason to locate the Gospel Hall in this Green Belt location and are not the very special circumstances to justify the development proposals.

The catchment area submitted in support of the application and which the applicant claims that there are no vacant buildings or sites outside of the Green Belt, shows a congregation catchment including Rotherham and parts of Doncaster, Sheffield and Chesterfield; a primary search area (30 minute drive from the site) focusing on Rotherham (Hellaby, Maltby, Wickersley, Aston, Wales, Anston, Todwick and Dinnington) and a secondary catchment area (50 minute drive) covering a large amount of west and north Sheffield, south Barnsley, Rotherham, Doncaster, Worksop, Chesterfield and Mansfield.

It is considered that given the applicants have been seeking permission to develop this land at Common Road for a number of years, they are very committed to developing this specific site and whilst it is not appropriate to question the thoroughness of the evidence submitted, it is concerning that within the wider catchment area, they have been unable to source a single suitable alternative site within which to develop a new Gospel Hall, that is not within the Green Belt, given the modest size of the application site. Accordingly, it is not considered that there are no other suitable sites for such a purpose and no appropriate alternative locations within the Brethren's catchment area that cannot be used for this activity.

In addition to the above it is considered that the submitted planning statement does not provide sufficient and robust evidence to justify very special circumstances to support development of the Gospel Hall in the Green Belt. Furthermore, the applicants' appraisal in the Planning Statement that "the overall impact of the proposals on the

openness of the Green Belt in this area is considered to be minimal” cannot be supported.

The conclusions regarding the sequential testing of alternative sites and locations presented to the Council in support of this application, purporting no suitable alternative sites for a Gospel Hall (outside of Green Belt), is considered doubtful. However, given the importance of National and Local Green Belt policy the Council has to weigh all matters carefully before reaching a final decision. In the light of the above, the applicant’s statement that the sequential assessment is considered to be robust, comprehensive and thorough is debatable as every alternative site considered has been dismissed in favour of a remote location within the Rotherham Green Belt.

### *Need for Football*

The NPPF emphasises that the planning system can play an important part in “facilitating social interaction and creating healthy, inclusive communities”. It notes that access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

The NPPF further emphasises that planning should support economic growth in rural areas by taking a positive approach to sustainable new development. Leisure developments should therefore be supported provided they respect the character of the countryside and they meet a need that is not being met by existing facilities in rural service areas.

The football facilities hereby proposed are to serve the needs of Anston Rangers Junior Football Club.

The applicant in their supporting statement states that: “The communities of Dinnington and Anston are identified as a principal settlement for growth in the adopted Rotherham Core Strategy, with around 1,300 new dwellings to be built in the plan period. Such additional dwellings will increase the need for essential facilities such as sports pitches and related infrastructure. The emerging Sites and Policies Local Plan does not identify any significant areas of new playing fields or open space to meet those needs.”

The applicant argues that the proposal would meet the requirements of emerging policy SP10 ‘Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt’ which states that proposals for outdoor sports and recreation will be acceptable in the Green Belt subject to stated criteria. The applicant states that it is their opinion that the proposal would not give rise to any noise and disturbance issues would have no adverse impact on identified landscape character, heritage, ecological and agricultural interests, would not result in pollution, and would not impact on the openness of the Green Belt and its character. Emerging policy SP10 is similar to paragraph 89 of the NPPF and as such the aforementioned statement by the applicant is contrary to other sections of the supporting documents submitted by the applicant. This is because the applicant has acknowledged previously that the proposed sports facilities would be inappropriate development in the Green Belt as they are not appropriate facilities and would not preserve the openness, and that they will provide very special circumstances.

The applicant further states that there is a need to cater for the sporting needs of the significant additional population and any such new provision of an appropriate size would inevitably be located within the Green Belt, as the submitted sequential

assessment shows. The applicant states that this need would constitute very special circumstances which clearly outweigh any harm to the Green Belt which may be caused by the proposed football facilities.

It is noted that the football club currently play at Greenland's Park, where there is 1 Senior Football, 1 Junior Football and 2 Mini Football pitches and there could potentially be further pitches laid out with moderate investment for the removal of some small islands of trees and shrubs and the levelling of an area that was previously laid out for golf. The site at Greenland's Park has purpose built changing rooms, toilets, training room, kitchen and storage. These facilities are of brick construction, built in 2007 and meet Sport England requirements.

The applicant's agent has indicated that the number of pitches at the application site is required to allow for periodical rest. Therefore the two additional pitches proposed at the application site compared to Greenland's Park are considered to be an aspiration and not a necessity as the number of teams the club currently have are not going to increase.

It is considered that the sports pitches and car parking facilities proposed at Common Road are not necessary, given the level of facilities outlined above at the existing ground where the football club play, and are inappropriate as a result. In addition, if Greenland's Park was not available there is the former recreation ground at Lodge Lane, which is in close proximity to both Greenland's Park and the application site and is currently vacant with pitches that potentially could be used for Sunday league games. This site was not one assessed in the applicant's submission.

Accordingly, the new facilities constitute inappropriate development in the Green Belt due to their size and scale having a negative impact on the openness and the argument put forward that the facilities are needed is not considered to constitute very special circumstances that would overcome the inappropriateness in this instance.

In addition to the above, paragraph 88 of the NPPF 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 'other harm' referred to would include the impact of the development on the openness of the Green Belt. It has already been stated that there would be significant harm to the openness of the Green Belt arising from the Gospel Hall, the playing pitches and associated 331 car parking spaces. The assertion in the Planning Statement that: "the need for the church, the lack of alternative sites and the support for enhanced places of worship found in national and local planning policy are considered to constitute the very special circumstances which clearly outweigh any harm to the Green Belt" is not accepted. Furthermore, the benefits arising from the proposed development, to the wider Rotherham economy, and the fact that a number of Brethren businesses would seek to re-locate outside the Rotherham area and closer to the alternative location, are not considered to be sufficient to support these proposals on this Green Belt site.

The Council acknowledge that the proposal would provide high quality open space and would play an important contribution to the health and well-being of children. However,

it could be argued that the over reliance of cars to access the site given its distance from built-up residential areas and lack of public transport access results in the site not being in a sustainable location, further more as detailed above by having an adverse impact on the openness of the Green Belt it does not respect the character of the countryside and the football club currently have use of other facilities close by. Therefore, whilst these new facilities would be nice to have they are not appropriate as there are existing facilities and other areas outside of the Green Belt at existing parks and education facilities that could be utilised.

Therefore it is concluded that having regard to the above no very special circumstances have been demonstrated to overcome the harm caused by the inappropriate development, and other harm caused, and the proposed development would by definition be inappropriate development in the Green Belt, which would adversely affect its openness in this unsustainable location. Accordingly, the proposal would be in conflict with Policy CS4 'Green Belt' of Rotherham's adopted Core Strategy as well as emerging Sites and Policies Policy SP2 'Development in the Green Belt' and SP10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt,' and the guidance contained within the NPPF.

### Design of the proposals

The NPPF at paragraph 17 details 12 core planning principles, one of which states planning should always seek to secure a high quality of design. Paragraph 56 further states: "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."

Core Strategy policy CS28 'Sustainable Design' states: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings with a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping...Design should take all opportunities to improve the character and quality of an area and the way it functions."

In regard to the proposed site layout, there is a single access to the site off Common Road, with 120 parking spaces for the football club provision directly in front to the right of the centre of the site. Beyond the 120 parking spaces towards the site's western boundary with the railway embankment will be the clubhouse for the football club. To the north-west of the site spreading from the 120 parking spaces to the Todwick Road boundary of the site will be the various sized 6no. football pitches and small groundsman shed. Immediately to the south-east of the 120 parking spaces will be the Gospel Hall, with the attenuation pond behind, the 211 parking spaces would be sited towards the south-east of the site, with a further vehicular access in the south-east corner of the site adjacent the railway embankment.

The layout of the site is considered acceptable insofar as the siting of the two users is well defined, with all the football provision to the north-west and the Gospel Hall occupying the south-eastern part of the site.



With regard to the proposed Gospel Hall building, it is noted that its size, scale, form, design, siting and orientation differs from the previous building submitted as part of the last application and which Members raised no concerns with. However, the design of the building is dictated to by the requirement that no light should enter the main hall. The mix of materials proposed consists of red brick, timber cladding and limestone, which are similar to the previous building applied for. The building would have an agricultural style which is considered to be sympathetic to its environment. Furthermore, the building is considered to be of an acceptable and appropriate form and design, as well as a size and scale that as a standalone building raises no design issues, notwithstanding the significant harm to the openness of the Green Belt in this location.

In respect of the clubhouse building, whilst it would have a relatively large footprint, the site is large enough to ensure that it does not over dominate the site. In addition, the shallow roof pitch, together with the proposed materials of red brick and timber, its design, appearance and detailing, results in a further building that has been sympathetically designed with regard to the rural nature of the site and wider surrounding area. It is therefore also considered that this particular building raises no design issues, notwithstanding the adverse impact on the openness of the Green Belt.

Finally, in respect of the groundsman's shed, this would be of a simple design and form, and would appear as a timber shed with tiled pitch roof. Given its size, scale, form, design and appearance it would represent a building that is sympathetic to the rural location and would also raise no design issues, but again would have an adverse impact on the openness of the Green Belt.

As such the buildings from purely design perspective raise no concerns and if the principle of development on this site were acceptable, they would represent an appropriate form of development that have all been sympathetically designed and would raise no issues in terms of character and appearance of the area. In addition, the site's layout is also considered appropriate and would ensure the site does not appear overdeveloped.

In respect of the floodlights to the two car parks, only their location have been submitted on a lighting plan, and if planning were to be granted further details would be required in terms of their design and appearance before they are implemented.

#### Landscaping of the site and impact on trees/hedgerows

The site lies within the Central Rotherham Coalfields farmland local landscape character area, which is described as being of medium – low sensitivity to change.

Core Strategy policy CS21 sets out key principles which developments need to consider in order to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes.

The submission includes a landscape and visual appraisal report. This appraisal describes the landscape and visual baseline of the site, its surroundings and views. It then goes on to describe the potential landscape and visual changes the development is likely to result in.

The appraisal does not include any photomontages, but does indicate a field of vision for the development on viewpoint photographs. It is considered that the visual effect of the buildings would not be significantly adverse; the applicant has included a variety of mitigation measures with the aim of minimising the potential impact further.

The key factors in minimising the visual effects of the buildings are the retention of existing vegetation and the physical appearance of the building, these are particularly important to ensure the development in keeping with the local landscape character. The visual effect of the development, will be greatest from viewpoints close to the development, i.e. to users/residents of Common Lane, and will diminish with distance from the development. The buildings are agricultural in character, and the materials are considered to be appropriate.

The main landscape effects are the introduction of the buildings within a rural landscape, and associated car parking, the introduction of floodlighting to the football pitches, and boundary fencing. The existing railway embankment and vegetation is to be retained and enhanced and this provides a valuable green corridor and a degree of screening for the development and the industrial uses beyond.

During previous pre-application discussions the following landscape mitigation and enhancement measures have been discussed and are provided within the overall masterplan for the development:

- A no build zone along the boundary with of the Green Belt was requested (up to 15m), which appears to have been provided within the development layout.
- A request was also made that boundary vegetation be enhanced to provide a 2-5m native landscape buffer and for all existing perimeter boundary vegetation to be enhanced as part of the proposals, again this has been incorporated into the landscape strategy and Masterplan.
- Retention of the railway embankment and vegetation and enhancement of the same, this was not included in previous proposals but is now provided.

Overall, the development proposals include the requested landscape mitigation measures aimed at reducing the effects of the development. Previous concerns over the loss of existing vegetation to the railway embankment have been taken on board and the scheme amended to retain this and include further vegetation and enhancement of this Green Infrastructure asset. On this basis, and subject to a suitably worded condition being imposed to enable the submission and approval of the detailed landscape mitigation package, the scheme from a landscape impact perspective would comply with policy CS21 and overcomes reason 04 of the previous refusal.

In terms of the impact on existing trees and hedgerows it is noted that there are 4 existing hedgerows on the site, two of which will be retained and enhanced by planting with native species in any existing gaps (H1 and H2). A buffer zone of 3m from the hedgerow edge is also recommended to help safeguard the future prospects of the retained hedgerows throughout the development. The other two hedgerows are to be removed, as they are reported as being 'defunct'. A section of H1 will also need to be removed to accommodate the new access on Common Road.

The loss of two of the hedgerows and partial loss of H1 is considered to be acceptable subject to suitable mitigation as part of any detailed landscape scheme of the site.

It is considered that new planting towards the boundaries appear essential to help provide important screening to and from the development. However, experience suggests tree root encroachment can cause disturbance to the surface of sports pitches resulting in safety concerns for users. This can lead to pressure to remove otherwise healthy trees to the detriment of local amenity and any associated benefits they may provide and have been planted for.

The future prospects of the retained hedges and trees will need to be safeguarded throughout any development. This may be achieved by the provision of temporary barrier fencing in accordance with BS 5837.

In light of the above and subject to recommended conditions there are no significant concerns about the loss of hedgerows and would comply with policy CS21 'Landscape', 'saved' policy ENV3.4 'Trees, Woodlands and Hedgerows' and emerging policies SP35 'Green Infrastructure and Landscape' and SP36 'Conserving the Natural Environment'.

### Ecological issues

A Phase I Habitat survey was submitted with the application, but there are concerns that the 2012 survey is out-of-date and the 2015 survey was conducted at the wrong time of the year. A further report was submitted in February 2018 by the applicant. Accordingly, it is recommended that a condition is appended to any approval requiring a new survey for protected species be carried out at the optimum time of year. This is considered appropriate in this instance as the site is not a Local Wildlife site.

There are several Local Wildlife Sites between 1km and 2km distance from the site and the Risk Impact Zone for Anston Stones Wood SSSI covers most of the application site. Nearby ancient woodlands have not been identified in the report. The nearest are located at Anston Stones Wood and Swinston Hill Wood (more than 2km to the south-east). It is considered that the latter is sufficiently far away so as not to be affected by the works, whilst potential impacts on Anston Stones Wood do not appear to have been considered but are unlikely.

It is therefore considered that subject to recommended conditions requiring a new up-to-date protected species survey being carried out at the optimum time of year and submitted for approval prior to works commencing, the proposed development would have no adverse effect on the ecology of the area and would comply with policy CS20 'Biodiversity and Geodiversity', emerging policy SP36 'Conserving the Natural Environment' and relevant paragraphs of the NPPF.

### Drainage issues

In regard to drainage issues, the original information provided by the applicant was not considered sufficient to fully assess the proposal for drainage and flood risk.

This is because no drainage strategy had been provided, the design flood level had not been adequately assessed, further details of the culverts beneath the disused railway embankment were required and SuDS drainage techniques should have been incorporated to ensure the potential benefits to both water quantity and quality are realised.

Further information was submitted by the applicant, but the information did not alter the above assessment. However, the Council's Drainage Engineer concluded that the outstanding issues could be resolved via several conditions attached to any approval of the proposal, which would require the submission of a drainage scheme and Flood Risk Assessment to be submitted before works commence, as the submitted Flood Risk Assessment is not acceptable. In addition, the hard surface areas would need to be of a permeable material, and effective oil / grit interceptors provided within the site.

Having regard to the above, the proposed scheme subject to the recommended conditions being satisfied would raise no issues in respect of drainage and flood risk.

#### Impact on residential amenity

In respect of residential amenity, the NPPF at paragraph 17 states development should achieve a good standard of amenity for all existing and future occupants of land and buildings. Further to this 'saved' UDP policy ENV3.7 'Control of Pollution' states the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and that planning permission will not be granted for new development which is likely to give rise to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water.

The area is commercial / industrial in nature with a residential property directly opposite the site and a farmhouse further down. The proposal will introduce new sound sources to the area which may have an impact if they are not controlled or minimised.

Vehicle noise, sound from football activities, air conditioning system, voices from singing inside the Church and from football playing have all been assessed in the noise report.

The above proposals will have a low impact on the existing residential properties but at times noise mainly from the football activities will be audible at Brickyard Cottage especially when there is a football match on and all the pitches are in use.

The Church will have no openable windows and the number of vehicles that will arrive early Sunday morning (approx. 0600 hours) will be limited to 14 cars in order to keep the level of noise disturbance from vehicles early morning to a minimum.

There is potential for noise and dust from construction works, noise from the usage of the site once the works have been completed.

However, the Council's Environmental Health department have indicated that the proposed uses would have no significant impact on the amenity of neighbouring residents and businesses subject to conditions requiring acoustic fencing; specific condenser units being installed; the restriction on hours the Gospel Hall is used; the clubhouse not being hired out; no outside amplified music or singing; the lighting to the car park to be in accordance with the details submitted and no PA system being used.

It is noted that the Environmental Health officer references floodlights to the football pitches. No details have been provided, and the applicant has indicated that no floodlighting is proposed to the pitches. Notwithstanding the above, if the application was approved and they decided in the future they require floodlighting, a planning application would be required for them and they would be assessed accordingly.

Further to the above, it is considered that the buildings are of a size, scale, form and distance from residential properties and businesses to not impact on the outlook from the properties, or give rise to any overshadowing or privacy issues.

It is concluded that subject to conditions, both the built form of development and their future uses would have no significant impact on the amenity of residents and would comply with the requirements of Core Strategy policy CS29 and 'saved' UDP policy ENV3.7 as well as to paragraph 17 of the NPPF.

### Highway issues

The applicant's agent has clarified that traffic for both the church and football facilities will not coincide with the typical weekday highway peak hours. The Church hosts a number of weekday evening meetings starting at 6:30pm on Mondays and then 7:15pm for the rest of the week. On Sundays the meetings / services are at 6:00am and 10:30am. The football club have confirmed that all matches will take place on a Sunday and that midweek training will take place in the summer months after 6:30pm. This being the case, the Council's Transportation Unit is of the opinion that the proposed levels of vehicle movements likely to be associated with both the church and football facilities can be accommodated within the highway network.

Further clarification has been provided that the football club will not seek to rent the pitches out, that no floodlighting is proposed and that the number of pitches proposed are required so that periodical rest / maintenance can be undertaken throughout the season. A suitable condition can be provided to safeguard this.

A car parking accumulation analysis has been undertaken to demonstrate that the proposed levels of car parking are acceptable. The agent has also clarified that no mini-buses or coaches will access either the church or football sites. Therefore subject to relevant car parking management plan being conditioned the Transportation Unit have no objections to the proposed levels of car parking.

The applicant's agent is to provide a footway on the site frontage with Common Road so that pedestrians can gain access to the bus stops on Todwick Road. The proposed scheme will also help to maintain visibility at the two accesses to the site.

With regard to the Common Road / Todwick Road junction and the recent accident in November 2017 highlighted by objectors, the Transportation Unit can confirm that these details are yet to be received by the Council. The Council receives data from road traffic accidents where personal injury has occurred. This data is then used to identify where accident black spots are located within the public highway. An accident hotspot as a location (100m x 100m area) would exceed 5 or more accidents in a 3 year period within that area. Accordingly, this location (the Todwick / Common Road junction) meets the location criteria and there have been 5 accidents recorded in the last three years within this area that the Council have been informed of, the last being March 2017. The Council have introduced some signing improvements and cut back vegetation around the junction in recent years but this appears to have had little effect on accident numbers. The applicant as part of the scheme is to fund:

- a) The re-grading of Common Road on the approach to the junction so as to improve inter-visibility for cars on Todwick Road;

- b) Improvements to visibility at the junction by removing shrubs so that visibility splays 2.4m x 160m are available;
- c) Introduction of high Friction Surfacing to the Common Road North approach.

The Council's Road Safety Unit has confirmed that these proposals will improve the existing situation.

The site has been subject of several previous planning applications, RB2012/1623 was refused on planning grounds for a school, convention centre and church and the Transportation Unit recommended that the application could be supported on highway grounds subject to conditions. The most recent application, solely for the Gospel Hall was refused on planning and highway grounds, after Members added a further reason for refusal on highway grounds despite the Transportation Unit again recommending no objections to the scheme. The reason for refusal added stated: *"The development will introduce a significant number of additional, potentially conflicting vehicular turning movements at the Todwick Road/Common Road crossroads which has a history of personal injury accidents, such that safe and suitable access cannot be achieved, contrary to the provisions of the NPPF."*

Notwithstanding the previous reason for refusal, the Transportation Unit consider that this current proposal for the Gospel Hall and football facilities will not introduce additional vehicular traffic to the highway network at peak times and the works proposed to the Common Road / Todwick Road junction outlined above are sufficient to ensure there will be an improvement to the existing junction from a road safety aspect, such that the previous reason for refusal can be overcome via the implementation of recommended conditions. These conditions would require; the submission of a scheme for improvements to the Todwick Road / Common Road crossroads before works commence; details of the proposed footway on Common Road being submitted and approved before works commence; a car park management strategy being submitted and approved before either the Gospel Hall or Football Facilities are brought into use; a Construction Traffic Management Plan being submitted and approved before works commence; and standard conditions relating to the surfacing of hardstanding areas being permeable, car park layout be implemented as per the submitted plan and a Travel Plan being submitted and approved.

Therefore with regard to the submitted supporting information the Council's Transportation Unit, subject to conditions, are satisfied that the proposal would not have a significantly detrimental impact on the surrounding highway network or the safety of its users.

#### Other considerations

The applicant in their planning statement refers to paragraph 28 of the NPPF which states: "Local and neighbourhood plans should: promote the retention and development of local services and community facilities in villages such as...sports venues...and places of worship." This relates to plan preparation process rather than the decision making process, as part of a planning application, and in any event it is considered that the site, given its detachment from built-up residential areas, is not within a village setting. Within the Local Plan process there has been consideration to the location of local services in allocating sites and this site was not considered appropriate given its location and the Inspector during his examination of the Local Plan has raised no issues in this respect.

It is noted that in respect of potential land contamination of the site, the site was predominantly agricultural land comprising of 3 fields until approximately 1928. During 1928 a railway embankment and line was constructed within the north eastern perimeter of the site. By 1958 the railway line is no longer showing on the historical maps and it is assumed to have been dismantled. Historical surrounding land uses have included a brick works with excavations to the south and agricultural land uses to the west.

It is considered there may be some potential for contamination to exist within the surface soils at the site associated with the following sources:

- Presence of naturally occurring metals in the soil.
- Presence of organic substances in the soil associated with the sites agricultural use.
- Presence of total petroleum hydrocarbons (TPHs) and polycyclic aromatic hydrocarbons(PAHs) and asbestos associated with the dismantled railway line.
- The site is also located in an area of moderate susceptibility to methane and carbon dioxide gas from underlying coal measure rocks and a former nearby landfill site.
- Reference has been made to the site having past planning permission for a vehicle dismantling yard. It is not known whether such works were undertaken at the site or not. If so a number of contaminants are likely to be present.

It is also considered there may be a risk to human health and controlled water receptors from contamination at the site. For this reason site intrusive investigation works should be undertaken to assess for the presence and extent of contamination along with the risks posed by ground gases. Remediation works may be required to bring the site to a suitable condition to be protective of human health for its proposed end use.

Further to the above South Yorkshire Archaeology Service (SYAS) have acknowledged that there is evidence of the prehistoric agricultural landscape from cropmark evidence - features visible under particular crop conditions and recorded in aerial photographs. A recent project reviewed and plotted all archaeological aerial photographic data from that part of South Yorkshire lying within or adjacent to the Magnesian Limestone area. This study has demonstrated that the application area sits within a wider prehistoric and Roman landscape. In the surrounding fields, a significant number of prehistoric cropmark are known, although the details of the contemporary landscape are not well understood.

There is, therefore, potential for important remains relating to the prehistoric period to exist on this site and groundworks associated with the development could destroy finds and features of potential archaeological importance. As such, a scheme of archaeological work is required to ensure any remains present on this site are recorded, as mitigation. SYAS recommends that the necessary archaeological investigation can be secured by attaching a recommended condition.

## **Conclusion**

The comments raised by both those in support and those objecting to the application have been taken into account in the weighing up of the proposals. However, the reasons outlined in the letters supporting the scheme do not outweigh the fundamental issue that the proposals constitute inappropriate development in the Green Belt, which

affect its openness, and no very special circumstances have been put forward that would overcome this and any other harm.

Accordingly, having regard to the above it is not accepted that there are sustainability advantages for developing a new Gospel Hall or proposed sporting facilities in this Green Belt location. The buildings in combination are of a significant size, scale and massing and the applicants are promoting significant agricultural land take to provide extensive tarmacked and blocked paved parking areas. The proposals are therefore considered to be inappropriate development within the Green Belt that have a significant impact on the openness of the Green Belt on land which is currently free from any built development, in conflict with both local and national guidance. In addition, the location of the sports pitches will promote journeys by private vehicle and these facilities are not in accordance with policies of the Framework.

No 'very special circumstances' have been demonstrated to outweigh the significant harm caused. Therefore, it is recommended that the application be refused on these grounds.

### **Reason for Refusal**

01

The proposed development represents inappropriate development in the Green Belt and no very special circumstances have been demonstrated to overcome the harm caused by the inappropriate development, and other harm caused, and consequently the proposal is in conflict with Policy CS4 'Green Belt' of Rotherham's adopted Core Strategy, Policies SP2 'Development in the Green Belt' and SP10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt' of the emerging Sites and Policies Local Plan, and the guidance contained within the National Planning Policy Framework.

02

It is considered that by way of its size and location the proposed development would have a materially adverse effect on the openness and visual amenity of the Green Belt and would thereby be in conflict with Policy CS4 'Green Belt' of Rotherham's adopted Core Strategy and Policies SP2 'Development in the Green Belt' and SP10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt' of the emerging Sites and Policies Local Plan, as well as the guidance contained within the National Planning Policy Framework.

03

The site is not in a sustainable location and the proposed development will promote journeys by private car and not offer sustainable transport alternatives, the heavy reliance on cars to access the site due to its distance from nearby settlements and poor public transport links result in a development within an unsustainable location, contrary to adopted Rotherham Core Strategy Policies CS3 'Location of New Development', CS14 'Accessible Places and Managing Demand for Travel' and CS33 'Presumption in Favour of Sustainable Transport', emerging policy SP29 'Sustainable Transport for Development' and paragraphs 15, 17, 29, 30, 32, 34 and 35 of the National Planning Policy Framework.

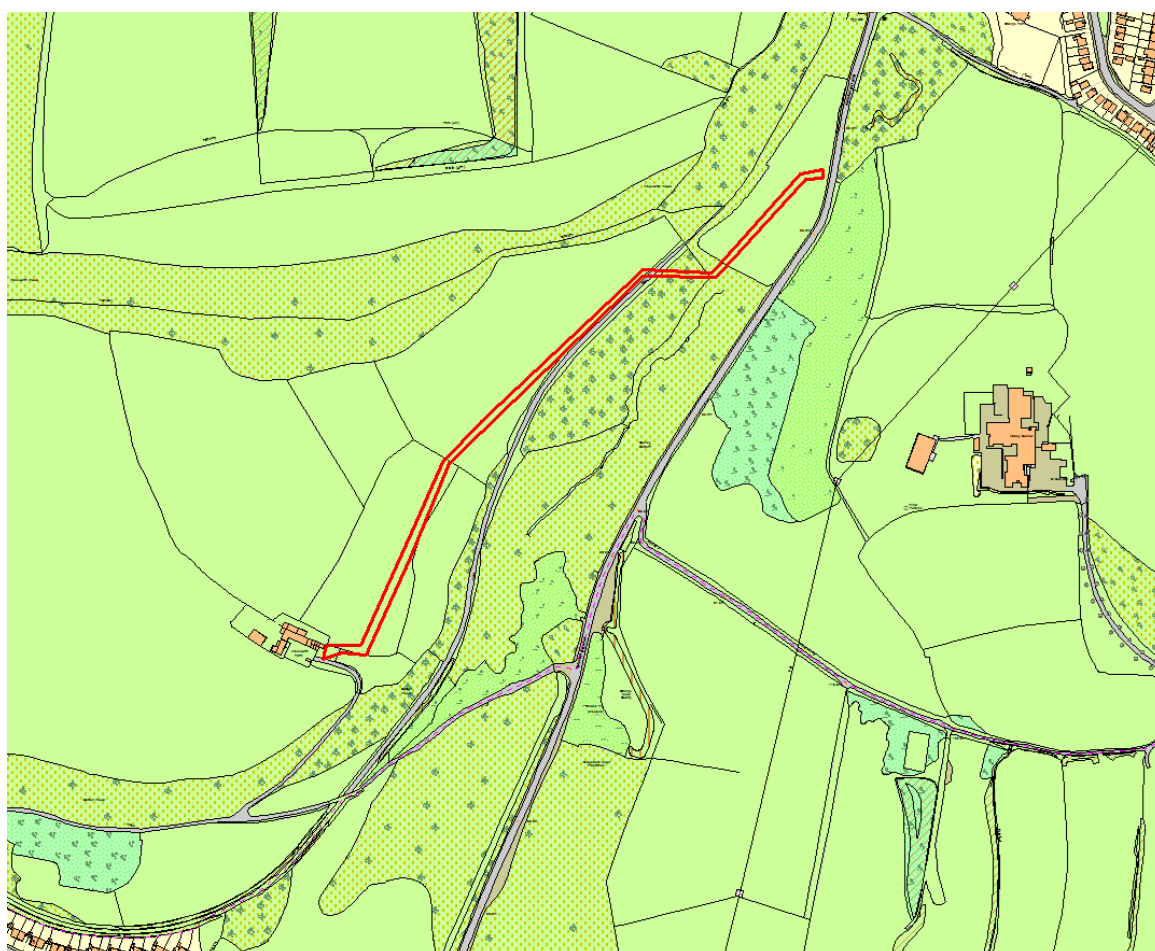


## POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant entered into pre application discussions with the Local Planning Authority these identified that it is not possible to support a scheme of this nature nor would any amendments make it acceptable, due to the issue of inappropriate development in the Green Belt. The application was submitted on the basis of these discussions and it was not considered to be in accordance with the principles of the National Planning Policy Framework resulting in this refusal.

<b>Application Number</b>	<b>RB2017/1448</b>
<b>Proposal and Location</b>	Reinstatement of 25 metres of vehicular access, Walkworth Farm, Droppingwell Road, Kimberworth
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to Planning Board due to the number of objections received.



## Site Description & Location

Walkworth Farm is a residential property that comprises of a detached, isolated L-shaped building with a front courtyard and parking area and lies within the Green Belt. The existing access to the site comes from an unsurfaced track that links the site with Droppingwell Road, approximately 300m to the east. This track currently has a steep gradient and several sharp turns. The applicant also indicates that the access junction with Droppingwell Road is a hazard due to its poor sight lines to the south.

## Background

The site has the following previous planning history:

RB2015/0833 – Reinstatement of original access and proposed new vehicular access track – withdrawn

RB2017/1806 – Prior Notification of intent for a proposed internal track (Permitted Development under Part 6 of the Town & Country Planning (General Permitted Development) order, 2015) – permitted development

This application seeks only permission for the new opening onto Droppingwell Road along with the first 25m into the site.

## **Proposal**

The current proposal is to re-instate an earlier access onto Droppingwell Road which further to the north of the current access. There is an existing gate at this access onto Droppingwell Road. Historical maps indicate that this was in place since at least the 1950s. The applicant indicates that this was the original access to the property.

It is proposed to construct an entrance gate feature that will be set back from the highway and will be between 0.9m to 1.5m on height. The access will be single track with two strips of hardsurfacing and a central grass strip.

There are no significant engineering works or level changes proposed with the creation of the new access track which will follow the contouring of the existing fields. The majority of this internal element has been confirmed as permitted development with only the entrance onto Droppingwell Lane and the initial 25m requiring planning permission.

For clarity the red-edge plan extends all the way into the site in order for the proposed new access to connect to the permitted internal access track.

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Green Belt in the UDP, (and also falls within the Dalton Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):  
ENV1 Green Belt

## **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 2014 and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance

web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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 Core Strategy / 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 (12 October 2017). A total of 56 letters of representation were received.

- The vast majority of objections received are under the impression that this is application is either directly or indirectly seeking a new access for the former tip to be reopened.

Other issues are as follows:

- The new access will be a traffic hazard
- Disruption to local wildlife

Following a meeting the applicant had with local ward members along with a published explanation of the intentions, a number of these objections were subsequently withdrawn. However a total of 44 representations remain on file.

## **Consultations**

RMBC

Transportation and Highways Design – no objections subject to conditions

Rights of Way – 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 as follows.

- Principle of the proposal
- Impact on highway safety and on the nearby bridleway
- Impact on visual amenity and on the Green Belt

#### Principle of the development in the Green Belt, including impact on openness

The site is allocated as Green Belt in the adopted Unitary Development Plan and is also allocated as Green Belt in the emerging Sites and Policies Document (September 2015) and there is no intention to re-designate this site.

The proposal is for a replacement vehicular track with an element of hardsurfacing to be used within the construction. It is considered that the proposal would constitute an engineering operation and as such is not considered inappropriate development within the Green Belt as defined in paragraph 90 of the NPPF. However, the Council would have concerns about any significant increase in domestication or tarmac area which would not be compatible with the general rural character of the surroundings.

The applicant has indicated that a new access is desirable as the existing access suffers from poor visibility along Droppingwell Road, particularly to the south. A new access (re-opening an existing overgrown gate) would have better visibility as this section of Droppingwell Road is straighter. The applicant also indicates that the gradient of the existing access from the south is also steep with a number of sharp bends which impedes progress, particularly during inclement weather. The applicant indicates that a significant proportion of the existing access would be dug up and reinstated back to grass.

The access itself is single track with a central grass strip which is considered to reflect the generally rural character of the surroundings and will minimise the potential for any harm to the openness of the Green Belt.

#### Impact on highway safety and on the nearby bridleway

The Transportation Unit have confirmed that the gateway will have a width of 4.5m and will be constructed with a gravel surface or similar. The initial 5m of track at Droppingwell Road will be tarmac. They have raised no objections to the proposal from a highway aspect subject to any replacement gates at the junction with Droppingwell Road being set back a minimum of 5 metres from the highway boundary.

The proposed reinstatement of the access involves the crossing of an existing bridleway. The Rights of Way team have indicated that the bridleway should not be impeded. But subject to a final condition showing details of gates across the bridleway, there are no objections from this standpoint.

#### Impact on neighbouring amenity

It is not considered that the new access would raise any residential amenity issues. The access is more than 100m from the nearest residential property and does not propose any illumination or other 'domestication' proposals. This is for a replacement access to the farm and residential building and the levels of traffic are anticipated to remain similar to current levels.

#### Other issues raised by objectors

The representations raise the issue of whether the potential re-instatement of this access is connected to the potential reopening of the former Watsons Tip site which lies approximately 200m north west of the access. This application proposes only a new access to the farm and any approval would condition that the development should be constructed in accordance with the approved plans.

The applicant has attempted to communicate this intention more clearly to local ward members along with a planning statement to address the concerns raised. This has resulted in 12 objections being withdrawn including ward members. However, a number of objections (44) remain on file.

## **Conclusion**

In conclusion it is considered that the proposed replacement access would not harm the openness of the Green Belt due to it representing a small scale engineering operation with the existing track being reinstated. The proposals is not considered to generate any additional traffic or have any impact on residential amenity. The Transportation Unit have concluded that there are no objections on highway safety and subject to conditions protecting the existing bridleway there are no objections on Rights of Way. The application 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 location plan, amended site plan, amended entrance detail 002, site plan entrance, Plan to go (highways sight line, planning A-B)(received 05.10.2017, 24.10.17, 05.02.18)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/Planning Statement shown on drawing no elevation plans amended entrance detail 002. The development shall thereafter be carried out in accordance with these details.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design.

04

The initial 10m. of access (measured from the highway boundary) shall be constructed in a bound material eg. tarmac.

Reason

In the interests of road safety.

05

The areas shaded green on the attached plan to go shall be cleared and remain clear of all obstructions to visibility in excess of 900mm in height measured above the nearside road channel.

Reason

In the interests of road safety.

06

Prior to the commencement of the development final details of the proposed gates that cross the public bridleway (No.8 in Kimberworth) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of pedestrian safety and for the users of the bridleway.

07

Within 3 months of the development being brought into use the existing access from the south which originates from Droppingwell Road (between A-B on the Plan to Go) shall be removed and re-instated in a scheme to be agreed in writing with the Local Planning Authority.

Reason

In the interests of visual amenity and to reduce impact on the openness of the Green Belt.

## 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>RB2017/1529</b>
<b>Proposal and Location</b>	Demolition of existing dwellinghouse and erection of 5 No. detached dwellinghouses & 2 No. detached dormer bungalows at No. 9 & land to the rear of Fairleigh Drive Moorgate
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to Planning Board due to the number of objections received.



### Site Description & Location

The site is located within the Moorgate area of the borough and is bound by no. 86 Moorgate Road to the south, residential dwellings along Moorgate Road to the east and Moorgate Cemetery to the west. To the north of the site are 2 storey dwellings running the full length of Fairleigh Drive. The topography of the site results in a slight sloping from South to North of approximately one metre.

The site is currently vacant and in part forms an unused area of side garden to no. 86 Moorgate Road but has become overgrown with vegetation due to lack of maintenance. There are a number of mature trees within the site which are principally located along the western boundary and south eastern corner of the site

Currently the only access into the site is via No. 86 Moorgate Road.



## **Background**

The site has no planning history.

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

## **Proposal**

The application seeks full planning permission for the demolition of No. 9 Fairleigh Drive and the erection of 5no. 4 bedroom dwellinghouses and 2no. 4 bedroom dormer bungalows.

The demolition of No. 9 Fairleigh Drive is required to provide a new access road into the site to serve the proposed new development. This access road is proposed to be located central to the site enabling the layout of the proposed development to be constructed around it.

Plots 1 and 7 are located immediately to the rear of the properties on Fairfield Drive and consist of 2No. detached dormer bungalows with double integral garages, designed around an L shaped footprint. These bungalows incorporate a hipped roof within the elevation facing Fairfield Drive and 3 dormer windows within the rear elevation. Habitable room windows are present within the ground floor of all elevations except the southern elevation and roof lights are proposed within the front and northern elevations.

Plots 2 and 6 are located to the east and western end of the row of 5 dwellinghouses and consist of 2 storey dwellings with hipped roofs. Again the dwellings incorporate integral double garages and have a traditional architectural external appearance.

Finally Plots 3, 4 and 5 are sited within the central area of the run of 5 dwellings and with the exception of the roof design reflect the external appearance of Plots 2 and 6. In this instance the hipped roofs are replaced with a gable design.

Having regard to boundary treatment, a number of mature trees are proposed to be retained along the eastern and western elevations. Elsewhere it is proposed to erect a mix of timber fencing and brick walls with timber panels.

The application is supported by the following documents:

Design and Access Statement which sets the context for the application and provides a detailed assessment of how the development reflects the architectural character of the wider area.

Tree Survey This confirms that the survey recorded one tree group and 16 individual trees on site. The proposed development will require the removal of two trees, but may also have an impact on above and below ground parts of retained trees unless adequate protection of these trees is provided. The report details the arboricultural impact and offers a range of protection measures that should be put in place prior to works starting on site as well as construction methodologies which should be adopted.

Bat Survey concludes that no evidence of bats was recorded during the internal and external building inspection undertaken in October 2017. Consideration could be given to creating long term bat roosting opportunities integrated or externally mounted on the new buildings, thereby conforming to the aims for biodiversity within the NPPF

Phase 1 Site Investigation Report confirms that an intrusive site investigation is recommended, to characterise ground conditions on the site in order to provide data for a Phase 2 geotechnical and geo-environmental assessment. Nevertheless it is considered that the risk to future site residents from exposure to soil contamination and hazardous ground gases is considered to be moderate.

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site forms part of a wider residential allocation in the adopted UDP and is located adjacent to the Moorgate Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

### Core Strategy policy(s):

CS3 'Location of New Development'  
CS6 'Meeting the Housing Requirement'  
CS7 'Housing Mix and Affordability'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscape'  
CS23 'Valuing the Historic Environment'  
CS28 'Sustainable Design'  
CS33 'Presumption in Favour of Sustainable Development'

### Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'  
ENV2 'Conserving the Environment'  
ENV2.12 'Development adjacent to Conservation Areas'  
ENV3.4 'Trees, Woodlands and Hedgerows'  
ENV3.7 Control of Pollution  
T8 'Access'

### The Rotherham Local Plan 'Publication Sites and Policies' document policy(s):

SP12' Development in Residential Areas'  
SP44 'Conservation Areas'  
SP47 'Historic Parks, Gardens and Landscapes'  
SP58 'Design Principles'

## **Other Material Considerations**

South Yorkshire Residential Design Guide.

Interim Planning Guidance - 'Development in the Green Belt'. This has been subject to public consultation and adopted by the Council on 3rd March 2014 and replaces the adopted Supplementary Planning Guidance 'Environment Guidance 1 – 'Extensions to dwellings in the Green Belt' of the UDP.

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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 Core Strategy / 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 press, and a site notice along with individual neighbour notification letters to adjacent properties. 15 letters of objection from 14 separate addresses have been received from local residents raising the following comments:

### Design/Layout

- The site is insufficient in size to accommodate the proposed development
- Given the size of the plot, the proposed seven dwellings would significantly alter the fabric of the area and amount to serious 'cramming' in what is currently a low density area with properties. Properties in the area are typically characterised by large plots with large spacing between. The proposed dwellings would be on a lot smaller plot for the area, sacrificing green space for overcrowding of properties on the site. Access to the new proposed dwellings would be extremely limited.
- The proposal allows very little space for landscaping and I believe that it would lead to gross overdevelopment of the site. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space.
- These houses are completely out of character with the rest of the neighbourhood; they would fail to blend with the surrounding properties.

### Amenity

- The distance between the proposed bungalow and No.11 Fairleigh Drive will be approx. 8.8m, well within the 20m minimum space between principle elevations and certainly within the 12m between principle elevation and an elevation with no habitable room windows

- Will construction arrangements be controlled to keep noise and disturbance to a minimum?
- Fairleigh Drive is a quiet residential road and I am concerned there will be a greatly increased noise level from the worksite. I would wish for there to be strict working times of 8am to 4.30pm Monday to Friday.
- The houses on Fairleigh Drive only have small rear gardens. In view of the closeness of the boundary fencing of the new development, I am concerned the residents will be restricted on the use of their gardens as a result of the dust and other pollution coming from the worksite.
- No house seems to have any provision for a back garden. There will only be enough room between each house to wheel down one of the array of waste bins the council proposes we all have
- The two proposed bungalows are located very close to the existing properties dissipating their quality of life.
- The primary amenity area of our garden and our bedrooms would be severely overlooked from the top rooms of the new development, resulting in a serious invasion of our privacy. There would be visually overbearing impact on our privacy. In particular, the dormer bungalow at proposed plot one has three dormer windows which would overlook into our garden and bedrooms.
- The proposed boundary fence is insufficient to afford privacy into our garden and house
- The design of the proposed development does not afford adequate privacy for the occupants of the adjacent residential properties, particularly with regard to their right to the quiet enjoyment of garden amenities
- The large scale of development of the site will result in debris/litter not only in the neighbourhood common areas but debris and dust would be blown into our properties.
- The bungalows will dominate the outlook from existing properties and will block direct sunlight
- The demolition of number 9 seems an extreme measure and will cause untold disturbance and stress to the neighbours and nearby residents, with the noise, mess and heavy vehicle traffic for months on end

#### Transportation Issues

- The development will result in increased levels of traffic along Fairleigh Drive, is this road able to withstand this amount of traffic which will include construction vehicles?
- Fairleigh Drive is a relatively narrow road and I am concerned there will be access issues to the development. At this time the road is also used by students from Thomas Rotherham College to park their cars. This already causes access/obstruction issues. This problem can only get worse with large work vehicles using the road and potentially workmen parking their private vehicles on Fairleigh Drive
- Refuse vehicles have regular problems when entering Fairleigh Drive
- A few years ago there were three new houses built on the road. This also raised various congestion problems but also resulted in highlighting that the road surface could not cope with heavy vehicles as the road and pavement surfaces were damaged
- Access for heavy traffic is impossible
- There is no access to the site for emergency vehicles.
- The egress of the Fairleigh Drive onto Moorgate Rd is difficult as it is, and already busy. Siting 7 more houses, with the space for 14 more cars, is only

going to exacerbate the difficulty of egress. Perhaps the Council should consider siting traffic lights at this crossroads.

- The new cul-de-sac will have yet more street lights to add to the already excessive light pollution that emanates from the tennis courts. Will the Council adopt this cul-de-sac or will it remain a private road?
- There does not seem to be enough visibility splay on the radius at the corners from the road from the development
- There is no provision for tradesmen vehicles to be parked on the development site, inevitably meaning vehicles would have to be parked offsite.
- Large vehicles accessing the site for construction and unloading via Fairleigh Drive are also likely to cause a highway hazard and risk of damage to residents' vehicles parked on the road.
- It is likely that the seven dwellings will mean a minimum of 14 additional vehicles (not taking into account visitors). Although the plans show parking spaces for each dwelling, this doesn't take into account visitors.
- The headlights from vehicles exiting the site will shine directly into my property.
- No operatives or site visitors should be allowed to park their vehicles on Fairleigh Drive at any time during or after the construction period.
- The development should not be allowed to use articulated vehicles during the course of the build
- The road is already busy with residents' cars and with people picking up and dropping off students of TRC - the additional traffic pressure caused by the building of these bungalows (I expect at least another 14 cars to the road from the new residents) will make coming out of a busy junction onto Moorgate Road even more difficult.
- More traffic and construction vehicles would mean that emergency vehicles and dustbin lorries would struggle to drive down the road.
- The surface of road had to be re-laid after the building of 3 houses in 2009 which would most certainly be needed again.

#### Trees/Ecology

- The trees that are proposed to be retained should be protected during construction
- The construction of the dwelling will result in a disruption to wildlife, particularly owls
- The other part of the development plot, which used to be the rear garden for No. 70 Moorgate Rd., has become very neglected over the years and has become a wildlife haven. We are concerned that all the wildlife will be driven away because of this development. The detailed bat survey did not take into account a large area of the plot due to 'dense vegetation', and only occurred on one day; a day that conveniently took place after quite a number of mature trees were felled. The Bat Report gives the appearance of being thoroughly comprehensive but perhaps it is not truly diligent. Again we feel that this should be addressed further.
- We are concerned that the mature trees that still remain on the site will be felled to make it easier for construction. We do not wish to see any further trees felled.
- The proposed development site is habitat to an array of wildlife which would be disturbed. Examples of wildlife observed at the proposed site include owls, foxes, newts, squirrels and a variety of small birds nesting at the site. Besides the common birds seen around Rotherham, some rarer species such as what I believe to be the Siberian Chiffchaff have also been observed.

- The aboricultural survey does not appear to have taken into account the mature trees recently felled in assessing the overall impact of the site, particularly existing root stock of trees recently felled. This could affect the foundations of the new dwellings, leading to structural issues at a later date.
- The bat survey was not conducted on the entire development site. I assume if part of the site has been marked as inaccessible by the aboricultural surveyor, then it is unlikely the bat survey was conducted on the entire site. Clarification is required to establish the extent of the site surveyed, with the entire site being reviewed before consideration is given to the plans.
- The land still remains a vitally important habitat to multiple forms of wildlife, for example various birds (including owls), squirrels, hedgehogs, foxes, and insects, and provides a wildlife 'bridge' between the more managed land of the domestic gardens to the east, and the Cemetery to the west. To replace this land with houses, would be a huge loss for the area, and would fail in the Council's objective of 'maintaining natural ecological processes and conserving and extending ecological networks and habitat connectivity' (Para. 5.6.4, Core Strategy)

#### Other Matters

- Will the existing arrangements for the supply of utilities be sufficient to absorb the proposed development?
- Fairleigh Drive suffers from blocked drains due to tree debris. I am concerned that this problem can only get worse as a result of waste being left on the road by vehicles/ workmen entering and leaving the site
- As new builds there should be a stipulation that these houses have photo-voltaic panels to generate their own green electricity. That too is missing
- Any excavation work could have a serious adverse impact upon the stability of the existing structures.
- The western boundary of the site comprises of Moorgate cemetery which is listed as Grade II on the register of Historic Parks and Gardens. The loss of trees on this site will be detrimental to its setting.
- A significant development of this kind directly adjacent to the cemetery brings unnecessary risk to the cemetery's status, especially seeing as reducing the number of 'Heritage at Risk' listings in the area is an indicator for success of the policy.
- The development (particularly in its current form) would serve to separate the backs of the row of conservation area Victorian terraces on Moorgate road from the historical cemetery and Boston Park. Whilst other developments have been permitted in the area behind the historical housing on Moorgate Road and Boston Grove and the heritage assets behind, the proposed development would be one of the most intrusive to date.
- During the demolition of No. 9 no damage arising from this work should occur to No. 11. These works should therefore take place by hand and the contractors methods and risk assessment should be distributed to both No's 11 and 7 Fairleigh Drive.
- If the existing boundary to the rear and side of No. 11 will be required to be demolished this should be reinstated prior to the commencement of construction works and its finish / height agreed with the occupants of No 11.
- I believe that Yorkshire Water have deemed the existing pipes and drainage system unsuitable for the number of houses in this planning proposal.

## **Consultations**

RMBC - Transportation and Highways Design – confirm that the proposed layout is acceptable from a highway aspect subject to conditions.

RMBC- Drainage – raise no objection to the proposed development subject to a condition requiring further details relating to the proposed means of disposal of foul and surface water.

RMBC – Ecology - have read the Bat Assessment Survey and raise no objection to the proposed development subject to conditions.

RMBC – Tree Service Manager – raises no objections to the proposed development subject to conditions which include the protection of trees during the construction period and that work is carried out in compliance with the recommendations outlined within the tree survey.

Yorkshire Water – raise no objections to the proposed development subject to conditions requiring the submission of information relating to the disposal of surface water.

## **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 the application are:

- The principle of development.
- Design, scale and appearance
- Impact on Moorgate Conservation Area
- Impact on adjacent Historic Park and Garden
- Impact on neighbouring amenity.
- Highway safety
- Trees and Ecological Issues
- Other matters raised by objectors.

### Principle of the development

The application site is allocated for residential purposes within the adopted Unitary Development Plan and is also allocated for the same use within the emerging Sites and Policies document.

Furthermore, it is noted that at the heart of the NPPF, and as supported by Core Strategy Policy CS33 'Presumption in Favour of Sustainable Development', there is a

presumption in favour of sustainable development, and planning permission that accords with the development plan should be approved without delay.

It is considered that the site would be in a sustainable location given its close proximity to existing housing, facilities, services and local public transport.

Paragraph 53 of the NPPF states: “Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens”. The Council do not currently have a policy that specifically restricts the development of gardens.

Accordingly, it is considered that the principle of developing the site for residential purposes is acceptable and would comply with the requirements detailed within UDP policy HG4.3 ‘Windfall Sites’, insofar as the application site is surrounded by residential properties within a built-up residential estate and would be compatible with adjoining uses. Policy HG4.3 also requires development to be compatible with other relevant Policies and guidance, and these are referred to in more detail below.

#### Design, scale and appearance

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.” Paragraph 17 further states planning should always seek to secure a high standard of design.

Policy CS28 ‘Sustainable Design,’ of the Rotherham Core Strategy states: “Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping...Design should take all opportunities to improve the character and quality of an area and the way it functions.”

Core Strategy Policy CS6 ‘Meeting the Housing Requirement’ further states that: “Housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area.”

Having regard to the above, the application site is located to the rear of residential properties on Fairleigh Drive and Moorgate Road. A new access will be created by demolishing an existing property on Fairleigh Drive and the properties are proposed to be sited around the new internal access road.

To the rear of Fairleigh Drive are 2 dormer bungalows that are sited at a 90 degree angle to the rear elevation of the existing properties, whilst the 5 properties to the south elevation of the site comprise of traditional 2 storey detached dwellings, all with integral garages.

The 2 detached dormer bungalows have been designed with a hipped roof on the elevation facing the rear boundaries of properties on Fairleigh Drive and incorporate a



Dutch hip design on the opposite elevation. Dormer windows are incorporated into the rear elevation overlooking the rear garden areas.

The row of 5 two storey dwellings along the southern boundary will be accessed from the road turning head. The dwellings to the east and western end of this row will be constructed with hipped roofs so to reduce the impact the existing mature tree canopies and to also reduce the scale to surrounding properties, and local environment. The external appearance of these dwellings have been designed to reflect the nature and scale of the existing built environment currently on Fairleigh Drive and surrounding area.

All the proposed dwellings will be constructed with integral double garages along with a double width drive way, thereby reducing the need for any on street parking.

Having regard to the siting of the dwellings, guidance contained within the SYRDG stipulates that 'back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of three or more bedroom houses/bungalows should be at least 60 square metres and have a distance of 10m from the rear elevation of the property to the rear boundary.

Applying this to the proposed layout, all dwellings exceed these guidelines and therefore provide an adequate amount of private amenity space. Furthermore, all proposed dwellings maintain the minimum separation distances of 12m between habitable room windows and blank elevations and 21m between habitable room windows. These distances, together with the comparable scale of the proposed units is considered to be acceptable and will not have an unacceptable impact on the living conditions of future residents.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and the applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form.

#### Impact on Moorgate Conservation Area

Policy SP44 Conservation Areas states "Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles:

- a) developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings;
- b) there is a presumption in favour of the preservation of buildings and structures, both listed and unlisted, which make a positive contribution to the special character or appearance of Conservation Areas. Permission will not be granted for the demolition of a building in a Conservation Area which makes a positive contribution to the character or appearance of the Area unless it can be clearly demonstrated that:
  - i. there is no realistic prospect of the building continuing in its existing use or that a suitable alternative use cannot reasonably be found; or

- ii. the building is in poor structural condition and the cost of repairing and maintaining it would be disproportionate in relation to its importance and to the value derived from its continued use; and
  - i. The demolition is part of a development proposal which would in its own right serve to preserve or enhance the character or appearance of the Conservation Area;
- c) spaces, street patterns, views, vistas, uses, trees and landscapes which contribute to the special character or appearance of a Conservation Area will be safeguarded.
- d) depending on the scale of the development and when deemed necessary, developers will be required to submit character statements to assess the impact of the development upon the character and appearance of the Conservation Area and to minimise the effect of development proposals through careful consideration of their design.”

In this instance Moorgate Conservation Area runs to the rear of properties on Moorgate Road, however is separated from the application site by the rear gardens of these properties. Nevertheless, the proposals are considered to affect the setting of this conservation area and are required to be assessed against the above policy.

The proposals to erect the 7 residential properties are considered to be of an appropriate scale and their external elevations have a traditional appearance reflective of existing properties within the area. Existing mature trees located along the boundary with Moorgate Road are proposed to be retained, thereby screening the new properties to a certain degree. This together with the hipped roof design of Plot 2 will reduce any impact on the Conservation Area.

Taking all of the above into account it is considered that the proposed development will preserve the setting of the conservation area in accordance with Policy SP44 ‘Conservation Areas’.

#### Impact on adjacent Historic Park and Garden

Policy SP67 Historic Parks, Gardens and Landscapes states “The Council will seek to ensure the protection and appropriate enhancement of the borough’s historic parks and gardens. Development proposals should:

- a) safeguard those features which form an integral part of the special character or appearance of the Park or Garden;
- b) ensure that development does not detract from the enjoyment, layout, design, character, appearance or setting of the Park or Garden, key views out from the Park, or prejudice its future restoration. Where development is likely to affect a Historic Park and Garden or its setting, applications should include a Heritage Impact Assessment setting out the likely impact which the development would have upon its significance and the means by which any harm might be mitigated.”

The application site is located immediately adjacent to Moorgate Cemetery which is a Grade II listed historic park and garden. The reason for its designation relates to the following:

“Moorgate Cemetery is an early garden cemetery (1841) of the third decade of garden cemetery design, laid out by a private cemetery company to serve a provincial town. It was designed by Samuel Worth, a renowned local architect who also designed Sheffield General Cemetery (qv) and John Frith, also a local architect. The site survives largely complete and retains some C19 structural planting. Local social interest expressed in burials.”

The layout of the proposed development indicates that the historic park will be most affected by Plots 6 and 7. Plot 6 is a two storey property which incorporates a hipped roof. The two storey element of this dwelling is located 8m from the shared boundary; however this will be screened almost in its entirety by existing mature trees that will be retained as part of the proposals. Plot 7, a dormer bungalow is orientated such that its rear elevation faces the shared boundary with the cemetery and will be located 14m away. This distance, in addition to the scale of the building is such that the proposed development will not detract from the enjoyment, layout, design, character, appearance or setting of the Park, key views out from the Park, or prejudice its future restoration.

The original proposals showed a 1.8m high close boarded fence along this shared boundary and whilst a similar treatment exists along the boundary shared with the cemetery and No. 11 Fairleigh, it is considered that the existing stone wall which varies from approx. 1m and 1.2m in height will maintain the character of this historic park. The plans have therefore been revised to remove the timber fence and the applicant has expressed a desire to increase the height of the existing wall in matching stone up to 1.8m once he has resolved any ownership issues. Nevertheless if this cannot be achieved the existing treatment is considered to be adequate and will maintain the character and appearance of this Grade II historic park and garden.

Accordingly the development is considered to accord with the provisions of Policy SP67 Historic Parks, Gardens and Landscapes.

#### Impact on neighbouring amenity

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.”

‘Saved’ UDP Policy HG4.4 ‘Backland and Tandem Development’ is supplemented by ‘Saved’ Housing Guidance 3: Residential infill plots.” The Council’s inter-house spacing standards outlined within this Guidance indicate 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.

The guidance goes on to state that “where there is potential for loss of amenity to the adjacent dwellings, the dwelling should be either single-storey with a double pitched roof or should only have rooms in the roof with roof lights.”

The South Yorkshire Residential Design Guide (SYRDG) notes that: “For the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth.”

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule. Furthermore so as to avoid an overbearing relationship, the SYRDG additionally requires back to side distances and the extent of rear extensions to be limited by the 45 degree rule.

Having regard to the above, it is noted that the site is reasonably close to other residential properties and that neighbouring residents have raised concerns about the overbearing impact of the development. In this regard the closest residential properties are those located on Fairleigh Drive which have substandard rear gardens extending only to 7.5m from the rear elevation to the rear boundary. Given the close proximity of these dwellings Plots 1 and 7 have been individually designed to take into account the amenity of existing dwellings, the dormer bungalows have therefore been designed with a hipped roof along this elevation which reduces the height when compared to a standard 2 storey house type.

Both plots 1 and 7 are located approximately 10m from the rear elevation of properties on Fairleigh Drive, however the eaves of these properties are only 2.5m in height which is akin to a single storey dwelling. The sloping nature of the hipped roof provides a 12m separation distance between the rear gable of the existing dwellings and the ridge of the proposed. This separation is considered to be acceptable and in accordance with guidance within the SYRDG.

Furthermore, guidance within the SYRDG stipulates that for the purposes of daylighting, back to back distances should, as appropriate to specific circumstances be limited by the 25 degree rule. Accordingly, the applicant has provided a section demonstrating that when taken from the centre point of the lowest window in the existing property, the dormer bungalow(s) do not fall within the 25 degree line. The siting and massing of the proposed development are therefore considered to be acceptable and will not result in an unacceptable level of overshadowing or overbearing impact.

Turning now to the inclusion of windows within the northern elevation of the dormer bungalows, it is acknowledged that these serve habitable rooms, however they are within the ground floor elevation and screened from view by a 2.1m high close boarded fence. It is therefore considered that there will be no overlooking as the boundary fence will provide an adequate level of screening.

The proposed run of 5 two storey dwellings which are located along the southern boundary of the site achieve the required 10m length gardens however are located within close proximity to No. 86 Moorgate Road. This property fronts onto Moorgate Road and has a side elevation facing into the application site. During the course of the application it was established that a bedroom window exists within this elevation and as such a 21m separation distance would need to be achieved between that and Plots 3 and 4. Following consultation with the applicant and agent it has been agreed that this window will be bricked up and a new one installed within the rear elevation, ensuring that no overlooking of the proposed dwellings will take place. A condition requiring this

work to take place prior to the occupation of these dwellings is recommended to be attached to any planning approval.

In addition to the above residents have raised concerns about the proposed development generating unacceptable levels of noise from increased comings and goings into the site and the potential for headlights to shine into windows of existing properties when vehicles exit the site. These points are noted, however given the relatively small scale of the development and the traffic movements associated with it, it is not considered that they will result in a significant amount of noise or disturbance which would warrant a refusal of planning permission.

In conclusion and taking account all of the above, it is considered that the proposed development would be in accordance with the advice contained in paragraph 17 of the NPPF and would not significantly harm the amenity of neighbouring occupants.

#### Highway safety

In assessing highway related matters, Policy CS14 'Accessible Places and Managing Demand for Travel,' notes that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by (amongst other):

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

The NPPF further notes at paragraph 32 that: "All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Paragraph 34 to the NPPF further goes on to note 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."

With regard to the proposed layout, it is acknowledged that it is necessary to demolish an existing property to create the new access road onto Fairleigh Drive, the design incorporates footpaths on either side and its width is in accordance with guidance contained within the SYRDG. Internally, the dwellings are sited around a T shaped arrangement, the turning head being brick paved rather than tarmacadam.

Each dwelling has a double garage and sufficient parking for 2 additional vehicles which accords with the Council's car parking standards for residential developments of this size.

In general, the site has good access to public transport and local facilities, being within easy walking distance to bus stops located on Moorgate Road, therefore taking all of the above into consideration, it is considered that this proposed development has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policy CSS14 and guidance contained within the NPPF.

### Trees & Ecological Issues

Policy CS20 'Biodiversity and Geodiversity seeks to conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

Furthermore, Policy SP36 'Conserving and Enhancing the Natural Environment states "Development should conserve and enhance existing and create new features of biodiversity and geodiversity value.

Where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternate site, development proposals will be expected to minimise impact through careful consideration of the design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures."

Having regard to the above, the application is supported by a tree survey which surveys all trees within the site and those which may be affected by the development proposals within the site boundary. It contains details of 16 individual trees and 1 group of trees on or immediately adjacent to the application site. The trees are categorised in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction as below.

The contents of the report have been assessed by the Council's Tree Service Manager who has confirmed that the purpose of the tree categorisation method is to identify the quality and value (in a non-fiscal sense) of the existing tree stock, allowing informed decisions to be made concerning which trees should be removed or retained in the event of development occurring.

Of the existing trees the single 'A' and the 8 'B' category trees are the better quality trees with reasonably good future prospects. Generally, the retention of the better quality trees is desirable, particularly when they will continue to contribute to wider amenity. However, in this instance, due to the more secluded position of the site most of the existing trees provide limited amenity apart from those that are more readily visible from the cemetery to the west of the site.

From the submitted tree survey details it appears only T6 and T7 both low amenity trees will need to be removed to accommodate the development as it stands and this is welcomed. However, it is noted that a large number of mature trees have been removed

from the site prior to the pre-application enquiry for development. This has no doubt resulted in a significant reduction of amenity and associated benefits that may have been valued by residents of the properties overlooking the site. Also, the site contains numerous additional trees including Poplars, ornamental conifers, Beech and Silver Birch positioned close to the northern boundary as well as other self-set trees, none of which appear to be indicated for retention on the proposed site layout plan. However, due to their more secluded position they do not provide significant amenity to the wider public, although they may provide some limited amenity and associated benefits to local residents. For this reason, in principle there are no concerns over their loss to accommodate the development subject to any other constraints.

Having regard to tree retention and protection, some of the trees shown to be retained may be at risk by parts of the proposed development and associated construction activities. Any potential conflicts have been identified in the submitted Tree Survey. Advice and recommendations are contained within the report on how to minimise any adverse impacts on the trees indicated for retention. Therefore, in order to safeguard the future prospects of the trees indicated for retention throughout any development it is important that it is completed in accordance with the submitted tree related details which will be secured via conditions should planning permission be granted.

Turning now to ecological considerations, the application is supported by a Bat Survey which has been assessed by the Council's Ecological Development Officer who has confirmed that survey work was conducted within the appropriate time of year. Accordingly the Council are satisfied that the survey and assessment have been conducted professionally and according to established practices.

The Survey concludes that trees, scrub and buildings on site have the potential to support nesting birds. Vegetation and the redundant sheds should be removed outside the nesting bird season i.e. removed between September and February to avoid damaging active nests. Should this not be possible, a nesting bird check should be undertaken to all suitable habitats by a suitably qualified ecologist prior to removal or demolition works.

Two trees on Site have low or moderate bat roost potential. It is understood that these trees will be retained as part of the scheme. If it becomes necessary to remove them to facilitate the development, further assessment may be necessary and a precautionary approach to felling required.

No evidence of bats was recorded during the internal and external building inspection undertaken in October 2017.... Moorgate Cemetery located on the western Site boundary, Boston park and Canklow woods to the south of the site provide moderate foraging habitat for bats resident within the area. Landtake on site habitats is therefore considered to be of importance to foraging and commuting bats at site level only, given the abundance of suitable habitat within the area.

Consideration could be given to creating long term bat roosting opportunities integrated or externally mounted on the new buildings, thereby conforming with aims for biodiversity within the NPPF

Having regard to the conclusions of the report the Council's Ecological Development Officer does not raise any objections to the proposed development subject to the imposition of conditions based on the conclusions of the Bat Survey. The proposals

therefore accord with the provisions of Policy CS20 'Biodiversity and Geodiversity and Policy SP36 'Conserving and Enhancing the Natural Environment'.

#### Other issues raised by objectors

The vast majority of concerns raised by local residents have been addressed in the proceeding paragraphs of this report, however the following issues have also been raised and are addressed below:

- Is there sufficient provision of utilities including drainage in the area? – this is a matter that will need to be discussed between the applicant and the utilities company, however Yorkshire Water have confirmed that they raise no objections to the proposed development subject to a condition requiring details of the proposed surface water drainage.
- The houses should have photo-voltaic panels – Whilst this would be welcomed, we currently do not have an adopted policy that requires all new builds to be constructed with solar panels.
- Excavation work could have a serious adverse impact upon the stability of the existing structures – this is not dealt with under planning legislation and is a matter for the developer to discuss through the building regulations process.
- The demolition of No. 9 should take place by hand and the contractors methods and risk assessment should be distributed to both No's 11 and 7 Fairleigh Drive for comment – The applicant has confirmed that the demolition will indeed take place by hand with the use of fully netted scaffold.
- If the existing boundary to the rear and side of No. 11 will be required to be demolished this should be reinstated prior to the commencement of construction works and its finish / height agreed with the occupants of No 11 – Again the applicants have agreed this will be the case

#### **Conclusion**

The new residential use of the land is considered acceptable in principle and will not result in an unacceptable form of development. The proposed development would provide housing, designed to a high standard, which reflects the character and appearance of the locality and would contribute to existing shortfall in housing provision in the Borough.

The scheme would not lead to an adverse effect on the residential amenities of adjoining occupiers by way of overlooking or overshadowing. Furthermore the scheme would not be detrimental in highway safety terms. In view of the above it is recommended that planning permission be granted.

#### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 6, 10, 11 & 17 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:



- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 6, 10, 11 & 17 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

## **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

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)

- Site Location Plan - dwg ref: EC-07-10 Rev B
- Proposed Site Layout – dwg ref: EC-07-15 Rev F
- Proposed House Types Sheet 1 of 2 – dwg ref: EC-07-17 Rev A
- Proposed House Types Sheet 2 of 2 – dwg ref: EC-07-18 Rev A
- Existing and Proposed Site Section Sheet 1 of 2 – dwg ref: EC-07-25
- Existing and Proposed Site Section Sheet 2 of 2 – dwg ref: EC-07-26
- Existing and Proposed Levels – dwg ref: EC-07-30
- Proposed Boundary Treatment Plan = dwg ref: EC-07-35 Rev B
- Existing and Proposed Site Section Sheet 1 of 2 – dwg ref: EC-07-25 Rev A
- Existing & Proposed Elevations 86 Moorgate Road – dwg ref: EC-07-45

### **Reason**

To define the permission and for the avoidance of doubt.

03

No above ground 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 Policy CS28 Sustainable Design.

04

Prior to the occupation of Plots 3 or 4, the window in the north western elevation of No. 86 Moorgate Road shall be permanently bricked up and repositioned within the rear, western elevation as shown on plan reference 'Existing and Proposed elevation No. 86 Moorgate Road dwg no. EC-07-45'.

Reason

To protect the amenities of existing and future residents.

## **TRANSPORTATION**

05

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.

06

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

Reason

No details having been submitted they are reserved for approval.

07

Prior to the occupation of the first dwelling, 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.

## **LANDSCAPE AND ECOLOGY**

08

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 scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policies CS21 Landscape, ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'

09

Within 5 years of the commencement of the works 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, within this 5 year period, 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', CS21 Landscapes, ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

10

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 Figure 3 Tree Protection Plan Ecus Dwg No 10534-ARB-02. 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 Policies CS 21 Landscapes, ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'.

11

The development hereby approved shall be implemented in accordance with the details within the submitted Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement by Ecus Environmental Consultants dated, October 2017. In addition, prior to the commencement of any development on the site, details of a watching and reporting brief by the appointed project Arboriculturist shall be submitted to the LPA for consideration and approval.

#### Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', CS21 Landscapes, ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

12

Prior to the occupation of the first dwelling, a sensitive lighting scheme which avoids lighting the scattered trees and parkland to the west and south of the Site shall be submitted to and approved in writing by the Local Planning Authority. The principles of this scheme shall be developed using guidance contained within Appendix 2 of the submitted Bat Assessment Survey.

**Reason**

To ensure the development is carried out in an appropriate manner and to protect local nature conservation in accordance with Policy CS20 'Biodiversity and Geodiversity' and relevant guidance contained within the NPPF.

13

Prior to any above ground development a scheme shall be submitted to and approved in writing by the local planning authority detailing proposals for the creation of long term bat roosting opportunities which shall be integrated or externally mounted on the new buildings hereby approved. The approved scheme shall thereafter be implemented for the lifetime of the development.

**Reason**

To ensure the development is carried out in an appropriate manner and to protect local nature conservation in accordance with Policy CS20 'Biodiversity and Geodiversity' and relevant guidance contained within the NPPF.

14

Any vegetation clearance should be undertaken with care and using hand tools only. Should any mammal holes which could be associated with badgers be identified during vegetation clearance, all work should cease and an appropriately qualified ecologist consulted and a written report submitted to the Local Planning Authority. Work shall not re-commence until the Local Planning Authority have given their written approval and only in accordance with the recommendations within the report.

**Reason**

To ensure the development is carried out in an appropriate manner and to protect local nature conservation in accordance with Policy CS20 'Biodiversity and Geodiversity' and relevant guidance contained within the NPPF.

15

In the event that vegetation removal and building demolitions take place outside of the nesting bird season (September and February), a nesting bird check shall be carried out and a report prepared by a suitably qualified ecologist prior to removal or demolition works shall be submitted to the Local Planning Authority for written approval. The removal and demolition works shall thereafter be carried out in accordance with the conclusions of the approved report.

**Reason**

To ensure the development is carried out in an appropriate manner and to protect local nature conservation in accordance with Policy CS20 'Biodiversity and Geodiversity' and relevant guidance contained within the NPPF.

**DRAINAGE**

16

Details of the proposed means of disposal of foul and surface water, including details of any off-site work and on site attenuation of surface water flows, 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'.

17

No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to :-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority .

Furthermore, unless otherwise approved in writing by the Local Planning Authority , there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works .

#### Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

#### Informatives

01

Company records indicate a water main crosses the red line site boundary. While this water main is not affected by the proposed layout, it may need to be diverted or lowered to accommodate the new access road. The exact line of the main will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the main to be diverted under s.185 of the Water Industry Act 1991. These works would be carried out at the developer's expense. The cost of these works may be prohibitive.

#### 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>RB2017/1559</b>
<b>Proposal and Location</b>	Creation of access at Kiveton Hall Farm, Kiveton Lane, Kiveton Park
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to Planning Board due to the number of objections received.



### Site Description & Location

The site of application is Kiveton Hall Farm, located off Kiveton Lane, set between Kiveton Park and Todwick. The farm consists of a number of large utilitarian buildings some constructed in natural stone with other being metal clad. Immediately to the south of the farm site are residential properties on Todwick Court.

The farm forms part of a large commercial farm consisting of 2,000 acres, with the buildings on site used primarily for grain storage.

The existing access to the farm site is located at the southern end of the complex of buildings and forms part of the route of Todwick Bridleway No. 12, which branches off within the application site to form Wales Footpath No. 22. Tree Preservation Order No. 3, 1971 extends along part of the frontage of the overall farmyard site.

## **Background**

The site has a long planning history of agricultural barns on site, the following applications are the most relevant:

RB1991/0879 - Outline for erection of a 120 bed hotel & construction of golf courses - REFUSED

RB2011/1526 - Demolition of existing agricultural building and erection of agricultural storage building (renewal of permission RB2008/1829) - GRANTED CONDITIONALLY

A Department for Transport Public Inquiry has recently taken place regarding allowing access for up to 14 HGVs. The application was refused due to the poor quality of the existing access.

## **Proposal**

The applicant seeks permission to form a new highway access onto Kiveton Lane, to accommodate larger modern HGVs. The existing access is not considered suitable for large HGVs and forms part of a well-used Public Right of Way (Todwick Bridleway No. 12, which branches off within the application site to form Wales Footpath No. 22.)

The proposal will involve the felling of two Sycamore trees that are not protected by way of a Tree Preservation Order.

The applicant's submission confirms that:

- The new access will serve as the main access for the farm including the 4 HGV vehicles, which are lorries and only used for the delivery of grain produced on the holding.
- The proposed access would be 12.3 metres wide and will require a minor regrading of the slope down to the hard standing in the farm complex, which will be tarmacked.
- A metal gate will remain open at all times the farm is in operation and will provide security.
- The application will succeed in removing the current conflict between farm traffic and users of the public footpath. The evidence at the Department for Transport Public Inquiry clearly highlights there is currently an issue of concern both from a highway and pedestrian safety viewpoint.
- The proposal will only involve the removal of two immature and unattractive maple trees immediately to the south of the proposed access. The remainder of the trees on the frontage will be retained.

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is located within the Green Belt in the UDP and this allocation is retained in the emerging Sites and Policies Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):  
CS4 'Green Belt'

Unitary Development Plan 'saved' policy(s):  
None relevant.

Emerging Sites and Policies Local Plan:  
SP2 'Development in the Green Belt'

### **Other Material Considerations**

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

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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 Core Strategy / emerging Sites and Policies Local 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 and letters to neighbouring properties. 12 letters of objection have been received including one from Wales Parish Council.

The objectors state that:

- Three entrances on to Kiveton Lane very close together would cause a danger to existing traffic.
- Will result in excessive number of HGVs through Todwick village.
- The applicant will look to increase the number of HGVs entering the site.
- Noise and exhaust pollution from lorries.



- Lorries may be repaired on site.
- The access is not necessary.
- The application is intended to change the use of the farm to a commercial storage and distribution use, unrelated to farming.

Wales Parish Council have stated that:

- Wales Parish Council wishes to object to the application on the grounds that the site is in the Green Belt, in close proximity to a dog-leg crossroads, on a heavily trafficked road and noise pollution arising from an intensification of the number of HGV vehicles using the site would be detrimental to the amenity of the area.

4 objectors and the applicant have requested the right to speak.

## **Consultations**

RMBC - Transportation and Highways Design – No objections subject to conditions.

RMBC – Tree Service Manager – There are no objections to the removal of the 2 Sycamore trees concerned. They appear to be self-set approximately 10m in height and maturing in age. Both are likely to have limited future prospects due to their poor form and proximity to the adjacent stone boundary wall. Their removal should not result in any significant reduction of amenity. Recommends protection of remaining trees through a condition.

## **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 the application are:

- Principle of development in the Green Belt, including impact on openness.
- Loss of trees and visual impact..
- Impact on neighbouring amenity.
- Highway safety.

Principle of the development in the Green Belt, including impact on openness.

The site is allocated as Green Belt in the adopted Unitary Development Plan and is also allocated as Green Belt in the emerging Sites and Policies Local Plan (September 2015) and there is no intention to re designate the site as part of the Local Plan.

The Council's Core Strategy Policy CS4 Green Belt states the following: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy."

Policy SP2 'Development in the Green Belt' of the emerging Sites and Policies Local Plan states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances", and that all proposals for development should satisfy other relevant policies of the Local Plan and National Guidance.

Paragraph 90 of the NPPF states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations.

The proposed new access involves no land level changes, retaining walls or other structures. As such the new access preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt and is not inappropriate development in the Green Belt.

#### Loss of trees and visual impact

The proposed access removes an existing stone wall and a couple of poor quality self-set Sycamore trees, which are not protected by way of Tree Preservation Order. The trees appear to be self-set approximately 10m in height and maturing in age. Both are likely to have limited future prospects due to their poor form and proximity to the adjacent stone boundary wall. Their removal should not result in any significant reduction of amenity.

The new access will not appear out of keeping in the streetscene and is appropriate for a substantial commercial farm.

#### Impact on neighbouring amenity

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 applicant indicates the proposal is to allow better access for 4 HGV vehicles, although objectors have concerns that the applicant may increase the number of HGVs and use the site as a storage and distribution warehouse centre. The application can only be considered on the basis of the information submitted and the conversion of agricultural buildings to B8 storage and distribution would require permission in its own right. Objectors are concerned that the development will lead to an increase in noise and air pollution, though the provision of the revised access itself would not do so, and the revised access location is further from existing residential properties such that any impact would potentially reduce any impact in this respect.

Finally an objector notes that lorries may be repaired on site, though it is noted that there is an existing workshop building on site where ancillary repairs to farm vehicles may already take place.

### Highway safety

Turning to the issue of highway safety, it is noted that neighbouring residents have raised concerns about the proposed access in highway safety terms. However, the Council's Transportation Unit raise no objections to the proposals in highway safety terms subject to a recommended condition relating to the existing access being closed to HGV traffic.

The prevention of the use of the existing access to HGVs will improve pedestrian safety for those using the existing Public Rights of Way (Todwick Bridleway No. 12, which branches off within the application site to form Wales Footpath No. 22) that currently share the route of the existing access.

### **Conclusion**

In conclusion, the proposed access is acceptable in principle within the Green Belt and will be acceptable in terms of highway safety, visual amenity and neighbouring amenity. As such the proposal accords with Development Plan as well as the guidance contained within the NPPF.

### 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

Notwithstanding the submitted details, the proposed vehicular access shall be constructed as indicated on the attached plan.

Reason

In the interest of highway safety.

03

The initial 20m (minimum) of access road measured from the highway boundary shall be constructed in tarmac or concrete.

Reason

In the interest of highway safety.

04

No gates shall be erected at the proposed vehicular access without the prior consent of the Local Planning Authority.

Reason

In the interest of highway safety.

05

The proposed vehicular access shall not be brought into use until signs have been erected at the existing vehicular access advising “No access for HGV’s” and “No exit for HGV’s” in accordance with details which shall have been submitted to and approved by the Local Planning Authority, and the existing access shall not be used by HGVs, in accordance with the approved details.

Reason

In the interest of highway safety.

06

Within 5 years of the commencement of the works 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, within this 5 year period, 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

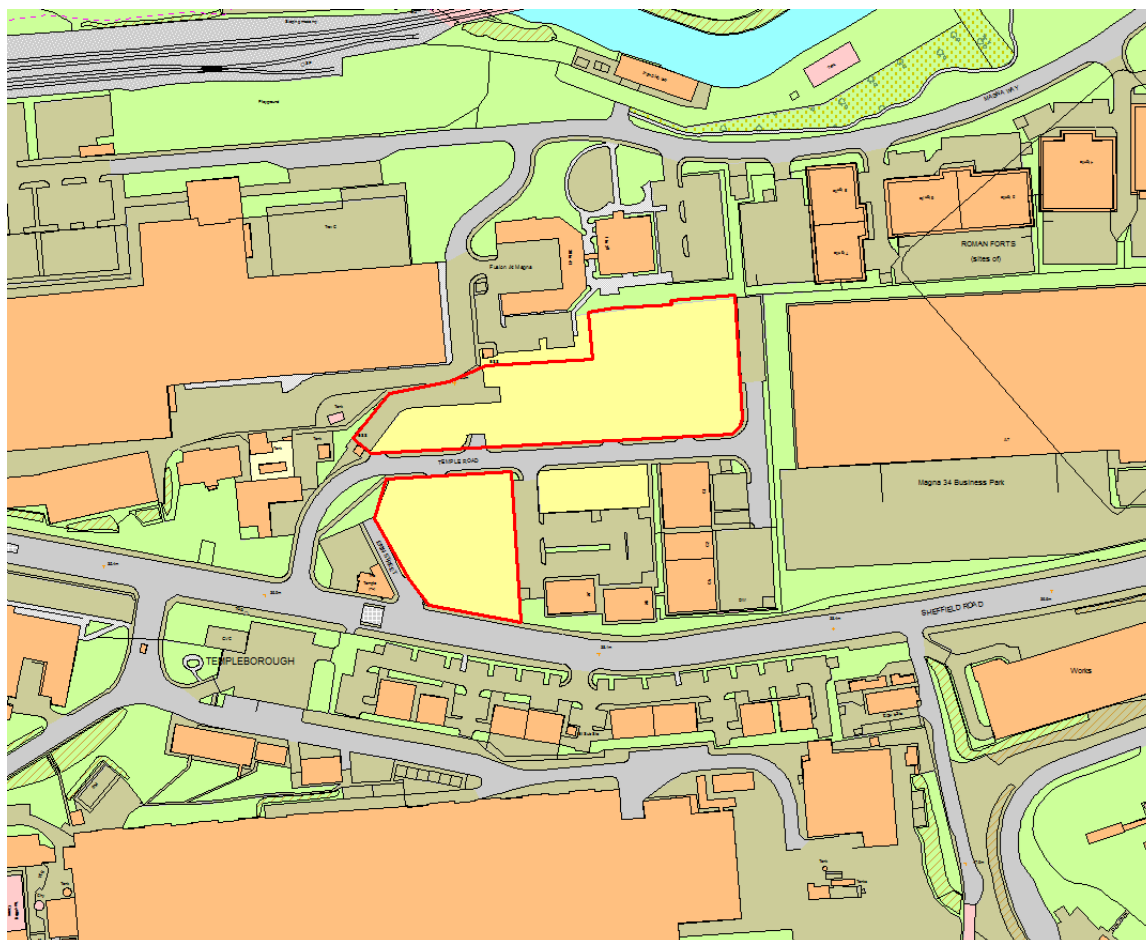
In the interest of the visual amenity of the area.

## 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>RB2017/1564</b>
<b>Proposal and Location</b>	Erection of 5 no. buildings to form 13 units for use within classes B1(c) (Business), B2 (General Industrial) and B8 (Storage and Distribution), with associated car parking at Magna 34, Sheffield Road, Templeborough, S60 1FG for Jaguar Estates
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for minor operations.



### Site Description & Location

The site is located to the north of the A6178 Sheffield Road, in Templeborough.

The site is split by Temple Road which is to the north of Sheffield Road and accesses the existing buildings.

On the southern side of Temple Road is a small flat piece of land that is currently overgrown and unkept. The northern part of the site is a larger parcel of land with has also been left unkept and overgrown.

The site is bounded to the north by commercial units (Fusion at Magna), to the south by Sheffield Road beyond which lies an industrial estate, to the east by Magna 34 Business Park and to the west by the Magna Science and Adventure Park.

## Background

There have been several planning applications submitted relating to this site the most recent and relevant of which is:

RB2006/0943 – Erection of 10 buildings to form 20 units for use within class B1 (Business), 8 buildings to form 16 units for use within classes B2 (General Industrial) and B8 (Storage & Distribution) with associated car parking, landscaping with new vehicular access and alteration to existing vehicular access's off Sheffield Road – Granted conditionally – 30 January 2007

RB2016/1178 – Erection of 5 no. buildings to form 13 units for use within classes B1(c) (Business), B2 (General Industrial) and B8 (Storage and Distribution), with associated car parking – Refused

The reason for refusal of the previous application was:

*“The Council considers that the proposed buildings Unit 1 and Unit 1b – 1d, would by virtue of their design and siting have a poor relationship with the site and surrounding area and would represent a poor form of development that fails to take the opportunities available for improving the character and quality of the area. Furthermore, the aforementioned buildings would by virtue of their design have little regard to the character of adjacent buildings and would introduce an incongruous feature which would detrimentally affect the character and appearance of the area and the visual amenity of the immediate surrounding area given its prominent “gateway” location. The application is therefore in direct conflict with Rotherham’s adopted Core Strategy Policy CS28 ‘Sustainable Design’ and the aims of the National Planning Policy Framework and National Planning Policy Guidance.”*

It is noted that some of the buildings approved under the 2006 permission have been built out and the remaining could be built out subject to the payment of additional Section 106 monies, although this application is seeking to amend the layout and would prevent the completion of the previous scheme.

## Proposal

The application is for the construction of 5 no. buildings to create a total of 13 units for use within classes B1(c), B2 and B8.

The buildings would be formed of 3 terraced buildings and 2 single buildings. One of the terraced buildings would comprise 3 units and the other two would comprise of 4 units.

Unit 1A is one of the single units and is located fronting Sheffield Road, to the west of the existing units built out under the 2006 permission. It will be accessed off Temple Road via a new access; the access will also serve a terraced block of three units (1B / 1C / 1D). The rear elevation of this block will run parallel with Ekin Street.

Unit 2 is the other single unit; this unit will be accessed off Temple Road, with the front elevation facing the car park to the west of the building.

The block containing Units 3A / 3B / 3C / 3D would be sited adjacent Temple Road with its rear elevation running parallel with the carriageway. The final building would comprise Units 3E / 3F / 3G / 3H and be sited to the east of the site at right angle to the aforementioned building. Access to both will be derived from the same access off Temple Road, with car parking and turning facilities to the north the block containing Units 3A to 3D and west of the block containing Units 3E to 3H.

All the buildings will be of a similar appearance and design; they will have shallow pitched roofs approximately 6 – 7 metres high, with the elevations having a similar mix of brickwork, cladding, glazing and roller shutter doors, with space for photovoltaics on south facing roofspaces.

The buildings are proposed to be constructed in facing brick with a combination of Microrib & Profiled steel cladding, with a profiled steel roof cladding.

A landscape scheme has been submitted which shows areas of low level shrubs and trees to complement the existing landscaping along Sheffield Road and Temple Road. This includes new shrubs and trees to the rear of Unit 1A and side of Unit 1B adjacent Sheffield Road, the rear of Unit 1B – 1C adjacent Ekin Road; and then to the side of Units 1D, 2 and 3E and the rear of Unit 3A – 3D. Additional landscaping is proposed within the parking areas.

The following documents have been submitted in support of the application:

#### Travel Plan

The Travel Plan submitted provides an update to the previously approved report under RB2006/0943 and takes into account the changes in the development proposals and provides an update on the current policy position and the existing sustainable transport facilities in the vicinity of the site.

#### Flood Risk Assessment

The FRA carried out by White Young Green concludes that there is a negligible risk of flooding to the site and the development will have little or no impact on the floodplain of the River Don.

#### Heritage Assessment

This report, prepared by ArchHeritage in accordance with requirements of English Heritage: Management of Archaeological Projects (Issue 2, 1991) is the final report on the results of the excavations.

The report concludes that: “The excavations have demonstrated that remains of the fort and *vicus* survived the construction of the Templeborough Steelworks during the First World War, but that the remains were localised to some areas and severely truncated.”

#### Archaeological Assessment

The assessment has been submitted as there is historical evidence of a Roman Fort and *vicus* at Templeborough. It indicates that in 2006 several evaluation trenches were

excavated and showed that many of the features identified in earlier excavations had been completely removed by the steelworks' construction.

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for Industrial and Business purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'Industrial and Business purposes and a new employment site (E12) on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS3 'Location of New Development'  
CS9 'Transforming Rotherham's Economy'  
CS21 'Landscapes'  
CS23 'Valuing the Historic Environment'  
CS25 'Dealing with Flood Risk'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

EC3.1 'Land Identified for Industrial and Business Uses'  
ENV3.7 'Control of Pollution'  
T6 'Location and Layout of Development'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':

SP1 'Sites Allocated for Development'  
SP16 'Land Identified for Industrial and Business Uses'

## **Other Material Considerations**

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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 Core Strategy/Unitary Development Plan/Rotherham Local Plan ‘Publication Sites and Policies - September 2015’ policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but wait testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

## **Publicity**

The application has been advertised by way of site notices on Sheffield Road and Temple Road, a press notice and letters to neighbouring business. No representations have been received.

## **Consultations**

RMBC – Transportation and Highways Design: Have no objections subject to conditions.

RMBC – Landscape Design: Have no objections subject to conditions.

RMBC – Drainage: Have no objections subject to conditions.

RMBC – Ecologist: Have no objections.

RMBC – Land Contamination: Have no objections subject to conditions.

RMBC – Environmental Health: Have no objections.

Environment Agency: Have no objections subject to conditions.

South Yorkshire Archaeological Service: Have 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 current application is a resubmission of a similar scheme that was refused by members in early 2017. The new scheme is similar in terms of its layout and siting, but

work has been done to provide a more appropriate and acceptable elevation treatment to Units 1A, 1B, 1C and 1D which are clearly viewed from Sheffield Road, in a key gateway site, and were the reason for the previous refusal.

The main issues to take into consideration in the determination whether the current scheme satisfactorily overcomes the previous reason for refusal are –

- The principle of the development
- Scale, layout and design
- Landscape issues
- General Amenity Issues
- Transportation Issues
- Land Contamination
- Flood Risk and Drainage
- Archaeological issues

### Principle

The application site is allocated for industrial and business use within the adopted Rotherham UDP and is also allocated for the same use within the emerging Sites and Policies Document, as well as being a proposed employment site. In this instance the applicant is seeking to construct 5 buildings for use within classes B1(c), B2 and B8. The proposal is therefore considered to be acceptable in land use terms and is in accordance with policy CS9 'Transforming Rotherham's Economy'; 'saved' UDP policy EC3.1 'Land Identified for Industrial and Business Uses' and emerging policy SP16 'Land Identified for Industrial and Business Uses'. The proposal is also in accordance with the policies contained within the NPPF which has a presumption in favour of sustainable development, and aims to build strong, competitive economies. In this regard the proposal is considered to be acceptable in principle.

It is also of note that the application site benefits from an extant permission under RB2006/0943 which was for a similar development for the same uses, albeit of a slightly different layout, with buildings of different sizes, scales, forms and designs to the ones hereby proposed.

Additionally and under Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015, as amended an application can be submitted for a flexible permission which allows the unit to be changed to another use under the same permission without the need for a further application within 10 years from the date of the permission. The applicant could therefore use the unit for any of the uses outlined above within 10 years from the grant of planning permission. However, following its continuous use for any single one of the uses for a period of 10 years or more, planning permission would be required for a change of use.

### Scale, layout and design

The NPPF at paragraph 17 states planning should always seek to secure high quality design, furthermore paragraph 56 notes: "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.”

In addition to the above policy CS28 ‘Sustainable Design’ of the Council’s adopted Core Strategy states: “Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings...Development proposals should be responsive to their context and be visually attractive as a result of good architecture...Design should take all the opportunities to improve the character and quality of an area and the way it functions.”

The proposal in this instance comprises of the erection of a 5 pitched roof steel framed industrial style warehouse buildings, with external cladding in two shades of grey, brickwork and glazing details in a prominent location on a main arterial road (Sheffield Road) into Rotherham from Junction 35 at Meadowhall, which is seen as one of the “gateways” into the Borough within a predominantly industrial and business area. The buildings have been laid out with regard to the previously constructed access road (Temple Road) and the underground sewer which bisects the site.

The layout has changed from the previous extant permission (RB2006/0943), but is the same as previous refusal (RB2016/1178), the size, scale and form of the buildings are different to the extant permission, but similar to the previous refusal. However, the design and material palette of Units 1A, 1B, 1C and 1D have been altered from the previous refusal, by incorporating different shades of grey cladding and more brickwork and glazing facing Sheffield Road, while a signage band is shown on the elevation of Unit 1A facing Sheffield Road. The design and materials proposed for Unit 2 and the two Unit 3’s have not altered from the previous refusal, as no issues were raised in respect of the units adjacent the internal Temple Road. The previously approved buildings which could still be built out subject to the payment of addition s106 monies were provided with sloping mono-pitch roofs and constructed with a mix of materials including steel cladding, brickwork, cedar boarding and large glazed sections.

The buildings hereby proposed are all of a similar pitched roof form and would be constructed with a mixture of brickwork, glazing and cladding of varying shades of grey, with car parking to the front accessed off Temple Road. The buildings would be laid out with one backing onto Sheffield Road, adjacent the existing office buildings built out under RB2006/0943, a further building would back onto Ekin Road, two more would have their side elevations adjacent Temple Road and one would have its rear elevation adjacent Temple Road. There would be some landscaped areas acting as a buffer between the buildings and the roads which they are adjacent to.

The proposed buildings are of no real architectural merit and have been designed and detailed to mirror other similar large industrial / warehouse buildings to the east of the site further along Temple Road, which can be viewed from the application site and together with the application site did form part of a wider development that was approved in 2006.

It is noted that the buildings must represent their end use and must be practical, however given Units 1 are located in a prominent location clearly visible from the busy Sheffield Road, which acts as a key “gateway” some regard needs to be had to their visual appearance and the palette / use of materials and design features. The use of appropriate materials and design features in a key “gateway” location will visually

enhance the buildings themselves but also enhance the character and quality of the area as advocated within the NPPF.

The previous refusal was issued because it was considered that little regard had gone into the impact of the buildings in this key “gateway” location and their mix of materials / design features resulted in a poor form of development that did not take the opportunity to enhance the character and quality of the area.

The revised elevation treatment of Unit 1a and Unit 1b-d with the increased use of brickwork and glazing detail, now represent an appropriate form of development that would enhance the character and quality of the area and also improve the visual amenity of this key “gateway” site. Furthermore, the greater mix of materials and the design features proposed in the two buildings that will be clearly visible from Sheffield Road, have a greater consideration of the existing neighbouring buildings both adjacent to the site and on the opposite side of Sheffield Road.

It is therefore considered that the revised plans submitted as part of this application, satisfactorily overcomes the previous reason for refusal and the scheme now represents an acceptable form of development which complies fully with the requirements of the NPPF and policy CS28.

In respect of the buildings which form Unit 2 and Units 3a to 3h, it is considered that on balance, given they are in a less prominent location adjacent an internal access road within the wider development area, with views only accessible from this internal access road and together with the proposed landscaping, are considered to be acceptable. Furthermore, they have been designed so that the prominent elevations (front and side of Unit 2, rear of Unit 3a – 3d) have some interest by using a suitable mix of materials and features.

The proposal would therefore be in compliance with the NPPF at paragraphs 17 and 56 and policy CS28 ‘Sustainable Design’ of Rotherham’s adopted Core Strategy and as such raises no design issues and overcomes the previous reason for refusal.

### Landscape issues

The applicant is proposing new areas of landscaping, which would include new low level shrubs and trees to complement the existing landscaping carried out during the construction of the adjacent office units accessed off Temple Road. The new landscaping will consist of landscape strips to the rear and side of the units which front Sheffield Road, Ekin Road and Temple Road, additional landscaping will be provided within the parking areas at the front of buildings to break up the hardstanding.

Precise details of the size and species proposed for the landscaping areas have not been provided at this time. However, the Council’s Landscape Design team are generally satisfied with the level of landscaping proposed as it will complement the existing landscape areas, but have recommended a condition to ensure that a more detailed landscape scheme is submitted for consideration before the site is occupied, so that details of sizes and species can be agreed.

In light of the above it is considered that the proposed level of landscaping would have been acceptable and would comply with the requirements detailed within policy CS21 ‘Landscapes’.

### General Amenity issues

The nearest residential properties are approximately 700 metres west of the site within Sheffield's administrative boundary. The nearest residential properties within Rotherham are approximately 1km north-east of the site. It is also acknowledged that there are other commercial premises in close proximity of the site along Sheffield Road and the wider Templeborough area, and that the site is located close to a number of major arterial traffic routes, namely Sheffield Road and the M1 Motorway. Having regard to this, it is considered that the proposed development would not result in any significant loss of amenity by virtue of noise pollution due to the site's location. Furthermore, it is considered that the built form of the proposed buildings would not give rise to any amenity issues.

It is therefore considered that there would be no significant loss of amenity by virtue of noise, air quality or land pollution impact and as such the proposal would comply with policy CS27, 'saved' UDP policy ENV3.7 and paragraph 17 of the NPPF.

### Transportation Issues

The site will be served off Temple Road, with three new vehicular accesses being created off this internal road to new car parking areas and turning facilities.

The Council's Transportation Unit have indicated that the vehicular accesses are acceptable and would allow for the safe exit of vehicles into Temple Road, while the level of car parking and turning facilities proposed are acceptable and in accordance with the Council's Parking Standards.

Further to the above, although a Transport Assessment has not been submitted, it is considered that the increase of circa 100 trips per day generated from the site would be acceptable.

In light of the above it is considered that the proposal is in accordance with policy CS3 'Location of New Development' and 'saved' UDP policy T6 'Location and Layout of Development', and would therefore be acceptable in Transportation terms, subject to appropriate conditions.

It is noted that the previous approval required the payment of a s106 financial contribution towards the A1 Bus and junction improvements at J34 of the M1. The A1 service no longer runs through Templeborough and the signal works at J34 have been completed. There would therefore be no requirement to require a S106 financial contribution in respect of Highway / Transport improvements.

### Land Contamination

Historically the site has been occupied by the Templeborough Steelworks / Rolling Mills dating back to 1916 to approximately 1999. From this date onwards the site was still occupied by a number of disused buildings until approximately 2006. Since then the land has been completely cleared and is open unused land.

As part of past site clearance works it is thought that all of the above and below ground structures associated with the former steel works were demolished as part of previous reclamation works, which included the removal of above and below ground fuel tanks.

Remediation works are thought to have been undertaken in the past as part of the overall reclamation works for the entire site. The details however of past site investigation / remediation works has not been submitted as part of this planning application.

It is considered that despite previous remedial works being undertaken a moderate risk of contamination is likely to exist from potential made ground deposits and associated ground gases that warrant further site investigation. For this reason if planning permission is granted further site investigation works should be undertaken to assess the nature and extent of contamination in relation to potential risks to human health for the end users of the site and controlled waters.

Remediation works may be required to bring the site back to a suitable condition to be protective of human health for its proposed end use. This would need to be controlled by way of a condition on any planning approval.

#### Flood Risk and Drainage

The northern part of the site is located within a Flood Zone 2 and as such in line with national guidance and the guidance detailed within policy CS25 a Flood Risk Assessment has been submitted. The Environment Agency have stated that the proposed development will only meet the requirements of the NPPF if the measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition.

In addition to the above it is noted that there is a sewer that crosses the site and the layout has been designed with regard to its location and the required easement. The Council's Drainage Engineer has indicated that the drainage scheme submitted is not satisfactory but can be secured via a condition for a surface water drainage scheme to be submitted before works commence. Accordingly, the application would not give rise to any drainage issues subject to a planning condition.

#### Archaeological issues

This area was included in a much wider review for the "Templeborough Gateway", by White Young Green in 2004. This included a review of the archaeological potential, undertaken by Northern Archaeological Associates (NAA). The NNA review identified areas of archaeological sensitivity and this proposed development area is within one of these areas. Given this archaeological potential along with the potential for significant remediation, SYAS have recommended that a condition would be required to be attached to any planning permission requesting the submission of a Written Scheme of Investigation (WSI) which sets out a strategy for archaeological investigation and the development shall only take place in accordance with the approved WSI.

#### **Conclusion**

Having regard to the above it is concluded that the proposed development overcomes the previous reason for refusal and the scheme hereby proposed now represents an

acceptable and appropriate form of development which would not adversely affect the character or appearance of the area and would not adversely impact on the highway, flood risk, drainage, land contamination or archaeological issues.

Accordingly, the proposed development would fully comply with the relevant paragraphs of the NPPF, 'saved' adopted UDP policies and adopted Core Strategy policies detailed above. Therefore, for the reasons detailed above the application is recommended for approval subject to conditions.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **08 and 13** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **08 and 13** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

#### 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

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)

4217-05, received 20 October 2017

4217-03 rev A, received 20 October 2017

4217-01 rev D, received 20 October 2017

4217-02 rev K, received 29 January 2018

#### Reason

To define the permission and for the avoidance of doubt.

03

The buildings hereby approved shall not commence construction above ground level 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 Core Strategy Policy CS28 Sustainable Design.

Highways

04

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.

05

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.

06

The development shall not be brought into use until the 3 No. redundant vehicular accesses indicated on the submitted plan have been permanently closed and the kerbline /footway reinstated.

Reason

In the interests of road safety.

07

Before the development is brought into use a protocol for implementing, monitoring and reviewing the submitted Travel Plan and a timetable for the implementation of the protocol and travel plan shall be submitted to and approved in writing by the local planning authority. The travel plan shall be implemented in full and in accordance with the approved timetable and protocol unless otherwise agreed in writing by the local planning authority.

Reason

In order to promote sustainable transport choices.



## Flooding and Drainage

08

Development shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to rates compatible with the capacity of the downstream system
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

### Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

09

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

### Reason

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

10

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment dated July 2004 Project number A016462 completed by White Young Green and the following mitigation measure detailed within:

- Minimum finished floor levels should be 31.00mAOD.

The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

### Reason

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

## Landscape

11

Prior to the occupation of the first unit hereby approved, 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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

12

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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

## Land Contamination

13

Prior to commencement of development a Phase I Site Assessment Report consisting of a desk top study, a site walkover, and a conceptual site model must be undertaken to

obtain an understanding of the sites history, its setting and its potential to be affected by contamination. This report must be submitted to this Local Authority for review and consideration.

The above 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 (SR 2-4).

#### 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.

14

Subject to condition 13 above a Phase II Intrusive Site Investigation should be undertaken at the application site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The above 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.

15

Prior to the commencement of development a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remedial works 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 approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

#### 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

If subsoils / topsoils are required to be imported to site for soft landscaping areas, 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. The results of testing will need to be presented in 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.

17

Following completion of any required remedial/ground preparation works (including gas protection membranes) a Validation Report will be forwarded to the Local Authority for review and comment. The Validation 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. The site shall not be brought into use until such time as all validation 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.

#### Archaeology

18

##### Part A (pre-commencement)

No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results. The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

##### Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

#### Reason

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

## **Informatives**

01

Please note that under Part 3 Class V of the Town and Country Planning (General Permitted Development) Order, as amended an application can be submitted for a flexible permission which allows the unit to be changed to another use under the same permission without the need for a further application within 10 years from the date of the permission. This decision therefore allows the use of these units for any of the uses outlined in this decision within 10 years from the grant of planning permission, however after a period of 10 years or more, planning permission may be required for a change of use.

02

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by minimising dust and preventing mud, dust and other materials being deposited on the highway.

03

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

## **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.