

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THURSDAY 10 MAY 2018**

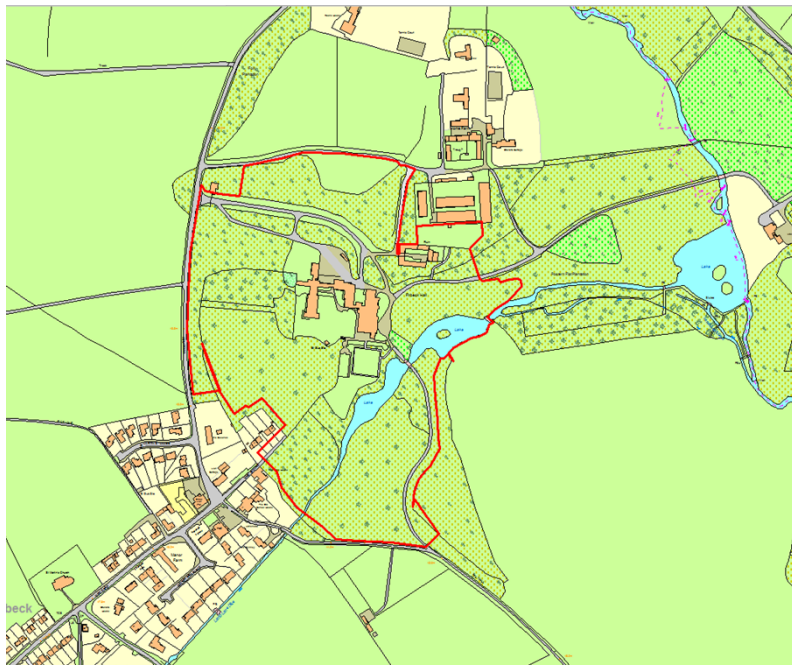
The following applications are submitted for the Board's consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

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<b>Application Number</b>	<b>RB2017/0875</b>
<b>Proposal and Location</b>	Conversion, restoration and partial demolition of Firbeck Hall (Formerly hospital) to form 21 apartments, conversion and restoration of the stable block to form 3 apartments, the creation of 1 dwelling within the walled garden and 8 No. new build dwellings with detached garages in place of the demolished annex, as enabling works, including landscaping and external works to the Firbeck Hall site at Firbeck Hall, New Road, Firbeck, Worksop S81 8JR
<b>Recommendation</b>	<p>A That the application is referred to the Secretary of State as a Departure under the Town and Country Planning (Consultation)(Direction) 2009.</p> <p>B That subject to the application not being 'called in' the applicant enters into a Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• The phasing of the development</li> </ul> <p>C That subject to the satisfactory signing of the S106 Agreement, the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

This application is being presented to Planning Board due to the proposal being a departure.



### Site Description and Location

Firbeck Hall is located to the west of New Road Firbeck and is screened by mature woodland which is protected by a Tree Preservation Order (TPO (No.1) 1992). The site is located to the north of the village and is relatively remote from larger settlements being approximately 2.5 miles from Dinnington and 3 miles from Maltby.

The overall site covers some 13.5 hectares and predominately consists of woodland which surrounds the Hall to the west, south and to the north. To the east of the site is the principal elevation of the Hall which faces an area of landscaped lawn and an ornamental lake.

The site consists of a large area of built form which consists of the Grade II Listed Firbeck Hall which was originally constructed as a private residence though became a prominent Country Club in the 1930s with extensive internal remodelling. The building became a hospital during the Second World War and remained as such until the early 1990s. The Hall was built most likely in the late C16th and was extensively remodelled in the mid C18th with substantial early C19th additions which gave the building an Elizabethan appearance with the addition of Ogee Gables to the roof.

To the north of the property there are a number of mid C20th buildings that related to the former use of the site as a hospital. These buildings are in a dilapidated state.

The building has been empty since the early 1990s.

The site includes a Grade II Listed stable block which was constructed most likely in the late C18th and remodelled to match the Hall in the Elizabethan style in the early C19th. The stable block is constructed of rubble and ashlar limestone with a slate roof, in a U – shaped plan.

The site includes a walled garden area located to the north east of the stable block.

## **Background**

The site has the following planning history which related to the re-use of the house for other purposes after it ceased its use as a hospital. None of the proposed developments came to fruition:

RB1990/1299: Use of hospital for hotel purposes  
- GRANTED CONDITIONALLY 06/01/92

RB1990/1300: Use of hospital for residential purposes  
- GRANTED CONDITIONALLY 20/01/94

RB1990/1301: Use of hospital for office purposes  
- GRANTED CONDITIONALLY 20/01/94

RB1994/0555: Outline application for the erection of 7 dwellinghouses  
- REFUSED 17/11/94

01

The site is within the Green Belt and an area of County Landscape Value as defined on the adopted Rotherham Green Belt Local Plan. Within such areas of Green Belt and County Landscape Value it is the policy of the Council that development other than for agriculture will only be allowed in exceptional circumstances. The Council is of the opinion that there are no such exceptional circumstances in this case.

02

The erection of seven new dwellings in these landscaped grounds of exceptional quality would be detrimental to the visual amenities and historic character of the area.

03

The proposed development would have an unacceptably detrimental effect on the settings of the four Listed Buildings situated within the grounds of Firbeck Hospital.

04

The proposal would result in seven additional dwelling units being accessed by a private driveway which would be contrary to the Council's normal practice regarding the number of dwellings which should be accessed from a private driveway and would be contrary to Ministerial advice.

05

The site is in close proximity to a farm which is involved in the intensive rearing of chickens. The Council considers that the proposed dwellinghouses, especially Units 4, 5, 6 and 7 would be exposed to odour and noise from this intensive agricultural activity which would be unacceptably detrimental to residential amenity.

06

The proposed development would be detrimental to visual amenity in that it would result in a significant loss of important trees which are protected by a Tree Preservation Order. In the long term, other trees may be at risk as they become the source of nuisance complaints because of their close proximity to the new dwellings to the further detriment of visual amenity.

07

The proposal would be detrimental to the natural history of the area by causing harm to the habitats of wildlife, especially birds.

RB2013/0145: Listed Building consent for demolition of flat roofed extension

- GRANTED CONDITIONALLY 04/04/13

RB2017/0890: Listed Building Consent for conversion, restoration and partial demolition of Firbeck Hall (formerly hospital) to form 21 apartments, conversion and restoration of the stable block to form 3 apartments.

- Undetermined.

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 proposal is for the conversion of the Hall into 21 No. apartments which would include refurbishing the existing building and removing C20th extensions to the west of the house. This would involve extensive renovations including removal and replacement of damaged and rotten timbers due to the extent of the dry and wet rot throughout the building. The existing door and window positions will generally be retained and new windows and doors would be installed inside and out. The external doors and windows would be designed to replicate the original doors and windows on the building.

The whole of the roof would be replaced, with original slates being set aside for re-use where possible. The roof will then be reinstated to replicate the original with new timbers and new new slate where necessary.

The stable block would be repaired and re-furbished and converted into 3 No. apartments. The roofs will be removed and replaced as necessary with windows and doors replaced to replicate the original windows and doors on the building.

The proposals also include the demolition of C20th buildings to the west of the Hall and replacement with 8 No. new build dwellings with detached garages. The dwellings would be located in a circular position behind the Hall forming a cul de sac. The dwellings would have a traditional appearance reflecting design features on the Hall includes ogee gables with limestone walls and slate roofs.

The applicant has stated that at the public consultation event, held in the village in November 2016, both a contemporary scheme as well as a traditional scheme were presented. The results of the consultations overwhelmingly supported the traditional appearance of the proposed dwellings. The applicant has stated that "whilst the dwellings are of an appearance in keeping with the Hall, modern methods of construction and materials will provide a marked difference between the Hall and the new dwellings."

The new dwellings would be constructed of Ashlar natural limestone with Chinese slate roofs and painted timber windows and doors. The rainwater goods would be constructed in cast aluminium coloured black set on rise and fall brackets.

The proposals include the erection of a single storey dwelling set within the walled garden to the north of the Stable Block. The dwelling would have a contemporary design and is designed to sit below the height of the walls of the existing walled garden. The house would be constructed of natural limestone along with timber cladding and render. The windows would be constructed of powder coated aluminium with composite doors. The roof would be flat and would have a sedum roof covering. The dwelling would have a detached double garage which would have a flat roof. An existing glasshouse would be restored on the site for use by the occupier of this property. The access drive would be utilising an existing historic access to the walled garden area which is located to the rear of Stable Block. This access is currently overgrown and a number of trees would be removed to allow for the formation of the access point for this property.

The proposals originally included the installation of a biomass boiler to the north of the site, which would have provided heat for the new dwellings. However, the applicants did not submit any details of this facility for consideration by the Council. Further to negotiations with the applicants this element of the proposal was removed from the application.

The site would be accessed via an existing access from New Road adjacent to the former Lodge House, which is the historic entrance to the House. A private pedestrian access would be provided through the woodland at the site to allow access to Firbeck via Lime Avenue for the residents. This pedestrian link would largely utilise and clear an existing footpath through the site. Demolition details: The applicants propose to demolish the C20th buildings on the site and C20th inappropriate extensions on the existing Hall. The total volume of the existing built form to be demolished on the site = 8,676 cu. metres

Proposed new build: 8 new dwellings and garages to the west of the Hall and 1 dwelling and garage in the walled garden area. Total volume of new build on the site = 10,389 cubic metres.

This new build represents a total volume increase above the existing buildings on site of approximately 20%.

The applicants have submitted several supporting documents including the following:

**Design and Access Statement:** This sets out details about the proposed development and sets out details of a public consultation event which took place to discuss plans for the site.

**Ecological Survey:** The submitted Ecological Survey concluded that the habitat areas within the site are of moderate ecological value.

**Bat Survey:** The submitted Bat Survey concludes that there would be no harm to protected bat species within the Hall and Stable Block.

**Ground Contamination:** The applicant has submitted a Phase 1 Desk Top Study for the site which concludes that the site has no obvious evidence of contamination and that the site is at low risk from ground contamination.

**Flood Risk Assessment:** Sets out how the site would be drained and concludes that the site is at low risk of flooding.

**Tree Survey:** The submitted Tree Survey identifies that 105 trees would have to be removed as part of the development and identifies suitable replacement planting across the site. Some of these trees are protected by Tree Preservation Order (TPO) No. 1, 1992, which is a woodland TPO.

**Heritage Statement:** The applicants have submitted a detailed Heritage Statement which identifies the significance of the Grade II Listed Hall and Stable Block and its history. The Heritage Statement considers the impact of the proposals on the historic significance of the Listed Buildings and the wider site. The Heritage Statement concludes that; "in terms of the development on the Green Belt special circumstances apply in so far as the scheme provides for conservation of valuable irreplaceable heritage assets which are currently in extremely poor condition and are at considerable risk in the absence of a suitable scheme."

**Transport Statement:** The Transport Statement concludes that the proposed development would not create undue pressure on the surrounding road network. The Statement concludes that the development is acceptable from a highway safety perspective.

**Building for Life Assessment:** The applicant has submitted a revised Building for Life Assessment which gives the development a score of 12 out of 20 on CABE's scale. The Assessment was revised due to the removal of the biomass boiler and has been reduced from a score of 13 to 12.

Structural Survey: The applicants have submitted a Structural Survey which concludes that the external walls and internal walls of the Hall are in a stable condition. The Structural Report makes recommendations of how to repair the buildings.

Severn Trent Water: The applicants have submitted a letter from Severn Trent Water regarding the water supply to the site. The letter states that Severn Trent Water is able to adequately supply water to the site from the existing network.

### **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 to the north of the village of Firbeck and is washed over Green Belt and within an Area of High Landscape Value. It is also proposed to be allocated for Green Belt purposes in the Rotherham Local Plan 'Publication Sites and Policies', though the allocation of land as being within Area of High Landscape Value has been removed. The buildings are Grade II Listed. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 'Green Belt'

CS23 Valuing the Historic Environment

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV1.1 'Development in Areas of High Landscape Value'

ENV2.6 'Alterations to Listed Buildings'

ENV2.8 'Settings and Curtilages of Listed Buildings'

The Rotherham Local Plan 'Publication Sites and Policies'

SP 2 Development in the Green Belt

SP 5 Alternative Uses for Buildings within the Green Belt

SP 6 Replacement Buildings in the Green Belt

SP 9 Previously Developed Sites within the Green Belt

SP 35 Green Infrastructure and Landscape

SP 46 Conserving and Recording the Historic Environment

### **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/ 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 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’s final report was produced in April 2018, with adoption of the plan by the Council expected in June 2018.

## **Publicity**

The application has been advertised by way of site notice, press notice, (Dinnington Guardian) and letters to neighbouring properties as a departure from the development plan and as affecting the setting of a Listed Building. The Council received 15 representations including comments from Firbeck Parish Council and Save Britain’s Heritage. The comments include 3 representations in support, 4 comments providing neutral comments, and 8 objections.

The comments from Firbeck Parish Council are as follows:

- Concerns about the lack of information about the proposed biomass facility on the site.
- Concerns were raised about the water supply to The Yews area of Firbeck and the potential effect to the water supply to these properties.
- Concerns were raised about the effect on horses and riders from a livery close to the site, from the development.
- The external envelope of the Hall should be repaired before any new build is constructed on the site.
- The Parish Council would like the Council to discuss with the developer about the formation of a public footpath around the grounds of Firbeck Hall.

Save Britain’s Heritage state the following:

- Support the application but wish to make comments on how to improve the scheme.
- This application is a positive response to the Grade II Listed Buildings and the retention of most of the existing floorplan and internal structures of the Hall is welcome.

- The amount of enabling development avoids overwhelming the Listed Buildings and is of a sympathetic design.
- The Listed Buildings should be restored before or at least in tandem with the enabling development.
- The number of apartments in the Hall is relatively small. In their experience of country house conversions larger apartments in can be more attractive to purchasers.
- The communal spaces in the Hall should be restored to a high standard to their 1935 condition.
- A suitable management company should be set up to maintain the communal spaces.
- The parking areas should be screened by suitable planting.
- They also praise the good work of the Friends of Firbeck Hall for their longstanding campaign to protect the Hall from demolition.

The comments from the 8 objectors are as follows:

- There are no details of the biomass CHP facility.
- The Transport Statement does not include details of the construction vehicles.
- The air quality needs to be assessed from the proposed biomass boiler.
- The site of biomass boiler has returned to nature and is not a brownfield site.
- The local road network and local services infrastructure is inadequate to accommodate 33 dwellings in this location.
- The visibility splays at the entrance to the site are inadequate to safely accommodate the number of vehicle movements from the development.
- The new dwelling in the walled garden is inappropriate development in the green belt as this is a greenfield site.
- Concerns regarding broadband speeds to the site and effects on the broadband speeds for the wider community.
- Concerns about the effect of the development on a private water main that serves a number of properties on The Yews in Firbeck, this development could reduce their water pressure if the water is taken from this water main.
- The scale of the development is excessive and is out of character and scale with the size of the village of Firbeck.
- The services in the village cannot cope with the increased number of residents.
- Properties downstream from the site may be affected by flooding from the development.
- The increased traffic could be hazardous for horse riders that use a local livery close to the site.

Further publicity has taken place in respect of the revised plans, removing the biomass boiler. The Council has received four additional representations from neighbouring residents, one of which reiterated their support for the scheme and the other 3 raising the following additional comments:

- Nothing is mentioned about how the development will be heated now that the biomass boiler has been removed – there is no gas supply in Firbeck so will they require propane etc tanks?
- Too many dwellings for the size of the village.
- The lane to the north of the site is not in the ownership of the applicants and cannot be used to access the site.

- The additional dwelling in the walled garden should not be allowed.
- Concerns about the level of construction traffic during the construction phase.
- A pedestrian access via Lime Avenue is to be welcomed.
- The revised scheme does not overcome previous objections.

At the time of preparing the report, two Right to Speak requests have been received from Firbeck Parish Council and a neighbouring resident who objects to the application.

## **Consultations**

RMBC - Transportation and Highways Design: Raise no objections to the proposal subject to conditions ensuring that the appropriate sight lines are provided at the entrance and that a Travel Plan is submitted. It is standard practice for residential developments with 5 or more dwellings to be served from an adopted highway. However, it is apparent that the scheme has significant conservation merits which are considered to outweigh the highways 'good practice' of adoption. This being the case, and bearing in mind a management company will maintain the infrastructure, no concerns are raised about this issue. Other conditions relating to the provision and suitable hard surfacing of the car parking areas are also recommended.

RMBC – Ecologist: Raises no objections to the development subject to suitable conditions relating to an updated bat survey being carried out, a condition relating to an additional Tree Survey, that the buildings will be checked for nesting birds and suitable badger mitigation is provided on the site, and that a Biodiversity Enhancement Plan shall also be submitted to and approved in writing with the Local Planning Authority.

RMBC – Trees and Woodlands: Raise no objections to the principle of the development however; concerns are raised about the number of trees that would be removed. It is recommended that an additional Tree Survey is submitted which identifies and reduces the number of trees to be lost at the site and the submission and approval of a revised landscaping plan.

RMBC – Landscapes: Raise no objections to the proposals subject to imposition of suitable landscaping conditions which would require more detail to be submitted and approved by the Local Planning Authority.

Sheffield and Rotherham Wildlife Trust: Object to the application. The ecological surveys and mitigation statements are not up to the required standards. The bat report is not done to the correct standards. Recommend additional survey work be carried out around the site.

Historic England: Raise no objections to the proposals on heritage grounds and consider that the proposals meet the requirements of the NPPF. They note that the proposed conversion of the Hall is sensitive to the existing layout and preserves much of the historic layout. Historic England welcomed the proposals for the redevelopment of the Hall. They also noted the constructive work of the Friends of Firbeck Hall Group who were involved in the pre application discussions with the developers.

Environment Agency: Note that the site is located in Flood Zone 1 and is therefore at a low risk from flooding.

## 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.
- Very special circumstances and enabling development
- Design, scale and appearance and impact on Grade II Listed Buildings.
- Impact on amenity of future occupiers and neighbouring residents.
- Highway safety.
- Drainage
- Ecology
- Impact on trees
- Landscape impact
- Other issues raised by objectors.

### 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 designate this as a potential housing site.

In respect of residential development of the site 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 SP 2 Development in the Green Belt of the emerging Sites and Policies Documents states that "A Green Belt boundaries are defined on the Policies Map will be applied within Rotherham Borough.

Inappropriate development is, by definition harmful to the Green Belt and should be approved except in very special circumstances."

The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development and sets out what could make a development unsustainable with regard to economic, social and environmental considerations.

Conversion of Hall and Stables to residential:

Paragraph 90 of the NPPF states that the re-use of buildings may not represent inappropriate development in the Green Belt provided the buildings are of permanent and substantial construction and that the conversion preserves the openness of the

Green Belt and does not conflict with the purposes of including land within the Green Belt.

Policy SP 5 Alternative Uses for Buildings within the Green Belt of the emerging Sites and Policies Document states that “ The change of use or conversion of a building in the Green Belt is acceptable in principle providing that the proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. Prior to any conversion of a building it should be demonstrated that the building is of a permanent and substantial construction.”

The Council’s Interim Planning Guidance ‘Development in the Green Belt’ gives the following advice in regards to converting existing buildings:

“The conversion of an existing building is acceptable in principle providing the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, the re-use of buildings is not inappropriate development, provided that the buildings are of permanent and substantial construction.

For a building to be of permanent and substantial construction it must have walls and a roof, be structurally sound and not require significant re-building, cladding or significant external alterations. This would also include a building that would require significant internal alterations to bring it up to habitable standards unless it is desirable to retain the building because of the historic value or visual amenity that it provides.

Whilst the conversion of a rural building is acceptable in principle, it is important that certain design principles and other issues are considered. This supplementary design guidance reviews the conservation and technical issues that arise when traditional vernacular buildings are re-used. Most buildings in this category are agricultural but this guidance applies overall.”

With regards to conversions of buildings within the Green Belt it is considered that both Firbeck Hall and the Stable Block are of permanent and substantial construction and their conversion is desirable as it would ensure a future for these Grade II Listed Buildings.

New build dwellings/garages:

In respect of the new build development, Paragraph 89 of the NPPF states the following:

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (amongst other things):

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

In respect of the impact on openness, paragraph 79 to the NPPF notes: “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land

permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Paragraph 86 adds that: “If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt.” The village is indeed within the Green Belt and the importance of retaining the open character of the village therefore needs to be considered.

Policy SP 9 Previously Developed Sites within the Green Belt of the emerging Sites and Policies Document states that “In instances where existing activities are located within the Green Belt, proposals for (amongst other things).. the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), may be considered acceptable, provided that they would not have a greater impact on the openness of the Green Belt and the purposes of including land within it, than the existing development.”

In respect of limited infilling of previously developed sites, the proposed development consists of the removal of a number of C20th outbuildings at the site and extensions on the Grade II Listed Hall. The total volume of the buildings that would be removed is 8,676 cubic metres. The buildings that they would replace consist of 9 No. new build dwellings and associated garages. These include 8 No. dwellings and garages to be built over the site of the former outbuildings to the rear of the Hall and 1 No. dwelling and garage to be constructed in the walled garden to the north of the Stable Block. The total volume of the new build on the site would be 10,389 cubic metres. This represents a total volume increase over and above of the volume to be lost on the site of approximately 20%.

It is also noted that the proposed development would be on a wider site than that of the existing extensions/outbuildings which are sited relatively close to the main Hall. As such, it is considered that the new build development on the site would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development (particularly in respect of the safeguarding of the countryside from encroachment), and would therefore represent inappropriate development in the Green Belt. As such, very special circumstances need to be demonstrated to justify the inappropriate development in the Green Belt and any other harm caused.

#### Very special circumstances and Enabling Development

Historic England defines enabling development as “development that would usually be considered harmful but is considered acceptable because the resulting benefits outweigh the harm.”

Historic England published guidance on enabling development in June 2012, ‘Enabling Development and the Conservation of Significant Places.’ This Guidance Note describes the policy of enabling development as follows:

Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a. it will not materially harm the heritage values of the place or its setting

- b. it avoids detrimental fragmentation of management of the place
- c. it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- d. it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- e. sufficient subsidy is not available from any other source
- f. it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
- g. the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.

The applicant has submitted a Financial Appraisal which sets out costs for the development £11,011,431 which consists of the following:

- £2,600,019 for the refurbishment
- £1,905,200 for the conversion of Firbeck Hall
- £749,967 for the refurbishment
- £545,170 for the conversion of the Stable Block
- £3,102,475 for the 9No. new build dwellings forming the enabling works
- £1,107,560 for drainage and external works
- £1,001,039 for 10% preliminaries

An anticipated resale value of **£12,380,000** for the properties was provided by Robinson Hornsby which consisted of the following:

- £5,900,000 for the 8 No. new build dwellings
- £1,500,000 for the walled garden dwelling
- £3,710,000 for the 21 No. apartments in Firbeck Hall

£1,270,000 for the 3 No. apartments in the Stable Block

The costs of repairing and upgrading the Hall are expected to cost in the region of £2.6 million with the creation of the 21 apartments expecting to cost an additional £1.9 million. The costs for repairing the Stable Block is expected to cost £0.75 million with the creation of 3 dwellings expected to cost an additional £0.55 million. In total the costs to repair the Hall and Stable Block is expected to be in the region of £5.8 million.

The anticipated sale price of the Hall and Stable Block dwellings is in the region of £4.7 million which equates to an anticipated loss of £1.1 million. This does not include any external works such as servicing and landscaping which is expected to cost an additional £1.1 million.

As such, the scheme for the refurbishment of the Hall and Stable Block is completely financially unviable without additional revenue being drawn from elsewhere on the site.

The proposals for the 9 No. new dwellings to the rear of the Hall and within the Walled Garden are to subsidise the refurbishment of these Listed Buildings.

The financials at the site have been considered independently by the District Valuer who has concluded that the proposed development is reasonable and would provide a reasonable developer's profit of approximately 11.05% whilst providing sufficient funds to restore the Hall and the Stable Block.

As such, it is considered that provided the development is in accordance with the following policy the enabling development would be acceptable.

In assessing the criteria set out in the Heritage England guidance, the following comments are made:

a. it will not materially harm the heritage values of the place or its setting

This will be considered separately under a separate section.

b. it avoids detrimental fragmentation of management of the place

It is considered that the development would be cohesive and that the site would be managed as a whole with one management company. This could be controlled by way of condition.

c. it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose

The residential conversion of the Hall and Stable Block would provide a long term future for the Listed Buildings and could be designed to be sympathetic to the buildings.

d. it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid

It is considered that the scheme would inherently tackle the problems of the site in its entirety and would not provide short term benefit to current owners. The financials have been independently assessed by the District Valuer who has concluded that the price paid for the site is not excessive. Nor would it lead to excessive levels of new development on the site.

e. sufficient subsidy is not available from any other source

No external funding has been demonstrated for the site and owing to the lower grade of the Listing, with the buildings being Grade II Listed, it is highly unlikely that sufficient external funding could be sourced for the site.

f. it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests

It is considered that the level of the proposed new development is not excessive being less than 20% above the volume of the existing buildings on the site to be demolished.

g. the public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.

It is considered that restoring these Grade II Listed Buildings and bringing back into use this site, along with the additional dwellings being constructed on the site, would represent a clear public benefit. With regards to breaching other policies it is considered that this would be mainly the development representing inappropriate development in the Green Belt.

However, it is considered that the proposed restoration of these Listed Buildings would represent very special circumstances to justify the proposed development.

#### Design, scale and appearance and impact on special character and appearance of the Grade II Listed Buildings

In terms of the impact on the special character and appearance of the Grade II Listed Building Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Core Strategy Policy CS23 'Valuing the Historic Environment' states that Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (amongst other things):

- (i) Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough's heritage assets, specifically those elements which contribute to the distinct identity of the borough.
- (v) Encouraging suitable new uses for vacant, under-used and derelict historic buildings."

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design. In addition, paragraph 56 of the NPPF states that: "Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people."

Policy SP 46 Conserving and Recording the Historic Environment of the emerging Sites and Policies Document states that "All proposals affecting a heritage asset will require careful assessment as to the impact and appropriateness of development to ensure that the historic, architectural, natural history, or landscape value of the asset and / or its setting are safeguarded and conserved, and any conflict avoided or minimised in accordance with the policies of this Local Plan."

'Saved' UDP Policy ENV2.6 'Alterations to Listed Buildings,' states: "Proposals for alterations or additions will be judged against their effect upon a listed building's special interest. Works which harm a building's special interest will not be permitted except in exceptional circumstances where such works can be proved to secure the long-term preservation of the listed building."

Supplementary Planning Guidance (SPG) Environment Guidance 2: 'Alterations to Listed Buildings,' states that: "Alterations may affect the special character of a Listed Building and should be minimised. Repair is usually preferable to replacement." The SPG further notes that: "The basic principles outlined in this guidance will be relevant in all cases but specific actions for individual buildings will need to be established and the principles of repairs indicated."

The National Planning Policy Framework (NPPF) states at paragraph 128. "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 129 of the NPPF states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

In this respect the NPPF states at paragraph 132: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

The proposals are to refurbish and restore two Grade II Listed Buildings, Firbeck Hall and the associated Stable Block. Both buildings have been vacant and in a deteriorating state for many years. As such, it is considered that the restoration of these buildings is to be welcomed.

Works to the Hall:

The development proposes to remove inappropriate extensions to the Hall which currently are considered to detract and harm the special character and appearance of this Grade II Listed Building. This is considered to enhance both the external character and appearance of the Hall as well as to its immediate setting.

Due to the water damage and general deterioration of the Hall and its use as a hospital, there is very little remaining of interest in terms of historic architectural features within the building. One of the few features of architectural interest is the 1930s staircase which would be retained and would be located within a communal area of the building.

Overall the proposed development would refurbish the Hall and replace the damaged windows and doors and would entirely replace the historic roof structure. It is considered that these elements are acceptable and would enhance the special character and appearance of the building.

The proposal to convert the Hall is considered to be sensitive to the existing layout of the buildings and would involve minimal demolition or sub division of the principal rooms of the buildings such that no significant harm would occur to its special character and appearance.

It is noted that Save Britain's Heritage and a neighbouring resident felt that it would be more appropriate for fewer larger flats within the Hall. Whilst this is noted it is considered that the proposed conversion is sympathetic to the Hall and would not harm its special character and appearance. Therefore it is considered that it would not be reasonable for the Council to request this amendment from the applicant.

#### Works to Stable Block:

With regards to the Stable Block it is noted that the external historic fabric would be repaired and enhanced and that the proposed alterations would preserve the external appearance of the buildings. It is considered that the proposed alterations to the Stable Block would not harm its special character and appearance and that they would retain original architectural features.

It is noted that as there is very little of special interest inside the building the overall scheme would allow for a sympathetic conversion of the building into residential use and would not harm its special character and appearance.

Overall, it is considered that the proposals would greatly enhance the exterior appearance of both buildings and would lead to a long term future for both buildings which is to be greatly welcomed.

#### Impact on setting of the Listed Buildings:

In terms of the impact on the setting of the Grade II Listed Buildings the aforementioned guidance from the NPPF is relevant. Consideration also needs to be made to Policy ENV2.8 'Settings and Curtilages of Listed Buildings' which states that: "The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context."

The main Hall and Stable Block have not been extensively altered externally and retain much of their C19th appearance. As previously discussed a number of inappropriate C20th extensions would be removed as part of the proposals to refurbish and restore the Hall.

There are a number of detached C20th buildings located to the west of the Hall which were constructed during the time that the building was being used as a hospital. These buildings mainly date from the mid C20th and are not of historic or architectural interest and along with their dilapidated state detract from, and materially harm the setting of, the Grade II Listed Firbeck Hall.

Due to significant tree screening and the position of these buildings they are not clearly visible from the Stable Block and have a minimal impact on the setting of this Listed Building.

What is significant about the rear elevation of Firbeck Hall is that architecturally it was less significant than the east and southern elevations. As such, the rear elevation itself is not a principal elevation on this building.

With regards to the proposed new build it is noted that the proposal is to construct 8 dwellings with garages to the rear of the Hall and to build them over a similar site to that of the C20th buildings. The area for the houses would be expanded with some clearing of the protected woodland.

It is considered that the presence of these new buildings would detract from and harm the setting of Firbeck Hall as historically this area would not have been occupied by buildings. However, it is considered that harm already exists to the setting of Hall in this locality and consideration needs to be given as to whether or not these new buildings would be worse than what is already there.

Due to the presence of the protected woodland surrounding the area of new build and the Hall the presence of the new dwellings would not be clearly visible and would be highly screened from views of the Hall to the south. The presence of the Hall would prevent views of these new buildings from the principal elevation of the building from views looking towards the Hall from the east. It is noted that the applicants have submitted photomontages which have demonstrated this visual impact on the setting of the Hall and it is considered that the only elevations affected by the new build are the western and northern elevations of the Listed Building.

It is noted that the layout and scale of the new build would be significantly different from the buildings that they would be replacing, with the build form being more dispersed. However, it is considered that this area is the most suitable and least visually sensitive location for new build on the site, in terms of impact on the setting of the Listed Hall and from views within the wider Green Belt.

Phasing of development:

The applicants have proposed a scheme of phasing in the Draft S106 Agreement which sets out what repairs would be carried out to the Hall and Stable Block before any new build dwellings are constructed in the grounds. These works would in effect restore the exterior envelope of the buildings and bring services to the Hall and Stable Block. These works include repairing the exterior stonework and the roofs and install new floors including water, telecoms and electrics and install foul and surface water drainage. The phasing would prepare the buildings into a state where they could then be fit out into the proposed flats.

The reason for the phasing is to ensure that the new build is not constructed before the Hall and Stable Block are repaired, which could lead to a scenario where there would potentially be a requirement for additional new build to fund the restoration of the Hall. It is considered that this phasing is appropriate and that the buildings would be substantially repaired and brought to a state where they could easily be converted into residential use.

## Design issues:

Turning to the issue of design, the new buildings would be constructed of high quality materials, namely limestone with slate roof, and would have considerable architectural detailing in terms of features reflecting Firbeck Hall, such as the ogee gables.

The design of the proposed new build dwellings was included as development options in the public consultation event for the site, with new build dwellings with a contemporary appearance or a traditional appearance. Members of the public were asked to vote on the design style of the new dwellings. Of those who voted 30 people expressed a preference for a traditional design approach, 3 people for a contemporary approach, 3 people for a mixed contemporary and traditional approach and 26 people abstained.

As such, it is noted that members of the local community expressed a clear preference for a traditional design approach for these 8 No. new dwellings in this location.

With regards to the design of these new build dwellings it is considered that they are of a high quality design and materials and would be sited within a contemporary layout which can clearly be read as a later addition to this site. Whilst the design and appearance of the dwellings is traditional their very location and layout is certainly not and therefore they can be seen as a later C21st addition to the site.

Pre application discussions with the applicants identified that officers had a preference for a more contemporary design for these new build dwellings, which would allow for a more obvious distinction between the new build and the historic buildings on the site. However, the preferences of the local community are noted and it is considered that this traditional design approach is itself acceptable and would not harm the setting of the Hall over and above the presence of the existing buildings on the site.

With regards to the design and appearance of the new build dwelling in the walled garden, it is noted that this would have a unique contemporary appearance completely unlike any of the other buildings on the site. However, it is considered that the design and appearance of this dwelling reflects the unique nature of this very enclosed site and responds to it. This building has been designed to avoid harm to the setting of the Grade II Listed Stable Block to the south and is designed to sit low within the site and not to be visible from the surrounding countryside.

These design considerations are noted and it is considered that this building has been sensitively designed as to have a minimal appearance within the immediately surrounding area. This design is considered to be appropriate and the unique and completely enclosed and secluded nature of the site provides the opportunity to design a completely unique and standalone dwelling. It is considered that this building is of a high quality appearance and would have almost no visual impact on the surrounding area. As such, it is considered to be acceptable and not to harm the character and appearance of the surrounding area of the setting of the Grade II Listed Stable Block.

Overall it is considered that the proposed development is of a high quality and is of an appropriate scale and design which will comply with the general advice within the NPPF and Core Strategy Policies CS23 'Valuing the Historic Environment' and CS28

‘Sustainable Design’ along with UDP Policy ENV2.8 ‘Settings and Curtilages of Listed Buildings.’

#### Impact on neighbouring and future occupiers 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.”

Supplementary Planning Guidance, Housing Guidance 3: Residential infill plots notes that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing habitable room windows at first floor should be located within 10 metres of a boundary with another property.

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

It is noted that the proposed dwellings all accord with the aforementioned distances and spacing standards and it is considered that owing to the their design and layout the future occupiers would have a high standard of residential amenity with the new dwellings avoiding overlooking, overshadowing or overbearing impact for future occupants.

With regards to the amenity of neighbouring residents it is noted that the site and all the new build dwellings are remote from neighbouring residents and as such, would have no impact on the amenity of neighbouring residents.

As such, taking account 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 future or neighbouring occupants.

#### Highway impact and sustainability

With regards to highways impact it is noted that the site is in a remote location with very limited public transport in the village of Firbeck which is relatively distant from the site. As such, the future occupants of the site would be almost entirely dependent on car use. As such, the site is not ideal in terms of sustainability.

Whilst this is noted it is considered that this is unavoidable in owing to this location. However, this site does provide the opportunity to add to the mix of housing within the Borough and to introduce high end housing. It is considered that the public benefit of

the scheme in terms of restoring these Listed Buildings justifies this lack of sustainability.

However, it is noted that the applicants propose to create a pedestrian and cycle link from the site to Lime Avenue to allow future residents to access the facilities in the village without needing to drive. Furthermore, there are no footpaths along New Road from the site so this would prevent residents having to walk down New Road to access the village. It is considered that on balance the proposals are acceptable in sustainability terms as the scheme is unique and would secure the restoration of two Grade II Listed Buildings and would provide the Borough with a different mix of housing.

It is standard practice for residential developments with 5 or more dwellings to be served from an adopted highway. Once adopted the highway would be maintained by the Local Authority. However, the Council's Highway Engineers note that as the proposal has significant conservation benefits and as a management company would be set up to maintain and manage the site no objections have been raised in this respect for this proposal.

With regards to highway safety it is noted that the site access would be provided with sight lines of 2.4m x 70m in a southerly direction and 2.4m 61.5m in a northerly direction. This is considered to provide adequate visibility at the point of access. However, in order for this to be provided a number of self set trees would have to be removed and the sight lines would have to be managed by the proposed management company for the site.

The sight lines are shown on the submitted plans as lawned areas which would also provide an attractive entrance feature for the site. This is considered to be acceptable subject to conditions requiring that a white lining scheme around the site entrance be submitted for approval and a further condition requiring that the proposed management company will always be in place to ensure that the sight lines at the entrance are suitably managed and preserved by regular maintenance.

The Council's Transportation Unit have also recommended conditions relating to the surfacing of car parking areas and the submission of a Travel Plan to encourage future residents to use other modes of transport other than the car. It is considered reasonable to append these conditions which would ensure the development can be safely accessed and that the development is as sustainable as possible in transport terms.

Neighbouring residents have raised concerns about the proposed development in highway terms, namely in terms of the road network to the site with a narrow road bridge that only allows one car to pass at a time to the north of the site on New Road. Furthermore, concerns have been raised about the impact of the development on the safety of horse riders using a nearby livery. Whilst these comments have been noted the Council's Transportation Unit raise no objections to the proposals in highway safety terms subject to the aforementioned recommended conditions relating to the sight lines being provided and maintained at the entrance to the site.

It is also noted that local residents raised concerns about the impact of construction traffic on highway safety in the local area though such traffic is inevitable during such

developments and once again subject to the provision of suitable sightlines at the entrance it is not considered that any impact on highway safety would be significant.

As such, it is considered that subject to the recommended conditions the proposal is acceptable in highway safety terms.

### Drainage

Policy CS25 'Dealing with Flood Risk' states that "Proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall."

The NPPF further advises at paragraph 103 that: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."

The Council's Drainage Engineers have assessed the submitted Flood Risk Assessment and have noted that much of the information is a drainage strategy rather than a final design for the site. As such, they raise no objections to the proposal subject to the imposition of suitable conditions for the submission and approval of the drainage strategy prior to the commencement of development.

Therefore, it is considered that the development is acceptable in drainage and flood risk terms subject to the imposition of the recommended condition.

### Ecology

The NPPF advises at paragraph 117 that: "To minimise impacts on biodiversity and geodiversity, planning policies (amongst others) should:

- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan."

Paragraph 118 adds: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

Core Strategy Policy CS20 'Biodiversity and Geodiversity' states "The Council will 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. Priority will be given to: (amongst other things)

c. Conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets;

l. Ensuring that development decisions will safeguard the natural environment and will incorporate best practice including biodiversity gain, green construction, sustainable drainage and contribution to green infrastructure"

The ecology issues on the site are complex with the Council's Ecologist raising concerns about the submitted Bat Survey being out of date for the Hall and Stable Block. He also raised concerns about the loss of trees on the site and wanted the veteran trees to be identified and retained where possible. Concerns were also raised that the submitted Phase 1 survey was undertaken at the suboptimum survey time and that the ancient woodland was not noted.

However, the concerns raised related largely to the level of information submitted rather than to the principle of the development or the proposals as a whole. The Council's Ecologist has suggested that these additional surveys could be undertaken at the optimum time prior to the commencement of development.

The issues at this site are complex and it is considered that in the expedient determination of the application it is reasonable in this instance to condition that this additional survey work is undertaken and mitigated as necessary prior to the commencement of development.

The retention of veteran trees is discussed in the next section.

It is not considered that significant harm would result from the development in ecological terms, which could not be mitigated for by the development and the proposal is considered to comply with Core Strategy Policy CS20 'Biodiversity and Geodiversity' and the NPPF.

### Impact on trees

The proposals for the re-development of the Hall and Stable Block include the removal of a number of self set trees to the entrance of the site in order to provide suitable sight lines at the vehicular access point. This was discussed on site between the applicants and the Council's Tree Service Manager and Highways Engineer and it was agreed that these trees would have to be removed for highway safety reasons. The Council's Tree Service Manager accepted this and noted that the trees that would be removed are mainly self set trees with limited amenity value.

A number of additional trees would also be removed within the site immediately to the west of the Hall. These trees are within a highly secluded location and are not visible from within views the public realm as such, their removal would have little impact on

visual amenity. Furthermore, it appears that a number of these trees are not subject to Tree Preservation Order No. 1, 1992 which covers this site.

However, it was identified that it would be desirable to retain dead trees across the site for ecological reasons. Further to discussions with the applicants they have submitted a Tree Removal Statement which identifies a number of dead trees across the site which can be retained for ecological reasons. This would be controlled as part of a woodland management plan that can be conditioned as part of any permission.

As such, it is considered that the development is acceptable in terms of the loss of trees subject to conditions.

### Landscape impact

With regards to Landscape Impact the site falls within an Area of High Landscape Value. The site is also within the Anston Brook / Sandbeck Green Infrastructure Corridor.

Core Strategy Policy CS21- 'Landscape' – states that: "Within Areas of High Landscape Value, development will only be permitted where it will not detract from the landscape or visual character of the area and where appropriate standards of design and landscape architecture are achieved."

'Saved' UDP Policy ENV1.2 'Development in Areas of High Landscape Value' states that: "In areas of High Landscape Value, development other than for agriculture will only be allowed where it will not result in a significant, and permanent adverse impact on the landscape.... Strict control will be exercised over the development that does take place to ensure that the visual character of these areas is not affected."

The grounds of the Hall have been neglected and are in need of restoration and management to halt further decline.

The Council's Landscape Architects have confirmed that the scale of this proposal feels appropriate to the location in the grounds of the Hall and adjacent Stable Block and support the scheme in terms of landscape impact subject to suitable landscaping conditions being appended to any planning permission.

### Other issues raised by objectors

A number of additional objections were received from neighbouring residents. The largest number of concerns revolved around the potential impact of the proposed development on an existing private water main serving a number of properties around The Yews, Firbeck. The applicant has submitted a letter from Yorkshire Water that confirms that the development can be served from the existing public water network with a maximum flow of 2.5 litres per second. As such, the water to the site would not be taken from this private water main and therefore can be adequately served by the existing water network.

It is noted that Firbeck Parish Council have requested that the Council asks the developer to provide a public access footpath through the site. Whilst this is noted the site is entirely within the private ownership of the applicant. The Council has discussed this with the applicant and they are unwilling to provide this. Whilst it would be

desirable if the site could become open to the public with designated footpaths the Council is unable to require the applicant to do this as this is private land.

It is noted that concerns were raised by local residents about the impact on local infrastructure, and in particular the impact on broadband speeds for local residents and future occupants of the Hall. It is considered that for the aforementioned reasons the site is able to accommodate this number of dwellings and these would not unduly harm local infrastructure. In terms of broadband speeds these are largely out of the control of the applicant though it is considered that these could be successfully provided through the appropriate infrastructure such as with satellite broadband.

## **Conclusion**

The proposal for the conversion of the Grade II Listed Hall and Stable Block is considered to be acceptable in design and conservation terms and is to be greatly welcomed in bringing this long derelict site back into use.

The scale of the new development in the grounds is considered to be inappropriate development in the Green Belt. However, it is considered that the very special circumstances for the proposed development is justified by the enabling development proposed in the grounds, which would make up for the funding gap for the restoration of these Grade II Listed Buildings.

The development is considered to be acceptable in nature conservation terms and impact on the wider landscape and protected trees, subject to the proposed conditions. The proposal is also considered to be acceptable in terms of drainage and highway safety.

As such, Members are requested to grant planning permission subject to the following conditions and subject to the signing of the S106 legal agreement and the referral of the application to the Government Office as a departure.

## **Conditions**

### **General**

01

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

### **Reason**

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

02

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, (2678 – 14A/ 11 B/ 101 A/ 103 A/ 102 A/ 120 A/ 106 A/ 122 A/ 104 A/ 121 A/ 107/ 127 A/ 105 A/ 128 A/ 124 A/ 125 A/ 201 B/ 123 A/ 211 A/ 126/ 302 A/ 301 A/ 210 A(Received 18/05/2017)

#### Reason

To define the permission and for the avoidance of doubt.

#### Materials

03

No development above ground level relating to the construction of the new dwellings shall take place until details of the external materials to be used in its construction have been submitted or samples of the materials 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 in accordance with UDP Policy ENV2.6 'Alterations to Listed Buildings' and Core Strategy Policies CS23 'Valuing the Historic Environment' and CS28 'Sustainable Design.'

04

Prior to the installation of the windows and doors on the Grade II Listed Hall and Stable Block details of the doors and windows and their colour treatment shall be submitted to and approved in writing with the Local Planning Authority at a scale of 1:10. All windows and doors shall be timber. The development should proceed in accordance with the approved details.

#### Reason

To protect the special character and appearance of the Grade II Listed Buildings in accordance with UDP Policy ENV2.6 'Alterations to Listed Buildings.'

#### Highways

05

Prior to the commencement of the development details of a gateway scheme, which shall include the white lining of New Road at the site access, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of a dwelling.

#### Reason

In the interests of highway safety.

06

No gates shall be fitted along the access road into the site without the prior written approval of the Local Planning Authority.

#### Reason

To avoid potentially conflicting vehicular reversing manoeuvres in New Road at the site access, in the interests of highway safety.

07

Prior to the commencement of development the sight lines indicated on Drawing No. SHF.1351.002.TR.D.103 shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which

obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

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

08

Before the development is brought into use, that part of the site to be used by vehicles shall be properly constructed with either

a/ a permeable surface and associated water retention/collection drainage,  
or b/ an impermeable surface with water collected and taken to a separately constructed water retention / discharge system within the site.

All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason

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

09

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation.

Reason

To reduce the need for new residents to travel by car in the interests of sustainability.

10

Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority. The plan shall include, but not by way of limitation, details of traffic management measures during the construction work, a site compound, staff parking and measures to deal with any dust/mud deposited in the adjacent highway by construction vehicles. The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety.

## Management Company

11

Prior to the dwellings hereby approved becoming occupied details shall be submitted to and approved in writing of a Management Company who will manage the site including the internal roads and hard surfaced areas along with maintaining the visibility splays at the site entrance and the wider landscaping across the site. This Management Company shall be in place prior to the occupation of the dwellings and shall be retained in perpetuity for the lifetime of the development.

### Reason

To ensure that the roads, hard surfaced areas and landscaping is suitably managed across the site in the interests of highway safety and visual amenity in accordance with Core Strategy Policy CS28 'Sustainable Design.'

## Drainage

12

Prior to the commencement of development details of foul and surface water drainage scheme for the site shall be submitted to and approved in writing with the Local Planning Authority. The drainage scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. 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 equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- \* The limitation of surface water run-off to equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- \* 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.

## Landscaping and Boundary Treatment

13

Prior to occupation of the dwellings 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.
  - Details of a landscape and woodland management plan shall be submitted to and approved in writing with the Local Planning Authority.
- The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority. Thereafter the landscaping of the site shall be managed by a suitable management company.

#### Reason

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

#### Permitted Development Rights removed

14

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or enlargements shall be made to the 9 No. dwellings hereby approved and no outbuildings shall be constructed without the written consent of the Local Planning Authority.

#### Reason

To protect the openness of the Green Belt in accordance with Core Strategy Policy CS4 'Green Belts'.

#### Ecology

15

Prior to the commencement of development a Bat Survey shall be undertaken on Firbeck Hall and the Stable Block by competent persons at an appropriate time of year. The results shall be submitted to and approved in writing with the Local Planning Authority and any suitable mitigation work shall be undertaken in accordance with the report's findings. The development shall proceed in accordance with the approved details and recommendations.

#### Reason

To protect species protected by law.

16

Prior to the occupation of the dwellings hereby approved a biodiversity enhancement plan shall be submitted to and approved in writing with the Local Planning Authority, this shall include the following:

- Details of bat and bird boxes
- Suitable improvements to the lake including de-silting and opening up the lake.

The submitted details shall include details of the long term management of these biodiversity enhancement features. The development shall proceed in accordance with the approved details.

Reason

To promote biodiversity and to protect species protected by law in accordance with the bat boxes Core Strategy Policy CS20 'Biodiversity and Geodiversity'

17

Details of lighting across the site shall be submitted to and approved in writing with the Local Planning Authority prior to the occupation of the dwellings hereby approved. The development shall proceed in accordance with the approved details.

Reason

To reduce the impact on bats (and other nocturnal wildlife) in accordance with Core Strategy Policy CS20 'Biodiversity and Geodiversity'

18

Prior to the commencement of any tree works on the site a woodland management plan shall be submitted to and approved in writing with the Local Planning Authority. The woodland management plan shall identify which dead and dying trees shall be retained on the site in addition to how the woodland shall be managed. The development should proceed in accordance with the approved details.

Reason

To promote biodiversity in accordance with Core Strategy Policy CS20 'Biodiversity and Geodiversity'

Trees

19

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

20

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

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

21

All tree works shall be carried out in accordance with B.S.3998: 2010 Tree work - Recommendations. The schedule of all tree works shall be approved by the Local Planning Authority before any work commences and no tree work shall commence until the applicant or his contractor has given at least seven days' notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

22

Prior to the commencement of any development a detailed Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction, shall be submitted to the Local Planning Authority for consideration and approval and the development shall be implemented in accordance with the approved details. The submitted details shall include a detailed Tree Protection Plan.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

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 **05/07/10/12/15/22** 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 **05/07/10/12/15/22** 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.'

## Informatives

01

### Section 106 Legal Agreement:

The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent owner of the site.

02

### Works during construction:

You should note that the Council's Neighbourhood Enforcement Team 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 restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

03

### Badgers:

As badgers have some potential to move across the Site from time to time, taking a best practice approach, all deep excavations (> 1 m) should be covered overnight during demolition/construction works. Shallow excavations (< 1 m) should have a scaffold board or equivalent placed in them overnight to allow any badgers to exit, should they fall in, and all chemicals should be stored securely in accordance with best practice guidelines. No open pipework should be left overnight.

04

### Wildlife Legislation:

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may

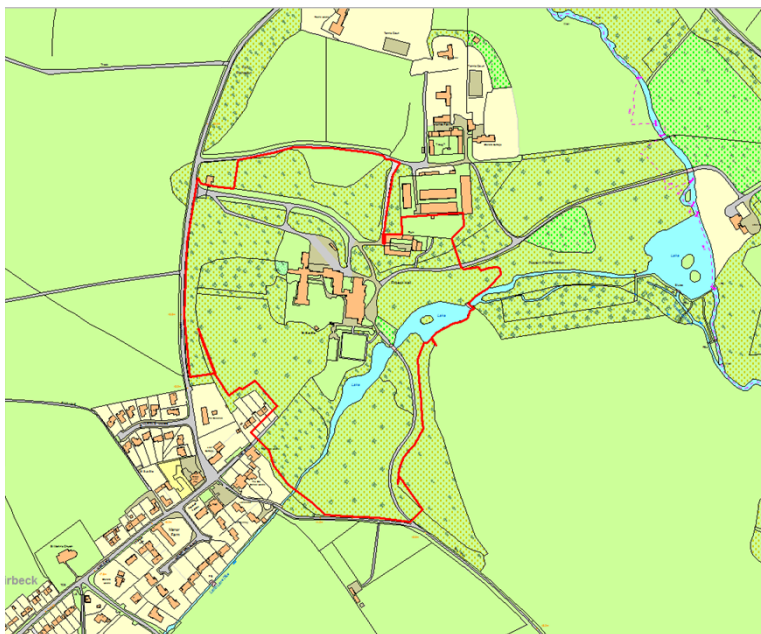
cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

## 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>RB2017/0890</b>
<b>Proposal and Location</b>	Listed Building Consent for conversion, restoration and partial demolition of Firbeck Hall (formerly hospital) to form 21 apartments, conversion and restoration of stable block and to form 3 apartments erection of garage attached to walled garden at Firbeck Hall, New Road, Firbeck
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to Planning Board as it relates to a planning application for the proposed development.



## Site Description and Location

Firbeck Hall is located to the west of New Road Firbeck and is screened by mature woodland which is protected by a Tree Preservation Order (TPO (No.1) 1992). The site is located to the north of the village and is relatively remote from larger settlements being approximately 2.5 miles from Dinnington and 3 miles from Maltby.

The overall site covers some 13.5 hectares and predominately consists of woodland which surrounds the Hall to the west, south and to the north. To the east of the site is the principal elevation of the Hall which faces an area of landscaped lawn and an ornamental lake.

The site consists of a large area of built form which consists of the Grade II Listed Firbeck Hall which was originally constructed as a private residence though became a prominent Country Club in the 1930s with extensive internal remodelling. The building became a hospital during the Second World War and remained as such until the early 1990s. The Hall was built most likely in the late C16th and was extensively remodelled in the mid C18th with substantial early C19th additions which gave the building an Elizabethan appearance with the addition of Ogee Gables to the roof.

To the north of the property there are a number of mid C20th buildings that related to the former use of the site as a hospital. These buildings are in a dilapidated state.

The building has been empty since the early 1990s.

The site includes a Grade II Listed stable block which was constructed most likely in the late C18th and remodelled to match the Hall in the Elizabethan style in the early C19th. The stable block is constructed of rubble and ashlar limestone with a slate roof, in a U – shaped plan.

The site includes a walled garden area located to the north east of the stable block.

## **Background**

The site has the following planning history which related to the re-use of the house for other purposes after it ceased its use as a hospital. None of the proposed developments came to fruition:

RB1990/1299: Use of hospital for hotel purposes  
- GRANTED CONDITIONALLY 06/01/92

RB1990/1300: Use of hospital for residential purposes  
- GRANTED CONDITIONALLY 20/01/94

RB1990/1301: Use of hospital for office purposes  
- GRANTED CONDITIONALLY 20/01/94

RB1994/0555: Outline application for the erection of 7 dwellinghouses  
- REFUSED 17/11/94

01

The site is within the Green Belt and an area of County Landscape Value as defined on the adopted Rotherham Green Belt Local Plan. Within such areas of Green Belt and County Landscape Value it is the policy of the Council that development other than for agriculture will only be allowed in exceptional circumstances. The Council is of the opinion that there are no such exceptional circumstances in this case.

02

The erection of seven new dwellings in these landscaped grounds of exceptional quality would be detrimental to the visual amenities and historic character of the area.

03

The proposed development would have an unacceptably detrimental effect on the settings of the four Listed Buildings situated within the grounds of Firbeck Hospital.

04

The proposal would result in seven additional dwelling units being accessed by a private driveway which would be contrary to the Council's normal practice regarding the number of dwellings which should be accessed from a private driveway and would be contrary to Ministerial advice.

05

The site is in close proximity to a farm which is involved in the intensive rearing of chickens. The Council considers that the proposed dwellinghouses, especially Units 4, 5, 6 and 7 would be exposed to odour and noise from this intensive agricultural activity which would be unacceptably detrimental to residential amenity.

06

The proposed development would be detrimental to visual amenity in that it would result in a significant loss of important trees which are protected by a Tree Preservation Order. In the long term, other trees may be at risk as they become the source of nuisance complaints because of their close proximity to the new dwellings to the further detriment of visual amenity.

07

The proposal would be detrimental to the natural history of the area by causing harm to the habitats of wildlife, especially birds.

RB2013/0145: Listed Building consent for demolition of flat roofed extension

- GRANTED CONDITIONALLY 04/04/13

RB2017/0875: Conversion, restoration and partial demolition of Firbeck Hall (formerly hospital) to form 21 apartments, conversion and restoration of the stable block to form 3 apartments, the creation of 8 No. new build dwellings in place of the demolished annex, the creation of 1 dwelling within the walled garden as enabling works, including landscaping and the external works to the Firbeck Hall site.

- Undetermined.

## **Proposal**

The proposal is for the conversion of the Hall into 21 No. apartments which would include refurbishing the existing building and removing C20th extensions to the west of the house. This would involve extensive renovations including removal and replacement of damaged and rotten timbers due to the extent of the dry and wet rot throughout the building. The existing door and window positions will generally be retained and new windows and doors would be installed inside and out. The external doors and windows would be designed to replicate the original doors and windows on the building.

The whole of the roof would be replaced, with original slates being set aside for re-use where possible. The roof will then be reinstated to replicate the original with new timbers and new new slate where necessary.

The stable block would be repaired and re-furbished and converted into 3 No. apartments. The roofs will be removed and replaced as neccessaery with windows and doors replaced to replicate the original windows and doors on the building.

A garage would be constructed in the walled garden area which would be attached to the curtilage Listed garden wall.

A number of late C20th extensions would be demolished on the Hall with the walls made good, to restore the house to its historic appearance.

Design and Access Statement: This sets out details about the proposed development and details of a public consultation event which took place to discuss plans for the site.

Bat Survey: The submitted Bat Survey concludes that there would be no harm to protected bat species within the Hall and Stable Block.

Heritage Statement: The applicants have submitted a detailed Heritage Statement which identifies the significance of the Grade II Listed Hall and Stable Block and its history. The Heritage Statement considers the impact of the proposals on the historic significance of the Listed Buildings and the wider site. The Heritage Statement concludes that; "in terms of the development on the Green Belt special circumstances apply in so far as the scheme provides for conservation of valuable irreplaceable heritage assets which are currently in extremely poor condition and are at considerable risk in the absence of a suitable scheme."

## **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 to the north of the village of Firbeck and the buildings are Grade II Listed. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):  
CS23 Valuing the Historic Environment

Unitary Development Plan 'saved' policy(s):  
ENV2.6 'Alterations to Listed Buildings'

The Rotherham Local Plan 'Publication Sites and Policies'  
SP 46 Conserving and Recording the Historic Environment

## **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 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’s final report was produced in April 2018, with adoption of the plan by the Council expected in June 2018.

## **Publicity**

The application has been advertised by way of site notice, press notice, (Dinnington Guardian) and letters to neighbouring properties as affecting the Grade II Listed Buildings. The Council received several representations in respect of the related planning Application, though few of the comments relate to the actual works to the Listed Buildings themselves. Any comments received primarily relate to the assurance that the Listed Buildings will be preserved before the new build takes place, and this would be controlled by way of the proposed phasing plan on the planning application.

Save Britain’s Heritage state the following:

- Support the application but wish to make comments on how to improve the scheme.
- This application is a positive response to the Grade II Listed Buildings and the retention of most of the existing floorplan and internal structures of the Hall is welcome.
- The amount of enabling development avoids overwhelming the Listed Buildings and are of a sympathetic design.
- The Listed Buildings should be restored before or at least in tandem with the enabling development.
- The number of apartments in the Hall are relatively small. In their experience of country house conversions larger apartments in can be more attractive to purchasers.

- The communal spaces in the Hall should be restored to a high standard to their 1935 condition.
- A suitable management company should be set up to maintain the communal spaces.
- The parking areas should be screened by suitable planting.
- They also praise the good work of the Friends of Firbeck Hall for their longstanding campaign to protect the Hall from demolition.

At the time of preparing the report, two Right to Speak requests have been received, from Firbeck Parish Council and a neighbouring resident.

## **Consultations**

Historic England: Raise no objections to the proposals on heritage grounds and consider that the proposals meet the requirements of the NPPF. They note that the proposed conversion of the Hall is sensitive to the existing layout and preserves much of the historic layout. Historic England welcomed the proposals for the redevelopment of the Hall. They also noted the constructive work of the Friends of Firbeck Hall Group who were involved in the pre application discussions with the developers.

## **Appraisal**

The main considerations in the determination of the application are:

- Impact on the special character and appearance of the Grade II Listed Buildings.
- Other issues raised by objectors.

In terms of the impact on the special character and appearance of the Grade II Listed Buildings Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Core Strategy Policy CS23 'Valuing the Historic Environment' states that Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (amongst other things):

- (ii) Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough's heritage assets, specifically those elements which contribute to the distinct identity of the borough.
- (vi) Encouraging suitable new uses for vacant, under-used and derelict historic buildings."

Policy SP 46 Conserving and Recording the Historic Environment of the emerging Sites and Policies Document states that: "All proposals affecting a heritage asset will require careful assessment as to the impact and appropriateness of development to ensure that the historic, architectural, natural history, or landscape value of the asset and / or its setting are safeguarded and conserved, and any conflict avoided or minimised in accordance with the policies of this Local Plan."

'Saved' UDP Policy ENV2.6 'Alterations to Listed Buildings,' states: "Proposals for alterations or additions will be judged against their effect upon a listed building's special interest. Works which harm a building's special interest will not be permitted except in exceptional circumstances where such works can be proved to secure the long-term preservation of the listed building."

Supplementary Planning Guidance (SPG) Environment Guidance 2: 'Alterations to Listed Buildings,' states that: "Alterations may affect the special character of a Listed Building and should be minimised. Repair is usually preferable to replacement." The SPG further notes that: "The basic principles outlined in this guidance will be relevant in all cases but specific actions for individual buildings will need to be established and the principles of repairs indicated."

The National Planning Policy Framework (NPPF) states at paragraph 128. "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 129 of the NPPF states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

In this respect the NPPF states at paragraph 132: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

The proposals are to refurbish and restore two Grade II Listed Buildings, Firbeck Hall and the associated Stable Block. Both buildings have been vacant and in a deteriorating state for many years. As such, it is considered that the restoration of these buildings is to be welcomed.

The proposed development proposes to remove inappropriate extensions to the Hall which currently are considered to detract and harm the special character and appearance of this Grade II Listed Building. This is considered to enhance both the external character and appearance of the Hall as well as to its immediate setting.

The proposal to convert the Hall and Stable Block are considered to be sensitive to the existing layout of the buildings and would involve minimal demolition or sub division of the principal rooms of the buildings.

Due to the water damage and general deterioration of the Hall and its use as a hospital, there is very little remaining of interest in terms of historic architectural features within the building. One of the few features of architectural interest is the 1930s staircase which would be retained and would be located within a communal area of the building.

Overall the proposed development would refurbish the Hall and replace the damaged windows and doors and would entirely replace the historic roof structure. It is considered that these elements are acceptable and would enhance the special character and appearance of the building.

With regards to the Stable Block it is noted that the external historic fabric would be repaired and enhanced and that the proposed alterations would preserve the external appearance of the buildings. It is considered that the proposed alterations to the Stable Block would not harm its special character and appearance and that they would retain original architectural features.

It is noted that as there is very little of special interest inside the building the overall scheme would allow for a sympathetic conversion of the buildings into residential use and would not harm their special character and appearance.

It is noted that Save Britain's Heritage and a neighbouring resident felt that it would be more appropriate for fewer larger flats within the Hall. Whilst this is noted it is considered that the proposed conversion is sympathetic to the Hall and would not harm its special character and appearance. Therefore it is considered that it would not be reasonable for the Council to request this amendment from the applicant.

The proposed garage in the walled garden would be attached to the curtilage Listed garden walls. This is considered to be acceptable as often outbuildings would be attached to the walls. Furthermore, it is considered that the garage would not harm the setting or the character and appearance of the curtilage Listed walls.

Overall, it is considered that the proposals would greatly enhance the exterior appearance of both buildings and would lead to a long term future for both buildings which is to be greatly welcomed.

Other issues raised by objectors:

The only matter that can be taken into consideration in regards to this application is the impact that the proposed development would have on the special character and appearance of the Grade II Listed Buildings. However, it is noted that the Council has received a number of comments from neighbouring residents that relate to the corresponding planning application RB2017/0875. These comments cannot be taken into consideration in regards to this application though these are fully assessed and considered in the corresponding planning application that is being presented to Members at this Planning Board.

## **Conclusion**

The proposal for the conversion of the Grade II Listed Hall and Stable Block is considered to be acceptable in design and conservation terms and is to be greatly welcomed in bringing this long derelict site back into use.

As such, Members are requested to grant Listed Building consent in line with the recommendations in this report.

## **Conditions**

01

The works to which this consent relates shall be commenced before the expiration of three years from the date of this consent.

Reason

In order to comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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, 2678 / 13B/101A/103A/102A/120A/ 106A/ 122A/ 104A/ 121A/ 107/ 127A/ 105A/ 128A/124A/ 125A/ 201 B/ 123A/ 211A/ 126/ 210 A)(Received 18/05/2017)

Reason

To define the permission and for the avoidance of doubt.

03

Where historic fabric is replaced on the external surfaces of the Hall and Stable Block this shall be done so on a like for like basis. Where this is not possible details of the new external surface materials shall be submitted to the Local Planning Authority and agreed in writing, prior to their installation. The development shall proceed in accordance with the approved details.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity in accordance with UDP Policy ENV2.6 'Alterations to Listed Buildings' and Core Strategy Policies CS23 'Valuing the Historic Environment'.

04

Prior to the installation of the windows and doors on the Grade II Listed Hall and Stable Block details of the doors and windows and their colour treatment shall be submitted to and approved in writing with the Local Planning Authority at a scale of 1:10. All windows and doors shall be timber. The development should proceed in accordance with the approved details.

#### Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity in accordance with UDP Policy ENV2.6 'Alterations to Listed Buildings' and Core Strategy Policies CS23 'Valuing the Historic Environment'.

05

Prior to the completion of development details of the external rainwater goods at a scale of 1:10 shall be submitted to and approved in writing with the Local Planning Authority. The rainwater goods shall be cast iron or cast aluminium and painted black. The development shall proceed in accordance with the approved details.

#### Reason

To protect the special character and appearance of the Grade II Listed Buildings in accordance with UDP Policy ENV2.6 'Alterations to Listed Buildings.'

#### Informatives

01

The applicant's attention is drawn to the comments from Save Britain's Heritage that they would wish the communal areas to be restored to their Art Deco appearance. Save Britain's Heritage would be happy to advise the applicant further on this and can be contacted on 020 7253 3400 E: [office@savebritainsheritage.org](mailto:office@savebritainsheritage.org)  
[www.savebritainsheritage.org](http://www.savebritainsheritage.org)

02

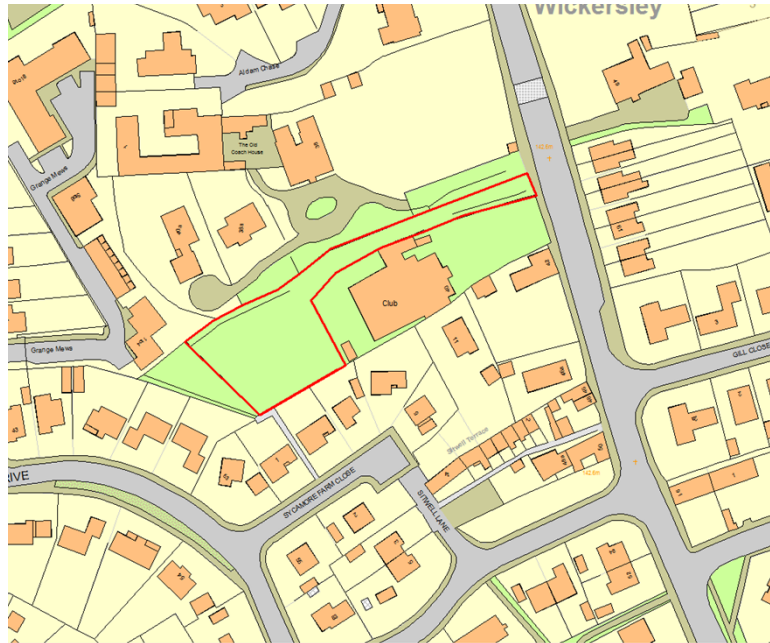
Any gates attached to walled garden wall would require listed building consent in their own right.

#### 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>RB2017/1777</b>
<b>Proposal and Location</b>	Erection of 8 No. apartments on land at rear of 40 Morthen Road Wickersley, S66 1EN
<b>Recommendation</b>	<b>Granted Conditionally</b>

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



## Site Description and Location

The application site is located to the rear of the Wickersley Working Men's Club off Morthen Road, Wickersley. Access is gained via the existing vehicular entrance which runs alongside the Club. The application site is a large flat hard surfaced area which is currently used as an unmarked car park for the Club.

The application site is approximately 1.7hectares in size, the access road is approximately 91m long and the developable are is approximately 32m by 32m.

The site is surrounded to the north, west and south by houses on Morthen Road, Grange Mews, Churchfield Drive and Sycamore Farm Close, with the Club being located to the east. The boundaries with the houses are a mixture of stone walls, hedges and timber fencing.

There are few trees with the application site itself, however there are many trees to the north of the site that are protected by TPO No. 8, 1975.

## Background

Whilst applications for extensions to the Club have been granted in the past, there is no relevant planning history for the application site itself.

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 erection of 8 apartments. The design of the building has been amended at the request of the Local Planning Authority. The original scheme proposed a large modern building which was considered to be out of keeping with the Conservation Area in design terms as well as being too large in terms of scale and mass. The original building was 28.8m wide, 13.3m deep, 5.7m to the eaves and 9.3 to the ridge of the roof.

The amended scheme now proposes 8 apartments in a building which has the appearance of a terrace of houses, with 4 flats at ground floor and four at first floor. The amended building is proposed to be 27.5m wide, 11m deep, 5m to the eaves and 9.8m to the ridge of the roof.

There is only one tree within the car parking area itself and this is a Sycamore tree that's protected under TPO No. 8 1975 and would need to be removed to accommodate the proposed development.

The proposal includes 12 car parking spaces and a communal garden area to the rear. The Working Men's Club would be left with 17 car parking spaces. The original plans submitted indicated a new area of parking for up to 10 cars at the front of the Working Men's Club, though outside the red edge boundary, and this area has since been removed from the plans.

## **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 this allocation remains in the Rotherham Local Plan 'Publication Sites and Policies'. The site is also located within Wickersley 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'

CS14 'Accessible Places and Managing Demand for Travel'

CS23 'Valuing the Historic Environment'

CS27 'Community Health and Safety'

CS28 'Sustainable Design'

CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):  
ENV2.11 'Development in Conservation Areas'  
HG4.3 Windfall Sites  
ENV3.4 'Trees, Woodlands and Hedgerows'  
ENV3.7 Control of Pollution

The Rotherham Local Plan 'Publication Sites and Policies' document policy(s):  
SP12' Development in Residential Areas'  
SP29 'Sustainable Transport for Development'  
SP36 'Conserving and Enhancing the Natural Environment'  
SP44 'Conservation Areas'  
SP55 'Pollution Control'  
SP58 'Design Principles'

### **Other Material Considerations**

South Yorkshire Residential Design Guide.

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 Rotherham Local Plan is due for adoption within the next couple of months and significant weight is given to the Policies therein.

### **Publicity**

The application has been advertised by way of press notice, site notice and letters were sent to neighbouring properties. The amended scheme has also been re-advertised in the same way.

Seven neighbours and the Wickersley Parish Council have objected to the application. These are summarised below-

Original Scheme:

- When the club is busy there is not enough spaces for cars to park currently and cars park on the roads. The loss of the car parking area will make this worse.

- Is there sufficient car parking for existing and proposed uses?
- There is an existing tree in the car park where the proposed apartments are to be located –will this be removed?
- The proposed first floor windows will overlook existing properties.
- The proposal is too close to existing properties, is this compliant?
- There is a difference in land levels.
- What screening will be provided if approved?
- Will existing levels of privacy be reduced?
- The access road is narrow and only allows for the passing of one car at a time.
- There is a private drive parallel to the proposed drive and careless driving/parking is already experienced blocking access to homes.
- The proposal shows a car park in front of an historic building.
- Increased traffic levels.
- Increase flooding due to surface water from the site to nearby houses.
- Increased noise.
- Increased pollution from car park close to house.
- Increase litter and cigarette ends from beer garden area.

#### Amended Scheme:

2 objections have been received, one from Wickersley Parish Council the other from a neighbour. They state that –

- The amended scheme shows the car parking removed from the front which would leave the club with only 17 car parking spaces.
- The submitted car parking survey is unsatisfactory as it only covers a period of 1 week and does not represent car parking demand at the busiest times.
- If the club is sold there may be an increased parking demand for a future use.
- The proposal would lead to on street parking
- The proposal is over-developmet by virtue of the inadequate car parking remaining for the club.
- Object to the loss of T1 which is protected by the TPO, its loss could not be compensated for by a replacement due to lack of space within the development.
- Loss of tress and screening along boundary.

Wickersley Parish Council has requested the right to speak at the meeting.

#### Consultations

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

RMBC – Environmental Health: No objections subject to a condition requiring the provision of glazing to a specified standard to ensure the provision of sound attenuation against external noise.

RMBC – Ecologist: No objections.

RMBC - Tree Service Manager: No objection to the loss of the tree on site, and subject to recommended conditions to protect adjacent trees.

RMBC – Drainage: No objection subject to recommended conditions.

Yorkshire Water – No comments.

Severn Trent – No objections subject to recommended conditions.

## Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

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

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) PCPA 2004.

The main considerations in the determination of the application are:

- The principle of development
- Design, scale and appearance
- Impact on Wickersley Conservation Area
- Amenity issues.
- Transportation issues
- Impact on trees
- Other issues 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.

UDP policy H4.3 'Windfall Sites' states that: "The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their:

- (i) location within the existing built-up area and compatibility with adjoining uses, and
- (ii) compatibility with other relevant policies and guidance."

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.

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 area 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 National Planning Policy Guidance (March 2014), notes that: "Development proposals should reflect the requirement for good design set out in national and local

policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”

The NPPG further goes on to advise that: “Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”

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.”

In addition to the above the NPPF at paragraph 17 details 12 core planning principles, one of which states planning should always seek to secure a high quality design. 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 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’ which seeks to ensure that all development make a positive contribution to the environment by achieving an appropriate standard of design.”

Emerging Local Plan Policy SP58, states: “all forms of development are required to be of high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings”.

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, it is noted that the proposed scheme has been amended significantly in design terms. The amended design shows the proposed apartments within a block which looks like a row of terrace properties. Whilst the proposed terrace does have a steep pitched roof, it is considered that this is a more appropriate design than if the ridge was to be lowered. The amended proposal is considered to be appropriate in design terms being in keeping with the surrounding properties and taking into consideration the site location with the Conservation Area. The external appearance of the apartments has been designed to reflect the nature and scale of the existing built residential environment.

Furthermore the proposed materials are to be natural coursed stone and red clay pantiles, these are considered appropriate in this location and provide a high quality of design in this location.

Having regard to the siting of the terrace, guidance within the SYRDG stipulates that shared private space for apartments must be a minimum of 50sqm plus an additional 10sqm per unit, in this case a minimum of 130sqm is required as there are no balconies proposed on the building. The rear garden area measures 300sqm so the provision is more than double the requirement.

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 private amenity space for the apartments. 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 Wickersley Conservation Area

With regards to the impact on the Conservation Area it is noted that Core Strategy Policy CS23 'Valuing the Historic Environment' offers further guidance and states "proposals will be supported which protect the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest".

Emerging Local Plan 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 (amongst other things):

- a) developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings.....
- 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."

The National Planning Policy Framework (NPPF) states at paragraph 129 that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

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

As such, consideration needs to be given to the impact on the character and appearance of Wickersley Conservation Area. The impact on trees within the Conservation Area is considered separately below.

Within the Design and Access Statement the applicant has had regard to the designation of the site as a Conservation Area. This notes that the application site is not clearly visible from main road and that most views would be from residential properties on Churchfield Drive and Sycamore Farm Close. It is recognised that there are limited public views of the site, however it is also considered that the amended proposal is appropriate in terms of design and materials and is in keeping with the character of the Conservation Area. The application site is currently a large hard surfaced site which has no merit with regards to its location within the Conservation Area, and in this respect the proposal is considered to preserve and enhance the Wickersley Conservation Area.

It is therefore considered that the proposal complies with policies contained within Core Strategy Policy CS23 and Emerging Plan Policy SP44 as well as the NPPF.

#### Amenity Issues

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 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 avoiding 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 loss of privacy from overlooking from the proposal. In this respect the closest residential properties are those located on Sycamore Farm Close and Churchfield Drive. The separation distances of 21m between facing habitable room windows is met in the development and 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 building does 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 for existing residents.

It is therefore considered that the physical form of the new build, despite the objections received on amenity issues, would not significantly impact on the amenity of neighbouring residents by way of overlooking or overshadowing issues, and as such the objections do not outweigh the fact the proposed building satisfies paragraph 17 of the NPPF.

In addition to the above, objectors have raised concerns about the proposed development generating unacceptable levels of noise at the front of the Working Men's Club as the original site plan showed the existing garden/play area being reduced in size and a car park area being provided. This was not within the application site and has now been taken off the site plan. The proposal under consideration does not include any alterations to the front area of the club which is outside of the application site.

Additionally, the amenity of the future residents of the proposed apartments needs to be considered. Core Strategy Policy CS27 'Community Health and Safety' states that: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..."

Emerging Plan Policy SP55 'Pollution Control' states that; "development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity."

Furthermore, UDP policy ENV3.7 'Controlling Pollution' states: "The Council...will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning Permission will not be granted for new development which: (i) is likely to give rise...to noise, light pollution, pollution of the atmosphere...or to other nuisances where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporation preventative or mitigating measures at the time the development takes place..."

In this respect, paragraph 123 of the NPPF states that "planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development."

The application is located to the rear of an existing Working Men's Club which by its nature is open late at night and is a noise generating use. In this regard the applicant has stated that the Club is fitted with a sound restrictor that automatically cuts off the music if it reaches a pre-set decibel level. The Council's Environmental Health Section has been consulted on the application and considers that whilst the club have a sound restrictor to limit noise, the glazing in the proposed residential apartments should be provided to a specific standard to ensure the provision of sound attenuation against external noise.

In light of the above any future granting of planning permission should include a planning condition to ensure that appropriate design solutions are incorporated within

the scheme to minimise noise impacts of the existing Wickersley Working Men's Club and the associated late night use. With this in place it is considered that the proposal would provide an acceptable level of amenity for future occupants of the apartments. In this regard it is considered that the proposal complies with UDP policy ENV3.7, Core Strategy Policy CS27 and Emerging Local Plan Policy SP55 and policies contained within the NPPF.

#### Transportation issues

In assessing highway related matters, Core Strategy 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.

Emerging Local Plan Policy SP29 'Sustainable Transport for Development' states that: "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;
- b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;
- c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;
- d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access;

The Council expects that other measures to increase and encourage sustainable travel and movement habits through travel plan incentives, such as: bus service enhancements, bus priority schemes, improved or additional bus services, better information and subsidised ticketing, multi modal multi operator, cross boundary travel, are provided. Improvements to existing and new infrastructure, ensuring that any public transport stops are easily accessible by active means, and that opportunities to further enhance walking, cycling and appropriate measures to promote inclusive access, will be sought as appropriate."

Paragraph 34 to the NPPF further notes 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."

Objections have been received to the application on the basis that the proposal, which includes the loss of a significant area of the existing Club's car park, would not retain sufficient car parking spaces for its users, which would lead to on street car parking. The applicant has submitted a car park survey which outlines the number of cars in the Club's car park over the period of a week. Objectors also state that this survey is only for one week and does not represent the parking demand at the busiest times. Objectors also state that people park poorly and block access to houses, and that the access road is not wide enough.

In this regard the Transportation Unit has been consulted on the planning application and has states that whilst the submitted information is based on a limited survey, it indicates that the intended car parking provision for the club (17 No. spaces) is likely to cater for demand on all days other than Friday when 24 No. cars were observed in the car park. However, the Council's car parking standards for non residential development are maximum standards, and furthermore, Government policy in the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Transportation Unit does not consider that to be the case in this instance such that a refusal of planning permission on highway grounds could not be justified.

Additionally, the access road and manoeuvring areas within the development are considered to be appropriate, and in general, the site has good access to public transport and local facilities, being within easy walking distance to bus stops located on Morthan Road. With regards to the objection on the grounds of people parking and blocking access to houses, this is not a material planning consideration to be taken into consideration. Therefore taking all of the above into consideration, it is considered that this proposed development will not have a severe detrimental impact upon highway safety and the proposal complies with Policy CS14 and guidance contained within the NPPF.

### Trees

UDP Policy ENV3.3 'Tree Preservation Orders' sets out that the Council will protect individual and groups of trees by Tree Preservation Orders where it is important in the interests of visual amenity." Policy ENV3.4 'Trees, Woodlands and Hedgerows' states that "The Council will seek to promote and enhance tree, woodland and hedgerow coverage throughout the Borough." Emerging Local Plan Policy SP44 'Conservation Areas' states that "development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles: 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."

The planning application was supported by a Tree Survey which contains details of 24 individual trees and 3 groups of trees positioned on or immediately adjacent to the application site. Some trees to the north of the site are protected by a Tree Preservation Order (TPO No. 8, 1975) and other trees are protected by the Conservation Area status.

The survey shows that a Sycamore tree, also protected by TPO No. 8, 1975, is to be removed to allow for the development. Whilst the submitted Tree Survey originally classified the tree as a category A tree which is they highest classification, the Council's Tree Service Manager considers that whilst the tree is in a reasonable condition, it only has medium value to the local tree scape, and is not readily visible

from surrounding public areas. In addition he considers that the tree itself lacks the special quality required of a category A designation, and the categorisation should be reduced.

He further notes that whilst it is acknowledged that the removal of the protected tree will have an adverse impact on local amenity, its location in this backland position reduces the amenity value it has within the locality. The loss of the tree also has to be weighed up against the development of the site and the subsequent provision of 8 residential units which would contribute to the existing shortfall in housing provision in the Borough. With the above in mind the loss of the tree is not considered sufficient to justify the refusal of the planning application.

An objection has been received from a neighbouring regarding the loss of the tree as it provides screening and noise attenuation from the Club. It should be noted that the tree is within the ownership of the applicant and therefore cannot be relied upon by neighbours for screening etc. It should also be noted that there is a wall and high conifer boundary between the site and the residential properties in this location which provides substantial screening.

In conclusion, whilst the proposal will result in the loss of one tree, all the other trees surrounding the site will be retained and protected throughout the development process via the imposition of relevant conditions. Therefore, the proposal is considered acceptable and in compliance with UDP Policy ENV3.4 and Emerging Local Plan Policy SP44.

#### Other issues raised by objectors

An objection has been received stating that the development will increase flooding of nearby homes, though there are no objections to the application from the Councils Drainage Section or from the Water Authorities. Additionally, the application site is already fully hard surfaced so the development will not result in further areas being hard surfaced. Objections have been raised about increased amounts of litter, the proposal for 8 apartments has a bin store provided as so it is not anticipated that the proposal would generate any further significant amounts of litter. With regards to the objection on the ground that the Club could be sold and so parking demand may increase, if the use of the Club was to change then a planning application would be required and the parking requirement for any use proposed would be assessed at that time.

#### **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 preserve and enhance the character of Wickersley Conservation Area.

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. Finally, whilst a protected tree would be removed to accommodate the development, its loss is not considered significant, and the benefits of the provision of additional residential units would outweigh the loss.

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 12, 14 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 12, 14 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.

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)

(Proposed Site Plan Drawing No. MR8\_06 dated April 18

Proposed Elevations Drawing No. MR08\_05 dated April 18

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 and SP44 Conservation Areas.

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

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.

06

The development shall not be commenced until the proposed Club car park to be retained has been marked out in accordance with the approved plan.

Reason

To ensure the provision of satisfactory parking spaces and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

07

Before the development is brought into use the car parking area for the proposed flats, as shown on the approved 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.

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 or hedge shall be cut down, uprooted or destroyed nor shall any tree or hedge 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 or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted in the immediate area and that tree or hedge 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 5837:2012 Trees in Relation to Design, Demolition and Construction and positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

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

All tree works shall be carried out in accordance with B.S.3998: 2010 Tree work - Recommendations. The schedule of all tree works shall be approved by the Local Planning Authority before any work commences and no tree work shall commence until the applicant or his contractor has given at least seven days notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

#### 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 commencement of any development a detailed Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and

Construction, shall be submitted to the Local Planning Authority for consideration and approval and the development shall be implemented in accordance with the approved details. The submitted details shall include a detailed Tree Protection Plan.

#### 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'.

#### 13

No dwelling shall be occupied unless it has been constructed in accordance with a scheme submitted to, and approved by the Local Planning Authority, so as to ensure that the building envelope provides sound attenuation against external noise, with windows shut and other means of ventilation provided, to achieve an internal noise level of no greater than:

35 dB(A) Leq, 1 hour , measured at the mid-point in any bedroom;

45 dB(A) Leq, 1 hour , measured at the mid-point in any living room.

#### Reason

In order to protect the residential amenity of future occupants of the development in accordance with Core Strategy Policy CS27 Community Health and Safety and UDP policy ENV3.7 Control of Pollution.

#### 14

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 equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- 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

#### 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.

### Informatives

#### 01

Control of working practices during construction phase

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 restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building

## 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.