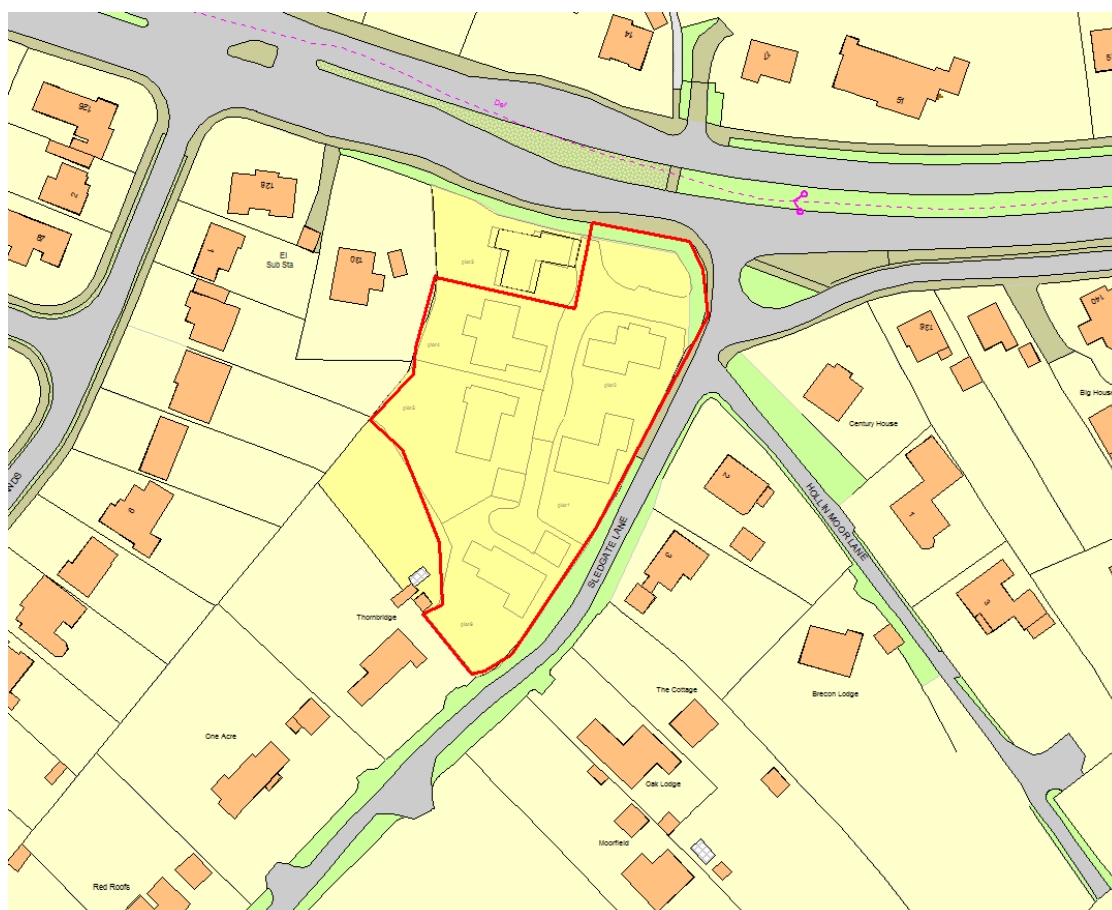


## REPORT TO THE PLANNING BOARD TO BE HELD ON THE 16 JANUARY 2020

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

<b>Application Number</b>	<b>RB2019/0852</b> <a href="https://rotherham.planportal.co.uk/?id=RB2019/0852">https://rotherham.planportal.co.uk/?id=RB2019/0852</a>
<b>Proposal and Location</b>	Erection of 8 No. dwellings and associated works at Land off Sledgate Lane, Wickersley
<b>Recommendation</b>	Grant Conditionally

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



### Site Description & Location

The site is located approximately half a mile from Wickersley at the junction of Bawtry Road with Sledgate Lane and is approximately 0.41 hectares in area. To the south and east lie existing residential properties on Sledgate Lane and to the west are further residential properties on Moorlands/Bawtry Road.

The land is currently an inactive construction site with one house partially constructed at the north western corner beside Bawtry Road. This dwelling was constructed under RB2015/1090 and as such remains extant and could be developed out. The remainder of the site contains stone rubble, timber pallets and uneven ground. Three trees are located to the edges of the site and temporary tree protection fencing is positioned across the southern part of the site

Sledgate Lane is the route of a public right of way (Wickersley Footpath No. 1)

## **Background**

RB2010/1558 – Outline application for the erection of 5 dwelling houses including means of access – granted conditionally 28/02/2011.

RB2015/1091 - Erection of 6 No. dwellinghouses & associated garages – granted conditionally 31/03/2016

## **CIL**

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. CIL is not payable in respect of affordable housing units.

## **Proposal**

The application seeks full planning permission for the erection of 8 detached 4 and 5 bedroom dwellinghouses. Vehicular access is proposed to be taken from Sledgate Lane close to the north eastern corner of the site, and will be designed to adoptable standards.

The layout of the site shows 4 no. two storey detached properties along the Sledgate Lane elevation. These properties have their principle elevations facing into the site and their rear elevations onto Sledgate Lane. A further property is sited along the south eastern elevation, which again fronts into the site. The remaining 3 properties are sited along the western boundary and share rear and side boundaries with existing properties on Bawtry Road and Moorlands.

The houses are shown to be located around a central access road, enclosed and separated by 1.8m and 1m high close boarded fences. A native hedge and trees will also be planted adjacent to Sledgate Lane within the individual plot boundaries.

The proposed building materials are to be red facing brick walls and artstone heads and cills with grey concrete roof tiles. The designs of the proposed dwellings are generally traditional in appearance and incorporate features such as bay windows and integral garages.

The proposal has been amended through the process to reduce the number of dwellings from 9 to 8 to incorporate a vehicular turning area.

The following documents were submitted in support of the application –

- Design and Access Statement
- Planning Statement
- Mining Report
- Highways Supporting Statement
- Preliminary Ecological Appraisal Report
- Tree Survey
- Noise Impact Assessment
- Contamination Remediation Statement
- Drainage Calculations

### **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 the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is allocated for residential purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

#### Local Plan policy(s):

CS1 Delivering Rotherham's Spatial Strategy  
CS14 Accessible Places and Managing Demand for Travel  
CS20 Biodiversity and Geodiversity  
CS21 Landscape  
CS27 Community Health and Safety  
CS28 Sustainable Design  
SP11 Development in Residential Areas  
SP26 Sustainable Travel for Development  
SP52 Pollution Control  
SP54 Contaminated and Unstable Land  
SP55 Design Principles

### **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 revised NPPF came into effect in February 2019. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

## **Publicity**

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 21 letters of representation have been received including one from Wickersley Parish Council listing 11 names and addresses. The representations are summarised below:

### **Site Layout/Appearance**

- The proposed density of the development is out of keeping with the local area which comprises large detached houses in generously sized gardens all of an individual character. The proposed development, by contrast will comprise large detached houses with little garden space or space between each dwelling laid out in a regimented fashion. resulting in a cramped, unattractive development
- The proposed dwellings would be significantly smaller and their frontages would be dominated by hard surfacing and car parking spaces.
- The proposed red facing bricks and concrete roof tiles do not reflect the local vernacular or the dwelling on plot one which is partially constructed.
- The original application included the requirement to construct a stone boundary wall in keeping with the existing boundary treatments on Bawtry Road. The now proposed timber fencing would be detrimental to the appearance of the area.
- These homes will have no gardens and will look totally odd to what is built around them. The boundary wall is to be cheap fencing who will maintain it from disrepair?
- The boundary wall needs to be in stone which would be in keeping with what is built on Bawtry road. This wall should be built first to secure the site, if this is not done first our quality of life will be effected every time building work takes place.
- The reduction in the number of dwellings to 8 hasn't overcome my original concerns about the proposed development.

### Residential Amenity

- The separation distances between the proposed properties and the rear garden areas are also comparatively very small.
- An extra house has been squeezed in on the side of the site that overlooks our garden and looks totally disproportionate to the other houses on the same elevation, and its rear windows will look straight on to the side of our house and into our garden. Similarly the other two houses on this side will have raised gardens and windows that look straight on to ours, due to the raising of ground levels.

### Transport

- Sledgate Lane is a public footpath. It's classification as a road is only possible due to the fact that the residents arranged for the surface to be asphalted. Current planning advice is that no more than 5 properties should be sited on such a road. There are already in excess of 5 properties present.
- Any analysis of potential road traffic impact has been based on estimates rather than using any measurement of traffic volumes. We have a real concern about the danger to other road / footpath users on Sledgate Lane and the proposed development can only increase the risk.
- Great emphasis is being placed on the availability of public transport and the desirability of walking. In light of this it seems incongruous that 4 car parking spaces (2 spaces plus double garage) per dwelling are proposed.
- The proposed access road and junction does not appear to meet adoption requirements.
- There will potentially be 30 more cars coming and going onto the lane.
- I use this lane quite a lot for walks and visiting friends, I find it at times to be very dangerous especially on the corner when crossing onto the lane. It has a very sharp corner for turning traffic coming off Bawtry road. I myself have had to step back numerous times as traffic comes round the corner, it's only a matter of time before an accident happens

### Other Matters

- Our key concern has been the raising of the ground levels to the boundary of our property following the use of the large stone gabions as retaining walls by the former developers. The original plans had tiered gardens that respected the natural slope of the site and we were most disappointed when following the installation of the stone gabions, the whole site was bulldozed and the whole ground area made one level
- A number of trees have been removed from the site
- Market conditions for construction of new residential developments have not changed to any significant level. Therefore the proposed new development principles are flawed.
- Inherent problems with the site mean there is a high probability this development may never be fully completed resulting in a visual blight on the area and the main Bawtry road.

- More pollution more pressure on schools doctors surgery's etc
- A vibration monitor should be fitted and we should be notified when piling takes place. This was not done last time it was piled and was a most frightening experience for the residents that were in their homes at the time.

## **Consultations**

RMBC Transport Infrastructure Service raise no objections to the amended layout subject to conditions.

RMBC Tree Service Manager raises no objections to the proposed development subject to the planting being implemented as shown on the amended landscape scheme.

RMBC Drainage raises no objections to the proposed development in principle; however it is recommended that due to the variable depths of fill, the drainage design incorporates precautions to cope with differential settlement to prevent damage to the drainage infrastructure.

RMBC Landscape raise no objections to the proposed development subject to the implementation of the submitted landscape scheme.

RMBC Ecology raises no objections to the proposed development.

RMBC Environmental Health - Land Contamination raise no objections to the proposed development subject to conditions.

RMBC Environmental Health – Noise note that a Noise Assessment has been submitted in support of the application. This report identifies that noise from the nearby A631 Bawtry Road, has the potential to cause dis-amenity to future occupiers, in particular plot 2 (now plot 1). Accordingly a condition is recommended that noise reducing measures are incorporated into the fabric of the building.

Yorkshire Water raise no objections to the proposed development subject to conditions requiring the submission of further detail.

## **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 the development.
- The design of the proposed buildings and its impact on the visual amenity of the streetscene
- Impact on Residential Amenity.
- Landscape and ecology.
- Transportation issues.
- Other matters raised by objectors

### The Principle of Development

The site in question is allocated for Residential purposes within the Local Plan. Policy SP11 'Sites in Residential Areas' states that areas identified for residential use shall be retained primarily for residential use, and that all residential uses shall be considered appropriate in these areas and will be considered in light of all relevant policies. Core Strategy Policy C3 'Location of New development' sets out relevant sustainability criteria which should be taken into consideration within any planning application.

The site is located within a sustainable location, close to local amenities, transport links and other dwellinghouses. Accordingly, it would satisfy the requirements of Policies CS3, CS33 and SP11.

### The design of the proposed building and its impact on the visual amenity of the streetscene

Policy CS28 'Sustainable Design,' indicates that 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. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

Finally policy SP55 'Design principles' states that regard must be had, amongst other things, to

- the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development;
- the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing;

The dwellings located on Sledgate Lane comprise a mixture of different architectural styles. Some of which are constructed from red brick, whilst others have been constructed from buff brick or have a cream render finish. The scale and design of these dwellings also vary considerably from 2 storey dwellings to bungalows. A common feature of all dwellings however, is that they are set in extensive grounds with mature landscaping featured in most of the garden areas.

The proposed dwellings are to be constructed from a red brick material with artstone heads and cills. They are generally traditional in design, incorporating bay windows and integral garages. The site is to be bounded by a 1m high boundary wall with planting behind along the Sledgate Lane frontage and either side of the entrance, hedgerows and other forms of planting are proposed.

Objections have been received on the grounds that 8 houses are too many for the site and as such it represents over development. Whilst the proposed dwellings are relatively large, this area along Bawtry Road is characterised by detached properties of varying sizes and ages and many of the existing dwellings are large properties standing within large garden areas. In terms of density the proposed scheme has a density of approximately 19 dwellings per hectare, which is relatively low. The houses to the west of the application site are of a similar density, whilst the houses to the immediate west have a lower density and many of the houses are older and have larger garden areas. The density of the proposed scheme is not considered to be out of character with the area, and is considered to be appropriate in this location.

It is considered that the houses have been designed to reflect the scale and characteristics of the area and will not appear at odds in a locality that is not dominated by one particular house type or style, and the proposed materials will help to blend the new development into the existing urban setting although final details of materials are suggested to be controlled through condition.

Overall it is considered that the proposed dwellings are of an appropriate scale, design and layout in relation to the street scene and taking account of their design it is considered that they would contribute in a positive manner to the locality.

#### Impact on Residential Amenity

The NPPF at paragraph 127 states developments should create a high standard of amenity for existing and future users. In addition NPPF paragraph 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.



Policy CS27 'Community Health and Safety' states new development should be appropriate and suitable for its location, by considering, amongst other factors, the impact of existing sources of pollution and the potential for remedial measures to address problems of contamination. Policy SP52 'Pollution Control' states development proposal that are likely to be exposed to pollution will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect amenity.

In assessing the impact of the proposed development on existing properties by reason of overlooking and loss of privacy, the South Yorkshire Residential Design Guide states that separation distances of at least 21 metres between principle elevations and at least 10 metres between principle elevations and rear boundaries should be achieved

In this regard it is first important to note that the land levels have recently been re-engineered to create a relatively flat development platform. To address this point, a site section has been submitted to show the difference in levels between the site and the existing property on Bawtry Road. The application site is now a maximum of 2.3m above the side boundary of this property and gabion baskets have been put in place to act as a retaining structure which extends along the full extent of the western boundary. This work was undertaken under planning reference RB2015/1091 and the proposed dwellings will sit on this new land level and have a 1.8m high fence along their rear boundaries.

The properties most affected by the proposed development by reason of their siting and potential for overlooking are 130 Bawtry Road and No.3 Moorlands. 130 Bawtry Road shares a side boundary with the application site, whilst 3 Moorlands shares a rear boundary. 130 Bawtry Road is positioned closest to the site; this property has recently been extended with a single storey side extension which incorporates rooms within the roof space and a two storey front projection. No windows are located within the side elevations and the rear elevation of the proposed dwelling is located 15m away.

Having regard to 3 Moorlands, this is a two storey property which has a rear garden which extends to 40m. The proposed dwelling located closest to this property has been positioned to achieve a 10m rear garden, accordingly the separation distance between the two rear elevations extends to 50m which is significantly more than the minimum of 21m advocated in the SYRDG.

Taking all of the above into account, it is acknowledged that the land levels have been altered, however due to the siting of existing dwellings, the proposed dwellings will not have an overbearing impact, nor will they give rise to unacceptable levels of overlooking.

The impact of the development on existing dwellings on Sledgate Lane are also considered to be acceptable due to the separation distances and proposed boundary treatments which include fences and landscaping. As such, it is noted that all of the proposed dwellings achieve the minimum separation distances advocated in the SYRDG.

### Landscape and ecology.

Policy CS19 “Green Infrastructure” states, in part, that: “Rotherham’s network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors, will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas...Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below –

- a) Securing provision, either on or off site, of an appropriate size, shape, scale and type and having regard to the nature of the development, its impact on the wider network and contribution to the overall quality of the area.

Policy CS21 ‘Landscapes,’ states, in part, that: “New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.”

Policy SP32 ‘Green Infrastructure and Landscape’ goes on to state in part that: “The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users.”

The land is currently an inactive construction site with one house partially constructed at the north western corner beside Bawtry Road. The remainder of the site contains stone rubble, timber pallets and uneven ground. Three trees are located to the edges of the site and temporary tree protection fencing is positioned across the southern part of the site.

Accompanying the application is a Tree Survey and a landscape plan. The tree survey confirms that there are no trees protected by a preservation order and none of the on-site trees require felling as a result of the proposed development. The Council’s Tree Service has been consulted on the proposals and raise no objections to the amended plan which replaces the Sledgate Lane boundary wall with a fence and additional landscaping.

Having regard to the submitted landscape plan, it is proposed to plant a large number of trees along the Sledgate Lane frontage behind a new 24m native hedge. Further tree planting is proposed along the remaining boundaries of the site and along the internal access road. Along the northern boundary it is proposed to plant a mixed shrub and herbaceous border with various grasses.

This landscape scheme is considered to be acceptable and will provide an attractive setting for the future residential development. Accordingly, the development is considered to accord with the provisions of policies CS19, CS21 and SP32.

Turning to ecological impacts, Core Strategy Policy CS20 'Biodiversity and Geodiversity' states that 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.

In this regard the application is supported by a Preliminary Ecological Appraisal Report which confirms that the majority of the site being disturbed ground or recently made habitats is of low ecological value. The four mature trees are features of greater ecological value, and these are to be retained and protected. No protected species issues were identified and no further detailed ecological studies are recommended.

The Council's Ecologist has appraised the content of the report and concurs with the findings that the application site currently has a minimal potential/opportunity to support wildlife. Accordingly, with the relatively low ecological value of the site it is considered acceptable from an ecological aspect.

#### Transportation issues

In assessing highway related matters, Policy CS14 'Accessible Places and Managing Demand for Travel,' notes in part, *"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."*

Policy SP26 'Sustainable Transport for development' states, in part, 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 NPPF further notes at paragraph 108: *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*  
*and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

Paragraph 109 states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Paragraph 111 goes on to note that: *“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*

Objections have been received stating that the access to the site is unsafe and the additional cars that would use the site would be a traffic hazard and lead to further incidents on the road. Objections also state that Sledgate Lane is a public footpath and so the additional traffic would be a hazard to walkers, horses and farm vehicles, and that people use the area at the front of the site to park. Additionally, they state that other developments within the Borough have been limited to 5 dwellings off a private drive whilst this proposes 8 which is inconsistent.

The traffic impact of the development is assessed during the peak hours and it is anticipated that approximately 8 two-way vehicular movements during each development peak hour, equating to one vehicle every 7.5 minutes. On this basis, the trip generation of the proposed scheme is considered to be negligible and would have an undetectable impact on the local highway network.

Having regard to the proposed access into the site, this would be derived from the adopted part of Sledgate Lane, where the carriageway is relatively wide with a footway on the frontage which would not significantly impact on other users of the road. The first part of Sledgate Lane where the access is proposed is adopted and the new road will be constructed to adoptable standard, and it is therefore not considered to be a private drive.

In terms of parking on Sledgate Lane, it is noted that the proposals comply with the Council's minimum parking standards and there are no direct access to properties from Sledgate Lane, such that it is not considered that the development would lead to additional parking on Sledgate Lane itself. Finally, it is not considered that direct access from the A631 dual carriageway (Bawtry Road) would be safer than the proposed access.

With all the above in mind, the proposed development is considered to accord with Core Strategy Policy CS14 and would not have a detrimental impact on highway safety.

### Other Matters

The majority of concerns raised by local residents have been addressed in the preceding paragraphs; however concerns regarding the viability of the scheme and questions regarding its deliverability have been raised. Both of these points are noted, however as the scheme does not trigger the need for any affordable housing, the applicant is not obliged to submit any evidence regarding the financial viability of this or the previous scheme. Likewise the probability of its delivery is not a matter for consideration under this planning application.

Having regard to the outstanding issues which include an increase in pollution and the need for a vibration report, these matters can be dealt by means of a condition requiring the submission of a construction method statement.

### **Conclusion**

In conclusion it is considered that the principle of residential development is acceptable within this location and that the design, layout and scale of the proposed dwellings are acceptable and meet with relevant policies. The proposed development will not have an unacceptable impact on the amenities of the occupiers of neighbouring properties and the loss of some of the existing vegetation from the site will be suitably mitigated through replacement planting.

In highway safety terms the proposed development is considered to be in a sustainable location and the level of proposed car parking is appropriate, as is the proposed new access off Sledgate Lane.

As such the application is recommended for approval subject to the following conditions.

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Condition number 13 of this permission requires 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 number **13** is 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 Layout Ref: P0002 Rev S
- Existing and Proposed Sections Ref: P0003 Rev A
- House Type T2 - Plans and Elevations Ref: P101
- House Type 401 - Plans and Elevations Ref: P103
- House Type T502 - Plans and Elevations Ref:P104
- House Type T503 - Plans and Elevations Ref:P105
- House Type T9 - Plans and Elevations Ref: P106
- Proposed Street Elevation C Ref P201
- Topographical Survey
- Boundary Detail Ref: P0005
- Boundary Detail Ref: P0007
- Tree Constraints Plan - Dwg. No. DR-4037-01
- Tree Protection Plan - Dwg. No. DR-4037-02-A

Reason

To define the permission and for the avoidance of doubt.

03

Prior to the above ground construction of the new dwellings details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy policy CS28 Sustainable Design.

04

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

Reason

No details having been submitted they are reserved for approval.

05

Before the development is brought into use, 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

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;  
a/ a permeable surface and associated water retention/collection drainage, or;  
b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.  
The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the private footway in the interests of the adequate drainage of the site, road safety and residential amenity

07

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work and on site attenuation of surface water flows, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained.

08

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage.

09

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason

To ensure that the site is properly drained and in order to prevent overloading surface water is not discharged to the public sewer network.

10

Enhanced double glazing and acoustic vents rated at  $\geq 31$  dB Rw+C i.e. 10 mm glass / (6–20) mm cavity / 6 mm glass with acoustic vents rated at  $\geq 38$  dB Dn,e,w to habitable rooms) as specified in the proposed sound attenuation scheme in the Noise Impact Assessment dated 22<sup>nd</sup> May 2019 and carried out by ENS, shall be provided in Plot 1 before the dwelling is first occupied.

Reason

For the avoidance of doubt and in accordance with CS Policy CS27 Community Health and Safety.

11

Details of the acoustic barrier to be provided for Plot 1, as referred to in the Noise Impact Assessment dated 22<sup>nd</sup> May 2019, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the dwelling is first occupied.

Reason

For the avoidance of doubt and in accordance with CS Policy CS27 Community Health and Safety.



12

No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned up to a period of 5 years following commencement of development on the site, 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 the period referred to above, 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

13

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 – Recommendations. This shall be positioned in accordance with details as shown on the submitted plan. 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

14

Landscaping of the site as shown on the approved plans (drawing ref. Planting Plan Sheet 1 of 2 and Planting Plan Sheet 2 of 2) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity

15

Details of the location and materials of the proposed boundary treatments shown on the approved site layout plan drawing number P002 Rev S shall be submitted to, and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

#### Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy policy CS28 Sustainable Design.

16

Remediation works shall be undertaken in accordance with sections 3.0 to 6.0 of the report entitled 'Contamination Remediation Statement on Sledgate Lane, Wickersley – prepared by ARP Geotechnical Ltd, reference CCC.01/REM dated 26<sup>th</sup> March 2018, V1 Final'. The remediation works will include for additional asbestos testing within all development plots and additional gas monitoring (a further 3 rounds) so that a) appropriate remediation measures can be updated and adopted and b) to allow a ground gas risk assessment to be undertaken to determine the level of potential gas protection measures required for each plot. An updated Contamination Remediation Statement shall be forwarded to this Authority for review and comment prior to development works commencing on site. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17

In the event that during development works unexpected significant contamination (including asbestos containing materials) is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18

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

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

19

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

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **Informatives**

*It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. 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 the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.*

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowzers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

#### POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2019/1636</b> <a href="https://rotherham.planportal.co.uk/?id=RB2019/1636">https://rotherham.planportal.co.uk/?id=RB2019/1636</a>
<b>Proposal and Location</b>	Change of use to bar (Use Class A4) and associated external works, at 192 High Street, Kimberworth, Rotherham.
<b>Recommendation</b>	Grant subject to conditions

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



## 1. Site Description & Location

The application site relates to No. 192 High Street, located within the established residential area of Kimberworth, Rotherham.

No. 192 High Street is a lower ground floor retail unit, forming part of the Fellowsfield Way retail parade. Due to the topography, the Winterhill Pharmacy is located above 192 High Street on the first floor.

There are residential properties adjacent and across from the application site, which comprise various designs and layouts of bungalows and semi-detached dwellings; the Winterhill Secondary School lies to the west.

## **2. Background**

There have been no planning applications submitted relating to this site since the shopping parade was built in 1964.

## **3. Proposal**

The current application is seeking planning permission for the change of use of a hairdressing shop (A1 'Retail') to a bar (A4 'Drinking Establishment') with associated external works.

Internally, it is proposed to open up the existing space within the unit, leaving all structural elements as they are, except for the addition of a new door for a gentlemen's toilet, new stud walls to form the bar area and a disabled accessible/women's WC.

Externally, it is proposed to provide a smoking shelter and leaving enough space for cars to park and turn. There shall also be a bin store down the south eastern elevation of the building.

The bar proposes to employ two full-time and two part-time employees.

As per the submitted Management Plan, the use is proposed to be open Monday to Thursday 12:00 to 22:00 hours; Friday to Sundays and Bank Holidays 12:00 to 23:00 hours.

## **4. Development Plan Allocation and Policy**

The Rotherham Core Strategy was adopted by the Council on the 10th September 2014, and together with the Rotherham Sites and Policies Document adopted 27<sup>th</sup> June 2018 forms part of Rotherham's Local Plan.

The application site is within a residential allocation. 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'

CS28 'Sustainable Design'

Sites and Policies

SP11 'Development in Residential Areas'

SP55 'Design Principles'

SP52 'Pollution Control'

## **5. Other Material Considerations**

Interim Planning Guidance - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 3<sup>rd</sup> March 2014 and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

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

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

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances 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/Sites and Policies Document policy(s) referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

## **6. Publicity**

The application has been advertised by way of site notice and individual neighbour notification letters to adjacent properties. The Council has received 11 written objections. The contents of which are summarised below;

- No opening hours proposed on the application form
- Reduction in parking at the unit from 6 to 4, could lead to parking on the surrounding roads, compromising parking for local residents and creating road safety issues

- Encourage noise disturbance from the music and external smoking shelter
- Already enough public houses within close proximity
- Will reduce the value of the houses in the vicinity
- Light pollution to neighbouring houses
- Noise during refit of the unit
- The bin store will encourage vermin
- Secondary school children will be encouraged that drinking is acceptable

## **7. Consultations**

RMBC – Transportation Infrastructure Service: No objections.

RMBC – Environmental Health: No objections subject to conditions.

## **8. Appraisal**

The main considerations of the application are as follows:

- i) Principle of development
- ii) Impact on the amenity of neighbouring residents
- iii) Highway safety

### Principle of development

The application is for a change of use from A1 'Retail' to A4 'Drinking Establishment' with a smoking area and external bin store. The existing car parking area to the front of the site is proposed to be resurfaced and remarked.

The site is located within a residential allocation as per the adopted Rotherham Local Plan, and has historically been used as a retail premises for various businesses, latterly a hairdressers.

Local Plan Policy SP11 'Development in Residential Areas' indicates that:

*“Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies. Non-residential uses will be considered in light of the need to maintain the housing land supply and create sustainable communities, and normally only permitted where they:*



- a. are ancillary and complementary to the residential nature and function of the area; and*
- b. are no larger than is required to meet the needs of local residents; and*
- c. will not have an unacceptable impact on the residential amenity of the area; and*
- d. demonstrate how they will be of benefit to the health and well-being of the local population..”*

SP11 explanatory note 4.44 states

*‘certain non-residential uses will be allowed in residential areas where they are ancillary and complementary to the main residential use. Such uses could include proposals for convenience shops serving the local area only, social and community facilities, public houses, amenity and local recreational open space’.*

As a public house, the application complies in principle with the above policy. There are examples of other food and drink establishments in nearby premises, specifically the Colin public house and the hot food takeaways on Fellowsfield Way. It is therefore considered that the principle of a change of use to an A4 use is acceptable in this location.

Overall, evening and daytime uses exist in this area, including adjacent hot food takeaways to the rear of the unit, and as such the proposal is not considered to have an adverse impact on the surroundings.

#### Impact on the amenity of the locality

The NPPF at paragraph 127 states developments should create a high standard of amenity for existing and future users.

Where issues of noise impact are concerned the NPPF provides brief guidance in paragraph 170 where it states that planning policies and decisions should contribute to and enhance the natural and local environment by: *‘preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of.....noise pollution’.*

In addition NPPF paragraph 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

Policy CS27 'Community Health and Safety' states new development should be appropriate and suitable for its location, by considering, amongst other factors, the impact of existing sources of pollution and the potential for remedial measures to address problems of contamination. Policy SP52 'Pollution Control' states development proposal that are likely to be exposed to pollution will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect amenity.

Upon request, the applicant undertook a noise assessment report, which following review, the Council's Environmental Health Officer found to be acceptable as the noise survey indicated the impact from the proposed bar upon occupiers of neighbouring properties is lower than that of the existing measured noise levels from the daytime and late evening measurement periods.

The proposed opening hours are 12:00 – 22:00 Monday to Thursday and 12:00 – 23:00 Saturday and Sunday (and Bank Holidays). The applicant has confirmed that there will be no cooking facilities or amplified music within the premises and that no drinking will take place outside. These are all recommended to be controlled by restrictive conditions and as such, it is considered that the proposed opening hours are reasonable and that the proposed use would not result in any adverse impact upon neighbouring residents' amenity in terms of odour and general disturbance.

The external appearance of the unit is to remain largely unaltered, therefore the streetscene and local visual amenity is considered to be unaffected by the proposal.

Issues which cannot be taken into account, as are not material planning considerations, are the perceived loss of property value, increased competition, the strength or volume of local opposition, construction noise/disturbance during development, and fears of damage to property.

Therefore, subject to the condition limiting opening hours, no cooking of food on the premises and no amplified music inside or outside of the bar, it is considered that the proposed use would not adversely impact on the amenity of residents of neighbouring properties.

Accordingly, the proposal would comply with policies SP11 'Development in Residential Areas', CS27 'Community Health and Safety' and SP52 'Pollution Control' of Rotherham's adopted Local Plan.

### Impact on highway safety

It is considered that the nature of use and the size of the premises would not generate a significant parking demand, and it is therefore considered that the proposed use would not result in a detrimental impact on highway safety.

Following consultation with the applicant with regards to ensuring the provided parking spaces can easily be accessed with an appropriate manoeuvring facility to enable cars to enter / exit in a forward gear, the Council's Highways Officer is satisfied that there is appropriate off-road car parking provision made available on the site frontage and that as the site is in close proximity to public transport facilities, there are no objections to the granting of planning permission in a highway context.

The issues regarding cars parking on the surrounding highways is noted. However, there are presently parking restrictions surrounding the site, such as double and single yellow lines, a zebra crossing and those relating to parking outside of a school entrance. Outside of these areas, cars can park legally on part of the streets, but this is not considered a significant problem that would justify refusing the application.

## **9. Conclusion**

The principle of a change of use to an A4 (drinking establishment) within a residential area is considered to be acceptable. It is considered that noise levels are likely to be comparable to the existing units and late night noise can be prevented by restricting hours of operation, preventing any music being played and restricting outside drinking. The Transportation Unit have indicated that they have no objections on highway safety grounds. Visually the external appearance of the unit will not change and the application is therefore recommended for approval subject to conditions.

### **Conditions**

01

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

### **Reason**

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

- Site and Location Plan – Dwg No. AC - ZZ - XX - DR - A -0101
- Existing Floor Plan – Dwg No. 0001 AC XX 00 DR A 2001
- Existing Elevations – Dwg No. 0001 AC XX 00 DR A 2101
- Proposed Floor Plan – Dwg No. 0001 AC XX 00 DR A 2002
- Proposed Elevations – Dwg No. 0001 AC XX ZZ DR A 2102
- Parking Layout – Dwg No. AC - ZZ - XX - DR - A -9002  
(rev A received 26/11/19)
- Bin Storage Area – Dwg No. 0001 AC XX ZZ DR A 0904
- Smoking Shelter – Dwg No. 0001 AC XX ZZ DR A 0903

Reason

To define the permission and for the avoidance of doubt.

03

The premises shall only be open to customers or deliveries between 12:00 to 22:00 hours Monday to Thursday and between 12:00 to 23:00 hours Friday to Sundays (including Bank Holidays).

Reason

In the interest of local amenity.

04

There shall be no amplified music played within or outside of the premises.

Reason

In the interests of the amenities of the occupiers of nearby dwellings.

05

No cooking of food shall be carried out on the premises at any time.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with the Rotherham Local Plan Policy SP52 'Pollution Control'.

06

There shall be no drinking outside of the premises.

Reason

In the interests of the amenities of the occupiers of nearby dwellings.

### **Positive and Proactive Statement**

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