
Appeal Decision

Hearing held on 26 April 2017

Site visit made on 26 April 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th May 2017

Appeal Ref: APP/P4415/W/16/3161300

60 Edinburgh Drive, North Anston, Sheffield, S25 4HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs N Robertson against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2016/0177, dated 8 February 2016, was refused by notice dated 18 August 2016.
 - The development proposed is the erection of a detached dwelling with integral garage including new access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling with integral garage including new access at 60 Edinburgh Drive, North Anston, Sheffield, S25 4HD in accordance with the terms of the application, Ref RB2016/0177, dated 8 February 2016, subject to the attached schedule of conditions.

Procedural Matter

2. At the hearing the appellant confirmed that the address of the appeal site was incorrect in referencing Rotherham. I have therefore used the address given in Appeal Form.

Main Issue

3. The main issue is whether there is any harm to the provision of designated green space.

Reasons

4. The appeal site is an open parcel of disused land, which was once part of a former refuse tip. It is accessed via a turning head which serves No 60, to the south. Behind the appeal site are open fields which forms part of the former Dinnington Colliery site, which was reclaimed and restored and parts of which are open to the public. To the south is Greenland Park which was also a former quarry site and also formed part of the former tip, which again has also been restored for public use. Edinburgh Drive is a residential housing estate comprising of detached and semi-detached dwellings as well as bungalows.
 5. The appeal site is located within land allocated as Urban Greenspace by the Rotherham Unitary Development Plan 1999 (UDP). Saved UDP Policy ENV5.1
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sets out a number of criteria to be met where development within this is proposed. Criteria (i) and (ii) requires alternative provision of equivalent community benefit and accessibility or where it would enhance the local Urban Greenspace provision. It was agreed at the Hearing that the UDP Policy was broadly in accordance with relevant paragraphs of the National Planning Policy Framework and should be afforded considerable weight.

6. This allocation was also carried forward as part of the Rotherham Local Plan Core Strategy 2014 (CS). Similar to UDP Policy ENV5.1, CS Policy CS19 seeks to avoid loss of green infrastructure assets, unless the benefits of the development outweigh that loss, and include appropriate mitigation or compensation measures. Policy CS22 seeks to protect and enhance green space that contributes to the amenities of the surrounding area.
7. The allocation is also proposed to be taken forward within the emerging Rotherham Sites and Policies Document (RSPD). This has recently been examined and the Council are due to consult on proposed main modifications in the coming months. It was established that no modification for the Green Space allocation is proposed, however the accompanying Policy SP41 is subject to modifications and as such, I have determined the appeal based upon the UDP and the CS.
8. The general purpose of the Urban Greenspace designation relates to its recreational value for health and wellbeing, as well as for the protection of ecology, the historic environment and character and appearance of the rural area. The appeal site is in private ownership and is not open to the public and as such its recreational value is limited. It was also established that the site had no ecological or heritage significance. The Council's concerns relate to the value of the appeal site in respect of providing open views through to the wider greenspace and they consider that the development would interrupt this view and break the visual link from the housing estate along Edinburgh Drive with the countryside.
9. Due to the presence of the turning head, and its location between No 60 and No 56, I consider the character of the appeal site is more akin to the residential character of Edinburgh Drive as an infill plot which is distinct from rest of the Urban Greenspace allocation. I therefore find that the contribution that the appeal site itself makes to the character and appearance of the Urban Greenspace is limited.
10. Moreover, the appeal site is set lower than the road and the dwelling would be positioned at an angle to the turning head which would help minimise any urbanising effect. In respect of the connectivity of the appeal site with the wider landscape, I acknowledge that the 2-storey height of the proposed dwelling would block some views through to the north-west. However, in the main, I am satisfied that views through to the open countryside in a west and south-westerly direction would still be enjoyed. On balance, I therefore consider that any sense of openness afforded by the appeal site would not be harmed to any significant degree, in accordance with CS Policy CS22.
11. Where the loss of Urban Greenspace is proposed, both UDP Policy ENV5.1 and CS Policy CS19 make reference to the need for compensatory measures. In the first instance the Council does not consider that the loss of the view in this area could be compensated. I accept that there may be instances where compensatory measures would not always be possible, depending on the

specific nature and significance of that green space and the specific part to be developed. However, I have found that the loss of view would only be minimal and would not cause material harm.

12. Notwithstanding their objections regarding the principle of development of the site, the Council submit that no such compensation is proposed as part of the application. In order to meet the policy requirements, the appellant has sought to rely on a fallback position relating to a s106 agreement which was submitted as part of an outline application for development of 2 dwellings which was approved in 1994.¹ No 60 Edinburgh Drive was approved as part of a reserved matters application in 1995, however reserved matters approval the second plot, which now forms the appeal site, was never submitted.
13. I was provided with a copy of the s106 agreement at the hearing which related to a 3.2acre parcel of land, adjacent to the appeal site for use as public open space. This area of land comprises of woodland within an old quarry. This was executed and today this land forms part of Greenlands Park. At my site visit I was able to see that recent works to formalise access to this through the creation of a pedestrian footpath have taken place. While my site visit represents only a 'snap-shot' in time, the park and the specific land associated with the s106 agreement appeared to be well used.
14. The Officer Report for the 1994 consent noted that the site was unallocated where development would not usually be supported. However, the land to be donated was considered at that time to constitute an asset and a link to the wider adjoining colliery site, which at that time it was said to be anticipated to become amenity open space which today has been fulfilled.
15. While a significant amount of time has lapsed, there can be no doubt of the Council's position in 1994 in respect of the development of the appeal site. As the obligation was executed and the land today forms a valuable part of Greenlands Park, I consider that this remains a relevant and valid consideration in respect of the current policy requirements of Policy ENV5.1 in the UDP and CS Policy CS19 and I give weight to this fallback position.
16. The benefits of the scheme relate to the provision of a single dwelling in an area of housing need, located in proximity to local services, facilities and public transport. While such benefits would be limited due to the scale of the development, in light of my findings, I consider that these would outweigh the loss of the Urban Greenspace in this location, in accordance with CS Policy CS19.
17. Overall, I therefore consider that there would be no harm to the Urban Greenspace from the development due to the nature of the appeal site and the extant compensatory measures secured in 1994. The development of the site would therefore accord with UDP Policy ENV5.1 and CS Policies 19 and 22.

Other Matters

18. Concern has been raised in respect of highway safety, however, there are footpaths to Edinburgh Drive and the nature of the road as a cul-de-sac will effectively limit the speeds of drivers. I am satisfied that the addition of a single dwelling would not result in significant levels of traffic, during its construction or occupation and based on the nature of the road as a cul-de-sac,

¹ Planning Application Reference: R91/0666P

the provision of footpaths I consider that there would be no effect upon safety of its users. Moreover, I am mindful that there was no objection from the relevant Highways Authority on such grounds. Based on the evidence before me, I also note that the site would not adversely affect local ecology and biodiversity.

Conditions

19. In addition to the standard conditions relating to the timescales for approval of reserved matters, I have required the development to be carried out in accordance with the approved plans in the interest of certainty.
20. In order to ensure that the proposals preserve the character and appearance of the area, I have included conditions relating to materials and details of boundary treatments.
21. Conditions for the disposal of foul and surface water are necessary to ensure that there are no significant adverse impacts upon the living conditions of local residents also in respect of flood risk and pollution. Similarly, a condition relating to surfacing is also necessary for the same reason.
22. Due to the location of the appeal site on a former tip and the scope and nature of such works, a pre-commencement condition in respect of contaminated land is necessary. However I have consolidated and amended the suggested conditions in order to be more precise.

Conclusion

23. I have found that the development complies with relevant development plan policies and there are also no specific policies within the National Planning Policy Framework that indicate that development should be restricted in this case.
24. Therefore, in accordance with paragraph 14 of the Framework, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions discussed above.

C Searson
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Graham Raynor BSc DipTP MRTPI
Neil Robertson
Miriam Robertson

GR Planning and Architectural Design
Owner
Owner

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Peck BA PG DIP MA
Helen Sleigh MRTPI
Robert Gandy BA (Hons) MA (TRP)

Development Management Team
Planning Policy Team
Planning Policy Team

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Copy of the s106 Agreement dated 21st June 1994.
- 2 Copy of Dinnington and Laughton Common Areas of Green Space Map and site assessment taken from the Green Space Assessment February 2017, as part of the evidence base for the publication version Rotherham Sites and Policies Document.

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Planning Drawing Ref. 109/14/1A.
- 3) No development above ground level 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.
- 4) Prior to the occupation of the dwelling hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is occupied.
- 5) 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.
- 6) Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.
- 7) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 10 days of the report being completed and approved in writing by the local planning authority.