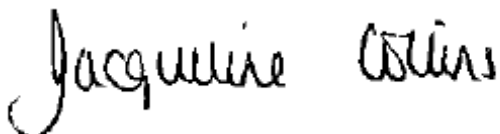


**You are hereby summoned to a meeting of the Planning Board
to be held on:-**

**Date:- Thursday, 2 April 2015 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH**
Time:- 9.00 a.m.

PLANNING BOARD AGENDA

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 12th March, 2015 (herewith) (Pages 2 - 5)
6. Deferments/Site Visits (information attached) (Pages 6 - 7)
7. Development Proposals (report herewith) (Pages 8 - 91)
8. Report of the Director of Planning and Regeneration Service (herewith) (Pages 92 - 98)
9. Updates
10. Date of next meeting - Thursday, 23rd April, 2015



**Jacqueline Collins,
Director of Legal and Democratic Services.**

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL
 PLANNING REGULATORY BOARD
 MEMBERS' DECLARATION OF INTEREST**

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

Please tick (√) which type of interest you have in the appropriate box below:-

1. Disclosable Pecuniary

2. Personal

Please give your reason(s) for you Declaring an Interest:-

(Please continue overleaf if necessary)

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Adviser or Democratic Services Officer prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Democratic Services Officer.)

PLANNING BOARD
Thursday, 12th March, 2015

Present:- Councillor Atkin (in the Chair); Councillors N. Hamilton, Kaye, Middleton, Pitchley, Roche, Rushforth, Turner, M. Vines, Wallis and Whysall.

Apologies for absence:- Apologies were received from Councillors Astbury, Godfrey and Roddison.

T75. DECLARATIONS OF INTEREST

Councillor Pitchley declared a personal interest in application RB2014/1651 (erection of four bungalows at land at Catherine Avenue, Swallownest for Arches Housing Association Ltd.) as a Ward Member and as a result of the application being considered at Aston Parish Council which she was not party to.

T76. MINUTES OF THE PREVIOUS MEETING HELD ON 19TH FEBRUARY, 2015

Resolved:- That the minutes of the previous meeting of the Planning Regulatory board held on 19th February, 2015, be approved as a correct record for signature by the Chairman.

T77. DEFERMENTS/SITE VISITS

There were no deferments nor site visits recommended.

T78. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure, the following people attended the meeting and spoken about the applications listed below:-

- Installation of 2 No. turbines (24.8 m hub height and 34.5 m tip height) at land at Parkcliffe Farm, Morthen Road, Wickersley for D and P Parkes (RB2014/0727)

Mr. R. Parkes (Applicant)

Mr. M. Weaver (Objector)

Mr. J. Cooke (Objector)

Mr. M. Buxton (Objector)

Mr. P. Thirlwall, Wickersley Parish Council (Objector)

- Erection of 4 No. bungalows at land at Catherine Avenue,

Swallownest for Arches Housing Association Ltd. (RB2014/1651)

Mr. F. Knight (Objector)
Mrs. S. Smith (Objector)
Mr. Lacey (Objector)
Mr. M. Tideswell (Objector)

- Erection of 2 No. bungalows with carport link at land adjacent No. 72 Wadsworth Road, Bramley, for Rotherham Borough Council (RB2014/1665)

Ms. K. Holford (Supporter)
Mrs. L. Townsend (Objector)

(2) That applications RB2014/0727, RB2014/1651 and RB2014/1665 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2015/0071 be refused for the reasons adopted by Members at the meeting and as set out in the submitted report.

T79. APPEAL DECISION - CRANWORTH HOTEL, FITZWILLIAM ROAD, ROTHERHAM (RB2014/0915)

Further to Minute No. T30 of the meeting of the Planning Board held on 18th September, 2014, consideration was given to a report of the Director of Planning and Regeneration Service concerning the appeal against the refusal of the application for planning permission, under Section 78 of the Town and Country Planning Act 1990, for the proposed alternation of front elevation which included installation of new entrance doors, enlargement of windows and improvements to car park at Cranworth Hotel, Fitzwilliam Road, Rotherham (RB014/0915).

The Inspector dealing with this appeal noted that the building was currently in use as a public house but recognised that there were fears by the landlady and many local residents that the property would be changed to a small express style supermarket if the appeal was allowed. However, he stated that the change of use of the building was not a matter for consideration in the application and the change of use of a public house to a shop could take place without the need for planning permission.

As such the Inspector considered that the main issue to be determined in the appeal was the effect of the proposed changes to the front elevation of the building on its character and appearance. He considered that the proposed changes to the front elevation would preserve the character and appearance of the host building. As such, the proposal would accord with Policy CS28 of the adopted Rotherham Local Plan Core Strategy which promoted sustainable design.

In recognition that the proposals would not harm the character of the pub

and that the changes to the car park would make it more useable, the Inspector allowed the appeal.

The Inspector allowed the appeal with the following 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: S1904/PL/03-01 A, S1904/PL/02-02 B, S1904/PL/03-02 B, S1905/PL/02-04 D and S1904/PL/02-06 A.

(3) No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Resolved:- That the decision to allow the appeal be noted.

T80. DRAFT DEVELOPMENT MANAGEMENT POLICIES

The Chairman welcomed Ryan Shepherd, Senior Planning Officer, to the meeting who gave an update and presentation on the Rotherham's Local Plan, which consisted of:-

- The Adopted Barnsley, Doncaster and Rotherham Joint Waste Plan
- The Adopted Core Strategy
- Saved UDP policies compliant with the National Planning Policy Framework and not superseded by the Waste Plan or Core Strategy.

Whilst it was noted that the Joint Waste Plan sets out policies specific to waste management, for all other matters the Core Strategy set out overarching strategic policies and in some areas provides detailed policy guidance. With the exception of the Bassingthorpe Farm Strategic Allocation it did not establish how individual site allocations may be implemented. This, along with more detailed "development management" policies were delegated to the Sites and Policies document.

The detailed policies, therefore, covered a range of topics and were in draft form. However, there were a number of the policies which were likely to be frequently used when determining planning applications. These were highlighted as part of the presentation and were namely:-

Policy SP8 – Previously Developed Sites within the Green Belt.

Policy SP11 – Development in Housing Areas.

Policy SP16 – Other Uses within Business and Industrial and Business Areas.

Policy SP25 – Hot Food Takeaways.
Policy SP27 – Sustainable Transport for Development.
Policy SP34 Conserving the Natural Environment.
Policy SP39 – Protecting Green Space.
Policy SP48 – Understanding and Managing Flood Risk and Drainage.
Policy SP63 – Access to Community Facilities.
Policy SP55 – Design Principles.

A discussion and answer session ensued and clarification was sought by the Planning Board on:-

- The decisions makers on the Local Plan.
- Definitions for hot food takeaways.
- Definition of a defined town or district centre for takeaways.
- Impact on existing takeaways consolidated into a particular area.
- Ability to defend decisions once policies have been agreed.
- Differences between “exceptional” circumstances for Green Belt and Green Spaces.
- Design principles and room sizes.
- Increased toilet facilities for women in new commercial developments.
- Wording adjustment for breast feeding and baby changing.
- Land banking.

Resolved:- (1) That the information be noted.

(2) That Ryan Shepherd be thanked for his informative presentation.

T81. UPDATES

There were no updates to report.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL
PLANNING REGULATORY BOARD

DEFERMENTS

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
 - (a) Members may require further information which has not previously been obtained.
 - (b) Members may require further discussions between the applicant and officers over a specific issue.
 - (c) Members may require a visit to the site.
 - (d) Members may delegate to the Director of Service the detailed wording of a reason for refusal or a planning condition.
 - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Director of Planning and Transportation Service or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

SITE VISITS

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Director of Planning and Transportation Service.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within two weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chairman and Vice-Chairman will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open, impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.
- At the conclusion of the visit the Chairman should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their "Right to Speak" as appropriate.

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
02 APRIL, 2015**

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.

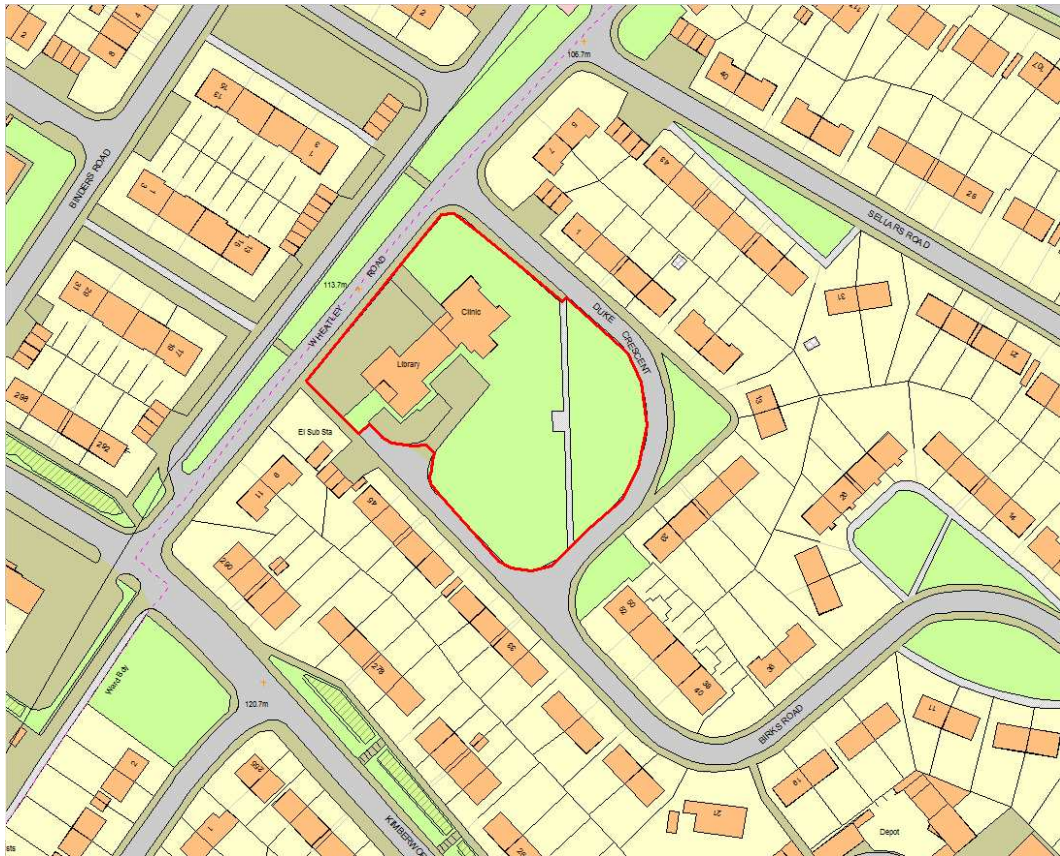
INDEX PAGE

<p>RB2014/1227 Demolition of existing buildings and erection of 7 No. pairs of semi-detached dwellinghouses (14 units) at land at Wheatley Road, Kimberworth Park for Mr. J. Bains.</p>	<p>Page 9</p>
<p>RB2014/1499 Change of use from education institution to 72 No. residential units including external works (replacement of existing single glazed windows, addition of new windows, proposed parking spaces, bin area and outdoor seating area) at Howard Building Howard Street/Eastwood Lane, Rotherham Town Centre for Avro Developments Ltd.</p>	<p>Page 28</p>
<p>RB2014/1585 Erection of 19 No. dwellinghouses with associated garages and formation of new means of access at land off Hall Croft & Lindum Drive, Wickersley for Redrow Homes.</p>	<p>Page 37</p>
<p>RB2014/1654 Erection of 25 No. dwellinghouses with formation of new means of access at land at Brameld Road, Swinton for Arches Housing Association Ltd.</p>	<p>Page 70</p>
<p>RB2015/0185 Application to vary conditions 02, 09 and 11 imposed by RB2014/1590 (Diversion of goit and erection of single storey and two storey restaurant/public house (Use Class A3/A4) with ancillary residential accommodation at first floor and associated external play area, together with means of access, car parking, landscaping and ancillary works) at Land at Phoenix Riverside, Templeborough for Green King Developments.</p>	<p>Page 84</p>

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 02 APRIL, 2015

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.

Application Number	RB2014/1227
Proposal and Location	Demolition of existing buildings and erection of 7 no. pairs of semi-detached dwellinghouses (14 units) at land at Wheatley Road, Kimberworth Park, S61 3JU
Recommendation	Grant subject to conditions



Site Description & Location

The application site is located on Wheatley Road, which is a narrow residential estate road within the Kimberworth Park area of the Borough. On the western side of Wheatley Road there is a grass verge, a single access track which provides vehicular access to a number of garages that front the track. On the eastern side there are two-storey semi-detached dwellings and the application site.

The application site comprises of the former Kimberworth Park Library and Clinic in a flat roof building that has fallen into a dilapidated state, the library and clinic closed in 2013. The remainder of the site comprises of a small car parking area, tarmac access

and a large green open space containing trees and bushes. None of the trees are currently protected.

The site has an area of 3,854sq. metres and slopes downwards from south to north and also falls from west to east.

The site is bounded to the west by Wheatley Road, the north and east by Duke Crescent and to the south by Birks Road, both Duke Crescent and Birks Road are residential estate roads comprising of semi-detached dwellings.

Background

There have been no previous applications submitted relating to this site.

Proposal

The application is for the demolition of the existing former library and clinic building and the erection of 7 no. pairs of semi-detached dwellinghouses (14 in total).

The dwellings hereby proposed would be two-storey and laid out around the perimeter of the site, with some facing Wheatley Road to the west, Birks Road to the south and Duke Crescent to the north and east. A section of the greenspace will be maintained and a small cluster of trees (4 in total) to the north-east of the site fronting Duke Crescent will remain unaffected.

The dwellings are to be 3 bedroomed and between 7.8 metres and 8.7 metres high to the ridge due to land levels. The front elevations are shown with a canopy feature over the front door and are plainly designed on both front and rear elevations. The side elevations of all but plots 6 and 12 would have a single narrow window at ground and first floor serving a downstairs toilet and landing. Plots 6 and 12 are proposed to have a triangular window feature in the centre of the side wall covering both ground and first floor. Two single windows at ground floor either side of the triangular window feature will be inserted.

The dwellings will be constructed using similar materials to those already present in the area. It is suggested in the supporting documents that two similar bricks and two contrasting tiles will be used on the development to help segregate the Wheatley Road section of the project from those accessed off Duke Street.

Each dwelling has at least 60sq. metres amenity space to the rear of their properties (the smallest is 62sq. metres and the largest is 112sq. metres). Each dwelling has two parking spaces either to the front or to the side of the respective properties and all access the road they front onto. Grassed areas are also proposed in similar measures to the front gardens.

Front boundaries are to be low, while remaining side and rear boundaries are to be 2m high timber fencing.

The proposal also involves;

- The carriageway on the site frontage with Birks Road to be increased in width to 5.0m. A 2 m prospectively adoptable footway provided adjacent plot 11 and

fronting plot 10. A 500mm prospectively adoptable margin to be provided for the remaining frontage with Birks Road.

- A 2m wide prospectively adoptable footway to be provided on Duke Crescent from the junction with Birks Road to tie in with the existing footway fronting plot 8.
- Dukes Crescent to be increased in width to 6m on the bend.

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

Design and Access Statement

The statement provides details on the layout, scale, appearance and landscaping of the proposal, access details and statements on the loss of the library and community use.

Building for Life Assessment

The Building for Life Assessment provides details on all 12 criteria of the BfL Assessment and gives a score based on a traffic light system.

The agent has determined that the proposal scores a Green rating of 8 of the 12 questions, Amber on 3 with 1 criteria not being applicable to this scheme.

Coal Mining Risk Assessment

The report was carried out by Peak Environmental Solutions and finalised in November 2014. The report concludes that there are known shallow workings below the site that could pose a low to moderate risk to the development. A programme of probe drilling has been recommended to investigate the depth and condition of shallow workings. Depending on the findings of this work and subsequent risk assessment, there may be potential need for some remedial precautions which may include drilling and grout stabilisation of shallow workings. Foundations for the new structures should be reinforced.

Subject to the potential need for the precautions identified above, the present study has shown no reason why mining conditions would preclude safe development of the site for the proposed usage.

Phase 1 Site Investigation Report

The report was carried out by Peak Environmental Solutions and finalised in December 2014. The report concludes that there is a low risk to;

- future site users from potential site contamination;
- off-site human health receptors from potential site contamination;
- surface waters from potential site contamination;
- Buildings, Building Materials and Services (BBM&S) from direct contact with potential site contamination; and
- BBM&S from ground gas and soil vapours.

Land contamination risks are considered to be limited. Ground investigation to identify contaminants prior to development is not considered necessary. However, to ensure future occupants of the site are protected from any possible contaminants, several recommendations are proposed.

Tree Schedule and Root Protection Report

The report was carried out by Michael Cooper, December 2014. The report identifies the root protection area and how the retained trees are to be protected during construction. It also details the location of services, underground and overhead, a works programme and on-site tree management during the construction and post construction period.

Bat Survey

The report has been prepared by EMEC Ecology, December 2014. The report indicates that there was no evidence of roosting bats in the existing building and no external features were considered suitable for roosting bats. No further survey work or specific mitigation will be required and an EPS (Bats) Licence from Natural England will not be required before the works begin.

No evidence of bird nesting was identified and no features on the buildings were considered suitable for nesting birds. Therefore building demolition works will not be constrained by the bird breeding season.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

- CS1 'Delivering Rotherham's Spatial Strategy
- CS3 'Location of New Development'
- CS6 'Meeting the Housing Requirement'
- CS21 'Landscape'
- CS28 'Sustainable Design'
- CS29 'Community and Social Provision'
- CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

- HG4.3 'Windfall Sites'
- HG5 'The Residential Environment'
- ENV3.2 'Minimising the Impact of Development'
- ENV3.4 'Trees, Woodlands and Hedgerows'
- ENV5.2 'Incidental Urban Greenspace'
- CR1.5 'Community Facilities'
- T8 'Access'

Other Material Considerations

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

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

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

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.”

In addition to the above consideration has been given to the guidance detailed within the Council’s adopted Supplementary Planning Guidance (SPG) ‘Housing Guidance 3: Residential infill plots’ and the South Yorkshire Residential Design Guide.

Publicity

The application has been advertised by way of several site notices along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

Consultations

Streetpride (Transportation and Highways): Have no objections subject to conditions.

Streetpride (Drainage): The drainage can be dealt with by planning condition

Streetpride (Ecology): There is no ecological constraint to the proposed development. The bat survey report is accepted. Development should follow the precautionary measures included in the bat survey report, particularly in relation to the demolition of the existing structures.

Streetpride (Green Spaces): Have stated the site was assessed as low quality/low value in the Green Space Audit. Given the proximity of alternative open space (e.g. Barkers Park around 250 metres away) I believe that consideration could be given to the loss of this green space as proposed.

Streetpride (Landscape Design): Have no objections subject to standard landscape conditions regarding the submission of a landscape scheme.

Streetpride (Trees & Woodlands): Have no objections subject to standard tree conditions regarding tree protection and tree works being carried out in accordance in British Standards.

Education (School Services): Have no comments.

Neighbourhoods (Land Contamination): Have no objections subject to conditions.

Neighbourhoods (Housing Solutions Officer): Have no comments to make on this scheme.

Architectural Liaison Officer SY Police: Have provided details about how the development can meet Secured by Design accreditation through designing in safety in respect of boundary treatment, windows and doors and natural surveillance.

Yorkshire Water: Have no comments

The Coal Authority: Indicate that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

Appraisal

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

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

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

The main considerations in the determination of this application are:

- i) The principle of developing this land for residential purposes;
- ii) The layout, scale and appearance of the development;
- iii) The impact of the development on the amenity of existing and future occupants;
- iv) Highway issues;
- v) Landscapes and Trees and
- vi) Other considerations

Principle

The application site is located within an area allocated for residential purposes within the Council's adopted UDP and is part 'brownfield' given the presence of the existing buildings and hardstanding. In addition, the site is allocated within Rotherham's urban

area as detailed in the Core Strategy, where policy CS1 states: "Most new development will take place within Rotherham's urban area..."

Furthermore, it is noted that at the heart of the NPPF, which is supported by policy CS33 of the Core Strategy, there is a presumption in favour of sustainable development, and planning applications that accord with the development plan should be approved without any delay.

Policy CS33 further states that for existing communities to grow in a sustainable way new development should, wherever possible, be located where accessibility between new housing, existing centres, facilities and services can be maximised.

In regard to the above it is considered that given the sites location within a built up area of Kimberworth Park, which is within Rotherham's urban area and in close proximity to existing housing, facilities, services and local public transport, the development is in a sustainable location that would accord with the presumption in favour of sustainable development.

Policy CS6 of the Core Strategy states housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area. It is considered that given the location of the site and its size, the proposal will make an efficient use of this site and will enhance and protect the character of the local area.

Although the site is allocated for residential, the buildings currently on site were last in use as a clinic and library; as such they would constitute community facilities and the requirements of 'saved' UDP policy CR1.5 'Community facilities' will need to be complied with.

Policy CR1.5 states, wherever possible land or buildings currently or last used for community purposes will be safeguarded. Development proposals which involve the loss of community facilities shall only be permitted where the local planning authority is satisfied that the retention of the land or building is no longer viable, or where adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility.

The applicant states that the Council took the decision in 2012 to close the library and the library closed in April 2013 as part of cost saving measures and since being closed a weekly mobile library service has been made available at the nearby Chislett Centre, off Kimberworth Park Road which has effectively replaced the library. In addition, Rotherham's main library is less than 2 miles away at Riverside House and a community library is located less than a mile and half away in Greasbrough, both sites have good public transport links from the area immediately surrounding the application site.

The applicant has further indicated the main community facility in the area is the Chislett Centre which offers a wide varied of activity, Barkers Park is also in close proximity which offers a number of football pitches, bowls greens, tennis courts, play grounds and open fields for recreation. There is a church, local shops, a community facility, a clinic and dental practice at St Johns Green, Kimberworth Park Road, within walking distance of the site.

It is considered that the loss of the site for community use is acceptable given the area is well served with other community facilities and there are replacement facilities for the

clinic and library close by. Therefore the Council are satisfied that given the time the building has been vacant it is no longer viable and there is adequate alternative provision elsewhere within close proximity of the site, as such its loss would comply with policy CR1.5.

As part of the site is classed as 'greenspace', 'saved' UDP Policy ENV5.2 'Incidental Urban Greenspace' is applicable. ENV5.2 states: "Development that results in the loss of small areas of urban green space will only be permitted under circumstances that are outlined under UDP Policy ENV5.1 'Urban Greenspace, 'which in turn states that: "Development that results in the loss of Urban Greenspace as identified on the Proposals Map will only be permitted if:

- (i) alternative provision of equivalent community benefit and accessibility is made, or
- (ii) it would enhance the local Urban Greenspace provision, and
- (iii) it would conform with the requirements of Policy CR2.2, and
- (iv) it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest."

In respect of the loss of the incidental urban greenspace to the west of the site, the NPPF now defines open space as: "All open space of public value...which offer important opportunities for sport and recreation and can act as a visual amenity." In respect of the aforementioned definition it is considered that the site does offer some opportunity for recreation and is therefore classed as 'open space'.

Core Strategy Policy CS22 'Green Space,' states that: "The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected. Rotherham's green spaces will be protected, managed, enhanced and created by (amongst others):

- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development."

This policy must be read in conjunction with the NPPF which states at paragraph 74: "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

The Council's Green Spaces department have indicated that the site has been assessed as low quality / low value and have stated they have no objections to the loss of the greenspace for development. This being the case it is considered that the open space, although it does have some recreational opportunity, has been assessed as being surplus to requirements given its low quality / low value assessment. As such, and in accordance with the criteria in bullet point 1 above, it is therefore considered that

the building on this piece of the open space in this instance due to its low assessment is acceptable in principle and would not require a financial contribution to offset the loss.

It is further noted that Barkers Park a large area of open recreation space is within walking distance of the site.

In light of the above it is considered that the loss of the community facilities and a part of the open space is acceptable and therefore the principle of developing this site for residential purposes is acceptable and would fully comply with the requirements of the NPPF, Core Strategy and UDP.

Design and visual amenity

Policy HG5 of the adopted UDP encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed by the NPPF.

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively for making places better for people.” In addition, paragraph 57 states: “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

CS policy 21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. In addition CS policy 28 ‘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.

The site has an area of 3,854sq. metres and slopes downwards from south to north and also falls from west to east. The proposed dwellings are laid out around the perimeter of the site, fronting all three roads that surround the site – Wheatley Road to the west, Duke Crescent to the north and east and Birks Road to the south and the dwellings have been designed and sited to take account of the sites topography particularly fronting Wheatley Road where the site slopes down from south to north and the ridge of the proposed dwellings also drop in line with the topography.

The properties are of a simple design with a canopy feature over the front entrance door and are comparable with the design of surrounding properties, although they would be slightly larger in terms of footprint and slightly higher. The properties will be constructed of similar materials to those properties surrounding the street, although there would be a slight change between those fronting Wheatley Road and those fronting Duke Crescent. This will ensure that the dwellings by way of size, scale, form, design and appearance integrate into the existing urban form.

The layout will provide a strong feature on this site, creating a strong frontage along Wheatley Road, Duke Crescent and Birks Road. The low level nature of the front boundary treatment would ensure the scheme appears open and unoppressive when viewed from neighbouring streets, whilst the rear gardens with the 2 metre high boundary fences will provide security and privacy for future occupants.

It is considered that the scheme has been sympathetically designed taking account of the characteristics and constraints of the site and the character of the surrounding area. Therefore the scheme is considered to be of an appropriate size, scale, form, design and siting that would ensure it would enhance the quality, character, distinctiveness and amenity value of the borough's landscape in this locality and will be visually attractive in surrounding area given the current dilapidated state of the existing buildings.

In light of the above it is considered that the design of the proposal is one that is acceptable and would satisfy the relevant design policies and guidance of the NPPF, NPPG, Core Strategy and UDP.

Impact on amenity of neighbouring residents and future residents of the development

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the Council's adopted SPG 'Housing Guidance 3: Residential infill plots' which sets out the Council's adopted inter-house spacing standards.

The guidance states there should be a minimum of 20 metres between principle elevations and 12 metres between a principle elevation and an elevation with no habitable room windows. In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

Further to the above the NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

It is noted that an acceptable distance will be provided between the front of new properties and the front of properties on Duke Crescent and Birks Road. It is therefore considered that the proposed development would not give rise to adverse levels of overlooking or privacy issues. Furthermore, the existing properties on Duke Crescent to the north are at a lower level to the site and properties on Birks Crescent to the south are at a higher level.

It is considered that given the distance between existing and proposed properties the development would not impact adversely on the outlook from existing properties and the development would not appear overbearing or overly dominant.

It is further considered that given the size, scale, form, design and siting of the proposed development, together with the orientation of the site, land levels and boundary treatment it would not result in any adverse levels of overshadowing of existing neighbouring properties or their private rear amenity spaces.

It is therefore considered that the proposed development would not have any impact on the existing amenity levels of the occupiers of these neighbouring properties. This is because the proposal would not cause any loss of privacy or result in any

overshadowing of neighbouring properties or amenity spaces. As such the proposal would comply with the guidance detailed within the NPPF and adopted SPG 'Housing Guidance 3: Residential infill plots'.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that there would be 10 metres from rear elevations to rear boundaries; 20 metres between rear elevations and 12 metres between side and rear elevations of the proposed properties. Therefore, the future occupants of these properties would not be significantly overlooked or have their privacy compromised.

The South Yorkshire Residential Design Guide indicates that three bedroom dwellinghouses should have at least 60 sq. metres of private amenity space, the proposed dwellings would have between 62 and 112 sq. metres and therefore the requirements of the SYRDG would be satisfied.

It is also of note that the internal space of the proposed dwellings and flats meet the minimum internal spacing standards of the SYRDG.

It is therefore considered that the future residents of this development would not have their amenity affected.

Highway issues

The proposed development, if implemented will include several improvements to the surrounding highway network. The improvements proposed include the carriageway on the site frontage with Birks Road being increased in width to 5m, a 2m prospectively adoptable footway provided adjacent plot 11 and fronting plot 10 and a 500mm prospectively adoptable margin to be provided for the remaining frontage with Birks Road; a 2 metre wide prospectively adoptable footway to be provided on Duke Crescent from the junction with Birks Road to tie in with the existing footway fronting plot 8; and Dukes Crescent to be increased in width to 6m on the bend.

The proposed works to the highway are supported by the Council's Transportation Unit and will assist in integrating the development into the surrounding highway network without affecting the safety of highway users.

Furthermore, each dwelling would be provided with two on-site car parking spaces, either to the front or side of the property. The proposed on-site car parking spaces would meet the Council's Minimum Parking Standards (adopted June 2011) for a three bed dwelling. Accordingly, the proposal would provide appropriate on-site parking facilities for occupants of the dwellings which will ensure that on-street parking is minimised and would not adversely affect the highway network or its users.

Accordingly, the proposed development subject to conditions will satisfy 'saved' policy T6 of the adopted UDP and will not give rise to any highway safety issues.

Landscape and Trees

The proposal would involve the loss of an area of grassland to the south-east of the site which currently consists of 14 individual trees and shrubs. As part of the proposal an area of the grassland and some trees are to be retained as open space and free from

development to ensure the development integrates into the area and allows the residual grassland and trees to provide some amenity to the area.

Limited information has been submitted with the application in respect of a landscape scheme for the development, i.e. replacement tree species, sizes and position to help mitigate the loss of trees on site and enhance the streetscene and increase biodiversity. As such the Council's Landscape design team have suggested a condition that a detailed landscape scheme is submitted and approved by the Council prior to the first dwelling being occupied.

Notwithstanding the above, the Council's Landscape design team are supportive of the information contained within the submitted Design and Access statement in terms of the provision of a "green boundary" and "planted borders".

As indicated above the proposal site contains 14 individual trees and shrubs. A Tree Survey and Method statement was submitted and the contents and its recommendations are generally accepted.

It is noted that of the 8 existing trees within the site the 4 Norway Maples are the better amenity trees with reasonably good future prospects that provide valuable and important amenity to the area. Accordingly, their retention is desirable as they would meet the criteria for inclusion within a new Tree Preservation Order to help provide additional protection throughout any development and to control and monitor any work to them in the future. A new Tree Preservation Order for the 4 Norway Maples is currently being made and will be served on relevant people in due course.

The amended site layout plan shows the 4 Norway Maples to be retained and this is welcomed as they will help minimise any adverse impact on local amenity and continue to provide a good level of amenity as part of the development until any new trees, shrubs and hedges planted as part of the development have been firmly established.

The remaining 4 trees are shown to be removed to accommodate the development. There are no objections to the removal of these trees subject to new trees being planted within the site to provide future amenity and associated wildlife benefits. These will be included as part of a detailed landscape scheme for the site.

The future prospects of the retained trees will need to be safeguarded throughout any demolition and construction works. Potential conflicts have been identified in the submitted Method Statement. Advice contained within the report on how to minimise any adverse impacts on the trees and the development should be completed in accordance with the submitted Method Statement, which should include a watching and reporting brief, regular inspections and reports to the LPA throughout the development. This will be attached to any approval as a condition.

In light of the above and subject to conditions it is considered that the proposal would comply with the requirements of UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy. Accordingly, the proposed development would have a limited impact on the amenity of the surrounding area and, subject to conditions be appropriately landscaped to ensure it integrates successfully into the character of the wider area.

Conclusion

Having regard to above it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that would be in full compliance with the requirements detailed within the NPPF, Core Strategy and UDP. As such the scheme is recommended for approval subject to conditions.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing numbers JBA.3240.101 and JBA.3240.102, received 16 September 2014 and JBA.3240.103.C, received 16 March 2015)

Reason

To define the permission and for the avoidance of doubt.

03

Prior to the construction of the dwellings hereby approved, 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' of Rotherham's Core Strategy.

04

No development shall take place until full engineering details of the highway improvements as indicated in draft form on Drg No JBA.3240.103.B (Road widening, footway provision and margins) in Duke Crescent / Birks Road have been submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented prior to the occupation of the 1st dwelling.

Reason

In the interests of highway safety.

05

Prior to the development being commenced, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority, the details of which

shall include measures to deal with mud on the highway, the routing of HGV's, an appropriate turning area within the site and parking for construction workers. The development shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of highway safety.

06

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

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

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

07

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

Reason

No details having been submitted they are reserved for approval.

08

Prior to the first dwelling being occupied, 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.

09

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

Reason

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

10

No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

11

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

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

12

All tree works shall be carried out in accordance with B.S.3998: 2010. 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 day's 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 ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

13

No work or storage on site shall commence until a schedule for the regular inspections of the trees on site and timeframe for submitting subsequent reports as part of a

watching brief have been submitted to and approved in writing by the Local Planning Authority. Once the schedule for site inspections has been agreed, the appointed Arboriculturist Consultant shall submit the relevant reports to the Council for consideration within the timeframe agreed.

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 Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

14

Prior to the construction 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.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme prior to the first dwelling being occupied.

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 ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

15

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

16

Prior to commencement of development, an intrusive investigation will be undertaken to assess the risks from shallow coal workings beneath the site and potential for future surface ground movement. The investigations shall be undertaken in accordance with section 4.4 –Proposed Mitigation Strategy, page 7 of the Coal Mining Risk Assessment Report - Land off Wheatley Road and Duke Crescent, Kimberworth Park, Rotherham, S61 3JU, prepared by Peak Environmental Solutions, dated November 2014, reference 41697 R2 (Rev A). A copy of the site investigation report shall be provided to the Local Authority for review and comment prior to commencement of development. Any recommendations made within the report shall be carried out in full before works commence and a report shall be submitted to the Local Authority detailing the works undertaken.

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

The site has been identified as falling within an area affected by radon gas. Radon gas protection measures will be required in each development. Details of the radon gas protection measures shall be forwarded to the Local Authority for review and comment.

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

Prior to the first dwelling being occupied a clean soil cover layer shall be placed in all garden and soft landscaping areas and shall comprise a minimum of 300mm subsoil/topsoil. If subsoil's / topsoil's are required to be imported to site then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to site then the results of testing thereafter shall be presented to the Local Authority

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

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in

accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason

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

Informatives

01

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 bowsers, 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.

02

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.

03

South Yorkshire Police Architectural Liaison Office has indicated that:

- All rear boundaries should be at least 1.8m high to prevent access to rear gardens
- Lockable 1.8m high gates should be used
- Front and back entrances should be well lit
- All doors and windows should be to PAS 24:2012 the required standards for Secured by Design

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.

Application Number	RB2014/1499
Proposal and Location	Change of use from education institution to 72 No. residential units including external works (replacement of existing single glazed windows, addition of new windows, proposed parking spaces, bin area and outdoor seating area) at the Howard Building, Eastwood Lane, Rotherham, S65 1AX
Recommendation	That planning permission be granted subject to: <p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • A commuted sum of £204,769 towards affordable housing provision • The provision of Travel Master Cards for the first occupier of each dwelling <p>B Consequently upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject conditions.</p>



Site Description & Location

The application site is located within Rotherham Town Centre, to the west of Howard Street, and to the south east of College Lane. The building stands opposite the main RCAT campus. The site is approximately 0.2 hectares in size and the majority of the site is covered by the Howard Building itself. The building was constructed in the 1930's and is a fine example of Art Deco design. The building is three storeys in height

from the front, but a change in land levels also provides a lower ground floor within the building, and resulting in a building 4 storeys in height from the rear. The building is brick built with a stone central feature with many large windows which adds to the buildings symmetrical appearance. There is a main entrance central to the building and it directly adjoins the footpath at the front. The building is very prominent and commanding in the Town Centre, and is recognised as a building of merit within the Town Centre Conservation Area. The building is currently unoccupied.

Background

The relevant planning applications are -

RB2002/1498 Conversion of part of the college to office accommodation granted 04/11/02

RB2014/1453 Prior approval of a proposed change of use of a building from office (Use Class B1) to 53 No. apartments (Use class C3) granted 18/12/14.

Proposal

The applicant seeks full planning permission to change the use of the building from an education institution to residential use. This application relates to the provision of 72 No. units, 12no x1 bed apartment and 60no x studio apartments. The application also seeks permission for external works to the building including the replacement of existing windows and creation of 5 new openings, 2 disabled car parking spaces, 2 motor cycle spaces and parking for 18 cycles as well as a bin store area and outdoor seating area. There is public on street parking and pay and display car parks available for visitor parking, and the site is close to public transport interchanges.

The Design and Access Statement states that the building will be converted to make effective and efficient use of the building and to secure its future longevity through its re-use. It states that the building would provide quality dwellings that will meet the needs of Rotherhams growing population. The site will have one main entrance via a stepped approach leading off Howard Street, with a secondary entrance off College Lane for disabled access. A light-well exists below the principal elevation to account for topographical variations along the perimeter of the site, which affords the lower ground floor with daylight. There is one main central staircase, three secondary staircases for means of escape, and two lifts within the building.

Part of the building has previously been reglazed with white uPVC windows, and this application proposes to reglaze the remaining poorly performing metal framed windows with matching white uPVC glazing.

A Viability Appraisal addressing the provision of affordable housing has been submitted in support of the application. The proposal also includes the provision of a commuted sum of £204,769 towards off site affordable housing, and the provision of SYPTTE TravelMaster Passes for the first occupiers of each unit, to be provided via a S016 Legal Agreement.

The application was originally submitted for 109 dwellings however, the proposal has been amended, at the request of the LPA, down to 72 to increase the size of each unit

to be in accordance with relevant guidance in the South Yorkshire Residential Design Guide.

Development Plan Allocation and Policy

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

The application site is allocated for retail purposes in the UDP, and also falls within Rotherham Town Centre Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS7 Housing Mix and Affordability

CS13 Transforming Rotherham Town Centre

CS14 Accessible Places and Managing Demand for Travel

CS23 Valuing the Historic Environment

CS28 Sustainable Design

Unitary Development Plan 'saved' policy(s):

HG4.3 Windfall Sites

HG4.7 Affordable Housing

HG4.8 Flats, Bed-sitting Rooms and Houses in Multiple Occupation

ENV2.11 Development in Conservation Areas

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 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)."

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.

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

South Yorkshire Residential Design Guide

Publicity

The application was advertised in the press and on site and the occupiers of 11 nearby properties were consulted by letter. One letter of objection has been received on the following grounds –

- The apartments are not required,
- people don't want studio flats unless they are cheap for students
- 1 & 2 bedroom apartments should be provided, a better mix of sized apartments
- Studio flats attract people who cannot afford anything else, who will not be able to afford to spend money in the town centre
- The apartments may be occupied by bad characters who will blight the damaged town centre
- This is a onetime development and should be done right

Consultations

Streetpride (Transportation) – No objections subject to the provision of SYPTE TravelMaster Passes for the occupiers of all units.

Neighbourhoods (Affordable Housing Officer) – No objections subject to the provision of a commuted sum of £204,769 for affordable housing.

Neighbourhoods (Environmental Health) – No objections

CYPS (Education) – No requirement for a commuted sum due to the construction of Eastwood Village Primary and current under-subscription of Clifton Comprehensive

Streetpride (Drainage) – No comments

Appraisal

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

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

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

The main considerations in the determination of this application are:

The Principle of the Development
Design
Historic Environment
Residential Amenity
Highways Issues

The Principle of the Development

The application site is located within Rotherham Town Centre as allocated within the Rotherham UDP. Policies within the NPPF promote residential developments within

such locations to assist in promoting competitive town centres. Core Strategy Policy CS13 Transforming Rotherham Town Centre states that the Council and its partners are committed to delivering town centre regeneration through developments that improve the quality and diversity of retail and other town centre uses, promote sustainable urban living, support opportunities for learning, reinforce the district identity of the town, encourage the re-use of vacant floorspace, enhance the public realm, and address social deprivation. It is therefore considered that the reuse of the vacant building for residential use in the town centre is considered to be in accordance with NPPF Policies, and Policy CS13.

UDP Policy HG4.3 Windfall Sites states that the Council will determine proposals for housing development not identified on the plan in light of their location within the existing built up area and compatibility with adjoining uses and other relevant policies and guidance. In this respect it is considered that the site is appropriate for residential development and as such the proposal is in accordance with UDP Policy HG4.3.

Core Strategy Policy CS7 Housing Mix and Affordability, and UDP Policy HG4.7 Affordable Housing seek to provide a 25% on site affordable housing provision within developments, unless it can be demonstrated that this would prevent the delivery of a viable scheme, and then the precise level of provision will be negotiated based on a viability assessment. A viability assessment has been submitted and assessed and as a result of its assessment a sum of £204,769 is considered to be an appropriate contribution towards the provision of affordable housing off site, whilst enabling the scheme to be viable. The provision of the £204,769 commuted sum is considered acceptable for the scheme to comply with Core Strategy Policy CS7 and UDP Policy HG4.7.

Core Strategy Policy CS7 also states that proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment to meet the future needs of all members of the community. This scheme proposed a mix of 12x 1 bed apartments and 60x studio apartments. An objection has been received to the proposal that states that the units should be 'more fit' for all, and that people don't want studio apartments. They state that the flats would attract unemployed people, students and other people with no money to spend in the town centre. Larger units could attract business people which would financially benefit the town centre. Whilst it is acknowledged that the proposal does not include a wide mix of property sizes, there is no evidence base to show that there is a need for any other type of unit sizes in Rotherham Town Centre. Additionally, the planning system cannot control the occupiers of residential units. It is therefore considered that the mix of dwelling types is considered appropriate in this location and in accordance with Core Strategy Policy CS7.

UDP Policy HG4.8 Flats, Bed-sitting Rooms and Houses in Multiple Occupation states that these forms of development are appropriate provided that a concentration of these forms of accommodation does not seriously interfere with the amenities of existing residents and adequate off-street parking provision. The site is within the town centre, and there are very little other residential developments within close proximity. It is therefore considered that the proposal would not provide a concentration of these forms of development and as such the proposal is considered to be in accordance with UDP Policy HG4.8.

Design

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.”

Paragraph 56 of the NPPF states “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Core Strategy Policy CS28 Sustainable Design states that proposals should respect and enhance the distinctive features of Rotherham.

The proposal seeks to convert the use of the existing building whilst its exterior is to remain largely in its original form, although there will be 5 new openings to form windows. None of the additional windows are on the front elevation of the building, they are on the rear/side elevation so they will not have a significant adverse impact on the visual appearance of the building. Part of the building has previously been reglazed with white uPVC windows, and this application seeks to change the remaining metal framed windows with white double glazed windows to match the existing.

The overall appearance of the building will not significantly alter, and its re-use will be beneficial for the long term preservation of the building. It is therefore considered that the visual appearance of the building will be acceptable in design term, and the proposal is in compliance with Policies in the NPPF and Core Strategy Policy CS28.

Historic Environment

The building is located within the Conservation Area, and whilst it is not listed it is identified as an unlisted building of significance within the Conservation Area, in the Town Centre Conservation Area Appraisal. For this reason its retention and sympathetic conversion are welcomed to ensure the future continued use of the property. Policy CS23 Valuing the Historic Environment and UDP Policy ENV2.11 Development in the Conservation Area aim to support proposals which conserve and enhance the heritage significance and setting of the boroughs heritage assets, which includes encouraging suitable new uses for vacant, under used and derelict buildings. It is considered that the reuse of this architecturally important building is beneficial to its preservation and hence its appearance within the Conservation Area and the Town Centre as a whole. It is considered that the reuse of this currently empty building is in accordance with the aims of Core Strategy Policy CS23 and UDP Policy ENV2.11.

Residential Amenity

Turning to the issue of residential amenity, the original application was amended from 109 apartments to 72 apartments to ensure that their internal size is acceptable in accordance with the guidelines included within the South Yorkshire Residential Design Guide (SYRDG). The amended scheme for 72 units complies with the guidelines.

The SYRDG contains minimum separation distance of 21m between facing habitable room windows. Due to the shape of the building, there are windows that do not meet this guideline. However this application is for the conversion of an existing building, and the guidelines cannot always be achieved due to building constraints. Whilst the building does not meet the guidelines due its design, and the angle between the

windows it is considered that the residential amenity of the future occupants of the dwellings would not be significantly adversely impacted. It is therefore considered that the proposed development would achieve an acceptable level of residential amenity for the future occupiers.

Transportation

Core Strategy CS14 Accessible Places and Managing Demand for Travel promotes new development in highly accessible locations such as town centres. As this site is located within the Town Centre it is accessible from the transport interchange and the railway station. Due to the sustainable location of the site it is not considered necessary for the development to provide any car parking, and the proposal includes the provision for cycle parking to the rear. The applicant has agreed to provide SYPTE Travel Master Passes to the first occupier if each of the 72 dwellings which will be secured via a S106 Agreement. It is therefore considered that the application site is sustainable, and that it is in accordance with Core Strategy Policy CS14.

Conclusion

The proposal seeks full planning permission for the change of use of the building to 72 residential units. The site is within the town centre and the proposal is considered to be a sustainable form of development in accordance with Policies within the NPPF and Core Strategy Policy CS13 and UDP Policy HG4.3. The application includes a commuted sum for the provision of affordable housing off site of £204,769, which has been required after the provision and assessment of a viability appraisal, and in this respect the proposal is therefore considered to comply with Core Strategy Policy CS7 and UDP Policy HG4.7. The mix of 1 bedroom and studio apartments is considered to be in accordance with the aims of Core Strategy Policy CS7 and HG4.8 of the UDP.

The proposal does not include any significant alterations to the external appearance of the building and so it is considered acceptable in design terms. The future preservation and re use of this important building is considered to preserve and enhance the Conservation Area. The proposal is considered to be in accordance with policies within the NPPF and Core Strategy Policy CS28, CS23 and UDP Policy ENV2.11.

The site is located in a sustainable location within the Town Centre, and the proposal includes the provision of Travel Master Passes for each unit. It is therefore considered that the proposal is in accordance with Core Strategy Policy CS14.

It is therefore recommended that planning permission is granted subject to signing of the Section 106 Agreement.

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)

Location Plan drawing No. HB/114/001 dated 20/10/2014

Proposed Lower Ground Floor Plan Drawing No. HB/114/030 Rev A received 26/01/2015

Proposed Ground Floor Plan Drawing No. HB/114/032 Rev A received 26/01/2015

Proposed Second Floor Plan Drawing No. HB/114/034 dated 20/10/2014

Proposed First Floor and First Floor Mezzanine Level Plan Drawing No. HB/114/033 Rev A received 26/01/15

Proposed Roof Plan Drawing No. HB/114/035 dated 20/10/2014

Proposed Elevations Drawing No. HB/114/036 Rev A dated 20/10/2014

Reason

To define the permission and for the avoidance of doubt.

03

Prior to the commencement of the development details of the external appearance and materials of the stores, bin stores and substation shown on the Proposed Lower Ground Floor Plan Ref HB/114/030 Rev A dated 20-10-2014, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

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

04

Prior to the commencement of the development details of the outdoor seating area, including structures and hard and soft landscaping shown on the Proposed Lower Ground Floor Plan Ref HB/114/030 Rev A dated 20-10-2014, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

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

05

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

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

06

Before the development is brought into use, details of the cycle parking shown on the Proposed Lower Ground Floor Plan Ref HB/114/030 Rev A dated 20-10-2014, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In order to promote sustainable transport choices.

07

Before the removal of any of the existing windows details of the design, materials and specifications of all new windows including glazing bars and all external doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

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

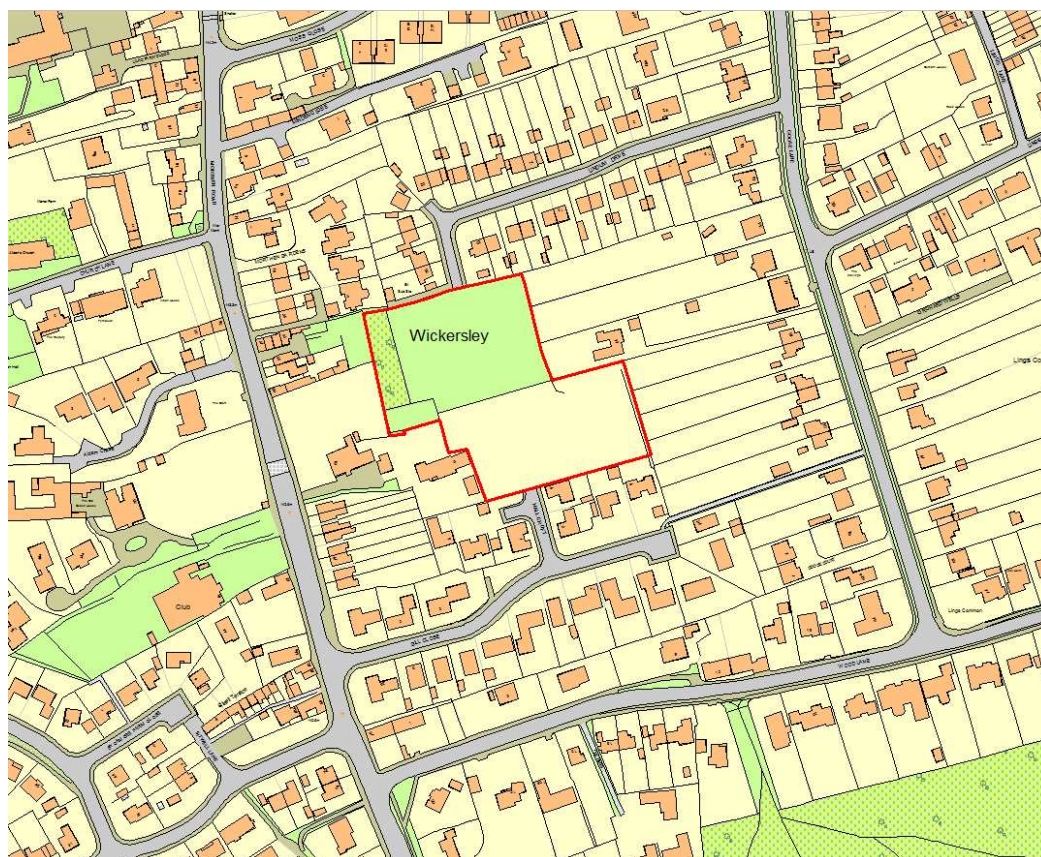
Informatives

Access for appliances should be in accordance with Approved Document B, Volume 2, part B5, Section 16.

Water Supplies should be in accordance with Approved Document B, Volume 2, part B5 section 15.

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.

Application Number	RB2014/1585
Proposal and Location	Erection of 19 No. dwellinghouses with associated garages at land off Hall Croft & Lindum Drive, Wickersley S66 1JW for Redrow Homes Ltd
Recommendation	<p>A. That an agreement under Section 106 of the Town and Country Planning Act 1990 be entered into for the purposes of securing the following:</p> <p>Contribute a sum of £128,000 towards the provision of affordable housing within the Wickersley / Hellaby areas</p> <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>



Site Description & Location

The site to which the application relates comprises of two roughly rectangular areas of open field commonly known as 'The Paddocks' and extends to approximately 0.9 hectares within the Wickersley area of the Borough. Current access to the site is obtained to the south via a shared access serving 7 No. detached residential bungalows constructed in the 1990's off Hall Croft, which also provides access via a private driveway arrangement to No. 9 Hall Croft.

Beyond No 9 Hall Croft to the west is located No. 49 Morthen Road (The Old Hall) which is a Grade II Listed property having extensive curtilage extending towards the

rear gardens of properties 27 – 39 Morthen Road (nos 35 – 37 also Grade II Listed) and shares a stone wall along the boundary with the application site. The stone wall forms the boundary with the adjacent Wickersley Conservation Area.

To the east of the application site can be found large residential gardens of properties off Goose Lane (nos 38 to 52) as well as no. 44 Goose Lane which is a large detached bungalow set in the former garden to no. 42 Goose Lane. A development of 5 No. residential properties are currently being constructed within the rear garden of No. 38 Goose Lane to which the nearest to the application site comprise of 3 No. two storey properties.

North of the site is Lindum Drive which is set around a right angled cul-de-sac location and comprises 32 properties predominantly consisting of semi-detached dwellings built around the 1930's with some later additions to the street including detached bungalows. The property closest to the application site (No. 23) has recently constructed a detached garage within its rear garden, whilst No. 26 is separated by the access to the adjacent electricity sub station.

The site is predominantly open in character and is gently undulating with a slight fall in land levels across the site both in north to south and an east to - west directions. Boundary treatments consist of close boarded fencing to the south where it adjoins residential gardens, ranging in height between 1.5 – 2 m in height; the east boundary is predominantly vegetation and trees, whilst part of the north boundary consists of close boarded fencing and landscaping. The west boundary is delineated by the Grade II Listed wall to the Old Hall.

Background

The site has been the subject of the following application for planning permission:

- RB2012/0607 - Outline application including details of access for up to 24 No. dwellings.
Granted conditionally 25/04/13 – subject to a S.106 agreement seeking education contribution of £1,673.10p per unit. Condition 3 of the permission requires the provision of a minimum 25% affordable housing on the site. The permission included separate vehicular accesses from both Hall Croft and Lindum Drive, though did not allow traffic to 'rat-run' through the site.

- RB2013/0821 - Listed building consent to increase height of side boundary wall to a consistent 1.75m.
Granted conditionally 08/03/13

Other applications considered to be of relevance include:

Land to rear of no 38 Goose Lane:

- RB2014/0294 - Demolition of existing dwelling & erection of 5 No. dwellings (including 1 No. bungalow).
Granted conditionally – 09/06/14

Land to rear of 46 & 48 Goose Lane:

RB2012/0281 - Erection of 2 No. bungalows with integral garage
REFUSED 30/05/12

For the following reason:

01

The Council are of the opinion that the proposals are contrary to adopted Unitary Development Plan Policy HG4.4 'Backland and Tandem Development,' as well as the Supplementary Planning Guidance advice contained in Housing Guidance 2 'Back land and tandem development,' by virtue of it being piecemeal development in an area where backland development is capable of being assembled into larger residential development sites. The Council considers that any development of this site should be undertaken both in conjunction with the adjoining gardens off Goose Lane and the residentially allocated site off Hall Croft / Lindum Drive so as to achieve a comprehensive scheme with a unified means of access.

02

The Council are further of the opinion that the proposed means of access fails to provide adequate indivisibility at the junction of the existing driveway at No. 44 Goose Lane with the proposed spurred access and without appropriate visibility the scheme is therefore considered to be of detriment to highway safety.

A subsequent appeal was dismissed on 12/03/2013 with the appointed Inspector concluding that the development of the appeal site in isolation would prejudice the future development of land in the area. Although the scheme would make efficient use of its own relatively small site, it would prejudice the optimum use of land in the surrounding area to meet housing needs. This would be at odds with paragraph 58 of the National Planning Policy Framework, which requires development to optimise the potential of the site to accommodate development.

Tree Preservation Order No. 5, 2012 which includes 3 no. Sycamore trees to the North West site corner, a further 8 no. trees including a mix of Sycamore / Ash and located to the East site boundary (some of which are located within adjacent gardens of nos 44 – 48 Goose Lane).was confirmed without modification on 11 October 2012.

EIA Screening Opinion:

The proposed development falls within the description contained at paragraph 10b (Urban Development Projects) of Schedule 2 to the 2011 Environmental Impact Assessment Regulations and meets the criteria set out in column 2 of the table in that Schedule (the area of development exceeds 0.5 hectares). However, the Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2011 Regulations, is of the opinion that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Accordingly the Local Planning Authority has adopted the opinion that the development referred to above for which planning permission is sought is not EIA development as defined in the 2011 Regulations.

Proposal

The application seeks full planning permission for the construction of a residential development comprising in total 19 dwellings, 16 of which are indicated to be detached dwellinghouses with a further 3 dwellings set in a terrace.

The dwellings as proposed are indicated as a mix of seven two storey house types set around the central access road with a turning head being made available to the north which provides a cycle / pedestrian link (protected via bollards) onto Lindum Drive. Four dwellings are shown being approached off the turning head / spurred road access at the eastern end of the site which further indicates that a future adoptable highway link can be provided into the rear gardens to Goose Lane.

Six of the proposed house types are indicated as being four bedroomed containing both integral (single and double) and detached single garages and have maximum ridge heights ranging between 8.1 – 9.1 metres with corresponding eaves heights 4.6 - 5.1 metres. The remaining house type is indicated as a terrace of three properties being of 2 bedroom construction with maximum ridge heights 8.6 metres and corresponding eaves height of 4.8 metres.

The dwellings would be constructed in Ibstock New Cavendish Stock brickwork with plots being provided with either a Forticrete Gemini Slate or Autumn roof tile. Upper floor elements are also indicated as being part rendered with mock Tudor finish and plots with low roofs, bays and canopies being finished with a Forticrete Plain tile. All windows indicated are white uPVC surrounded by brick soldier course headers and cills.

All the detached units are indicated to have rear amenity space in excess of 60sq. metres (the smallest being 88 sq metres with the largest being 410 sq metres) and are provided with a minimum of two parking spaces. The three terraced dwellings are indicated to be provided with one off street parking space and rear amenity space ranging between 50 sq metres to 70 sq metres. A further 2 No. visitor spaces are indicated adjacent to the above parking spaces for the 3 No. dwellings.

Frontages onto the proposed internal roadway are indicated as grassed open areas with tree planting. Two proposed dwellings have rear garden areas that abut the highway and these are further indicated as being screened by 1.8 metre high solid brick walls, with boundary treatments to the periphery of the site being retained as current (including Listed Wall) or being provided with a 1.8 metre high close boarded fence. Boundary treatment between the gardens of the plots is indicated as a 1.2 metre post and rail fence.

The submitted scheme further incorporates:

- the formation of a new vehicular access point with associated turning facility to serve the existing dwelling at No. 9 Hall Croft; and
- demonstration that a potentially adoptable roadway / turning facility can be provided to access rear gardens to properties on Goose Lane.

The scheme was amended in February to take account of the public representations made along with the consultation responses received, in regards to urban design considerations, transportation / highway matters, and the impact of the development on localised drainage and flooding issues. The amendments also provided clarification as to how the development would affect protected trees by clarifying positions of fencing at the rear of plots 8 -10 and by repositioning the dwelling on plot 18. Further revisions included changes to house types at plots 1, 18 and 19 (in respect of plot 19 this was to

overcome issues of over dominance), the revisions do not alter the total number of dwellings or significantly affect the layout since first submission.

Subsequent revisions received in March were submitted so as to enable demonstration that amenities of properties on Lindum Drive would not be unduly affected due to over dominating building forms (using the 25 and 45 degree rule) as well as ensuring that minimum rear garden spaces could be achieved in accordance with the advice in the South Yorkshire Residential Design Guide.

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

Design and Access Statement:

The Statement provides details on the appearance, layout, scale, landscaping and access details of the proposal, judged against relevant design policies of the Core Strategy and the NPPF, and concludes that the form and arrangement of space, buildings and routes have been developed on sound urban design principles with a view to creating high quality family homes within an attractive environment.

Planning Statement:

This Statement notes:

- Outline planning permission for the development of up to 24 dwellings was granted on the site in April 2013. Thus the principle of residential development has already been established.
- The submitted application for full planning permission remains within the terms of the outline permission; the only exception being that access of Lindum Drive to the north is restricted to pedestrian and cycle access only.

The Statement assesses the scheme in light of both national planning policy (the NPPF), the Council's Adopted Core Strategy, and 'Saved UDP policies, and concludes that the scheme has been carefully designed to provide a high quality sustainable development that is fully in accordance with local planning policy and national planning policy which aims to encourage the presumption in favour of sustainable development.

Heritage Statement:

This Statement examines the impact of the proposed development upon the nearby heritage assets which comprises of the Grade II listed 49 Morthen Road (The Old Hall), and specifically its boundary wall, and the adjacent Wickersley Conservation Area. It assesses the scheme in light of both national planning policy (the NPPF), the Council's Adopted Core Strategy, and 'Saved UDP policies and concludes that there will be a greater degree of separation created as a result of the proposed development to that previously approved in terms of proximity to the Listed Buildings. Equally, there will be an overall reduction in built form on site and no increase in visibility of development when viewed from the surrounding Conservation Area.

Building for Life Assessment:

The Building for Life Assessment provides details on all 12 criteria of the BfL Assessment and gives a score based on a traffic light system. The agent has determined that the proposal scores a Green rating of 11 of the 12 questions, with an

Amber rating on 1 owing to the fact that the scheme is not proposing any on-site public open space.

Transport Statement:

The report (Rev 1) notes:

- the vehicular Site access arrangement is proposed through an extension of Hall Croft;
- pedestrian connectivity in the area is improved for both existing and future residents by providing a pedestrian/cycle only link through the Site from Hall Croft to Lindum Drive; and
- the internal site layout has been designed to embrace the principles of national guidance in the form of Manual for Streets and the South Yorkshire Residential Design Guide in that where possible the movement of pedestrians has been afforded priority over vehicle movements.

The report concludes that the trip generation exercise undertaken confirms that there is an immaterial increase in traffic (maximum 2 vehicles per hour) on Hall Croft in comparison with the previously approved outline scheme. The report further notes there will be a reduction of vehicle movements on Lindum Drive.

Tree Survey:

This notes:

- Ten tree groups and 41 individual trees have been recorded during the survey.
- The species recorded on site are both of native, naturalised and non-native origin. The trees lining the site boundary are mainly mature sycamore with scattered ash, hawthorn and elder. The age and the condition of the trees vary, with the mature sycamores being generally in good and healthy condition, whilst hawthorn and elder are being suppressed by the larger trees and suffer.
- Non-native and garden species and varieties found in the curtilage of 6 Hall Croft and in the back of adjacent private gardens are generally well managed and therefore in good condition. Species include Norway maple, tree cotoneaster, apple varieties and a number of conifers located along the south east boundary of the site.
- Eight trees have been assessed as being 'unsuitable for retention' including a dying rowan near 6 Hall Croft and dying elder, along with a Sycamore that has severe girdling damage caused by a boundary chain link fence and 2 No. Hawthorns close to the boundary, and a severely suppressed Sycamore. Additionally a large hybrid Poplar which is leaning severely to the north, is causing its root plate to be lifted.

The report recommends that replacement tree planting is carried out within both the front and back gardens of the plots. The trees should be planted at minimum select standard size. Proposed tree species should be suitable for the limited space available, and trees to be retained should be protected by fencing in accordance with BS 5837:2012.

Ecological appraisal:

An ecological appraisal (Extended Phase 1 Habitat Survey) to review the potential for the site to contain, or be used by, species protected under both UK and European nature conservation legislation was compiled and notes:

- The application area currently supports rank grassland and scattered scrub, with hedgerows and mature trees present around the site boundaries.
- The site is of generally low ecological value with some features that may support protected and / or priority species.

Foul, Surface Water & Flooding Statement:

The applicants have submitted the above report which notes that the site is under the 1 hectare site area to require a full Flood Risk Assessment to be completed, and is located within Flood Risk Zone 1 and has low surface water flood risk (i.e. comprises land assessed as having a less than 1 in 1,000 annual probability of river flooding.)

The report notes the potential risk of flooding from surface water overland and to mitigate against this risk it notes that plots along the western boundary will be elevated and rear gardens shaped to fall away from the proposed dwellings resulting in current flow rates being maintained.

The report and further supplementary information submitted indicates:

- Foul water to discharge into existing sewer in Hall Croft / Wood Lane (as agreed in principle with Severn Trent Water).
- Surface water to be discharged into the existing foul water sewer in Hall Croft (agreed with Severn Trent Water), with appropriate restriction discharge rates set by Severn Trent Water. .
- Attenuation can be achieved via oversized tanks/pipes and a flow control to ensure all excess flows up to and including 1 in 30 year critical event, and excess flows from the 1 in 100 year plus 30% climate change critical duration event, will be contained on site such that there would be no flood risk to the existing / proposed dwellings.
- Plots are elevated to ensure any exceedance events shed water towards the adopted highway so any overland flows can be carefully managed.
- External catchment areas highlighted would be routed into the adopted highway system (away from the western boundary where it would currently route). This assessment clearly demonstrates the overall overland flow to the western boundary will be significantly reduced due to the re-profiling of the site (3,765m² catchment reduction).

The report concludes that re-profiling will pose no risks to other vulnerable areas as the run-off will be routed to the public highway, where it will be appropriately managed.

Contaminated land report:

A Phase 1 Site Investigation Report concludes that land contamination risks are considered to be limited and that ground investigation to identify contaminants prior to development is not considered necessary. However, to ensure future occupants of the site are protected from any possible contaminants, the following actions are recommended:

- Assessment of potential contamination adjacent to electricity sub-station.
- Soakaway testing.
- Production of a foundation schedule.

- Preliminary gas monitoring (if required).

Energy Statement:

Has been compiled by the applicant and provides indicative CO₂ emission estimates for the development and concludes the standards of energy efficiency for the development and the possibilities for delivering a reduction of the sites CO₂ emissions from improved building fabric specification have been investigated and can be incorporated into the 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 allocated for residential purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS6 'Meeting the Housing Requirement'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS21 'Landscape'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS30 'Low Carbon & Renewable Energy Generation'
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV3.2 'Minimising the Impact of Development'
ENV3.4 'Trees, Woodlands and Hedgerows'
ENV3.7 'Control of pollution'
ENV4.4 'Contaminated Land'

Other Material Considerations

The Council's minimum Parking Standards (adopted June 2011).

The Council's adopted Supplementary Planning Guidance (SPG) 'Housing Guidance 3: Residential infill plots.'

The South Yorkshire Residential Design Guide (SYRDG).

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 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

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

Publicity

The original proposals have been advertised by way of site notices posted on 8 January 2015 and by way of individual neighbour notification letters. A total of 10 letters have been received from residents on Gill Close (Nos. 2, 2a, 5, 8, 10, 14), Hall Croft (Nos. 1, 4, 6) and 36 Lindum Drive in respect of these originally submitted drawings, raising the following issues:

Highways issues:

- The scheme is now only single access which has changed from the original planning application of a 50/50 split with Lindum Drive the original application would half the traffic on to Hall Croft and Gill Close.
- This is particularly important given that a new proposal for even more properties accessed from the development to serve new development behind Goose Lane would also use this access.
- The current confirmed arrangement, not only denies the risk of the accesses becoming a 'rat run' but also divides, between the two access/egress routes, the environmental impact of vehicular movements in the longer term and also that of the more immediate effects of construction, building and the many delivery vehicles to be expected. This configuration should be maintained.
- The reduction in the number of houses has a possibility of having more vehicles due to their larger size.
- Further clarification required over how / where construction will access the site i.e. is it to be off Hall Croft or Lindum Drive?
- Can foresee traffic chaos at junction of Gill Close/ Morthen Road especially as customers of Morthen Road business premises already park on side streets.
- To expect all vehicles to enter from and exit to Morthen Road could only exacerbate the morning and evening traffic congestion along that route.
- Limiting access to just Hall Croft could potentially put residents of the site at higher risk. Access from Lindum Drive would enable emergency vehicles to be despatched from Maltby, with access from Hall Croft would see these vehicles despatched from Rotherham. With the initial Outline Plan to have two access roads with a barrier at the half way point and pedestrian access between the two cul-de-sacs emergency personnel could reach all residents in faster time off

Lindum Drive. Having just one access road from Hall Croft could therefore put lives at risk by doubling in some cases the response time of emergency vehicles.

- Public footpath from Gill Close to Goose Lane already used by school children. What precautions are to be put in place to safeguard users of the short cut during construction?

Flooding matters:

- Drainage is to be shared with Hall Croft and Gill Close - is this considered adequate bearing in mind that the foul sewer, and the two ends of Gill Close now feed towards the centre of the Close before diverting through private gardens down to Wood Lane to join the main larger sewers (it does not exit off to Morthen Road).
- On two occasions in the past after prolonged periods of heavy rain, properties on Hall Croft have experience water from the field draining up to airbrick vents.
- Increased flood risks to both Hall Croft / Gill Close residents as water retention already exists in these localities.
- Want assurances that no flooding will occur if land levels are being raised.
- The proposal entails some physical land re-grading and elevation of some parts of the site. This will directly affect the evaluations and reports submitted of drainage and flood risk, and the tests so far undertaken on 'The Paddock,' do not appear to extrapolate this ground work build requirement and no projected modelling evaluations have been included.
- The reports do not provide a risk assessment and projected consequences of the proposed water storage tank (shown buried near to Hall Croft) and the mechanical flow rate restriction device failing or being over flooded (i.e. where will water flow if the tank overflows or the exit restrictor blocks, and who will maintain this equipment?)
- Redrow have failed to inform the Planning Department that the owners of the properties on which the drains pass have not been consulted nor have agreed to such additional drainage being "added".
- Gill Close residents have Property Deeds that specifically give permission for the use of these drains and passage of effluent therein to the residents of Gill Close only – no other right or benefit is granted within the covenant of these Deeds.

Design & Layout:

- The reduction of dwellings to 19 is an improvement in terms of amenity and density, albeit bungalow type properties are eliminated.
- Concerns that plot 19 is too close to the bungalows at Nos 4 & 6 Gill Close and that residents will be overlooked / overshadowed and lose privacy.
- Plot 19 also due to its scale will be over dominating to the amenities of the occupiers of adjacent bungalows.
- Buildings on 'The Paddock' need to be aesthetically pleasing do these add to the character of the area?
- The building of the three affordable terraced houses is completely out of character with the adjacent properties already in existence, and is also odd when the rest of the development is large detached houses.
- It would be better to have one or two semi-detached houses adjacent to Lindum Drive, as this is mainly semi-detached houses already.

Trees / Ecology issues:

- Want assurances that none of the trees will be damaged and will remain protected.
- Who is responsible for trees closest to No. 23 Lindum Drive?
- Additional pollution from more traffic exiting just from Hall Croft could damage the protected trees on the land verges between Hall Croft and Gill Close.
- Overhang branches of these protected trees across the highway of Hall Croft could also be damaged by larger vehicles entering the site by this one access point, and Redrow have not offered any reports that detail protection of these trees.
- There are no protected trees to the entrance off Lindum Drive, with both Lindum Drive and Hall Croft having similar width of highway for traffic movement.

Other issues:

- During construction the residents of Hall Croft and Gill Close under the new plans will be subject to all the nuisance, dirt, construction traffic, noise, etc. when half the building construction is nearer to Lindum Drive with an existing and appropriate access road at that end of the site.
- Which school will new children be allocated as residents already living in the community haven't been allocated a place in a Wickersley school.

In addition to the above comments, Wickersley Parish Council object to the application on the following grounds:

- The Council feels there should be a pre-planning consultation.
- There are 18 trees and tree groups to be removed by the development and the proposal appears to show only 12 trees will be replaced. The Parish Council considers that the applicant should be required to provide full replacement of the 18 trees and that the developer's tree survey report (section 4.2.2) indicates that this should take place in front and rear gardens.
- The Parish Council considers that removal of tree T47, which has a Tree Preservation Order and is in good condition, is unnecessary. If a smaller type of house is built on plot 18 then the foundations would not impact on the root protection area of this tree.
- A condition to be in place that no access to be allowed along Lindum Drive during construction.
- The town houses forming the affordable housing provision are not in keeping with the development or existing adjacent properties on Lindum Drive and a more appropriate design should be required.
- If town houses are in fact approved then there needs to be a designated access to the rear of the middle town house.

The additional drawings / specifications received in February were re-advertised by way of individual letter for a further two weeks following receipt of the plans to which a further two letters of representation have been received. No substantive new issues have been raised in respect of the revised proposals to those comments previously submitted.

The subsequent information / amendments received in March have not been re-advertised owing to the fact that the submitted information clarifies previous concerns

raised (in relation to drainage / flooding matters) and the changes made are considered to be minor, and would not affect neighbouring properties.

The applicant and two residents have registered their 'Right to Speak', at the meeting.

Consultations

Streetpride (Transportation and Highways): Comment that the decrease in overall dwelling numbers from that previously approved would not create a significantly material increase in terms of the ability of Hall Croft/Gill Close to safely cater for the traffic likely to be generated by the development, and therefore no objections are raised subject to conditions in respect of details of vehicular hardsurfacing areas, highway road sections, constructional and drainage details, sustainable transport measures and pedestrian / cycle link details.

Streetpride (Landscape Design): Raise no objections subject to the suggested condition in respect of the submission of a landscape scheme.

Streetpride (Trees & Woodlands): Comments that the re-designed dwelling to plot 18 is still slightly within the recommended root protection area of the nearest protected tree and leaves little space for future growth to avoid serious difficulties of branch encroachment and shading in the future. However, no objections are raised, subject to the recommended conditions in terms of tree protection and tree works being carried out in accordance with British Standards along with the submission of a detailed Arboricultural Method Statement.

Streetpride (Ecology): There is no ecological constraint to the proposed development. The bat survey report is accepted. Development should follow the precautionary measures included in the bat survey report.

Neighbourhoods (Urban Design): Comments that the revised elevations to the plots are acceptable and provide better relief within the streetscene. In addition the supplied sections indicate compliance is achieved in respect of the overbearing / overdominance issues contained with the SYRDG.

Neighbourhoods (Affordable Housing): Comments that the Affordable Housing requirement is 25%, which equates to 5 units. The offer of 3 units on site (the terrace of three properties) for rented tenure and a commuted sum of £128,000 in lieu of 2 units to provide off site provision towards contributing to an identified shortfall in disabled persons bungalow within the wards of Wickersley and Hellaby is accepted (subject to the S106 Obligation).

Neighbourhoods (Environmental Health): Comments that there is potential for noise and dust disamenity from the construction works to the nearby residential properties, however no objections are raised subject to the recommended informative.

Neighbourhoods (Land Contamination): Comments that no contaminated land scoping opinion or planning conditions are necessary, given that the site appears to be free from any historical use that would give rise to significant contamination of the land, and therefore any risks to future users/workers at the site and to controlled waters are likely to be low. Therefore no objections are raised subject to standard conditions.

Education (School Services): Notes that the scheme is under the 20 unit threshold for requiring education contributions and do not request any contribution towards local education provision.

South Yorkshire Police (Architectural Liaison): Raise no objections to the scheme.

Streetpride (Drainage): The drainage can be dealt with by planning condition.

Severn Trent Water: Raise no objections to the proposals in respect of the submitted drainage plans for the disposal of surface water and foul sewage subject to the recommended condition requiring full details to be submitted and subsequently implemented.

Appraisal

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

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

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

The main considerations in the determination of this application are:

- Principle of development.
- Affordable housing requirements.
- Layout, design and landscaping considerations.
- Impact on amenity of future residents and existing neighbouring residents.
- Highway safety and transportation issues.
- Impact upon protected trees.
- Impact on ecology.
- Impact upon heritage assets.
- Drainage and flooding issues.
- Contaminated land issues.
- Other matters raised

Principle of development:

The site is allocated for Residential purposes on the adopted UDP. 'Saved' Unitary Development Plan (UDP) Policy HG4.3 'Windfall Sites.' Advises that the Council will determine proposals for housing development in the light of their location within the existing built-up area and compatibility with adjoining uses, and compatibility with other relevant policies and guidance.

In addition, the site is located within Rotherham's urban area as detailed in the Core Strategy, to which Policy CS1 'Delivering Rotherham's Spatial Strategy' places an emphasis upon most new development taking place within Rotherham's urban area.

Core Strategy Policy CS6 'Meeting the Housing Requirement,' requires housing development to make efficient use of land while protecting and enhancing the character of the local area.

Core Strategy Policy CS33 'Presumption in Favour of Sustainable Development', notes that for existing communities to grow in a sustainable way, new development should wherever possible, be located where accessibility between new housing, existing centres, facilities and services can be maximised.

The above advice on the presumption in favour of sustainable development is echoed in Paragraph 14 to the NPPF which for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.”

Paragraph 47 of the NPPF requires that in order to boost significantly the supply of housing, a supply of specific deliverable sites sufficient to provide five years' worth of housing against the LPA's housing requirements be identified and updated annually.. Paragraph 48 further notes that Local Planning Authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

Paragraph 49 of the NPPF adds that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Taking account of the above, the site is allocated for residential purposes in the UDP and there is an extant outline planning permission for up to 24 units, granted conditionally on 25/04/13 (RB2012/0607). In addition, the site is located within a built up area of Wickersley (and within Rotherham's urban area) and in close proximity to existing housing, facilities, services and local public transport. As such, it is considered that the proposed development would be in a sustainable location that would accord with the presumption in favour of sustainable development. Furthermore, taking account of the location of the site it is considered that the proposal will make an efficient use of this site.

As such, the proposal is considered to accord with Core Strategy Policies CS1 'Delivering Rotherham's Spatial Strategy,' CS6 'Meeting the Housing Requirement,' and CS33 'Presumption in Favour of Sustainable Development,' along with UDP Policy HG4.3 'Windfall Sites' and the guidance contained within the NPPF.

Affordable housing requirements:

Core Strategy Policy CS7 'Housing Mix and Affordability,' sets out an expectation that new housing will deliver a mix of dwelling sizes, type and tenure in order to meet the present and future needs of all members of the community. It further seeks the provision of 25% affordable housing on all housing development on sites of 15 dwellings or more or developments with a gross site area of 0.5 hectares or more.

Paragraph 50 to the NPPF further seeks delivery of a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities by identifying the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where it is identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

The NPPF sets out at paragraph 203 as to whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, with obligations only being used where it is not possible to address unacceptable impacts through planning conditions. The NPPF further advises at paragraph 204 that obligations should only be sought where the tests as set out below are met:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

With the above in mind based on the submitted 19 unit scheme the policy position of 25% affordable housing provision is relevant and this would equate to five units. Following discussions at pre-application stage with the Council's Affordable Housing Officer, and confirmed in the subsequent draft heads of terms to the submitted application, the applicant has offered a mix of both on and off site affordable housing.

In respect of on-site provision, this would equate to provision of 3 units in the form of a terrace of two bedroom units (plots 8, 9 and 10) for social rent and located to the northern part of the site adjacent to Lindum Drive properties, whilst in terms of the off-site provision, a sum of £128,000 has been agreed with the Council's Affordable Housing Officer, which equates to the offer of a commuted sum set at 40% of the open market value of two x 3 bedroom semi-detached dwellings. The Council's Affordable Housing Officer, notes that in accepting the off-site contribution this is to facilitate specialist disabled housing provision identified in the Wickersley / Hellaby wards) to which the full details will be finalised within the S106 agreement.

Taking account of the above, it is considered that the offer is appropriate and therefore conforms with Core Strategy Policy CS7 'Housing Mix and Affordability,' along with the advice contained within the NPPF.

Layout, design and landscaping considerations:

Core Strategy Policy CS3 'Location of New Development,' sets out the relevant sustainability criteria which include (amongst others):

- a. status as previously-developed (brownfield) land.
- b. proximity as prospective housing land to services, facilities and employment opportunities.
- c. access to public transport routes and the frequency of services.
- e. quality of design and its respect for heritage assets and the open countryside.
- j. contribution to the creation of mixed and balanced communities.
- k. ability to avoid, or suitably reduce the risk of, flooding.

These considerations are not in any order of priority and due weight will be accorded to each one in the particular circumstance of the case.

'Saved' UDP Policy HG5 'The Residential Environment,' encourages the use of best practice in housing layout and design in order to provide high quality developments.

This approach is also echoed by the NPPF in paragraph 55 which states that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

The South Yorkshire Residential Design Guide (SYRDG) aims to provide a robust urban and highway design guidance and is underpinned by the principles as set out under Building for Life 12 and further sets out guidance in relation to layout considerations in respect of unit size, minimum room dimensions and outdoor amenity sizes. In respect of the latter, the SYRDG notes that: "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 square metres; for three or more bedroom houses/bungalows, 60 square metres. Smaller gardens may be acceptable in corner zones of blocks if privacy and daylighting can be maintained." The SYRDG further advocates a common minimum rear garden or amenity space of about 10 metres in depth.

In overall layout terms, the site is set around the new centrally positioned internal road and turning facility with dwellings laid out around the internal road with gardens extending towards the perimeter of the site. The layout of the development, which is predominantly detached dwellings, offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The dwellings as proposed all exceed the internal spacing standards as set out under the SYRDG, and all properties achieve rear gardens in excess of the 50 and 60 square metres, with gardens exceeding 10 metres in length.

In streetscene terms, the use of shared surfaces and the open plan nature of the development with low level planting ensure that the scheme appears open and unoppressive when viewed from Hall Croft and will provide a strong feature on this site. Furthermore the layout of development will ensure that potential future development on back garden land at the rear of dwellings off Goose Lane can be retained.

On the issues of design, Core Strategy Policy CS28 'Sustainable Design,' indicates development should respect and enhance the distinctive features of Rotherham by

.developing a strong sense of place with a high quality of public realm and having well designed buildings within a clear framework of routes and spaces, whilst being responsive to their context and be visually attractive as a result of good architecture.

Paragraph 17 of the NPPF further echoes the above and requires development to seek a high quality of design. In addition paragraph 56 notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively for making places better for people. In addition, paragraph 57 aims to plan positively for the achievement of high quality and inclusive design for all development.

Furthermore, the National Planning Policy Guidance (March 2014), notes that development proposals should reflect the requirement for good design quality assessed against Local Plan policies, national policies and other material considerations. The NPPG further advises that permission should be refused for development comprising of poor design.

With regards to the style of the proposed properties, it is acknowledged that the character of dwellings to the south of the site on Hall Croft and Gill Close is predominantly detached single storey dwellings, whilst those to the north on Lindum Drive are predominantly two storey semi-detached dwellings. However, it is not considered that the introduction of predominantly large detached two storey dwellings in this locality would be unacceptable, and it is noted that appropriate spacing between proposed and existing development is met. Additionally, although comment has been made over the lack of single storey development on the site and the fact that a terrace of three dwellings is proposed to the north, the lack / introduction of these elements is not considered harmful or undesirable in this location.

In respect of design issues, the dwellings as set out are of modern appearance with brickwork and a mix of concrete tile roofs. In addition upper floors are provided with a mock Tudor effect design with some plots containing low roofs, projecting bays and canopies. All windows indicated are white uPVC surrounded by brick soldier course headers and cills, and all these are elements which currently exist upon existing buildings surrounding the site. Taking account of all the above, it is not considered that the dwellings by way of size, scale, form, design and appearance would be unacceptable and will generally fit in with the existing dwellings and ensure that the appearance integrates into the existing urban form.

In landscaping terms, Core Strategy Policy CS21 'Landscapes,' requires development to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes, with Policy CS28 'Sustainable Design,' further advising development proposals should be responsive to their context and be visually attractive as a result of ...appropriate landscaping. Moreover it states that design should take all opportunities to improve the character and quality of an area and the way it functions.

In terms of assessing landscaping, the submitted landscaping proposals indicate that individual dwelling frontages facing the proposed internal roadway would be provided with grassed / landscape open areas with tree planting and 1.8 metre high solid brick walls provided to boundaries where they abut the highway. The Council's Landscape Architect has confirmed that this would be acceptable. In addition further acceptance has been made to the retention of existing boundaries (where appropriate) to the rear of plots with those areas currently missing landscaping being provided with 1.8 metre high close boarded fences. In addition the submitted drawings indicate fencing between

gardens would be 1.2 metre post and rail fencing provided by the developer with any further boundary treatments being offered to potential purchasers and installed by the developer. These elements of boundary treatments are further considered acceptable.

In light of the above it is considered that the design of the proposal is acceptable and with the recommended conditions imposed would satisfy the relevant layout, design and landscaping policies as set under Core Strategy Policies CS21 'Landscapes,' CS28 'Sustainable Design,' UDP Policy HG5 'The Residential Environment,' and guidance contained within The South Yorkshire Residential Design Guide and the advice within the NPPF and the NPPG.

Impact on amenity of future residents and existing neighbouring residents:

Within the core planning principles set out in paragraph 17 of the NPPF is the requirement to secure a good standard of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Guidance (SPG) 'Housing Guidance 3: Residential infill plots' states there should be 20 metres minimum between principal elevations, 12 metres minimum between an elevation with habitable room windows and an elevation with no habitable room windows; and no window should be inserted within an elevation that is in 10 metres of a boundary with another property, unless appropriate screening is provided.

The South Yorkshire Residential Design Guide (SYRDG) further advocates that for the purposes of privacy and avoiding an 'overbearing' relationship between buildings, that: "...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."

With this in mind, taking account of the large gardens of those properties which surround the site to the east the amended plans indicate the dwellings are sited so as to exceed the 'back to back' distances, and therefore comply with the Council's minimum 21m habitable room window to habitable room window inter house spacing standards referred to in the SPG and the SYRDG. It is acknowledged that the existing properties closest to the site at Hall Croft (No. 6) do have limited rear gardens under 10 metres in depth, however the amended plans as now submitted indicate in excess of 12 metres from habitable windows (existing) to flank elevations (at plot 19) which along with the retention of existing boundary screening is not considered to result in a loss of privacy or overlooking issues between occupiers.

In addition to the above, it is further considered in loss of privacy / overlooking issues that the existing properties to the north on Lindum Drive are separated well in excess of the recommended distances from the proposed dwellings at plot 7 (as subsequently amended) and plot 8 as set out in the SPG and the SYRDG and would therefore be unaffected.

In regards to over dominance issues, the SYRDG further notes that for the purposes of daylighting back-to-back distances should, as appropriate to specific circumstances, be limited by either the '25 degree' or '45 degree' limits, i.e. all built development facing a

back window should be below the 25 degree (vertical plane) line, or to the side of a back window should be outside of the 45 degree (horizontal plane) line.

The amended plan generally indicates that the 45 degree line can be achieved between most of the new plots. However, where this is not possible i.e. between plots 3 - 4 and 16 - 17, the scheme proposes the use of single storey elements closest to boundaries which will assist in reducing the overall perceived over dominance and any persons purchasing these dwellings will be aware of this from the outset.

In regard to the likely impact upon existing occupiers, the house type as submitted for plot 7 has been revised and now contains a monopitch roof closest to the boundary of the site and is outside the 45 degree limit to the closest window at No. 36 Lindum Drive, and it is not considered that these occupiers would be unduly affected by overbearing building forms to an unacceptable degree.

Additionally taking account of the juxtaposition with plot 8 and the relationship with the adjacent existing dwelling to the north, again it has been satisfactorily demonstrated that the 25 degree limit is met and therefore there are no anticipated issues arising in this locality in terms of overbearing building forms.

In respect to the issue at No. 6 Hall Croft, officers have previously expressed concerns over the potential over bearing relationship and this has resulted in the design of the dwelling being amended so that the 25 degree line as set out under the SYRDG is not breached. Having assessed the submitted sections, notwithstanding that ground levels are proposed to be raised on parts of the site by up to approximately 0.46 metres, the relationship between the existing and proposed dwellings would accord with the SYRDG, and therefore it is not considered that undue overdominance would occur to these immediate occupiers in this respect.

As noticed above in regards to the raising of land levels, with the limited fall in the land from its current north to south and east to west directions it will be necessary to elevate the plots and the associated roadway in order to achieve the desired drainage and flood compensation measures (as set out elsewhere within this report). With this in mind consideration has been given to the likely effect such raising of land levels could have upon the occupiers of both existing and proposed dwellings. However, a comparison of the submitted existing topographical survey and the proposed finished floor levels reveals that most plots will only be raised from current ground level conditions by on average of approximately 0.41 metres, with the road levels raised by approximately 0.21 metres via on site cutting and filling rather than importation. As such it is not considered that this raising of levels would unduly affect residents' amenity to an unacceptable degree.

Taking account of the above it is considered that the proposal would comply with the adopted SPG 'Housing Guidance 3: Residential infill plots,' as well as the guidance contained within the SYRDG and the guidance in the NPPF.

Highway safety and transportation issues:

Core Strategy policy CS14 'Accessible Places and Managing Demand for Travel,' seeks to focus transport investment on making places more accessible and on changing travel behaviour. Accessibility will be promoted by locating new development in highly accessible locations or on key bus corridors which are well served by a variety of modes

of travel (but principally by public transport) and enabling walking and cycling to be used for shorter trips.

Paragraph 17 of the NPPF seeks to ensure that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

The NPPF notes at paragraph 34 that: "...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."

Paragraph 35 to the NPPF further notes developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; and consider the needs of people with disabilities by all modes of transport.

The main difference between the scheme as now submitted in comparison with that previously agreed under the outline planning approval relates to the internal highway layout being changed from two cul-de-sacs, splitting access between Lindum Drive and Hall Croft, to a single vehicular access point onto Hall Croft with only a pedestrian / cycle link being available to Lindum Drive.

In previously assessing this matter, Members will recall the split access was negotiated by officers at Members' request following concerns raised at a site visit and deferral of the previous application. It appeared to be the most contentious issue from the residents' perspective and the changes would prevent 'rat running'. It would also ensure that not all of the development traffic generated (including potential future development at the rear of properties on Goose Lane) would enter onto Morthen Road via Gill Close / Hall Croft.

The current scheme could not be considered under the outline permission as details of access were approved at the outline stage, and the current scheme differs from that approved scheme. A revised Transport Statement (TS) was required in connection with the current scheme in order to demonstrate that safe access could be achieved without being of detriment to highway safety or place undue demands on the surrounding highway network.

In assessing the TS the Council's Transportation and Highways Unit comments that the previously approved outline application for up to 24 No. dwellings suggested that some 11 No. dwellings could be served from an extension off Hall Croft. The current application seeks permission for a total of 19 No. dwellings, and this additional 8 No. dwellings can be expected to generate around 6 No. additional trips during peak hours. This is not considered to be a significantly material increase in terms of the ability of Hall Croft/Gill Close to safely cater for the traffic likely to be generated by the development.

Similarly, with anticipated likely traffic impact at the Gill Close junction with Morthen Road, the proposed 19 No. dwellings would likely generate some 13 No. trips in the peak hour which is significantly less than the 30 No. additional trips usually considered to require a detailed assessment, with this in mind it is considered that the anticipated impact would not be considered significant.

The scheme indicates that those dwellings with 2 bedrooms are to be provided with a minimum of 1 No. parking space and those in excess of 3 bedrooms are to be provided with a minimum of 2 No. spaces unit. In addition further visitor parking spaces (2 No.) are indicated at the head of the cul-de-sac which overall the on-site parking provision associated with the proposed development would meet the Council's Minimum Parking Standards (adopted June 2011). Accordingly, the proposal would provide appropriate on-site parking facilities for occupants of the dwellings which will ensure that on-street parking is minimised and would not adversely affect the highway network or its users.

On the matter of sustainability, it is further considered that the site is well served by other non car modes of transport and is considered to represent a sustainable form of development, particularly by retaining the cycle/ pedestrian linkages to Lindum Drive to the north. Taking account of the fact that the site is located within easy walking distance of bus stops both on Bawtry Road and Morthen Road and that there are further local amenities (shops, schools, etc) also within walking distance, the scheme accords with the issues of sustainability.

Subject to the recommended conditions in respect of details of vehicular hardsurfacing areas, highway road sections, constructional and drainage details, sustainable transport measures and pedestrian / cycle link details, the proposal is considered to accord with the advice as set out under Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' and will satisfy the Council's Parking Standards along with the advice as set out under the NPPF.

Impact upon protected trees:

In regard to the impact of the development upon the protected trees which are covered under TPO No. 5, 2012, 'saved' UDP Policy ENV3.3 'Tree Preservation Orders,' notes that individual and groups of trees will be protected by the declaration of Tree Preservation Orders.

Core Strategy CS21 'Landscapes,' notes that new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes, and significant landscape features, will be safeguarded and enhanced.

Core Strategy Policy CS28 'Sustainable Design,' further guides that development proposals should be responsive to their context and be visually attractive as a result of... appropriate landscaping.

The NPPF at paragraph 118 advises that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The Council's Tree Service Manager initially raised concerns over the fact that boundary treatments were being proposed within the recommended root protection areas (RPA's) of some of the protected trees which sit on the site's north west boundary to the rear of proposed plots 6 - 7, and those sited on the east boundaries adjacent to plots 8 - 14 and 18. Potentially this was considered to be harmful to their future prospects unless the design and construction of the fence fully takes into account the

presence of the trees and their rooting area and any excavations are completed carefully to avoid any significant root disturbance, cutting and damage. In responding to this matter the applicant confirms that special measures will be taken to address these matters and these are included in the initial tree survey report.

On the issue of plot 18, the scheme has been amended following its original submission to now take account of the relationship of built form on this plot. In response the Council's Tree Service Manager indicates that the revised dwelling is now sited outside of the recommended root protection area, but is still within the recommended distances (10m) not to fully mitigate against avoiding significant future branch encroachment and shading issues.

However, with this in mind, it is not considered that a refusal could be justified on this ground alone, particularly as a detailed method statement of how it is intended to carry out the development without adversely affecting the future prospects of the retained trees could be controlled via the imposition of an appropriate condition, as can the removal of permitted development rights to these particular plots so that the Council can retain an element of control to these plots in respect of future extensions and outbuildings.

In response to the comment raised over potential damage to the existing protected trees along Gill Close and Hall Croft, the applicant comments that the trees are outside their control, and presently there is no restriction on what vehicles could access Gill Close/Hall Croft as it is a public highway.

Whilst a limited number of unprotected trees are identified for removal, this would be adequately off-set by new planting proposed under the landscaping scheme.

The Council's Tree Service Manager indicates some of these trees at the junction of Hall Croft and Gill Close may require minor pruning to help avoid any conflict with high sided vehicles accessing the site, although at present it does not appear that the pruning will be above and beyond the extent that is normally expected to ensure there is no conflict with the safe use of the highway e.g. 2.4m and 5.2m over the footway and carriageway respectively. This 'minimum' level of pruning is normally accepted as exempt from the normal application procedures as it is necessary to comply with an Act of Parliament, in this case the Highways Act 1980, and the pruning should be completed carefully and in accordance with BS 3998 Tree Work Recommendations to avoid any possible breach of the Tree Preservation Order Regulations.

The comments from Wickersley Parish Council in respect of the elements of tree removal are noted. However following negotiations with the developer and upon the advice of the Council's Tree Service Manager, the revised plans as submitted indicate that the protected tree (T47) can now be retained.

In light of the above and subject to conditions it is considered that the proposal would comply with the requirements of 'Saved' UDP Policy ENV3.3 'Tree Preservation Orders,' and Core Strategy policies CS21 'Landscapes,' and CS28 'Sustainable Design,' along with advice as set out under the NPPF and the NPPG.

Impact upon ecology / biodiversity:

'Saved' UDP Policy ENV3.2 'Minimising the Impact of Development,' seeks to minimise adverse impact on the environment, including water resources, and to conserve and improve its quality, and will only permit development which results in a significant loss of trees, woodlands, hedgerows or field boundary walls only when there is compelling justification for doing so.

The NPPF at paragraph 109 further seeks to ensure that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

The NPPF at paragraph 118 further goes onto advise Local Planning Authorities should aim to conserve and enhance biodiversity by applying (amongst other criterion) 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;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

Owing to its previous use as a paddock, the accompanying ecology report sets out that the site is of generally low ecological value with some features that may support protected and / or priority species. The report does not identify the presence of protected species (i.e. roosting bats) owing to the fact that it is sub-optimal, however as the visit was to update information previously gathered it is considered that the survey results provide an acceptable assessment of the site's ecological interest.

In terms of the proposed layout, this illustrates the majority of boundary vegetation will be retained, although it is acknowledged that the majority of open habitat and associated features within the site will be lost.

In taking account of the above the Council's Ecologist does not raise issue to the overall mitigation measures as set out in the survey subject to its implementation, therefore subject to the recommended condition requiring delivery of these measures no objections on biodiversity grounds are raised.

As such, the proposal is therefore considered to accord with UDP Policy ENV3.2 'Minimising the Impact of Development,' and the advice as set out in the NPPF.

Impact upon heritage assets:

Core Strategy Policy CS3 'Location of New Development,' seeks to ensure that the quality of design and respect for heritage assets and the open countryside is achieved.

'Saved' UDP Policy ENV2.8 'Settings and Curtilages of Listed Buildings,' advises 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.

'Saved' UDP Policy ENV2.12 'Development adjacent to Conservation Areas,' further considers special regard will be had to the effect of development upon on the Conservation Areas and, if necessary, modifications to ameliorate the effect will be required before approval is given.

The NPPF at paragraph 129 goes on to advise that LPA's 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, and that this assessment is taken 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 instance the setting of the heritage assets potentially affected are those relating to the Grade II listed 49 Morthen Road (The Old Hall), and specifically its stone wall which forms the applications site's western boundary, and relating to the Wickersley Conservation Area which is adjacent to the site (beyond the listed wall).

The applicant's heritage statement sets out to examine the impact of the proposed development upon the nearby heritage assets and concludes that there will be a greater degree of separation created as a result of the proposed development to that previously approved in terms of proximity to the Listed structures. Equally, there will be an overall reduction in built form on site and no increase in visibility of development when viewed from the surrounding Conservation Area.

With this in mind, coupled with the fact that a recent Listed Building Consent application to increase the height of the wall on the western boundary to a consistent 1.75m has subsequently been approved, it is not considered that the development would unduly affect either the setting / character of the Listed Building (and associated structure i.e. wall) or the overall character or appearance of the Wickersley Conservation Area.

As such, the proposals accords with Core Strategy Policy CS3 'Location of New Development,' 'Saved' UDP Policies ENV2.8 'Settings and Curtilages of Listed Buildings,' and ENV2.12 'Development adjacent to Conservation Areas,' as well as the advice contained within the NPPF.

Drainage and flooding issues:

UDP 'saved' Policy ENV3.2 'Minimising the Impact of Development,' requires the Council to seek to minimise adverse impact on the environment, including water resources.

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 it can be demonstrated (having been informed by a site-specific flood risk assessment) 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.”

In assessing the submitted and revised application drainage details incorporating highway adoptions and flood routing strategies including connections and discharge rates to the existing foul and surface water sewer in Hall Croft and Gill Close, the Council's Drainage Engineer notes that there is an existing risk of flooding caused by surface water overland flows along the western boundary of the site. However as the proposed development will still allow for the passage of the surface water overland flows along the western boundary in an extreme event, with potential overland flows routes remaining the same as the exiting flow route, no significant change would occur and the development should not cause additional flooding problems to both existing and proposed dwellings.

With regards to on site attenuation for proposed surface water, the Council's Drainage Engineer further concurs with the applicant's assertion that the submitted hydraulic analysis shows no flooding on a 1 in 100 year storm event plus Climate Change, and is therefore acceptable.

The Council's Drainage Engineer further notes that the applicant is proposing to offer both the foul and surface water for adoption to Severn Trent Water Limited (STW), and that the existing sewers off site are likely to have come under the transfer of private sewers in 2011 and would be the responsibility of STW., who will determine the accepted flows into public sewers.

In addition to the above, Severn Trent Water has concluded that subject to the recommended condition the matters relating to drainage and flooding are considered satisfactory.

Issues raised in respect of covenants relating to drains etc are civil matters outside the remit of the planning application and can be controlled under the auspices of Severn Trent Water in line with the Water Industry Act and are not therefore considered material to the consideration of this application.

As such, it is considered that the proposed development will provide appropriate on-site attenuation provision and that the new properties are to be protected against any potential flooding problems without causing or transferring flooding problems to adjacent properties and/or land, and subject to the recommended condition complies with 'saved' UDP Policy ENV3.2 'Minimising the Impact of Development,' along with the guidance contained within the NPPF.

Contaminated land issues:

'Saved' UDP Policy ENV4.4 'Contaminated Land,' notes that the Council will need to be satisfied that the development will not be adversely affected by contamination and this is reiterated in the NPPF at paragraphs 109, 120 and 121. The supporting report identifies that land contamination risks are considered to be limited and that ground investigation to identify contaminants prior to development is not considered necessary.

Environmental Health Service raise no objections in this respect, subject to recommended conditions.

Accordingly it is considered that the proposals accord with 'Saved' UDP Policy ENV4.4 'Contaminated Land' and the advice set out in the NPPF.

Other matters raised:

Hall Croft and Gill Close residents have commented that during construction residents will be subjected to all the nuisance, dirt, construction traffic, noise, etc. and note that half the building construction is nearer to Lindum Drive with an existing and appropriate access road at that end of the site.

In this regard 'Saved' UDP Policy ENV3.7 'Control of Pollution,' states that the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Core Strategy Policy CS27 'Community Health and Safety,' notes that: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities."

The NPPF at Paragraph 123 states: "Planning policies and 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;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions."

In assessing the application, the Council's Neighbourhoods (Environment Health) Service notes that there is potential for noise and dust disamenity from the construction works to the nearby residential properties, however this is not anticipated to be so severe and can be adequately controlled through Pollution Control mechanism (i.e. an Abatement Notice under the Environmental Protection Act 1990), rather than under Planning Legislation. As such no objections are raised subject to the recommended standard informative.

In regard to the comment raised relating to the construction management, it is considered appropriate to impose as a planning condition the requirements to submit a Construction Traffic Management Plan to include, but not by way of limitation, details of traffic management measures (including the routing of HGV's and pedestrian accessibility to the footpath link off Gill Close) during construction work, any site compound(s) / temporary offices, an appropriate turning area within the site and parking for construction workers, measures to deal with dust and mud deposits on the highway and measures to deal with overhanging tree branches preventing access to the site etc..

Comment has been received over allocations of school spaces to potential occupiers as existing occupiers have been unable to secure places in local schools. In this regard education have confirmed that there is not a requirement to contribute monies through S.106 Obligations as the school is recently undertaking expansion plans which will allow for additional capacity.

Finally, in terms of Energy Efficiency, Core Strategy Policy CS30 'Low Carbon & Renewable Energy Generation,' seeks to ensure that a hierarchy of measures that carbon dioxide emissions are reduced through mitigation such as:

- a. Minimising energy requirements through sustainable design and construction;
- b. Maximising Energy Efficiency;
- c. Incorporating low carbon and renewable energy sources.

The NPPF at paragraph 18 notes the Government's commitment to meeting the twin challenges of global competition and of a low carbon future, and further advises at paragraph 93 that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change as this is central to the economic, social and environmental dimensions of sustainable development.

The NPPF at paragraph 95 supports the move to a low carbon future along with ways to reduce greenhouse gas emissions, in addition paragraph 96 expects new development to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

In assessing such matters, the applicant has submitted a statement outlining indicative CO₂ emission estimates for the development and concludes the standards of energy efficiency for the development and the possibilities for delivering a reduction of the sites CO₂ emissions from improved building fabric specification have been investigated and can be incorporated into the scheme.

As such it is considered that subject to the recommended condition to secure such matters, the proposal accords with Core Strategy Policy CS30 'Low Carbon & Renewable Energy Generation,' and the advice as set out in the NPPF.

Conclusion

Having regard to the above it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site subject to an appropriate financial contribution towards off-site affordable housing.

The scheme would not lead to an adverse effect on the residential amenities of adjoining occupiers by way of overlooking, overshadowing or overdominating building forms, nor would it be detrimental in highway safety terms. The scheme as amended would not unduly impact upon the vitality / viability of protected trees, nor does it affect established biodiversity. There are no perceived drainage / flooding matters associated with the proposed development. Additionally it is not considered that the scheme would present risk to existing / future occupiers or workforce in respect of contaminated land matters.

It is therefore recommended that permission be granted subject to the signing of the related S106 Legal Agreement and the conditions as set out below.

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: 4839-16-002-10A & GL0320 01E – received 20/3/15.

Drawing numbers: 4839-16-06-101C; 103B - received 19/3/15.

Drawing numbers: 4839-16-06-120A –received 18/3/15.

Drawing numbers: 4839-16-02-01F; 02F; 03E; 04D;
House type T8 –received 18/3/15.

Drawing numbers: 4839-16-02-05B –received 16/3/15.

Drawing numbers: E4H130-2 House type 5 AS (plot 15);
E4H151-3 House type 7 AS (plot 1);
E4H153 House type 3 (plot 19) – received 27/2/15.

Drawing numbers: E-SD0900-A: Post & rail fencing – received 18/2/15.

Drawing numbers: E4H176 House type 1 OPP - elevations & floor plans (plots 3, 12 & 16);
E4H176 House type 2 OPP - elevations & floor plans (plots 5 & 13);
E4H153 House type 3 OPP - elevations & floor plans (plot 11);
E4H176 House type 1 OPP - elevations & floor plans (plots 3, 12 & 16);
E4H138-3 House type 4 OPP - elevations & floor plans (plot 14);
E4H130-23 House type 5 OPP - elevations & floor plans (plot 18);
E2AF068 House type 6 - elevations & floor plans (plots 8 – 10) - received 29/12/15.

Drawing numbers: 4899-16-05-01: Brick screen wall detail;
Single garage – 2014 release;
E4H153 House type 3 – elevations & floor plans (plots 4 & 17);
E4H176 House type 1 - elevations & floor plans (plots 2 & 6).

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form and shown on drawing no 4839-16-02-02F. The development shall thereafter be carried out in accordance with these details.

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' of Rotherham's Core Strategy.

04

The boundary details and the materials to be used in their construction shall be in accordance with the details provided in the submitted application form / shown on drawing nos 4839-16-02-03E; E-SD0900 and 4899-16-05-01. The development shall thereafter be carried out in accordance with these details.

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' of Rotherham's Core Strategy.

Highways:

05

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and 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'.

06

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

Reason

No details having been submitted they are reserved for approval.

07

Details of the proposed pedestrian / cycle link to Lindum Drive (construction / drainage, lighting and sections) shall be submitted to and agreed in writing with the Local Planning Authority, and the approved details shall be implemented prior to occupation of the first dwelling and shall thereafter be maintained and retained for the lifetime of the development.

Reason

No details having been submitted they are reserved for approval.

08

Prior to the first dwelling being occupied, 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.

09

Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not by way of limitation, details of traffic management measures during construction work including the routing of HGV's and retention of pedestrian accessibility to the footpath link off Gill Close, any site compound(s) / temporary offices, an appropriate turning area within the site and parking for construction workers, measures to deal with dust and mud deposits on the highway and measures to deal with overhanging tree branches preventing access to the site. The Plan shall be implemented in accordance with the approved details.

Reason

In the interests of residential amenity, and in the interests of highway safety and to ensure protected trees are not affected in accordance with UDP Policies ENV3.7 'Control of Pollution' and ENV3.4 'Trees, Woodlands and Hedgerows.'

Drainage:

10

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

Reason

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

Trees / Landscaping:

11

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Schedule 2, Part 1, Class A 'the enlargement, improvement or other alteration of any dwellinghouse,' or Class E 'any building required for a purpose incidental to the enjoyment of the dwellinghouse,' shall be undertaken at plots 6 - 14 inclusive and plot 18 without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition so as to ensure the future vitality of protected trees in accordance with UDP Policy ENV3.3 'Tree Preservation Orders.'

12

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

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

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: Trees in Relation to Design, Demolition and Construction and positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

14

Prior to the commencement of any development, including any demolition works, a detailed Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction – Recommendations section 6.1 shall be submitted to the Local Planning Authority for consideration and approval. The approved development shall be implemented in accordance with the approved details.

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 ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

15

Landscaping of the site as shown on the approved plan (drawing no GL0320 01E) 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

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

Ecology:

16

Prior to the commencement of development a biodiversity mitigation strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all details listed in section 5 of the Ecological Appraisal (ECUS, November 2014) and shall thereafter be implemented in accordance with the agreed statement before the development is first brought into use.

Reason

In the interests of enhancing biodiversity and ecology in accordance with UDP Policy ENV3.2 'Minimising the Impact of Development,' and the advice as set out in the NPPF.

Energy efficiency:

17

Details for incorporating reductions in CO₂ emissions arising from the development by following the principles outlined in the 'Redrow Homes –Energy Statement – Issue 3,' shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

In the interests of mitigating and adapting the climate change in accordance with Policy CS CS30 'Low Carbon & Renewable Energy Generation,' and the guidance within the NPPF.

Informatives

01

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 bowsers, 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.

02

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.

03

The permission hereby granted does not authorise the position / siting of the future turning head to serve those adjacent gardens off Goose Lane as these fall outside the application red line boundary and are indicatively shown. Prospective developers wishing to develop this land are reminded of the requirements to negotiate access with landowners and to liaise with the Council's Tree Service Manager to ensure that the future prospects of formally protected trees are not unduly affected to their overall detriment.

04

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.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, and was further amended

during the course of the application to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2014/1654
Proposal and Location	Erection of 25 No. dwellinghouses with formation of new means of access at land at Brameld Road, Swinton
Recommendation	Grant subject to conditions



Site Description & Location

This application relates to a number of 'parcels' of land along both sides of Brameld Road in Swinton. The sites were previously occupied by Council owned bungalows but these were demolished around 10 years ago. The sites are now roughly grassed over. The site on the southern side of Brameld Road slopes up to the north, away from the road whilst the sites on the northern side of Brameld Road are relatively level with the highway. The street is tree lined, with the trees being set within the footway to the highway.

The surrounding area consists of residential properties. On one side of Brameld Road there are traditional semi-detached dwellings which are set on the roads running at a right angle to Brameld Road (Toll Bar Road/Griffin Road/Rookery Road), whilst on the opposite side there is a mix of traditional semi-detached dwellings and two storey flats which are also set at a right angle to Brameld Road. There is evidence of the old pathways on the southern side of Brameld Road which remain as adopted highway.

Background

RB2006/2135 – Application to determine whether prior approval is required for the method of demolition and restoration of the site re: demolition of 6no. semi-detached dwellings – Prior Approval Not Required;

RB2006/2361 – Application to determine whether prior approval is required for the method of demolition and restoration of the site re: demolition of 4 semi-detached bungalows - Prior Approval Not Required

Proposal

This application seeks permission for the erection of 25no. dwellings consisting of the following mix of units:

- 10 bungalows;
- 3 detached two storey dwellings;
- 2 blocks of 3no. two storey terrace dwellings;
- 1 block of 6no. two storey terraced dwellings.

The proposed site layout shows the semi-detached bungalow properties sited on the northern side of Brameld Road, all of which have their main elevations facing on to Brameld Road with parking spaces provided within the curtilage of the dwelling and a private amenity space to the rear.

The two storey properties are sited on the southern side of Brameld Road and the site layout indicates two cul-de-sacs running at a right angle to Brameld Road with a row of 3 two storey dwellings facing onto each cul-de-sac. The detached properties and 6 terraced dwellings are orientated with the main elevation facing Brameld Road.

The scheme is to be delivered by a Housing Association and will provide 100% Affordable Housing to remain affordable in perpetuity.

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

Design and Access Statement

The scheme is for the redevelopment of the site by Arches Housing Association for over 55's bungalows, wheelchair bungalows, 2bedroom general let units and 3 bed general let units funded by HCA grant. The HCA have stated that the development needs to commence on site by September 2015.

The design retains the historic street pattern and allows the development to integrate with the existing community. It follows the grain of the existing site environment/levels and faces to the south west and north east.

Tree Survey

The conclusion of the tree survey states that there is no reason why this project should be unduly influenced by the trees adjacent to the site. Whilst removal of all of the trees is not advocated, if working around them proves to be difficult then removal and replacement is a reasonable course of action. If the project led to the renewal of the highway tree stock it could be looked upon as a positive outcome.

Ecology Report

The conclusion of the Ecology Report is that the habitats recorded on the site were of limited ecological value and diversity and most of the site is composed of species poor amenity grassland with little floristic diversity. There are no signs or evidence of notable or protected species, including BAP species recorded and no impacts upon the statutory protected sites are anticipated.

Flood Risk Assessment

The Flood Risk Assessment submitted in support of the application states that the site lies within Flood Zone 1 and the development is appropriate. As such the conclusion of the report is that the site is not at risk of flooding.

Site Investigation

This report concludes that there is no visibly contaminated material on the surface of the site, nor is there any distressed vegetation suggestive of significant or serious contamination. There do not appear to be any major geotechnical constraints to developing the site, however, there are a number of aspects that need to be taken into consideration and these are outlined in a recommendations section of the report.

Archaeological Evaluation

The conclusions of this report are that no archaeological remains were identified in any of the eight trenches excavated either side of Brameld Road. Only demolition rubble, modern services and two undated shallow irregular features were recorded.

The latter features are on similar alignments to field boundaries shown on late 19th- and early 20th-century mapping and are most likely remnants of relatively modern field boundaries truncated during construction of housing in the 1930s-40s. No artefacts were recovered during the fieldwork.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS7 'Housing Mix and Affordability'

CS20 'Biodiversity and Geodiversity'
CS22 'Green Space'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV3.2 'Maintaining the Character and Quality of the Environment'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 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)."

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.

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

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots.'

The Council's minimum Parking Standards (adopted June 2011).

The Council's Interim Planning Statement on Affordable Housing (2008).

The South Yorkshire Residential Design Guide (SYRDG).

Publicity

The application has been advertised by way of a press notice, site notices and letters to neighbouring properties. One letter of objection has been received which raises the following points:

- The site was previously occupied by bungalows. The development is not therefore a like for like replacement. The proposal will double the number of residents previously housed on this street;
- The plans indicate that no asbestos checks have taken place but asbestos was identified and dealt with during the demolition of the bungalows;
- Yorkshire Water regularly post leaflets to local residents stating that drains are blocked and residents should be more aware of what they are putting down the

drains but the application notes that the drainage pipes are suitable for the additional housing. There is no note in the application of blockages and flooding from drains that has taken place in the past;

- The housing association note that they will replace fencing with adjoining owners consent but when replacing fencing at 46 Toll Bar Road fencing had to be erected within the boundary of the dwelling. Now vegetation has ground from the application site due to lack of maintenance. If new fencing is to be put up it needs to be done within the site. Also the existing boundary wall has not been maintained since the bungalows were demolished.

In addition to the above letter one request for a right to speak has been requested from the resident of 45 Brameld Road.

Consultations

Streetpride (Transportation Unit) – no objection subject to conditions;

Streetpride (Landscape Team) – no objection subject to conditions;

Streetpride (Ecologist) – no objection subject to conditions;

Streetpride (Tree Service Manager) – no objection subject to replacement planting to be secured through a condition;

Streetpride (Greenspaces Team) – No objection;

Neighbourhoods (Affordable Housing Officer) – This is a wholly affordable housing scheme where all 25 units will be delivered as affordable housing in perpetuity via one of the Council's Housing Association partners;

Neighbourhood and Adult Services (Environmental Health) – no objections;
Environment Agency – no comments;

Appraisal

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

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

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

The main considerations in the determination of this application are:

- Principle
- Design and Visual Amenity
- Residential Amenity
- Highways Issues

Loss of Trees

Principle

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

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 47 of the NPPF requires that: local planning authorities to (amongst other things): identify and update annually a supply of specific deliverable sites sufficient to provide five years supply of housing.

Paragraph 49 of the NPPF adds that: “...housing applications should be considered in the context of the presumption in favour of sustainable development.

UDP Policy HG4.3 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.”

The site is allocated for residential use within the Unitary Development Plan and is considered to be a windfall site where its development will contribute to the required housing figures for the borough. It is considered that given the sites location within a built up area of Swinton, which is in close proximity to existing housing, facilities, services and local public transport, the development is in a sustainable location that would accord with the presumption in favour of sustainable development.

Whilst currently grassed, the application sites were not assessed within the green space audit as they were occupied by dwellings until quite recently. This indicates that they do not have an established recreational open space function and are not considered to be ‘open space’ as defined in the NPPF. Furthermore, their location relative to the highway and neighbouring properties mean that they have limited potential value as green spaces and there is considered to be an adequate supply of greenspace/parks within the locality to meet the needs of the community.

Layout, design and visual amenity

In respect to layout considerations, UDP Policy HG5 'The Residential Environment,' encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF.

This is further underpinned by Core Strategy Policy CS28 'Sustainable Design' which states 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."

Paragraph 56 of the NPPF notes 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."

The proposed development comprises of a mix of housing types including bungalows and two storey dwellings (in terraced and detached form). The design of the properties is relatively simple in fenestration and it is considered that the layout follows the form of the surrounding residential environment and provides a strong streetscene along Brameld Road.

The proposed bungalows have regular design and a mixture of small feature gables over the doors and more prominent projecting gable features to the front elevation which is considered to add visual interest to the street scene. The two storey properties have been designed to sit within the site and utilise (an upgraded) part of the existing adopted highway which runs at 90 degrees to Brameld Road. This will allow for the two blocks of three terraced properties to sit at 90 degrees to Brameld Road and have their front elevations facing on to the proposed parking areas and access roads.

The design of the two storey properties is also relatively simple with gable roof designs and regular fenestration. Windows have been shown at ground floor in the side elevations of the properties which are sited at 90 degrees to Brameld Road to add visual interest within the street and avoid blank gable walls.

The boundary treatment comprises of a mixture of low brick walls where the features existing within the street scene and railings of a similar height elsewhere. To the rear boundaries the treatment consists predominantly of 1.8 metre close boarded fencing. The boundary treatment is considered to represent a high quality design which is appropriate for the locality.

It is considered that the scheme has been sympathetically designed taking account of the characteristics and constraints of the site and the character of the surrounding area. Therefore the scheme is considered to be of an appropriate size, scale, form, design and siting that would ensure it would enhance the quality, character, distinctiveness and amenity value of the borough's landscape in this locality and will be visually attractive in surrounding area given the current dilapidated state of the existing buildings.

In light of the above it is considered that the design of the proposal is one that is acceptable and would satisfy the relevant design policies and guidance of the NPPF, NPPG, Core Strategy and UDP.

Impact on Residential 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 (amongst others) should:

- always seek... a good standard of amenity.”

As noted above, the inter-house spacing standards contained within the Council’s Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: ‘Residential infill plots,’ which indicates that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing habitable room windows at first floor should be located within 10 metres of a boundary with another property.

The SYRDG further advocates that for the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings.

In the majority of cases the standard separation distances are achieved with the exception of the length of the rear garden areas of the bungalows. The required garden length set out the SYRDG and SPG is 10 metres, and the distance achieved on site is 8 metres. In this instance, given that the properties are single storey and boundary treatment at a height of 1.8 metres will be provided along the rear boundary, it is not considered that the development would result in a loss of privacy to existing private rear garden areas.

The proposed layout shows that both internal and external spacing standards which are set out in the South Yorkshire Residential Design Guide are achieved.

Overall, it is considered that the proposed layout represents an acceptable development which would not result in a significant impact on residential amenity of existing or proposed properties and therefore complies with the above mentioned policies.

Affordable housing:

In regard to affordable housing provision, Core Strategy Policy CS7 ‘Housing Mix and Affordability’ states:

- a. Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.
- b. The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:

This reflects the advice in the Council’s Interim Planning Statement (IPS) on Affordable Housing (2008).

Paragraph 50 of the NPPF states that: “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

The scheme is to be developed by Arches Housing Association and represents 100% Affordable Housing on site. The proposed development aims to develop specific affordable housing for which a need has been identified including disabled persons units and therefore meets with the aims and objectives of the above mentioned policies.

Highways Issues

Core Strategy CS14 Accessible Places and Managing Demand for Travel, promotes new development in highly accessible locations such as town centres.

The site is considered to be within a sustainable location where there is good access to a range of transport modes. The proposed level of car parking is also considered to be appropriate as it complies with the Council’s minimum parking standards.

As mentioned above, there are a number of adopted highways within the site (which are remnants of the development which previously occupied the site). The closure of those which are not being retained will require a stopping up order for which an application is currently being progressed. The alterations result in the retention of some of the adopted areas and re-use as access to the plots which lie at 90 degrees to Brameld Road together with car parking. In addition, access has been retained to the flats to the south of the site via paths and gated access points.

In addition to those issues there are a number of trees within the highway some of which will need to be removed to facilitate the development. The loss of these trees is dealt with in the subsequent section, however, the works within the highway (removal of the trees and reinstatement of the footway) are recommended to be dealt with by way of a Grampian style condition requiring the works to be completed prior to the commencement of development. These works are to be carried out at the developer’s expense.

Overall, the proposal complies with Core Strategy Policy CS14 and the relevant sections of the NPPF.

Loss of Trees

UDP 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."

There are a number of trees within the highway, a number of which are proposed to be removed as a part of the application due to their location where there are vehicular access crossings or due to the proximity to the proposed new buildings. The trees are not protected but they do lie within the adopted highway. Whilst a number of the trees are considered to be in good health and with good future prospects in most cases they are causing damage to the footpath and the desirability of their retention in the current position is therefore questionable given that the footpath cannot be repaired whilst they are in the current position.

The proposed site layout indicates that a number of trees will be removed and an equivalent number will be replaced at the expense of the applicant.

The Tree Service Manager recognises that whilst a number of the trees which are shown to be removed are in a good state of health, there is damage to the footway as a result of their growth. Their cost of the removal, reinstatement of the footway and replacement planting are all to be covered by the applicant and this is secured by way of a Grampian style condition.

Conclusion

In conclusion, the proposed development is considered to be acceptable in principle given that the site is allocated for residential use and will contribute to the housing figures required for the borough. The design, scale and layout of the development is considered to be appropriate and the development will not result in a materially detrimental impact upon the residential amenity of existing or future occupiers of dwellings.

In addition, whilst the development results in the removal of some trees within the highway, a condition will secure their appropriate removal and reinstatement of the footway together with replacement planting.

In highway terms the site is considered to lie within a sustainable location and an appropriate level of car parking and visibility is provided at the site.

The application is therefore recommended for approval subject to the conditions listed below.

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 14-532-C1, C3, C4, C10A-15A, C33, C29A, 30b and 31B, C19D, C19-1D, C19-2C and C19-3B)(received 17 December 2014, 27 February 2015 and 20 March 2015)

Reason

To define the permission and for the avoidance of doubt.

03

Prior to the construction of the dwellings hereby approved, 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' of Rotherham's Core Strategy.

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 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'.

05

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

Reason

No details having been submitted they are reserved for approval.

06

Prior to the commencement of development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be

implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

07

No development shall take place until the trees shown to be removed on plan 14-532-C30B and 14-532-C31B have been removed, the highway reinstated in accordance with details to be submitted and approved by the Local Planning Authority and any replacement planting within the adopted highway carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Any additional replacement trees which are to be planted outside of the adopted highway shall be planted before the occupation of any dwelling.

Reason

To ensure that an acceptable scheme for the removal, reinstatement of the highway and replacement planting is carried out in an acceptable manner.

08

Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and in the interests of the visual amenities of the area, in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

09

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and in the interests of the visual amenities of the area, in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

10

Prior to the occupation of any dwelling, a scheme indicating how biodiversity gain will be achieved on site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any dwelling.

Reason

To ensure that biodiversity gain is achieved on the site in accordance with the NPPF.

11

Ground gas monitoring is required to determine the ground gassing regime at low and falling atmospheric pressure conditions. As a minimum gas monitoring should be undertaken on 6 occasions. This will enable a current gas risk assessment to be undertaken, to determine a gas membrane specification required for the proposed development. The gas protection measures required for the site will need to be agreed in writing by the Local Authority prior to development commencing.

Reason:

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

12

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

Reason:

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

13

Prior to development if subsoil's / topsoil's are required to be imported to site for garden/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of testing will need to be presented in a Verification Report.

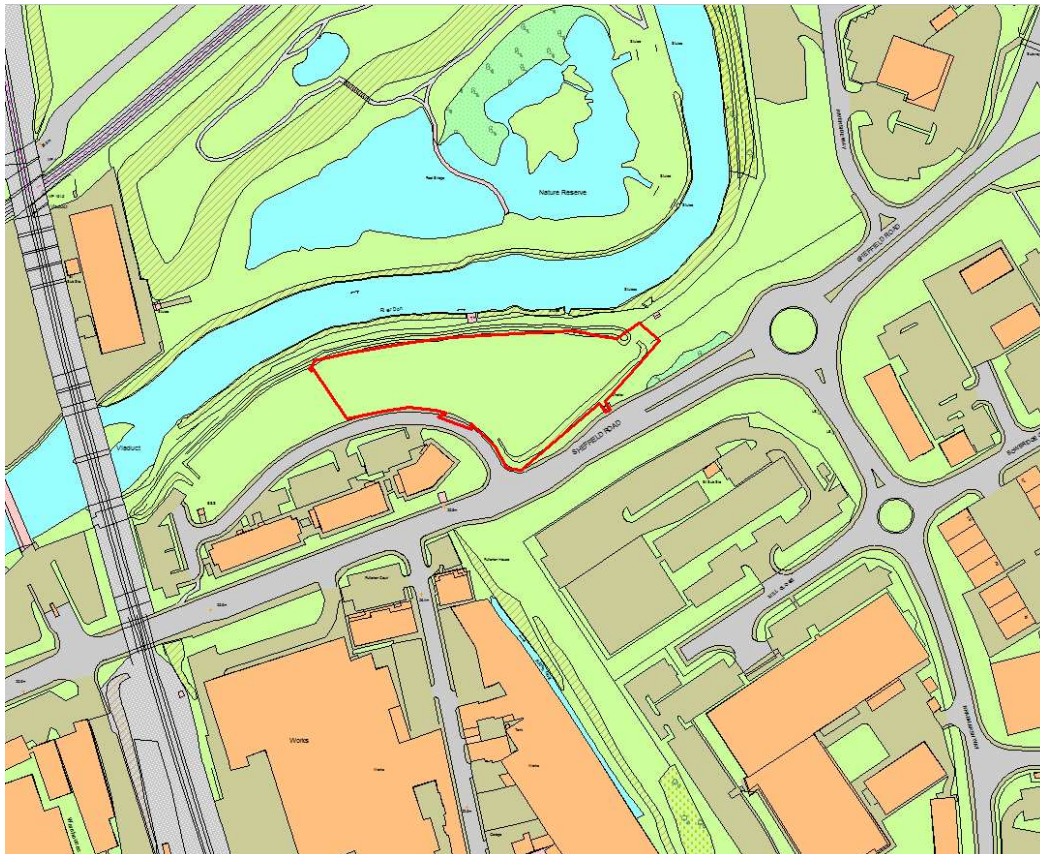
Reason:

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

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.

Application Number	RB2015/0185
Proposal and Location	Application to vary conditions 02, 09 and 11 imposed by RB2014/1590 (Diversion of goit and erection of single storey and two storey restaurant/public house (Use Class A3/A4) with ancillary residential accommodation at first floor and associated external play area, together with means of access, car parking, landscaping and ancillary works) at Land at Phoenix Riverside, Templeborough
Recommendation	Grant subject to conditions



Site Description & Location

The application site is located to the north of Sheffield Road on land forming part of a development site known as Phoenix Riverside. The north of the site adjoins the River Don, the west adjoins the brick arched railway viaduct, with the east of the site adjoining undeveloped land in alternative ownership.

Between the site and Sheffield Road, stand 3, two story office blocks that have been developed within recent years on the frontage of Sheffield Road. The application site is approximately 1 metre higher than the footway on Sheffield Road, as the site has been raised for flood alleviation reasons. The site has also previously been built up to form a development platform and is currently overgrown.

The Trans Pennine Trail runs along the top of the bank, following the route of the river. The land beyond the river to the north forms a wetland/wildlife area – Centenary Riverside. The area surrounding the site is generally commercial in nature with

industrial and business uses to the south, and a car dealership to the east. Ickles Goit passes beneath the site at the eastern end, it is a local watercourse that discharges in to the River Don. It passes beneath the site in a large duct, forming a dog-leg within the site.

Background

Members may recall an application being presented recently under reference RB2014/1590 for the diversion of goit and erection of single storey and two storey restaurant and public house (Use Class A3/A4) with ancillary residential accommodation at first floor and associated external play area together with means of access, car parking, landscaping and ancillary works.

This application seeks amendments to the conditions attached to this permission.

EIA Screening Opinion

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 0.5 hectares. However, taking account of the criteria set out in Schedule 3, it is considered that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

Accordingly the Authority has adopted the opinion that the development referred to above is not EIA development as defined in the 2011 Regulations.

Proposal

This application seeks to vary 3 conditions attached to the recently granted planning permission to develop the site for a restaurant and public house.

The aim of this application is to substitute plan reference numbers to allow for:

1. Minor amendments to the level of the car parking area to the south and west of the building (substitution of the site plan). Levels are proposed to be increased to reduce the amount of material to be removed from the site. The maximum change in levels is 900 mm at the southern most part of the car park bounding on to Phoenix Riverside; and
2. To rectify a discrepancy which has come to light in terms of the latest plan references for the approved drainage details. The plans that are proposed to replace those listed have been approved by the Environment Agency in a recent discharge of condition application and the amendment will allow the planning permission to be consistent with the details submitted to discharge a relevant drainage condition. The new references are BGK55_10 C2 and BGK55_11 C2.

Development Plan Allocation and Policy

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

The application site is allocated for industrial and business use in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS9 'Transforming Rotherham's Economy'
CS12 'Managing Change in Rotherham's Retail and Service Centres'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS25 'Dealing with Flood Risk'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

EC3.1 'Land Identified for Industrial and Business Uses'
EC3.3 Other Development within Business and Industrial Areas

Other Material Considerations

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

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

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

Publicity

The application has been advertised by way of site notice and letters to neighbouring properties. No comments have been received.

Consultations

Streetpride (Transportation Unit) – No objections
Streetpride (Landscape Section) – no objections
Environment Agency – no objections

Appraisal

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

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

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

The main considerations in the determination of this application are:

Principle
Impact on Visual Amenity
Drainage considerations

Principle

The principle of this development is established by the extant planning permission for this site. This application seeks to amend conditions to allow for a minor amendment to the site levels and to regularise a discrepancy with the approved drainage layout.

Impact on visual amenity

Paragraphs 56 and 57 of the NPPF state 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... It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.’

In addition, Policy CS28 of the Core Strategy aims to ensure to ensure that design always takes the opportunity to improve the character and quality of an area and the way it functions.

The only amendment which would have any visual impact proposed by this application is the amendment to levels. The most notable change in levels from those approved is the 900mm adjacent to Phoenix Riverside (within the car parking area). Whilst this level difference is not insignificant the levels now proposed will result in the removal of less material on site meaning that the levels would be retained closer to those which currently exist on site and are already evident within the street scene. It is not considered that the alteration would be materially detrimental to the street scene or would have a substantially different appearance to the site as existing.

Overall, the proposed amendments are considered to be acceptable and in accordance with the above mentioned policies.

Drainage considerations

The Environment Agency recommended a condition on the original permission for this site (Condition 11) which required provision of a scheme for surface water drainage to be submitted and approved prior to the commencement of development. There was

some discrepancy between the approved plan references set out in the remainder of the decision notice and those plans which were approved by the Environment Agency which represents slight amendments and later revisions to the plans. The proposal to substitute the drainage plan references in Conditions 2, 9 and 11 will regularise any discrepancy and the Environment Agency have confirmed that the plan reference numbers are those which have been approved.

Conclusion

In conclusion it is considered that the proposed amendment to the levels within the car park would not have a significant impact on the appearance of the site given that the amendments result in the retention of levels closer to those which currently exist on site. Furthermore, the amendment would result in the removal of less material from the site and therefore there are no highway safety issues associated with this proposal.

The substitution of plan references relating to the drainage details will ensure consistency with the approved drainage scheme as a part of Condition 11 and those details approved by the Environment Agency and are therefore also considered to be acceptable.

Conditions

01

The development hereby permitted shall be commenced before 29th January 2018.

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 1574/03D, 1574/04C, 1574/05C, 1574/06A, 1574/07A, 1574/08A, 1574/09, 1574/10B, 1574/11B, 1574/12, 1574/13A, 1574/14, 076253 and BGK55_10 C2 and BGK55_11 C2)(dated Sept 2014 and received 2 December 2014, 21 January 2015 and 16 February 2015)

Reason

To define the permission and for the avoidance of doubt.

03

The boundary treatment shown on plan references 1574/05 Rev. B and 1573/13 shall be completed before the pub/restaurant is brought into use.

Reason

In the interests of the visual amenities of the area and in accordance with Core Strategy policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's.

04

Landscaping of the site as shown on the approved plan (drawing no.1574/05 revB) 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.

05

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

Reason

To ensure biodiversity gain is achieved on site in accordance with Core Strategy Policy CS20 and the NPPF.

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 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.

07

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

Reason

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

08

The redundant vehicular access crossings fronting the site shall be closed and the footway/kerbline reinstated before the development is brought into use.

Reason

In the interest of highway safety.

09

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

Reason

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

10

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by RBS (dated November '14), plans by Crawford and Co. and JDA, email correspondence from Walsingham Planning (dated 5th January '15) and the following mitigation measures detailed within the FRA:

1. The surface water drainage scheme shall be carried out in accordance with details set out in the details from Crawford & Co dated 23 February 2015 entitled 'Land at Phoenix Riverside, Templeborough, Rotherham', drawings BGK55_10 Rev C2, BGK55_11 (revision C2) and D112423_AB_D_02 received 16 February 2015.
2. Finished floor levels within the building shall be set no lower than 27.98 m above Ordnance Datum (AOD), as stated within section 9 of the FRA (the FRA states this level is 600mm above the 1 in 200 year modelled water level for the River Don).
3. A permanent easement strip of land adjacent to the landward side of the toe of the flood embankment, to be kept clear of all new buildings and structures including decking, gates, walls, fences and trees) except those as shown on drawing 'Proposed Site Plan' by JDA 28/10/14 and as detailed in section 9 of the FRA and email correspondence from Walsingham Planning 05/01/15. Any changes to the site plan should to be agreed in writing with the Local Planning Authority in consultation with the Environment Agency.
4. Diversion of Ickles Goit culvert so that it passes beneath the proposed car park, as stated in section 9 of the FRA and as shown on drawing BGK55-11 PL1 by Crawford and Co. (dated 20/11/14).

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the impact and risk of flooding on the proposed development and future occupants, to maintain access to the flood defence embankment for maintenance or improvements and to maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

11

In all areas of proposed soft landscaping a clean capping layer of a minimum of 300mm of subsoil/topsoil shall be used to promote plant growth. If subsoil's / topsoil's are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to site then the results of testing thereafter shall be presented to the Local Authority in the format of a Validation Report.

Reason

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

12

Gas protection measures shall be provided in accordance with the recommendations specified within Table 22, under section 23.0 – Conclusions & Recommendations, page 23 of the Combined Phase I and II Report for land located within the curtilage of Phoenix Riverside Business Park, Rotherham – Prepared by CC GeoTechnical Limited, dated November 2014, Reference CCG-C-14/7810, Final Version. The gas protection measures will be validated by an independent third party and the results of which will be provided in a Validation Report to the Local Planning Authority before the development is brought into use.

Reason

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

13

Foundations and ground floor slabs shall be installed in accordance with section 22.0 – Foundations and floor slabs recommendations, page 22 of the Combined Phase I and II Report for land located within the curtilage of Phoenix Riverside Business Park, Rotherham – Prepared by CC GeoTechnical Limited, dated November 2014, Reference CCG-C-14/7810, Final Version.

Reason

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

14

Following completion of any required remedial/ground preparation works (including gas protection membranes) a Validation Report will be submitted to and approved by the Local Authority. The Validation Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

Reason

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

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.

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 2nd April 2015

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

1 Proposed Tree Preservation Order No 6 2014 – former School
House, Church Street, Greasbrough, Rotherham, S61 4EL

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
2ND APRIL 2015

Item 1

Proposed Tree Preservation Order No 6 2014 – former School House, Church Street, Greasbrough, Rotherham, S61 4EL

RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 6 (2014) with regard to 10 Lime Trees subject of this report, situated within the curtilage of the former School House, Church Street, Greasbrough, Rotherham, S61 4EL under Section 198 and 201 of the Town and Country Planning Act 1990.



Background

A planning application was submitted in August 2014 for the conversion of the building to form 2 no. dwellinghouses (ref: RB2014/1176). The application was granted conditionally in December 2014.

During the application process the Lime trees on the site (11 in total) were assessed by the Council's Arboriculturist. The Council's Arboriculturist report states the site contains 11 trees which are categorised as 'B' category in accordance with BS5837 Trees in Relation to Design, Demolition and Construction – Recommendations, e.g. trees of moderate quality whose retention is desirable. Collectively they provide valuable amenity within the

local Conservation Area and for this reason their retention is desirable whilst their condition allows or unless there are other reasons to justify their premature removal. When tested they meet all the criteria for inclusion in a new TPO.

Although all the trees meet the TPO requirements it was acknowledged that a tree positioned approximately 2 to 3 metre from the existing rear extension could be removed as part of the application, but the remaining 10 would be subject of a new TPO to minimise the impact of any development on local amenity and the important contribution they make to the character of the local Conservation Area.

A site visit with the applicant was arranged to discuss the removal of the tree sited on the boundary with no. 1 Church Street, no information was put forward indicating why this tree had to be removed. The Council's Arboriculturist indicated that as no evidence has been submitted to show its removal is required / unavoidable, not all of the concerns regarding the proposed development and its impact on existing trees that provide valuable and important amenity have been overcome.

At the site meeting it was noted that work had been carried out to 6 of the trees located along the sites front boundary in the way of inexpert pruning and given the site is within a Conservation Area the works were also unauthorised and thus constituted illegal works to trees protected by being sited in a Conservation Area. This was raised with the applicant who appeared unaware of the issue or its severity given the illegal works to protected trees can result in prosecution. The applicant was reminded on site of their duty of care given the sites location, and a strongly worded letter was also sent to them outlining the potential issues.

Although the work was done inexpertly and has slightly affected their appearance the trees still meet the requirements for protecting under a new TPO.

The TPO was made on 8 December 2014 and all interested parties notified and an objection was subsequently received.

Objections

The objection to the making of this order was received from Mr Jamie Cassidy and Mr Carl Brailsford, the owners of the site and the applicants on planning application RB2014/1176, the reasons for his objection can be summarised as follows;

- The Trees that form the TPO have been under the RMBC duty of care for a considerable amount of years, there is no sign of any management nor periodical maintenance of the trees in question. It appears they have been merely neglected by RMBC and left to grow without consideration to the property and / or local neighbours.

- An extensive sewer and drainage CCTV survey has been carried out, and trees T1 to T4 have caused considerable root damage to the drains.
- We have no intention to fell trees T5 to T10. An application will be made to use a qualified Tree Surgeon to carry out required pruning and maintenance only.
- Tree T1 is overhanging the property, causing surface damage to the tarmac and is heaving the retaining wall. This tree should be given consideration to be felled. Evidence of the damage / condition of the tree can be provided prior to the Planning Board Meeting.
- We feel the RMBC "TEMPO" Evaluation form is inaccurate. Trees T5 to T10 form part of a group, however Trees T1 to T4 are individual and therefore require an individual "TEMPO". On an individual score T1 would not qualify for a TPO.

Councils Arboriculturist Report

The Trees and Woodland Section have considered the objections raised and the Arboriculturist's report in response states that:

The main parts of the objection appear to be as follows.

- The trees have previously been left to grow by RMBC without any management.
- An extensive sewer and drainage CCTV Survey has been carried out and T1 and T4 have caused considerable root damage to the drains.
- No intention to fell trees T5 to T10. An application will be made to use a qualified Tree Surgeon to carry out required pruning and maintenance only.
- T1 is overhanging the property, causing surface damage to the tarmac and heaving the retaining wall. Evidence of damage / condition of the tree will be provided upon request to the Planning board meeting.
- TEMPO evaluation form is inaccurate. T1 to T4 are individual trees and require an individual evaluation. On an individual score T1 would not qualify for a Tree Preservation Order. A more accurate survey is requested to be completed prior to the Planning Board meeting

Description of the trees

The trees are mature Lime that varies in height between 12 to 15.6m. Outwardly they appear in reasonably good condition with reasonably good future prospects. Collectively, they provide valuable and important amenity within Greasbrough Conservation Area, particularly the 6 trees positioned at the front of the building adjacent to Church Street. However, due to the size of the trees and sloping nature of the site, from the north down to the south, the trees to the rear of the buildings are also visible from a distance when viewed from the south.

The trees have previously been left to grow by RMBC without any management

From electronic records the Council have previously been a tenant of the land that appears to be the responsibility of the Church of England. It is unknown who may have been responsible for any maintenance to the trees during the tenancy period. However, the Council's Tree Service has carefully pruned some of the trees in the past to maintain adequate clearance above ground level over the highway and the dwellings to the west. If retained the trees will no doubt benefit from a small amount of careful pruning to ensure they are maintained in a safe and healthy condition. Indeed, advice was given to the objector at a site meeting on 9 March 2015, about a level of pruning that may be acceptable if an application is made to prune them accordingly. At the time the objector appeared to be happy with the level of pruning that may be permitted.

An extensive sewer and drainage CCTV survey has been carried out and T1 and T4 have caused considerable root damage to the drains

I am not aware of any evidence being provided of the survey report and its recommendations to help resolve any current difficulties of tree root encroachment into the drains. Roots may enter drains but this is normally due to an existing defect e.g. broken pipe or loose joint collar, rather than roots forcibly gaining entry. Repairs can often be undertaken to resolve this type of difficulty without requiring the removal of trees, particularly if they are important amenity trees.

No intention to fell trees T5 to T10. An application will be made to use a qualified Tree Surgeon to carry out required pruning and maintenance only

The owner's intention to retain the trees and employ a suitably qualified and experienced tree work contractor to carry out any future pruning is noted. However, despite this, unauthorised and inexpert pruning has been carried out to T5 to T10 and this was reported as a serious breach of the Conservation Area regulations. Including the trees in a TPO will help control and monitor any future works to the trees to ensure it is completed in accordance with an agreed schedule of work and BS3998 Tree Work Recommendations. This is important to ensure the amenity the trees provide within the local Conservation Area is not adversely affected.

T1 is overhanging the property, causing surface damage to the tarmac and heaving the retaining wall. Evidence of damage / condition of the tree will be provided upon request to the Planning board meeting

Part of the branch framework of T1 does overhang the building. However, careful pruning will provide adequate height clearance to avoid any physical contact. I am not aware of any evidence being submitted regarding the alleged damage to the tarmac and retaining wall. However, a site inspection confirms the tarmac and wall are disturbed in proximity to the tree. The inclusion of T1 in the provisional Order has acted as a holding measure until any evidence is provided to show T1 is the direct cause or major influencing factor to any damage and the defects cannot be resolved without requiring its

removal. If the Order is confirmed without modification any evidence provided in the future to indicate the removal of the tree is unavoidable for these reasons may be considered at that time.

TEMPO evaluation form is inaccurate. T1 to T4 are individual trees and require an individual evaluation. On an individual score T1 would not qualify for a Tree Preservation Order. A more accurate survey is requested to be completed prior to the Planning Board meeting

The TEMPO (Tree Evaluation Method for Preservation Orders) evaluation was completed for the site as a whole and this is standard practice in dealing with these matters. It is unclear why the objectors consider T1 would not qualify on its own merits, unless it is due to the alleged damage to the stone boundary wall. The responsibility for the wall is unknown. However, if it is the responsibility of the objectors then T1 is not recognised as a nuisance as an ordinary English law concept, for the purposes of this legislation. An individual evaluation of T1 shows it would meet all the criteria unless it is given a '0' zero score for section b) retention span of the amenity assessment. According to the TEMPO advice this may indicate a tree should not be included in an Order. However, it is only advice and does not stop a tree being protected at least as a holding measure until any evidence is provided to justify its premature loss and any subsequent adverse impact this may have on local amenity.

The Trees and Woodland Section concludes that the objection to the Order has been carefully considered and they are not aware of any evidence to substantiate the reasons given not to include the 10 Lime trees in the new Order. Therefore, in this instance there does not appear to be any reason not to confirm the Order without modification.

Conclusion

The evaluation shows all the trees concerned meet all the criteria for inclusion in an Order and this is defensible. The trees contribute to overall amenity and their retention will preserve the character of the Conservation Area. No evidence has been provided to substantiate the reasons to exclude any of the trees from the Order.