

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

Date:- Thursday, 10 December 2015 **Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH**
Time:- 9.00 a.m.

PLANNING BOARD AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
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 19th November 2015 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (Pages 7 - 129)
8. Report of the Director of Planning Regeneration and Culture (Pages 130 - 139)
9. Updates
10. Date of next meeting - Thursday 7th January, 2016

Membership of the Planning Board 2015/16

Chairman – Councillor Atkin
Vice-Chairman – Councillor Tweed
Councillors Astbury, Cutts, Godfrey, Lelliott, Middleton, Pickering,
Roche, Rosling, Sims, Smith, R.A.J. Turner, Whysall and Yasseen.



**Catherine A. Parkinson,
Interim Director of Legal and Democratic Services.**

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING 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
19th November, 2015

Present:- Councillor Atkin (in the Chair); Councillors Astbury, Cutts, Godfrey, Middleton, Pickering, Roche, Sims, Smith, John Turner, Whysall, Yasseen and Roddison (as substitute for Councillor Lelliott).

Apologies for absence were received from Councillors Lelliott and Tweed.

55. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

56. MINUTES OF THE PREVIOUS MEETING HELD ON 29TH OCTOBER 2015

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 29th October, 2015, be approved as a correct record for signature by the Chairman.

57. DEFERMENTS/SITE VISITS

Resolved:- (1) That no site visits be recommended from this meeting's agenda.

(2) That consideration of application RB2015/1172 be deferred to enable a public consultation exercise to take place with local residents about the details of the use of the proposed development and this application be submitted for re-consideration at the meeting of the Planning Board to be held on Thursday, 7th January, 2016.

58. 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 spoke about the application listed below:-

- Proposed installation and operation of a ground mounted solar farm and associated infrastructure at land at Penny Hill Lane, Ulley for Banks renewables (Penny Hill Solar Farm) Ltd. (RB2015/1084)

Councillor D. Hughes (Ward Councillor, supporting the application)
Mr. D. Fielding (supporter)

- Change of use of former library, former Council offices and erection of a three storey building to form a residential institution (Use Class C2) at Rawmarsh Branch Library/RMBC Council Offices, Rawmarsh Hill, Parkgate for Action Housing (RB2015/1172)

Mr. R. Bryan (agent on behalf of the applicant Company)

Mrs. Leech (objector)

Councillor G. Whelbourn (Ward Councillor, objecting to the application)

Councillor C. Vines (Ward Councillor, objecting to the application).

(2) That applications RB2015/0283, RB2015/1084 and RB2015/1172 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That consideration of application RB2015/1172 be deferred to enable a public consultation exercise to take place with local residents about the details of the use of the proposed development and this application be submitted for re-consideration at the meeting of the Planning Board to be held on Thursday 7th January, 2016.

59. APPEAL DECISION - REFUSAL OF APPLICATION FOR THE PROPOSED ERECTION OF 8 DWELLINGHOUSES WITH ASSOCIATED WORKS AT LAND AT MILLICENT SQUARE, MALTBY FOR MICHAEL DYSON ASSOCIATES (RB2014/1513)

Further to Minute No. 73(4) of the meeting of the Planning Board held on 19th February, 2015, consideration was given to a report of the Director of Planning, Regeneration and Culture concerning the decision of the Planning Inspectorate to dismiss the appeal lodged against the decision of the Council to refuse planning permission for the Erection of 8 No. dwellinghouses with associated works at land at Millicent Square, Maltby for Michael Dyson Associates (RB2014/1513).

The Planning Inspector had concluded that this proposal:-

(i) would not have an acceptable effect upon green space provision in the area;

(ii) does not accord with the National Planning Policy Framework, as it has not been clearly shown that the green space is surplus to requirements and consequently the appeal site should not be built on; and

(iii) does not accord with the Rotherham Local Plan Core Strategy Policy CS22 and saved Unitary Development Plan Policy ENV5.1. Core Strategy Policy CS22 sets out that the Council will seek to protect and improve the quality and accessibility of green spaces available to the local community including protecting and enhancing green space which contributes to the amenities of the surrounding area.

Resolved:- That the report be received and the decision of the Planning Inspector to dismiss the above appeal be noted.

60. UPDATES

Members were reminded of the arrangements for a training session about planning and development issues, to be held at the Town Hall, Rotherham on Thursday afternoon, 10th December 2015. It was agreed that future training would include the process for the making of Tree Preservation Orders.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING 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 Regeneration and Culture 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 Regeneration and Culture.
- 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 three 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 THURSDAY 10 DECEMBER 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.

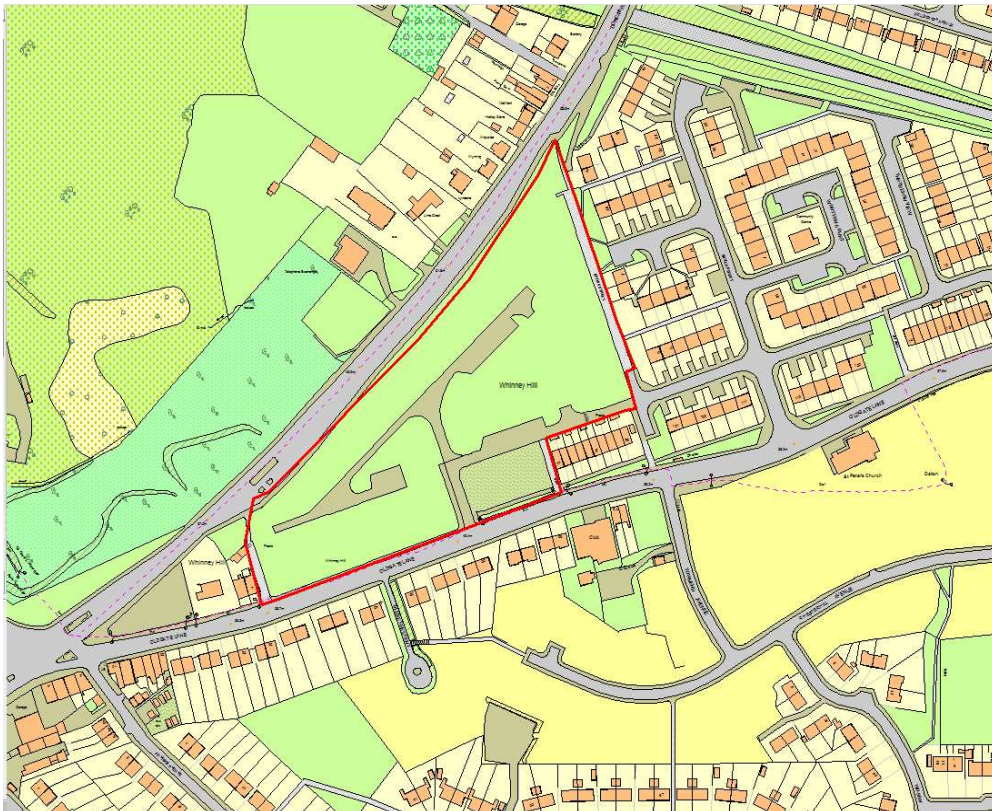
INDEX PAGE

<p>RB2014/0165 Erection of 75 No. dwellinghouses with associated parking and landscaping at land between Oldgate Lane/ Doncaster Road Thrybergh for Keepmoat Homes (Yorkshire)</p>	<p>Page 9</p>
<p>RB2015/0655 Part demolition and conversion of existing building containing 3 apartments to 5 No. apartments and erection of 7 No. apartments at 181 Doncaster Road Thrybergh for Mr P Birch</p>	<p>Page 45</p>
<p>RB2015/1180 Erection of class D2 gym and associated car park at Former Ruscon Site Rotherham Road Parkgate for Litton (Parkgate) Ltd</p>	<p>Page 58</p>
<p>RB2015/1208 Movement and importation of 875,000 cubic metres of material to complete previously approved restoration contours, to be completed within 4 years from 31/12/2015, operating hours 07:30-17:30 Monday – Friday at former Orgreave Reclamation Site Orgreave Road Catcliffe for Harworth Estates</p>	<p>Page 75</p>
<p>RB2015/1229 Outline application for single storey dwelling, including details of scale at land adjacent 2 Worksop Road Woodsetts for Paul Beighton Auctioneers</p>	<p>Page 92</p>
<p>RB2015/1275 Land remediation works to remove residual tar, spent oxide and shallow asbestos contamination, removal of contaminated soils from site followed by backfilling of excavations with site won material and clean import. The site will be capped with 300 mm of clean import outside of hardstand areas, no change in site levels at former Gas Works Station Road Wath-upon-Deerne for National Grid Property</p>	<p>Page 104</p>

RB2015/1383 Application to remove condition 10 (no right turn into and out of the site) imposed by application RB2014/1703 (details of the erection of 9 No. dwellinghouses and formation of access road) at The Croft Worksop Road South Anston for Firsure Ltd & Framecourt Ltd	Page 112
RB2015/1391 Application to vary Condition No. 01 (completion date December 2015) imposed by RB2010/1240 at former Roundwood Colliery Aldwarke Lane Aldwarke for Shires Developments Limited	Page 121

Application Number	RB2014/0165
Proposal and Location	Erection of 75 No. dwellinghouses with associated parking and landscaping at land between Oldgate Lane / Doncaster Road Thrybergh S65 4JP for Keepmoat Homes Yorkshire
Recommendation	<p>A. That the Council enter into an agreement with the developer 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"> • Transferring 15 No. dwellings to the Council as 'affordable homes.' • A financial contribution of £39,491.25 towards the provision of annual (12 month) travel master passes for all dwellings commencing upon first occupation. • A financial contribution of £5,508.75 towards the improvement to existing public open greenspace within Dalton. <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>

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



Site Description and Location

The site to which this application relates comprises a roughly triangular area of land amounting to approximately 2.08 hectares set between Doncaster Road to the north, Oldgate Lane to the south and Cross Street to the east. The site formally contained terraced properties (now demolished), and the existing street pattern running parallel with Doncaster Road and accessed off Cross Street and Oldgate Lane remains in existence and currently provides rear access to those remaining properties (Nos. 77 – 95 Oldgate Lane).

Links from Cross Street / Doncaster Road to the east of the site provide footpath access to further residential properties off Silver Street, some of which are sited end on with others having gardens facing towards the site of application. To the west of the site a further footpath link connects Doncaster Road with Oldgate Lane and provides vehicular access to the rear of Nos 5 & 7 Oldgate Lane.

The site is levels affected in that it slopes both from an east to west direction as well as sloping from north to south and has a natural depression sited roughly central to the site. It is currently seeded down to grass and until the recent bus lane widening scheme undertaken in Doncaster Road along with other site clearance works contained a number of semi mature but self-seeded trees.

Background

The site has no recent relevant planning history relating to it.

Screening Opinion:

The proposals have previously been screened as part of the pre-application advice given by the Council to determine whether an Environmental Impact Assessment should accompany the application, as at that time the area of the development exceeded the 0.5 hectares threshold. This concluded that whilst the proposed development fell within the description contained at paragraph 10b (Urban Development Projects) of Schedule 2 to the 2011 Environmental Impact Assessment Regulations and having met the criteria set out in column 2 of the table in that Schedule, and further taken account of the criteria set out in Schedule 3 to the 2011 Regulations, the Council was 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 Council adopted the opinion that the proposed development for which planning permission was sought was not EIA development as defined in the 2011 Regulations.

Proposal

The application was originally submitted for the erection of 87 No. dwelling houses equating to an overall density of some 48 units per hectare, and comprising a mix of two and three bedroom terraced and semi-detached properties and three and four bedroom semi-detached and detached properties. The scheme indicated that each dwelling would be provided with the appropriate levels of off street parking i.e. one or two parking spaces (dependent upon

dwelling size) and that these would take the form of driveways along with the use of external rear parking courts.

Following officer negotiations, the scheme has subsequently been amended and now seeks permission for the construction of 75 No. dwelling houses utilising a mix of eight house types comprising the following mix:

- 14No. – two bed terrace units;
- 2 No. – three bed terrace units;
- 14 No. - two bed semi-detached units;
- 34 No. – three bed semi-detached units;
- 11 No. – three bed detached units

In terms of scale the dwellings proposed are indicated as being predominantly two storey although one house type is indicated to be two storeys with rooms in the roof.

In addition to the above it is proposed to further increase the width of Cross Street and extend it to enable two way traffic, provide a formal turning head, improve road drainage, and provide street lighting. Furthermore all existing streets are to be 'stopped up,' and a new T shaped access road created with a new access point onto Oldgate Lane proposed along with a further link onto Cross Street.

The existing access (2.7 metres wide) adjacent to No. 77 Oldgate Lane is proposed to be retained, furthermore the existing access adjacent No.7 Oldgate Lane is proposed to be widened to provide a private drive to serve plots 32 – 34, and a new pedestrian / cycle link is proposed to be set midway through the site to link in with a re-sited bus stop on Oldgate Lane and the relocated shelter on Doncaster Road.

With regards to landscaping, as previously noted, owing to site clearance works little on site vegetation exists other than some self-set trees located within the depression in the middle of the site, none of which are proposed to be retained as part of the proposed scheme. Landscaping to the north east corner of the site has been planted as part of the ongoing bus lane improvements adjacent Doncaster Road and the applicant indicates that this landscaping will be extended with further re-grading works (site levels to be altered using traditional 'cut and fill' method with cut up to 4.5m and fill to be placed up to 3.0m), and additional landscaping to the northern boundary. A small 'pocket park,' is proposed within an area where an identified mineshaft exists adjacent Oldgate Lane.

With respect to the proposed palette of building materials, the application indicates the dwellings to be provided with a mix of red and buff brickwork and white / ivory render with grey uPVC casement windows to assist with street scene variety.

In regards to boundary treatments, taking account the site's topography, the application indicates a mix of materials proposed in order to suit the site conditions. Generally plots are to be subdivided with either 1.8 metre or 1.5 metre timber fencing with additional 0.3 metre timber trellis features. Those boundaries within the public realm are indicated as being 1.1 metre metal railings, and 1.8

metre masonry walls or 1.8 metre masonry walls with timber infill panels. Where boundaries are proposed to be used as retaining structures, the applicant's intention is to construct these with either 'gabions' (rock filled cages) at the rear of plots or masonry (feature brickwork) where the site adjoins public vantage points.

With regard to on and off site drainage matters, further amendments have been submitted with a view to providing separate on site drainage systems for the proposed foul and surface water sewer for the development before discharging to the existing public combined sewers owned and maintained by Yorkshire Water. It is confirmed that there are no proposed soakaways for the proposed development.

Additional amendments to the proposals have further been negotiated in order to clarify matters as to the extent of boundary retaining structures given the topography of the site and amendments to the red line boundary to incorporate access issues.

In support of the scheme, the following supplementary documents have been submitted with the application:

Design & Access Statement (DAS):

This details information regarding the physical context of the site, an assessment into the social and economic context of the development proposal; a policies and design guidance context analysis; an appraisal into the overall site, design, layout, scale, landscape, and appearance; accessibility related considerations; and finally a sustainability appraisal.

The DAS concludes that the proposed scheme has been carefully considered in conjunction with the twelve questions outlined in Building for Life 12 to respond to:

- The surrounding context.
- The constraints and opportunities as presented by the site.
- Enhanced landscape.
- Better and improved access arrangements and scheme meets sustainability criterion.

Planning Statement (PS):

The PS expands upon the policies and design guidance context analysis and the appraisal into the overall site, design, layout, scale, landscape, and appearance matters within the DAS and concludes that the proposal is fully in accordance with national and local planning policy providing a scheme that epitomises sustainable development and contributes towards an exceeded provision of an identified local housing need as well as the overall supply of housing.

Arboricultural Assessment:

Advises that at the time of survey on site vegetation comprised of 85 individual trees the majority of which comprised of self-set species including Sycamore, Elderberry, Lilac, Mountain Ash, Apple, Cherry, Whitebeam, Lime, Alder, Norway

Maple, Willow, Hawthorne and Silver Birch. Additional groups of trees surveyed included mixes of Elderberry, Cherry and Hawthorne, with further Hawthorne, Elderberry, Lilac, Privet hedges, and Leylandii conifers dotted around the site. The report concludes many of the trees / hedges are scheduled for removal owing to their low or average quality and value and replacement planting would largely mitigate their losses.

Ecological Appraisal and Bat Roost Potential Survey:

The report comments that the site contains sections of hardstanding road but has been clear of housing since at least 1999. It notes that the site contains amenity grassland habitats which are species-poor and widespread, both throughout the local area and across the UK.

The report further notes that the site has been found to support very limited bat roost potential. It notes none of the trees on site contained features of greater than negligible potential to be of interest to roosting bats and as such, roosting bats are not considered to a receptor in relation to the development as proposed.

The report comments that trees on site are likely to support/provide common invertebrates, berries, fruit and seeds for foraging birds, however the trees are scattered and limited in extent. In addition, the trees provide only limited nesting habitat for common urban and garden bird species, with no evidence of previous nesting recorded on the day of survey. As such, the habitats on site are not considered to be of importance to nesting and foraging birds.

The report concludes that the scheme should ensure opportunities are realised for replacement native tree planting to increase diversity, and further consideration be given to inclusion of native or known wildlife-attracting species within the landscaping schedule to increase species diversity and habitat structure on site, and these would be considered beneficial for the development and local area.

The report further notes opportunities to incorporate biodiversity in and around developments should be encouraged, and consideration could be given to installing a small number of bat bricks/boxes. The additional tree planting would enhance potential foraging habitat for bats in the future.

Gas Risk Assessment:

This report identifies shallow abandoned mine workings likely present to the west / southwest of the site with indications of hydrogen sulphide associated with old workings. Further investigations revealed no methane, carbon monoxide, hydrogen sulphide detected. The report concludes given potential risk of mine gases, any affected plots could incorporate passive sub floor ventilation voids and gas resistant membranes.

Remedial and Preparatory Work report:

This report follows on from the above gas risk assessment and gives an indication that parts of the site will be required to be levelled utilising traditional cut and fill operations and indicates levels to be cut up to 4.5m and fill to be

placed up to 3.0m. The report further identifies that the proposed foundation solution for the majority of the site will be shallow strip/trench fill but in those areas of fill to be placed in excess of 2.0m thick shallow foundations will not be possible and therefore alternative foundations (i.e. piled) could be considered for these areas.

The report further notes the possibility of encountering historic unrecorded mine entries or any related features (i.e. shafts/bell pits) during construction phase and also identifies the presence of the existing mine shaft already discovered on site and the appropriate mitigation measures required for drilling, grouting and capping of this mineshaft.

Flood Risk Assessment (FRA):

The submitted FRA notes that the site is entirely within Flood Zone 1 'Low Probability,' as land being assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year, as identified on the Environment Agency's indicative flood map. The FRA recommends that the proposed development is able to use infiltration for the majority of the surface water drainage. This results in a reduction of surface water discharge at 76%.

The applicants have further submitted additional information which confirms:

- Yorkshire Water have confirmed a rate of 16 l/s for all return periods up to 100 year + 30% climate change – 16 l/s is a 30% reduction in the existing 1 in 1 year rate in line with Yorkshire Waters policy. New flows will enter the existing combined sewerage.
- Additional flood routing demonstrates the attenuation volumes provided will store flows up to the 100 year + 30% event, any exceedance from this would be directed away from properties in line with the best possible practice.
- The latest drainage layout run-off from highways will connect into the existing adopted combined sewers, and the new turning head off Cross Street will use part of the 16 l/s rate and will also drain plots fronting Cross Street – there will be no highway drainage other than road gullies and their branch connections.
- New foul flow will discharge into either the combined diversion or the existing combined sewerage.
- Following subsequent works and investigations, no infiltration is now proposed and has been superseded by additional detail on the drainage design / strategy as set out in the above bullet points.

Transport Assessment (TA):

The summary to the submitted TA notes that the site is well located to make use of existing sustainable modes to gain access to a range of local facilities and amenities; the area can be accessed from Rotherham by regular bus services that link to Doncaster and Sheffield; and the development will result in the generation of a mix of traffic which is typical of residential development. Given that one of the aims of regeneration is to provide stimulation, some increase in activity is to be expected.

The assessment further examines the Oldgate Lane junction with the A630 Doncaster Road where increased traffic levels might occur, and also quantifies likely traffic levels generated from this redevelopment on nearby roads which show that the proposed junction will have the capacity to carry the additional level of traffic flow under 2018 modelled conditions.

The report concludes that local junctions will continue to operate satisfactorily and that the level of activity associated with the development will not be detrimental to the wider road network.

Travel Plan (TP):

The Travel Plan (TP) has been submitted to accompany the Transport Assessment (TA) and is broken down into a number of short, medium and long term objectives / measure to cover the build programme up until 2018.

Air Quality Assessment (AQA):

The AQA report describes the potential air quality impacts associated with the proposed residential development, noting that the site lies approximately 1 km away from an Air Quality Management Area (AQMA) for exceedances of the annual mean nitrogen dioxide objective. The report identifies that the development will lead to an increase in traffic on the local roads, which may impact on air quality at existing residential properties. The new residential properties will also be subject to the impacts of road traffic emissions from the adjacent road network. The main air pollutants of concern related to traffic emissions are nitrogen dioxide and fine particulate matter.

The assessment within the report demonstrates that the scheme will not cause any exceedances of the air quality objectives. Mitigation measures to reduce pollutant emissions from road traffic are principally being delivered in the longer term by the introduction of more stringent emissions standards, largely via European legislation. It concludes therefore that it is not considered appropriate to propose further mitigation measures for this scheme.

Noise Assessment (NA):

The revised NA report noise includes:

- Measurement of road traffic noise during representative periods of the daytime and night.
- Assessment of potential noise impact on the proposed development.
- Recommendation of an appropriate noise mitigation scheme.

The report identifies that, in order to protect the future residents against the impact of noise (as set out in the below table) suitable glazing is installed to those properties whose bedrooms face along the Doncaster Road and Oldgate Lane frontages with appropriate standard thermal double glazing being installed on the remainder of the development (i.e. all other living rooms and bedrooms).

Location	Required limits
Inside Bedrooms:	LAeq15min 30dB (2300 to 0700 hours) LAFmax 45dB (2300 to 0700 hours)
Inside Living Rooms:	LAeq1hour 35dB (0700 to 2300 hours)
External gardens:	LAeq1hour 55dB (1000 to 1500 hours)

With regards to internal rooms, the report requires indoor levels with windows open or with alternatively provided acoustic ventilation over and above “background” ventilation be provided. Whilst in terms of the external areas the report further notes that a 2 metre high appropriate acoustic screen be provided to those dwellings backing onto Doncaster Road.

The report concludes that the requirement to implement an appropriate scheme of sound insulation measures (acoustic fencing and glazing to properties) can be controlled via the imposition of suitable conditions attached to any planning permission granted.

Viability Assessment (VA):

During the course of the application the applicants undertook a viability appraisal to assess whether the scheme would be viable or not having regard to the requested S.106 contributions in regards to provision of affordable housing, off-site public open space, and Travel Master Passes. The VA asserts that there are site specific factors which mean that the development cannot deliver the Council’s requirements in respect of affordable housing provision in full, and this includes site specific costs such as significant abnormal costs relating to earth works, drainage matters, garden retaining walls and retaining walls adjacent to Doncaster Road specifically relating to the topography of the site. This is discussed in more detail below.

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 use in the adopted Unitary Development Plan (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’
- CS22 ‘Green Space’

CS25 'Dealing with Flood Risk'
CS27 'Community Health and Safety,'
CS28 'Sustainable Design'
CS30 'Low Carbon & Renewable Energy Generation'
CS32 'Infrastructure Delivery and Developer Contributions,'
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).

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

The Council's adopted Supplementary Planning Guidance (SPG) 'Housing
Guidance 4: 'Requirements for greenspace in new housing areas.'

The Council's Green Space Strategy (Adopted June 2010).

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 were advertised by way of the posting of site notices in the locality of the site on Doncaster Road, Oldgate Lane and Silver Street, and by way of individual notification letters sent to occupiers of adjacent properties surrounding the site. A total of three letters of representation have been received from occupiers of Nos. 5 and 7 Oldgate Lane and No. 34 Bellscroft Avenue in regards to the original submitted drawing raising the following issues:

- Concerned that properties set at a lower level to the site will suffer increased flooding (water/sewage) into properties – particularly into cellars.
- Ground water caused by previous exceptional weather is continuing to flow down from the land above.
- Concerned as to any structural damage that may take place during construction.
- Unclear as to why the sewer easement proposed is so close to properties.
- What will happen with rights of access currently enjoyed into yard/garage at rear of properties with easement in place.
- Why cannot the easement be located on adjacent waste land which could be landscaped and afforded easier access and considerably less disruption for future maintenance works.
- The proposed footpath and cycle link linking the new estate to Doncaster Road is located on a slope heading northwards up Doncaster Road. However the bus stop and shops in Dalton will be south of the proposed path so most people will ignore the path and follow the "desire line" and just walk down the banking. This will leave the usual muddy path through the proposed landscaping.
- As well as the proposed path, cannot a small flight of steps be constructed to facilitate the route most people will want to use and so avoid the spoiling of the proposed landscaping?

Following re-consultation of the amended drawings a further letter of representation has been received from the occupiers of No.7 Oldgate Lane raising the following points:

- The sewer easement, starting at the Oldgate Lane end, is possibly 25cm to 30cm away from our property boundary, but as it progresses towards the Doncaster Road end actually crosses our boundary at a point just beyond the house and continues to undermine our boundary wall and garage, this is surely an encroachment?
- A solution could be to move it approximately 0.5m to the east, which would put it roughly equidistant between our house and plot No.31, here it would run under the parking spaces for plots 31 and 33 the cycle store and part of the garden of plot 31, in other words nothing majorly structural.
- Another solution would be to make it narrower, longer and deeper thus maintaining its overall volume whilst moving it away from our house.
- Existing water and gas supplies come from the side of the proposed sewer easement, and judging from the plans the point where the easement crosses our boundary is almost exactly the point that our water supply enters. What assurances have I got that our services will not be disrupted and if any need to be relocated that the entire cost, including any repairs to our property and/or land are met in full by the developers?

The applicant has requested a 'Right to Speak.'

Consultations

Streetpride (Transportation and Highways): Comment that in order to mitigate the anticipated additional traffic at the junction of Oldgate Lane and Doncaster Road the applicant's offer to enter into a S.106 agreement to secure travel master passes for the occupants of the new dwellings is appropriate. A further condition to ensure that all pedestrian / cycle links to Doncaster Road are increased in width to a minimum 2.5m is recommended, whilst additional conditions are considered appropriate to ensure laying out / surfacing of vehicular parking areas, road sections, constructional and drainage details.

Streetpride (Landscape Design): In principle raises no objections to the landscaping within the site and this can be controlled via the imposition of the recommended landscaping conditions. Clarification has been obtained in regard to ensuring that land levels are adequately addressed / mitigated via the use of retained gardens rather than incorporating land levels into the fabric design of dwellings. Additional comment has been made as to boundary treatments (particularly where these front Doncaster Road and are visible from public vantage points). However, as these are not at advanced design stage until the amount of cut and fill has been determined across the site the applicant has agreed to the imposition of an appropriately worded condition to allow flexibility on this matter.

Streetpride (Ecology): Notes that the submitted ecological assessment report (ECUS, April 2013) identifies the site to be of local ecological value and there are no ecological constraints to the proposed development. The recommendations provided in the report in connection with timing of vegetation removal are considered to be of key importance in order to protect nesting birds. Meanwhile the remainder of the recommendations for ecological mitigation and further biodiversity gain are welcomed and can be secured by the imposition of an appropriate condition.

Streetpride (Leisure and Green Spaces Manager): Notes that as no on site public open space provision is proposed the applicant has offered to enter into a S.106 agreement to secure an appropriate contribution towards improvements to the existing public open greenspace within Dalton, and this is accepted.

Strategic Housing & Investment Service (Urban Design): Comment that the majority of previous concerns have now been overcome by deletion of rear parking courts and general re-arrangement of development through the reduction in the number of proposed dwellings. Would favour the use of split level dwellings compared to split level gardens (to overcome topography matters) but wholly understand developer's rationale behind this approach.

Strategic Housing & Investment Service (Affordable Housing): Following independent assessment of the applicant's submitted viability appraisal and the additional benefits created by the scheme, is willing to accept the applicant's offer of half the land value in order to ensure that 15 affordable (social rent units) are available for the Council to purchase and that this can be incorporated into a S.106 agreement.

Neighbourhoods (Environmental Health): Comment that the extent of the road traffic noise from Doncaster Road is likely to cause a problem to future residents. However the sound attenuation mitigation measures included in the revised Noise Assessment appear reasonable and can be covered by the imposition of an appropriate condition.

Neighbourhoods (Environmental Health, Contaminated Land Officer): Advise that the submitted report identifies potential soil contamination issues that will require remedial treatment, but on the whole there is no significant risk to the proposed future end users of the site and such measures can be secured by the imposition of an appropriate condition. Carbon monoxide levels have been detected (based on the gas flow rate), however they conclude that no significant risks from ground gas are present. Given the potential risk of ground gas in the abandoned mine working areas, it is recommended that gas protection measures will be required for properties located in the west and southwest of the site, as well as further exploratory investigations (including the potential risk of surface instability). Again such measures can be secured by the imposition of an appropriate condition.

Neighbourhoods (Environmental Health, Air Quality): Welcomes the applicants commitment as set out in the Travel Plan to the provision of secure cycle storage and provision of incentives for the use of public transport, as this will contribute to mitigating any air quality impacts of the proposal.

Streetpride (Drainage): Comments that the design of the drainage system for the proposed development, and mitigation measures to prevent flooding to adjacent properties is appropriate. The new connections into existing apparatus – including flow rates, are further considered acceptable subject to confirmation of Yorkshire Water.

Children & Young Persons Service (Education): Confirm that, taking account of the fact that the pupil yield from the 75 dwellings from this development does not exceed the catchment schools' current net capacity, and the Audit Commissions 95% capacity ruling is not breached, there is no requirement for an Education Contribution in this instance.

South Yorkshire Mining Advisory Service (SYMAS): Do not object to the application, but have been made aware of the presence of the abandoned mine shaft, and has discussed specification for drilling and grouting the shallow mine workings and treating the shaft with the applicant. The submitted stabilisation report and mitigation measures are considered acceptable and can be secured via the imposition of an appropriate condition.

The Coal Authority: Comment that the revised changes to the layout fronting onto Oldgate Lane in the vicinity of the mine entry remains unchanged, and comment that subject to the imposition of an appropriate condition in regards to stabilisation works to enable treatment of the shaft, the Coal Authority do not object to the application.

Yorkshire Water: Have commented upon the revised drainage strategy and advise on the basis that surface water would discharge to public sewer at no

more than a combined flow of 16 litres per second, no objections to the proposed development are therefore raised.

South Yorkshire Archaeology Service (SYAS): Comment the site is wholly within an area of former housing, and although none of the houses remain, the street pattern and surfaces are still visible. Any archaeological potential will have been compromised by these previous buildings on the site, so this development has no archaeological implications and there are no archaeological requirements needed.

South Yorkshire Police (Architectural Liaison): Comment that the revised scheme should be designed with Secured by Design accreditation in mind.

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 following considerations are considered to be of relevance in the determination of this application:

- Principle of the development
- Layout, design and landscape/tree issues and impact on streetscene
- The impact of the proposed development on the amenity of existing neighbouring residents and future occupants.
- Highway issues.
- Ecology/ biodiversity matters.
- Drainage and flooding issues.
- Open space
- Affordable housing considerations.
- Land Contamination / Land stabilisation.
- Air Quality Assessment.
- Other matters raised by objectors

Principle:

The application site is located within an area allocated for Residential purposes within the Council's adopted 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 allocated 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 CS3 'Location of New Development,' 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.

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 fact of its location within the built up area of Thrybergh, which is within Rotherham's urban area and in close proximity to existing housing, services and local public transport, it is considered that the development

would be within a sustainable location that would accord with the presumption in favour of sustainable development.

Furthermore, it is considered that given the location of the site the scheme will make efficient use of the site by bringing a vacant site into an appropriate use. In addition, given the current overgrown nature of the site the proposed development can only significantly enhance the character of the local area.

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.

Layout, design and landscape/tree issues and impact on streetscene:

'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 reduced number of dwellings as now proposed is considered to achieve an appropriate density for the locality and the positioning of dwellings around a replicated highway street pattern similar to that which existed previously is considered appropriate. Furthermore the mix of dwelling types as proposed i.e. terraced, semi-detached and 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.

On the above matter, individual private amenity space for the majority of dwellings (with the exception of some corner plots) accords with the SYRDG and all of the private amenity spaces also include patio / drying areas, cycle and bin storage areas, although taking account of the sites' sloping nature of the site it is acknowledged that some gardens would be split level and potentially less usable.

The SYRDG further notes that: "All shared amenity and play space must have an identified body to manage and maintain the space in accordance with an agreed management plan." With this in mind the applicants have confirmed that those areas not identified as private garden areas (i.e. those areas identified as the 'Pocket Park', the landscaped area fronting Doncaster Road and those falling outside of residential curtilages) would be managed separately and this can be controlled via the imposition of an appropriately worded condition.

Additionally in streetscene terms, the use of a mix of adopted highway, shared surfaces and the general open plan nature of the development with low level planting to front gardens ensure that the scheme appears open and unoppressive when viewed from Oldgate Lane and will provide a strong feature on this site.

Turning to matters of design Core Strategy Policy CS28 'Sustainable Design,' indicates that 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 noted that surrounding properties consist of a mix of both terraced and semi-detached units and the provision of these in the current scheme is not considered to be odds with the overall character and grain of the locality. Furthermore, it is not considered that the introduction of detached two storey dwellings into this locality would be harmful or undesirable in this location.

In respect of materials, the dwellings as proposed are indicated of being modern in appearance with mixes of brickwork and render along with a mix of concrete tile roofs and with windows being grey uPVC. All these elements currently exist upon existing buildings surrounding the site and therefore it is not considered that the dwellings by way of their 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.

In terms of assessing landscaping, the main concerns centre on the changes in levels to the rear gardens and the quality of the street scene, particularly along Doncaster Road. Taking account of the topography of the site, significant consideration has been given to this matter in amending the scheme. Streetpride (Landscape Design) has a preference to designing out levels differences by incorporating a split level design for those dwellings most affected. The applicant has, however, discounted this in lieu of favouring split level gardens instead. In assessing this matter Streetpride (Landscape Design) notes that the locations of the proposed retaining walls have been positioned to provide two clear areas of useable rear outdoor space, which is arguably preferable to steeply sloping gardens, or arbitrary embankments and therefore on this matter no objections are raised.

Overall, it is considered that the street scene along Doncaster Road has improved due to a reduction in the number of plots, and the expanse of retaining wall is now less prominent being set further back with a landscape buffer to the front. The applicant has noted the comments of Streetpride (Landscape Design) with regards to the proposed walling areas in terms of providing relief or patterning in the brick walled elements to break up the expanse of brickwork, and has further accepted that the design of the walls i.e. proportions of brick piers and timber infill panels, to be of a 'work in progress,' and has drawn attention to the fact that compliance is necessary so as to ensure that these boundaries also fulfil an acoustic role as required by Neighbourhoods (Environmental Health).

Taking account of the above, the applicant is happy to accept the imposition of a suitably worded condition requiring further details of boundary treatments.

In addition to the above, further detailed submissions as to the exact type of garden retaining walls need to be provided. It is noted that the revised boundary drawings remove the requirements for the low timber knee rails throughout the garden frontages and between existing dwellings adjacent to the site, and these have been replaced with decorative metal railings.

The impact of the proposed development on the amenity of existing neighbouring residents and future occupants:

In assessing the impact of the proposed development on the amenity of existing 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.

As set out in the proposals section of the report the proposed development would not give rise to adverse levels of overlooking and would satisfy the aforementioned inter-house spacing standards.

In regards to over dominating building forms, it is noted that the development would meet the 25 degree rule, this primarily relates to back to back situations, particularly in relation to Cross Street dwellings and those backing onto the site off Oldgate Lane.

It is therefore considered that the proposal will not significantly adversely impact on the outlook or would appear overly dominant when viewed from the residential dwellings surrounding the site. It is also considered that given the size, scale, form, design and siting of the proposed development, together with the orientation of the site, alterations to land levels and implementation of boundary treatment the scheme as now amended would not result in any adverse levels of overshadowing of neighbouring properties or upon their private rear amenity spaces.

In terms of protecting the amenities of proposed occupiers, in this respect 'Saved' UDP Policy ENV3.7 'Control of Pollution, and Core Strategy Policy CS27 'Community Health and Safety,' both refer to providing healthy environments, reiterating advice in the NPPF.

The revised submitted acoustic report reflects the changes as now proposed i.e. the total number of dwellings has been reduced from 87 – 75. The scheme indicates dwellings which are proposed to be sited backing onto or side on to Doncaster Road, to which the Council's (Neighbourhoods) Environmental Health officer consider that both the construction of an acoustic screen, along with the mitigation measures (required to meet the current guidelines set out by World Health Organisation), outlined in the consultant's report remain appropriate measures to protect the amenities of these occupiers, and can be controlled via the imposition of the recommended conditions.

With the above in mind, it is therefore considered that the proposed development would not have any impact on existing amenity levels of occupiers of neighbouring properties neither would it be of detriment to the proposed occupiers of the new dwellings. As such the proposal would comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' along with UDP Policy ENV3.7, Core Strategy Policy CS27 as well as the advice contained in the NPPF.

Highway matters:

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

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high

density development near to public transport interchanges or near to relevant frequent public transport links.

g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

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

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

Paragraph 34 to the NPPF further goes on to note that: “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

The submitted Transportation Assessment Statement (TA) outlines the scheme accords with the minimum required parking standard of 1 parking space per two bed unit and 2 parking spaces per three and four bed units as set out in the Council’s adopted parking standards which overall gives a total of 132 spaces throughout the development. The Transportation Unit consider this amount of parking to be acceptable in this case. Furthermore, in considering the submitted Transportation Assessment Statement (TA), the Transportation Unit note that this report assesses the likely traffic impact at the junction of Oldgate Lane with the A630, Doncaster Road which has recently been signalised. Investigations indicate that during the evening peak, the development traffic is likely to increase queuing at this junction by some 5 vehicles (an increase of around 21%). With this in mind, mitigation measures within the report are recommended that would result in “nil detriment” to traffic flows. The applicant has obligated through the draft S.106 agreement heads of terms that a 12 month annual Travel Master Pass would be provided for every dwelling upon first occupation.

In other sustainability terms, residents would be able to utilise the existing bus stop on Doncaster Road and the scheme further proposes to relocate an existing bus stop on Oldgate Lane to make it more accessible such that all the proposed dwellings would be located within the recommended 400 metre walking distance of a bus stop, and on this basis SYPTTE raises no objections to the scheme.

Other matters in respect to the provision of adequate turning facilities for refuse / emergency vehicles along with provision of appropriate sight lines to the access onto Oldgate Lane have been demonstrated through the submission of amended drawings and on this basis the proposed development will not give rise to any highway safety issues subject to the recommended conditions.

Overall it is considered that the scheme as submitted will make best use of the existing facilities within Dalton / Thrybergh, and that the site is in a sustainable location and is acceptable and would satisfy Policy CS14 and the relevant transportation policies and guidance of the NPPF.

Ecology/ biodiversity matters:

In assessing these issues, Policy CS20 'Biodiversity and Geodiversity,' notes that the Council will conserve and enhance Rotherham's natural environment and that resources will be protected with priority being given to (amongst others) conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets.

The NPPF further advises at paragraph 118 that: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- opportunities to incorporate biodiversity in and around developments should be encouraged."

The submitted Extended Phase 1 Habitat Survey Report notes that the site is generally of low ecological value, with no ecological constraints to the development being identified. The report does go on to advise that the trees on the site boundary have moderate ecological value possible for nesting habitats and as a foraging feature for bats and birds.., The advice received from the Council's Ecologist is that the extent and methods of survey work are appropriate and the results of the survey work are accepted. The assessment results show that, without mitigation, the proposed development will have a slight adverse impact on the biodiversity interest of the site, however recommendations for mitigation and biodiversity gain have been provided in the report which can be controlled through the imposition of an appropriately worded condition.

With this in mind it is considered that the proposals accords with the relevant biodiversity policies and guidance of the NPPF and Core Strategy Policy CS20.

Drainage issues:

Policy CS25 'Dealing with Flood Risk,' notes that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. In addition CS25 notes that proposals should demonstrate that development has been directed to areas at the lowest probability of flooding by demonstrating compliance with the sequential approach i.e. wholly within flood risk zone 1, and further encouraging the removal of culverting. Building over a culvert or culverting of watercourses will only be permitted where it can be demonstrated that it is necessary.

The NPPF notes that: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and, it can be demonstrated that:

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

The application has generated objections from two local residents at the bottom end of Oldgate Lane who are concerned about various flooding / drainage matters. The Council’s Drainage Engineer notes that, with regards to existing properties being flooded, the existing kerb alongside residents’ properties will prevent direct egress of water and will channel overland flows and water arising from the proposed development to enable a suitable discharge of waters into combined sewers.

Further comment is raised to the position of proposed sewer easements and rights of access to existing properties, though the Council’s Drainage Engineer is satisfied that public sewer easements only cover the width of the proposed new roads and in reality would not impinge on 3rd party land, and realistically will be offset so as to accord with the requirements of Yorkshire Water and will not therefore affect established rights of access.

The additional assurances residents seek in regards to disruption to services and repairs to property and/or land being met in full by the developer is considered to be a civil matter that in the event of damage etc would need to be concluded between the relevant parties.

The Environment Agency has confirmed acceptance to the details contained within the submitted Flood Risk Assessment (FRA). Furthermore Yorkshire Water has confirmed acceptance following receipt of further drainage drawings and flow rate calculations to the maximum permissible discharge of 16 litres/second into the existing public sewer which includes both foul and surface water.

Taking account of the above it is considered that the proposals accords with the guidance of the NPPF and Core Strategy Policy CS25.

Open space provision:

The Council’s adopted Supplementary Planning Guidance (SPG) ‘Housing Guidance 4: ‘Requirements for greenspace in new housing areas,’ notes that:

“The Council will expect the provision of adequate Greenspace within new large housing developments so as to help meet the extra demand which its residents generate. Greenspace in the residential context may take the form of amenity open space, child playspace and more formal openspace including playing fields. In ensuring that adequate provision is made, regard will be given to the location of the new development and to the following standards:

- (i) Developments of between 50 and 100 family houses should normally provide 20 square metres of Greenspace per dwelling (0.8 hectares per 1000 population).”

Core Strategy Policy CS19 'Green Infrastructure,' notes that: "Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon (amongst others) the principles set out below:

- a. Securing provision, either on or off site, of an appropriate size, shape, scale and type and having regard to the nature of the development, its impact on the wider network and contribution to the overall quality of the area.
- b. Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals."

The policy further advises that: "Developer contributions will be used to facilitate improvements through quality, robustness, establishment, enhancement, and the on-going management of Rotherham's Green Infrastructure, investing in enhancement and restoration where opportunities exist and the creation of new resources where necessary."

Core Strategy Policy CS22 'Green Space,' notes: "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):

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development.
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required."

The Council's Green Space Strategy (Adopted June 2010) notes that: "All new homes should be within five minutes walking distance of a local green space providing space for informal recreation, and fifteen minutes' walk of a larger green space providing a wider range of facilities and services. Where new green space is required, 16 square metres per person is proposed."

The scheme, other than the introduction of the pocket park to the south of the site and the landscape buffer strip to the north adjacent Doncaster Road, offers no formal on site Public Open Space provision. Having assessed the scheme through its viability appraisal the applicant has offered to obligate through the S.106 agreement a contribution to the enhancement / improvement of existing facilities within Dalton (Dalton recreation ground falls within the 15 min walking criterion). Having assessed this, the Council's Greenspace Manager has confirmed acceptance to this obligation.

Contaminated land / Land stability:

'Saved' UDP Policy ENV4.4 'Contaminated Land,' notes that: "Where land that may be contaminated as a result of previous uses, is proposed for development the Council will need to be satisfied that the applicant has:

- (i) undertaken investigations to establish the nature and extent of the contamination and its potential effects on the proposed development and/or the occupants thereof, and
- (ii) provided details of the measures proposed for the removal and/or treatment of the contamination which will not cause or increase pollution in the environment, particularly to watercourses and ground-water resources. Where permission is granted, such measures will be imposed as planning conditions to be implemented prior to commencement of development or within a timescale agreed with the Council."

The NPPF further notes at paragraph 120 that: "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

The NPPF further advises at paragraph 121 that; "Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as ...pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- adequate site investigation information, prepared by a competent person, is presented."

The Council's Contaminated Land (Development Officer) notes that with regards to shallow coal mining, the results of rotary drilling indicate that shallow abandoned mine workings are present in the west/southwest of the site. However, upon investigation no intact coal was encountered and therefore the extraction thickness/true depth and the potential extent of the risk zone and surface instability could not be assessed accurately. Further investigation works will therefore be required as a consequence.

With respect to land contamination, the Council's Contaminated Land (Development Officer) further notes that the results of chemical testing revealed that some contamination of soils is evident that will require remedial treatment, but on the whole there is no significant risk to the proposed future end users of the site.

On ground gas regime matters the submitted Gas Risk Assessment notes that given the potential risk of ground gas in the potentially abandoned mine working areas, there could still be a risk from ground gas and it is considered prudent that

gas protection measures will be required for properties located in the west and southwest of the site. The Council's Contaminated Land (Development Officer) is content with these mitigation measures .

With regard to land stability matters, initial concerns to the scheme were raised by both South Yorkshire Mining Advisory Service and the Coal Authority as to the presence of abandoned mine workings and the discovery of a former mine shaft in the south

In regards to this matter, the applicants have clarified through the submission of the Remedial and Preparatory Work report undertaken in April 2014 and from a topographical assessment of the site that in order to construct the proposed development the site will be required to be levelled utilising traditional cut (approximately up to 4.5 metres in depth) and fill (approximately up to 3 metres in depth) operations which will allow the majority of the dwellings upon the site to be constructed with shallow strip/trench fill foundations. However in those areas of fill to be placed in excess of 2.0m thick shallow foundations will not be possible and therefore alternative foundations (i.e. piled) could be considered.

The report further notes the possibility of encountering historic unrecorded mine entries or any related features (i.e. shafts/bell pits) during construction phase and also identifies the presence of the existing mine shaft already discovered on site and the appropriate mitigation measures required for drilling, grouting and capping of this mineshaft.

South Yorkshire Mining Advisory Service (SYMAS): Do not object to the application, but have been made aware of the presence of the abandoned mine shaft, and has discussed specification for drilling and grouting the shallow mine workings and treating the shaft with the applicant. The submitted stabilisation report and mitigation measures are considered acceptable and can be secured via the imposition of an appropriate condition).

The Coal Authority notes that the revised changes to the layout fronting onto Oldgate Lane in the vicinity of the mine entry remains unchanged, and do not object subject to the imposition of an appropriate condition in regards to stabilisation works to enable treatment of the shaft in the south west of the plot.

Taking account of the above it is concluded that with the imposition of the recommended conditions the scheme would accord with 'saved' UDP Policy ENV4.4 'Contaminated Land,' as well as the advice within the NPPF.

Affordable housing considerations:

Policy CS7 'Housing Mix and Affordability,' states that on sites of more than 15 dwellings the Council will seek 25% affordable homes on site. It adds that where it can be demonstrated that these targets would prevent the delivery of a viable scheme, the precise level of provision will be negotiated, based on a viability assessment.

Policy CS32 'Infrastructure Delivery and Developer Contributions,' notes that "Development will be required to contribute to funding all or part of the items of infrastructure listed in the Infrastructure Delivery Schedule, through a combination

of mechanisms such as a Community Infrastructure Levy (CIL) and S106 Planning obligations. The Infrastructure Delivery Schedule is indicative and final requirements will be assessed based on the specific requirements stemming from each development, taking account of capacity and legislation concerning developer contributions.

It is acknowledged that in some instances there may be a need for negotiation and prioritisation of the overall developer contribution requirements (based on what is needed to make the development acceptable and what the development can afford to contribute). Any negotiation will need to take account of all policy requirements stemming from this plan, including requirements such as affordable housing and renewable energy generation.”

The NPPF sets out how viability should be considered and paragraph 173 states: “To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

The applicant has stated that this scheme will not be financially viable if the policy position of 25% Affordable Housing provision has to be met along with the S.106 obligations requested (i.e. a total contribution of £45,000 towards Travel Master tickets and off-site open space improvements), noting that there are site specific costs such as significant abnormal costs relating to earth works, drainage matters, garden retaining walls and retaining walls adjacent to Doncaster Road specifically relating to the topography of the site. Instead the applicant has negotiated 15 of the total units be offered as affordable Social Rented dwellings to be purchased by the Council and having been assessed independently by Consultants on behalf of the Council, it has been concluded that that the gross development value, finance, and build costs are in line with market expectations with the sales values for the dwellings considered to be slightly optimistic with the local market values.

Taking the NPPF and recent guidance within the NPPG into account, along with the submitted (and independently assessed) Viability Appraisal, it is considered that the applicant has demonstrated that the development would not be viable and the compromise reached is acceptable in this circumstance.

Air Quality Assessment issues:

In respect to this matter, 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, and further goes on to advise at paragraph 32 that opportunities for sustainable transport modes have been taken up depending on the nature and location of the site.

The submitted Air Quality Assessment which accompanied the application notes that although the site falls outside of any identified air quality corridor (by approx. 1 km), due regard must however be given to the implications such a development would have upon the quality of the surrounding locality as well as the impacts of

road traffic emissions from the adjacent road network upon occupiers of the new dwellings.

In assessing the report, the Council's Air Quality Officer agrees with its content in that the scheme will not cause any exceedances of the air quality objectives, and that the proposed mitigation measures to reduce pollutant emissions from road traffic are principally being delivered in the longer term by the introduction of more stringent emissions standards, largely via European Legislation. The Air Quality Officer further recognises that the package of measures identified in the already submitted Transport Assessment plus the contribution towards travel master passes and the applicant's agreement to install an electric charging point for each dwelling are appropriate sustainable incentives.

In concluding on this matter it is considered that in line with paragraph 32 of the NPPF and taking account of the nature and location of the site the opportunity for sustainable transport modes have been taken up at this development and that the issue of air quality impact has been addressed..

Other issues raised by objectors

Comment has been raised by an objector as to the position / location of the proposed footpath and cycle link linking to Doncaster Road being inappropriately located on a slope heading northwards up Doncaster Road, with the newly installed bus stop / bus lane and Dalton set to the south of the proposed path. The objector states that pedestrians will simply ignore this facility and follow the "desire line" and just walk down the banking to the detriment of the proposed landscaping and has suggested that an additional flight of steps be incorporated.

In clarifying this issue with the applicant the reason for the most north-easterly footpath/cycle link heading in a northerly direction to meet Doncaster Road that is rising to the north, is in fact down to the issues of being able to create a more gradual gradient coupled with the fact that railings are shown along the length of the link should hopefully reassure objector(s) that there will not be an issue with users trampling the landscaping to get south to the bus stop.

With respect to the lower footpath / cycle link, the applicant further anticipates that the positioning of appropriate railings will prevent most users from crossing the landscaping to access the bus stop. However it is noted that any damage to this landscaping area would be covered under the management / maintenance plan as submitted as part of the application and therefore any damage / loss of landscaping can be replaced under this provision and controlled through the imposition of the recommended condition.

Conclusion

Having regard to the above it is considered that the proposed development is acceptable in principle on this site allocated for residential purposes and would represent an acceptable and appropriate form of development on this sustainable site that would be in compliance with the requirements detailed within the UDP and Core Strategy, as well as the adopted Supplementary Planning Guidance and the NPPF. As such, subject to the signing of the Section 106 agreement relating to the provision of affordable housing, contributions towards off site open

space, and the provision of Travel Master Passes, it is recommended that planning permission be granted subject to conditions.

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 nos.

General:

00729_S_05 Location Plan
00729_S_01_K Planning Layout
00729_S_04_D Materials Layout
00729_S_03_A Existing Tree Strategy

House Types:

00729_H_665
00729_H_765 DQS
00729_H_829
00729_H_829g
00729_H_843
00729_H_844
00729_H_988 DQS
00729_H_988e DQS
00729_H_1011

Streetscene / Sections:

00729_SE_01A Oldgate Lane
00729_SE_02 B Doncaster Road (Extracts 01&02) Street Elevation
00729_SE_03 A Internal Street Elevation
00729_SE_04 A Doncaster Road Extract 03 Street Elevation
00729_S_X1_B Site Section Sheet 1
00729_S_X2_A Site Section Sheet 2
00729_S_X3_A Site Section Sheet 3

Transportation:

00729_S_06_F Surface Treatment
QD582-00-11 Rev A Works to Cross Street
QD582-00-12 Rev A Highway Drainage Layout
QD582-14-06 Highway Retaining Typical Detail

Landscaping:

00729_EW_01_B Boundary Details

00729_S_02_G Boundary Treatment Layout

00729_S_08_C Management Company Plan

Flooding / Drainage:

QD582-00-10 Flood Route Rev B

QD1124-03-01 - Engineering Layout P1

Noise:

00729_S_07_B Noise Attenuation Measures

Reason

To define the permission and for the avoidance of doubt.

Transportation:

03

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 CS Policy 28 'Sustainable Design.'

04

Before the development is brought into use the car parking area shown on Drg No 00729_S_01_K 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.

05

Notwithstanding the details as shown on Drg Nos. QD582-00-11 - Works to Cross Street Rev A; QD582-00-12 - Highway Drainage layout Rev A; QD582-CI4-06 - Highway Retaining Typical Details and QD1124-03-01-Engineering Layout P1, no development shall commence until details of road sections, constructional and drainage details have been submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

For the avoidance of doubt as to the scope of this permission.

06

Notwithstanding the details as shown on Drg No 00729_S_01K, no development shall commence until details of the proposed pedestrian / cycle links to Doncaster Road have been submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

In the interests of road safety.

07

Before development commences above ground level, details of electric charging points for the development approved shall be submitted to and agreed in writing by the Local Planning Authority and such approved details shall thereafter be retained and maintained for the lifetime of the development.

Reason

In order to promote sustainable transport choices in accordance with the advice contained within the NPPF.

Landscaping / Ecology:

08

Prior to commencement of development above ground level, 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.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policy ENV3.2 'Minimising the Impact of Development,' and Core Strategy Policies CS21 'Landscape' and CS28 'Sustainable Design' as well as the advice contained within the NPPF.

09

Notwithstanding the details as set out as shown on Drg No 00729_S_08_C, no development above ground level shall commence until a landscape management plan, including long term design objectives, management responsibilities / implementation timescales and maintenance schedules for all landscape areas within the site, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall thereafter be implemented, maintained and retained in accordance with the approved details.

Reason

For the avoidance of doubt as to the scope of this permission and in the interests of the visual amenities of the area in accordance with UDP Policies HG5 'The Residential Environment,' ENV3.2 'Minimising the Impact of Development,' and Core Strategy Policies CS21 'Landscape' and CS28 'Sustainable Design,' as well as the advice contained within the NPPF.

10

Prior to the commencement of development a biodiversity mitigation strategy, including a schedule for its implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all details listed in section 5 of the 'ECUS Ecological Assessment' (April 2013) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In order to promote the biodiversity of the site in accordance with Core Strategy policy CS20 'Biodiversity and Geodiversity,' as well as the advice contained within the NPPF

Land stability / land contamination:

11

Prior to commencement of development, further exploratory investigations are required in the southwest of the site to identify the shallow abandoned mine workings and the potential risk of surface instability. The exploratory investigations shall be undertaken in accordance with the conclusions and recommendations detailed in section 10 and 12 of the Geo-Environmental Appraisal Report of land off Dalton Cluster, by Sirius Geotechnical and Environmental Limited, dated October 2011, ref 94392. The works shall also include the treatment of the recorded mine shaft identified at the site. The results of the investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

Prior to commencement of development a Remediation Method Statement shall be provided and approved by the Local Planning Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

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

The foundation design for the site shall be undertaken in accordance with the conclusions and recommendations detailed in section 10 of the Geo-Environmental Appraisal Report of land off Dalton Cluster, by Sirius Geotechnical and Environmental Limited, dated October 2011, ref 94392. Details of the final foundation design will be provided 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.

14

In all areas where made ground exists and slightly elevated levels of contamination have been identified, a capping layer of 600mm of subsoil/topsoil will be required for all gardens and soft landscaping areas.

Reason

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

15

If subsoils / topsoils 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.

16

In the west and southwest areas of the site where shallow abandoned mine workings have been identified an Amber Class 1 gas characteristic situation has been identified. Gas protection measures are therefore required comprising:

- a) A suitably resistant gas protection membrane resistant to methane and carbon dioxide gases;
- b) Passive sub-floor ventilation;
- c) All joints and penetrations should be sealed.

Details of the gas protection membranes used and installed shall be submitted to and approved by the Local Planning Authority in the form of a Validation Report and the findings of the report shall thereafter be implemented in accordance with any agreed mitigation measures and thereafter retained and maintained for the lifetime of the development..

Reason

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

17

In the event that during development works unexpected significant contamination 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.

18

Based on the testing information provided to date, a design sulphate classification of DS-1 and the corresponding aggressive chemical environment for concrete

(ACEC) class of AC-1 shall be used for natural soils and DS-3/AC-3 shall be used in all made ground areas of the site. This is due to the elevated soluble sulphate content within the soils and made ground across the site.

Reason

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

19

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

Materials / Boundaries

20

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 as shown on Drg No 00729_S_04_D, and the development hereby approved shall 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 CS policy CS28 'Sustainable Design.'

21

Notwithstanding the details as set out as shown on Drg Nos. 00729_S_02_G and 00729_EW_01_B, no development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan detailing the position, design, materials and type of boundary treatments to be erected throughout the development, and in particular the detailed design and elevation treatment of the retaining walls along the Doncaster Road frontage and within rear plot gardens. The approved boundary treatments shall be completed

prior to occupation of the associated dwelling that the boundary treatment serves, and shall be retained and maintained as such for the lifetime of the development hereby permitted.

Reason

For the avoidance of doubt as to the scope of this permission , and in the interests of the visual amenity of the area and in accordance with CS policy CS28 'Sustainable Design.'

Drainage

22

Drainage of the site shall be undertaken in accordance with the submitted details as set out in Drg Nos. QD582-00-01 Feasibility Rev C and QD1124-03-01 (revision P1) dated October 2015 and shall be retained and maintained as such for the lifetime of the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason

For the avoidance of doubt as to the scope of this permission and in accordance with Policy CS25 'Dealing with Flood Risk,' and the advice within the NPPF.

23

Unless otherwise agreed in writing with the Local Planning Authority, the proposed amount of curtilage surface water to be discharged to the public combined sewer for the development hereby approved shall not exceed the rates as set out by Yorkshire Water dated 24th November 2015 (ref Q001776)

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Noise

24

Notwithstanding the details as set out as shown on Drg Nos. 00729_S_01_K and 00729_S_07_B, no development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan detailing the position, design, material and type of acoustic barrier to be constructed to the north boundary of the site with Doncaster Road frontage along the side of plots 34 - 35, 54 – 55 and 75 and the rear of plots 39 - 42, and such approved acoustic barrier shall be installed in its entirety prior to the development being brought into use and retained and maintained for the lifetime of the development hereby permitted.

Reason

In the interests of residential amenity, in accordance with Policy ENV3.7 'Control of Pollution,' Core Strategy Policy CS27 'Community Health and Safety,' and the advice contained in the NPPF.

25

No dwelling shall be occupied until the noise mitigation measures as set out within section 4.0 to Hepworth Acoustics 'Assessment of Noise Impact' report (reference 21842.01v2 dated June 2013) and as indicated on Drg no. 00729_S_07_B have been installed in accordance with the submitted details and such approved measures shall thereafter be retained and maintained for the lifetime of the development hereby permitted.

Reason

To protect the amenities of the occupiers of the proposed dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution,' Core Strategy Policy CS27 'Community Health and Safety,' and the advice contained in the NPPF.

Informatives

01

INF 11A Control of working practices during construction phase (Close to residential)

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

INF 20 Deeds/Covenants/Rights of Access

The granting of this permission does not override any restriction/requirement set out in any deeds or covenants relating to the site or any right of way that may exist over the site. These are separate matters that need to be resolved accordingly before development can take place.

03

The applicant's attention is drawn to the fact that in complying with condition 06 that all proposed pedestrian / cycle links with Doncaster Road shall be constructed a minimum 2.5 metres in width.

04

The applicant's attention is further drawn to the fact that in complying with Condition 24 that in order to achieve the recommended design criteria of <55 dB LAeq within the gardens along the boundary with Doncaster Road that a 2 metre high (minimum) acoustic barrier is recommended and any timber elements should be constructed of solid timber (20mm minimum thickness) with no holes or gaps. Proprietary timber acoustic fences are available from a number of suppliers.

05

The applicants attention is additionally drawn to the fact that a sewer adoption / diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), will be necessary. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRC publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

The applicant is advised to contact Yorkshire Water - Developer Services Team (telephone 0345 120 84 82, fax 01274 303047) at the earliest possibility as in the event agreement under Section 104 cannot be reached it is unlikely the Council would be in a position to adopt the highways within the development.

06

INF 33 Section 106 Agreements

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. Although the application was submitted on the basis of these discussions, it was subsequently considered that the scheme could not be supported primarily owing to the topography, drainage, and layout issues identified through the application process. Following further discussions 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	RB2015/0655
Proposal and Location	Part demolition and conversion of existing building containing 3 apartments to 5 No. apartments and erection of 7 No. apartments at 181 Doncaster Road, Thrybergh, Rotherham S65 4NS
Recommendation	Grant subject to conditions

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



Site Description and Location

The site of application consists of a large stone built Victorian villa sitting in a generous plot, on Doncaster Road, Thrybergh. The property has previously been converted into 3 flats, though the building has fallen into a state of disrepair. The site area extends to 0.26 hectares. There are 3 immediately neighbouring properties all of which are detached, one to the north and one to the south of the site, with a further dwelling to the east fronting Doncaster Road. There is woodland to the west and Rotherham Golf Club beyond. The land to the west of the site is allocated as Green Belt. Across Doncaster Road to the east is the high rear boundary wall of properties on Manor Farm Court.

The site is reasonably flat with the garden area of the existing dwelling overgrown and unkempt in appearance.

Background

RB1976/0455: Construction of vehicular access - REFUSED 20/08/76

RB1978/2126: Detached house with garage - WITHDRAWN 01/01/05

RB2014/1127: Conversion of existing dwellinghouse to 5 No. apartments & erection of 9 No. apartments - WITHDRAWN 10/12/14

Proposal

The proposal is to convert the existing building containing 3 flats into 5 No. apartments with the erection of a new apartment block that would contain 7 apartments. The existing property would be refurbished but externally would be unaltered in appearance.

The new apartment block would consist of a rectangular building with projecting front and rear elements. The building would be constructed of reconstructed stone with concrete roof tiles. The apartment block would have a hipped roof and would be 2.5 storeys high incorporating rooms in the roofspace. The building would measure 22 metres in width and have a maximum depth of 16.4 metres. The height to the eaves would be 5.4 metres with the height to the ridge of the roof of 9.3 metres.

The building would be located to the north west of the existing property and would be set approximately 21 metres to the west of the boundary with the Manor Cottage at 183 Doncaster Road, and approximately 4.5m from the boundary with 185 Doncaster Road to the north. The building would have 3 pitched roof dormer windows to the rear elevation and 2 pitched roof dormer windows to the front elevation.

The site would be accessed from Doncaster Road, with 3 parking spaces provided to the front of the site and 8 parking spaces provided to the rear, along with 7 garages. The garages would be in two blocks, one to the southern boundary which would measure 12 metres in width and 6.2 metres in depth. The

height to the eaves would be 2.2 metres with the height to the ridge of the roof of 3.7 metres. The smaller block would be opposite the larger block, and adjacent to the apartment block, and would measure 9.1 metres in width with a depth of 6.3 metres. The height to the eaves would be 2.2 metres with the height to the ridge of the roof of 3.7 metres. The garages would be constructed of reconstructed stone and concrete roof tiles to match the new apartment block.

The access itself would be widened from 3 metres to 6 metres and repositioned further north with the walls partially demolished and re-constructed to Doncaster Road.

The applicants have submitted a Design and Access Statement which concludes that “the new building has been designed to complement the surrounding properties.”

The applicants have submitted a Tree Survey which concludes that “none of the trees are of any amenity value and all are well beyond the extent of the proposed building. There should be no requirement to protect them from any building operations.”

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
CS28 – Sustainable Design

Unitary Development Plan ‘saved’ policy(s):

HG5 ‘The Residential Environment’
HG4.3 ‘Windfall Sites’
T6 ‘Location and Layout of Development’

Other Material Considerations

The Council’s Car Parking Standards (June 2011).

The South Yorkshire Residential Design Guide (SYRDG).

Supplementary Planning Guidance ‘Housing Guidance 3: Residential infill plots’.

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 application has been advertised by way of site notice, while neighbours have been notified in writing. Two letters of objection have been received, one from the occupier of the adjacent 179 Doncaster Road to the south and one from a resident on Manor Farm Court across Doncaster Road to the east, and the comments raised are summarised below:

- Concerns about the car parking provision at the site. There is insufficient parking at the site and there could be overspill parking from the site to the surrounding area.
- Parking on Doncaster Road could be dangerous particularly as there is a bus stop located close to the site.
- There is only one narrow access to Doncaster Road.
- Access for a fire appliance is restricted and possibly deficient.
- The application is for a development out of keeping with all other surrounding properties, which are mainly single family dwellings.

Consultations

Streetpride (Transportation and Highways): Raise no objections to the proposal in a highways context subject to conditions requiring the laying out of the parking areas and access road in accordance with the approved plans and measures to encourage sustainable travel for the new occupants of the dwellings.

Education Service: Have confirmed that no education contribution is required from the development.

Streetpride (Drainage Section): Raise no objections in a drainage context. However, they recommend conditions that require the submission of details of foul and surface water disposal and on site attenuation of surface water flows.

Yorkshire Water: No comments are required from Yorkshire Water (noted that foul water only to be drained to public sewer, with surface water to soakaway).

Neighbourhoods (Affordable Housing Officer): Commented that no affordable housing contribution would be required at the site.

Streetpride (Tree Service Manager): Has raised no objections to the proposals as the 4 trees proposed to be lost from the site do not provide valuable or important amenity and for this reason do not meet all the criteria for inclusion in a new Tree Preservation Order.

South Yorkshire Police (Architectural Liaison Officer): Has made a number of comments and recommendations to prevent crime at the site.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- i) The principle of the proposed development.
- ii) The design of the proposed building and its impact on the visual amenity of the streetscene.
- iii) The impact on the amenity of future occupiers.
- iv) The impact of the development on the amenity of neighbouring residents.
- v) Highway issues.

The principle of the proposed development:

The application site is located within an area allocated for Residential purposes within the Council's adopted Unitary Development Plan (UDP).

Core Strategy Policy CS1 - Delivering Rotherham's Spatial Strategy states that:

"Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community. Our strategy will make the best use of key transport corridors, existing infrastructure, services and facilities to reduce the

need to travel and ensure that wherever possible communities are self-contained.”

In addition, ‘saved’ UDP Policy HG4.3 ‘Windfall Sites’ states 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.

The provision of additional residential development on this residential site is considered acceptable in principle. It is noted that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development and Local Planning Authorities should approve development proposals that accord with the development plan without any delay. The development hereby proposed would be within a sustainable area and furthermore provide much needed residential accommodation.

Design issues and impact on streetscene:

Core Strategy Policy CS28 – Sustainable Design 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.”

One of the core planning principles outlined within the NPPF at paragraph 17 states that planning should always seek to secure high quality design. Paragraph 56 further states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.” In addition paragraph 64 adds that: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

The building hereby proposed is two and half storey in height and is set back on the site within the large garden area of the existing property with parking to the side and amenity space area to the front and rear. The applicant has indicated that the building will be constructed in reconstructed stone and concrete rooftiles. The area has a wide variety of building materials, however, the existing dwelling on the site is constructed of natural stone and as such the proposed materials are acceptable and will not appear out of keeping.

The building would be hipped roof with dormer windows to the front and rear elevations. It is noted that the ridge height of the building is roughly level with the eaves height of the existing property. The new apartment block would be located to the north west of the existing house though would be set behind No. 183 Doncaster Road and approximately 37 metres from Doncaster Road. It is considered that the design of the apartment block is acceptable and would not harm the character and appearance of the surrounding area.

The proposal also includes the erection of two garage blocks to the south of the site. The design of the garages is considered to be acceptable and not to harm the character and appearance of the surrounding area.

Owing to the siting of the proposed building and garages set back on the site and behind an existing property, it is considered that it would not be visually prominent within the streetscene of Doncaster Road.

One resident has objected on the grounds that the development is out of keeping with all other surrounding properties, which are mainly single family dwellings. Whilst this is noted, the site in question is large with the proposed apartment block set back on the site and not figuring prominently in the streetscene. It is considered that the height and scale of the apartment block is not inappropriate within its immediate context and would not harm the character and appearance of the surrounding area.

It is therefore considered that the design of the scheme satisfies the requirements of paragraph 56 of the NPPF, and would improve the character of the area; in addition the scheme would satisfy the provisions outlined within Core Strategy Policy CS28. In light of the above it is considered that the design of the building is one that is acceptable and would satisfy the relevant design policies and criteria of the NPPF and Core Strategy.

The impact on the amenity of future occupiers:

UDP Policy HG5 'The Residential Environment' states that the Council: "will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment." This Policy supports and complements the best practice guidance outlined in the SYRDG and paragraph 56 of the NPPF.

The proposed 7 no. 2-bed apartments meet the minimum 62 square metres (sqm) internal space standard set out within the South Yorkshire Residential Design Guide. The 5 No. apartments to be formed within the existing building all significantly exceed the 62 sqm internal space standards. With regard to the external private space for the residents, The South Yorkshire Residential Design Guide states that for shared private spaces: "Shared private space for flats must be a minimum of 50 sq. metres plus an additional 10 sq. metres per unit either as balcony space or added to shared private space." In this instance this would be equivalent to 170 sqm. The proposal is provided with approximately 270 sqm of communal space to the rear of the new build apartment with approximately 400 square metres to the north of the existing building and in front of the new building, which would provide shared amenity space to the occupants of all of the flats.

Therefore in this instance the proposed amenity space far exceeds the Council's minimum standards.

In view of the above it is considered that the new build development of 7 apartments and conversion of the existing building to form 5 flats would provide appropriate living accommodation for the proposed occupiers. As such the proposal is in compliance with the NPPF, UDP Policy HG5 and the South Yorkshire Design Guide.

Impact on amenity of neighbouring residents:

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. Whilst it relates primarily to corner plot developments, its spacing standards can be applied more generally. 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.

In this instance the new structure would be located approximately 4.5m from the boundary with No. 185 Doncaster Road. The applicants have submitted a drawing showing a 25 degree line drawn from the centre of the nearest window of No. 185 Doncaster Road looking upwards to the proposed apartment building. The drawing shows that the proposed building would be clear of this 25 degree line. As such, it is considered that the proposed building would not appear overbearing to this property.

With regards to overlooking it is noted that a single window serving a kitchen is proposed at first floor level in the side elevation and this window has the potential for overlooking the neighbouring property No. 185 Doncaster Road. However, this window is triangular in shape and angled in such a way as to allow in natural light but no direct views to the north towards the boundary with this neighbouring property. As such, it is considered that no overlooking would occur to this property.

It is noted that the apartment block would be located approximately 20 metres to the north of the boundary with the neighbouring property to the south, The Coppins, which is a further 10m from the boundary. As such, it is considered that at this distance it would not overlook this neighbouring property. With regards to No. 183 Doncaster Road it is noted that the new apartment building would be located approximately 21 metres away from the boundary. As such, it is considered that no significant overlooking would occur from the proposed apartment block to this property.

With regards to the conversion of the existing building into 5 apartments it is noted that the proposed apartment building at the rear is off-set from the rear elevation of the existing building and it is not considered that there would be unacceptable overlooking between the two. In addition, the [proposed conversion of the existing building from 3 to 5 flats would not create new openings or alter the exterior of the building and as such, it is considered that the proposed conversion would not impact on the residential amenity of existing neighbouring residents over and above the existing situation.

It is therefore considered that the proposed development would not have any significant 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 it is in accordance with Policy HG5 'The Residential Environment' of the UDP and the guidance in the NPPF.

Highway issues:

The site would be provided with a total of 18 No. car parking spaces, consisting of 11 spaces and 7 garages. The parking area would be accessed off Doncaster Road via a repositioned shared access road. In addition, the Council's Highways Department have recommended a condition requiring that the garages always be made available for vehicle parking. The applicant has agreed to cycle parking provision at the site in front of the new apartment block.

The Council's Car Parking Standards (June 2011) state that there should be a minimum of 1 parking space per flat plus 50% allocated for visitors. In this case the parking provision accords with this guidance. The Council's Transportation Unit have indicated that the site is acceptable in highway safety terms and that the level of parking provision is adequate at the site as the garages are acceptable as parking spaces as they are 6m x 3m, and they recommend a condition requiring that these garages are maintained for car parking all the time. They recommend that conditions be attached that require the layout of the parking and access road in accordance with the approved plans and that it is suitably hard surfaced. They have also recommended a condition requiring the submission of sustainable transport measures for the new occupants of the property.

Therefore subject to recommended conditions the proposal would comply with the requirements detailed within UDP Policy T6 'Location and Layout of Development', which states that the Council, in considering the location of new development, will have regard to the increasing desirability of reducing travel demand.

In terms of the proposed access the Council's Highway's Department have raised no objections in highway safety terms.

In terms of access for a fire appliance it is considered that the layout of the site is acceptable and is accessible for a fire appliance.

Conclusion

Having regard to the above it is concluded that the proposed development would provide valuable residential accommodation in this location.

Furthermore the Council considers that the proposed development by virtue of its scale and layout would be in keeping with the immediate surrounding area and would not have an adverse impact on the streetscene. The proposed development would not be detrimental to the occupiers of neighbouring properties by being overbearing, nor would it result in any overshadowing or loss of privacy due to its siting and relationship with neighbouring properties.

The proposals would not be detrimental in highway safety terms with adequate parking on site. Furthermore the site is considered to be located in a sustainable location with access to a range of transport options.

As such the proposal complies with the NPPF, NPPG, UDP, Core Strategy and South Yorkshire Residential Design and is subsequently recommended for approval.

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 DR 8 – 1/3/4/5/6/7)(Received 22/05/2015) (Location Plan)
(Received 30/06/2015).

Reason

To define the permission and for the avoidance of doubt.

03

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'.

04

Prior to the completion of the dwellings hereby approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority The boundary treatment shall be completed before the dwellings are occupied.

Reason

To prevent overlooking from the development and in the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS28 'Sustainable Design.'

05

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the

details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

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

Reason

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

08

The proposed garages shall be made available at all times for the garaging of motor vehicles.

Reason

To ensure that there is sufficient parking at the site.

09

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.

10

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and Core Strategy Policy CS28 'Sustainable Design.'

Informatives

01

Control of working practices during construction phase (Close to residential)

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

Secured by Design recommended measures:

The perimeter of the site would benefit from having a suitable boundary treatment of 1.8m high to secure the rear of the site. The main entrance into the apartments should have audio/visual access control. The entrance to the apartments must be well lit, as should the stairwell. The stairs should be as open as possible to allow visibility to the next floor.

Planting should not impede the opportunity for natural surveillance and must avoid the creation of potential hiding places. As a general recommendation, where good visibility is needed shrubs should be selected to have a mature growth height no higher than 1 metre, and trees should have no foliage below 2 metres, thereby allowing a 1 metre clear field of vision.

As a general rule, building frontages should be open to view. Attention should be given to the location of walls and hedges so that they do not obscure doors or windows, and the position of trees that may become climbing aids into property or obscure lights or CCTV cameras.

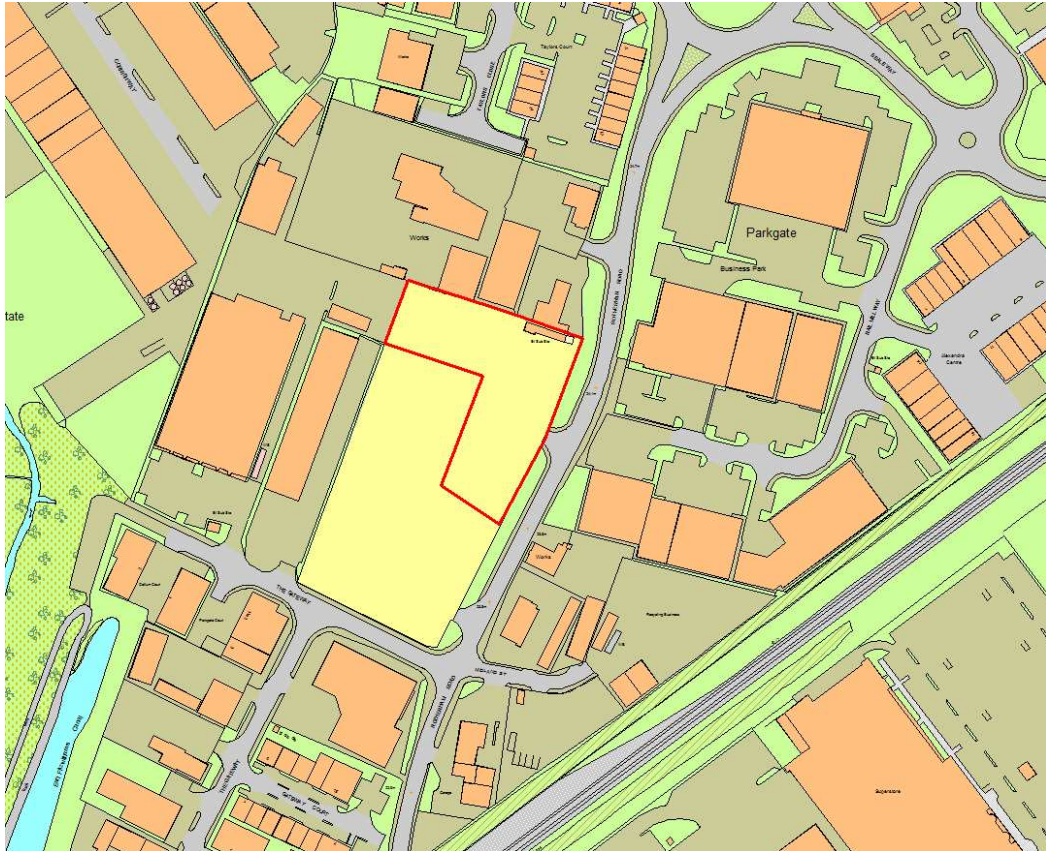
All doors and windows should be to PAS 24:2012 the required standards for Secured by Design. Each door to the individual apartments should also be to PAS 24:2012 standard. Garage doors should be to LPS 1175 SR1. The parking areas must be well lit with no dark areas. The refuse areas must be secured at all times to prevent attempted arson attacks.

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	RB2015/1180
Proposal and Location	Erection of class D2 Gym and associated car park at Ruscon Works Rotherham Road Parkgate S62 6EA
Recommendation	Grant Conditionally

This application is being presented to Planning Board as it does not fall within the scheme of delegation for a leisure development due to its size.



Site Description and Location

The application site has a long frontage onto Rotherham Road, the main road through Parkgate. It is bounded to the south by The Gateway and to the north and west by other commercial premises. The site is within an area used for commercial/retail uses, with larger areas of retail uses beyond this and has recently been cleared of all structures. The site is highly visible and has two existing vehicular access points onto Rotherham Road. The site is approximately 1.3 ha in size and is level.

There are a number of trees within the highway verge at the front of the site along Rotherham Road.

Background

The site has been used for industrial purposes for at least the last 50 years.

RA1965/1079 - Extension to brick store granted 8th April 1965.

RB2005/0429 - Outline application for the demolition of existing buildings and erection of a DIY retail store and garden centre with associated car parking including details of means of access at the Ruscon Works, Rotherham Road, Rotherham. Refused 24th November 2005.

This application was refused on the grounds of insufficient retail need for the application when considered alongside the application by Henry boot developments on the Ron Hull Site. An appeal was subsequently submitted by the applicant, however it was withdrawn on 27th April 2005.

RB2006/0889 - Outline application for the demolition of existing building and the erection of a warehouse with trade counter (comprising 20% retail floorspace)(Sui Generis Use) including details of means of access at Ruscon Works, Rotherham Road Parkgate for Litton Properties Ltd - Approved 3rd August 2006.

RB2007/2371 - Details of a building (reserved by outline RB2006/0889) containing seven warehouse/trade counter units - Approved 6th March 2008.

RB2008/0731 - Details of the erection of a building containing seven warehouse/trade counter units (reserved by outline RB2006/0889)(Amendment to previously approved scheme RB2007/2371REM) - Approved 18th July 2008.

RB2011/1025 - Outline application for the demolition of existing building and the erection of a warehouse with trade counter (comprising 20% retail floor space)(Sui Generis Use) including details of means of access (renewal of permission RB2006/0889) - Approved 27th September 2011.

RB2014/0150 - Demolition of existing buildings and erection of 1 No. B2 unit and 9 No. B8 units with ancillary trade counters (use class sui generis) - Approved 26th June 2014.

RB2015/0616 - Application to vary conditions 02 (approved plans), 05 (boundary treatment), 06 (knee rail), 10 (site construction), 11 (car parking area) & 25 (landscaping) imposed by RB2014/0150 (Demolition of existing buildings and erection of 1 No. B2 unit and 9 No. B8 units with ancillary trade counters (use class sui generis) - Approved 27th July 2015

The building on site has now been demolished.

EIA Screening Opinion

The proposals have previously been screened against the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, as the development site exceeded 0.5 hectares in overall area. However since the previous application the threshold for screening such developments has been increased to sites with an area over 5 hectares. Therefore due to the size of the application site this application does not meet the threshold, and screening is therefore not required.

Proposal

This application seeks full planning permission for the erection of a building to be used as a gym (use class D2) and associated car park.

The previously approved development was for the erection of 10 units, one to be used for B2 use, with the other 9 units being proposed for B8 use with ancillary trade counters. The proposal was approved to be built in two phases, units 1-5 in the first phase and units 6-10 in the second phase. The gym is proposed to occupy the position of units 9 and 10 of this previously approved development. As the units are not yet built, this application for full planning permission has been submitted.

The ground floor will have a floor area of 836sqm, with a mezzanine floor of 371sqm. The gym is proposed to be open on a 24 hour basis, although peak hours are predicted to be 12:00-14:00 and 16:00-20:00.

The external appearance, and size of the proposed unit will reflect the design of the units approved under the existing permission.

The car parking layout has been amended to reflect the requirements of the gym and 105 spaces are proposed within the application site. Access to the site will remain off Rotherham Road as per the granted planning permission.

The applicant has provided some supporting documents which state that the gym provides a health and fitness use which is aimed at a different market to the offer currently available in the area, and aims to increase access to health and fitness activities to a wide demographic to encourage improved health by providing a low cost and flexible option. Membership is at low cost with no minimum contract period.

It goes on to state that the proposed development only proposes minimal changes to the design and access details previously approved, and therefore the design and accessibility of the proposed development should be considered to be acceptable.

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 within the adopted Rotherham Unitary Development Plan. The following policies are therefore relevant to the determination of the application –

Core Strategy policy(s):

CS12 Managing Change in Rotherham's Retail and Service Centre
CS14 Accessible Places and Managing Demand for Travel
CS28 Sustainable Design
CS21 Landscapes
CS25 Dealing with Flood Risk

UDP

EC3.3 Other Development within Industrial and Business Areas

Other Material Considerations

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

National Planning Policy Framework: The NPPF came into effect on March 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).”

Floodrisk Toolkit

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

Publicity

The application was advertised in the press, and on site via a site notice. No representations have been received.

Consultations

Transportation Unit – No objections

Streetpride – Landscape Design – No objections

Streetpride – Drainage - No objections

Neighbourhoods – Environmental Health – 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 to be taken into account in this proposal are –

The Principle of Development
Layout and Visual Issues
Drainage and Flooding Issues
Impact on Highway Safety

The Principle of Development

The application site is allocated for business and industrial use in the adopted Rotherham Unitary Development Plan.

UDP Policy EC3.3 Other Development within Industrial and Business Areas states that within the sites allocated for industrial and business use on the Proposals Map, other development will be accepted, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses, where such development can be shown to be ancillary to the primary use of the area, or would provide significant employment and it can be shown that:

- (i) There are no suitable alternative locations available for the proposed development,
- (ii) No land use conflicts are likely to arise from the proposed development, and
- (ii) The proposal significantly increases the range and quality of employment opportunities in the area.

In this regard the applicants have stated that there are no other sites available on which to locate the proposed development. This is outlined below in the sequential test. They also state that there would be no conflicts with other existing or proposed land uses, and that they operate gyms in other locations in the UK in similar locations, and that there is very limited external impacts on surrounding uses. Finally they state that the proposal would provide 15 full time equivalent jobs on a site that has been vacant for many years.

It is therefore considered that the proposal is compatible with the surrounding uses and is appropriate in this location and in complies with UDP Policy EC3.3 Other Development within Industrial and Business Areas and

Core Strategy Policy CS12 Managing Change in Rotherhams Retail and Service Centre aims to maintain and enhance the vitality and viability of the boroughs retail service centres, new retail, leisure, service facilities and other main town centre uses.

In this regard, as this proposal for a gym is in an out of centre location a Sequential and Impact Assessment are required to be to be undertaken in support of the application.

The Sequential Assessment carried out included a search of sites within and on the edge of recognised retail centres as allocated within the Rotherham UDP proposals map. The catchment area for the proposal was defined having regard to the scale of the proposal and the location of competing facilities.

The submission concludes that there are no more sequentially preferable sites within or on the edge of the allocated centres of Rotherham, Doncaster Road, Parkgate Retail Park or Rawmarsh – Parkgate that are suitable or available to accommodate the proposed development. The Local Authority considers that the assessment is acceptable and that there are no other suitable, viable or available sites within or on the edge of centres, and that the sequential test has been satisfied.

The impact assessment looks at the potential impact that the development would have on the existing centres. The proposal is a small scale gym with a very local target audience. The proposed facility does not have a swimming pool or any other facilities that are likely to draw trade from further afield than the surrounding living and working area. It is therefore extremely unlikely that any level of impact will be felt on any other surrounding facilities particularly any that may be located within the nearest centres which are a significant distance from the proposed site.

Taking the above into account it is considered that the proposal is in compliance with Core Strategy Policy CS12 Managing Change in Rotherhams Retail and Service Centre, and policies within the NPPF.

Layout, Design and Visual Issues

Core Strategy Policy CS28 'Sustainable Design,' 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."

The NPPF notes at paragraph 56 that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

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 requires Local Planning Authorities to take design into consideration and should refuse permission for development of poor design.

The design and appearance of the proposed gym is to be the same as the design and appearance of the buildings previously approved under RB2014/0150 and is

therefore acceptable in this respect on the site. The application is capable of being constructed independently of the previously approved scheme, however if this larger scheme was to be implemented this gym building would also assimilate into the whole development and be in keeping.

The site is also designed so that the development could be built in isolation or in association with the larger scheme with regards to access, parking layout and landscaping.

Taking the above into account it is considered that the proposal complies with Core Strategy CS28 'Sustainable Design' and Core Strategy Policy CS21 'Landscapes' as well as the advice within the NPPF and the NPPG.

Drainage and Flooding Issues

The site is within flood Zone 2 and 3 as indicated on the Environment Agency Flood Maps and is within the Rotherham Floodrisk Toolkit area. The submitted Flood Risk Assessment indicates what measures are required so that the proposal is acceptable from a drainage and flooding aspect, and these mitigation measures can be secured via planning conditions.

Additionally, a sequential test has been undertaken by the applicant to show that there are no other sites within Flood Zones 2 or 1 that would be more suitable for the development, and this is considered acceptable by the Local Planning Authority.

It is therefore considered that the proposal complies with Core Strategy Policy CS25 Dealing with Flood Risk, policies within the NPPF and the Flood Risk Toolkit.

Impact on Highway Safety

Core Strategy Policy CS14 Accessible Places and Managing Demand for Travel is concerned with creating accessible places and managing demand for travel. This proposal attracts clientele which are usually based locally. The majority of trips are linked trips undertaken on the way to and from home or work. The site is also in a highly sustainable location and is accessible by foot, bicycle and public transport.

The Transportation Unit have no objections to the proposal. The car parking accumulation study indicates that the gym would generate most parking demand between 6-7 pm when 93 spaces would be required. The number of parking spaces within the red line application site boundary is 105 (97 at the front and 8 staff spaces at the rear). It is recommended that a car parking management strategy is submitted to confirm how the on site parking is to be made available for all future units proposed on the wider Ruscon site.

Additionally, the traffic data submitted with this application shows the need for the right turn lane to be provided in the road and the agent has confirmed that the previously detailed road layout and entrance is to be provided with this proposal.

It is therefore considered that the proposal is acceptable from a Transportation point of view and complies with Core Strategy Policy CS14 Accessible Places and Managing Demand for Travel.

Conclusion

Having regard to the above, it is considered that the proposed gym is appropriate in this location, and that there would not be any adverse impacts on the existing and proposed surrounding uses.

It is therefore recommended that planning permission be granted conditionally subject to the suggested conditions outlined below.

Conditions

01

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

- Proposed Site Layout Phase -Drawing number 11655-80 Rev - dated 07-2015
- Proposed GA Layout – Drawing number 11655-081Rev – dated 07/15
- Proposed Elevations and Sections – Drawing number 11655-082 Rev A dated 07/15
- Planting Plan – Drawing number 459-201 dated 19/11/15
- Drainage Layout – Drawing number 36736/028 Rev A dated 22.07.15

Reason

To define the permission and for the avoidance of doubt.

02

The premises shall be used for a gym only and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987).

Reason

In accordance with the submitted information, in accordance with Core Strategy Policies CS12 Managing Change in Rotherham's Retail and Service Centre and CS25 Dealing with Flood Risk

03

Prior to the commencement of development hereby approved samples or details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

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

04

Prior to the commencement of development hereby approved details shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the development being brought into use.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS28 Sustainable Design.

05

No part of the land other than that occupied by buildings shall be used for the storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design.

08

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.

09

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

Reason

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

10

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local Planning Authority shall be informed of and give prior

approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

11

Prior to the development being brought into use, a Car Parking Management Strategy shall be submitted to and approved by the Local Planning Authority and the approved plan shall be implemented throughout the life of the development.

Reason

To ensure that car parking is available in the interests of highway safety.

12

Prior to the building being brought into use, the access arrangements as indicated on Eastwood and Partners Plan, Drawing number 36736/030 Rev D dated 23.03.14 which include a dedicated right turn lane shall have been provided.

Reason

In the interest of highway safety and for the avoidance of doubt.

13

Prior to the commencement of development hereby approved, details of a bus shelter in Rotherham Road fronting the application site and associated works to QBC standards shall be submitted to and approved by the Council and the approved details shall be implemented prior to the development being brought into use.

In order to promote sustainable transport choices.

14

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 2014/2031/FR/RevC/BJB Consulting and surface water drainage assessment by Eastwood & Partners dated March 14 and the following mitigation measures detailed within these documents:

1. Limiting the surface water run-off generated by the development so that it will reduce the run-off from the undeveloped site and decreases the risk of flooding off-site. A minimum of a 30% reduction in peak discharge must be achieved.
2. Finished floor levels are set no lower than 25.00m above Ordnance Datum (AOD).

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

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future occupants.

15

Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s).

Reason

To reduce the risk of pollution to the water environment.

16

All downpipes carrying rain water from areas of roof shall be sealed at ground-level prior to the occupation of the development. The sealed construction shall thereafter be retained throughout the lifetime of the development.

Reason

To prevent the contamination of clean surface water run-off.

17

Inspection manholes shall be provided on all foul and surface water drainage runs such that discharges from individual units can be inspected/sampled if necessary. All manhole covers shall be marked to enable easy recognition. Foul will be marked in red. Surface water will be marked in blue. Direction of flow will also denoted. Where more than one discharge point is proposed, manholes will also be numbered accordingly to correspond with their respective discharge point.

Reason

To allow pollution incidents to be more readily traced.

18

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason

To prevent pollution of the water environment in accordance with UDP Policies ENV3.2 Minimising the Impact of Development and ENV3.7 Control of the Environment.

19

The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

Reason

To prevent pollution of the water environment in accordance with UDP Policies ENV3.2 Minimising the Impact of Development and ENV3.7 Control of the Environment.

20

Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the LPA. The approved scheme shall be retained throughout the construction period.

Reason

To prevent pollution of the water environment in accordance with UDP Policies ENV3.2 Minimising the Impact of Development and ENV3.7 Control of the Environment.

21

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment in accordance with UDP Policies ENV3.2 Minimising the Impact of Development and ENV3.7 Control of the Environment.

22

Prior to the commencement of construction works of the building hereby approved details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, shall have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details.

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'.

23

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

be occupied or brought into use prior to completion of the approved foul drainage works.

Reason

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with UDP Policies ENV3.2 Minimising the Impact of Development and ENV3.7 Control of the Environment

24

Landscaping of the site as shown on the approved planting plan Drawing No. 459-201 or latest revision shall be carried out in line with the approved plan during the first available planting season after commencement of development for each phase 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 and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and Core Strategy Policy SC21 'Landscapes'.

25

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

If any tree is removed, uprooted or destroyed or dies, within 5 years of the commencement of the works another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and Core Strategy Policy SC21 'Landscapes'.

26

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

There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and Core Strategy Policy SC21 'Landscapes'.

27

The approved development shall be implemented in accordance with the approved details and recommendations within the submitted Arboricultural Method Statement by AWA Tree Consultants dated, June 2014 and, prior to the commencement of any development, further details will be submitted to the LPA for consideration and approval of the arrangements made to supervise any works around the trees and within their RPA's by a suitably qualified and experience Arboriculturist.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and Core Strategy Policy SC21 'Landscapes'.

28

Prior to the commencement of development details of further exploratory investigations to be undertaken across the site to fully characterise the presence of contamination, include testing for asbestos containing materials shall be submitted to and approved in writing by the Local Planning Authority. The report shall show the findings, results and subsequent risk assessment and shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4). The approved details shall be implemented in accordance with the recommendations within the 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.

29

Prior to the commencement of any remediation works on site, and subject to the results in the report in condition 28, a Remediation Method Statement shall be submitted to and approved in writing by the Local Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be

given two weeks written notification of commencement of the remediation scheme works.

Reason

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

30

In all areas where made ground exists and elevated levels of contamination have been identified, a capping layer of 600mm of subsoil/topsoil will be required for all soft landscaping areas.

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.

31

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.

32

Subject to the findings of the report in condition 28, gas protection measures may need to be provided in the new building. If necessary details of the gas protection membranes to be used shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of construction works of the building hereby approved. The approved gas protection measures shall be incorporated into the development.

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.

33

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.

34

Subject to the findings of the report in condition 28, prior to the commencement of construction works of the building hereby approved details of the design sulphate classification and the corresponding aggressive chemical environment to be used in all made ground areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site.

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.

35

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

Reason

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

Informatives

Environment Agency

Informative: For further information and advice about pollution prevention please refer to the Environment Agency's website to access Pollution Prevention Guidance Notes (<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>) and advice on how to get your site design right (http://www.environment-agency.gov.uk/static/documents/Business/pp_pays_booklet_e_1212832.pdf).

You may also wish to contact our National Customer Contact Centre on tel. 08708 506 506 for site-specific advice on pollution prevention.

We recommend that developers should:

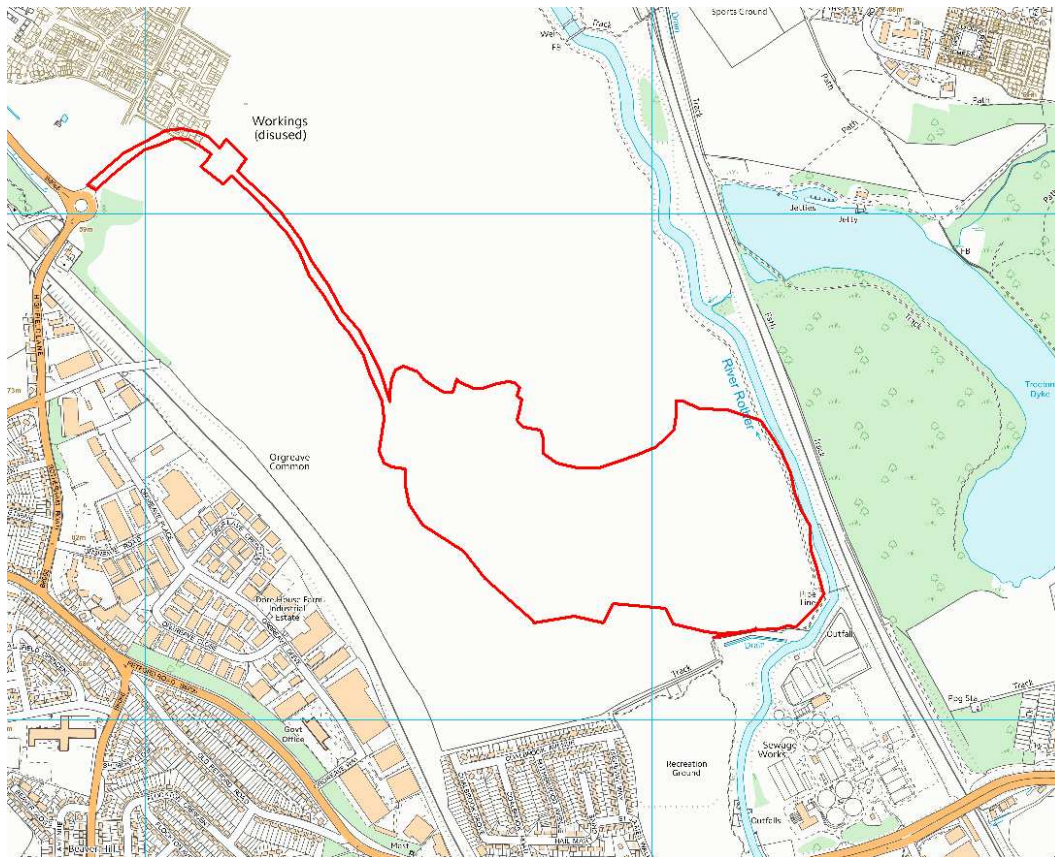
- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3) Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater. GP3 is available on our website at: <http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>
- 4) Refer to our website at www.environment-agency.gov.uk for more information.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2015/1208
Proposal and Location	Movement and importation of 875,000 cubic metres of material to complete previously approved restoration contours, to be completed within 4 years from 31/12/2015, operating hours 07:30-17:30 Monday – Friday at the former Orgreave Reclamation Site, Orgreave Road, Catcliffe
Recommendation	Grant subject to conditions

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



.Site Description and Location

The site comprises approximately 23ha of land formerly used for open-cast mining and other industries. It is bounded to the north by the developing Waverley New Community and industrial areas of the Advanced Manufacturing Park, to the east by the River Rother, to the south the Coalbrook estate and to the west the Sheffield to Worksop railway line.

Specifically the application site relates to the southern most area of the wider site adjacent to the existing reservoirs and north of the Yorkshire Water treatment plant. This area of land is vacant and is currently being filled in order to achieve the approved restoration landform.

Access to the site will be gained via Highfield Lane.

Background

Environmental Impact Assessment

A screening opinion has been 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 development includes more than 1 hectare of development which is not dwellinghouse development. However, taking account of the criteria set out in Schedule 3, the opinion has been reached 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.

The planning history of the site relates to the following:

R93/1058P: Extraction of coal by opencast methods together with all ancillary operations (car park, plant yard, temporary offices, water treatment areas and sewage treatment facilities), the creation and use of waste disposal facility for dealing with contaminated and landfill waste from within proposed site, the construction of a new highway between B6066 Orgreave railway bridge and B6533 Homeworld roundabout, the carrying out of tip washing for coal recovery and the restoration of the area including the area known as Woodhouse Mill tip.

GRANTED CONDITIONALLY on 21/12/94

RB2003/1640: Continuation of opencast coal and reclamation operations without compliance with condition 2 of planning permission R93/1058P dated 21/12/94, together with revisions to approved restoration contours.

GRANTED CONDITIONALLY on 01/07/04

RB2005/1236: Application under section 73 for the continuation of opencast coal and reclamation operations, without compliance with condition No 3 (Restoration/landscaping/future management/aftercare, details to be submitted for approval) and No 47 (Details of trees, shrubs and hedgerows to be submitted) imposed by RB2003/1640 to allow details to be submitted before 1st July 2006.

GRANTED CONDITIONALLY on 09/09/05

RB2006/2197: Application for variation to condition 2 (details of restoration/landscaping to be submitted within 12 months) & condition 3 (details of trees/shrubs/hedgerows to be submitted within 12 months) imposed by RB2005/1236 and variation to condition 55 (details of water buoy & impact on River Rother to be submitted within 24 months) imposed by RB2003/1640 to allow the details to be submitted by September 2007.

GRANTED CONDITIONALLY on 13/09/05

RB2007/2205: Application to extend the time period for completion of the restoration of the site (non-compliance with condition 1 of RB2003/1640 which required completion by May 2008) to May 2009.

GRANTED CONDITIONALLY on 07/02/08

RB2008/1372: Outline application and details of access for a new community comprising 3890 residential units, including 973 affordable units, two primary schools, offices/financial services (400 sq.m), food store (1500 sq.m), pubs, bars, restaurants & cafes, small shops, health centre, community centre, gym, sailing club, hotel, public open space and associated infrastructure including combined heat and power generation plant and construction of roads, cycleways, footpaths and bridleway.

GRANTED CONDITIONALLY – April 2011

RB2008/1918: Application to extend the time period for completion of the restoration of the site (variation of condition 1 imposed by RB2007/2205 which required completion by 15 May 2009) to 31 December 2010.

GRANTED CONDITIONALLY on 19/03/2009

RB2010/1357: Application to extend the time period for completion of the restoration of the site (Variation of Condition 1 imposed by RB2008/1918 requiring completion by 31 December 2010) to 31 December 2013.

GRANTED CONDITIONALLY on 05/09/2011

RB2012/0870: Movement and importation of 450,000 cubic metres of material to complete previously approved restoration contours.

GRANTED CONDITIONALLY on 04/09/2012

Proposal

Planning permission was granted in 1994 (ref R93/1058P) for open-cast mining on the site and the restoration of land after the completion of the mining works. Subsequent to this, permission was granted (ref RB2003/1640) to vary the time completion condition of the 1994 permission which required site restoration works to be completed by 15th May 2008. This permission also approved a completed restoration contour plan which is the current plan to which the restoration works are required to be complied with.

Over time a number of applications have been submitted (as documented in the planning history) to extend the time limits for completion of the restoration works with the latest one being ref: RB2012/0870 which was a full application for the importation and movement of 450,000m³ of material to complete the restoration works by 31 December 2015. This permission allowed the importation of material from off site as the original consent only gave permission for the movement of material within the Waverley site boundary.

The planning application associated with this extant planning permission incorrectly stated that the importation of 450,000m³ of inert material would restore the application site to the approved restoration contours. However, it has now been discovered that the approved restoration contours actually require a total of 1,190,000m³ of inert material. The permission also expires on 31 December 2015.

This application, therefore, seeks to allow for the continuation of the importation of an additional 875,000m³ of inert materials into the application site until 31 December 2019 (an additional 4 years) in order to achieve the approved restoration contours. Additionally, permission is sought to allow for extended hours of traffic movement within the Waverley development site (but not from outside of the development site) for the purpose of importing material.

Having regard to the current site workings, the operators currently source the inert material from the Waverley development (referred to as “on campus”) and typically from sources within a 20 mile radius of the application site (referred to as “off campus”). To date, they have imported approximately 315,000m³ of inert material into the application site. The rate at which inert material is imported has recently increased due to a rise in construction activity within the Waverley development. Over the last ten months, they have imported approximately 175,000m³ of material sourced “on campus” and 60,000m³ from “off campus”. It is anticipated that this increased level of activity will continue and the application is being submitted on the assumption that 280,000m³ of material will be imported into the application site annually, either from “on campus” or from “off campus” sources.

The application does not seek to vary the approved restoration contours.

Additionally, the application also seeks to allow for extended hours of traffic movement within the Waverley development site (but not from outside of the site) for the purpose of importing material. It is proposed to allow heavy goods vehicles to enter the site from 07:30 to 17:30 instead of the currently permitted hours of 09:00 to 16:00 but only for “on campus” traffic (i.e. vehicles bringing material from elsewhere on the Waverley development site).

The current access road is currently unsurfaced. It is also proposed as part of this application that the road will be surfaced with asphalt in order to reduce the potential for mud and other debris to be deposited on the highway at the point where vehicles join the public highway network.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS4 'Green Belt'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscape'
CS26 'Minerals'

Unitary Development Plan 'saved' policy(s):

ENV3.7 'Control of Pollution',
T6 'Location of development'.

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

Publicity

The application was advertised in the local press on 08 and 09 October 2015 and by means of a site notice on 08 October 2015. 3 letters of representation have been received stating the following:

- Tipping on site has been ongoing for some time and commences before 7am.
- Dust from the site is worse than it was when the site was being opencast.
- The speed of lorries delivering material to the site is excessive.
- The B6066 access road onto the site is muddy, especially in wet weather, and does not appear to be cleaned regularly.
- Previously informed that the site would be a country park.
- The work is only being proposed for monetary gain.
- The height of the approved contours at 60m will interfere with the outlook of the residents of Orgreave
- Unacceptable levels of noise and dust pollution for a further 3 years.
- The movement around the site is acceptable but the importation from off site will increase pollution and wear and tear on the roads.
- Local residents already believe that the current height of the contours is already too high.

- The continued dumping of material on this site is not being done with people or the environment in mind but purely to make the developers easy money.
- Local residents suggest that members of the Planning Committee visit the site to view for themselves before a decision is made.

Orgreave Parish Council object to the application of the following grounds:

- Residents have already tolerated several years of dumping on the site and do not deserve another four years of dust, pollution and noise from lorries. Residents already believe that the contours are high enough.
- Residents overlooking the site were promised landscape views of the site, if the application is approved. All they will view is a hump contractors are not working to regulations of the current application.
- Lorries are on site early morning and are not using wheel washing facilities and vehicles are not sheeted up.
- Who is monitoring the contractors as surrounding roads are regularly covered in mud?
- It is unacceptable to ask residents to put up with the noise as early as 7.30am.
- We believe that this planning application is solely for financial gain and not in the interest of residents.
- We would like the planning committee to visit the site and question the reason of the contours (other than financial).

Treeton Parish Council consider that an application to allow the movement and importation of material will lead to dust blowing over the village of Treeton for an additional 4 years. Over the period of time in which tipping has taken place Treeton has suffered daily clouds of dust as it is downwind from the workings. The proposal to allow further material to be deposited for an extended period of time will therefore have a detrimental impact on the village as whole.

Consultations

Streetpride (Greenspaces) raise no objections to the proposed works.

Streetpride (Landscape) raise no objections to the proposed works subject to a condition requiring the submission of a detailed restoration scheme including a Site Restoration Action & Management Plan

Streetpride (Transportation) raise no objections to the proposed works subject to a condition requiring the submission of a construction management statement

Environmental Health (Air Quality) raise no objections to the proposal in terms of ambient air quality (annual mean nitrogen dioxide and fine particulate matter

PM₁₀) and confirm that no dust complaints have been received relating to this site during the last 12 months.

Environmental Health (Land Contamination) raise no objections subject to the imposition of conditions.

Drainage raise no objections to the proposed works in terms its impact on land drainage systems.

Environment Agency confirm that the current application RB2015/1208 does not appear to involve changing any of the contours as previously approved by extant permission RB2012/0870, therefore they have no further comments to make on flood risk grounds. The original proposal was to complete this restoration using inert material. This additional proposal again states only inert material will be used. On this basis no objections are raised.

Highways England recommends that a condition be attached to any planning permission that may be granted requiring the submission and approval of a detailed Construction Traffic Management Statement.

Sheffield City Council no comments.

SYLTE 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 site has an extensive history in relation to its mining and subsequent restoration. In 1994 the restoration of the site was approved under ref: R93/1058P. This is the original permission for the restoration of the site. Subsequent applications have been approved which include the continuation of the restoration with variations to conditions, including extensions to the time for its completion. The finished contours were approved as part of the original RB2003/1640 permission; therefore the principle of development has been established.

It is acknowledged that there have been changes in policy since 1994 which include the adoption of the Core Strategy and the publication of the NPPF, however the site remains a Green Belt allocation and the principle of development in the Green Belt has not significantly altered since this time. It is

therefore considered that the movement and importation of material to achieve these approved contours is acceptable and in accordance with Policy CS4 Green Belt and Paragraph 90 of the NPPF which considers engineering operations in the Green Belt.

The main considerations of this application are therefore considered to be as follows:

- Extended Timescale for Completion of the Works
- Transportation Issues
- General Amenity Issues
- Landscape
- Other Matters

Extended Timescale for Completion of the Works

This application is required as the existing permission for the movement and importation of material expires on 31st December 2015. It also seeks to correct an imbalance in the previous permission between the permitted inert volumes allowed on site (450,000m³) and the actual volumes required to achieve the approved restoration contours (1,190,000m³).

As 315,000m³ of inert materials have already been used in the restoration of the application site, the importation of a further 875,000m³ is required. If material is imported at 280,000m³ each year (either from “on-campus” or “off-campus”) an extension to the permitted end date to 31 December 2019 will be required to achieve the necessary final landform. The extended end date includes time for final landscaping.

Having regard to the timescales for completion of the works, the approved restoration scheme requires the approved contours, drainage works and planting to be completed by the end of 2015. To complete these works the applicant, is seeking to utilise as much material as possible from other neighbouring projects to reduce the overall amount of associated road miles. The use of material from neighbouring projects and the local area will minimise the length of journeys for bringing material on to site and as a consequence reduce the impact of the works on the local and strategic highway network.

A large quantity of material will be imported from the residential development at Waverley and the industrial activities on the AMP which include risings from planned industrial buildings and the engineering operations associated with the creation of additional development platforms adjacent to the Sheffield Parkway. Given that these projects will be excavated at different times the time period being sought for the completion of the contours is December 2019. This is an increase of 4 years from the previously approved scheme.

Given that the engineering works on the AMP and various phases associated with the new community will comprise a large source of material it is considered that the sustainable nature in which the applicant is sourcing the material outweighs the extension in time for completion of the works. Sourcing the material locally will minimise the impact of fuel transport costs and emissions and

minimise traffic on the local road network thus assisting in the reduction of carbon emissions for the proposed works.

For the above reasons the Council considers that the extension of the timescale to December 2019 for completion of the works is acceptable given the wider sustainability methods which are derived from sourcing the material locally.

Transportation Issues

The extent of works covers approximately 23ha which represents around 10% of the wider Waverley site. It is noted that the planning application seeks to allow for extended hours of traffic movement within the Waverley development, this application seeks to allow vehicles to enter the site from 07:30 to 17:30 instead of the currently permitted hours of 09:00 to 16:00 but only for “on campus” traffic (i.e. vehicles bringing material from elsewhere on the Waverley development site), despite this the number of permitted lorry movements is to remain as existing based on 280,000m³ of material to be imported annually.

Having regard to this, and based on the fact that an average construction vehicle will deliver 15m³ of material, for the total 875,000m³ to be imported, this equates to a total of 59,000 movements throughout the course of the works. At 75 deliveries per day, this implies a total of 787 working days, or 158 weeks, to complete all deliveries which comfortably fits within the four year timescale sought, allowing for inclement weather and/or delays to the construction of the sources of material.

The site access will be from the roundabout junction of Highfield Spring and Highfield Lane, which is also the access for the construction traffic associated with the Phase 1 of the New Community. It is also proposed that this road will be surfaced with asphalt in order to reduce the potential for mud and other debris to be deposited on the highway at the point where vehicles join the public highway, which is an improvement on the previous arrangement.

In terms of the route the vehicles will take delivering the off site material, it is envisaged that they will be routed from the A630 Sheffield Parkway via Poplar Way and ultimately Highfield Spring. The material to be sourced from within the wider Waverley site, including AMP will take advantage of haul roads internal to the site and will need only to utilise the section of Highfield Spring between the southern AMP roundabout and the site access.

Furthermore it is acknowledged that work is currently underway to improve part of this route (Poplar Way) and it is envisaged that this would be completed early in 2016 and will increase capacity along the route.

In summary, the proposed works will take place for a maximum of 4 years and in that time it would not have a detrimental impact on the local road network or highway safety. The delivery movements will be less than 75 per day between the hours of 9.00am and 4.00pm which excludes peak travel hours. The Council’s Transport and Highways department have assessed the proposed works and consider the number of vehicular movements to be acceptable. In this regard it is considered that the proposed works are in compliance with the provisions of UDP Policy T6 ‘Location of development’.

General Amenity Issues

Having regard to general amenity issues, the closest residential properties are located on Coalbrook Avenue at Orgreave, which are located approximately 380m to the south west. Orgreave Parish Council have raised concerns regarding various aspects of the application, in particular they are concerned about potential disturbance associated with the use of the bulldozer at the site between the hours of 7:30am and 8:30am. Discussions have taken place between members of the Parish Council, the applicant and the Council, however it was established that, for health and safety reasons it is necessary to operate the bulldozer from 7:30am. The bulldozer is parked in the site compound area over night and must travel the length of the access road to prepare a safe tipping area in advance of material being accepted on site. Upon reaching the tipping area the bulldozer removes the saturated surface off the tip and creates a level and safe area. Consequently the applicant considers that it is not possible to limit bulldozer operations to before 8:30am. However to minimise any potential impacts on the amenity of residents on Coalbrook Avenue, the applicants are proposing the following:

1. Fit the bulldozer with a white noise reversing alarm instead of the standard bleeper sound. This will reduce any potential noise from the bulldozer during all operational periods;
2. Prohibit operations within 500m of residential properties on Coalbrook Avenue between the hours of 7:30am and 9:00am;
3. Remove the bulldozer from the tipping area by 4:00pm; and
4. Construct a permanent bund to the south of the tipping area at the closest point to the residential properties. This bund would comply with the previously approved restoration contours and be constructed before 20th December 2015. The bund would then be seeded with an appropriate seed mix at the next available planting season and would act as a noise buffer. The bund would form part of the advanced restoration works and also provide a visual screen of the operational works.

These proposals have been presented to the Parish Council for consideration, however they still wish to maintain their objection and feel that tipping on the site for a further 4 years is purely for financial gain by the landowner. Despite this and given the acceptance by the landowner to implement the aforementioned mitigation measures, it is considered that the provision of the permanent bund to the south of the tipping area will go some way to protect the amenity of residents on the Coalbrook Estate and as such it is recommended that a condition be attached to any planning approval requiring this be formed by 31 December 2015.

Having regard to the issues surrounding dust clouds at Treeton, the Council's Environmental Health department have confirmed that the Council used to monitor for particulate matter (PM₁₀) in this area, however this stopped in 2010 and they are not aware of any current issues relating to unacceptable levels of dust dispersing from the site and have not documented any complaints in this regard. Notwithstanding this, a mobile water bowser has been used on the site to suppress dust during tipping operations over the past 3 years. This will continue to operate when necessary and will be used to control particulate emissions particularly during periods of extended dry weather.

Having regard to all of the above, it is considered that the proposed mitigation measures outlined above will assist in reducing the potential for any noise and disturbance that is currently being experienced by residents located on the Coalbrook Estate. The Council's Environmental Health department have assessed all of the submitted information and generally concur with the mitigation measures proposed to minimise any potential for general disturbance subject to the imposition of conditions. It is therefore considered that the proposed works for this temporary period of time will not have a detrimental impact on the living conditions of the occupiers of neighbouring residential properties, in accordance with UDP Policy ENV3.7 'Control of Pollution'.

Landscaping

The type, size and quantum of tree planting in this area has already been agreed under the previous restoration scheme, however a review of the species composition within the scheme is now necessary given the continued problems sourcing Ash due to the Ash dieback outbreak. A condition requiring the submission and approval of a detailed restoration scheme including a Site Biodiversity Action and Management Plan is therefore recommended to secure the submission and implementation of the revised scheme.

All planting will be required following completion of the finished contours and prior to the final completion date of 31 December 2019. In addition any existing trees that are damaged or need to be removed will be replaced following the completion of the works.

The Council's landscape department have considered the proposals and acknowledge that the approved planting will not be completed until 2019, however consider that sustainability benefits of sourcing the fill material locally outweighs the length of time it takes to complete the works. On this basis no objections to the proposed works are raised.

Other Matters

Representations have been made from Orgreave Parish Council that the height of the restoration landform is excessive and should be reduced. Whilst these concerns are noted, the restoration contours were submitted and subsequently approved under ref: RB2003/1640 and such are the regulating plan which the applicants are working towards. Any variation to these contours would require a separate planning application.

As this application is not seeking to vary the contours, the height is not a material consideration in the determination of this application.

Conclusion

Permission has previously been granted for the restoration of the site following open cast mining which includes approved contours. This current application relates to the importation of material from off site to achieve these contours and an extension of time for completion of these works.

The material will be sourced from the adjacent AMP and wider Waverley New Community site however a proportion will also be imported from within a 20 mile radius of the site. Given that a proportion of the material will come from the AMP and Waverley site it is considered that the sustainable nature in which the applicant is sourcing the material outweighs the extension in time for completion of the works. For this reason the Council considers that the extension of the timescale to December 2019 for completion of the works is acceptable given the wider sustainability methods which are derived from sourcing the material locally.

Having regard to transportation issues, the proposed works will take place for a maximum of 4 years and in that time it would not have a detrimental impact on the local road network or highway safety. The Council's Transportation department have assessed the proposed works and consider the number of vehicular movements to be acceptable. In this regard it is considered that the proposed works are in compliance with the provisions of UDP Policy T6 'Location of development'.

Turning to the impact of the works on the amenity of occupiers of the nearby residential properties, the Council's Environmental Health have assessed all of the submitted information and generally concur with the mitigation measures proposed to minimise any potential for general disturbance subject to the imposition of conditions. It is therefore considered that the proposed works for this temporary period of time will not have a detrimental impact on the living conditions of the occupiers of neighbouring residential properties, in accordance with UDP Policy ENV3.7 'Control of Pollution'.

Having regard to the above it is recommended that planning permission be approved for a temporary period of four years.

Conditions

01

The development hereby permitted shall be completed by the 31st December, 2019.

Reason

To enable restoration of the site to a beneficial after use within a reasonable period, in accordance with Policy CS26 'Minerals'

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)

- Figure 2 Planning Permission Boundary and Land under Applicant's Control – Dwg Ref: NT11912/11/002 dated Sept 2015
- Figure 4 Phasing Plan – Dwg Ref: NT11912/11/011 dated Sept 2015
- Figure 5 Proposed Bund and Cross Section – Dwg Ref: NT11912/11/012 dated Oct 2015

Reason

To define the permission and for the avoidance of doubt.

03

The bund shown hatched in Green on Plan Title: Proposed Bund and Cross Section – Dwg Ref: NT11912/11/012 dated Oct 2015 shall be completed in its entirety prior to the 31 December 2015. The bund shall thereafter be retained and form part of the completed restoration contours.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'

04

Within 3 months of the date of this permission, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be implemented during the entirety of the construction period.

Reason

In order to ensure the development does not give rise to problems on the public highway, in the interests of road safety

05

Within 3 months of the date of this permission, the access road as defined in red on plan ref:NT11912/11/011 shall be surfaced with asphalt and retained as such during the lifetime of the works hereby approved. Within 3 months of cessation of the works the land shall be restored to a manner to be approved in writing by the Local Planning Authority.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy CS26 'Monerals'

06

Heavy goods vehicles shall only enter or leave the site from off campus between the hours of 9.00 a.m. and 4.00 p.m. on weekdays.

Reason

In the interests of the free flow of traffic and road safety.

07

Within 6 months of the resumption of works on site a detailed restoration scheme shall be submitted to and approved in writing by the Local Planning Authority, along with revised timescales for its completion. The restoration scheme should include a pro-forma in accordance with the previously approved Site Biodiversity Action Plan & Management Plan. The works shall thereafter be carried out in full accordance with the approved details.

Reason

To enhance the biodiversity gain in accordance with Paragraph 109 of the NPPF.

08

Prior to the commencement of works on site, a site specific earthworks specification shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include details of the method of works and the engineering standards to be achieved when placing soils to achieve the desired contours. The works shall thereafter be carried out in accordance with the approved details.

Reason

To ensure that the development can be carried out safely without unacceptable risks to workers and future users.

09

No materials shall be excavated from areas where materials have been specifically deposited/engineered for the purposes of protection to human health from residual risk of low level contaminants.

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.

10

All soils/materials imported to site for restoration works shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The details of the proposed sampling regime shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works and carried out in full compliance with the approved details.

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.

11

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.

12

Within 3 months of the completion of the works hereby approved, a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall include details/plans of materials excavated and re-deposited and shall also enclose details of soils imported to site and the results of their chemical testing to ensure all materials are clean and suitable for 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

Prior to the commencement of works on site a detailed noise monitoring report shall be submitted to and approved in writing by the Local Planning Authority to establish how the specified 75dB LAeq 1 hour has been calculated. Following the approval of the noise monitoring report details of noise monitoring locations shall be submitted as monitoring needs to be carried out and the results need to be submitted to the Local Planning Authority at a timescale to be agreed in writing with the Local Planning Authority to ensure compliance.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'

14

The contractor shall employ the best practicable means as defined in The Control of Pollution Act 1974 to minimise noise and vibration resulting from his operations and shall have regard to British Standard BS 5228 2009 code of Practice for Noise Control on Construction and Open Sites.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'

15

Effective steps shall 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.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy CS26 'Minerals'.

16

The operator shall install and thereafter utilise as appropriate, wheel washing facilities on the site for the duration of the operation. Prior to its installation on site, full details of its specification and siting shall be first agreed with the Local Planning Authority.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy 26 'Minerals'

17

All vehicles entering the site importing waste materials or leaving the site with mineral materials shall be securely and effectively sheeted.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy CS26 'Minerals'.

18

Except in case of emergency, no operations shall take place on site other than between the hours of 07:30 – 17:30 Monday to Friday only. There shall be no working on Saturdays, 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 Minerals Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of local amenity, to give effect to the requirement of Policy CS26 'Minerals'.

19

There shall be no blasting on site unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy CS26 'Minerals'.

20

At all times during the carrying out of operations authorised or required under this permission, effective 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 Minerals 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.

Reason

In the interests of local amenity, to give effect to the requirement of Policy CS26 'Minerals'.

21

The operator shall provide and install all necessary monitoring equipment to carry out dust incidence measurements in accordance with arrangements and at location(s) to be agreed with the Local Planning Authority. The Local Planning Authority shall have freedom of access to all dust monitoring records and results from the site on request.

Reason

In the interests of local amenity, to give effect to the requirement of Policy CS26 'Minerals'.

22

All machinery and vehicles employed on the site prior to 8:30am shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228-1:2009 'Code for Practice for Noise and Vibration Control on Construction and Open Sites'.

Reason

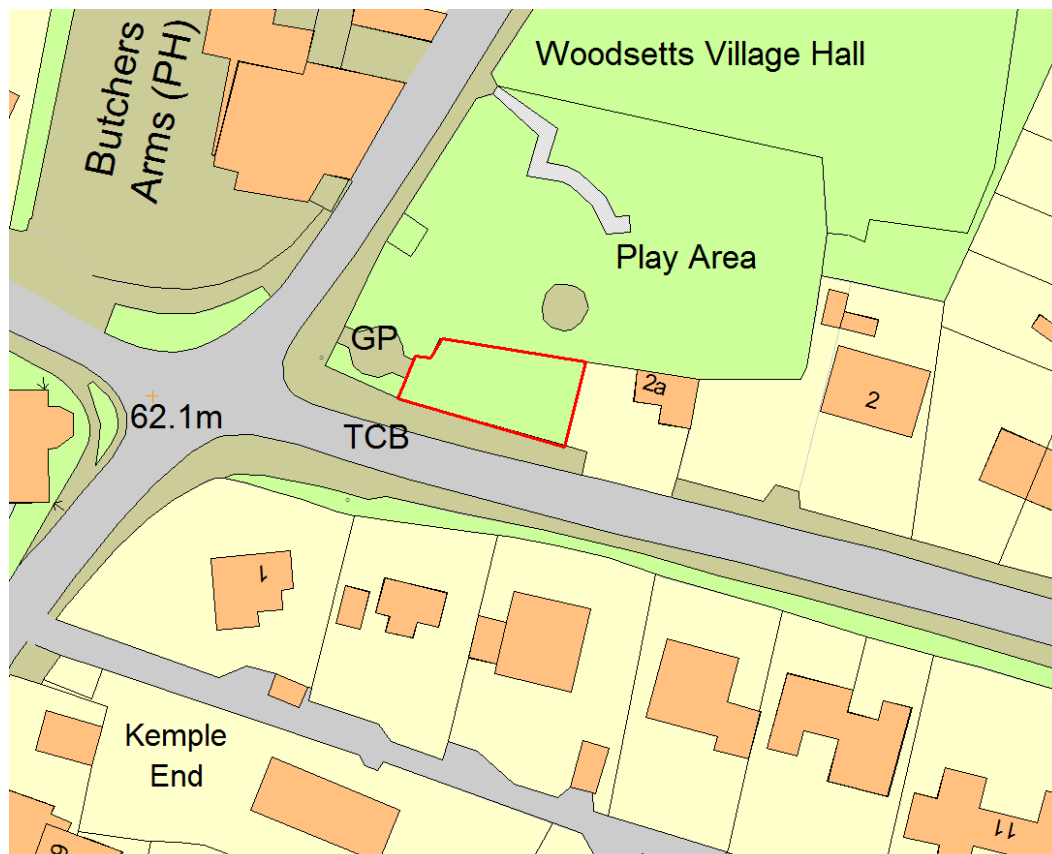
In the interests of local amenity, in accordance with Policy CS26 'Minerals',

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	RB2015/1229
Proposal and Location	Outline application for single storey dwelling, including details of scale, at land adjacent 2 Worksop Road, Woodsetts S81 8RN
Recommendation	Grant subject to conditions

This application is being presented to Planning Board due to the number of objections that have been received (7).



Site Description & Location

The site of application is within the centre of the village of Woodsetts on land adjacent to a single storey building used as a café at No. 2 Worksop Road. The site is close to the crossroads of Worksop Road with Gildingwells Road and Lindrick Road. Immediately adjacent and to the west of the site is the Millennium Garden whilst there is a play area to the north of the site and Woodsetts Village Hall beyond, with residential properties to the south across Worksop Road. To the south west of the site is St George's Church. The land in question is largely level and raised slightly above the road and is grassed and unenclosed. The site area extends to some 237 square metres.

Background

RB1987/0051: Erection of bungalow & garage
 - REFUSED 19/03/87
 Appeal: DISMISSED 29/10/87

Proposal

The proposal is for outline planning permission for a single dwelling, with details of scale to be considered at the outline stage. In this respect, the applicants have submitted a plan which shows a modest single storey 2 bedroom bungalow. The bungalow would measure 8.3 metres in width and 9.7 metres in depth, with the height to the eaves of 2.4 metres with the height to the ridge of 5.6 metres. In terms of layout the indicative plan submitted shows that the dwelling would be located centrally within the plot with a private garden area to the west and parking provision to the east with access taken off Worksop Road.

The site is currently raised above street level and the applicants propose to level the land down to pavement level.

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
CS23 'Valuing the Historic Environment'
CS28 'Sustainable Design'
CS33 'Presumption in favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

ENV3.4 Trees, Woodlands and Hedgerows
HG4.3 Windfall Sites
HG5 'The Residential Environment'

Other Material Considerations

South Yorkshire Residential Design Guide (SYRDG)

Supplementary Planning Guidance 'Housing Guidance 3: Residential infill plots'.

The National Planning Policy Guidance (March 2014).

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 application has been advertised by way of individual letters to adjacent occupiers and by the display of a site notice. In total 7 objections have been received including one from Woodsetts Parish Council. The comments raised shall be summarised below:

Woodsetts Parish Council

- Highway safety impact and traffic generation and leading to congestion within the village.
- Not in keeping with the surrounding area as it is one of only a few open spaces within the village.
- Loss of trees and ecological habitat.

Objections from members of the public and Councillor Jepson

- Traffic impact, congestion and highway safety as the property is opposite a bus stop.
- Conflicts with the adjacent Conservation Area.
- The proposal is overdevelopment of the site with very little private space for the new dwelling.
- The dwelling would be out of character with the surrounding area as it would front the road with other properties set back from the road.
- Conflicts with Millennium Garden and the children’s play area and the Village Hall.
- Harms the openness of this part of the village.
- Object to the principle of residential development at this site.
- Lack of sufficient information on the application form with no details of how the site would be accessed.
- Does the applicant own the land ?

One local resident has requested the right to speak at the meeting.

Consultations

Streetpride (Transportation & Highways): It is noted from the submitted details that the application is for the erection of a single dwelling and that the proposed layout is indicative only. It is considered that the site could adequately take a single dwelling and would not be detrimental to highway safety. As such, no objections are raised in a highways context.

Streetpride (Trees and Woodlands): Have confirmed there are no objections in principle to the proposed development and to the removal of the trees on the site. However, he has recommended conditions related to tree retention measures on

trees adjacent to the site and for a Tree Survey to be submitted to the Council for approval.

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 and visual amenity including impact on the adjacent Woodsetts Conservation Area.
- Residential amenity and amenity of future occupiers
- Highways issues
- Impact on trees
- Other issues raised by objectors

The principle of the development:

The site is located within the centre of the village of Woodsetts and is allocated for Residential Use in the adopted Unitary Development Plan (UDP). The site is considered to be sustainably located with good access to public transport within the village.

Core Strategy Policy CS1 - Delivering Rotherham's Spatial Strategy states that: "Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community. Our strategy will make the best use of key transport corridors, existing infrastructure, services and facilities to reduce the need to travel and ensure that wherever possible communities are self-contained."

The NPPF notes at paragraph 49 that: "Housing applications should be considered in the context of the presumption in favour of sustainable development." This is also supported by Core Strategy Policy CS33. 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 this

instance it is considered that the site is within a sustainable location, given its close proximity to local amenities and being close to a bus route.

It is further considered that the current proposal would comply with tests of UDP Policy HG4.3 'Windfall Sites,' insofar as the application site is surrounded by residential properties and is within a built-up residential locality, as such the proposal would be compatible with the adjoining uses.

In light of the above it is considered that the principle of introducing development within this established residential area and within an area allocated for residential use would, by virtue of the reasons detailed above, be in compliance with the relevant Core Strategy and UDP Policies as well as the advice in the National Planning Policy Framework.

Design and visual amenity including impact on the adjacent Woodsetts Conservation Area:

In assessing the design of the proposed dwelling in relation to the surrounding area, Core Strategy Policy CS28 'Sustainable Design' states that "Design should take all opportunities to improve the character and quality of an area and the way it functions."

Furthermore, the NPPF notes at paragraph 56 that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

"The National Planning Policy Guidance (March 2014), notes that "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations." The NPPG further goes on to advise that: "Local planning authorities are required to take design into consideration and should refuse permission for development of poor design."

The proposed dwelling is located close to the boundary with Woodsetts Conservation Area and therefore new development will have to take into account the setting of the Conservation Area.

Core Strategy Policy CS23 'Valuing the Historic Environment' states that "Proposals will be supported which protect the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest."

Paragraph 137 of the NPPF states in regards to setting of heritage assests that "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that

preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”

The site in question is open land laid to grass within the centre of the village and figures prominently within the streetscene, along with the adjacent Millennium Gardens and play area to the north. The land in question is within private ownership and there remains significant public open space around the site.

The streetscene of Worksop Road is varied, with properties of differing ages, designs and appearance as well as layout and scale. In this instance the design of the property is not being considered at the outline stage and is a reserved matter but the scale of the development is. The NPPG states that when considering scale, this includes; “the height, width and length of each building proposed within the development in relation to its surroundings.” In this instance it is considered that the site is large enough to provide for a modest single storey dwelling house, as set out on the submitted plans, that would not appear out of character with the streetscene of Worksop Road or the surrounding area.

With regards to the impact on the setting of the adjacent Woodsetts Conservation Area it is noted that the site is across the road and set away from the Conservation Area boundary, with residential properties that front Worksop Road being located between the site and the Conservation Area boundary. The application is for outline planning permission for a single storey dwelling, and whilst its appearance and layout are reserved matters, the scale of the development is being considered and it is considered that a very modest single storey dwelling would not harm the setting of the nearby Woodsetts Conservation Area in terms of harming views to or from the Conservation Area. Indeed the presence of Millennium Gardens provides a relatively open aspect to the crossroads in front of the Conservation Area which preserves views into the Conservation Area from Worksop Road and Gildingwells Road. These key viewpoints would be unaffected by the proposed development.

Residential amenity of existing and future occupiers

UDP Policy HG5 ‘The Residential Environment’ states that the Council: “will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment.” This Policy supports and complements the best practice guidance outlined in the SYRDG and paragraph 56 of the NPPF.

The proposal is for 1 detached bungalow which the indicative drawings have demonstrated would be able to meet the internal space standard set out within the South Yorkshire Residential Design Guide. With regard to the external private space for the residents, the South Yorkshire Residential Design Guide states that for two bedroomed dwellings the private rear amenity space should be a minimum of 50 square metres. In this instance this would be achieved. Details of boundary treatment are required to ensure that private amenity areas can be achieved whilst ensuring a visually pleasing appearance within the streetscene. However, the applicants have agreed to provide a soft landscaped boundary i.e. a hedgerow to the road frontage boundary. It is considered that this would provide an attractive feature in the streetscene and further details would be submitted as part of the reserved matters application.

With regard to neighbour amenity, the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building.

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.

In this instance the details of the design of the proposed dwelling has been reserved however the indicative details submitted indicate that the proposal would fully comply with the minimum spacing standards and taking account of the nature of the surrounding area, namely the shop to the east, Millenium Garden to the west, and play area to the north, it is not considered that the proposals would have any impact on residential amenity by way of overbearing impact or loss of privacy.

Therefore it is considered that the proposal accords with the advice contained in the NPPF and the Interim Planning Guidance.

Highway issues:

With regard to highway issues, it is noted that a number objections to the proposal on highway safety grounds have been received, though Streetpride (Transportation & Highways) have raised no objections to the proposal in terms of highway safety or highway impact. It is noted that the dwelling would be located within the centre of the village and close to public transport. Whilst it is noted that means of access is a reserved matter, it is considered that the site could adequately take a single dwelling with its access taken from Worksop Road.

Impact on 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."

It is noted that Woodsetts Parish Council raised concerns about loss of trees at the site. The Council's Tree Service Manger has confirmed there are no objections in principle to the proposed development. The site contains 3 trees including a Hawthorn, an Aspen and a Holly. All are mature in age and outwardly appear in reasonable condition with reasonable future prospects. Collectively and together with other trees in the area they contribute to overall amenity. However, none of them are considered to provide valuable and important amenity. For this reason they do not meet all the criteria for inclusion in a new Tree Preservation Order to ensure they are retained and to provide additional protection throughout any development.

According to the submitted details the Aspen and Holly will be removed to accommodate the new dwelling and the Hawthorn will be retained. In principle there are no objections to the loss of the Aspen and the Holly for the above reasons. Also, at present the successful retention of the Hawthorn is unclear. This will be dependent on the full extent of any proposed changes to existing ground levels and surfaces within its recommended root protection area in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction – Recommendations. In addition, at this stage it appears doubtful that the trees to the north will be affected by the proposed development due to their relatively small size and / or distance from the boundary. However, it is noted that no detailed tree survey and report has been submitted as part of the application.

The Council's Tree Service Manager has recommended the standard planning tree retention and tree survey conditions which are considered to be reasonable as the development could affect trees on adjacent land by the proposed development.

Other issues raised by objectors

It is noted that Woodsetts Parish Council have raised concerns about ecological impact from the development of the site. With regards to ecological impact it is considered that the site is of little ecological value being largely grassed. As such, it is considered not to lead to unacceptable loss of habitat from the proposals.

It is noted that a local resident has raised concerns that the land is not in the ownership of the applicant though the applicant has stated that they are the owner of the land by signing Certificate A on the application form. There is no evidence that would contradict this. A local resident has objected on the basis of the lack of detailed information on the application form, though the application is in 'Outline' form and the details of layout, appearance, landscaping and access will be considered at the Reserved Matters stage.

Conclusion

In conclusion, it is considered that the proposed outline application for a single storey dwelling to be sited on this land is acceptable in principle and would not be detrimental to the setting of the Woodsetts Conservation Area or to the visual amenity of the surrounding area, or be detrimental to residential amenity.

Furthermore the proposal is not considered to have any adverse impact in terms of highway safety.

Accordingly it is recommended that outline planning permission be granted subject to the suggested conditions as set out below.

Conditions

01

a. Application for approval of reserved matters must be made within three years of the date of this permission.

b. The development hereby approved must be begun not later than whichever is the later of the following dates:

- (i) The expiration of five years from the date of this permission; OR
- (ii) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

02

Before the commencement of the development, details of the layout, appearance, access and landscaping shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

03

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'.

04

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

05

In terms of the scale of the building, the development shall be carried out in accordance with the submitted details and specifications as shown on the approved plans (as set out below)
(Drawing number 2733-01A received 2 September 2015)

Reason

To define the permission and for the avoidance of doubt.

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

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme showing location and types of landscape treatment. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

08

The detailed plans to be submitted in accordance with this outline permission shall include details of the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatment shall be completed before the development is brought into use.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS28 Sustainable Design.

09

On site car parking facilities shall be provided in accordance with the Council's Minimum Car Parking Standards.

Reason

In the interests of highway safety.

10

The detailed plans to be submitted in accordance with this outline permission shall include details of the existing and proposed levels on site.

Reason

For the avoidance of doubt and so that the visual impact of the proposed development can be fully assessed.

11

The detailed plans to be submitted in accordance with the requirements of this permission shall include a tree survey in accordance with BS 5837:2012 Trees in Relation to Construction Recommendations section 4.2 to 4.5. to include all the existing trees on and adjacent to the site that may be affected by any development and the following details;

1. Reference number (to be recorded on the tree survey plan to a scale and level of accuracy appropriate to the proposal);
2. Species (common and scientific names, where possible);
3. Height in meters;
4. Stem diameter in millimeters at 1.5 m above ground level (on sloping ground to be taken on the upslope side of the tree base) or immediately above the root flare for multi-stemmed trees;
5. Branch spread in meters taken at the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan);
6. Height in meters of the crown clearance above adjacent ground level (to inform on ground clearance, crown stem ratio and shading);
7. Age class (young, middle aged, mature, over-mature, veteran);
8. Physiological condition (e.g. good, fair, poor, dead);
9. Structural condition, e.g. collapsing, the presence of any decay and physical defect;
10. Preliminary management recommendations, including further investigation of suspected defects that require more detailed assessment and potential wildlife habitat;
11. Estimated remaining contribution in years (e.g. less than 10, 10-20, 20-40, more than 40)
12. U or A to C category grading (see table 1) to be recorded and indicated on the tree survey plan

In addition the following details shall also be submitted for consideration and approval.

- root protection areas (RPA)
- a tree constraints plan (TCP)
- construction exclusion zones
- tree protection plan (TPP)
- arboricultural implication assessment (AIA)
- arboricultural method statement (AMS)
- existing and proposed contours and levels

Reason

To protect trees on adjacent land in the interests of visual amenity in accordance with UDP Policy 'ENV3.4 Trees, Woodlands and Hedgerows.'

12

Within 5 years of the commencement of the works no tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree is removed, uprooted or destroyed or dies, within this 5 year period, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of visual amenity in accordance with UDP Policy 'ENV3.4 Trees, Woodlands and Hedgerows.'

INFORMATIVE

Condition 8 relating to boundary treatment should include soft landscaping, i.e a hedgerow, to the road frontage boundary of the site and not a fence or a wall. Careful consideration is also required as to the proposed boundary treatment with the adjacent Millennium Gardens so as to provide appropriate screening but minimise visual impact, and to alterations to ground levels in this location to minimise any structural impact on the existing wall.

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	RB2015/1275
Proposal and Location	Land remediation works to remove residual tar, spent oxide and shallow asbestos contamination, removal of contaminated soils from site followed by backfilling of excavations with site won material and clean import. The site will be capped with 300 mm of clean import outside of hardstand areas, no change in site levels, land at Station Road, Wath-upon-Dearne. S63 7DH.
Recommendation	Grant subject to conditions

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



Site Description and Location

The site was previously used as a gas works for many years. In more recent years the site has been cleared and is currently vacant grassland with some hard-standing areas. The site is approximately 1.5 hectares in size.

To the north of the site is an area of rough grassland and to the south is Gas Works Cottages and an area of open space. To the west of the site is Station Road and beyond this is a public recreation ground.

Access to the site is from Station Road. The site is relatively level and the eastern section of the site has a number of trees that have been in situ for a number of years.

Background

The site has the following planning history:

RB2006/1721 – Outline application for a residential development comprising 46 dwellinghouses including details of the means of access – refused

The refusal was on the grounds of conflict with the with the UDP, including conflict with other sites allocated for Industrial and Business purposes and precedent for other sites within this allocation to go for residential.

RB2006/1722 – Remediation of land – granted

Proposal

The proposal is for the developer to carry out remediation works involving the removal of residual tar, spent oxide and shallow asbestos contamination, removal of contaminated soils from site. This will be followed by backfilling of excavations with existing site material or clean import material. Originally it was proposed to cap the site with 300 mm of clean import outside of hardstand areas, this has now been reduced to approximately 100mm. Overall there will be no net import/export of soil into the site. A small change in site levels of approximately 0.5m may occur in the southern area of the site, but this will be primarily for the re-grading of existing material to create a level platform.

The applicant (National Grid) intends to market the site for future storage uses (B8 Use), though this would be applied for separately.

The applicant has indicated that there will be approximately 250 No. lorry loads of material are to be taken off site and some 275 No. Loads imported to the site. These movements are anticipated to take place over a 10 week period with movements routed along the A633 Manvers Way and A6195 Dearne Valley Parkway.

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 purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

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

Unitary Development Plan 'saved' policy(s):

ENV3.2 'Minimising the Impact of Development'
ENV3.7 'Control of Pollution'
EC3.1 'Land Identified for Industrial and Business Use'

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

Publicity

The application has been advertised by way of a site notice (19 October 2015) along with individual neighbour notification letters to adjacent properties (01 October 2015). No letters of representation have been received.

Consultations

Neighbourhoods (Environmental Health – Community Protection) – no objections
Environmental Health (Environmental Health – Pollution Control) – no objections
Streetpride (Transportation and Highways) – 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 of the application are as follows:

- Principle
- Impact on soil and groundwater and contamination of the wider site area
- Impact on highway safety
- Impact on nearby residential properties

Principle

The site is allocated for industrial and business purposes in the Development Plan and the majority of the surrounding areas are for commercial and business operations, though there is a block of two residential properties directly to the south. Previously the site had planning approval for remediation of the site in 2006. This was in preparation for a potential redevelopment for residential purposes and was never implemented. This proposal is for remediation with subsequent capping with an impermeable layer. This has been submitted by the applicant (National Grid) in preparation for the leasing out of the site for the potential for other uses (in particular B8 light storage). The principle of remediation is acceptable and the details will be considered below.

Impact on soil and groundwater and wider site area

This proposal is for a voluntary remediation scheme that has been submitted on behalf of the National Grid. The supporting documentation incorporates the detailed remediation works and a Materials Management Plan. This indicates that the site has been subject to a Prioritisation of Risk Tool (PORT) assessment. This is used to ascribe a PORT score to each identified plausible pollutant linkage. Hardstanding areas are present on site and are proposed to remain in place, unless during excavation works identify any contamination extending under areas of adjacent hardstand then these may require removal. The vegetation and green material shall be shredded and removed from site (unless the Contractor advises that some of this material is required for the Remediation Works). Any surface topsoil will be removed and stockpiled separately for subsequent validation testing. Site levels are to remain broadly the same as are at present. No import of material is proposed and other than the removal of some surface vegetation, the final visual appearance of the site will remain similar to that present.

Overall, the site works are considered to result in a generally low contamination risk to the surroundings with a permeable membrane installed to reduce any future risk to groundwater. The Pollution Control Officer has indicated that there are no objections to the proposals on the basis of the information given, subject to final conditions.

Impact on highway safety

The proposal indicates that a total of approximately 250 No. lorry loads of material are to be taken off site and some 275 No. Loads imported to the site. These movements are anticipated to take place over a 10 week period with movements routed along the A633 Manvers Way and A6195 Dearne Valley Parkway.

The Transportation Unit have indicated that there are no objections to the proposal from a highway aspect subject to conditions. These include a condition that vehicles should only use the northern access direct onto Station Road, a turning area within the site be provided and that directional signs to be incorporated into the development.

Impact on nearby residential properties

The proposal does not propose any significant changes to the overall site land levels with no net import or export of material. The numbers of vehicular movements proposed, approximately 250 in total, are considered to be of a scale that is not considered to have any detrimental impact on nearby residential properties. In addition, as indicated within the highway section above, all vehicular movements would enter the site direct from Station Road to the west. There would be no access to the site from the south which is the more residential side of the site.

RMBC's Environmental Health department have indicated that the proposals should be appropriately managed in order to reduce the likelihood of nuisance from noise, odour and dust. However, they do not envisage any significant loss of amenity by virtue of noise, air quality or land pollution impact and have raised no objections, subject to conditions.

Overall, it is considered that the proposals would have an acceptable impact on the residential amenity of the surrounding area.

Conclusion

The principle of remediation of the site is acceptable and the details have been considered as satisfactory by the Pollution Control Officer. The numbers of vehicular movements associated with the proposal is not considered to have a detrimental impact on the surrounding area or on residential amenity. The visual appearance of the site is not considered to change significantly and the proposal 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 114770-0251-140721-03-RA0, remediation works, site layout plan)(received 30/09/15)

Reason

To define the permission and for the avoidance of doubt.

03

All vehicular access/egress shall be derived from the existing access to Station Road at the northern part of the site.

Reason

In the interests of road safety and in order to safeguard nearby residential amenity

04

Signs shall be provided at the site access informing drivers of HGV's leaving the site to turn right out of the site and drivers of HGV's entering the site to turn left into the site. The signs shall be in situ while works are taking place.

Reason

In the interests of road safety and in order to reduce conflict with other road users.

05

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

Reason

In the interests of road safety and amenity

06

A vehicular turning area capable of accommodating the largest vehicle likely to visit the site shall be provided and maintained within the site and constructed in accordance with details which shall be submitted to and approved by the Local Planning Authority prior to the development being commenced.

Reason

In the interests of road safety

07

Prior to the commencement of any groundworks, the developer shall submit a Noise/ Vibration Management Plan and an Air Quality Management Plan in accordance with Appendix A6 and A5 of National Grids Core Specification. The plan shall be assessed and agreed by RMBC's Community Protection Team within Environmental Health and the development shall be implemented in accordance with the approved details.

Reason

In the interests of the amenity of the surroundings.

08

Remediation works shall be undertaken in accordance with the documents entitled 'Former Gasworks Site, Station Road, Wath Upon Dearne – Project Works Information – Prepared by Grontmij Limited, dated October 2015, reference 114770/MH/140721, Revision 6' and Tim Vickers email from Grontmij

of 01st December 2015. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

09

In the event that during development works unexpected significant contamination (spent oxide and cyanide) 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.

10

For any subsoil's/topsoil's that are imported to site for remedial works, then these soils will need to be tested at a rate and frequency specified within the document entitled 'Former Gasworks Site, Station Road, Wath Upon Dearne – Project Works Information – Prepared by Grontmij Limited, dated October 2015, reference 114770/MH/140721, Revision 6' to ensure they are free from contamination. The results of testing will need to be presented in the format of 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.

11

Following completion of the remediation works a Verification Report will be forwarded to the Local Authority for review and comment and should be in accordance with the remediation and verification criteria outlined in the document entitled 'Former Gasworks Site, Station Road, Wath Upon Dearne – Project Works Information – Prepared by Grontmij Limited, dated October 2015, reference 114770/MH/140721, Revision 6'. The Verification Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification 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.

Informative(s)

a) 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.

b) 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).

c) 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.

d) The Environment Agency have indicated that if waste soil is to be used as infill then the correct permit/CLAIRE reports will need to be applied to ensure appropriate use of waste. Consideration needs to be taken about the close proximity of the watercourse and the potential for the contaminated land to escape the site and get into the watercourse.

The applicant is advised to contact our National Customer Contact Centre (03708 506 506) for advice prior to commencing work or to check whether a Environmental Permit is required.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2015/1383
Proposal and Location	Application to remove condition 10 (no right turn into and out of the site) imposed by application RB2014/1703 (details of the erection of 9 No. dwellinghouses and formation of access road), on land at The Croft, Worksop Road, South Anston, S25 5ER
Recommendation	Grant subject to conditions

The application is being determined at Planning Board, as the condition the applicant seeks to remove was specifically requested by Planning Board Members.



Site Description and Location

The application site is an existing bungalow set within a large plot located to the south of Worksop Road, South Anston. The existing bungalow of The Croft is located in the centre of the triangular shaped plot and is bordered to the west and the south by predominantly residential properties, though with some commercial, and to the north by Worksop Road (A57). It is accessed from Worksop Road.

To the east of the access and garden area of The Croft is a small triangular shaped piece of green open space. Anston Footpath No. 4 leads from Sheffield Road along the eastern side of the site to Worksop Road and splits as it reaches the open space area such that a separate footpath (Anston Footpath No. 3) runs down the western side of this area of open space. This open space area is owned by the applicant and falls within the current site boundary, and the total site is approximately 0.28 hectares in area. Beyond this area are more residential properties and gardens.

A small part of the site is within the South Anston Conservation Area which runs adjacent to the southern boundary.

Background

KP1965/1828 - Outline for dwellinghouse – WITHDRAWN

RB1999/0281 - Application for Lawful Development Certificate re: existing vehicular access – GRANTED

RB2013/1015 - Outline application for the demolition of existing dwelling and erection of 9 No. dwellinghouses and formation of access road - GRANTED CONDITIONALLY.

RB2014/1703 - Details of the demolition of existing dwelling and erection of 9 No. dwellinghouses and formation of access road (reserved by outline RB2013/1015) - GRANTED CONDITIONALLY

Condition 10 (additional condition requested by Members at Planning Board)

“No development shall take place until details of measures to prevent right turning manoeuvres both into and out of the site have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interests of road safety.”

The applicant has submitted an appeal against this Condition which is yet to be determined.

Proposal

During the determination of the reserved matters application Members resolved to impose a specific condition in relation to the proposed access to Worksop

Road. This condition (Condition 10) seeks to restrict access to the site from Worksop Road to left in and left out only, in the interests of road safety.

This application seeks to remove Condition 10. The applicant has submitted a supporting Highway Statement which states that:

- In compliance with this condition an initial scheme for a central island in Worksop Road has been designed, plan reference RAB Engineering 1029-30 REV A, and this report has considered the implications of this in relation to accessing the site and also the implications of not providing the central island.
- It is clear from Section 6 of this report that to restrict access to the site by provision of the central island in Worksop Road will produce a situation which will rely on the use of alternative circuitous access routes to the site, which are substandard and inconvenient for users. Furthermore use of either of the two alternative routes will bring about right turning movements in Worksop Road, which by imposition of the Condition, members of the Planning Board specifically sought to prevent.
- Finally it is clear from examination of the initial scheme for the central island that service vehicles will be unable to turn left out of the site without a substantial re design of the junction which will be out of keeping with existing junction arrangements and of disbenefit to pedestrian movements on the nearside footway of Worksop Road.
- With respect to the provision of the junction without the central reservation, Section 5 of this report indicates that overall traffic movements from the development will be very light and once distributed onto the network the level of "right turning traffic" will be very low in the peak hour, and not of a level to justify such restrictions.
- In respect of this proposal a Transport Statement was provided with the Outline application and this report has also provided an indication of the impact of the development in traffic terms. Both these pieces of work indicate that traffic predictions for the site will be very light.
- In relation to the local centre of South Anston and facilities, the site lies in a sustainable location and passenger transport is available. Given the Outline consent sustainability is not in question.
- It has been demonstrated and confirmed by the highway officer of the Council that the proposed access arrangements provided in the Reserved Matters application were satisfactory and compliant with the principles accepted at the Outline stage, and in accordance with the specific condition imposed on the Outline consent.
- It has been demonstrated that the level of traffic associated with the development is extremely low in relation to peak hour and daily traffic on the A57 and there is no requirement to carry out any improvements on this route in relation to capacity or management of traffic flow.

- This report confirms that the examination and conclusions reached by the professional officers of the Council and their guidance and recommendation to Members of Planning Board was thorough and correct. It is therefore requested that in the interests of highway safety Condition 10 is removed from the consent and the original unrestricted access to Worksop Road be provided.

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 'Residential' in the adopted Rotherham UDP and part within/immediately adjacent to the South Anston Conservation Area which lies to the south. There are no Policies which are specifically applicable to this Variation of Condition application.

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)."

Publicity

The application has been advertised by way of neighbour notification letters, site notice and press notice. Five letters of objection have been received and one letter neither supporting nor objecting has been received. In addition letters of objection have been received from Anston Parish Council and Councillor Jepson. Many of the letters raise concerns regarding the principle of the development which has already been accepted by way of the approval of the original outline and related reserved matters applications. The objections relating to the removal of Condition 10 state that:

- Removing the condition would be dangerous to vehicles entering and exiting the main A57 carriageway.
- Could create excessive congestion in South Anston.
- The A57 is the most dangerous road in Rotherham.
- The A57 is difficult and dangerous to cross.
- Increase trailings of mud during construction phase.

In addition a number of letters raise concerns regarding the perceived increase in vehicular movements along Sheffield Road and through the village of South Anston.

The Parish Council indicates that:

- The council is of the opinion that although the imposition of the condition will not solve the many road safety issues that have been raised, it will prevent a dangerous manoeuvre of crossing both lanes of an extremely busy road to turn right from the site as well as preventing left turning traffic into the site, something which could conceivably occur at the same time. It also increases the risk to any pedestrians attempting to cross the road by adding in the possibility of more turning traffic at this point.
- There are already too many exits/access junctions along this stretch of road and to allow this will not only serve to aggravate the existing traffic problems but also increase the possibility of more accidents involving vehicles and pedestrians alike.
- The parish council wishes to reiterate all of the concerns that were incorporated in the objection submitted on the 29th January 2015 and also to express its disappointment that the requested site meeting was not acceded to prior to outline permission being granted.

Councillor Jepson has indicated that:

- Whilst the proposed condition will not solve the traffic problems that surround the site it will mitigate them by preventing any vehicles making an extremely dangerous right turn from the site across two lanes of traffic and at the same time prevent any right turns back across the traffic flow to access the site. It is entirely possible that these right turn manoeuvres from both east and west could occur at the same time. To allow this to go ahead would be absolute madness.
- With regard to the report submitted by the applicant I would make the following comments :-

Section 3.

i) With regard to traffic flow, anticipated daily average person trips, vehicles ownership levels, access from both directions etc indicated in the report, these are unknowns at this moment in time and as such cannot be factored in as a reason for the removal of the condition.

ii) The vehicle data provided does not tell the true story with regard to the size and frequency of HGV'S that currently use this road.

- With regard to accident levels 4.11 (Crashmap), this data only relates to where a personal injury has been recorded. Between January 2006 and December 2010, 17 accidents occurred where injuries were recorded. This section of the report does not give a true picture of the number of accidents as many go unreported when the emergency services/police do not attend (see my objections 2/2/15 Item 9). I am sure that local residents will testify to this being the case. Are we to now believe (according to the report) that no accidents have happened on this stretch of road since December 2010 and it is now an accident free zone. If these right turns in

and out are to be allowed then there is no doubt that there will be an increase in accidents along this short stretch of road given all the other access/exit points that already exist along it.

- The photograph of Worksop Road that is included in the report is totally misleading and has been taken at an opportune moment in order to give a favourable impression of the traffic flow. After visiting the site early in the year board members will be aware that this is not the case and why Condition 10 was imposed.
- In Appendix A (Revision A) of the report there is a proposed scheme which shows that Condition 10 can be fully met subject to the agreement of the Highways Section of RMBC. This proposal will also provide for an improved pedestrian crossing at this point. There is no reason why this should not be implemented other than the developer is merely seeking to mitigate his own costs by having the condition removed and the cost of any other highway safety works being met by the local authority.

Two rights to speak have been received from local residents requesting the right to speak, and that Councillor Jepson speaks on their behalf if they are unable to attend the meeting.

Consultations

Streetpride (Transportation & Highways): Concur with the recommendations in the Highway Statement submitted by the applicant which concludes that the provision of a central reservation in the A57 will result in alternative routes being taken by those trying to enter and exit the site which will have their own highway safety implications, and that there is no requirement to carry out any improvements in the A57 as a consequence of this development in relation to capacity or management of traffic flow.

Accordingly, the Transportation Unit has no objections to the proposal to delete Condition 10 from a highway aspect.

Appraisal

This is a Variation of Condition application relating to a reserved matters application. The principle of residential development on the site has been established by the previous Outline permission and the detailed layout was approved under the related Reserved Matters application. In this instance the only issue for consideration is whether the removal of the Condition relating to no right turning is acceptable in highway safety terms.

Condition 10 of RB2014/1703 requires measures to prevent right turn vehicular movements into and out of the site and was imposed at the request of Planning Board Members "in the interests of road safety". The best way of achieving this would be by the provision of a long central island in the A57 Worksop Road directly opposite the proposed site access. The current application to remove this Condition is supported by a Highway Statement (HS) prepared by the applicant's Traffic Consultants. The HS considers the likely traffic impact and road safety

implications of constructing the access both with and without measures to restrict right turns.

With regard to the access originally proposed with no controls over movements into and out of the site, the HS points out that this is identical to the arrangement which operates at existing junctions with Worksop Road in the vicinity of the site. Bank Street/Wilberforce Road serves of the order of 72 No. dwellings. Leading from Bank Street and running parallel to Worksop Road is a service road which re-joins Worksop Road and serves 20 No. dwellings. There have been no recorded personal injury accidents at these two junctions with the A57 in the last 5 years. Furthermore, the proposed development of 9 dwellings is expected to generate some 8-9 two way movements only in the peak hours. Visibility at the proposed access location accords with the recommended visibility distance for the recorded traffic speeds (38.4 mph).

The HS points out also that prohibiting right turn movements out of the site will result in drivers finding a means by which they can turn using existing side roads in order to travel in an easterly direction. This is likely to be via Bank Street and the service road referred to above. Three additional "junction turns" would be required to achieve this, one being a right turn movement in Worksop Road when turning into Bank Street, which the Condition seeks to prevent. This route would, in all likelihood, also be used by drivers approaching the site from the west by undertaking a right turn movement out of the service road into the A57.

It should be noted that an alternative would be to turn left out of the site and then left onto Sheffield Road, before passing through South Anston village before exiting onto the A57 via the crossroads at Ryton Road. Objectors have indicated that removing Condition 10 would increase traffic through the village, though the opposite is true as drivers cannot turn right out of the site, or right into the site, they may travel along Sheffield Road and through the village as an alternative. However, this is a circuitous route which involves additional junction turns and it is considered that it is more likely that the alternative routes referred to above, including via Bank Street, are seen as more preferable.

The junction as originally proposed was designed to enable access/egress by a large refuse collection vehicle whereas such vehicles would be unable to undertake these manoeuvres if a long central island was provided in the A57. The recommendations in the HS that there is no requirement to carry out any improvements in the A57 as a consequence of this development in relation to capacity or management of traffic flow is also accepted.

In view of the above it is considered that should right turns at the site be prevented, the use of the likely alternative routes for drivers approaching/leaving the site would be far from ideal in a road safety context.

Conclusion

The principle of the residential development of this site was established under outline application RB2013/1015 and details previously approved under RB2014/1703.

The removal of Condition 10 will not be detrimental to highway safety and is in accordance with the provisions of UDP Policy HG5 'Housing Environment'. This is subject to the all the previous highway conditions being repeated in the new permission.

Conditions

01

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) except as shall be otherwise agreed in writing by the Local Planning Authority.

Amended site plan 01 Rev D

Amended Acoustic Garages 06 Rev A

Amended Elevations 03,04,05,07,08,09 Rev A.

Reason

To define the permission and for the avoidance of doubt.

02

Samples of the materials (including windows) to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the construction of a sample panel on site and details of window frames including level of recess within the reveal. The development shall be carried out in accordance with the approved details.

Reason

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

03

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.

04

Prior to development if subsoils / topsoils 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.

The results of testing will need to be presented in the format of 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.

05

Landscaping of the site as shown on the approved plan (drawing no.714,01, Rev D) 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 and in accordance with LDF Policy CS28 'Sustainable Design', UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

06

Before the development is brought into use, the boundary treatment shown on drawing no.714,01, Rev D shall be installed.

Reason

In the interest of the amenity of future residents and the character of the area.

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 development being commenced, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority and the approved details, which shall include details of an on site loading/unloading area, staff parking, and measures to deal with mud in the highway, shall be implemented.

Reason

In the interests of road safety.

09

When the proposed vehicle access has been brought into use, the existing vehicle access shall be permanently closed and the kerbline/footway/verge reinstated in accordance with details to be submitted to, and approved by, the Local Planning Authority.

Reason

In the interests of road safety.

Informative(s):

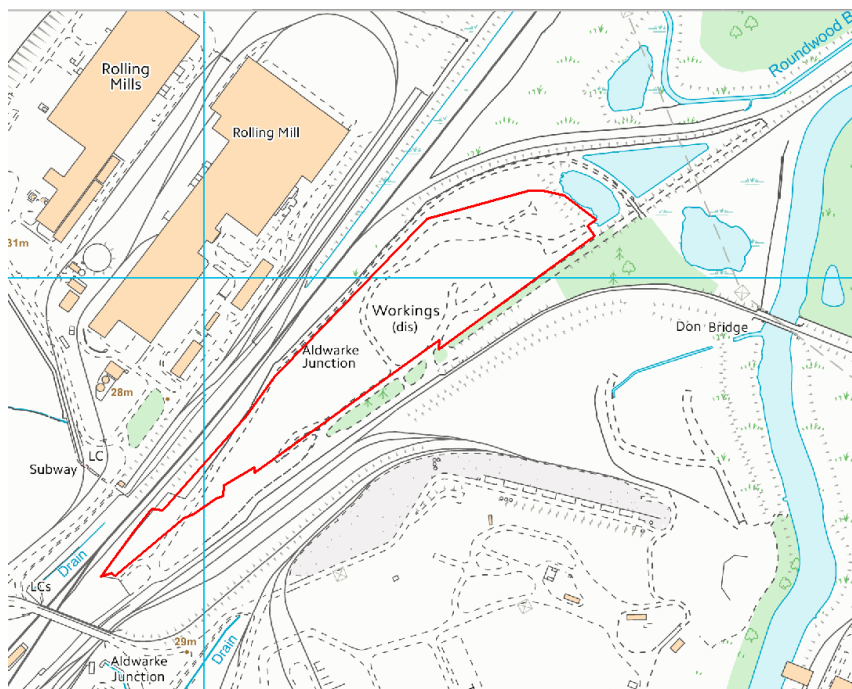
All relevant conditions on the outline permission need to be discharged accordingly.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.

Application Number	RB2015/1391
Proposal and Location	Application to vary Condition No. 01 (completion date December 2015) imposed by RB2010/1240, former Roundwood Colliery, Aldwarke Lane, Aldwarke
Recommendation	Grant subject to conditions

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



Site Description and Location

The application site covers an area of approximately 5.8Ha and is located at the former Roundwood Colliery which last operated in 1964. The site is positioned between the Parkgate and Aldwarke steelworks, both of which are in the ownership of Tata Steel and are currently operational. To the west and east of the site are two live railway lines. The land to the north east of the site area comprises two ponds within an Area of Known Interest within the Green Belt. The former residential property at Roundwood Farm, now abandoned, lies approximately 400m to the north.

The land within the site comprises predominantly of colliery spoil. The site levels lie between 25-36m above ordinance datum. There are 3 disused mine shafts situated in the south-western corner of the site.

On an immediately adjacent site to the north lies a pond area known as Kilnhurst Fisheries. This is a private facility that is used by local anglers. The access to the fisheries site shares the same access (an unmetalled, un-adopted track from the south) as the machinery used at the Roundwood site. The track runs approximately 1.5km from the site to Aldwarke Lane to the south along the western side of the steelworks sidings.

Background

This application site has the following relevant planning history:

RB2004/0276 – Reclamation of site by decontamination and recovery of surface materials & on site minerals and importation of inert fill and levelling of site for future industrial, commercial & amenity use – granted conditionally

RB2005/0475 - Continuation of reclamation of site without compliance with condition 21 (no processing of material for export/sale) imposed by RB2004/0276 to allow importation of minerals for blending with on-site material for re-sale – granted conditionally

RB2007/0743 - Infill and restoration of site to facilitate future development and stabilise railway line (extension to reclamation of site approved under RB2004/0276) – granted conditionally

RB2007/2423 - Application for variation of condition 1 (work to be completed by December 2008) imposed by RB2007/0743 to allow infill and restoration of site to be completed by December 2010 – granted conditionally

RB2010/1240 - Application for variation to condition 1 (work to be completed by December 2010) imposed by RB2007/2324 to allow infill and restoration of site to be completed by December 2015 – granted conditionally

Proposal

The application is to vary condition 1 of the originally approved application RB2007/2423, later amended by RB2010/1240 to increase the time period

granted for the infill and restoration works from December 2015 to December 2020.

A supporting statement has been submitted which indicates that the reason for this required extension is as follows:

- Since 2010, a full forward drilling programme has taken place to establish the geology of the site.
- A considerable deposit of brickshale was present below the Alluvial strata of the site which potentially could be used in brickmaking.
- Following physical and chemical testing regime on the brickshales and this has now proven substantial reserves.
- Due to these previously unproven reserves SDL need to seek a further extension to the working period, to allow the working of a reserve which will preserve and increase employment in the mining, brickmaking and building industries.
- The reserves at the proposed rate of extraction will require a further 5 year extraction period.

The combination of the above has resulted in a total re-programming of the site to achieve the quality of restoration the applicants wish to achieve for the future development of the former Colliery tip and has resulted in the delay of the restoration project.

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 purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):
CS26 'Minerals'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):
ENV3.2 'Minimising the Impact of Development'
ENV3.7 'Control of Pollution'
EC3.1 'Land Identified for Industrial and Business Use'

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

Publicity

The application has been advertised by way of a site notice (06th November 2015) along with individual neighbour notification letters to adjacent site owners (including Kilnhurst Fisheries). A total of 6 letters of representation have been received and can be summarised as follows:

- Objections are from users of and owner of Kilnhurst Fisheries which is a private fishing pond that is situated adjacent to the site.
- Excessive amounts of mud have been deposited on the road.
- The access track to the fishing pond is often obstructed by diggers and lorries which causes disruption to users of the fishing pond.
- Business for the fishery has declined rapidly over the years due to anglers having difficulty accessing the site. This results in negative publicity and further discourages new anglers from visiting.

Consultations

Streetpride (Transportation and Highways) – no objections

South Yorkshire Mining Advisory Service (SYMAS) – no objections

Neighbourhoods (Environmental Health – Community Protection) – no objections

Coal Authority – no objections

Environment Agency – no objections subject to the wheel washing facility being in situ.

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 issues in the determination of the application are as follows:

- *Principle of the extension of time*
- *Impact of the delay of the restoration works on the surrounding environment.*
- *Impact on the shared access road*

Principle

There are no changes proposed to the scope of the proposed works, the only change being the extension of the timeframe for the completion of the infill and restoration works from December 2015 to December 2020.

The applicant indicates that following the last extension of time permission in 2010, a full forward drilling programme has taken place to establish the exact geology of the site.

This has established that a considerable deposit of brickshale was present below the Alluvial strata of the site which potentially could be used in brickmaking. SDL therefore, in conjunction with Hanson Brick began an extensive physical and chemical testing regime on the brickshales and this has now proven to be substantial reserves. The combined effect of this, together with a considerable reversal of the recession in the house building industry, has enabled the prospects of the site to be transformed from a site struggling to achieve its proposed restoration, to a site which now has the ability to achieve and also enhance those proposals.

However, because of these previously unproven reserves SDL need to seek a further extension to the working period, to allow the working of a reserve which will preserve and increase employment in the mining, brickmaking and building industries. At the proposed rate of extraction it is estimated that a further 5 year period is required. None of the previous conditions prevent the extraction of brickshale from the site.

The site is allocated for Industrial Business purposes and has large long-established industrial operations (Tata Steelworks) on both the west and east of the site. Railways also enclose the site on both sides and restrict the land available for future re-development and meaning the site has an elongated shape.

The Council's Forward Planning department have indicated in earlier correspondence that they do not envisage the site to come forward for re-development in the near future (if at all). Taking this into account, along with its restricted road access and positioning within the steelworks well away from the public vantage point, it is considered that the site does not form one of the preferred industrial sites for additional employment within the next plan period. Consequently, in policy terms there are no objections to the extension of time.

Impact of the delay of the restoration works on the surrounding environment.

The restoration of this site has had a number of problems which had not been foreseen in the earlier site permissions. These include geological washouts occurring and the impact of the recession on the market for minerals/materials for the construction industry. Overall there is no changes to the proposed restoration

works which, when completed are considered to significantly enhance the amenity of the area when completed.

The site lies within an established industrial site and lies between two separate sections of the Corus Steelworks and the main Rotherham-Doncaster Railway. There are no residential properties within 500 metres of the site and it is not considered that the increase in time of the works will have any additional impact on the amenity of the surroundings in accordance with Core Strategy CS28 'Sustainable Design and UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution.'

Impact on the shared access road

All of the objections received refer to the state of the access road which this site shares with Kilnhurst Ponds, a facility for local anglers on an adjacent site to the north. A number of the objections request that the extension of time be refused as there is conflict with the application site and the fishing ponds. In particular industrial vehicles and equipment has churned the track up creating significant amounts of mud and debris which causes difficulties for visitors to the pond, and discourages new visitors.

The applicant has indicated that a new wheel wash has been installed at the site. Photographic evidence of this in action has been submitted in support of the application. The EA have also assessed this element of the application and have considered that the wheel wash is acceptable and that since its installation, the number of complaints has reduced.

Conclusion

The site is not considered to form one of the key future employment sites, set a long way back from the highway and being of an irregular shape and the principle of the extension of time is considered to be acceptable. The proposed extension of time would not have any detrimental impact on the long-term remediation and restoration of the site. In terms of the conflict with users of the adjacent fishing ponds, it is considered that the measures put in place by the applicant would satisfactorily overcome the objections received. The application is therefore recommended for approval subject to the following conditions..

Conditions

01

The permission hereby granted shall refer to the area of land bounded by the red line on the approved plan (ref approved plans RD23, RD24, RD25, RD26 in addition to RD40, RD41, RW32 as described in the accompanying written statement dated February 2004 and Roundwood Boundary Plan 1) and shall be completed by 31 December 2020. After this date (unless further permission be granted by the Local Planning Authority prior to the end of that period) all mineral extraction and importation of inert fill shall have ceased.

Reason

To limit the extent and duration of the permission in the interests of amenity and to permit the land to be restored/redeveloped in accordance with CS26 'Minerals' of the Core Strategy..

02

Effective steps shall 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.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of CS26 'Minerals' of the Core Strategy..

03

The wheel washing facilities installed on the site shall be retained for the duration of the operation.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity.

04

Except in case of emergency, no operations shall take place on site other than between the hours of 0700 to 1900 Monday to Friday and between 0700 to 1300 on Saturdays. There shall 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 shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of local amenity, and to meet the requirement of Core Strategy CS28 'Sustainable Design'

05

There shall be no blasting on site in furtherance of this permission unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of CS26 'Minerals' of the Core Strategy.

06

Suitable precautions shall be taken by the developer to prevent pollution of any adjoining watercourses or the underlying strata arising from operations on site. Any fixed fuel and oil supply tanks must be surrounded by bund walls of sufficient height so as to contain at least 110% of the storage capacity of the tanks and any associated pipework in the event of a spillage. The floors and walls of the bund must be impervious to water and oil

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of CS26 'Minerals' of the Core Strategy..

07

Suitable precautions shall be employed by the developer to prevent pollution of adjacent watercourses and the underlying strata arising from leachate generation from the site. Such methods shall incorporate best practicable means to contain, manage and control leachate.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of CS26 'Minerals' of the Core Strategy..

08

Water entering onto or arising within the site shall not be discharged to a drain, sewer, culvert or watercourse unless it has first been sieved and cleared of suspended materials. Residual solids and sludges shall be prevented from entering any drain, sewer, culvert or watercourse.

Reason

To ensure that the development does not give rise to drainage problems, to give effect to the requirement of CS26 'Minerals' of the Core Strategy..

09

All ditches, streams, watercourses or culverts passing through or adjacent to the permitted site shall be protected and no works shall impair the flow nor render less effective the drainage onto or from adjoining land.

Reason

To ensure that the development does not give rise to drainage problems, to give effect to the requirement of CS26 'Minerals' of the Core Strategy..

10

Effective measures shall be employed by the developer to ensure the surface and sub-surface drainage of the tipped/regraded areas as operations proceed and on completion of the final landform so as to avoid any instability arising within the site, surface ponding, or problems of flooding on adjoining land. Drainage/off-site drainage of the final landform shall be installed in accordance with details which shall have received the prior written approval of the Local Planning Authority.

Reason

To ensure that the development does not give rise to drainage problems, to give effect to the requirement of CS26 'Minerals' of the Core Strategy..

11

Soakaways or lagoons constructed as a means of storm/surface water disposal or storage must not be constructed within 10metres of the railway boundary.

Reason

To maintain the integrity of the surface water regime and to prevent flooding of railway property.

12

Grading to an even surface shall be achieved progressively across the site in accordance with the submitted details and within the timescales referred to at condition 1 above. All batters, side slopes and finished surface of the site shall be cleared of any residual items of debris, metal, wire and large items of rubble and such material shall be disposed of in an appropriate manner off site or buried at depth within the site.

Reason

To ensure the satisfactory restoration of the site, in accordance with CS26 'Minerals' of the Core Strategy..

13

In the event of the premature cessation of activities on the site for whatever reason then within six months of such cessation a revised scheme of restoration and aftercare shall be submitted by the developer to the Local Planning Authority for approval. Restoration of the site shall thereafter proceed in accordance with the revised scheme and shall be completed within six months from the date of approval of the revised scheme, or such other period as may be agreed in writing by the Local Planning Authority.

Reason

To ensure that in the event of premature cessation of activities the land may still be satisfactorily restored to beneficial use, in accordance with CS26 'Minerals' of the Core Strategy..

14

Those parts of the site to be restored suitable for built development and not required immediately shall be treated as follows, except as shall be otherwise agreed in writing by the Local Planning Authority. Following final grading, such compacted areas shall be lightly scarified then seeded with an appropriate grass seed mixture as shall be agreed in advance with the Local Planning Authority. Such works shall be repeated until a green sward is established as shall be agreed with the Local Planning Authority. All such areas shall be free of large items of debris, rubble, metal or wire and treated as necessary to prevent infestation of weeds pending development of the land. Monitoring Complaints

Reason

To ensure the satisfactory restoration of the site, in accordance with CS26 'Minerals' of the Core Strategy..

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.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY
BOARD

PLANNING, REGENERATION AND CULTURE SERVICE

REPORT TO BOARD
10th December 2015

Report of the Director of Planning, Regeneration and Culture

ITEM NO. SUBJECT

1 RB2015/1380

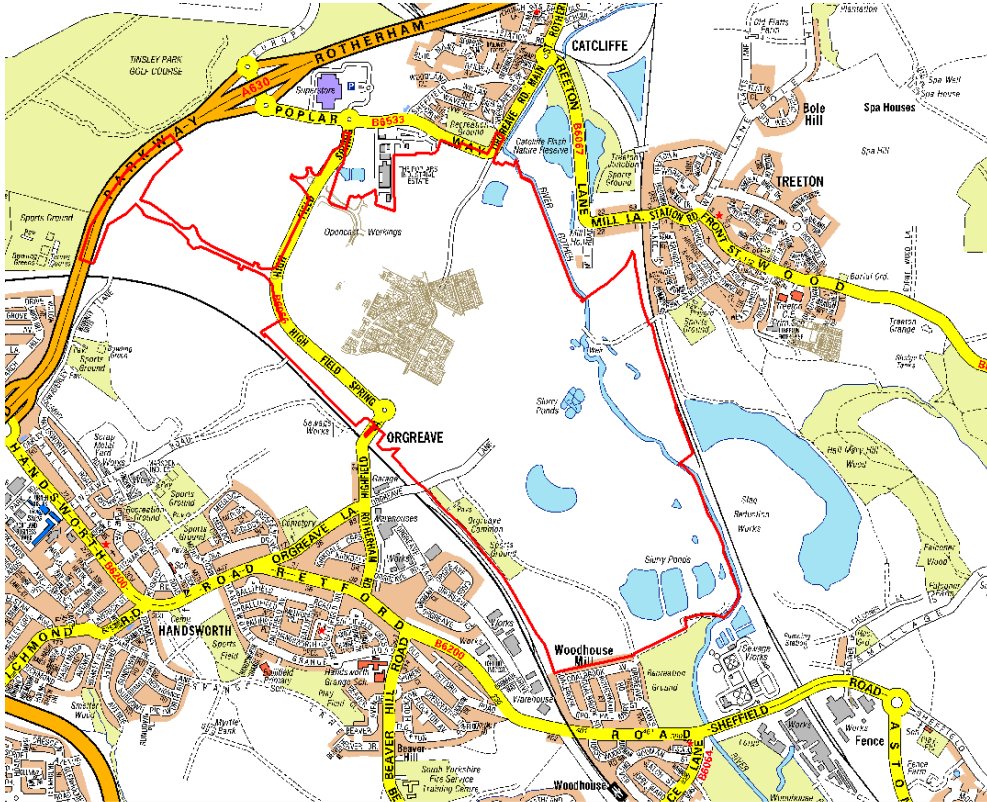
Variation to the Section 106 Agreement attached to RB2008/1372 to vary the clauses within the Agreement that require Harworth Estates to provide land for a Park and Ride facility at Waverley New Community.

2 Proposed Tree Preservation Order No 3 2015 – at land at Well Lane, Whiston, Rotherham, S60 4HU

Item 1

RB2015/1380

Variation to the Section 106 Agreement attached to RB2008/1372 to vary the clauses within the Agreement that require Harworth Estates to provide land for a Park and Ride facility at Waverley New Community.



Recommendation

A. That the Council enter into a revised agreement with the developer under Section 106 and 106A (1) (a) of the Town and Country Planning Act 1990 (as amended) for the purposes of following:

- (i) Remove the obligation to provide land for the purposes of the Park and Ride facility, Transport Interchange and associated infrastructure.**

Background

Outline planning permission was granted for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water

supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting)

This planning permission is subject to a Section 106 Agreement (dated 03 March 2011) for the purpose of securing a number of obligations relating to the provision of Affordable Housing, Schools, A Community Centre, Library, Play Areas, Travel Plan Measures and financial contributions towards junction improvements. This Deed seeks solely to vary the original Agreement in relation to the following:

- Delete the definitions of Public Transport Facilities and SYPTE Land from Clause 1 of the Updated Deed;
- Delete Paragraph 3 of Schedule 1 of the Updated Deed, which states:
 - *'To make provision for the public transport facilities as set out in Schedule 4'*;
- Delete the following words from the paragraph below 10.2 of Schedule 3 of the Updated Deed, which states the following:
 - *'Provided that the sums specified in paragraph 10.2, 10.3 and 10.4 shall not be payable if the Bus Rapid Transit (BRT) South scheme currently under consideration by SYPTE in conjunction with Sheffield and Rotherham Councils has commenced operations by the due dates for payment'*.
- Delete Schedule 4 of the Updated Deed, which requires the reservation of land for the purposes of a park and ride facility for 15 years and construction of a transport interchange along with access and perimeter landscaping and fencing.

Site Description and Location

The site occupies an area of approximately 230 hectares and comprises the major part of the former Orgreave opencast mining site. Opencast mining operations ceased in January 2006 and the site is currently being restored and compacted in accordance with the approved details of application ref: RB2008/1918. To the north of the site is 20 hectares of land known as Highfield Commercial and beyond is the Advanced Manufacturing Park (AMP) which is approximately 40 hectares in area. Together the separate developments form a part of the overall Waverley site.

The site is located equidistance from Rotherham and Sheffield town and city centres and is currently primarily accessed off the Sheffield Parkway. It is surrounded by the outlying villages of Catcliffe to the northeast, Treeton to the east, Orgreave and Woodhouse Mill to the south and Handsworth to the west. The site is bound to the east in part by the River Rother and the Rotherham/Chesterfield freight railway line, to the south by the Cranbrook housing estate and to the southwest by the Sheffield to Lincoln railway. The northern boundary abuts the Highfield Commercial development site except for an access to the Sheffield Parkway.

Proposal

A Deed of Variation has been submitted by the applicant, Harworth Estates which seeks to remove an obligation to reserve land for South Yorkshire Passenger Transport Executive (SYPTE) for the purposes of constructing a park and ride facility, transport interchange and associated infrastructure for a period of 15 years starting from the date

of the grant of planning permission (16/03/2011). This obligation was secured in the S106 Agreement attached to the original planning permission Ref: RB2008/1372).

By way of background, when the original Section 106 was being negotiated, the southern route of the Bus Rapid Transit (BRT) was considered to be a viable public transport option, along with BRT North which is now currently under construction, however over time the southern route has come under scrutiny and is now no longer seen as a viable mass transit solution to public transport provision in this area.

Accordingly, the retention of land for the purposes of a park and ride facility to facilitate the BRT South scheme is no longer deemed necessary.

Development Plan Allocation and Policy

The site is split into three allocations in the adopted UDP; Industry and Business, White Land and Green Belt and the following Policies are considered to be relevant.

UDP Policies:

HG5 'The Residential Environment'

Core Strategy Policies:

CS14 'Accessible Places and Managing Demand for Travel'

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)."

Consultations

Streetpride (Transportation and Highways) raise no objections to the removal of the Park and Ride facility on the basis that alternative public transport provision is secured by condition and financed through the S106 Agreement.

South Yorkshire Passenger Transport Executive has stated that: "*originally the Park and Ride included the public transport interchange and a stop for the southern route of the BRT. However, overtime the development mix of the site, as well as the attractiveness of a park and ride in that area have changed and as such Harworth, RMBC and SYPTE agree that the Park and Ride facility is not in an appropriate location. This combined with the fact that BRT South has not come forward means it is appropriate to remove the Park and Ride requirement. There will still be an Interchange in a suitable location on the site, with the remaining money set aside for future public transport infrastructure improvements, potentially for use as part of the wider transport issues within the Advanced Manufacturing Innovation District.*"

Appraisal

This Deed is made pursuant to Section 106 and 106A (1) (a) of the Town and Country Planning Act 1990 (as amended) and the obligations entered into are planning obligations for the purposes of this Act.

As previously stated, outline planning permission was granted in 2011 for a new community and during the determination process, consideration was given to the sustainability benefits of the site which included public transport provision. At the time of consideration, the proximity of the planned residential dwellings together with the existing provision of bus services were considered appropriate to provide a minimum level of service of four buses per hour to a major public transport interchange, which was consistent with policy requirements at that time.

Despite this and in order to encourage the use of public transport in the area, SYPTE were promoting a scheme to construct a 1,000 space Park and Ride facility within the wider Waverley site which sought to provide a car competitive bus link into Sheffield and Rotherham, however it was not committed on the date of determination. The requirement to retain the land for this purpose for a period of 15 years was therefore included in the S106 legal agreement.

Additionally and in the event the proposed Park and Ride facility was unsuccessful, the applicant was required to improve the existing public transport provision which consisted of a financial contribution of £1,500,000, payable at various intervals during the development build out. This alternative provision was secured via the S106 and a condition of the approval and will remain unchanged.

Since the approval in 2011, approximately 400 dwellings have been constructed and over the last 12 months, the landowner, Harworth Estates has been in discussion with RMBC regarding alternative proposals for the redevelopment of the Highfield Commercial site which are being brought forward via a Masterplan process (including Transport document) which is a requirement of the draft mixed use policy for the site set out in the emerging Rotherham Sites and Policies Development Plan Document. At the centre of these proposals is the creation of a Local Centre on the Highfield Commercial site, which will deliver the amenities necessary to deliver a sustainable and vibrant community.

In order to deliver appropriate public transport provision to the local centre, wider new community and the AMP discussions have been held with South Yorkshire Transport Executive (SYPTE) who do not consider the Park and Ride facility necessary on the basis that it is not in an appropriate location and the funding for BRT South has not come forward as originally envisaged. Accordingly this Deed seeks to remove this obligation and as such will enable discussions to proceed on the alternate public transport provision.

A large proportion of the land reserved for the park and ride facility is undevelopable, due to its location on the former open cast high wall and as such is shown on an indicative masterplan as an extension to Highwall Park, however land to the front has been tested by the landowner and could be developed, however this would need to be considered under a separate planning application.

The Deed is accompanied by a Transport Document which considers the implementation of a phased Public Transport Strategy. This has been developed following ongoing discussions with SYPTE and comprises proposals to be delivered in three phases.

Phase 1 considers that the immediate need for public transport is to serve the proposed Local Centre, relocated alongside Highfield Spring, as well as to continue to meet the requirements of AMP and the existing residential development. Highfield Spring is served by the 72/72A service between Rotherham and Sheffield, as well as the A1 service between Waverley and Meadowhall. Both services have stops, with shelters and lay-bys, on Highfield Spring. The existing stops are adjacent to the pedestrian entrance to the Sheffield University training centre and will receive additional pedestrian activity from the Homes and Communities Agency (HCA) building currently under construction. In addition, a pedestrian route from Brunel Way will be made through to the HCA access, thereby providing improved walk connections to the Highfield Springs stops from the rest of the AMP site.

This creates an opportunity to locate the initial public transport 'Hub' in this location, making use of existing service routes and enhancing bus stop facilities. There would also be new pedestrian crossing and surface treatment, to redefine this part of Highfield Spring. The parameters for the Phase 1 Hub are:

- Lay-bys
 - Long enough for 2 buses at any one time where appropriate, such as where used as timing points for existing services and where serving 2 or more services
 - Shelters, to include
 - Stop name
 - Seating
 - Lighting
 - Travel information – timetables, route details/maps
 - Litterbins
 - Changes to the highway
 - Easy access kerbs
 - Coloured surfacing and/or raised platform
 - New Highfield Spring crossing for pedestrians and cyclists

The first phase of housing has been delivered towards the south of the site, alongside Highfield Spring as it continues towards Highfield Lane. Existing bus stops on this section of road, in each direction, would be improved by providing shelters, seating, timetable information along with the creation of a formal crossing point for pedestrians getting off buses from Sheffield. This crossing point will also provide a missing facility for cyclists seeking to access the new cross boundary route linking Waverley to Handsworth. These stops are within 400m of existing residential dwellings.

Phase 2: As the development of the New Community continues, further away from existing stops, the second phase of the strategy will be implemented, providing a secondary hub which will most likely be located between the Local Centre and the proposed school, connecting through to Highfield Lane. Stops and a combination of the secondary hub on Highfield Lane will ensure that the next phase of housing is also within 400m of a bus stop. To facilitate this, any new routes through the site would be new provisions. However, there may be scope to penetrate part of the site with the A1 service.

Subsidy may be required to improve current service frequencies. At present, the 72 service runs twice an hour, in each direction, between Sheffield and Rotherham and the A1 service runs twice an hour to and from Meadowhall. This is considered to be a good provision and will need to be retained along Highfield Spring going forward. Any subsidy should therefore go towards serving the secondary Hub and providing bus routes through to Highfield Lane.

Phase 3: In later years of the development, as the community expands towards the lakes, funds will be required to provide an additional service that penetrates the site, which could operate less frequently. Although a less frequent service, even residents furthest in to the site would have good walk links to the secondary Hub and a balance can be struck between walk distance and frequency of service. The final phase of the public transport strategy is less certain at this stage, however to support these plans it is important that there remains a hierarchy of routes through the site, with main routes designed to accommodate buses (minimum 6.0m wide, off-street parking and sufficient turning space at junctions). Stops would be located along these bus-ready routes to ensure that as many homes as can be reasonably achieved are within 400m of a stop.

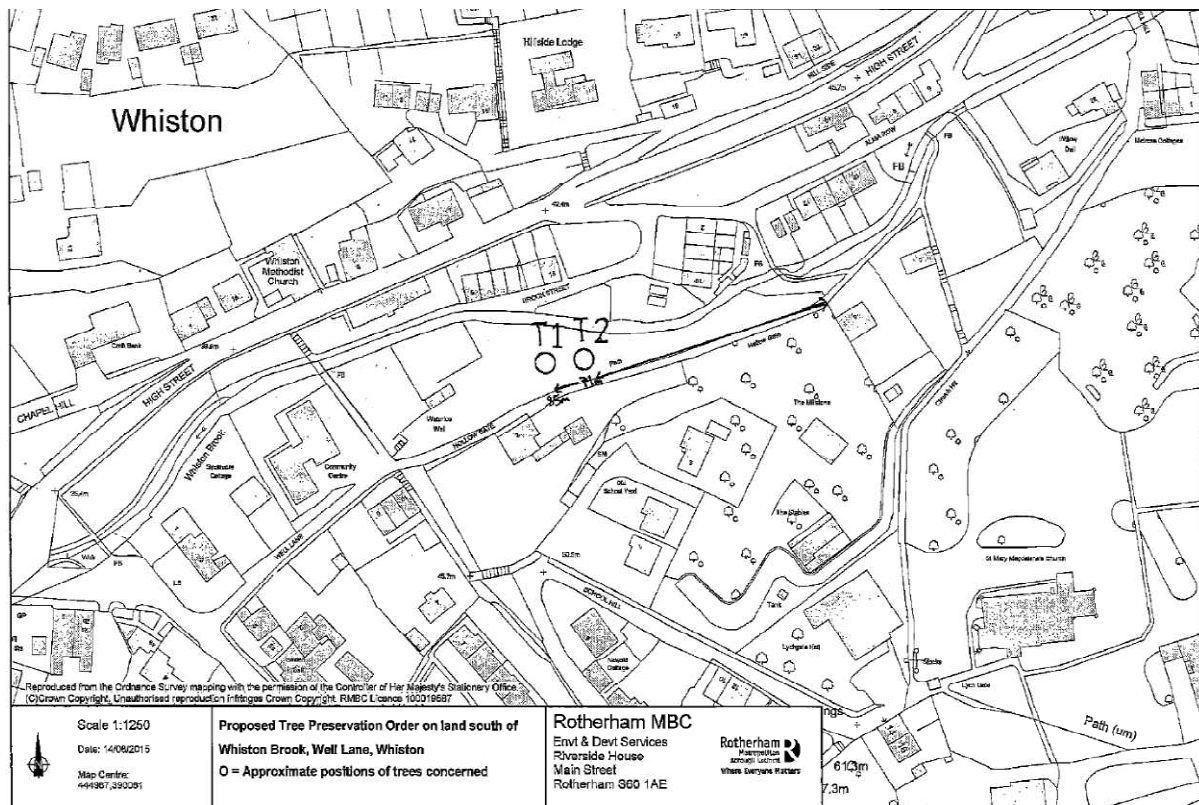
All of the aforementioned provision will be financed by the applicant from the £1,500,000 set aside for public transport provision.

Having regard to all of the above and in light of the support from SYPTE, it is considered that the removal of the obligation to retain land for a park and ride facility, alongside the provision of a public transport interchange and associated infrastructure is no longer required. The alternate public transport provision which will be financed and delivered through conditions and obligations unaffected by this Deed are considered to be appropriate to meet the sustainability requirements of this site and as such no objections are raised to its removal.

Conclusion

Taking account of all the above information submitted in support of the request to amend the Section 106 Agreement by removing the obligation to provide a park and ride facility and associated infrastructure, a revision to the legal agreement is recommended.

Item 2

Proposed Tree Preservation Order No 3 2015 – at land at Well Lane, Whiston, Rotherham, S60 4HU

RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 3 (2015) with modification to the site location plan and schedule to exclude T1 (Silver Birch) from the Order, at land at Well Lane, Whiston, Rotherham, S60 4HU under Sections 198 and 201 of the Town and Country Planning Act 1990.

Background

A six weeks' notice of intent application was submitted in July 2015 (ref: RB2015/0896) to fell and prune various trees within Whiston Conservation Area.

The Council's Arboriculturist inspected the trees and reported that the better amenity trees on the site should be protected by a new Tree Preservation Order.

The Arboriculturist stated that the trees / hedges vary in age between young to mature and in condition between poor to good and collectively they contribute to overall amenity and the character of Whiston Conservation Area. Therefore it was stated that where possible, the retention of those in reasonable to good condition with reasonably good future prospects is therefore desirable.

It was noted that maintenance of the trees and hedges on the site have been neglected for some time. The mature size of some of the trees and the possible impact their growth may have on the brook wall and Waterloo well has not been taken into account. For these reasons it was considered that the removal of most of the trees and hedges appeared necessary to avoid future damage. However, it was stated that the retention of 3 of the trees is desirable and these included a Silver Birch and two Sycamore trees, because when tested that met all the criteria for inclusion within a new Tree Preservation Order.

In August 2015 the application was determined and a Tree Preservation Order was placed on the three trees detailed above under a new TPO (ref: No. 3 2015) on 18 August 2015 and all interested parties notified and objections were subsequently received.

Objections

The objection to the making of this order was received from DLP Planning who act on behalf of the land owner dated 24 September 2015.

The main part of the objection appears to be as follows:

- T1 (Silver Birch) is within 6m of a main sewer and it may cause damage to the public sewer for which the owner may be liable.

It is also noted that the letter also states that the loss of T2 and T3 (both Sycamores) has been accepted in the past as part of previous planning consent for the land (ref: RB2005/1201).

Councils Tree Service Managers Report

The Trees Service has considered the objection raised and the Tree Service Manager's report in response states:

T1 Silver Birch

Evidence has been submitted to show the presence of a Yorkshire Water sewer on the land positioned close to the west and southern boundaries. The submitted details also include details of restrictions on tree planting near to sewers. The guidance is issued to help avoid future damage to a sewer from root encroachment and to minimise the impact on amenity if trees have to be removed to gain access to the sewer for maintenance.

It is accepted that the medium to long term retention of T1 Silver Birch within the sewer easement is not advisable for the above reasons. Therefore, the submitted evidence appears to justify the request to exclude it from the Order if it is confirmed. Therefore, it is recommended that the Order is modified to exclude it and an amended site plan and schedule be agreed. Any subsequent adverse impact that results from the loss of T1 will be permanent due to the lack of space to plant any replacement trees in a nearby location.

T2 and T3 Sycamore

The inclusion of T2 and T3 in the new Order does not appear to be objected to. However, it is noted that the letter states that their loss was accepted in the past as part of previous planning consent for the land (ref: RB2005/1201). However, it appears that both trees were shown to be retained on the approved site layout plan as T9 and T10 respectively. For this reason their future prospects do not appear to have been at risk in the past and the need to include them in a new Order unnecessary at that time.

Conclusions

Evidence has been provided to justify the loss of T1 and it is recommended that the Order is modified to exclude it from the Order if it is confirmed.

It is therefore considered that the main objections to the Order have been carefully assessed and the Order has been made in accordance with Government guidelines. In this instance, it is recommended the Order is confirmed with modification to the site location plan and schedule to exclude T1 from the Order.