

## **PLANNING REGULATORY BOARD**

**Date:- Thursday, 2 June 2016      Venue:- Town Hall, Moorgate Street,  
Rotherham. S60 2TH**  
**Time:- 10.00 a.m.**

### **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 21st April, 2016 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (Pages 7 - 78)
8. Report of the Director of Planning Regeneration and Culture (Pages 79 - 86)
9. Updates
10. Date of next meeting - Thursday 23 June 2016

### **Membership of the Planning Board 2016/17**

Chairman – Councillor Atkin  
Vice-Chairman – Councillor Tweed  
Councillors Andrews, Bird, D. Cutts, Ireland, Khan, Price,  
Roddison, Sansome, Short, R.A.J. Turner, Walsh and Whysall.



**SHARON KEMP,**  
**Chief Executive.**



## 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**  
**21st April, 2016**

Present:- Councillor Atkin (in the Chair); Councillors Astbury, Beaumont, Cutts, Khan, Middleton, Pickering, Sansome, Sims, John Turner, Tweed and Whysall.

A apology for absence was received from Councillor Godfrey.

**104. TOWN HALL**

The Chairman wished to place on record his disappointment at the continued use of the temporary projector and asked that the position be remedied as soon as possible and before the next meeting.

**105. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**106. MINUTES OF THE PREVIOUS MEETING HELD ON 31ST MARCH, 2016**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 31st March, 2016, be approved as a correct record for signature by the Chairman.

**107. DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended from the agenda.

Further to Minute No. 101(4) of the previous meeting Councillor Sansome queried the need for consultation on the location, with the community, Parish Council and Ward Councillors with regards to the provision of a replacement bus shelter on Vale Road, Thrybergh, as required under application RB2014/1282 relating to the residential development of the former Fullerton Public House site.

Planning Officers gave an undertaken that this consultation would take place.

**108. 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 applications listed below:-

- Outline application for the erection of up to 30 dwellinghouses with details of access at land at Ryton Road South Anston for South Street Capital (UK) Limited (RB2015/0472)

Mr. D. Staniland (Applicant)

- Increase in roof height to form two storey dwelling house, including single storey side and rear extensions at 20 Manor Way, Todwick for Mrs. M. Brassington (RB2015/1421)

Mr. S. Wilkinson (Applicant)

Mr. L. Shepherd (Objector)

Mrs. L. Laurence spoke on behalf of Mr. D. Wainwright (Objector)

Mr. D. Clark (Objector)

Mr. D. Clark on behalf of Mr. I. Newbold (Objector)

Mrs. S. Jeffrey on behalf of Mrs. C. Booth (Objector)

Mrs. S. Jeffrey (Objector)

Mrs. E. Tame on behalf of Mrs. S. Marsh (Objector)

Mrs. E. Tame (Objector)

Councillor D. Beck (Objector)

Mrs. Padgett (Objector) submitted a statement in writing which was read out to the Board.

- Display of various illuminated and non-illuminated signs at land at Bawtry Road, Bramley for Aldi Stores (RB2016/0109)

Mr. M. Taylor (Applicant)

Mr. P. Staley (Objector)

Mr. R. Foulds – on behalf of Bramley Parish Council (Objector)

Councillor S. Ellis (Objector)

- Application to vary condition 02 (opening hours) imposed by RB2015/0901 (change of use to Class A (restaurants and cafés)) at Unit 6, Fern Court, Sunnyside for The Marmalade Hut Ltd. (RB2016/0241)

Mrs. A. Gamston (Applicant)

Mr. A. Tattersfield (Supporter)

Mr. L. Verona (Supporter)

D. H. Drury (Objector) did not wish to attend and submitted a statement in writing which was circulated to the Board.

(2) That applications RB2015/0472, RB2016/0109 and RB2016/0241 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That the Planning Board declares that it is not in favour of application RB2015/1421 and that it be refused on the grounds that it considers that the proposed development would have an overbearing impact on the occupiers of neighbouring properties and reduce natural light to the rear garden areas, particularly of 22 Manor Way, Todwick. As such, the proposed development would be contrary to the advice contained in the National Planning Policy Framework.

**109. UPDATES**

The Planning Board were asked to consider proposed sites to visit as part of the Completed Developments Tour, which would most likely be scheduled during September, 2016.

Sites of interest were to be forwarded to the Planning Officer.

**110. DATE AND TIME OF THE NEXT MEETING**

The Chairman drew attention to the forthcoming elections and suggested the next meeting, scheduled for Thursday, 12<sup>th</sup> May, 2016 be cancelled unless there were any particular items of urgency coming forward.

Resolved:- That meeting scheduled for Thursday, 12<sup>th</sup> May, 2016 be cancelled.

**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.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL****REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THURSDAY 02 JUNE 2016**

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.

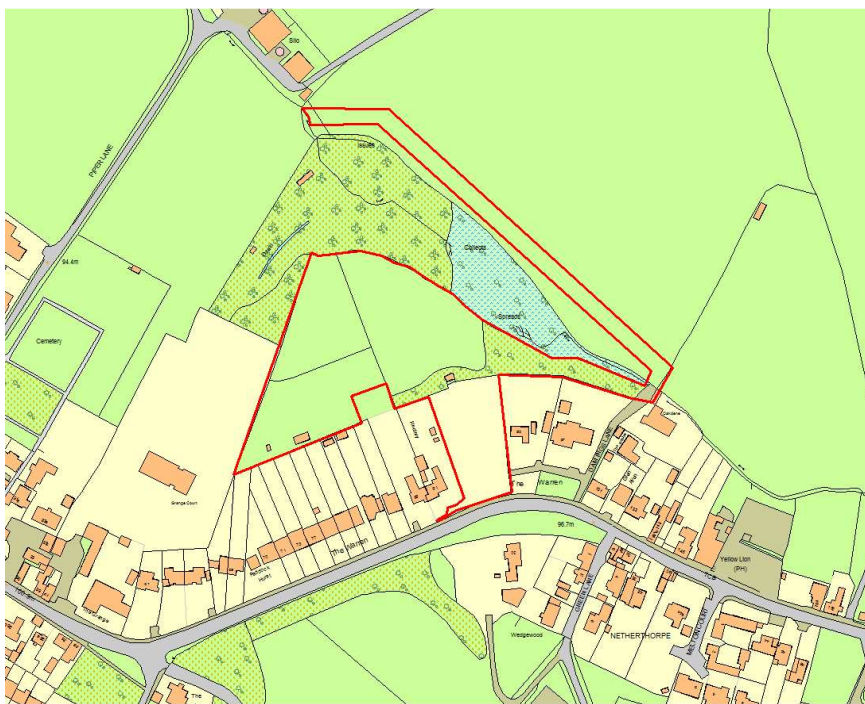
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| <b>RB2015/0744<br/>Demolition of existing dwellinghouse &amp; erection of 3 No. detached dwellinghouses with integral double garages at The Wendy House 221 Moorgate Road Moorgate for Redline Moorgate Ltd</b>   | <b>Page 39</b> |
| <b>RB2016/0302<br/>Erection of 20 No. dwellinghouses and associated garages (plots 158-167, 185-190 &amp; 193 – 196) at land off Laughton Road / Sawn Moor Avenue Thurgcroft for Persimmon Homes (West Yorkshire)</b>   | <b>Page 56</b> |
| <b>RB2016/0404<br/>Erection of building for use within Use Classes B1(b) research, B1(c) industrial process, B2 general industry and B8 storage &amp; distribution and enlargement of existing surface water balancing pond, land at Waddington Way Aldwarke for E V Waddington Ltd</b> | <b>Page 65</b> |



|                              |  |
|------------------------------|--|
| <b>Application Number</b>    | <b>RB2013/1508</b>   |
| <b>Proposal and Location</b> | <b>Erection of 16 No. dwellings &amp; associated works at land to the rear of 69-91, Worksop Road, Aston, S26 2EB</b>  |
| <b>Recommendation</b>        | <p>That planning permission be granted subject to:</p> <p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• £224,000 off site affordable housing contribution,</li> <li>• The creation of a green space management company to ensure the long term future maintenance of on site green space,</li> </ul> <p>B Consequently upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to conditions.</p> |

**This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for major development and due to the number of objections received.**



### **Site Description and Location**

The site is located to the east of Aston village on Worksop Road which serves as a main route from the centre of the village to the M1 motorway.

The northern and eastern boundaries are defined by a landscaping buffer of mature hedges and woodland, which are within a Local Wildlife Site (Foers Wood), with Green Belt land beyond which is within an Area of High Landscape Value. To

the south the boundary is defined by the rear gardens of existing residential properties whilst to the west is an open field to the rear of the recently constructed residential property (The Grange).

The site is located within the designated Aston Conservation Area.

## **Background**

The site has the following planning history:

RH1965/4541 - Outline application for housing development – WITHDRAWN

RB2000/1275 - Residential development (22 dwellings) – REFUSED

01

The Council considers that the development of the site would conflict with Planning Policy Guidance Note No.3 (Housing) in relation to its ranking in terms of the requirements of sustainability, the sequential test and greenfield assessment. In the light of the above, the site should not be developed while more appropriately located sites, and in particular brownfield sites, remain undeveloped.

02

The Council considers that the proposed development would be likely to cause material harm to the ecological interest of the woodland area to the north of the site by virtue of the works required to provide surface water drainage from the site and by the effect of such waters upon the natural drainage of the area.

RB2000/1276 - Residential development - TREATED AS WITHDRAWN

RB2004/2064 - Application to fell 4 silver birch trees protected by RMBC Tree Preservation Order No 13 1975 - GRANTED

## **Environmental Impact Assessment**

At the time of submission the proposed development fell within the category 10(b) of Schedule 2 of the Environmental Impact Assessment Regulations 2011 'Urban development projects' and the total development site area exceeds the threshold for the area of development (0.5 hectare).

Due to the ecological constraints on/adjacent to the site (primarily in the form of the Local Wildlife Site – Foers Wood) the proposal represents EIA development and an Environmental Statement has been submitted with the application.

## **Proposal**

The application seeks full planning permission for 16 dwellinghouses and associated works. Following Officer's concerns regarding the impact upon ecology the level of development has been reduced from 22 dwellings to 16.

The proposal now involves 16 large detached dwellings accessed off a small cul de sac road via a single point between 91 and 95 Worksop Road. The proposal involves the provision of a pumping station on site to pump foul water from the low point of the site to the existing adopted combined sewer within the development

site at a higher level near Worksop Road. In addition a 15m buffer strip to the adjacent woodland and three on site ponds are proposed to minimise and mitigate any ecological harm.

The proposed dwellings are a mixture of 4 and 5 bedroom executive houses all with either detached or integral garages. The dwellings have been designed to replicate inter war suburban houses with Tudor style cladding and a mixture of render, artificial stone and red brickwork. The applicant has also agreed to provide chimneys to the dwellings, which reflects the site's setting within the Conservation Area.

A comprehensive landscape plan has been provided, which will provide additional tree planting and hedges to add visual relief and to provide ecological benefits. Furthermore the applicant has agreed to small front boundary stone walling and the rebuilding of the boundary wall to Worksop Road to run alongside the proposed access road into the site.

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

### Planning Statement

- Housing development on this site would contribute towards providing a 5 year housing land supply within Rotherham Borough, where this is at best marginal at present.
- The additional housing development, and subsequent spending power, would assist in supporting existing retail and community facilities within Aston and the District Centre at Swallownest, all of which are within easy travelling distance of this site.
- The site is in a generally sustainable position where trips by other than the private car to local facilities can be carried out.
- The area to the rear of The Warren will be tidied up and appropriate arboricultural measures taken, where appropriate, to safeguard and maintain existing trees and hedgerows worthy of retention.
- The Council would benefit from the New Homes Bonus which match funds the additional Council Tax raised for each new property.
- The development would provide, as appropriate, planning obligations to support local infrastructure.

### Design and Access Statement

The proposed layout and development responds to the existing character of the local area of the Village of Aston and seeks to preserve the character of the site as far as possible through the following means:

- Retention of trees to the front boundary line to preserve the street scape along Worksop Road

- Retention of trees to the boundaries to preserve the visual amenity and character of views into and out of the site and safeguard the privacy of existing properties adjacent to the development.
- Density and scale of the development reflect the urban grain of the local area and adheres to local planning guidelines with regard to a low density proposal for the site.
- Scale, appearance and materials used for the house types are distinct to the development creating a sense of place whilst being sympathetic to properties within the local area.
- The proposals seek to integrate the proposed development with the existing style and character of the local area.

Overall the proposed scheme has been carefully considered to provide a high quality design which provides a good level and range of accommodation whilst integrating and referencing the style and character of the local area.

### Transport Statement and Sustainability Appraisal

- The Transport Statement has examined the impact of the traffic in both the morning and evening peak hours of use of the highway network when the level of background traffic is highest and hence the likelihood of queues and congestion is the greatest.
- From the latest version of the TRICS database it has been demonstrated that the predicted level of pedestrian, cyclist and public transport user movements will be low in both peak hours, the worst case being the morning peak hour when 8 pedestrians, 1 cyclist and 1 public transport user trips are predicted.
- Once “vehicle occupants” has been translated into predicted vehicle numbers the corresponding result is as set out in the following table with arrivals and departures in both peak hours.

|           | Trip Rate Per Dwelling |            | Traffic Generations |            |       |
|-----------|------------------------|------------|---------------------|------------|-------|
|           | Arrivals               | Departures | Arrivals            | Departures | Total |
| 0800-0900 | 0.233                  | 0.436      | 5.13                | 9.59       | 15    |
| 1700-1800 | 0.422                  | 0.258      | 9.3                 | 5.67       | 15    |

*Vehicle movement trip rates*

- As will be noted two way vehicle movements are light and at its “worst” in the evening peak hour relate to only one vehicle approximately every 4 minutes. As such there will be no issue of capacity or delay at the proposed estate road junction with Worksop Road.
- In conclusion the level of traffic generated by the proposed development is relatively light and will have no adverse material impact on Worksop Road or the wider local highway network. The design of the proposed estate road and its junction with Worksop Road is in accordance with national and local design standards and again should have no material adverse impact on the operation of the existing local highway system. In relation to sustainability

### Landscape and visual appraisal report

- The proposed development site is enclosed on all sides by a combination of vegetation and adjacent residential properties. The proposed development

of the site would extend the settlement edge of Aston to the belt of trees that form the southern boundary of the AHLV. The Rotherham Landscape Character Assessment and Landscape Capacity Study identified that the land designated as an AHLV in the saved policies of the UDP has a Moderate sensitivity and that designation of AHLV was an inflation of the agricultural landscape's value.

- The proposed development would utilise the derelict land on site by extending the settlement edge to a defined boundary, reflecting adjacent development in Aston. The character of the proposed development will be in keeping with the Nucleated Rural Settlement of Aston Historic Core and Aston Conservation Area as well as the broader character area of Treeton as identified on a district level. The modified access would result in a small change to the boundary wall along Worksop Road that forms a familiar characteristic of the Conservation Area designated by the saved policies of the UDP.
- Views for a number of receptors will be slightly modified due to the improved access off Worksop Road and the on-site vegetation removal. The enclosed nature of the proposed site with the belt of mature trees along the northern boundary and residential properties surrounding much of the southern boundary, means that there will be little visibility of the proposed development from publicly accessible locations with a small number of partial filtered views from the gardens and upper windows of adjacent residential properties.
- The proposed development would not be out of character with the immediate or wider landscape and would not form a visually intrusive element in views.

### Final Flood Risk Assessment

- The Flood Risk Assessment calculates the existing run-off from the development using several different methods in an attempt to give an average run-off for the whole development. We are aware that the Environment Agency has objected to the use of the ADAS 345 method of calculating greenfield run-off rates as this is stated to give over estimated figures. The recommendation from the Environment Agency is to use 5l/s/ha, as specified by the Rotherham MBC requirements.
- We accept the principle of the greenfield run-off rate of 5l/s/ha and, based on a developable area of 1.54ha, this equates to a site discharge rate of 7.7l/s. The proposed surface water drainage system will be restricted to the discharge rate of 7.7l/s from the development.
- Furthermore, infiltration testing has been undertaken in accordance with BRE Digest 365 'Soakaway Design' and the ground conditions are unsuitable for soakaways or other similar infiltration Sustainable Drainage techniques. Therefore, these systems are not appropriate on this particular site.

The applicant submitted an addendum to the original Flood Risk Assessment in February 2015 which stated that:

- The development layout has been revised and it will be necessary to provide surface water attenuation on the site in underground pipes or equivalent for a 1 in 100 year storm plus 30% allowance for climate change at a restricted discharge rate of 7.6l/s. Detailed design and calculations shall be submitted to the Planning Authority for approval prior to construction on site.
- In order to provide a supply to the proposed ponds on the site for ecological purposes, the surface water run-off from Plots 1 and 2 will outfall into Pond 1.
- Surface water drainage to the rear elevations of Plots 2 - 8, the garages to Plots 4 and 8 and the drive to Plot 8 shall be connected to an "overflow" trench on the boundary to the ancient woodland to allow water to seep overland as exists at the present time and maintain the flow to woodland.

### Bat Roost Assessment

- The bat roost re-assessment identified that the majority of trees re-assessed had no bat roost potential and no trees were found to support active bat roosts. However five trees were listed as Category 2 (limited potential to support bats).
- All other trees and tree groups originally assigned as Category 1 or 2 in the Preliminary Bat Roost Assessment Report (2013) have been re-assessed and downgraded to Category 3 (no potential and therefore no survey work or mitigation required).
- Any of the trees assigned Category 2 will need to be section felled under the observation of an ecologist if they are being removed as part of the development proposals.
- Bat activity surveys undertaken within the survey area (RPS, 2013) identified bat species which are known to use the site include common pipistrelle *Pipistelle pipistrellus* and soprano pipistrelles *Pipistelle pygmaeus* and some *Myotis* bats.
- The desk study also identified that Noctule *Nyctalus noctula*, Common and Soprano Pipistrelles and Brown Long-eared *Plecotus auritus* bat roosts have been recorded in the area of woodland directly adjacent to the northern boundary of the site (Foers Wood LWS).

### Environmental Impact Assessment

- The results of the assessments demonstrate that the standard of design of the proposed development is appropriate to achieve a suitable residential environment that is not likely to suffer poor environmental amenity due to noise. The assessments also demonstrate that the proposed development is not likely to give rise, either immediately or in the foreseeable future, to noise pollution or to other nuisances that would be beyond acceptable standards or Government Guidance. On this basis, the proposed development is commensurate with the RMBC's planning policies namely;

UDP policies HG5, ENV3.1 and ENV3.7 and Supplementary Housing Guidance 6 - Noise.

- The project would have a minor adverse effect on hedgerows resulting from the construction phase of the project as the species rich hedgerow across the centre of the site would be completely lost. This will only be a temporary effect as five replacement hedgerows will be incorporated into the landscape design to replicate the wildlife corridor across the site.
- The project would have a minor adverse effect on the wet woodland adjacent to the north of the site during the construction and operational phases. The wet woodland will not be directly impacted on by the proposed development but there may be some noise and light disturbance from the residential development and properties. There are areas of semi natural broadleaved woodland on the site that would be completely lost to the development.
- The project would have a minor adverse effect on the existing orchard on site. The existing orchard is to be retained. During the construction phase the orchard will be protected by robust fencing positioned to suit root protection areas.
- The project would have a minor to negligible adverse effect on the trees within the site during the construction phase. An appropriate amount of supplementary planting is included within the landscape design to compensate for the removal of these trees. Bat boxes are included in the proposals to mitigate for the loss of a tree with the potential to contain a small bat roost.
- The project would have a minor adverse effect on the areas of scattered scrub within the site during the construction phase, as the habitat is of site value and shrub planting has been incorporated into the landscape design. This will mitigate for the loss of any scrub from the site, and create a habitat for nesting birds and invertebrates.
- The project would have a minor adverse effect on the areas of marshy and neutral grassland within the site during the construction phase. The majority of the habitat would be lost to the development and it is an important habitat for amphibians, badgers and invertebrates. Invertebrates are important at a local level and provide a food source for other species that use the site. Due to the loss of trees during construction, scrubs and areas of grassland, shrub and tree planting has been incorporated into the landscape proposals as mitigation. The trunks and other large wood from trees removed within the site will be placed in the receptor site to provide habitat for invertebrates associated with dead wood and would mitigate the loss of this habitat within the site.
- The project would have a minor adverse effect on Toads and other amphibians during the construction phase, since a large area of amphibian habitat is being lost to the development. However, to mitigate this loss habitat is being created in the north east section of the site to provide suitable habitat for amphibians. A translocation programme is also being implemented prior to construction to clear the site to ensure that none are harmed during the development.
- The project will have a minor adverse effect on Badgers during the construction phase. Evidence suggests that there is a low level of Badger activity within the area of neutral grassland on the site. However although this habitat is being lost to the development there are still large areas of

more suitable habitat in the surrounding area for Badgers to forage in, such as the wet woodland and arable farmland.

- The project will have a minor adverse effect on bat activity across the site during the construction phase. The species rich hedgerow through the centre of the site, which is known to be used as a commuting route by bats, is being lost to the development. Four individual category 2 trees and 1 group of category 2 trees and one category 1 tree are being lost to the development. Category 1 trees have definite bat roost potential and category 2 trees have some features which may be suitable for a bat roost.

#### Arboricultural Impact Assessment Report

- The development will require the removal of a proportion of trees within the site. The retained trees will provide a local amenity and provide a sense of place for the development.
- 72% of the trees and all the groups required to be removed to achieve the proposed development are category C or U specimens of a low retention value. These trees should not be considered as a constraint to development as they will not make a significant contribution to the landscape character of the site in the coming years; their loss can be mitigated for by undertaking replacement tree planting.
- Following the recommended tree removal the proposed development has low potential to impact upon any retained tree and all such trees can be protected by the establishment of a Construction Exclusion Zone by the erection of Tree Protection Fencing. Where development impacts within the RPA of the trees the use of arboricultural supervision and management should be considered to ensure successful tree retentions, and where hard surfacing is located within the RPA 'No Dig' construction techniques adopted as described within this document.
- To minimise the potential for damage to trees the protective measures specified within this report should be followed and guidelines contained within BS5837:2012 and NJUG Volume 4 should be followed.

#### **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 and this allocation is carried forward in the Rotherham Local Plan 'Publication Sites and Policies' (September 2015) document, and is within the Aston Conservation Area, and adjacent to a Local Wildlife Site (Foers Wood). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS7 'Housing Mix and Affordability'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscape'  
CS22 'Green Space'



CS23 'Valuing the Historic Environment'  
CS25 'Dealing with Flood Risk'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'  
ENV2.11 'Development in Conservation Areas'  
ENV3.4 'Trees, Woodlands and Hedgerows'  
ENV3.7 'Development and Pollution'

### **Other Material Considerations**

Environmental Impact Assessment Regulations (2011).

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

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

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

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

### **Publicity**

The application (in respect of the proposals for 22 dwellings) was originally advertised by way of press and site notices along with individual neighbour notification letters to adjacent properties. 14 letter of objection were received in respect of that initial publicity, raising the following comments:

- The 5m separation distance to Foers Wood is insufficient and should be at least 15m.
- The survey information takes no account at all of the wildlife and species to be found in the gardens adjoining the opposite side of meadow site to Foers Wood.
- The whole area is a wildlife site. The proposal does not address the requirement of the National Environment Act 2006.

- The issue regarding water supply has not been addressed. Some 20 years ago the pressure was 7 BARS and it is down to 2 BARS.
- Sewage and water run-off has not been satisfactorily addressed.
- The proposed area is inhabited by bats and we have found newts in the garden many times. Rabbits, foxes pheasants, frogs and birds make this area home.
- The entrance onto Worksop Road is on a dangerous bend.
- Worksop Road, is a busy road, with many speeding motorists and multi accesses, which is not suitable for further residential development.
- The proposed surface water drainage is unacceptable in our opinion and any pollution could filter through to the woodland.
- All the trees have preservation orders on them, surely to dig a trench so close to this site would cause damage to the roots of these mature trees.
- The site could contain great crested newts.
- There is lack of details relating to light pollution as well as bat species present. Many bat species present are not used to light pollution.
- Increase in vehicle exhaust pollution.
- Unattractive modern development that detracts from local beauty.
- Detrimental to the Conservation Area.

The revised scheme for 16 houses was also advertised in the press and on site, and by way of neighbour notification, and generated a further 13 letters raising the following additional comments:

- The amended plans do not satisfy the requirements of the Ecology Officer to protect the Local Wildlife Site and the adjacent habitats of the protected species found there.
- The amended plans do not satisfy the need to stop contaminants from the properties driveways and vehicles from entering the watercourses.
- Additional noise and traffic noise coming from these very large houses and also the additional lighting which will definitely affect me adversely.
- The traffic is bad on Worksop road already and this will make it even more dangerous. Worksop Road is not suitable for children or adults with pushchairs.
- Security lighting will be harmful to birds and bats in the adjacent woodland.
- Plot 11 is too close to adjoining trees. Future occupiers will require the trees to be pruned.

The Sheffield and Rotherham Wildlife Trust have objected to the revised scheme on the following grounds:

- Foers Wood is a local wildlife site directly affected by this application. It is a section 41 Habitat of Principal Importance - a wet woodland - and is known to support a number of section 41 species.
- As stated in RMBC Framework for Rotherham's Local Wildlife System 'designation enables the most important nature conservation sites in the Borough as well as the statutory site designation systems to be identified and protected'.
- The application talks about a 15m boundary between the development and the site boundary but looking at the plans, we do not agree that an

effective boundary is in place. The plans show some garages next to plot 8 that are very close to the boundary and a structure (sub-station) to the west of these garages that is also on the boundary. Although the properties are sited away from the boundary, the gardens are close to the boundary and there is nothing to stop light pollution from the houses and gardens from affecting Foer's wood. The 2014 Ecology report talks about a 5m buffer and 10m of garden. The management company would have no control over what people may put in their gardens – e.g lighting.

- There is evidence of several light bat species using the woodland, including light-sensitive species – brown long-eared bats, Natterer's bats and possibly Daubenton's bats (5.142 in the 2014 Ecology Report). We disagree that the effect of bats would be minor (5.197) and think that the report downplays the presence of Myotis species.
- There was also badger foraging signs, but this required further investigation to assess the potential loss of foraging grounds. We disagree with 5.194 in the 2014 ecology report that the gardens would provide the same foraging grounds as the habitat that would be lost. Fences will be in the way and it is unlikely that any new residents would all be happy about badgers in their garden and may take steps to limit their access. A full assessment is lacking.
- During construction it is difficult to see how there will be no impact on the actual Local Wildlife Site itself. There is likely to be significant disturbance and tree damage and there is some proposed felling at the woodland's edge. Can the RMBC Ecology Officer be involved to monitor the site during construction, ensuring compliance and limiting impact on the Local Wildlife Site?

Five residents and the applicant have requested the right to speak at Planning Board.

### **Consultations**

Streetpride (Transportation and Highways Unit): Notes the submission of a revised site layout (Drg No PL02 rev N) received from the applicant's agent on the 21 January 2016 in response to previous comments raised. Can now confirm the revised layout has addressed previous concerns and is now acceptable. This being the case, there are no objections to the granting of planning permission in a highway context subject to appropriate conditions.

Streetpride (Landscape): No objections to the general landscape proposal and layout. Recommends minor additional alterations to the scheme, which can be dealt with via condition.

Streetpride (Drainage): Notes that the proposed foul and surface water drainage is satisfactory in principle and that the recommendations in the latest Flood Risk Assessment must be adhered to. The proposed surface water sewer from the development runs in an eastward direction then returning westwards before discharging to the north of the development. The sewer appears to be located close to the ponds i.e. to the east of the development, plus the location of the entire length of sewer could act as a land drain and potentially drain the water along the new drainage trench. Details as to how this potential land drain can be prevented

e.g. provision of clay stanks or similar, is requested by way of a planning condition, as are details of the proposed silt trap and how water quality will be maintained.

Streetpride (Tree Service Manager): The proposed development is supported by an Arboricultural Report and Impact Assessment. The report includes details of 10 individual and 15 groups of trees. The contents of the report and its recommendations are noted and generally accepted by the Council's Tree Service Manager.

Therefore no objections subject to appropriate condition minimising any harm to the root protection areas from new trench or pond excavations, and condition requiring protective fencing to protect trees during the construction phase.

Streetpride (Ecology): Following the submission of amended plans and the updated Environmental Impact Assessment confirms that the ecological survey methods used were ultimately appropriate and that the results of the survey reports are accepted.

It is recommended that several conditions are attached to ensure that the biological interest is retained, and where appropriate, managed. These include:

- On the plan it notes that the existing orchard trees are to remain and for details to refer to the Landscape Management Plan. A condition is required to ensure that the orchard/living fruit trees are maintained.
- The pond will be a biodiversity resource targeted at amphibians.
- Regarding water pollution control measures, this was provided by RPS in their letter dated 28/5/2015 and Section 3 should be conditioned.
- Increased use of native tree planting has been proposed in the Soft Landscape Plan and this should be conditioned.
- Root protection zone. This has been provided by RPS in their letter dated 28/5/2015 and should be conditioned.

Yorkshire Water: No objections subject to appropriate conditions to protect an on site sewer and other appropriate conditions.

Environment Agency: The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment and supporting information submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Education: No education contribution is required.

Urban Design Comments: No major concerns with the amended plans.

Affordable Housing Manager: A 25% provision on site would equate to 4 dwellings. However, following extensive negotiations it was agreed that the Council would accept a commuted sum of £224,000 in lieu of on-site delivery of affordable homes. This amount equates to 40% of the open market value of 4 x 2 bed houses, which was the Affordable Housing requirement if the units were to be delivered on site.

Natural England: "The proposed amendments to the original application relate largely to plans, and are unlikely to have significantly different impacts on the natural environment than the original proposal. Natural England has not assessed this application and associated documents for impacts on protected species but has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted."

Neighbourhoods (Environmental Health): There is a potential for disamenity from noise and dust from the construction of the properties. As such an informative is recommended.

Neighbourhoods (Land contamination): No objections subject to appropriate conditions.

South Yorkshire Police: No objections, but suggests a number of recommendations in terms of future maintenance and doors/window security.

South Yorkshire Archaeology Service: The application area is outside the historic core of the village and, additionally, is set well back from the village street frontage. Because of this, SYAS considers there to be minimal archaeological potential and does not consider that any further archaeological work is required.

## **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

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- (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 for consideration in the determination of this application are:

- The principle of the development

- Design and layout
- Impact upon the Aston Conservation Area
- Residential amenity
- Flood risk and drainage
- Highways issues
- Ecology/Biodiversity matters
- Landscaping/Tree matters
- Planning Obligations

## The principle of the development

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

For decision-taking this means (unless material considerations indicate otherwise):

- 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.”

The development plan currently consists of the Unitary Development Plan (adopted in 1999) and the Core Strategy (adopted in September 2014).”

Paragraph 214/215 of the NPPF states that: “For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases and following this 12-month period, 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).”

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

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

UDP Policy HG4.2 ‘Proposed Housing Sites’ identifies the application site as a potential development site (H57).

Core Strategy Policy CS1 ‘Delivering Rotherham’s Spatial Strategy’ states that most new development will take place in Rotherham urban area and the Principal Settlements for Growth and will help create a balanced sustainable community. It notes that the settlements of Aston/Aughton/Swallownest are Principal settlements

and that within such Settlements 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.

Policy SP12 'Development in Residential Areas' of the 'Publication Sites and Policies' document (published in September 2015) states that residential areas identified on the policies map shall be retained for primarily residential use. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies. This Policy has not as yet been adopted and is given limited weight at this stage.

The site is allocated for 'Residential' use within the Unitary Development Plan and is identified as a 'Development site' (H57). It is considered that given the site's location in close proximity to existing housing, facilities, services and local transport, the development is within a sustainable location that would accord with the presumption in favour of sustainable development. It is considered that the Policies in the Development Plan referred to above are consistent with the NPPF and that as such, the principle of development on the site is considered acceptable and in accordance with Core Strategy Policy CS1 and UDP Policy HG4.2.

As noted above, this means that the application should be approved unless material considerations indicate otherwise. These will now be discussed in more detail.

### Ecology/Biodiversity Matters

In assessing the ecological/biodiversity issues, Core Strategy 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:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

The application includes an Environmental Impact Assessment due primarily to the ecological constraints adjacent to the site (primarily in the form of the Local Wildlife

Site – Foers Wood). The Assessment outlines a number of minor adverse effects from the proposed development, upon hedgerows, the wet woodland and ecology. The original scheme for 22 dwellings on site received a number of objections relating to ecology, including objections from the Council's Ecologist and Sheffield and Rotherham Wildlife Trust.

The applicant took on board these concerns and made the following amendments to the scheme including an Addendum to the Environmental Statement:

- A reduction in the number of dwellings from 22 to 16;
- Incorporation of a 15 metre buffer zone to protect the Foers Wood Local Wildlife Site (effectively reducing the developable and landscaped area of the site from 1.68 hectares to 1.19 hectares);
- A reduction in the area within the site that would be developed for housing from 0.29 hectares to 0.24 hectares;
- Ecological protection through the retention of the orchard and species rich hedgerow;
- Changes to the drainage strategy to ensure maintenance of surface water flows to Foers Wood Local Wildlife Site and provide a water supply for the ponds.

The impact upon the ecology of the site are addressed below:

### *Impact on hedgerows*

The project would have a minor adverse effect on hedgerows resulting from the construction phase of the project and the loss of the species rich hedgerow in the centre of the site. To mitigate the impact additional hedgerows are to be planted within the site to increase the wildlife linkages throughout the site.

### *Impact on bats*

The project would have a minor adverse effect on bat activity across the site during the construction phase. The species rich hedgerow through the centre of the site, which is known to be used as a commuting route by bats, is being retained on site but may be affected by disturbance due to the change in use on the site. Three individual category 2 trees are being lost to the development. Mitigation measures put in place to mitigate against these losses include the creation of new hedgerows in the landscape proposals and the placement of bat boxes on trees.

Objectors have raised concerns regarding the impact upon light sensitive bats from security lighting to the rear of new properties. Light sensitive bat species such as Natterer's bat and Brown long eared prefer dense woodland habitat and are more likely to be deep within the woodland habitat rather than utilising the open habitats on the development site and the woodland edge. In addition the applicant has agreed to a condition requiring details of any security lighting to the rear of the properties facing the woodland to be submitted to and approved by the Council, to ensure minimal light spillage.



*Impact on Great Crested Newts*

The project would have a negligible effect on Great Crested Newts during the construction phase. Great Crested Newts have been recorded within the Local Wildlife Site and may be utilising the suitable terrestrial habitat along the northern boundary of the development site. To reduce the loss of suitable habitat and to prevent harm to great crested newts a 15 metre buffer zone is being incorporated into the landscape proposals. In addition, newt barriers would be installed during the construction phase that would prevent amphibians accessing the site from the woodland so restricting their movements to the 15m buffer zone. As noted above, the 15m zone will be preserved as existing including undergrowth, low level foliage and naturally felled trees and branches etc. which would provide suitable habitat for any Newts entering this area.

*Impact on Badgers:*

The evidence of badgers foraging on site is limited and only found to be in a small area in the northern part of the site. The 15m buffer zone and amphibian receptor site would retain some of grassland where badgers had been known to forage on site. Survey evidence suggests that the development site is not the primary foraging site for badgers in the area nor that the site is used regularly by badgers.

*Impact on water voles:*

The project would have a minor adverse effect on water voles due to disturbance from the construction and operational phases. The slight reduction in surface water run-off is a relatively small change compared to the existing water supply to the wood and therefore is not considered to have an impact on water vole habitat.

*Impact on the adjoining wet woodland*

The site has been designed to provide maintenance of surface water flows to the Foers Wood Local Wildlife Site. The applicant's assessment has concluded that the change in the water regime of the development site would not have any significant adverse effect on the existing hydrology of the wet woodland. This is due to the relatively small change in surface run-off compared to the existing water supply to the wood, and the measures that would be taken to intercept surface water at the south of the site and carry this to the north where it would be allowed to percolate into the woodland.

With the above circumstances in mind it is considered that subject to appropriate conditions, the proposed development would accord with the relevant biodiversity policies and guidance of the NPPF and Core Strategy Policy CS20.

Landscaping / tree matters:

With respect to these matters Policy CS21 'Landscapes,' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.

The proposed development is supported by an Arboricultural Report and Impact Assessment. The report includes details of 10 individual and 15 groups of trees. The contents of the report and its recommendations are noted and generally accepted by the Council's Tree Service Manager. Of the existing trees those positioned towards the northern and eastern site boundaries provide useful amenity and screening that is likely to increase with the development. However, due to their limited importance in the landscape they may 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 majority of the existing trees and shrubs will be removed to accommodate the development. Indeed only 7 items of vegetation will be retained or partially retained including a large area along the northern boundary. The removal of the remaining trees and shrubs will result in a partial reduction of amenity and any associated benefits. However new tree, shrub and hedge planting as indicated on the indicative landscape proposals will help to provide a good level of amenity and biodiversity gain in the future.

Turning to the proposed landscaping scheme, it is proposed to retain and enhance a large area of planting along the northern boundary of the site. Trees have been incorporated into the scheme, including those in front garden areas, and pockets of landscaping form features in appropriate locations. There is a large pocket of landscaping to the left of the western site entrance. This area is envisaged to be natural and open, whilst hedges or railings will form the front boundaries at this point.

Taking account all of the above the scheme has been submitted having regard to the retention of some of the landscaping (trees / hedgerows) particularly to the north of the site and with further planting enhancements within the site itself. The Landscape Design Service notes that the submitted landscape scheme, as revised, is acceptable and should provide an attractive setting for the development. Subject to the imposition of the recommended condition in respect of the requirement for further information relating to species, it is considered that the proposals accords with Policy CS21 'Landscapes.'

A number of conditions have been attached to the approval in order to protect the trees during the construction phase and to prevent any harm to the root protection areas during the construction of the trenches and ponds.

### Design and Layout

Core Strategy Policy CS28 'Sustainable Design,' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

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 and provide a more accessible residential environment for everyone.”

The NPPF at paragraph 17 states that as one of its core planning principles that: “planning should always seek to secure a 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 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, and further goes on to note that: “Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”

The amended layout has been specifically designed to replicate the low density suburban nature of this area of Aston and to respect the ecological constraints on site. Indeed, paragraph 7.11.11 of the UDP states that due to the sensitive location of the proposed housing site at The Warren, it is considered to be most suitable for low density development. At 9.5 dwelling per hectare the density is far below the density of most development but is appropriate for its setting within this sensitive Conservation Area.

The applicant has provided a 15m buffer (not including the domestic gardens) between the site and the woodland, as well as appropriate on site ponds and a small wooded area to the front of the site. The dwellings are spaciouly positioned with good landscaping and overlook the public highway in accordance with the best practices of designing out crime. The access from Worksop Road will be sensitively integrated into the streetscene, and not harm the overall streetscene along Worksop Road. As referred to in further detail below the dwellings are of a high standard which reflect the character of the area and exceed all the Council’s minimum design guide limits in terms of internal/external space and separation distances.

Overall, it is considered that the scheme has been sympathetically designed taking account of the characteristics and constraints of the site and the character of the surrounding area. Therefore the scheme is considered to be of an appropriate size, scale, form, design and siting that would ensure it would enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes and will be visually attractive in the surrounding area.

In light of the above it is considered that the design of the proposal is one that is acceptable and would satisfy the relevant design policies and guidance of the NPPF, UDP Policy HG5 and CS policy CS28.

### Impact upon the Aston Conservation Area

Policy ENV2.11 'Development in Conservation Areas' states "In respect of designed Conservation Areas, the Council will: (iv) have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character". In addition CS23 'Valuing the Historic Environment' and CS28 'Sustainable Design' indicates that Local Planning Authorities should ensure that new development should make a positive contribution to the character and local distinctiveness of the historic environment.

The NPPF notes at paragraph 131: "In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 134 adds: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The development site falls within the Aston Conservation Area. This area of Aston Conservation Area is made up of detached inter war dwellings, with hipped roofs, large bay windows and mock Tudor gable ends. The dwellings are constructed from a mixture of stone and red brickwork and defined by generous gardens, mature landscaping and small stone boundary walls.

The proposed scheme has been designed to reflect the inter war suburban style of this area of the Conservation Area, rather than the more traditional rural cottage style appearance of the older areas of Aston. This dwelling style is appropriate for its setting and the applicant has gone to considerable lengths to replicate an inter war suburban style, with matching chimneys and small stone boundary walling. The density of the development also reflects the density of adjoining dwellings and will not appear overdeveloped.

It is therefore considered that the proposal is in keeping with the style and character of the Conservation Area and as such would therefore continue to preserve and enhance the Conservation Area. As such the proposals are considered to be in accordance with Core Strategy CS23 'Valuing the Historic Environment', saved UDP Policy ENV2.11, and the general guidance in the NPPF.

### Residential Amenity

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the Council's adopted SPG 'Housing Guidance 3: Residential infill plots' which sets out the Council's adopted inter-house spacing standards. The guidance states there should be a minimum of 20 metres between principle elevations and 12 metres between a principle

elevation and an elevation with no habitable room windows. In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

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

The dwellings are all 4 & 5 detached homes set within generous plots, which are all set off the boundaries to minimise any harm to neighbouring amenity. As such no overlooking of neighbouring residence will occur and the dwellings will not appear overbearing.

With the above in mind, it is therefore considered that the proposed development would not have any impact on the existing amenity levels of the occupiers of neighbouring properties. This is because the proposal would not cause any loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. As such the proposal would comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' along with the advice within the SYRDG and that contained in the NPPF.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 77sqm for 3 bed properties and 93sqm for 4 bed properties. All of the house types far exceed the Council's minimum standards and include gardens well beyond the 60sqm minimum recommend by the Council. As such the dwellings will be acceptable to future occupants.

Having regard to the above it is considered that the proposed layout is in accordance with the guidance outlined in the SYRDG and Council's SPG 'Housing Guidance 3: Residential Infill Plots'.

### Flood Risk and Drainage

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 Council’s Drainage Team notes that the proposed foul and surface water drainage is satisfactory and that the recommendations in the latest Flood Risk Assessment must be adhered to. The proposed surface water sewer from the development runs in an eastward direction then returning westwards before discharging to the north of the development. The sewer appears to be located close to the ponds i.e. to the east of the development, plus the location of the entire length of sewer could act as a land drain and potentially drain the water along the new drainage trench. Details as to how this potential land drain can be prevented e.g. provision of clay stanks or similar, is requested by way of a planning condition, as are details of the proposed silt trap and how water quality will be maintained.

Having regard to the above and subject to the recommended conditions/informative it is considered that the proposals accord with Policy CS25 ‘Dealing with Flood Risk,’ and the advice within the NPPF.

#### Highways Issues

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."

A number of objectors have raised concerns regarding the access onto Worksop Road and the potential impact upon highway safety. The proposed access to Worksop Road has been designed in accordance with guidance from Manual for Streets and the South Yorkshire Residential Design Guide and the Transportation Unit consider it acceptable in a highway context.

All properties will have 2 or more car parking spaces, as well as garages, preventing awkward on street parking and allowing the highway to open for the free and safe flow of traffic.

The development is also located within a sustainable location, within walking distance of a bus stop, local pub and shops to the centre of Aston. As such the need for car bound journeys will be reduced.

Objectors have raised the issue about Worksop Road not being suitable for children or adults with pushchairs. The Transportation Unit consider that the site is accessible and that pavements on Worksop Road can accommodate pushchairs.

The development is therefore considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel and paragraphs 32 and 34 of the NPPF.

### Planning Obligations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development."

All of the tests must be complied with and the planning application must be reasonable in all other respects.

This is echoed in Paragraph 204 of the NPPF.

Originally the development involved four on site affordable housing units as part of 22 dwellings on site. The number of units on site has now been reduced to 16 and the applicant no longer considers on site affordable housing appropriate.

Following extensive negotiations with the applicant the Council has agreed to a commuted sum of £224,000 in lieu of on-site delivery of affordable homes. This amount equates to 40% of the open market value of 4 x 2 bed houses, which was the affordable housing requirement if the units were to be delivered on site. The

commuted sum will provide funding for two social housing bungalow schemes which have stalled following central government changes to rent subsidies.

No other commuted sums are sought for the site and the applicant has agreed to the creation of Green Space management company to manage and maintain the on-site Green Space, including the 15m buffer strip and the ponds. This will ensure that the ecological benefits of the scheme are retained and that dwellings on site do not encroach into the adjoining sensitive woodland setting.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

## **Conclusion**

Having regard to the above it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that is allocated for Residential purposes and 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.

In respect of other material considerations raised, the applicant has demonstrated that the scheme will not have a significant adverse impact on ecology, in particular the adjacent Local Wildlife Site, on the residential amenity of existing and future occupiers, on highway safety in this location, or on the Aston Conservation Area, subject to relevant conditions.

As such, subject to the signing of the Section 106 agreement in respect to the matter of provision of an affordable housing contribution and the creation of a Greenspace management company, 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

Site Layout - 09-020-PL02 Rev N

Site Sections/Street Elevations - 09-020-PL03 Rev C

Latchford Housetype Plans & Elevations - 09-020-PL08 Rev B



Knightsbridge Housetype Plans & Elevations - 09-020-PL07 Rev B  
Connaught (Type 1) Housetype Plans & Elevations - 09-020-PL12 Rev B  
Connaught (Type 2) Housetype Plans & Elevations - 09-020-PL13 Rev B  
Levels on site shall be constructed to those set out on the 'Indicative Overflow Filter Trench' dwg No 351 / 25/ SK.07 rev C.

Reason

To define the permission and for the avoidance of doubt.

03

The development hereby permitted shall be constructed in the following materials, unless otherwise agreed in writing:

- Wienerberger Tabasco Red Multi brick
- Costhorpe Black old weathered stone
- Russell Lothian slate grey roof tiles
- Cream 041 Renderpral Monocouche render

Reason

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

## TRANSPORTATION

04

Before the development is brought into use the sight lines indicated on Drg No PL02 rev N shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

In the interests of road safety.

05

Visibility splays 2.4 m x 59 m shall be provided at the site access to Worksop Road. The visibility splay shall be provided prior to the commencement of works on site and shall form part of the adopted highway.

Reason

In the interests of road safety.

06

Forward visibility splays shall be provided on the highway bends opposite plots 5 and 8 as indicated on Drg No PL02 rev N. The splay shall form part of the adopted highway.

Reason

In the interests of road safety.

07

When the proposed access has been brought into use, the existing access to No 91 Worksop Road shall be permanently closed and the footway / kerbline reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

08

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

Reason

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

09

Before the road construction 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 carried out before the development is brought into use.

Reason

In the interests of road safety.

10

Prior to the occupation of the dwellings 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.

11

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

Reason

In the interests of road safety.

FLOOD RISK/DRAINAGE

12

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) October 2013/351/25r2/ARP Consultants and the letter ref: 351/25/ARPMjs and the following mitigation measures detailed within the FRA shall be carried out:

1. Limiting the surface water run-off generated by the development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The discharge rate must be limited to 7.7l/s. The drainage scheme must be designed to contain up to the 1 in 100yr storm with an allowance for climate change.
2. Flood resilience measures as outlined in section 7.1.3 of the FRA are incorporated into the development.
3. Finished floor levels are set a minimum of 150mm above the existing ground level as detailed in section 7.1.1 of the FRA.

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.

13

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

Reason

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

Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

14

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.

15

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

16

Prior to the commencement of development, details as to how the sewer that discharges surface water from the site around Foers Wood would be prevented from acting as a land drain and potentially draining the water along the new drainage trench shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented when the drain is laid.

Reason

To prevent the route of the sewer acting as a land drain and creating flooding problems on that part of the site.

17

Details of the proposed means of disposal of foul 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'.

### CONTAMINATED LAND

18

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 Planning 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

19

If subsoils / topsoils are required to be imported to site for garden or soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of such testing will need to be forwarded to the Local Planning Authority for review and comment before occupation of the residential dwellings.

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

LANDSCAPE

20

Landscaping of the site as shown on the approved plan (drawing no.2100 Rev L) 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 UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

21

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. This shall be positioned in accordance with the submitted Tree Protection Plan JKK7599 Fig3 Rev B. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is

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

**Reason**

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

22

Prior to the construction of any trenches or ponds within the root protection areas of the protected woodland, a method statement shall be submitted to and approved in writing by the Local Planning Authority, indicating how the works will be undertaken to prevent any adverse impact upon the existing trees.

**Reason**

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

**ECOLOGY**

23

Prior to the completion of the dwellings details of any security lighting to the rear of plots 2-10 shall be submitted to and approved by the Local Planning Authority. No additional security lighting shall be installed, without the prior written consent of the Local Planning Authority.

**Reason**

In the interest of ecology and to prevent disturbance to nearby nesting birds and bats.

24

Prior to the commencement of development a biodiversity mitigation strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all details as listed in Chapter 5 of the Environmental Statement and in the Landscape Management Plan, as well as Newt protection barriers on the northern boundary, and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

**Reason**

In the interest of ecology and to prevent disturbance to nearby nesting birds and bats.

**Informatives**

01

The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable

against the people entering into the agreement and any subsequent owner of the site.

02

Noise Disturbance

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.

03

Based on information provided with this application it has become apparent that asbestos containing material may be present within the existing building structure. The removal of asbestos materials must be carried out in accordance with appropriate guidance and legislation including compliance with waste management requirements. Accordingly any works should be managed to avoid damage to any asbestos containing material such as to prevent the release or spreading of asbestos within the site or on to any neighbouring land. Failure to comply with this may result in the matter being investigated by the Health and Safety enforcing

authority and the development not being fit for the proposed use. In addition the developer may incur further costs and a time delay while ensuring the matter is correctly resolved.

## 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 amended during to the application process to overcome harm to ecology and the setting within the Conservation Area. It was considered to be in accordance with the principles of the National Planning Policy Framework.

|                              |   |
|------------------------------|---|
| <b>Application Number</b>    | <b>RB2015/0744</b>  |
| <b>Proposal and Location</b> | Demolition of existing dwellinghouse & erection of 3 No. detached dwellinghouses with integral double garages at The Wendy House 221 Moorgate Road Moorgate |
| <b>Recommendation</b>        | Grant subject to conditions   |

This application is being presented to Planning Board as more than 5 objections have been received (10 in total).



## Site Description and Location

The application site is approximately 0.3 hectares in size. It is located to the north east of Moorgate Road.



The site currently has a large detached dwelling located centrally with a detached garage adjacent to the northern boundary. The remainder of the site is currently garden area with many trees that are protected by way of a Tree Preservation Order. The site is generally flat, although the land level raises by about 1 metre within the site, rising towards the north.

The site is residential in nature and is surrounded by residential properties. There are 6 residential properties on Whiston Grange that share the northern boundary of the site, and 2 properties on Mair Court that join the eastern boundary. To the south of the site is the boundary with a single dwelling at 225 Moorgate Road. The garden levels of some of the houses on Whiston Grange are at a slightly higher level than the application site. The northern boundary consists of a mature hedgerow approximately 2 metres in height and a solid brick wall of a height of approximately 2 metre to the rear of the site and along the eastern boundary. The southern boundary is a hedgerow of approximately 2 metres with a stone wall along the front boundary and a mature hedgerow behind.

## **Background**

Planning permission was granted in 2007 and 2009 to prune and fell trees at the site, RB2007/0565 and RB2009/0117 respectively.

RB2010/1529 was an outline planning permission for the erection of four detached dwellings and garages - withdrawn 29/03/2011

RB2011/0875 was also an outline application for demolition of existing building and erection of 4 No. detached dwellinghouses and detached garages with details of layout, scale and access – granted conditionally 09/08/2011

Tree Preservation Order No.3 1998 related to the whole of the application site, and covers a Group of Mixed deciduous trees consisting of Hawthorn, Oak, Hornbeam, Pine, Beech, Lime, Ash, Sycamore and Horse Chestnut.

## **Proposal**

The applicant seeks full planning permission for the demolition of the existing property and outbuilding and the erection of 3 detached houses with attached double garages.

The application has been amended numerous times through the application process, and the tree survey and supporting information has also been updated.

Access to the site is shown to be taken off Moorgate Road in the location of the existing access. The driveway runs parallel with the northern boundary in a similar location to the existing driveway. The three residential properties are shown to be located towards the rear of the site in the general location of the existing house and garden area.

The proposal is for three relatively large residential properties with 4 and 5 bedrooms and double garages. They are shown to be located in an L shape on the site all facing inwards.

The proposed building materials are to consist of brickwork, rendering with stone detailing and areas of glazing with tiled roofs.

The following documents were submitted in support of the application -

## Design and Access Statement

This states that the proposed development has been designed to take account of the existing trees. It states that there are differing sizes of houses around the application site, and other similar developments have taken place in the locality.

## Tree Survey

The original tree survey submitted with the application was out of date, and so a new updated report was undertaken in August 2015.

The Tree Survey revealed 56 items of vegetation, comprising of 40 individual trees and 16 groups of trees. The most significant tree is a very large mature Oak T42 situated to the west of the existing dwelling within the central area of the site.

The report states that 19 trees would be required to be removed out of 56 trees/groups surveyed, most of these trees are identified as lower value trees, the development would only require the removal of two better quality trees, a Pine and a Hornbeam. It states that the removal of trees would have a minor negative impact, and that this negative impact could be largely mitigated for in the medium and longer term by replacement planting.

It states that suitable new semi-mature tree planting would mitigate any negative impact of the required tree removals and have the potential to improve the sites long term tree cover.

## Bat Survey

This stated that there was no evidence found of the presence of bats, or bat roosts in the buildings. It did however state that any trees to be felled should be assessed for the potential of bat activity.

These specific bat tree surveys were carried out on two occasions and no evidence of bats was found.

## Land Contamination Assessment

This states that it is not considered that further specific actions are necessary to manage potential land contamination risks.

## **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) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for 'residential' purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the

site for 'residential' purposes on the Policies Map. 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

CS14 Accessible Places and Managing Demand for Travel

CS20 Biodiversity and Geodiversity

CS28 Sustainable Design

Unitary Development Plan 'saved' policy(s):

ENV3.3 Tree Preservation Orders

HG4.3 Windfall Sites

HG5 The Residential Environment

Sites and Policies Plan

SP12 Development in Residential 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 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

The Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

South Yorkshire Residential Design Guide 2011

UDP 'Housing Guidance 3: Residential infill plots

The Council's Minimum Parking Standards (adopted June 2011)

### **Publicity**

The original application was advertised on site by the erection of a site notice and the occupiers of 13 surrounding properties were notified by letter. 9 representations were received from neighbouring properties. The objections are summarised below –

- There has previously been an application approved to remove a tree on the boundary of 10 Muir Court which was damaging the wall. Will the tree be removed as part of this application?
- The distance between the proposed and existing houses should be increased as it would hinder privacy due to windows directly facing one another.
- The proposal would lead to overlooking and the loss of privacy into garden areas into main rooms within the house at ground floor and first floor levels.
- The proposal will damage the protected trees.
- Loss of light/ sunlight and overshadowing of the garden area and home.
- Impact on wildlife, including owls and bats.
- The plot is large, why are the proposed houses positioned so close to existing houses, and in line with them.
- The developers have given no thought to the impact the dwellings would have on existing residents, and it appears to have been designed to maximise the loss of privacy.
- What will happen to the hedgerow along the boundary with Whiston Grange – it should be kept at 2 metres high, and who will be responsible for it? Will there be a management company?
- What boundary treatment is proposed?
- The boundary is a retaining wall with the application site being lower – what boundary is proposed?
- The proposed properties are larger than those on Whiston Grange.
- Plot 3 would be too close to No. 8, 10 and 12 Whiston Grange.
- Detailed Tree Survey is required.
- The development will affect the current view.
- The houses would dominate the landscape for all the surrounding houses.
- The houses would be built on higher land and look over existing properties.
- Why does the drive need widening?
- Rosemary tiles should be used.

When the proposal was amended the publicity was carried out again and 7 representations were received. They are summarised below –

- Loss of privacy and direct overlooking.
- They will be an eyesore to the surrounding landscape.
- The houses will be too tall in relation to the surrounding buildings.
- Previous schemes in a crescent shape did not overlook existing neighbours or impact on major trees
- The amended plans have worsened the impact of overlooking.
- Why have the plans been amended in such a way.
- Sunlight will be blocked from sun room
- Residents will have a view of an ugly wall
- The amended plans and tree survey should be dismissed as they would ride roughshod over the establish tree preservation order, and the scheme loses many protected trees.

- The proposal shows the loss of a Pine Tree which is indicated as being the tree with the highest amenity value on the site, being prominent on the site.
- There is an error on the tree survey showing a tree outside the site, which is actually within the site.
- It is inconceivable that such a development would be allowed with a tree preservation order on the site.
- The Bat Survey states that they could be present in the trees.

## **Consultations**

Streetpride (Transportation and Highways) - It is noted that the amended plans show the drive increased to a width of 5 metres, the turning area does not cater for a fire appliance, however it is noted that the fire officer has agreed an alternative arrangement including the provision of a fire hydrant within the site.

Neighbourhoods (Environmental Health) – No objections subject to standard conditions

Streetpride (Tree Service Manager) – There were concerns regarding the initial layout of the scheme due to the adverse impact it was likely to have on local amenity, particularly a large mature protected Oak tree on the site. In this regard the layout was amended and Plot 1 was moved further away from the tree. The amended layout and amended arboricultural report reduced the concerns regarding the full impact of the development on T42 the protected Oak, and in particular the pressure for significant pruning in the future.

Whilst not all previous concerns have been overcome regarding the full impact on T42, it is not considered that there is sufficient reason to recommend refusing the application, and so the amended layout is considered acceptable in Arboricultural terms.

Streetpride (Ecology) –The survey and evaluation within the 'Tree Survey, Potential for Bats' is considered acceptable, and the mitigation measures proposed within the report should be conditioned.

Yorkshire Water – 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 issues to take into consideration in the determination of the application are –

- The principle of the development
- Layout, design and visual amenity
- The impact of the development on the amenity of neighbouring residents.
- Landscape and ecology
- Protected trees
- Transportation issues
- Other issues raised by objectors

### The Principle of the Development

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

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

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

UDP Policy HG4.3 states that: “The Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their: (i) location within the existing built up area and compatibility with adjoining uses, and (iii) compatibility with other relevant policies and guidance.”

Core Strategy Policy CS1 ‘Delivering Rotherham’s Spatial Strategy’ states that most new development will take place in Rotherham urban area and the Principal Settlements for Growth and will help create a balanced sustainable community. It notes that the settlements of Bramley/Wickersley/Ravenfield Common are ‘Principal settlements for growth’.

Policy SP12 ‘Development in Residential Areas’ of the ‘Publication Sites and Policies’ document (published in September 2015) states that residential areas identified on the policies map shall be retained for primarily residential use. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

The site is allocated for residential use within the Unitary Development Plan and is considered to be a windfall site where development will contribute to the required housing figures for the Borough. It is considered that given the sites location within the built up area of Moorgate, which is in close proximity to existing housing, facilities, services and local transport, the development is within a sustainable location that would accord with the presumption in favour of sustainable development. The principle of residential development is therefore acceptable and in accordance with Core Strategy policy CS1. The compatibility of the proposal with other relevant policies is discussed below in accordance with UDP Policy HG4.3 and Sites and Policies SP12.

Layout, design and Visual Amenity

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

This is further underpinned by Core Strategy Policy CS28 'Sustainable Design' which states that "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings with a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."

Paragraph 56 of the NPPF notes that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Paragraph 60 of the NPPF states that "Planning Policies and decisions should not attempt to impose architectural style or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness".

The proposed dwellings are of a relatively modern design including large areas of glazing as entrance features. However the building materials would consist of brick, stone and tile and are considered to be inkeeping with the mixture of materials that can be found in the locality. The houses will not be visually prominent from Moorgate Road due to the presence of the protected trees on the frontage of the site. The boundaries of the site are to be retained as existing, which was an issue raised by existing adjoining neighbours.

The proposal has been amended to include the re-siting of Plot 3, and the provision of a hipped roof to reduce the impact of the property on properties on Whiston Grange, and also to re-site Plot 1 away from T42 the mature Oak Tree.

Objections have been received regarding the large size of the dwellings in relation to existing properties on Whiston Grange, stating that they would dominate the landscape from surrounding houses. It is noted that the proposed houses are larger than the properties on Whiston Grange however the other properties within the vicinity in the Moorgate area are of a similar size and scale. It is considered that houses have been designed to reflect the scale and characteristics of the area and will not appear at odds in a locality that is not dominated by one particular house type or style and the proposed materials will help to blend the new development into the existing urban setting although final details of materials are suggested to be controlled through condition.

As such the proposed development is therefore considered to accord with the principles set out in the NPPF, UDP Policy HG5 and Core Strategy Policy CS28.

Impact on Residential Amenity

The NPPF notes at paragraph 17 that: “Within the overarching roles that the planning system ought to plan, a set of core land-use planning principles should underpin both plan-making and decision taking. These 12 principles are that planning should (amongst others):

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

The inter-house spacing standards contained within the Council’s Adopted Supplementary Planning Guidance (SPG) – Housing Guidance 3: Residential Infill Plots, indicates that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing a habitable room window should be located within 10 metres of a boundary with another property.

The South Yorkshire Residential Design Guide further advocates the use of these separation distances for the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings. It also sets out minimum internal spacing standards.

The proposed amended layout shows that both these internal and external spacing standards are achieved by the development. Objections have been received from adjoining residents stating that the distances between the proposed dwellings and the existing dwellings should be increased to avoid a loss of privacy from overlooking windows into dwellings and garden areas, and also with regards to the positioning of the dwellings within the plot, in line with the existing properties.

In this respect, the proposed development achieves the minimum spacing standards. The layout achieves the 21m distance between Plot 3 and 10 Muir Court and between Plot 2 and 12 Muir Court.

An objection has been also been received stating that the houses would be built at a higher level than existing houses and will be taller than the existing houses, however the applicant has also submitted sections through the site that shows that the ground level of the existing buildings are to be the same as the finished ground floor levels of Plots 2 and 3, and that the eaves will also be similar height to the existing properties on Mair Court.

An objection has been received stating that the proposal would affect 10 Whiston Grange, block out the sunlight to the sunroom and leave a brick wall as a view. The amended application shows Plot 3 turned on the plot and the provision of hipped roof, this reduced the impact of the proposal on 10 Whiston Grange. Additionally, the Section Plan shows that the side elevation of Plot 3 meets the spacing standards in relation to 10 Whiston Grange, and that the 25 degree rule is met. Plots 2 and 3 also comply with the standard and have 10 metre long rear gardens.

Objections have been received regarding loss of light/sunlight and over shadowing of gardens. Whilst it is acknowledged that the development of this land, which has until now been a private garden area, will have some impact on the occupiers of the neighbouring properties, as noted above the development complies with the Council’s spacing standards and is considered acceptable in this regard.



The side elevation of Plot 2 is located 8-9m from the boundary of the garden area of 225 Moorgate Road, however windows at first floor level on this elevation serve two en-suite bathrooms and a dressing room. These windows will all be obscure glazed to ensure that no overlooking occurs to the rear garden of 225 Moorgate Road.

Plot 1 is also proposed to run parallel with the boundary on 225 Moorgate Road, and includes principle room windows in the elevation facing this boundary however, at the closest point there is nearly 11m between the rear elevation and the boundary. 225 Moorgate Road is set well away from the boundary within the centre of the plot and there is approximately 21m between the rear elevation of Plot 1 and the side elevation of the house.

The plots have been positioned so that they are in accordance with the Council's approved spacing standards and as such are not considered to have a detrimental impact on the amenities of the occupiers of neighbouring properties.

#### Protected Trees

In assessing the impact of the proposed development on the protected trees on site, UDP policy ENV3.3 Tree Preservation Orders sets out that the Council will protect individual and groups of trees by Tree Preservation Orders where it is important in the interests of visual amenity.

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."

In addition paragraph 118 of the NPPF states that:

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

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

The proposed dwellings do however result in the loss of some of the existing vegetation and the removal of 19 protected trees would be required to be removed out of 56 trees/groups on site, albeit that most of these are identified as lower value trees, the development would only require the removal of two better quality trees, a Pine and a Hornbeam. However the proposal does contain the retention of all of the other higher quality trees on site, and it has been amended to safeguard the future prospects of T42 the highest quality tree on the site. For this reason the submitted information in the Tree Survey indicates that the applicant is willing to provide quality replacement planting to mitigate the loss in the form of suitable new semi-mature tree planting to be secured by planning condition. Additionally, it is considered appropriate that a planning condition to remove permitted development rights from Plot 1 is necessary to ensure that any future development on the plot can be controlled to ensure the Oak T42 is not adversely affected.

The Council's Tree Services Manager has deemed that the amended tree report and amended layout are acceptable from an amenity issue, and that it is

considered that the removal of the lower value trees can be mitigated by replacement of trees with semi-mature trees within a landscaping scheme.

He also notes that the future prospects of the trees and hedges shown to be retained should be safeguarded throughout any development. Additionally, the provision of root protection measures are recommended throughout the demolition of the existing and the erection of the proposed new dwellings.

The occupier of 10 Muir Court has highlighted that permission has previously been granted for the removal of a large tree located adjacent to the boundary of the property and have asked for confirmation of the tree is to be removed as part of this application. The Tree Survey notes that the tree is located very close to the boundary wall and that its long term future may be limited, however it is not shown for removal as part of this application.

With regards to the above it is considered that the proposal is acceptable and is in compliance with UDP policies ENV3.3 and ENV3.4, as well as guidance contained within the NPPF.

#### Landscape and Ecology

Core Strategy CS21 'Landscapes' requires that new development will safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. Core Strategy Policy CS20 'Biodiversity and Geodiversity' states that the Council will conserve and enhance Rotherham's natural environment. Biodiversity and Geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

The application was supported by a Tree Survey, Potential for Bats, in which each tree to be removed was assessed for the potential for it to support bats.

The report concluded that no evidence of roosting bats was found. The report recommends that any additional exterior lighting at the site should be 'bat friendly' so as not to deter bats in the future.

It is considered that, with the provision of a landscaping scheme to be secured by condition, and the provision of bat friendly external lighting the amended scheme is acceptable to comply with Core Strategy Policies CS20, CS21 and relevant policies contained within the NPPF.

#### Transportation Issues

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

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

The proposed development is considered to accord with the Core Strategy Policy CS14 and as such would not have a detrimental impact on highway safety.

### Response to Objections

Representations have been received from adjoining occupiers asking about arrangements for future maintenance of boundaries hedgerows and stating that the development would affect the current view of residents however these issues are not a material planning consideration to be considered.

### **Conclusion**

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

In highway safety terms the proposed development is considered to be in a sustainable location and would not be detrimental to highway safety.

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

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **06** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition number **06** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with

the submitted details and specifications as shown on the approved plans (as set out below)

- Block Plan & Location Plan and External Drainage -Drawing Reference JBA.3403.101 Rev C dated May 2016
- Plot 1 Proposed Details – Drawing Reference JBA.3403.103 Rev A dated June 2015
- Plot 2 Proposed Details – Drawing Reference JBA.3403.104 Rev B dated September 2015
- Plot 3 Proposed Details – Drawing Reference JBA.3403.105 Rev B dated September 2015
- Sections Showing Site Levels – Drawing Reference JBA.3403.106 dated September 2015

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

Before the development is brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

06

Prior to the commencement of any development on the site, including any demolition works, a detailed Arboricultural Impact Assessment and an Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction shall be submitted to the Local Planning Authority for consideration and approval,. This shall include a watching and reporting brief to include regular inspections and reports to the Local Planning Authority by the appointed Arboricultural Consultants throughout the development. The development shall be implemented in accordance with the approved details.

Reason

In order to ensure that demolition and construction activities can be undertaken with minimal risk of adverse impact on the trees to be retained in parts of the proposed development where it encroach within the recommended root protection areas.

07

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

Reason

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

08

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 meter high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

09

Prior to the construction of the new dwellings a Coal Mining Authority Report will be submitted to this Local Authority for review and comment. Any recommendations made within the report shall be undertaken and the results of which shall be provided 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.

10

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

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

Details of the mitigation measures identified in paragraph 5.1 of the Tree Survey (Potential for Bats) dated December 2015 shall be submitted for approval to the Local Planning Authority. The approved detail shall be implemented prior to the development being brought into use.

Reason

To ensure that the biodiversity interest on the site is protected and enhanced in accordance with Core Strategy Policy CS20 'Biodiversity and Geodiversity'

13

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

Reason

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

14

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the existing public sewer, have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading)

15

Before the development is brought into use, a detailed landscape scheme to include new semi-mature tree planting 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 Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

16

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in

September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

**Reason**

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

17

Before the development is brought into use a plan indicating the positions, design, materials and type of any new boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to the occupation of the dwellings.

**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.

18

The window(s) in Plot 2 at first floor level on the elevation facing towards 225 Moorgate Road shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

**Reason**

In the interests of the amenities of the occupiers of adjoining properties.

19

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no enlargement of the dwelling house or erection of outbuildings permitted under Part 1, Class A and E of The Town and Country Planning (General Permitted Development) Order 2015 shall be carried on Plot 1 without the prior written approval of the Local Planning Authority.

**Reason**

So that further extensions can be controlled by the Local Planning Authority in order to maintain sufficient amenity space and to protect the Protected Trees on site.

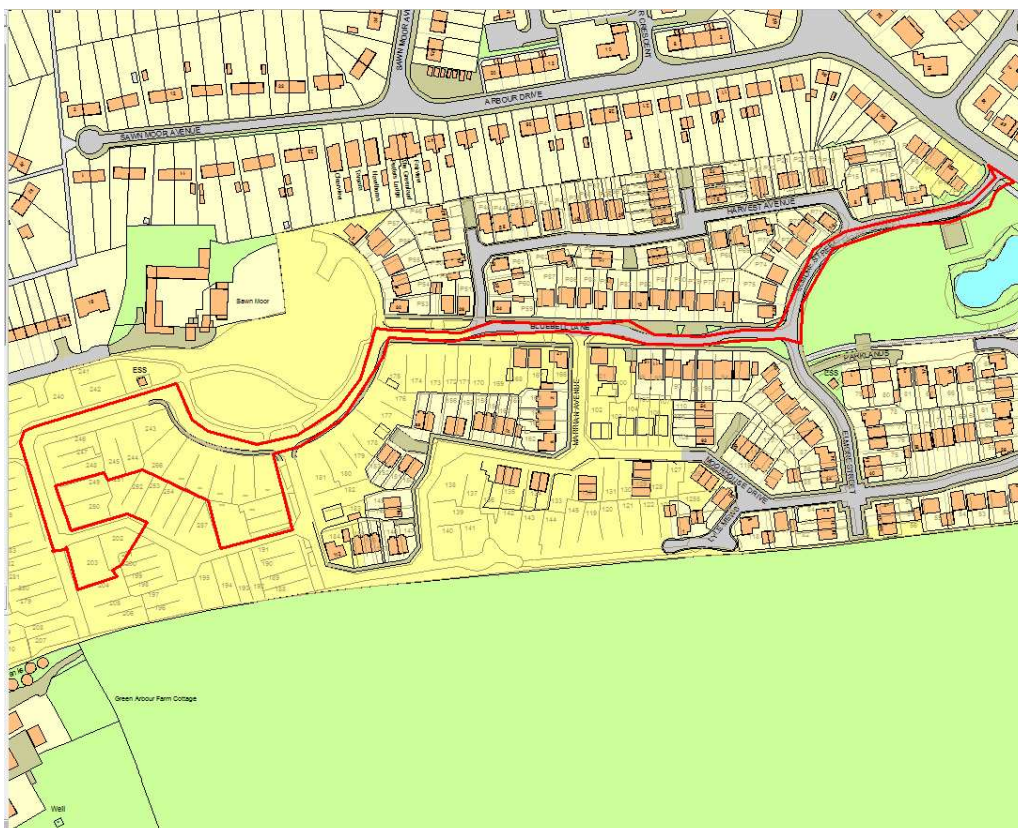
**POSITIVE AND PROACTIVE STATEMENT**

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.



|                              |  |
|------------------------------|--|
| <b>Application Number</b>    | <b>RB2016/0302</b>   |
| <b>Proposal and Location</b> | Erection of 20 No. dwellinghouses and associated garages (plots 158-167, 185-190 & 193 – 196) at land off Laughton Road / Sawn Moor Avenue, Thurcroft, Rotherham S66 9DZ |
| <b>Recommendation</b>        | Grant subject to conditions  |

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



### Site Description and Location

The site of application is within the wider site of a large housing development located off Laughton Road / Sawn Moor Avenue to the south of the village of Thurcroft. The site in question extends to approximately 8,725 square metres. The wider site is a construction site with houses under construction. To the north of the site is an area of public open space.

### Background

Since the original planning permission was granted for the overall development in this location there have been several amendments to the overall scheme, as well as to various parts of the overall scheme. The relevant planning history in relation to the current application site is as follows:

RB2011/1244: Erection of 369 No. dwellinghouses & associated garages including formation of new access points, public open space and landscaping works -

GRANTED CONDITIONALLY 24/10/12 (subject to a S106 Agreement). The Agreement required the following:

- 25% affordable housing.
- £37,300 for the provision and maintenance of an Art Trail
- £10,000 towards provision of a Welcome Pack to welcome occupiers of the new dwellings to the Thurcroft Community Library.
- Provision of a Travel Master Ticket for each property.
- Requirement to manage and maintain open space on the site.

RB2013/0484: Erection of 369 No. dwellinghouses & associated garages including formation of new access points, public open space and landscaping works with variation of Condition 13 (highway works) imposed by RB2011/1244 - GRANTED CONDITIONALLY 12/07/13

RB2013/1216: Erection of 122 dwellings  
- GRANTED CONDITIONALLY 05/12/13

RB2014/1097: Application to vary condition 1 (approved plans) imposed by RB2013/0484 - GRANTED CONDITIONALLY 18/08/15

RB2015/0230: Non material amendment to application RB2013/1216 to include substitution of house types of plots 93, 114, 160, 162 & 164  
- GRANTED 07/05/15

Development on the overall site has commenced and has so far been split between two principle developers, Barratt Homes and Persimmons. The current planning application site forms part of the site approved for 122 dwellings under planning permission RB2013/1216.

## **Proposal**

The proposal is for a substitution of houses types on the approved plots 158-167, 185-190 & 193-196 which were approved under the partial re-plan of the site for Persimmon Homes granted under planning permission RB2013/1216. The previous planning permission did not include any green space provision or affordable housing provision and included 20 dwellings on the site now to be developed, and the current proposal is also for 20 dwellings. The approved scheme included 9 semi-detached properties, a terrace of 3, and 8 detached whilst the current scheme proposes 11 detached and 9 semi-detached properties.

## **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) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for 'Residential' purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'Residential' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'

CS7 'Housing Mix and Affordability'

S33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'

ENV3.7 'Control of Pollution'

ENV4.4 'Contaminated Land'

T6 'Location and Layout of Development'

Sites and Policies:

None.

### **Other Material Considerations**

South Yorkshire Residential Design Guide.

Council's Parking Standards (adopted June 2011).

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

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

The Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await

testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

### **Publicity**

The application has been advertised by press and site notice. No representations have been received by the Council.

### **Consultations**

Streetpride (Transportation & Highways): Raise no objections subject to all the previous highway / transportation conditions being retained.

Streetpride (Landscape Design): Raises no objections to the proposals subject to relevant conditions.

Streetpride (Drainage): No objections to this proposal as it would have a negligible effect on drainage and flood risk to the overall approved scheme.

Public Rights of Way Officer: Raises no objections to the scheme as the public right of way is not close to this site.

Environmental Health (Contaminated Land Officer): Raised no objections to the proposals in terms of land contamination but recommends precautionary conditions in case of ground contamination being discovered on 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 site is an allocated site within the Rotherham Unitary Development Plan (adopted in 1999) for residential development. Full planning permission was granted for the site in October 2012 (as amended under planning permission RB2013/0484). This previous approval has been subsequently amended most recently in 2013 (RB2013/1216) for a partial re-plan of the wider site to include 22 additional dwellings. It is considered that the principle of the development of this part of the overall site is acceptable.

This application relates to a part of the site which was previously part of the application RB2013/1216 and the principle of the development has previously been accepted under the previous permissions on the site. It is accepted that the

proposals comply with Core Strategy Policies CS1 'Delivering Rotherham's Spatial Strategy' and S33 'Presumption in Favour of Sustainable Development.'

The main issues to be considered in the assessment of this application are:

- The scale, layout and appearance of the development.
- The impact on neighbouring amenity.
- Renewable energy.
- Affordable housing

#### Scale, layout and appearance of the development

In assessing the design of the proposed dwelling and the surrounding area, Policy CS28 – Sustainable Design notes 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."

Policy HG5 'The Residential Environment,' states: "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 and provide a more accessible residential environment for everyone."

The NPPF states at paragraph 56 "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: "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 way it functions."

In terms of the overall layout changes it is noted that it is broadly similar to what has been previously approved on the site. The location and positioning of a number of the plots has changed slightly but not significantly. It is noted that Plot 166 which occupies a prominent corner position has been altered from a semi-detached property to a detached dwelling and has been brought further forward on the plot. However, it is considered that it would not appear significantly more prominently and would roughly continue the building line of the properties proposed on this section of the site.

With regards to the design of the proposed dwellings it is considered that they are acceptable and would match in with the design and appearance of other house types approved across the estate.

It is noted that the new dwellings would have room sizes and private rear garden space that comply with the South Yorkshire Residential Design Guide. The density and areas of soft landscaping are broadly similar on this scheme as the one that was previously approved. It is considered that the scheme is acceptable in landscaping terms.

As such, it is considered that the proposal is acceptable in design terms and accords with Core Strategy Policy CS28 'Sustainable Design' and the Environment,' Policy HG5 'The Residential Environment' of the Rotherham UDP and guidance within the NPPF.

The impact on neighbouring amenity:

The site is not adjacent to any existing neighbouring properties though some of the properties will be adjacent to other properties approved under previous schemes though not as yet built out. In any event it is considered that the development meets all relevant spacing standards such that it would not overlook, appear overbearing or harm the residential amenity of future residents.

Affordable housing

It is noted that this application is a substitution of house types and does not increase the number of dwellings on the site. Furthermore, none of the dwellings are identified as the agreed affordable housing units on the overall site (which meets the Council's 25% target). As such, it is considered that the proposal would not have any impact on the affordable housing provision on the overall site.

**Conclusion**

The principle of the development is considered to be acceptable given the site's current allocation as Residential development under the Rotherham Unitary Development Plan and the previous permissions on the site.

The proposals are considered to represent an acceptable form of development that would not be out of keeping with the character of the surrounding area.

Furthermore, by virtue of their size, appearance, layout, and materials, the proposed dwellings would not have a detrimental effect on the visual amenities of the area or on the occupiers of the proposed dwellings both on and adjacent to the site and would successfully assimilate with the surrounding development. Consequently, the proposed development makes a positive impact on the environment by achieving an appropriate standard of design in accordance with the policy and guidance referred to above.

It is therefore recommended that the application be granted with 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)

(Location Plan - THU-2016-RP02

Planning Layout - THU-2016-RP01

Housetype drawings:

Clandon: CN-WD00

Hanbury: HB-WD16

Hatfield: HT-WD16

Moulton: ML-WD06PL

Roseberry: RS-WD16

Rufford: RF-WD16

Winster: WS-WD16

Garage drawings:

6X3 Garages: SGD-2015:02

Standard Garages: SDG-2015:01)(received 04/03/2016)

Landscaping plans (drawing no. 001-ND017-D3 -04 and 001-ND017-D4 -04)

Reason

To define the permission and for the avoidance of doubt.

03

The development shall be constructed in the following materials unless otherwise agreed in writing with the Local Planning Authority:

Brick - Hanson Village Sunglow

Brick - Harborough Buff Multi

Brick - Hanson Arden Special Reserve (Red)

Roof Tile – Mini Stonewold Slate Grey

Roof Tile – Mini Stonewold Tudor Brown

Windows – White PVCU, soffits and French Doors

Garage door steel faced front and rear.

Reason

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

04

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 approved boundary treatment shall be completed before the associated dwelling is occupied.

Reason

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

05

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'.

06

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 Planning 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. In accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

07

If subsoils / topsoils are required to be imported to site for garden or soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of testing will need to be presented in 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. In accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

08

Landscaping of the site as shown on the approved plans (drawing no. 001-ND017-D3 -04 and 001-ND017-D4 -04) 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 UDP Policies ENV3 'Borough



Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

09

Prior to the commencement of development a scheme that reduces energy consumption by 10% through energy efficiency measures shall be submitted to the Local Planning Authority and shall be approved in writing. The approved measures shall be installed before the occupation of each dwelling.

Reason

To deliver reductions in energy consumption to combat climate change in line with the NPPF.

10

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'.

11

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), all dwellings with integral garages shall retain these garages for car parking for the lifetime of the development hereby approved.

Reason

To avoid excessive parking in the highway and to ensure the free and safe movement of traffic.

12

A Travel Plan shall be submitted to the Local Planning Authority and shall be approved in writing. 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

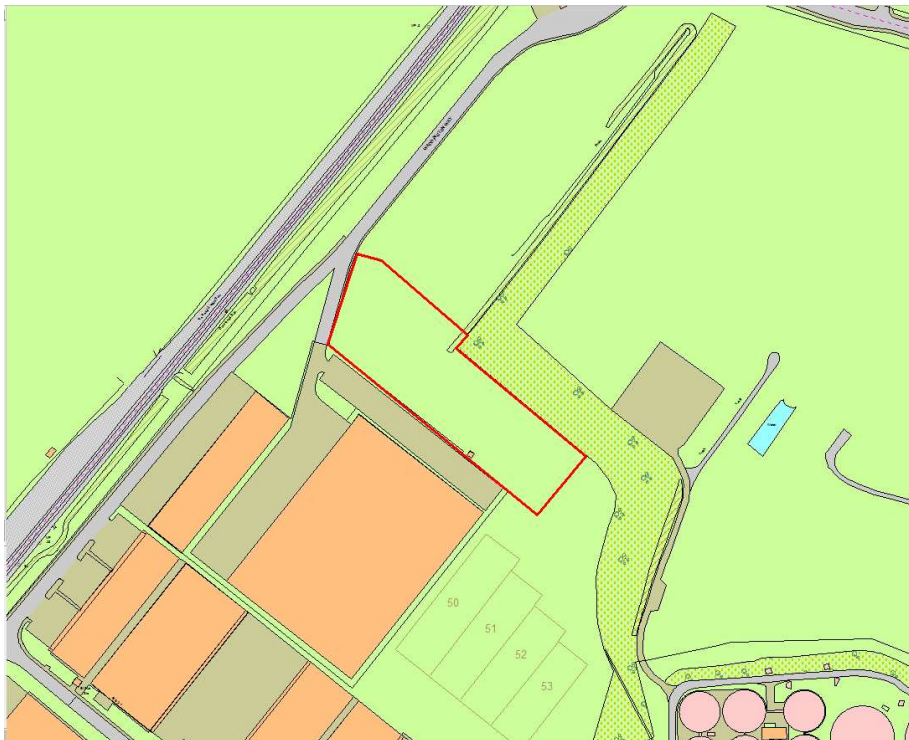
In order to promote sustainable transport choices.

## POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

|                              |   |
|------------------------------|---|
| <b>Application Number</b>    | <b>RB2016/0404</b>  |
| <b>Proposal and Location</b> | Erection of building for use within Use Classes B1(b) research, B1(c) industrial process, B2 general industry and B8 storage & distribution and enlargement of existing surface water balancing pond, land at Waddington Way, Aldwarke. S65 3SH |
| <b>Recommendation</b>        | Grant subject to conditions   |

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 application site consists of a vacant plot to the north-east of the existing industrial estate on Waddington Way. The land surrounding the application site comprises of large scale modern industrial warehouse buildings. The River Don/Sheffield and South Yorkshire Navigation Canal lies approximately 400m south of the site and Aldwarke Road approximately 250m to the north-east. The

Yorkshire water waste water treatment facility lies to the east. The main Rotherham railway line lies to the west. The site is accessed via Waddington Way, a road which serves the surrounding modern industrial development and starts at Aldwarke Lane.

The neighbouring site to the east approved under RB2015/1172 is being constructed. The cycle/footway directly to the west which connects the southern section of the wider industrial estate is also under construction.

The site has an elongated shape and covers approximately 0.76ha and is broadly level.

## **Background**

The site has the following relevant planning history:

RB2006/2264 - Outline application for warehouse/industrial development for use within use classes B1 (b) research, B1(c) light industry B2 general industry, B2 general industrial and B8 storage and distribution including details of the access – Granted Conditionally.

The time limit for submitting reserved matters to this outline application has now expired and it is therefore necessary to submit a full detailed application.

There have been a number of reserved matters/detailed planning permissions subsequent to the above outline planning permission on neighbouring sites within the industrial estate. The most recent of which were subsequently approved in 2014 and 2015. The majority of the plots surrounding the application site have now been developed with the buildings occupied.

## **Proposal**

This is a full planning application for the erection of a building for use within classes B1(b) research, B1(c) industrial process, B2 general industrial and B8 storage or distribution. It is also proposed to enlarge the existing surface water balancing pond in the western section of the site

The proposed building has a total footprint of 2250 square metres and the dimensions of the building are 92 metres x 25 metres and approximately 8 metres to eaves, it is steel portal framed with profiled steel cladding in blue/grey to match the existing buildings on the industrial estate.

The building has a front service yard/car park accessed via a single entrance off an access road (currently being constructed for approved permission RB2015/1172). A total of 30 car parking spaces will be provided, including 3 dedicated disabled parking bays, together with a central service yard for delivery vehicles and secure cycle storage areas.

Landscaping is indicated around the perimeter of the building and service yard and car park.

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

- Design and Access Statement;
- Flood Risk Assessment;
- Phase 1 Site Investigation Report;
- Transport Statement;
- Landscaping Plan.

### **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):

CS14 'Accessible Places and Managing Demand for Travel'

CS25 'Dealing with Flood Risk'

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

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

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

The Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015)

have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

### **Publicity**

The application has been advertised by way of site notice (20 April 2016), press notice (15 April 2016, Rotherham Advertiser) and letters to neighbouring properties. No representations have been received.

### **Consultations**

Environment Agency – No objections subject to conditions

SYMAS – no objections

Yorkshire Water – No objections subject to conditions

Canal and River Trust – no objections

Police Architectural Liaison Officer – provides advice in order to minimise the opportunities for crime against the property;

Streetpride (Transportation and Highways) – no objections subject to conditions

Neighbourhoods (Environmental Health) – no objections

Neighbourhoods (Pollution Control) – no objections

Streetpride (Drainage) – no objections

Streetpride (Landscape) – no objections subject to conditions;

### **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- Principle
- Design, Scale and Appearance
- Impact on the surroundings
- Highway Safety
- Flood Risk and pollution control Issues

### Principle

The application site was subject of an outline planning application for a wider area to develop a new industrial estate which was approved in June 2007 under RB2006/2264.

The principle of industrial/warehousing development on this site has therefore been established. The site is allocated for industrial and business uses in the Unitary Development Plan and the development of the remainder of the industrial estate has now been, or is in the process of being finalised. This is the last remaining vacant plot without the benefit of detailed permission for development. The proposals are for development exclusively within the B Use Classes (B1, B2 and B8) and are considered to accord with the provisions of UDP Policy EC3.1 In addition the NPPF states at paragraph 19: "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

#### Design, Scale and Appearance

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

The existing site consists of large scale industrial type buildings located on a new industrial estate within the Aldwarke area. The proposed site will be seen in the context of the other industrial buildings on the estate and it should therefore be consistent with the design and quality of those existing buildings.

The scale and height of the proposed building is consistent with those on the adjacent plots and whilst they have the appearance of typical large scale industrial warehouse buildings the use of high quality materials will assist in allowing the buildings to sit in an acceptable manner on this site. It is considered that the proposed development is of an appropriate scale for the site and sufficient space is retained for parking, service yards and landscaping. The proposed materials of profiled steel cladding will provide a modern and contemporary finish and the design and access statement indicates that the colours and finishing will be consistent with the existing buildings.

There is an area of landscaping proposed around the perimeter of the buildings and also on the front western elevation. This landscaping is consistent with the Master plan which was approved at outline stage and with the detailed design of the landscaped areas of the existing, nearby buildings. The landscaping will assist in softening the appearance of the buildings both in terms of views of the development from outside the site but will also create a high quality environment within the development.

The landscaping officer has indicated that there are no objections to the proposals as it stands and that the application can be supported in its current form, subject to a condition.

Overall it is considered that the proposed development is of a high quality and is of an appropriate scale and design which will comply with the general advice within the NPPF and Core Strategy CS28 'Sustainable Design.'

#### Impact on the surroundings

The site lies within an industrial setting with the majority of the newly constructed surrounding uses falling within the B1, B2 and B8 use classes and the area has become a newly established industrial estate. It is not considered that there are any sensitive uses within the vicinity of the site. The application proposal is considered to be in keeping with the surroundings and in conformity with saved UDP Policies ENV3.7 'Control of Pollution' and EC3.1 'Land Identified for Industrial and Business Use.'

#### Highway Safety

The access and parking layout are of an acceptable standard of design in terms of vehicular movements and highway safety. In terms of parking, the proposed layout indicates that 30 parking spaces are to be provided. This is in accordance with the Council's maximum standards and is therefore considered to be appropriate.

A travel plan condition was imposed for previous units in this area and it is recommended that the same should apply here. There are no objections to the granting of planning permission in a highway context.

#### Flood Risk Issues

A Flood Risk Assessment has been submitted in support of the planning application which identifies that the application site lies within Flood Zone 2 (Moderate Risk).

The site was partially flooded during the June 2007 event and the flood level is assessed to have been 23.70 m AOD. It has been recommended that buildings should be set at a minimum of this level and the submitted plans indicate that the finished floor levels of the building are at 24.00 m AOD, thus, flood risk is not considered to be significant.

In addition, the site is within the 1 in 100 year climate change flood plain and this must be compensated for within the site. Earlier submitted plans, on adjacent sites indicate that there is compensatory storage to the east of the proposed buildings and the detailed design of this storage will be dealt with by condition.

Rainwater from the development will drain into an existing balancing pond with flow control device which is designed to accommodate this area of the overall site before discharging to the River Don. The EA have indicated that there are no objections, subject to a condition being imposed that the measures outlined in the Flood Risk Assessment be implemented in accordance with the submitted details.

Overall, it is considered that the development of this site for the purposes detailed above are acceptable in flood risk terms, subject to conditions.

#### Pollution Control issues

The Council's Pollution Control Officer has indicated that given the historical use of the site there is potential for contamination of soils and ground water to exist from activities undertaken on site. There is also potential for migration of contaminants from off site sources including mining, spoil heaps, landfills and other industrial trades.

The submitted report suggests significant contamination is unlikely to be present from the soil on site since the material used for backfilling of the site was most likely to be reworked natural ground.

Chemical testing is reported to have been carried out on adjacent plots some time ago and significant contamination was not encountered that would pose a risk to the end users of an industrial/commercial development. However, no specific testing has been carried out at the application site to confirm this conclusion. Given this proposal is for the construction of a new building, there is potential for receptors (human health and the environment) to be affected by potential soil contamination present, via pathways created during and after the development stage.

Given the likelihood of made ground and coal measures being encountered there is a potential risk of ground gas (methane, carbon dioxide) being present.

It is reported that a large area of the site is to be given over for use as soft landscaping. The soils will therefore need to be assessed for the presence of potential phytotoxic contaminants.

Based on an assessment of the report provided there is not considered to be a significant pollutant linkage with regard to the risk to human health from contamination within the soils at the site given the proposed commercial / industrial end use. However, intrusive investigation and risk assessment will be required to confirm this conclusion. The Pollution Control Officer has therefore recommended a condition be imposed.

## **Conclusion**

The site is allocated for industrial and business uses in the Unitary Development Plan and the remainder of the industrial estate is in the process of being finalised. The principle of development is considered to be acceptable and the site is not considered to have any higher level of future flood risk than the surroundings. The proposed design is considered to be of an appropriate scale and visual appearance with the scale and height of the proposed buildings consistent with those on adjacent plots. The proposal is considered to have an appropriate level of parking and the application is recommended for approval, subject to conditions.

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **09** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application



determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition number **09** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

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

Reason

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

02

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

(Drawing numbers location plan 39714/001 Rev A, site layout 39714/002 Rev B, floor plan and elevations 39714/003 Rev B, planting plan 225 ALD20 Rev A)(received 6 April 2016)

Reason

To define the permission and for the avoidance of doubt.

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

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

Reason

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

05

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.

06

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/shown on drawing no floor plan and elevations 39714/003 Rev B. The development shall thereafter be carried out in accordance with these details.

Reason

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

07

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Eastwood and Partners (dated March 2016, ref: AP/MW/39714) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 24.00 m above Ordnance Datum (AOD) for the proposed building 11 and 23.9 mAOD for the service yards/car parking areas (as stated in the FRA, this is above the 2007 historical flood level and 1% AEP modelled water level plus climate change).
2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

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

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To ensure safe access and egress from and to the site.

08

Landscaping of the site as shown on the approved plan (drawing no. ALD20 revA) 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 UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

09

Prior to the commencement of the development, the developer shall submit a final site investigation report for the approval of the Local Planning Authority. The investigation shall address the nature, degree and distribution of contamination on site and its implications on the health and safety of site workers and nearby persons, building structures and services, final end users of the site, landscaping schemes and environmental pollution, including ground water, and make recommendations so as to ensure the safe development and use of the site. The sampling and analytical strategy shall be approved by the Local Planning Authority prior to the start of the survey and all recommendations and remedial works contained within the approved report shall be implemented by the developer, prior to occupation of the site.

Reason

In the interests of safe redevelopment and afteruse of this site and in accordance with UDP Policy ENV4.4 'Contaminated Land'.

10

Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 5.0 (five) metres either side of the centre line of the sewers, which cross the site.

Reason

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

11

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

Reason

In the interest of satisfactory and sustainable drainage.

12

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the existing public sewer, have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

## Reasons

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

## **Informatives**

### Environment Agency

- a) We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with your building control department is recommended when determining if flood proofing measures are effective. Additional guidance can be found on our website [www.gov.uk](http://www.gov.uk) under 'Preparing your business for flooding' and 'Flood resilient construction of new buildings'.

- b) 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 is required 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 the [contaminated land](#) pages on GOV.UK for more information.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Definition of Waste: Development Industry Code of Practice on the [CLAIRE](#) website and;

- The [Environmental regulations](#) page on GOV.UK.

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.

### Yorkshire Water

**EXISTING INFRASTRUCTURE** - On the Statutory Sewer Map, there are 500mm and 900mm diameter public sewers and a 450mm diameter sewage pumping main recorded to cross/cross close to the site. A stand-off distance of 5 (five) metres is required at each side of the sewer centre-lines. The proximity of the existing waste water treatment works (WWTW) to the site may mean a loss of amenity for future workers. In order to minimise the risk of any loss of amenity, industry standards recommend that habitable buildings should not be located so close to an existing WWTW. To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.

**FOUL WATER** - The development of the site should take place with separate systems for foul and surface water drainage. Foul water domestic waste should discharge to the 900mm diameter public combined water sewer recorded crossing the site. Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

**SURFACE WATER** - The Flood Risk Assessment (prepared by Eastwood & Partners - Report dated August 2015) confirms; Surface water will discharge into an existing private drainage system, to a balancing pond, and flow control device, and discharge into the River Don. Restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority, with regard to surface water disposal from the site.

The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

RMBC Environmental Health

Prior to commencement of development, an intrusive site 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.

The above should be conducted 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).

3. Ground gas monitoring is required to determine the ground gassing regime at low and falling atmospheric pressure conditions. This will enable a current gas risk assessment to be undertaken, to determine the exact gas protection measures required for the proposed development. If gas protection measures are required for the site, these will need to be agreed in writing by the Local Authority prior to development commencing.
4. Subject to the findings of item 1 above a Remediation Method Statement shall be provided and approved by this Local 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.
5. Subject to the findings of item 1 above (if required), in all areas where soft landscaping is proposed and elevated levels of contaminated material exist which may inhibit plant growth, a capping layer of 600mm of subsoil/topsoil will be required. 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.
6. 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.
7. Subject to the findings of item 1, a design classification and the corresponding aggressive chemical environment for concrete (ACEC) shall be specified for all sub surface concrete and the details shall be forwarded to this local authority for review and comment.
8. Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local Authority for review and comment. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the

necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

#### 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**

**To the Chairman and Members of the  
PLANNING REGULATORY BOARD**

Date 2<sup>nd</sup> June 2016

Report of the Director of Planning, Regeneration and Culture Service

**ITEM NO.     SUBJECT**

- |   |   |
|---|---|
| 1 | Development Management Performance Report 2015-2016 |
| 2 | Planning Health check report                        |



ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY  
BOARD

PLANNING, REGENERATION AND CULTURE SERVICE

REPORT TO BOARD  
**2<sup>nd</sup> JUNE 2016****Item 1****Development Management Performance Report 2015-2016****Recommendation**

That the contents of the report be noted.

**Background**

The purpose of this report is to inform Members of the current performance of the Development Management team.

**Facts and Figures**

Performance statistics for Development Management (DM) are measured around the speed of decision making for the three different types of application categories (Major, Minor and Other). Nationally the Government has set minimum standards for the time allowed to deal with these types of applications. These are currently set at:

Government Targets

|       |  |
|-------|--|
| Major | 60% of applications to be determined within 13 weeks |
| Minor | 65% of applications to be determined within 8 weeks  |
| Other | 80% of applications to be determined within 8 weeks  |

As part of our continued improvement programme, DM has consistently surpassed these figures and continues to set itself high standard targets to ensure that the service is efficient, accountable and reflects our desire to achieve top quartile performance.

| Type  | 2013 - 2014 | 2014 - 2015 | 2015 – 2016 | Gov't Target |
|-------|-------------|-------------|-------------|--------------|
| Major | <b>91%</b>  | <b>98%</b>  | <b>100%</b> | 60%          |
| Minor | <b>85%</b>  | <b>91%</b>  | <b>99%</b>  | 65%          |
| Other | <b>93%</b>  | <b>98%</b>  | <b>99%</b>  | 80%          |

Performance on all three application types has exceeded targets for this year and has achieved top quartile performance based on last year's statistics. This represents a significant achievement across all three application types and demonstrates that the improvement measures incorporated into the daily workflow and the benefits of a fully electronic document management system have begun to have a positive effect.

It is important that we continue to monitor performance based on the speed of decision making as part of further planning reforms the Government has introduced a 26 week planning fee refund should applications not be determined within this period. They have also confirmed the introduction of the Planning Performance Guarantee

and 'Special Measures designation' enabling developers to bypass a Council and apply directly to the Planning Inspectorate for a planning permission for a Major Development, where that local authority has a track record of either poor performance in decision making or not acting positively to promote economic growth within its area

In addition, the new Housing and Planning bill that is currently being includes the provision for the processing of planning applications to be undertaken within a competitive environment. This will potentially open up the opportunity for private individuals, local firms and neighbouring Local Planning Authorities to compete to process planning applications within Rotherham which could significantly reduce the level of income that is collected through planning application fees. It is therefore vitally important that the Development Management service is as efficient and customer focussed as it can be.

## **Conclusion**

Development Management has, like all other services within the Council, had to save money year on year and is now at a resource level that would struggle to maintain performance if it was cut further.

A considerable amount of work has been done to ensure that we are as efficient as possible and this has recently been recognised by the Planning Advisory Service in naming Rotherham as one of the 10 ten performing Local Planning Authorities but it is important that we continue to perform at this level due to the Governments' apparent desire to open up the processing of planning applications to a competitive market. We need to make sure that if this does happen that we are competitive and that given the choice of where to submit a planning application all of our customers would choose Rotherham.

## **Item 2**

### **Planning Health check report**

#### **Recommendation:**

That members consider the report and the action plan in relation to the Planning health check

#### **Background**

To ensure that Rotherham Council's Planning Service represented a good standard of service and value for money to local residents, a Local Government Association "health check" was carried out in October 2015.

The peer team were provided with key documentation which included a position statement, performance data, service plan, risk register, planning policy documents, growth strategy and staffing structures prior to carrying out on site interviews and workshops with key members, officers and partners. They also attended a Planning Board meeting.

The assessment of the service was based on the standard Planning Advisory Service criteria of what a good planning service looks like i.e.:-

|   |
|---|
| <b>What a good planning service looks like:-</b>  |
| <ul style="list-style-type: none"> <li>• Good working relations and processes between councillors and officers and planning and the corporate centre</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Councillors are well informed and active in engagements in promoting development and making decisions</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Good performance on major and minor application.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Good working with applicants</li> </ul>  |
| <ul style="list-style-type: none"> <li>• A good understanding of “live” application process</li> </ul>  |
| <ul style="list-style-type: none"> <li>• A good understanding of planning service finance (income; fees, pre app, New Homes Bonus, Business Rates, S106, CIL)</li> </ul>  |
| <ul style="list-style-type: none"> <li>• An up to date local plan (NPPF compliant and probably not more than 5 years old)</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Good Partnership work:               <ul style="list-style-type: none"> <li>○ Inside of the Council (planning supporting economic development, housing strategy, schools, transport, etc)</li> <li>○ Housing Market Area/Sub regional area</li> <li>○ With the development industry of the area</li> </ul> </li> </ul> |

### Summary results of the health check

“The health check found a good planning service, well lead, efficient, with good use of I.T., performing well against national performance measures. The service is well regarded by internal stakeholders and highly respected by developers. The service is on track to deliver Rotherham’s Local Plan within the timetables set and is ahead of others in the region.”

Strengths of the service were highlighted as:

- Good leadership and a culture of continuous improvement;
- Top quartile performance for dealing with planning applications;
- Quality decision making through flexibility and ability to deliver key sites e.g. Waverley;
- Paperless office approach - demonstrating efficiencies through I.T;
- Strong Planning Board with good reports, effective chairing and appropriate levels of delegation;
- Planning Policy work is recognised as the most advanced within the City Region and is on track to deliver a Local Plan sites and policies document during 2017;
- Highly respected service with interviews with customers providing a positive response.

Areas for consideration highlighted by the Health check:

- Consider creative ways of funding the service (increase income and source other funding)
- Invest in project management capacity to ensure delivery of key sites

- Further develop wider Council ownership of the Local Plan as a key part of the delivery of the growth agenda and consider how to promote delivery of the new sites.

### Assessment and Action Plan

| Detailed findings  | Response  | Actions   |
|--|---|---|
| <b>Working arrangements</b><br><br>Positive approachable service, good cross service working, visible leadership, continuous improvement, staff satisfaction high  | Include continuous improvement within annual Team Action Plans (TAP)  | Embed in TAP  |
| <b>Performance.</b><br><br>Top quartile performance. Good performance management and use of the Development Management (DM) approach – customer feedback and level of satisfaction supports this approach<br><br>Further monitoring of validation of planning applications would be useful to monitor efficiencies and identify agents requiring support | Performance to be reported quarterly to Board<br><br>Requirement to introduce additional monitoring to be discussed with the performance team | Performance report<br><br>6 month update report to Planning Board |
| <b>Working with applicants</b><br><br>DM is a highly regarded service – positive, flexible and helpful staff<br><br>Good communication, with customers, with strong a digital focus was evidenced  | Continue to develop I.T to improve access to services   | Embed in TAP  |
| <b>Understanding of the application process</b><br><br>Good investment in I.T which has improved efficiency  | Continue to develop I.T systems   | Embed in TAP  |

|   |   |   |
|---|---|---|
| Maintenance of Pre-application records could be improved  | Paid pre-application service has been adopted by the Council and implemented from 9 <sup>th</sup> May – this has formalised the service provided and a file / reference number is created for each pre-application enquiry and response | Review 6 months from implementation                             |
| Efficiencies to be created from the merging of Building Control and Planning  | Building Control and Planning merged from 1 <sup>st</sup> April following a restructure across both teams   | Review complete   |
| Some risks to the service due to staffing capacity issues   | Continue to monitor risk  | Ensure risks are highlighted and monitored through TAP          |
| <b>Finance</b>  |   |   |
| Cost of service understood and useful benchmarking carried out – full costs including corporate overheads could be made available | Further budget assessments to be carried out  | Continue to monitor budget and benchmark with other authorities |
| S106 well managed but additional reporting of benefits achieved would be useful   | Reporting arrangements for s106 to be reviewed during 2016/17   | S106 monitoring to be completed for 6 monthly review            |
| <b>Member involvement in promoting development and making decisions</b>   |   |   |
| Visible and energetic leadership from Cabinet member with commitment to improvement   | Continue to develop good officer / member working arrangements – training sessions and events such as the completed development tour to be continued  | Events to be programmed through TAPs                            |
| Chair and vice chair of Planning Board chaired the meeting well – good easy to read Board reports provided                        |   |   |

|   |   |  |
|---|---|--|
| <p>Officer advice respected and scheme of delegation works well</p> <p>Members have an appropriate level of involvement</p> <p>Report queries the Right to Speak procedure (in relation to the number of objectors allowed to speak)</p> <p>Members role in understanding the key role that planning plays in the spatial elements of the growth agenda to be developed further Replacement for the Local Plan Steering Group</p> <p>Future involvement in CIL</p> <p>Communication with ward members re: “heads up” for contentious issues</p> | <p>Review Right to Speak at Planning Board procedures</p> <p>Member involvement in the Local Plan process and CIL to be reviewed with the Cabinet Member</p> <p>Case officers have been made aware of requirement to keep ward members informed</p> | <p>Review and report back on Right to speak and Local Plan processes (inc. CIL) via 6 monthly review report</p> <p>Review effectiveness after 6 months</p> |
| <p><b>Local Plan</b></p> <p>Adopted Core Strategy in place<br/>On track to deliver adopted Sites and Policies Document in 2017</p> <p>Ongoing work and commitment to deliver aims and objectives – internal focus on growth and working with partners to deliver development on sites</p>   | <p>Positive feedback on progress but risk highlighted in relation to future capacity</p>  | <p>Review workload and staffing levels following completion of sites and policies work</p>   |
| <p><b>Partnership working</b></p> <p>Positive feedback on work with partners. Waverley highlighted as a good example – need to ensure sufficient resources in place to ensure a similar project managed approach taken to deliver other key sites e.g Bassingthorpe Farm.</p>   | <p>Continue to work with partners. Assess need to resource delivery of key sites to achieve local plan targets</p>  | <p>Review workloads following Sites Examination in public</p>  |

## **Conclusion**

The table summarises each of the areas assessed, gives a response to the comments made and highlights any necessary actions. Some of the actions will be caught up in a 6 monthly review and brought back to Planning Board in the form of an update report.

In relation to the more strategic comments regarding the future of the Planning Service i.e. income streams, ensuring there is adequate capacity to deliver the Local Plan targets and gaining more corporate support for the delivery of this growth this will be considered as part of service planning for this year and also fed back in update reports.