

## PLANNING REGULATORY BOARD

Date:- Thursday, 9 March 2017 Venue:- Town Hall, Moorgate Street,  
Rotherham. S60 2TH  
Time:- 9.00 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 16th February, 2017 (Pages 2 - 5)
6. Deferments/Site Visits (information attached) (Pages 6 - 7)
7. Development Proposals (Pages 8 - 113)
8. Report of the Assistant Director of Planning and Regeneration (Pages 114 - 127)
9. Updates
10. Date of next meeting - 30th March 2017

### Membership of the Planning Board 2016/17

Chairman – Councillor Atkin  
Vice-Chairman – Councillor Tweed  
Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Ireland, Jarvis,  
Khan, Price, Sansome, 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**  
**Thursday, 16th February, 2017**

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Jarvis, Khan, Price, Sansome, R.A.J. Turner, Tweed, Walsh and Whysall.

Apologies for absence were received from Councillor Ireland.

**59.           DECLARATIONS OF INTEREST**

There were no reported Declarations of Interest.

**60.           MINUTES OF THE PREVIOUS MEETING HELD ON 26TH JANUARY, 2017**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 26th January, 2017, be approved as a correct record for signature by the Chairman.

**61.           DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended.

**62.           VISIT OF INSPECTION - CHANGE OF USE OF LAND TO LEISURE RESORT INCLUDING THEMED ACCOMMODATION AND GLAMPING FACILITIES; FORMATION OF ACCESS, CIRCULATION ROADS, CAR PARKING AND LANDSCAPING; AND ERECTION OF 2 THEMED HOTELS, 12 LODGES, SERVICES BUILDINGS, COMMUNITY BUILDING, ECOLOGY CENTRE, CAMP RECEPTION BUILDING, ENTRANCE FEATURE, RESORT CHECK IN BUILDING, SECURITY HUT AND BOUNDARY FENCING AT LAND OFF MANSFIELD ROAD, WALES (RB2016/1454)**

Before the formal meeting of the Planning Board, Members of the Board made a visit of inspection to the following site, the subject of two applications, with Ward Representative Councillor Taylor in attendance.

**(a) Change of use of land to leisure resort including themed accommodation and glamping facilities; formation of access, circulation roads, car parking and landscaping; and erection of 2 themed hotels, 12 lodges, services buildings, community building, ecology centre, camp reception building, entrance feature, resort check in building, security hut and boundary fencing at land off Mansfield Road, Wales (RB2016/1454)**

In accordance with the right to speak procedure, the following people attended the meeting and spoke about these applications:-

Ms. J. Dalton (Applicant)

Mr. J. Lund (Supporter)

Mr. C. Savage (Objector) was unable to be in attendance, but his submission was read out on his behalf.

Resolved:- (1) That the application be referred to the Secretary of State (National Planning Casework Unit) under the Town and Country Planning (Consultation)(Direction) 2009, being inappropriate development in the Green Belt.

(2) That the applicant completes a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the the linking of the two related planning applications (RB2016/1454 and RB2016/1455) by way of an agreed phasing plan.

(3) That subject to the National Planning Casework Unit not calling in the application for determination, and to the satisfactory signing of the Unilateral Undertaking, planning permission be granted for the reasons adopted by Members at the meeting and subject to the conditions set out in the submitted report.

**(b) Proposed theme park comprising of themed leisure facilities; indoor leisure attractions; a 40m observation tower; a pet resort; themed hotel, two main entrance buildings, facility building supporting restaurants/food outlets; ancillary retail facilities;; boundary fencing, new access; car parking and landscaping at land off Mansfield Road, Wales (RB2016/1455)**

Resolved:- (1) That the application be referred to the Secretary of State (National Planning Casework Unit) under the Town and Country Planning (Consultation)(Direction) 2009, being inappropriate development in the Green Belt and exceeding 5000sqm floorspace limit for retail, leisure or office use in an out of centre location.

(2) That the applicant completes a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the the linking of the two related planning applications (RB2016/1454 and RB2016/1455) by way of an agreed phasing plan.

(3) That subject to the National Planning Casework Unit not calling in the application for determination, and to the satisfactory signing of the Unilateral Undertaking, planning permission be granted for the reasons adopted by Members at the meeting and subject to the conditions set out in the submitted report and subject to an amendment to Condition No. 34 from:-

“Prior to the development being brought into use a detailed landscape scheme (excluding those areas within the fenced off theme park) shall be submitted to and approved in writing by the Local Planning Authority.”

To:-

Prior to the development being brought into use a detailed landscape scheme (excluding those areas within the fenced off theme park, shown outlined in black on drawing number GV-TPASA-003 ) shall be submitted to and approved in writing by the Local Planning Authority.

Following a request from a member of the public the Planning Board agreed that the vote for the applications be recorded as follows:-

Councillors Atkin, Andrews, Bird, Cutts, Elliott, Jarvis, Khan, Price, Sansome, John Turner, Tweed, Walsh and Whysall all in favour of the applications (unanimous decision).

### **63. DEVELOPMENT PROPOSALS**

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

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

- Retrospective application for use of land as storage and distribution depot for containerised goods at land off Grange Lane Brinsworth for Newell and Wright Transport Ltd. (RB2016/1099)

Mr. C. Jarvis (on behalf of the applicant)

Mr. B. Muffett (Objector)

Mrs. Berry (Objector)

Mr. J. Adams (Objector)

- Erection of 5 No. buildings to form 13 units for use within classes B1(c) (Business), B2 (General Industrial) and B8 (Storage and Distribution), with associated car parking at Magna 34 Sheffield Road Templeborough for Jaguar Estates (RB2016/1178)

Mr. P. Herbert (Applicant)

(2) That application RB2016/1099 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2016/1178 be refused for the reasons set out in the report.

(4) That, with regard to application RB2016/1419:-

(a) The Council shall enter into a Legal Agreement with the developer

under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- 25% Affordable Housing Provision
- Financial contribution towards the provision of primary school places in Wath based on the formula of £2,342 per dwelling, £1,171 per apartment (50% reduction) and no contribution on the affordable units. 50% of the money payable upon 50% occupation with the remaining 50% payable upon 80% occupation.
- Financial contribution of £500 per residential unit towards the provision of sustainable transport measures.
- Annual payment to The Manvers Lake Trust of £4,077 towards the ongoing management and maintenance of Manvers Lake based on a formula of £0.27 per sq. metre (1.51 hectares).
- Establishment of a management company to manage and maintain the on-site landscape and open spaces.

(b) That, subject to the signing of the Section 106 Legal Agreement, outline planning permission be granted for the proposed development subject to the conditions set out in the submitted report.

#### 64. UPDATES

The following update was provided:-

Outcome of the Public Inquiry for the development on land at Blue Man's Way, Catcliffe (RB2014/1342) – Appeal Upheld, where the Inspector concluded:-

“Having regard to all of the above considerations I find that the appeal proposal would cause no harm to the Council's approved spatial strategy and settlement hierarchy. I find that the proposal would secure a significant enhancement in the value of the 'retained land' as urban green space and would make a positive overall contribution to the green infrastructure corridor along the A630 route. I also find that the proposal would not have an unacceptable effect on the protected trees within the site. For these reasons I conclude that the proposal complies with Core Strategy Policies CS 1 and CS 19 and with saved UDP Policy ENV5.1.

Although I have considered the arguments put forward by the appellant I do not consider that any of these policies is so inconsistent with the policies in the Framework such that they should be given less than full weight having regard to the advice at paragraph 19. As I have found no conflict with any other relevant policies I conclude that the proposal complies with the development plan as a whole”.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL****PLANNING BOARD****DEFERMENTS**

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

## SITE VISITS

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



**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THURSDAY 9<sup>TH</sup> MARCH 2017**

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>Application Number</b>	<b>RB2016/0396</b>
<b>Proposal and Location</b>	Demolition of building and erection of 1 No. dwellinghouse and double garage at Parkhill Social Club, New Road, Firbeck S81 8LH
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description and Location

The site of application relates to the former Parkhill Social Club (currently vacant) located on the junction of Lime Avenue with Salt Hill at Firbeck. The original element of the building is of some age, being constructed of limestone with a concrete tiled roof, and is single storey, and has been extended to the side and rear with brick built flat roofed extensions.

The building has parking to the rear which is accessed off Salt Hill. The site is located within the centre of the village of Firbeck and is immediately adjacent to the Village Hall across Salt Hill. The property is physically attached to the neighbouring properties Nos. 3 and 5 Lime Avenue, of which No. 3 Lime Avenue is a Grade II Listed Building.

The site is located within the centre of the village of Firbeck and is designated as Green Belt. Two trees are located along the western boundary of the site which are protected by way of TPO No. 5 1977.

## **Background**

KP1965/1870: Toilets & beer store - GRANTED CONDITIONALLY 28/06/65

RB1980/3575: Extension to form office - GRANTED 18/12/80

RB1986/0882: Construction of retaining wall to club car park - GRANTED  
CONDITIONALLY 03/11/86

RB1986/0932: Retaining wall to car park at social club (listed building grade 2) -  
GRANTED CONDITIONALLY 03/11/86

RB2013/0279: Change of use to dwellinghouse (use class C3) with single storey  
rear extension and first floor side & rear extension and formation of vehicle access  
- WITHDRAWN 16/04/13

RB2014/1240: Change of use to residential (Use Class C3) including erection of  
pitch roofs over flat roof extensions - REFUSED 11/12/14

For the following reason:

01

The proposal would result in disproportionate additions over and above the size of the original building and therefore would constitute inappropriate development in the Green Belt, and would have an adverse impact on the openness of the Green Belt, which should only be allowed in very special circumstances which have not been demonstrated in this instance. The proposal is therefore contrary to Policy CS4 of the Rotherham Core Strategy and the guidance contained in the National Planning Policy Framework.

This application was subsequently appealed and the Appeal was Dismissed 10/11/2015.

## **Proposal**

The proposal is to demolish the vacant single storey building which was formally Parkhill Social Club and to construct a single residential dwelling. A small element of the existing building, where it is attached to the neighbouring properties, would be retained to avoid any indirect impact on those properties.

The design and the siting of the dwelling has been amended during the course of the application to move the property away from the neighbouring Listed Building No. 3 Lime Avenue. The dwelling was originally sited alongside the neighbouring property No. 3 Lime Avenue which is a Grade II Listed Building. The property also had an attached single storey garage which has now been removed and a detached double garage is proposed instead.

The amended property would measure 10 metres in width and 8.6 metres in depth. The height to ridge of the roof would 9.2 metres with an eaves height of 5.2 metres.

The garage would be sited behind the proposed dwelling and positioned against the boundary with No. 5 Lime Avenue. The garage would measure 6 metres in

width and 6 metres in depth. The height to the eaves would be 2.4 metres with the height to the ridge of the roof of 5.3 metres. The applicant has indicated that the property and the garage would be constructed of natural stone with a pantile roof.

The property would be accessed off Salt Hill with a hard surfaced parking to the rear.

The applicant has submitted a letter from Merryweathers estate agents which states that the property was marketed for a period of 12 months from August 2013 to August 2014. This letter states that there has been no interest during this period for commercial use.

The applicant has submitted a Design and Access Statement which states that the Parkhill Social Club closed in June 2011 and has been vacant since this time. The Design and Access Statement concludes that the ongoing commercial use of this building is unviable.

In addition, a Bat and Bird Breeding Ecology report was submitted which concludes that no protected species or breeding birds were present in the existing buildings.

## **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 application site is allocated for 'Green Belt' purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 'Green Belts'

CS6 'Meeting the Housing Requirement'

CS7 'Housing Mix and Affordability'

CS23 'Valuing the Historic Environment'

CS28 'Sustainable Design'

CS29 'Community and Social Facilities'

Unitary Development Plan 'saved' policy(s):

ENV1.2 'Development in Areas of High Landscape Value'

ENV2.8 'Settings and Curtilages of Listed Buildings'

ENV3.3 'Tree Preservation Orders'

CR1.5 'Community Facilities'

## **Other Material Considerations**

Interim Planning Guidance - 'Development in the Green Belt'. This has been subject to public consultation and adopted by the Council on 3rd March.

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

South Yorkshire Residential Design Guide (SYRDG).

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

National Planning Policy Framework: The NPPF came into effect on March 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 has been advertised by way of a press and site notice (as the site is adjacent to a Listed Building), along with individual neighbour notification letters to adjacent properties. The amended plans, showing the proposed dwelling moved further away from the nearby Listed Building, have also been advertised. Of the initial representations received 5 were in support of the proposals or were neutral and 4 raised objections, including the Parish Council. The subsequent amended plans received further comment from 2 of the previous representees who maintained their position, along with an additional 2 objections from Parish Councillors.

The initial publicity generated the following comments:

#### Support of application:

- The site is currently an eyesore and this proposal would improve the appearance of the surrounding area.
- The proposed dwelling would not overlook the neighbouring properties.

#### Neutral comments:

- UPVC windows and doors should not be used at the property as they would be out of keeping with the surrounding village which has a longstanding aspiration of being a Conservation Area.
- A resident wrote in support of the application does not live in the village and lives in Maltby.

#### Comments from Firbeck Parish Council

- Neither support nor object to the application.
- Welcome the site being redeveloped.

- The property would be higher than the neighbouring property which is a Listed Building. This new dwelling could be out of character with this Listed Building.
- The plans does not show exactly how the gable end of the neighbouring properties would be rendered, this work should be closely monitored by Building Control.
- The use of UPVC windows seems inappropriate in the context of the adjacent Listed Building with traditional wooden windows.
- Concerns over vehicles exiting the site and potential conflict with pedestrians and horses using Salt Hill. A turning circle should be provided within the site so that cars can exit the site in a forward gear.

### Comments from Firbeck Village Hall Management Committee

- There was broad support for the proposals to redevelop this site.
- If planning permission is granted for redevelopment of the site then we would want to see conditions requiring that access to the Village Hall car park is not impeded during the demolition and construction phase.
- That any damage caused to the road surface is repaired by the applicant.

### Objections

- The new dwelling is too high and would harm the setting of the adjacent Listed Building.
- The proportions of the new dwelling should match the immediately neighbouring Listed Buildings and other properties on Lime Avenue.
- The new dwelling would overlook the garden area of the neighbouring property Rose Cottage which is the only amenity space for this dwelling.
- The drawings are inaccurate.
- There are no plans to upgrade Salt Hill as part of this application.
- It is not clear how the two properties would be disconnected during and after demolition.
- The property should have a turning area within the site so they do not have to reverse out onto Salt Hill.
- Object to the demolition of the historic part of this building as it used to be the village School.

The revised plans were re-advertised and the comments raised shall be summarised below:

### Firbeck Parish Council

- Welcomed the fact that their comments were taken on board with the revised proposals.
- Concerns remain that the proposed dwelling would dwarf the neighbouring Listed Building.

### Comments from Firbeck Village Hall Management Committee

- Pleased to see that the amended entrance is the same as the existing car park entrance.
- They reiterated their comments that if planning permission is granted for redevelopment of the site then they would want to see conditions requiring that access to the Village Hall car park is not impeded during the demolition and construction phase.
- That any damage caused to the road surface is repaired by the applicant.

### Objections

- Concerns about the height of the building reiterated and the amended plans did not overcome this.

### Consultations

RMBC - Transportation and Highways Design: Raise no objections to the proposals in a highway safety context as there are sufficient turning facilities and parking provision proposed within the site boundary.

RMBC – Drainage: Raise no objections to the proposals though recommends an informative to avoid potential problems with flood damage occurring at the property in the future.

RMBC - Ecologist: The Council's Ecologist has commented that the results of the bat and breeding bird survey report and the Bat activity report are accepted and that no objections are raised to the proposals subject to a conditions requiring that the recommendations of the reports are carried out.

RMBC - Tree Service Manager: Raises no objections to the proposals subject to conditions to ensure that the protected trees on site are suitably protected during the construction process.

### 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 –

- Principle of the development in the Green Belt.
- Loss of the community facility.
- Design and the impact on the character and appearance of the surrounding area including impact on the setting of the adjacent Grade II Listed Building.
- Impact on the residential amenity of neighbouring residents.
- Impact on highway safety.
- Impact on protected trees
- Affordable housing.
- Other issues raised by objectors.

## Principle of the development in the Green Belt

The site is within the centre of Firbeck which is a washed over Green Belt village. With regard to new development in the Green Belt Core Strategy Policy CS4 'Green Belt,' states that "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy."

The NPPF states at paragraph 89 that: "A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (amongst others) include:

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

Taking account of this, it is considered that the proposal represents a partial redevelopment of a brownfield site as the former social club would be demolished, with the volume lost being traded off for the construction of the new dwelling. As noted above, such development is not inappropriate provided that it "would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

The main consideration is therefore whether or not the redevelopment of the site represents a "greater impact" on the openness of the Green Belt and "the purpose of including land within it than the existing development." In respect of the latter, the NPPF notes at paragraph 80 that "Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."

With this in mind, the development would be contained within the built envelope of the village, and uses land which forms part of an existing development i.e. the existing planning unit, therefore the proposed replacement building to form a dwelling house within the village would not encroach upon the countryside or compromise any of the above other stated purposes of the Green Belt. Nevertheless, the amount of built development and how it would be distributed across the site would have a potentially greater impact upon openness.

In terms of the impact on openness, paragraph 79 to the NPPF notes: "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 86 adds that "If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in



the Green Belt.” The village is indeed within the Green Belt and the importance of retaining the open character of the village therefore needs to be considered.

On the test of whether the current development represents a “greater impact”, it is noted that the NPPF is silent on how much development represents “a greater impact” in terms of the openness of the Green Belt when developing previously developed sites. However, it is considered that a greater impact is most likely to be represented by a larger resultant volume than the existing built form on the site. A scale of development that equated to the same level of built form on the site could be considered to not have a greater impact on the openness of the Green Belt.

With the above in mind, it is noted that the former social club would be demolished with only a small section of the building remaining to buttress the attached neighbouring property. The approximate total volume of the existing building on site is 1,061 cubic metres, whilst the proposed dwelling along with the detached garage and the remaining element of the building would have a total volume of approximately 861 cubic metres. As such, the proposed development would lead to a reduced impact in terms of overall volume on the site. Furthermore, this redistribution of volume around the site would reduce the amount of built form as the existing building is sprawling across the site with a single dwelling which would condense the majority of the built form in one location with the remaining volume in the garage. Furthermore, it is considered that the form and design of the property and the garage would fit in with the established grain and form of development in this part of Firbeck.

As previously noted, Firbeck is a washed over Green Belt village and the impact on openness should not purely be considered in relation to views to the development from the open fields beyond but also from within the village settlement. With this in mind, the development would be contained within the built envelope of the village; it would not encroach upon the countryside and uses land which forms part of an established planning unit. The provision of a generous garden for the property is further considered to assist in maintaining a degree of openness across the site.

The amount of built development on the site would be re-distributed and therefore different than which presently exists. However, it is considered that the new dwelling would be read in the context of the adjoining residential property and the scale, form and density of the proposed development would be commensurate with other properties within the residential streetscene.

It is however considered reasonable to protect the openness of the Green Belt by including a suitably worded condition to remove permitted development rights to the new dwelling formed in order to control subsequent additional extensions and outbuildings within the site.

In conclusion, for the reasons as stated above it is considered that the construction of the new dwelling is not inappropriate development in the Green Belt.

#### Loss of the community facility

With regards to the loss of the Social Club to allow for the erection of the residential dwellinghouse, Core Strategy Policy CS29 ‘Community and Social Facilities’ states that: “The Council will support the retention, provision and

enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency."

UDP Policy CR1.5 'Community Facilities' states that: "Those areas allocated on the Proposals Map for Community Facilities will, wherever possible, retained or developed for such purposes during the Plan Period. In addition, land or buildings currently used for community purposes, but not identified as such on the Proposals Map will be similarly safeguarded wherever possible."

Paragraph 28 of the NPPF states that "Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. (amongst other things)

To promote a strong rural economy, local and neighbourhood plans should: promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, agricultural buildings, public houses and places of worship."

Paragraph 70 of the NPPF states that planning policies and decisions should (amongst other things)

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community."

It is noted that the former Parkhill Social Club closed in 2011. The building was subsequently put up for sale and marketed for a period in excess of a year before the applicant bought the property. The applicant then further advertised the property for commercial use for a year from August 2013 to August 2014 and received no enquiries during this time. The applicant has submitted a letter confirming this from the estate agents marketing the property.

It is noted that the building is located within the centre of the village of Firbeck which has other (albeit limited) community facilities, namely a public house, Village Hall and a church. The main road through the village is not an A road and is not a major road within the Borough, therefore the opportunities for passing trade is limited at this location.

It is considered that owing to the time that the building has been marketed the applicant has demonstrated that its potential for commercial re-use is limited. It is also considered highly unlikely that continued use as a Social Club would be viable in a small village with an existing public house and it is noted that there is no objection from local residents in principle to its loss.

Furthermore it is noted that the previous application which went to appeal considered the loss of the community facility (RB2014/1240). It is noted that the Appeal Inspector accepted that the applicant had sufficiently justified the loss of the community facility.

It is considered that the applicant has demonstrated that the ongoing commercial use of this building is no longer viable and that the relevant Council Policies and guidance in NPPF have been met.

Design and impact on the surrounding area including the adjacent Grade II Listed Building

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.”

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

With regards to the impact on the setting of the attached Grade II Listed Building (No. 3 Lime Avenue) UDP Policy ENV2.8 ‘Settings and Curtilages of Listed Buildings’ states that “The Council will resist development proposals which detrimentally affect the setting of the listed building or are harmful to its curtilage structures in order to preserve its setting and historical context.”

In addition, Core Strategy Policy CS23 ‘Valuing the Historic Environment’ states that “Rotherham’s historic environment will be conserved, enhanced and managed, in accordance with the principles set out below:

Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough’s heritage assets, specifically those elements which contribute to the distinct identity of the borough.”

The NPPF further notes at paragraph 132 that: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.”

It is noted that part of the existing building is of some age and is attached to a Listed Building, No. 3 & 5 Lime Avenue. However, the building has a number of flat roof extensions which would be unlikely to be supported on new developments proposed today. The existing building has been poorly maintained and has an unattractive appearance particularly with its large flat roofed extensions. It is considered that the greater majority of this building harms the setting of the adjacent Grade II Listed Building and its removal and replacement with this proposed dwelling is considered to enhance the surrounding area and the setting of the neighbouring Listed Building.

A number of objections have been raised about the height of the proposed dwelling being higher than the neighbouring Listed Building. However, it is noted that both Lime Avenue and New Road are within the historic centre of Firbeck and that there are properties of varying heights and sizes within these streets. Indeed, Lion Cottage which is directly opposite the application site is significantly larger than the proposed dwelling and the Listed Cottage.

In addition, further to negotiations with the applicant the proposed dwelling has been moved so that it would be approximately 10.8 metres away from the side elevation of the Grade II Listed Building. It is considered that whilst the height of the dwelling is approximately 1.8m higher than the neighbouring Listed Building, at this distance it would not appear overbearing or incongruous in its relationship with its neighbour. It is considered that this visual break significantly helps to reduce the visual impact to this modest Listed Building. Furthermore, the proposal opens up land around this Listed Building which further improves its setting.

It is noted that extensions or outbuildings could under permitted development rights be constructed adjacent to this Listed Building which could harm its setting. However, it is considered reasonable to remove all permitted development rights to any property granted in this location so as to control potentially harmful development around this Listed Building.

In respect of the proposed double garage, it is noted that it would be set behind the proposed dwelling and the neighbouring Listed Building. It is considered that owing to the location of the garage and its height, design and materials, it would not harm the setting of the Grade II Listed Building or harm views to and from the Listed Building.

With regards to the appearance of the proposed new dwelling it is considered that it has been significantly amended in terms of design, primarily by removing the large attached garage, and would fit into the local vernacular and the established streetscene of Lime Avenue and New Road.

With regards to the site being within an Area of High Landscape Value, it is noted that Policy ENV1.2 'Development in Areas of High Landscape Value' notes that "In areas of High Landscape Value, development other than for agriculture will only be allowed where it will not result in a significant, and permanent adverse impact on the landscape."

It is considered that the proposed development would greatly enhance the character and appearance of the site by removing the eyesore of the dilapidated Social Club. As such, it is considered that the proposals would enhance the landscape within the village that forms part of the Area of High Landscape Value.

It is therefore considered that the proposals would not be out of character with the surrounding area. Furthermore, it is considered that the proposals would enhance the setting of the neighbouring Grade II Listed Building, No. 3 Lime Avenue. The proposals are therefore considered to accord with the relevant Core Strategy and UDP Policies as well as the guidance set out in in the NPPF.

The impact upon neighbouring amenity:

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

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;”

‘Housing Guidance 3: Residential Infill Plots states that in regards to infill plots advises (amongst other things).

- (i) Normal inter-house spacing should be observed (that is, 20 metres minimum between principal elevations or 12 metres minimum between a principal elevation and an elevation with no habitable room windows).
- (ii) Any elevation situated less than 10 metres from a boundary with another residential curtilage (including the “host” property) should contain no habitable room windows at first floor level, nor should it contain a window or door to any habitable room or kitchen at ground floor level unless there is adequate screening to prevent loss of privacy,
- (iii) The maximum ground floor area covered by the dwelling (excluding garage) should be approximately 33% of the site area.

Furthermore the South Yorkshire Residential Design Guide (SYRDG) is considered to be of relevance in assessing the appropriateness of this development, in particular Chapter 4A, section A.1, paragraph A.1.1 states “Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses / bungalows should be at least 50 sq. metres; for three or more bedroom houses / bungalows, 60 sq. metres. Smaller gardens may be acceptable in corner zones or blocks if privacy and day lighting can be maintained.”

The revised proposals take the dwelling away from the nearest neighbouring properties, No.s 3 & 5 Lime Avenue, to a distance of approximately 10.8 metres. It is noted that no habitable room windows from either of these properties face a habitable room window on the proposed dwelling. It is considered that owing to the distance of the proposed dwelling to neighbouring properties it would not appear overbearing, harm the outlook or overlook neighbouring properties.

Impact on highway safety

In terms of highway safety the Council’s Transportation Unit have stated that the revised scheme now includes a wider entrance / exit so that cars accessing / egressing the site can do so without having to undertake long reversing manoeuvres into the classified highway. It is also noted that the on site car parking facilities comply with the Council’s minimum standards. As such, no objections are raised in terms of highways. It is noted that concerns have been raised about Salt Hill being blocked by vehicles during the demolition and construction process at the site and how this could impede the access to the Village Hall. Whilst this is noted it is considered that that this would not necessarily occur if the builders are considerate and could not form a reason for refusal. However, it is considered that

it is reasonable to append an informative which asks that they avoid impeding the access to the Village Hall during works.

#### Impact on protected trees

Policy ENV 3.3 Tree Preservation Orders “The Council will protect individual and groups of trees by the declaration of Tree Preservation Orders where it is important in the interest of visual amenity or there is reason to believe that trees are under specific threat by development or the detrimental use of land.” The Council’s Tree Service Manager has stated that there are 2 trees on site that remain as part of group G3 of Tree Preservation Order No. 5 1977, these consist of a Norway Maple and Beech tree. The Beech tree is closest to the proposed dwelling at a distance of approximately 7 metres. The Tree Service Manager went on to state that the trees could be suitably protected during the construction process and that conditions could be appended to any planning permission granted to ensure the protection of the trees during the construction process.

#### Affordable housing

Following the Court of Appeal judgement (Secretary of State for Communities and Local Government v West Berkshire District council (1) and Reading Borough Council (2) [2016] EWCA Civ 44) on 11th May 2016, the lower threshold requirements for development schemes (i.e 10 or less dwellings) to provide a S.106 financial contribution towards off-site affordable provision were quashed. Until such time that any further judgements are made on this matter, the Council is no longer seeking a financial contribution or on site provision under its adopted Core Strategy Policy CS7 ‘Housing Mix and Affordability.’

#### Other comments raised by objectors

It is noted that concerns were raised about the plans being inaccurate, particularly in relation to the remaining element of the building buttressing up to No. 3 Lime Avenue. Whilst this is noted it is considered that the amended plans are accurate and correctly show the proposed development.

#### **Conclusion**

In conclusion, it is considered that the demolition of the existing buildings and erection of a single dwelling and detached garage is acceptable in principle in the Green Belt as it is materially smaller in volume than the existing buildings on the site. Therefore the proposal is not inappropriate development in the Green Belt. It is considered that the siting and design of the property and garage would not harm the outlook of neighbouring residents or lead to any overlooking. It is also considered that the development is acceptable in appearance and would not harm the setting of the adjacent Grade II Listed Building or the surrounding area. Furthermore, it is considered to be acceptable in drainage, ecology and highway terms subject to the recommended conditions.

As such, Members are requested to grant planning permission in line with the recommendations in this report.

**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:

Existing Elevations, Proposed Floor Plan (Received 24/10/2016)

Proposed Elevations, Proposed Elevations and Streetscene, Proposed Floor Plan (Received 24/10/2016)

Tree Plan (Received 20/02/2017)

Amended Site Plan (Received 21/02/2017)

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 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'.

04

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'.

05

No development above ground level relating to the construction of the new dwelling shall take place until details of the external materials to be used in its construction have been submitted or samples of the materials 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 in accordance with Core Strategy Policy CS28 'Sustainable Design.'

06

Prior to the occupation of the dwelling hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed before the dwelling is first occupied and shall thereafter be retained and maintained for the lifetime of the development.

Reason

In the interests of the visual amenity and to prevent overlooking in accordance with Core Strategy Policies CS21 'Landscaping,' and CS28 'Sustainable Design,' and the advice within the NPPF.

07

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policies CS21 'Landscaping,' and CS28 'Sustainable Design.'

08

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.

Reasons

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out



safely without unacceptable risks to workers, neighbours and other offsite receptors.

09

If subsoil/topsoil is 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.

Reasons

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

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), no extensions or enlargements shall be made to the property and no outbuildings shall be constructed without the written consent of the Local Planning Authority.

Reason

To protect the openness of the Green Belt and the setting of the adjacent Grade II Listed Building in accordance with Core Strategy Policies CS4 'Green Belts' and CS23 'Valuing the Historic Environment.'

11

Details of the method of restoration of the element of the building to be retained where attached to Nos. 3 and 5 Lime Avenue shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interests of visual amenity and to protect the setting of the Grade II Listed Building known as No. 3 Lime Avenue in accordance with Core Strategy Policies CS28 'Sustainable Design' and CS23 'Valuing the Historic Environment.'

12

Prior to the occupation of the dwelling hereby approved a biodiversity enhancement statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use. The scheme shall include, but need not be limited to:

- The provision of a suitable level of bat enhancement measures
- The use of native species planting within any landscaping scheme

Reason

In the interests of enhancing biodiversity in accordance with Policy ENV3.2 'Maintaining the Character and Quality of the Environment'.

13

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

Reason

To protect the protected Trees on site during the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.3 'Tree Preservation Orders'.

14

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

Reason

In the interests of 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'.

15

Prior to the commencement of any demolition on the site a detailed 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 and the development shall be implemented in accordance with the approved details. The submitted details shall include a detailed Tree Protection Plan.

Reason

To protect the protected Trees on site during the construction of the development in the interests of visual amenity and in accordance with UDP Policy ENV3.3 'Tree Preservation Orders'.

### **Informative**

01

The applicant/developer is requested to ensure that during the demolition and construction process the access to the Village Hall car park is not impeded. In addition, any damage caused to the road surface of the Salt Hill caused by the demolition and construction traffic should be repaired by the applicant/developer.

02

The Environment Agency’s Risk of Flooding from Surface Water map indicates that there is a small risk of surface water flooding affecting this location. A flood route should be maintained around the house, with external ground levels below internal floor levels to ensure that any water running overland from the north can bypass the house. Further information about surface water flood risk and resilience can be obtained from the Environment Agency’s website.

**POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2016/0564</b>
<b>Proposal and Location</b>	Erection of 12 No. dwellinghouses, at the former Kirk House, Browning Road, Herringthorpe, S65 2LG.
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to Planning Board as this does not fall within the scheme of delegation for residential development.



## **Site Description and Location**

This site refers to part of the land previously occupied by the Council owned sheltered residential accommodation Kirk House and runs along the western side of Browning Road in Herringthorpe. It lies to the south of the local shopping parade and is approximately 0.25 hectares in area with approximately a third of the developable area left following the demolition of the former building. The surrounding area is predominantly residential.

The building was demolished in 2013 and all evidence of this has been removed. The site was subsequently seeded and grassed, is broadly level with a number of conifer hedges along the western boundary. Two semi-mature trees lie on the southern boundary of the application site.

## **Background**

There are no previous applications that relate to this specific site area. However, the former Kirk House site which covered the wider site area was demolished in 2013. The site has been split into two separate sites and this site relates to the eastern half.

A separate planning application for retail development on the northern section of the site was approved by Members at Planning Board in October 2016 (RB2016/0543).

## **Proposal**

This application is for the erection of 12 two storey houses and relates to the eastern section of the wider Kirk House site area. The houses comprise of 1 block of four terraced properties, 2 blocks of three properties and a pair of semi-detached properties.

A private drive with direct access to Browning Road is also proposed to serve plots 8-12 which are to be located within a cul-de-sac at the rear of the main development. Plots 1-7 are proposed to be sited with direct access onto Browning Road.

The applicant has also submitted a full Viability Appraisal to demonstrate that Affordable Housing is not viable in this location. The appraisal has been independently assessed by the District Valuer and this also comprises part of the application.

In addition a Drainage Strategy has been submitted and can be summarised as follows:

- There can be the safe collection, management and disposal of surface water.
- The development will not exacerbate flooding of existing watercourse.
- There is the provision of a controlled discharge of surface water so as not to affect neighbouring properties.
- The strategy asserts that the disposal of surface water from the site can be appropriately managed through the application of standard measures.

- Further ground investigations and soakaway testing are recommended to fully confirm/discount surface water discharge via infiltration (e.g. Soakaways/SUDS).

### **Development Plan Allocation and Policy**

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

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

Core Strategy policy(s):

CS21 Landscape

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG1 'Existing Housing Areas'

ENV3.7 'Control of Pollution'

### **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 (SYRDG)

The South Yorkshire Residential Design Guidance (SYRDG) has been adopted by Barnsley, Doncaster and Rotherham Councils. This guidance relates to issues of unit size, minimum room dimensions and amenity space. Whilst the SYRDG has a threshold of 10 dwellings, it also indicates that the Guide is underpinned by the principles in Building for Life (BfL). Many of the design guidelines are appropriate to smaller developments and the guidelines and assessment criteria in this Guide will be used as the main point of reference when assessing schemes of less than ten dwellings.

**Publicity**

The application has been advertised by way of a site notice (05 May 2016) along with individual neighbour notification letters to adjacent properties (28 April 2016). One objection has been received and can be summarised as follows:

- The development should be bungalows as houses could affect the safety and security of the existing bungalows within the area.

**Consultations**

RMBC

Transportation and Highways Design – no objections to the amended plans subject to conditions

Environmental Health – no objections

Affordable Housing Officer – Normally required, but the comments of the District Valuer are noted

Drainage – no objections to revised details subject to conditions

Landscape Design – initial comments raised regarding limited landscaping proposals. No objections subject to final landscaping conditions.

External

Coal Authority – no objections subject to conditions

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 considerations of the application are as follows:

- Principle
- Design and impact on the street scene
- Impact on residential amenity
- Highway issues
- Drainage and Flood Issues
- Landscaping and impact on trees
- Affordable Housing
- Ground conditions
- Other issues

#### Principle

The site is allocated for residential purposes in the UDP and was previously occupied by a Council owned sheltered residential accommodation, known as Kirk House. Following demolition of this building the site was subsequently soiled and seeded and is currently grassed. As the site is allocated for residential purposes within the Unitary Development Plan, residential development is considered to be the preferred use of the site.

#### Design and impact on the street scene

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

Following discussions with the applicant, revisions to the scheme have been submitted, including additional landscaping which is shown along the frontages of the units along Browning Road in order to soften the appearance on the street scene. The additional landscaping also separates the front driveways between the units, which is considered to reduce the overall potential for car dominated frontages. The layout has also been slightly altered in order to fully meet minimum spacing standards as recommended in the SYRDG.

Whilst this development has a higher overall density than the majority of the surrounding residential estate, there are a mix of plot sizes in the locality and the proposed layout is considered to achieve an acceptable balance between maximising the capacity of the site whilst providing sufficient amenity for existing and future residents. The design of the properties with a two storey height (with roof lights on both elevations) and contemporary brick built appearance is considered to have a similar scale, character and appearance to the surrounding estate. The footprint of the proposed houses is broadly similar to those in the immediate locality.

Overall it is considered that the design of the proposed residential development is now satisfactory and does sufficiently uplift the surrounding area as indicated in

paragraph 56 and 64 of the NPPF along with the guidance within Core Strategy CS28 'Sustainable Design'.

### Impact on residential amenity

Moving onto the impact on the surrounding residential properties, the revised layout shows that all of the new plots have spacing distances that meet the minimum requirements highlighted in the South Yorkshire Residential Design Guide (SYRDG) with distances of 21m or more between new and existing principal elevations.

Likewise all rear garden areas are at least 10m in depth which provides sufficient garden space for the proposed plots.

### Highway issues

Following revisions to the layout, which include a widening of the main access into the site, the private drive can now accommodate the typical turning manoeuvres of a fire appliance and on site car parking facilities are in accordance with the Council's minimum standards. The Transportation Unit have confirmed that these elements are satisfactory and all off-road parking spaces are accessible.

In terms of the parking layout, the proposals do show a significant number of off-road parking spaces along the front elevations (plots 1-7) facing Browning Road. However, the level of landscaping to this section of the site has been increased with the main parking blocks split into smaller areas interspersed with landscaping. Overall therefore it is considered that this reduces the potential for a car dominated frontage and would be visually acceptable.

The Transportation Unit have indicated that a sufficient number of spaces have been included and the revised layout is acceptable, subject to conditions.

### Drainage and Flood Issues

The site does not lie within a recognised flood risk area and the site is not considered to be at risk from river flooding. Yorkshire Water have not raised any objections to the proposals.

However, the northern section of the site lies within a surface water flood risk area and a Surface Water Drainage Strategy has been submitted. Amendments and clarifications have been shown in the supporting documents which indicate that there will be initial storage and attenuation before discharge to the north-west of the site. The Drainage Officer has assessed these details as being acceptable subject to conditions to secure compliance.

### Affordable Housing

This scheme does not propose any Affordable Housing, with the applicant having submitted a Viability Appraisal indicating that the site cannot profitably support any affordable units. The appraisal has been independently assessed by the District Valuer who concurs with these findings which indicates that the development of 12 units is unlikely to make any profit due to the land value compared to the restricted house prices within the locality. In terms of the layout, it is not considered desirable to increase the number of units due to potential overdevelopment. On this basis, the Council is satisfied that this has been appropriately assessed in accordance with current Affordable Housing policy.



### Ground Conditions

In terms of Ground Stability, the Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report and have withdrawn their initial objection to the scheme. Coal mining legacy issues potentially pose a risk to the proposed development and the Coal Authority have recommended intrusive site investigation works be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

### Other Issues

The one letter of objection that has been received relates to the development not being bungalows to match the properties on Bellamy Close and Browning Road and that family size houses will attract people of all ages. Whilst it is recognised that there are bungalows in close proximity to the site with elderly residents, this site is privately owned and the provision of any type of residential development is acceptable in principle. The surrounding area also has a mixture of housing stock including two storey properties, so the development will not appear out of character or at odds with the existing residential development in the area.

### **Conclusion**

Overall the principle of a proposed residential development is acceptable in this location and the scheme is considered to be of a suitable scale and layout with sufficient amenity space to the individual properties. The scheme meets the minimum spacing requirements recommended in the SYRDG and RMBC Highways parking standards. The design of the units with a traditional brick appearance is considered to be suitable for this location and in keeping with the surroundings.

The application is therefore considered acceptable and 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 and 10** 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 numbers **09 and 10** 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 amended layout plan 01.11.16 at 1:200 scale, amended elevations 21.07.16, street scene 21.09.16)(received 21.07.16, 21.09.16 and 01.11.16).

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

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 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.

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

The development shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first operation of the development.

Reason

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

07

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

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

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

Reason

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

08

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', ENV3.1 '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, the developer shall submit a scheme of intrusive site investigations to be approved in writing by the Local Planning Authority. The scheme shall include details of the undertaking of that scheme of intrusive site investigations; The submission of a report of findings arising from the intrusive site investigations; The submission of a scheme of remedial works for approval; and Implementation of those remedial works. The development will be carried out in accordance with the approved details.

Reason

In the interests of safe construction.

10

Development shall not begin until a foul and 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, has 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 brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- 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.

11

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'.

**Informatives**

- a) Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

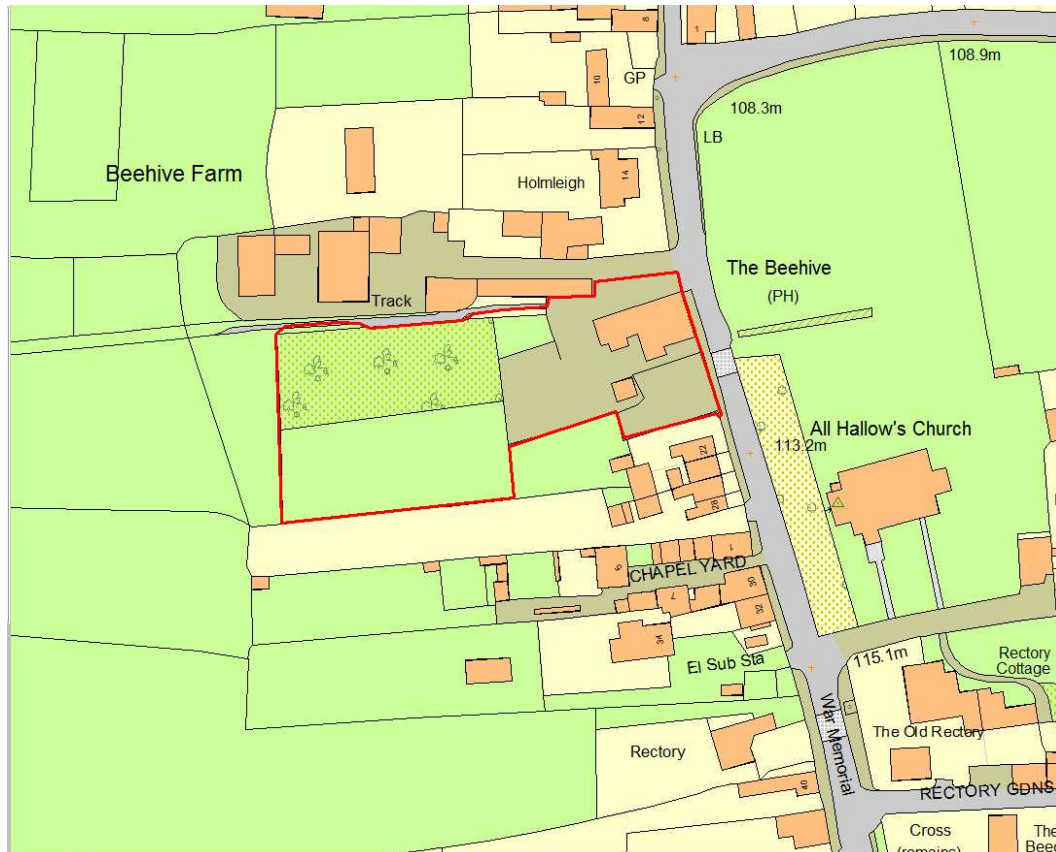
- b) The applicant is also reminded that the implementation of the scheme will require the relocation of a street light. This would need to be done at the applicant's expense and is recommended to contact RMBC's Streetpride lighting department in the first instance.

**POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2016/0914</b>
<b>Proposal and Location</b>	Single storey side extension to public house & erection of 2 No. dwellinghouses to land at rear with associated access and triple garage at Land rear of No 16 Union Street, Harthill
<b>Recommendation</b>	Grant Conditionally

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation, due to the number of objections.



### Site Description and Location

The application site is located off Union Street, Harthill within the Conservation Area. The Beehive Pub is a traditional stone built building which forms part of the historic core of Harthill village. To the rear of the site is a large overgrown field which is occasionally used in relation to the pub.

The pub fronts the highway with car parking areas located to both sides as well as to the rear. The pub itself has recently been refurbished with the original sash windows and stonework restored.

It should be noted that the Beehive public house is an Asset of Community Value, though this status does not include the land to the rear subject to the current application.

### Background

RB1981/1612 - Extension to car park and prop beer garden - GRANTED CONDITIONALLY

RB1988/0319 - Convert garage to games room, extension, new bottle store, garage & fire escape – GRANTED

RB1988/0674 - Display of various illuminated signs - GRANTED CONDITIONALLY

RB2016/0235 - Single storey side extension to public house & erection of 2 No. dwellinghouses to land at rear with associated access - WITHDRAWN

## **Proposal**

The applicant seeks permission for a single storey side extension to the pub and the erection of two dwellings to the rear.

The pub extension, is proposed to provide improved kitchen facilities and will have a flat roof with a parapet wall and be constructed in stone to match the pub.

Turning to the two dwellings, these have been individually designed and reflect the Georgian style of the host pub. Plot 1 will be 9.5m high and 19.5m wide with a total of 5 bedrooms and a detached double garage. Plot 2 will be 10m high and 18m wide, with a total of 4 bedrooms and an integral garage. The buildings would be constructed in stone with clay pantile roofs.

Following the advice of Historic England and following comments received from officers of the Council the applicant reduced the massing of the dwellings.

In terms of the highway arrangements the proposal will create a new access to a single car park from a more central point on the south side of the public house. The existing car parking facilities will be increased from 24 No to 30 No spaces.

The existing two southern access points will be closed and the footway / kerbline reinstated. The existing beer garden area would be moved slightly closer to the pub itself to accommodate the new access point such that the proposed pedestrian access / egress to the public house will now be into the proposed garden area and not directly onto the access drive.

The existing vehicle access on the northern side of the public house, which is also the route of Public Right of Way Harthill No 17, will be closed for access / egress to the pub car park. The proposed dwellings will be served from this access instead.

The applicant's Design & Access Statement states that:

- The current proposal would both retain the public house and deliver family dwellings without materially compromising the trading ability of the Beehive PH itself.
- The land is not statutorily protected and presents a very low level of usage. It is also not within public domain and whilst occasionally used by the public house this is done under special agreement and licence from the land owners.
- Its redevelopment will enable funds to be provided on key improvements to the public house itself thereby enhancing what is the key community asset.
- Development of the land to the rear will also result in the efficient use of land, brownfield to some degree, and indeed to a limited degree will assist in

meeting housing supply and any shortfall under the residential windfall provision.

- A very significant strength of the application is the high quality design proposed through the Scheme Drawings and Design and Access Statement. The proposed design has emerged through a very positive and supportive engagement with planning officers at Rotherham MBC.

The applicant has submitted a Preliminary Ecological Appraisal Report which notes:

- The site is currently of low ecological value. Site clearance works should be undertaken outside the bird nesting season.
- Root barriers should be installed to protect trees to be retained on the site.
- Should trees be removed, a preliminary roost assessment for bats should be undertaken.
- Japanese knotweed identified on site should be removed following guidance on non- native and invasive species.

In addition, an Arboricultural Report has been submitted which notes

- This is a phase two arboricultural report which assesses the impact of the proposed layout on the existing trees identified in the earlier phase one arboricultural report. This report suggests measures to implement the proposals whilst limiting potential disturbance to the trees to be retained.
- The trees including in retention category B would be retained within the proposed layout. A number of the category C trees would need to be removed to accommodate the proposals. However, many of these are either poor quality trees with limited future prospects and/ or make a very limited contribution to the amenity of the local area.
- The key operations that should take account of trees, in chronological order are listed below.
  - a. Remove trees that are not to be retained as part of the consent.
  - b. Prune branches of trees to be retained but that are in proximity to the development (Tree 2).
  - c. Erect temporary tree protection barriers around the retained trees.
  - d. Construct the development.
  - e. Remove temporary tree protection barriers.
  - f. Plant new trees if applicable.

Finally, a Land Contamination Assessment has been submitted which notes that:

- The current land use is vacant. There are no sources of surface water including drains, ponds, streams or springs. The nearest major surface water feature is Harthill Reservoir approximately 750m from the site. The Environment agency website shows that the site is not within a Groundwater



#### Source Protection Zone.

- The shallowest worked coal seam below the site is considered to be 1st Wales Coal at around 165m below ground level. On the basis precautions against the effects of shallow coal mining are not necessary.
- No radon precautions are required. The environment agency website did not record active or historical landfill sites within 250m of the site therefore ground gas is not expected to pose a significant risk.
- Based on the information sourced and provided it is in our opinion that no land contamination is suspected on the site.

#### **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 application site is allocated for 'Residential' purposes in the UDP. In addition, the site is within the Harthill Conservation Area. 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'  
CS14 'Accessible Places and Managing Demand for Travel,'  
CS20 'Biodiversity and Geodiversity'  
CS23 'Valuing the Historic Environment'  
CS25 'Dealing with Flood Risk'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'  
ENV2 'Conserving the Environment'  
ENV2.2 'Interest outside Statutorily Protected Sites'  
ENV2.11 'Development in Conservation Areas'  
ENV3.4 'Trees, Woodlands and Hedgerows'  
ENV3.7 'Development and Pollution'

#### **Other Material Considerations**

UDP adopted Supplementary Planning Guidance 'Housing Guidance 3: Residential infill plots'

South Yorkshire Residential Design Guide (SYRDG)

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial

Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on March 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 was advertised by way of press notice, site notice and individual neighbour letters. 14 letters of objection have been received including one from Harthill Parish Council. One letter of support has been submitted.

The objectors state that:

- There is Japanese Knotweed on site.
- Poor visibility for horse riders using the access to Beehive Farm.
- The proposal will overlook No.22 Union St, Harthill.
- The proposal would undermine the neighbouring boundary with No.22 Union St.
- The properties are excessively large and out of keeping with the Conservation Area and village - if the site is to be developed, smaller houses would be a more appropriate use of the land.
- The loss of the Green Field is detrimental and is an important community asset used for events such as a beer festival.
- The loss of a Green Field site will be detrimental to wildlife and mature trees, the land acts as an important wildlife corridor in the village.
- The proposal will harm the viability of the Beehive Pub.
- The proposal will create amenity conflicts between the new dwellings and the adjoining farm.

The letter in support states that:

- Increased in car parking is welcomed
- The proposed dwellings to the rear would enhance the surrounding area
- The recent renovation has been carried out to a high standard and it is good to see local pubs been invested in.

Harthill Parish Council state that:

- The proposed development is out of keeping with the conservation area
- The proposed development will represent overdevelopment of the site
- There are concerns about access and parking at the proposed site
- The proposed development will adversely impact on wildlife
- An adjacent dwelling will be overlooked by the proposed dwellings

Three people have requested the right to speak at Planning Board, including the applicant.

### **Consultations**

RMBC - Transportation and Highways Design: Notes that the proposed scheme will:

- Create a new access to the car park from a more central point on the south side of the public house. The existing 2 No southern access points will be closed and the footway / kerbline reinstated. Whilst the proposed access / egress will not comply with full visibility standards it will substantially improve the existing situation.
- The existing vehicle access on the northern side of the public house, which is also the route of Public Right of Way Harthill No 17, will be closed for access / egress to the pub car park. The proposed 2 No dwellings will be served from this access instead which is considered will reduce vehicles on the public right of way.
- The proposed pedestrian access / egress to the public house will now be into the proposed garden area and not directly onto the access drive.
- The existing car parking facilities will be increased from 24 No to 30 No spaces.

This being the case, the Transportation Unit is of the opinion that the proposed scheme will be an improvement in highway / transportation terms to the existing situation and therefore there are no objections to the granting of planning permission in a highway context subject to relevant conditions.

Historic England: Notes that the site comprises of the Beehive Public House, an early 19th century building which fronts Union Street with a long and substantial plot of land to the rear. This arrangement is typical of the historic settlement pattern of Harthill which takes a linear form along Union Street and can still be identified throughout the village. There is also a strong relationship between buildings and the wider agricultural landscape, with long distance views of fields beyond the village, which gives this area a rural character. The application site therefore makes a positive contribution to the character and appearance of the Harthill Conservation Area. The site also directly faces the churchyard of All Hallows Church, Grade I listed.

Historic England welcomes the proposed side extension to The Beehive and notes that an extensive refurbishment of the Public House has already taken place. Overall they welcome the improvements to the design of the proposed dwellings at

the rear and consider these changes have sought to reduce the harm to the character and appearance of Harthill Conservation Area. In addition they consider the proposed development will now not impact on the setting of the Grade I listed building and that the reduction in massing of the proposed dwellings will improve the spaciousness of the site overall.

They confirm therefore that whilst they do not object to the proposed development, they consider the loss of spaciousness overall will result in minor harm to the significance of the Conservation Area. They recommend that this minor harm should be weighed against the public benefits of the scheme, as required by paragraphs 132 and 134 of the National Planning Policy Framework. The balancing exercise should be undertaken bearing in mind the statutory duty of Section 72 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

RMBC – Ecologist: Accepts the findings of the submitted ecology report and has also undertaken further on site newt investigation to ensure that no newts are present on site, and does not consider that the site is suitable as a habitat for newts.

RMBC - Trees Service Manager: Recommends that a special planning condition is included with consent such that the development is implemented in accordance with the submitted Phase 2 Arboricultural Report: Impact Assessment and Method Statement.

Severn Trent: - Have no objection subject to the inclusion of a drainage condition.

## **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 to take into consideration in the determination of the application are –

- The principle of the development
- Impact upon the character of the Conservation Area
- Highways issues
- Landscaping, ecology & biodiversity matters
- General amenity issues
- Public benefits of the scheme to overcome the Minor Harm to the Harthill Conservation Area.

### 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).”

Core Strategy Policy CS1 ‘Delivering Rotherham’s Spatial Strategy’ states that most new development will take place in Rotherham’s urban area and the Principal Settlements for Growth and will help create a balanced sustainable community. It notes that the settlement of Harthill is a Local Service Centre and that within such settlements development should 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.

The site is allocated for ‘Residential’ use within the Unitary Development Plan. 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 principle of development on the site is in accordance with Core Strategy Policy CS1 and with the NPPF.

### Impact upon the character of the Conservation Area

Unitary Development Plan 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 Core Strategy Policy CS23 ‘Valuing the Historic Environment’ and CS28 ‘Sustainable Design’ indicate that Local

Planning Authorities should ensure that new development make a positive contribution to the character and local distinctiveness of the historic environment.

The NPPF states at paragraph 131, that: “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.”

The development site falls within the Harthill Conservation Area. This area of Harthill Conservation Area is made up of mainly rural stone built properties dating from the 18<sup>th</sup> and 19<sup>th</sup> century. In addition there are a number of 20<sup>th</sup> century dwellings of various styles. The area is defined by its varied layout and stone built structures.

Firstly in terms of the pub extension, this is a modest single storey extension, to be constructed in natural stone. The extension is in keeping with the character of the pub and will appear as an acceptable subservient addition, replacing existing extensions that are of little architectural merit. It is therefore considered that no harm will occur to the host property or the Conservation Area.

Turning to the new dwellings to the rear of the site these are designed in a traditional Georgian style with sash windows, natural stone and clay pantiles. The proportions generally reflect the traditional nature of dwellings within the Conservation Area. In addition a number of amendments have been undertaken to the scheme including a reduction in the height of the attached garage, a reduction in the roof pitch and also the reduction of the garage block, associated with plot 1, from triple to double. These amendments were undertaken following advice from Historic England. It is considered these are improvements to the scheme and the reduction in massing will improve the scheme.

Historic England have indicated that whilst they do not wish to object to the proposed development, they consider the loss of spaciousness overall will result in minor harm to the significance of the Conservation Area. They recommend this minor harm should be weighed by the local planning authority against the public benefits of the scheme, as required by paragraphs 132 and 134 of the National Planning Policy Framework.

It is therefore considered that the proposal will result in minor harm to the Conservation Area and that public benefits to overcome this minor harm have to be demonstrated, and these are discussed in more detail below.

### Landscaping, ecology & biodiversity matters

In assessing the ecological/biodiversity issues, Policy ENV2 ‘Conserving the Environment’ of the Council’s UDP states:

“In considering any development, the Council will ensure that the effects on the wildlife, historic and geological resources of the Borough are fully taken into account. In consultation with the relevant national agencies and local interest groups, the Council will ensure the protection of these resources while supporting appropriate development which safeguards, enhances, protects or otherwise improves the conservation of heritage interests.

The Council will only permit development where it can be shown that:

- (i) development will not adversely affect any key environmental resources,
- (ii) development will not harm the character or quality of the wider environment, and
- (iii) where development will cause environmental losses, these are reduced to a minimum and outweighed by other enhancements in compensation for the loss.”

Core Strategy Policy CS20 ‘Biodiversity and Geodiversity,’ states 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 117 of the NPPF that, to minimise impacts on biodiversity and geodiversity, planning policies should identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity (which include Local Wildlife Sites). Paragraph 118 adds 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.”

A number of objectors have raised concerns regarding the loss of trees and Historic England have concerns that the development creates an urbanising effect, due to the loss of the trees.

The applicant has submitted a tree survey and intends to retain a number of trees as well as providing replanting. The Council’s Tree Service Manager considers that the trees to be removed are not worthy of protection and notes that a number of

trees to be retained are to be protected during the construction phase. Furthermore the applicant has provided an artist's impression to demonstrate that the additional planting and retained planting will retain the semi rural nature of the site and soften the overall development.

Turning to ecological issues, the applicant's ecological report indicates that the site is currently of low ecological value. It recommends that site clearance works should be undertaken outside the bird nesting season as a matter of caution. The report also indicates the presence of Japanese Knotweed and recommends its removal, to this regard an informative has been attached outlining the measures required for its removal. The Council's Ecologist has also investigated nearby ponds and does not consider that the site has potential for great crested newts.

As such subject to appropriate conditions the scheme will be acceptable from a tree and ecology standpoint.

### Highways issues

In assessing highway related matters, Core Strategy 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 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.

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

The current proposal relates to only two additional dwellings and the amount of additional traffic likely to be generated is not considered significant. A number of objectors have raised concerns regarding the access onto Union Street and the potential impact upon highway safety. The proposal involves a revised highway access to the public house and the use of an existing access for the new dwellings. The total number of pub parking spaces will be increased from 24 to 30. Whilst the new highway access for the public house will not comply fully with visibility standards it will substantially improve the existing situation. In addition, traffic that currently uses the access to the pub car park to the rear (access which is shared with Public Footpath No. 17) would now use the alternative access to the south of the pub, thereby reducing overall traffic levels using the access to the north of the pub.

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.'



### General amenity issues

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

It is therefore considered that the proposed development would not have any impact on the existing amenity levels of the occupiers of neighbouring properties. The proposal would not cause any loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces and would comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' along with the advice within the South Yorkshire Residential Design Guide (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 SYRDG provides minimum standards for internal spaces which includes 77sqm for 3 bed properties and 93sqm for 4 bed properties. Both dwellings 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'.

One objector has noted that the development will create amenity issues for future occupiers due to proximity of farm site adjacent though this would ultimately be a matter for future residents who would be aware of the proximity of the farm buildings before moving in to the properties. Officers are not aware of complaints from other existing residents in respect of noise and general disturbance issues from the farm buildings.

### Public benefits of the scheme of the scheme to overcome the Minor Harm to the Harthill Conservation Area

As referred to above Historic England have indicated that the proposal will result in minor harm to the significance of the Conservation Area. They recommend this minor harm should be weighed by the local planning authority against the public

benefits of the scheme, as required by paragraphs 132 and 134 of the National Planning Policy Framework. However, it is considered that there are a number of public benefits of the scheme which overcome the minor harm of the development.

Firstly the applicant has provided a photomontage that shows that new planting on site will be provided to retain the low density rural feel of the site. A condition has therefore been attached requiring a detailed landscaping scheme to ensure that the rural semi developed nature of the site is retained. The existing nature of the site also means that views out to the open countryside are currently obscured by trees and as such views to the open countryside will not be obscured by the development.

The applicant has also agreed to the imposition of a condition requiring the completion of the extension to the pub prior to the occupation of the new dwellings. The extension will help to ensure the long term viability of the pub, through the provision of improved kitchen facilities to provide a more varied food offering.

Finally the Council is unable to demonstrate a 5 year housing land supply as required by paragraph 47 of the National Planning Policy Framework (Framework). Whilst the provision of two dwellings is not a significant number of dwellings, they will provide additional dwellings and help towards the Council's housing target.

The public benefits of the scheme are therefore considered to overcome any minor harm to the Conservation Area.

## **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, on the residential amenity of existing and future occupiers, and on highway safety in this location. Whilst a minor harm will occur to the Harthill Conservation Area, the public benefits of the scheme are considered to outweigh this minor harm.

In view of the above it is recommended that planning permission be granted.

## **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)

(Amended Plot 1 FC2015.118, 102 Rev C) (Received 30 November 2016)

(Amended Plot 2 FC2015.118 ,103 Rev B) (Received 30 November 2016)

(Amended Public House Plans FC/2015.141 02) (Received 18 July 2016)

Reason

To define the permission and for the avoidance of doubt.

03

The above ground construction of the dwellings and pub extension shall not take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with 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

When the proposed access has been brought into use, the existing vehicle accesses 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.

06

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.

07

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

Reason

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

08

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'.

09

The dwellinghouses hereby approved shall not be occupied until the pub extension has been completed.

Reason

To ensure a public benefit from the provision of the additional housing to the rear of the site.

10

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

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'.

11

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. This shall be positioned in accordance with details as shown on the tree survey plan. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

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

12

The development shall be undertaken in accordance with the recommendations of the submitted Estrada ecological report dated June 2016.

Reason

In the interest of ecology.

13

The dwellings hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied.

Reason

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

**Informative**

The application site contains Japanese knotweed. This is a highly invasive plant, the treatment of which must comply with Section 14(2) of the Wildlife and Countryside Act (as amended) 1981 and sections 33 and 34 of the Environmental Protection Act 1990. It is advised that the Council's Neighbourhoods Service (Tel: 01709 823172) or the Environment Agency (Tel: 0113 2440191) is contacted to provide advice on how it should be treated and / or disposed of.

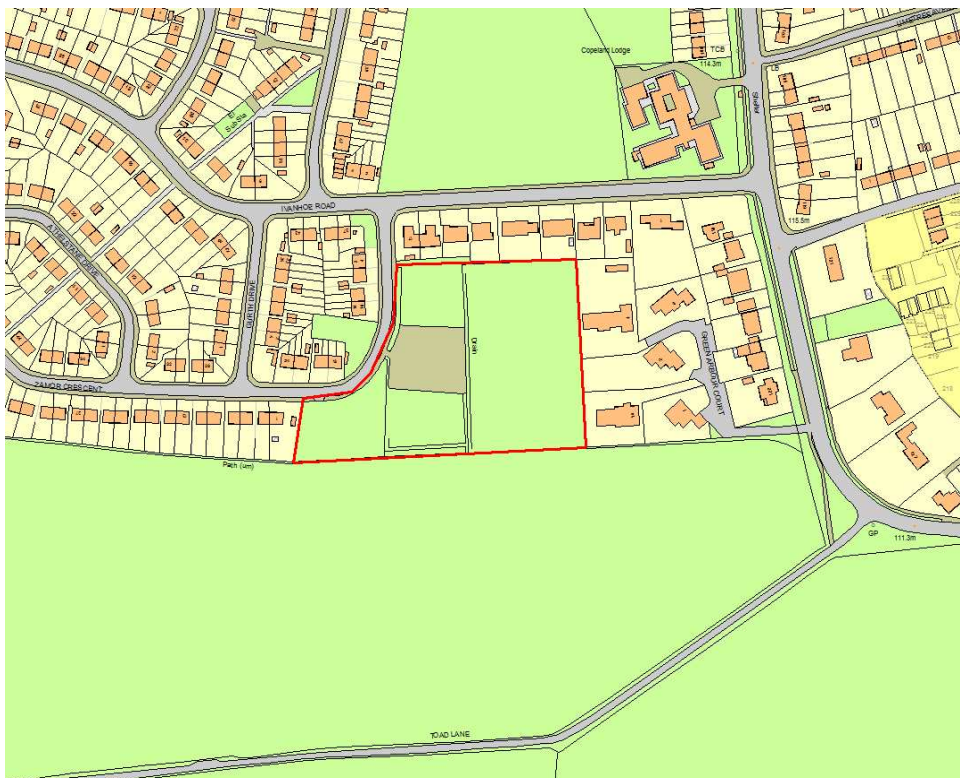
The Code of Practice for the Management, Destruction and Disposal of Japanese Knotweed on development sites can be found on the Environment Agency website: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

**POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2016/1653</b>
<b>Proposal and Location</b>	Erection of 49 dwellinghouses with associated parking and landscaping land off the east side of Zamor Crescent Thurcroft
<b>Recommendation</b>	<p>A) That the developer provides a satisfactory unilateral undertaking made 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>• The provision of 100% affordable housing units.</li> </ul> <p>B) Consequent upon securing such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions.</p>

This application is being presented to Planning Board as it is not in accordance with the Development Plan.



## **Site Description and Location**

The application site is located to the south of houses on Ivanhoe Road, and to the east of Zamor Crescent. Residential properties on Green Arbour Court adjoin the site to the east. The site is relatively flat, however it is located at a significantly lower level than the houses to the east and the north. The site adjoins the Green Belt to the south.

The site contains areas of hardstanding, and the remainder is overgrown scrubland. There is an existing hedgerow along the south of the site forming a boundary with the Green Belt, and there is a high Leylandii hedgerow to the east of the site. The route of Thurcroft footpath No.12 runs along the southern edge of the site.

## **Background**

There are numerous applications relating to the former use of the site as a garage court.

RB1996/1327 - Erection of 25 dwellings – refused on 10/02/1999 for the following reasons:

01

Part of the site proposed for residential development is allocated for Urban Greenspace purposes on the deposit version of the Rotherham Unitary Development Plan. Policy ENV5 of that plan states that...' The Council will seek to retain and enhance open space which is of importance from a recreation, conservation and amenity point of view, but which is not afforded Green Belt protection. Its development will only be allowed in exceptional circumstances.' In the absence of any mitigating circumstances, it is not considered that there is sufficient justification to warrant a deviation from the policy.

02

In the Southern part of Thurcroft there is a significant deficit of outdoor playing space, as compared with the minimum standard of 2.4ha/1000 population set out in UDP Policy CR 2.1, and the Council considers that the proposed development would add to that deficit by increasing the resident population without making commensurate provision for additional urban greenspace.

03

In the Thurcroft area there is an ample supply of land allocated and available for residential development, and the Council considers that no special need exists to justify the development of land not allocated for residential development.

A subsequent Appeal was allowed on 29/06/1999.

## Proposal

The applicant, STG and Together Housing Association, seeks full planning permission for the erection of 49 residential units to include 31 two bed units and 18 three bed units. The dwellings are all 2 storey in the form of semi detached (34 dwellings) and terraces of three (15 dwellings). Access to the site would be off Zamor Crescent.

The application is for 100% affordable homes at the site, and a Unilateral Undertaking has been submitted to secure this.

The applicant has submitted the following documents in support of the application:

### Design and Access Statement:

This states that the proposed development follows design principles to introduce residential development to the site. It details the form and appearance of the buildings, landscape and access.

### Transport Assessment:

The site access arrangements have been designed in accordance with both local and national guidance and are suitable to serve the development. The internal site layout has been designed to embrace the principles of guidance in the Manual for Streets and the South Yorkshire Residential Design Guide. The level of traffic to be generated would be modest and would not result in a material impact on the local highway network. The TA concludes that there are no highway or transport related issues that prevent the proposed residential development.

### Biodiversity Report:

This concludes that all habitats present on site are considered to be of local importance to nature conservation at a site level only.

### Flood Risk Assessment:

This states that the site is located within EA Flood Zone 1 with a very low risk of flooding from rivers. The EA data indicates that the site has a medium risk of flooding from surface water. The site is to be drained by a formalised surface water sewer network. The flood risk Vulnerability Classification for the proposal is More Vulnerable.

### Urban Green Space Assessment:

The site is unused, unkempt and is subject to fly tipping and other antisocial behaviour.

### Viability Appraisal:

This states that the scheme is marginally unviable against the National Policy Framework tests of a competitive return to a willing land owner and willing developer. The issue is that affordable housing does not generate market returns, even when capital grant funding is provided. If Urban Green Space of 0.4ha has to be provided, the reduction in land value will compromise the viability to such an extent that the site will not come forward. It concludes that the proposed development cannot afford to make any financial contributions the Council may seek, and requires development on the Urban Greenspace land to optimise the value of the proposed scheme.



Tree survey:

The report recorded two hedgerows and one large group of saplings, one group of three trees and four individual trees, all of which are young saplings. The proposal would involve the removal of the young sapling trees. Mitigation is proposed by replacement tree planting to compensate the loss of trees.

**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' and 'Urban Greenspace' purposes in the UDP. However, the site is proposed to be allocated solely for 'Residential' development (reference H72) in the draft Sites and Policies Document. 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  
CS6 Meeting the Housing Requirement  
CS7 Housing Mix and Affordability  
CS14 Accessible Places and Managing Demand for Travel  
CS19 Green Infrastructure  
CS20 Biodiversity and Geodiversity  
CS21 Landscape  
CS22 Green Space  
CS24 Conserving and Enhancing the Water Environment  
CS25 Dealing with Flood Risk  
CS27 Community Health and Safety  
CS28 Sustainable Design  
CS33 Presumption in Favour of Sustainable Development

Unitary Development Plan 'saved' policy(s):

HG4.3 Windfall Sites  
HG5 The Residential Environment  
ENV3.4 Trees, Woodlands and Hedgerows  
ENV3.7 Development and Pollution  
ENV5.1 Allocated Urban Greenspace  
T7 Public Rights of Way  
ENV1.4 Land adjacent to the Green Belt

Sites and Policies

SP1 Sites Allocated for Development

**Other Material Considerations**

South Yorkshire Residential Design Guide

UDP Housing Guidance 4: Requirements for greenspace in new housing areas.

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 was advertised on site by two site notices, the occupiers of 22 neighbouring properties were consulted by letter, and the application was advertised in the press. No representations have been received.

### **Consultations**

RMBC- Transportation and Highways Design: Have appraised the Transportation Assessment (TA) submitted and, given the number of units and the amount of trips likely to be generated in the peak hours (<30), they do not envisage any issues to the surrounding highway network. The site is in close proximity to the local centre with good access to local amenities and public transport. Subject to a condition promoting sustainable transport then the TA can be accepted.

RMBC – Leisure and Greenspaces Manager: Has reviewed the 'Urban Greenspace Assessment' supplied by the applicant. He states that the nearest proper recreational open space is at Gordon Bennett recreation ground which at around 400 metres from the development site is further than the recommended maximum five minute walking distance away. The small amount of open space within the development, shown on the layout plan, is well below the minimum 0.2ha size threshold.

The Urban Greenspace Assessment also states that the part of the development site designated as urban green space is “now unused, unkempt and is subject to fly tipping and other antisocial behaviour.” Whilst all these things may be true, the Leisure and Greenspaces Manager does not accept that they in themselves provide justification for allowing loss of open space where this would lead to a local green space deficit.

RMBC – Landscape Design: Notes that the site has a boundary to the south with the Green Belt. Previous pre-application comments made included the following request which have been incorporated into the scheme proposals:-

- 1) A 10m no build buffer zone to be provided along the Green Belt boundary to minimise the impact of the development.
- 2) Existing hedgerow along Green Belt boundary be retained. Any fencing should be set behind the existing vegetation
- 3) The location of the open space, be positioned in the south eastern portion of the site may have the added benefit of providing improved access to the Public Right of Way which would deliver wider benefits.

A Landscape Masterplan was requested in order to fulfil local validation requirements to include a basic level of landscape treatment with an indicative species list. A detailed landscape scheme has now been provided and shows plot landscaping with larger specimen trees to key plot frontages where space allows. Landscape Design consider that the scheme now submitted is acceptable in landscape terms.

RMBC – Affordable Housing Officer: States that this is a wholly affordable housing scheme which will be developed by Together Housing, one of the Council’s Housing Association partners. Therefore the development exceeds the requirements of the Council’s Affordable Housing policy.

RMBC – Ecologist: Has no objection subject to conditions. He notes that the hedgerow along the southern boundary of the site should be retained and managed sympathetically for wildlife. The presence of an old drain across the site is also noted.

RMBC – Public Rights of Way Officer: Notes that the route of Thurcroft footpath No.12 runs along the southern edge of the proposed development and appears to be acknowledged on the plans. Any proposed interruption for the purpose of construction would require a temporary closure.

RMBC – Environmental Health: Note that there is potential for disamenity from noise during the construction phase and the working hours of the construction work and machinery used on site and dust and mud from the excavation of the land, construction work and traffic flow of lorries entering and exiting the site, though these matters can be controlled by Environmental Health under separate powers.

RMBC – Education: Notes that a contribution is not required as the scheme is 100% affordable housing.

RMBC – Land Contamination: Have reviewed both the Phase I and Phase II Contaminated Land Reports submitted as part of the application. Although the site has been used in the past for allotments, domestic garages and a recreational area

no significant contamination has been identified during the site investigation works. No objections subject to recommendations.

South Yorkshire Archaeology Service (SYAS): States that having reviewed the evidence resulting from geophysical survey and trial trenching at the nearby site on Sawn Moor Road, Thurcroft, pre-application fieldwork will not be necessary in this case. Any archaeological work can be secured by planning condition. The detail of this will depend on the nature and extent of any proposed development and a condition is recommended.

Police Architectural Liaison Officer: Raises no objections to the proposal and states that all public open spaces should be overlooked.

Severn Trent Water: Have 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

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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 to take into consideration in the determination of the application are –

- The principle of the development
- Transportation issues
- Design and visual appearance
- Drainage and flood issues
- Landscape and ecology
- General amenity issues

#### The principle of the development

The application site is allocated for both residential and Urban Greenspace use within the adopted Rotherham UDP. Approximately 0.8 hectares is allocated for residential use, 0.4 hectares is Urban Greenspace.

Paragraph 14 of the NPPF states 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, and that means approving development proposals that accord with the development plan without delay.

Core Strategy Policy CS33 Presumption in Favour of Sustainable Development also states that when considering development proposals the Council will take a positive approach that reflects the above NPPF paragraph.

The Core Strategy Policy CS1 'Delivering Rotherham's Spatial Strategy' states that most new development will take place in Rotherham's urban area and the Principal Settlements for Growth and will help create a balanced sustainable community. It notes that the settlement of Thurcroft is a Local Service Centre and that within such settlements development should 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. It adds that the target housing figures set out in the Policy are not ceilings and that windfalls on small sites will provide additional flexibility.

Core Strategy Policy CS6 Meeting the Housing Requirement states that sufficient land will be allocated within the Sites and Policies document to meet Rotherham's housing requirement. Sites and Policy SP1 Sites Allocated for Development identifies the whole of the application site to be allocated for housing. Core Strategy Policy CS7 Housing Mix and Affordability states that proposals for new housing will be expected to deliver a mix of new dwelling size and tenure. This application is for 100% affordable homes, and there is a mixture of 2 and 3 bedroomed dwellings proposed.

The proposal is therefore considered to be in accordance with Core Strategy Policies CS1, CS6 and CS7. The proposal is also in accordance with Sites and Policies policy SP1, however the weight given to this policy is limited by the stage of the plan.

UDP Policy ENV5.1 Allocated Urban Greenspace states that: Development that results in the loss of Urban Greenspace as identified on the Proposals Map (subsisting) will only be permitted if:

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

The proposal was supported by an Urban Greenspace Assessment. The proposal would involve the loss of 0.4ha of Urban Greenspace, and with reference to Policy ENV5.1 the application does not propose an alternative provision for Urban Greenspace, the proposal would not enhance the provision. The proposal is therefore contrary to Policy ENV5.1 of the UDP.

Core Strategy Policy CS22 Green Space states that the Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear focused guidance to developers on contributions expected. UDP Housing Guidance 4: Requirements for greenspace in new housing areas states that for developments with fewer than 50 dwellings, as occurs in this instance, "The Council, as part of its normal development control process will encourage the provision of Greenspace appropriate to the character of the site and its surroundings." Where sites of more than 50 dwellings are proposed it

indicates that 20sqm per dwelling should be provided, which in this instance would equate to approximately 980sqm.

However, the site contains an element of 'Urban Greenspace' and in relation to the size of the development Greenspaces Section have stated that the proposal should make provision for approximately 2,640sqm of open greenspace within the development. However only a small area in the south eastern corner is provided with an area of approximately 610sqm. This area also has a surface water attenuation tank below, so cannot contain any play equipment or structures. The applicant has submitted viability information which concludes that the proposal is marginally unviable against the National Planning Policy Framework tests of competitive return to a willing land owner and developer. If greenspace is to be provided on site the number of dwellings would have to be reduced significantly, and the applicant proposes that this would compromise the viability of the scheme to such an extent that the site would not come forward for the proposed affordable housing development.

On the assessment of the submitted viability information the Council's Affordable Housing Manager agrees that the scheme is only viable because of the number of units and the fact that the Homes & Communities Agency are making a grant contribution to the development, and that any reduction in the number of units to accommodate a greater amount of green space on site will lead to a reduction in the amount of income generated and a loss of grant funding. At this point the scheme would become unviable and development would not proceed.

Paragraph 49 of the NPPF states that: ...housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council cannot currently demonstrate a five year housing land supply + 20%, as evidenced in the SHLAA published in 2015. As a result weight should be given to the use of this sustainable site for residential use.

Therefore, whilst the proposal would lead to a loss of Urban Greenspace, contrary to UDP policy ENV5.1, and the on site provision is substandard in accordance with Core Strategy Policy CS22, the submitted viability information and the fact that the proposal is for 100% affordable homes has to be taken into consideration. Additionally, it should be noted that the whole of the application site is allocated for residential use within the Sites and Policies Plan, although the weight to be given to this is also noted. Finally, whilst the site is partly allocated for Urban Greenspace purposes it provides no active recreational beneficial use to the local residents, whereas the proposed scheme will provide a small area of land that can be used for such purposes.

In conclusion it is considered that significant weight should be given to the provision of 49 affordable homes, the scheme is 100% affordable. Furthermore the viability information shows that the scheme would only come forward with the level of open green space as shown on the submitted plan. For these reasons, it is considered that on balance the principle of the development is considered acceptable.

## Transportation issues

Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment (TA). Core Strategy Policy CS14 Accessible Places and Managing Demand for Travel aims to make places more accessible and to change travel behaviour. It states that development should be in an accessible location and should enable walking and cycling to be used.

The applications site is in close proximity to the local centre with good access to local amenities and public transport. Additionally the submitted TA indicates that there will be no adverse impacts on the surrounding highway network. On site parking provision complies with the Council's parking standards. It is therefore considered that the proposal complies with Core Strategy policy CS14.

Paragraph 75 of the NPPF states that policies should protect and enhance public rights of way and access, and UDP Policy T7 Public Rights of Way states that the Council will safeguard, maintain promote and, where appropriate, create footpaths, cycleways and bridle ways as a means of serving the community.

The public footpath runs outside the southern boundary of the application site, and access to the footpath is provided through the open space to the south east of the site. It is therefore considered that the scheme has taken into account the presence of the footpath and hence the proposal is in accordance with UDP policy T7.

## Design and visual appearance

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

Core Strategy Policy CS28 Sustainable Design states that proposals for development should respect and enhance the distinctive features of Rotherham.

The proposal contains detached and semi-detached properties to be constructed from red brick with concrete roof tiles, to be in keeping with the surrounding properties. The proposed housing design and materials are considered appropriate to comply with Core Strategy Policy CS28.

## Drainage and flood issues

Paragraph 103 of the NPPF states that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere.

Core Strategy Policy CS24 Conserving and Enhancing the Water Environment relates to the conservation and enhancement of water environment. This includes the conservation and enhancement of water quality and the ecological value of the water environment, including watercourse corridors. Core Strategy Policy CS25 Dealing with Flood Risk states that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk elsewhere and, where possible achieves reductions in flood risk overall.

The application was supported by a Flood Risk Assessment and a Drainage Strategy. These show that the south eastern corner of the site will accommodate the majority of the drainage infrastructure for the site. The information contained within these supporting documents is sufficient to show that the site can be adequately drained. It is therefore considered that the proposal is acceptable to comply with Core Strategy Policies CS24 and CS25.

### Landscape and ecology

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural local environment by protecting and enhancing valued landscapes.

Core Strategy Policy CS19 Green Infrastructure states that Rotherham's network of Green Infrastructure Assets, including the Strategic Green Infrastructure Corridors, will be conserved, extended, managed and maintained throughout the borough. Core Strategy CS21 Landscapes states that new developments will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the boroughs landscapes.

A landscaping scheme has been submitted with the proposal which includes planting along the boundaries of the site as well as within the proposed plots. UDP Policy ENV1.4 Land Adjacent to the Green Belt states that in these areas development should be sympathetic to the visual amenity and environmental quality of the Green Belt. In this regard it is noted that the proposal includes a 10m no build buffer zone to be provided along the Green Belt boundary to the south, which constitutes rear gardens for proposed dwellings in this location, and the hedgerow along this boundary is to be retained.

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

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.

Whilst the site is vacant, part of the site is hard surfaced with the remainder of the site being very overgrown. In ecology terms the hedgerow along the southern boundary is identified as worthy of retention, and the submitted plans show this to be retained as part of the development.

It is therefore considered that the proposal is in compliance with Core Strategy policies CS19, CS20 and CS21 as well as UDP policy ENV1.4.

### General amenity issues

With regards to residential amenity of existing occupiers of properties adjoining the site and future occupiers of the proposed houses, the layout has been assessed in accordance with spacing standards, and minimum sizes laid out in the South Yorkshire Residential Design Guide. The spacing within the development is



acceptable and compiles with the standards. With regards to existing properties it is noted that Plot 1 falls slightly short of the 12m spacing standard between the proposed property and the existing bungalow on 27 Ivanhoe Drive. The roofs of Plots 1 and 2 have been amended to be hipped, to ensure that they comply with the 25 degree rule so that the impact on residential amenity is reduced. The roofs on Plots 7 & 8 have also been amended to be hipped to provide a balanced streetscene.

Additionally, Plot 27 is shown to be located to the west of an existing property in Green Arbour Court. This existing property is set at an elevated location from the proposed new dwelling, and whilst the 12m separation distance can be met, the difference in land levels results in the 25 degree rule not being met. However Plot 27 is located to the west of the property and it is also a new property, and as a result existing residential amenity is not being impacted. In addition, any alteration to the layout in this location would compromise the overall provision of 49 dwellings on the site. The impact on the future occupiers of Plot 27 is considered to be acceptable in this instance.

It is therefore considered that the proposal is in accordance with Core Strategy 28 and guidelines contained within the South Yorkshire Residential Design Guide.

With regards to land contamination, it is noted from the submitted reports that there is no significant contamination on the site, however suggested conditions are recommended to be attached to any permission.

### **Conclusion**

Paragraph 14 of the NPPF states 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, and that means approving development proposals that accord with the development plan without delay.

Core Strategy Policy CS33 Presumption in Favour of Sustainable Development also states that when considering development proposals the Council will take a positive approach that reflects the guidance in the NPPF. The proposal is contrary to UDP policy ENV5.1 as there will be a loss of Urban Greenspace if the application site is developed. It is also contrary to Core Strategy Policy 22 Green Space. However, weight is given to the fact that the scheme is for 100% affordable housing and the site is also allocated for housing within the Sites and Policies Plan.

The site is located in a sustainable location, close to Thurgroft centre, and public transport and is therefore considered acceptable from a Transportation point of view. The design of the proposal is considered appropriate for the location and drainage and flooding issues have been adequately assessed. The landscaping and ecological issues at the site have been adequately addressed. Residential amenity of existing residents close to the site and future occupants of the site are considered to be acceptable.

It is therefore recommended that planning permission be granted subject to the following conditions and the signing of the acceptable Unilateral Undertaking.

**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)

- Topographical Survey Drg. No. 12794-116-2DT Rev A
- Site Boundaries Layout Drg No. 2361.27.115F
- Plots 3 & 4, 20 & 21, 25 & 26, 34-41, 48 & 49 GA and Elevations Drg No. 2361.27.121 B
- Plots 12 -14 15-17 GA and Elevations Drg. No. 2361.27.127B
- Plot 22-24 GA and Elevations Drg. No. 2361.27.128B
- Plot 27-29 GA and Elevations Drg. No 2361.27.129B
- Plot 9-11 GA and Elevations Drg. No 2361.27.130B
- Plot 30-33, 42 & 43 Semi GA and Elevations Drg. No 2361.27.126B
- Plot 1 & 2, 5 & 6, 7 & 8, 18 & 19, 44-47 GA and Elevations Drg. No 2361.27.124C
- Site Layout Drg. No. 2361.27.116B

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of any buildings approved shall be as set out in the email dated 15-02-2017 as follows -  
Red Brick – Ibstock Grainger Antique – See attached  
Buff Brick – Ibstock Harewood Russet Buff – See attached  
Roof Tile – Sandtoft Calderdale – Dark Grey

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 Development.’

04

The hedgerow along the southern boundary of the application site shall be retained unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy CS21 Landscape and CS20 Biodiversity and Geodiversity.

05

No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

06

Landscaping of the site as shown on the approved plan (drawing nos. Drg. No. L8677/03 and L8677/04 and ) 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'.

07

Details of how areas of public open space on the site will be managed and maintained in perpetuity shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the open space area has been brought into use. The public open space area shall be brought into use before 50% of the dwellings hereby approved have been occupied.

Reason

In the interest of visual amenity and the users of the public open space on the site.

08

When the proposed access has been brought into use, the existing vehicle accesses to Zamor Crescent 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

09

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'.

10

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

Reason

In the interests of road safety.

11

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

Reason

In order to promote sustainable transport choices.

12

Prior to the commencement of overground works a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for (though not inclusive): Storage / loading / unloading of materials / plant; control methods for mud on road and dust suppression; and car parking facilities for the construction staff.

Reason

In the interests of road safety and local amenity.

13

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.

Reason

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

14

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 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.

15

Prior to the commencement of drainage works on site a foul and surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be 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 8 litres/second;
- 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.

The approved scheme shall be implemented before the development is brought into use.

#### 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.

16

A flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, design of buildings to prevent entry of water, 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'.

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Condition number 05 of this permission requires matters to be approved before development works begin; however, in this instance the conditions are justified because:

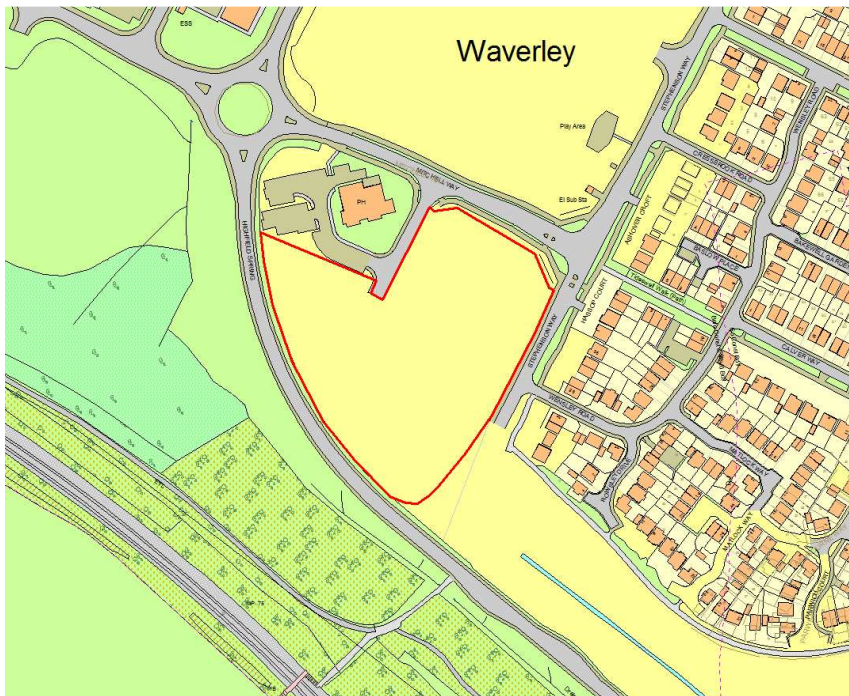
- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition number 05 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.'

#### 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>	RB2017/0019
<b>Proposal and Location</b>	Erection of 61 No. dwellinghouses with associated access, drainage, landscaping & infrastructure at land at High Field Spring, Waverley, Rotherham S60 8WD
<b>Recommendation</b>	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• The delivery of 16% affordable housing across the application site. Comprising of 6 No. 2 bed apartments and 4 No. 3 bed dwellings to be offered for rent based on 52% open market value.</li> <li>• Offer to provide the First Occupier with a Travel Card with the effect that each Dwelling is offered one Travel Card irrespective of the number of occupiers living in the relevant Dwelling.</li> </ul> <p>B Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

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



**Site Description and Location**

The site extends to 2 hectares, and lies within Waverley in an area known as Highfield Commercial, located between the Advanced Manufacturing Park (AMP) and Waverley New Community (WNC). Located within the northern corner of the

site is the existing Public House whilst the remaining area is currently vacant and covered in scrub. Land to the south east, adjacent to Stephenson Way, comprises the first phase of residential development within the new community.

The site is bound on all boundaries by existing road infrastructure; Highfield Spring to the south west, Mitchell Way to the north and Stephenson Way to the south east. Direct access to the site exists via an existing road off Mitchell Way which currently serves the public house.

## **Background**

The site has an extensive history of coal mining and associated industrial activity dating back over 200 years. In conjunction with coal mining taking place, a coke works and bio product plant was built in 1919 and operated until its closure in 1990. Since then a number of planning applications have been submitted for the reclamation and remediation of the site.

Following completion of the remediation works, two applications were submitted relating to an employment uses, and then more recently an application for residential development was also approved:

- RB2004/1571 Outline application for B1 (Business), B2 (General Industrial), B8 (Storage and Distribution), hotel, railway station and ancillary leisure & retail development including details of the means of access – Granted Conditionally 28/01/08.
- RB2008/1695 Outline application with all matters reserved except for the means of access for the development of 60,000m<sup>2</sup> of B1 office space, 120 bed hotel and ancillary retail and leisure facilities – Granted Conditionally 01/04/2011
- RB2016/0745 Erection of 56 No. dwellinghouses with associated access, drainage, landscaping & infrastructure - Granted Conditionally 22/12/2016

## **Proposal**

This is a full application for the erection of 61 dwellings with associated access, drainage, landscaping & infrastructure on land immediately to the north of the approved Waverley New Community. For the purposes of this application the design of this phase of development is subject to the design code approved for the Highfield Spring (South) Character Area.

The proposed units consist of a mixture of 2 bedroom apartments and 3 and 4 bedroom dwellings which are 2 and 3 storeys in height. 16% affordable housing is provided which equates to 10 units, comprising of the 6 No. 2 bed apartments and 4 No. 3 bed dwellings. Vehicular access will be provided from Mitchell Way with individual plot access from Stephenson Way. A number of secondary and tertiary roads will feed off Mitchell Way into the development itself.

The layout can be summarised as follows:

- 6 No. 2 bed apartments, 20 No. 3 bed dwellings and 35 No. 4 bed dwellings;



- Mixture of terraced, semi-detached and detached dwellings and a singular block of apartments extending to 2 and 3 storeys in height;
- Strong built form fronting Highfield Spring and Highfield Lane;
- Boundary treatment consists of a mixture of brick walls where boundaries abut a highway and timber fences in between properties;
- Materials include red and buff brick with white render and timber composite cladding;
- Car parking will be provided via car parking courts for apartments whilst on plot parking will be provided for dwellings in the form of integral and detached garages.

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

Planning Statement supports the submission of this planning application and provides details of the site and proposed development, details of the public consultation undertaken and an analysis of the planning policy context. It concludes by stating *'it has been demonstrated that the site and proposals are clearly sustainable and will assist in the delivery of further housing at Waverley and form a part of the mixed use proposals at Highfield Commercial. As a result of this and in accordance with national planning policy and guidance, the application should be approved without delay.'*

Design and Access Statement provides information relating to the design evolution and rationale behind the development and how it complies with the Highfield Spring (south) Design Code taking account of the relevant national and local planning guidance and policy.

Transport Assessment assesses the impact of the proposed development on the local and strategic highway network, taking into account committed development and Travel Plan measures. The Assessment provides an analysis of trip generation and distribution and concludes that *'The current proposals for the Phase HC5 site will deliver fewer trips than the agreed proposals for the Highfield Commercial Masterplan Development Framework. This is a key finding in terms of our overall methodology and restricts the assessment to the local access junction only, on the basis that wider junction operation will be no worse off. It is demonstrated that no mitigation will be required to deliver the Phase HC5 site in isolation and that there are no grounds to withhold consent for Phase HC5.'*

Noise Impact Assessment considers foreseeable future baseline noise levels within the wider Waverley New Community, including forecast traffic flows once the WNC development is fully constructed, and the anticipated construction of a Local Centre within close proximity to the north of the site. In considering advice contained within the NPPF the proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated by the use of a glazing and ventilation strategy for proposed residential dwellings.

Flood Risk Assessment acknowledges that the site falls within land assessed as having less than a 1 in 1000 annual probability of river or sea flooding in any year and therefore falls within a Flood Zone 1 area. Accordingly the Sequential Test is satisfied and there are no requirements for flood mitigation measures for this particular site. However, in order to accommodate the possibilities of flood from

extreme storm or blocked sewers and surcharge of the watercourse, flood mitigation measures are recommended.

Ecological Checklist confirms that the site has been continuously monitored for protected / notable species in accordance with the Site Biodiversity Action Plan. Surveys for breeding birds have been undertaken annually, the survey is underway for the 2016 season. Winter bird surveys were undertaken during 2015/2016 survey period. Brown hare and bat transects were also undertaken during 2015 survey periods. The disturbance/displacement of ground nesting birds, reptiles and brown hare are the main biodiversity implications however an ecological clerk of works will be appointed to undertake checking surveys prior to commencement and during peak breeding/dispersal periods.

Ground Conditions Report provides details of the anticipated ground conditions beneath the site that have been obtained from a desk study of information, including intrusive investigation data and published record. It documents the site's previous coal mining activities which include deep mining and open cast extraction and its later compaction to create development platforms. The Report goes on to document data relating to the settlement of the site and concludes that the formation should be capable of supporting shallow foundations for reasonable sized and loaded structures.

### **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 'Industrial and Business' purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site as Mixed Use Area 21: Highfield Commercial, Waverley on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS 1 'Delivering Rotherham's Spatial Strategy'*
- CS 2 'Delivering Development on Major Sites'*
- CS 6 'Meeting the Housing Requirement'*
- CS 7 'Housing Mix and Affordability'*
- CS 19 'Green Infrastructure'*
- CS 20 'Biodiversity and Geodiversity'*
- CS 21 'Landscape'*
- CS 28 'Sustainable Design'*
- CS 31 'Mixed Use Area'*

Unitary Development Plan 'saved' policy(s):

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

*HG5 'The Residential Environment'*  
*T8 'Access'*

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

SP69: Mixed Use Area 21: Highfield Commercial, Waverley

### **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 awaits 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.

The application has also been assessed against the requirements of the:

South Yorkshire Residential Design Guide.

Rotherham's Interim Planning Statement on Affordable Housing.

The Council's Parking Standards (approved in June 2011).

### **Publicity**

The application was advertised in the press and by individual letters to neighbouring dwellings. Site notices were also erected on site. Three letters of representation have been received and are summarised as follows:

- I don't believe that any more houses should be built on Waverley until other houses have been completed by previous builders.

- There is not enough parking spaces for the flats on corner of Stephenson Way and Highfield Spring. They are two bed roomed and have one space each with 2 visitor parking spaces.
- The flats should be given a drying area as the estate is supposed to be environmentally friendly, and outside storage for bicycles etc. Could one of the plots for a house be sacrificed for additional parking, drying area and outside storage?
- Building anymore homes around this side of the estate will only create further problems in terms of traffic. Stephenson Way is already surged with excessive traffic at any one time between existing houses, AMRC etc.
- Opening Stephenson Way onto Highfield Springs will create a rat run out of the estate
- We need some of the other amenities which have been promised, a better playground, more landscaping and green spaces.
- The ground cannot be in a state to build. Most of the time it is saturated with water, where and how will this water be redirected?

### **Consultations**

RMBC - Transportation and Highways Design have assessed the contents of the submitted Transport Assessment and confirm that the data and the modelling presented appears to indicate a slight reduction in trips relative to the already granted Highfield Commercial permission for this site. The junction continues to operate within capacity up to 2020. Beyond that date there is an assumption that much of the Rotherham bound traffic will use the reinstated Highfield Lane.

RMBC - Landscape Design have liaised closely with the applicant during the application process and following the submission of amended plans consider the development to be appropriate for this phase of the wider development

RMBC - Leisure and Green Spaces Manager acknowledges that the site will form part of the wider New Community which has made provision for open space and whilst physically detached by Stephenson Way confirms that it is in close proximity to the Greenway, which is located to the north of Phase 1I.

RMBC – Ecologist confirms that there is nothing of ecological value on the site. A biodiversity enhancement strategy should nevertheless be produced. No objections are raised to the application.

RMBC - Drainage raise no objections to the proposed development subject to the imposition of a condition requiring the submission of detailed drainage information prior to the commencement of development.

RMBC – Land Contamination have reviewed the submitted information; however consider a Phase II Intrusive Site Investigation should be produced and submitted prior to the commencement of development given the site's history of mining.

RMBC - Affordable Housing Officer raises no objections to the proposals subject to the signing of a S106 Agreement securing the provision of 16% affordable housing equating to 9 units in the form of 2 bed apartments and 3 bed dwellings.

RMBC - Urban Design made comments on the layout submitted as part of the pre-application process. Following the submission of an amended layout and landscape plan, earlier comments have been addressed and the development is now considered to be appropriate for this site.

Yorkshire Water do not raise any objections to the proposed development subject to the imposition of conditions requiring the development to be carried out in accordance with the submitted FRA and the development of separate systems of drainage.

Environment Agency No comments received.

South Yorkshire Police have commented on the proposed layout and raise concerns regarding the use of flat roofs on some of the house types and consider that the development would benefit greatly from being constructed to Secure by Design standards and recommend a condition to this effect.

### **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
- Design and Layout
- Compliance with the Design Code
- Impact on Neighbouring Amenity
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- Geotechnical Issues
- Planning Obligations

### Principle of Development

The Site is allocated for Industrial and Business purposes in the adopted UDP. Consequently any proposals for residential use on the site will need to justify the loss of an employment site. It is worth noting however that planning permission was granted in December 2016 for a similar development of 56 dwellings for Harron Homes.

The application site consists of approximately 2.2ha of land which is currently vacant and comprises of rough grassland. The site has been vacant since the remediation of the wider site in the late 1990's and is known locally as part of the wider Highfield Commercial site which extends northwards towards Poplar Way.

Saved UDP Policy EC3.1 'Safeguarding Existing Industrial and Business Areas' states that "*The Council will support proposals which safeguard the viability of established industrial and business areas, including those which seek to improve buildings, infrastructure and the environment.*"

In this respect the proposals would be contrary to EC3.1, however saved UDP Policy EC3.3 'Other Development within Industrial and Business Areas' states "*Within the sites allocated for industrial and business use on the Proposals Map, other development will be accepted, subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses, where such development can be shown to be ancillary to the primary use of the area, or would provide significant employment and it can be shown that:*

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

The applicant has outlined in their supporting Planning Statement that there have been difficulties in promoting the wider Highfield Commercial Site for employment development and this has been clearly shown by the continued promotion of the land for employment uses over a number of years without success. Indeed the only body to show interest in occupying the site was Helical Governetz however this scheme never came to fruition and since this time no other interest has been shown in developing the site for employment uses. Accordingly some of Highfield Commercial has now reverted to other uses including a Training Centre for the University of Sheffield and a Public House.

The lack of interest for employment uses is accepted by the Council's RiDO team who have been involved in the marketing of the site and concur that very little interest has been shown partially as a result of the site's close proximity to existing residential uses.

Notwithstanding this, recent planning applications for the creation of development platforms on the AMP have created an additional 7.5ha of land. This land falls within the existing Industry and Business allocation and as such more than compensates for the loss of the 2.2ha of land proposed for residential. It is also considered that the land, being physically located within the AMP will be more desirable to potential business occupiers than the proposed site given there will be less constraints relating to proximity to sensitive users such as residential occupiers.

Having regard to the above, it is considered that the loss of this site to a residential use will not have a detrimental effect on the quantum of employment land on the

AMP as a whole. Furthermore, no land use conflicts are likely to arise from the proposed development, indeed it is considered that the proposed use is more appropriate given the site's relationship to the Waverley New Community. Accordingly the proposals accord with the provisions of UDP Policy EC3.3 'Other Development within Industrial and Business Areas'

Turning to the provision of a 5 year housing supply, Paragraph 47 of the National Planning Policy Framework notes that:

*"To boost significantly the supply of housing, local planning authorities should:*

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- identify and update annually a supply of specific deliverable (11) sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- identify a supply of specific, developable (12) sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and*
- set out their own approach to housing density to reflect local circumstances.*

*(11) To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.*

*(12) To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged."*

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

The Council cannot currently demonstrate a five year housing land supply + 20%, as evidenced in the SHLAA published in 2015. However over a number of years

the Council has, through the preparation of draft Sites and Policies Documents 2011, 2013, 2014, and 2015 and their accompanying Sustainability Appraisals for consultation purposes, considered the allocation of sites for residential, employment, retail, mixed use, Green Space and other supporting community services and facilities.

The 'Publication Sites and Policies Document' was published in September 2015 and is currently undergoing Independent Examination. In preparing its Local Plan the Council has undertaken an in-depth study of all potential site allocations which have been subject to sustainability appraisal and consultation. This document includes the new draft policy for the application site, identifying it as 'Mixed Use Area 21: Highfield Commercial, Waverley' which extends to land covering the entire Highfield Commercial Area, however does distinguish between the 3 physical areas.

The application site is identified as 'Land south of Mitchell Way' where appropriate uses are identified as being C2 (residential institutions) and C3 (residential).

The proposal for residential development therefore complies with the provisions of this emerging policy and whilst the application has been submitted ahead of the adoption of the Sites and Policies DPD, they are nevertheless being brought forward in a manner that is consistent with the draft wording of the policy. Furthermore, the Council cannot currently demonstrate a five year housing land supply, therefore given the site's proximity to the existing Waverley New Community it is considered that the site is located within a sustainable location and will contribute to the delivery of housing in this area. The principle of development is therefore considered to be acceptable and in accordance with Policy EC3.3 and guidance contained within the NPPF.

Notwithstanding the above, planning permission has also been granted for a residential development of 56 dwellings on this site in 2016. This application is a result of a change of developer for the site and alterations to the site layout and house types. The previous application though remains extant until 22/12/2019 and is a material consideration in the principle of this development.

### Design and Layout

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

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

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



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

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

The application site lies immediately adjacent to existing dwellings within Waverley New Community and Phase 1I which is yet to be developed; however forms part the Highfield Spring (south) character area. A public house is located within the northern corner of the wider site on the junction of Highfield Spring and Mitchell Way.

The proposals comprise of a mix of apartments, terraced, semi-detached and detached dwellings and are proposed to be 2 and 3 storeys in height. The layout of this parcel of land, whilst not technically part of the New Community site is intrinsically linked, accordingly the applicant was asked to have regard to existing development when designing the layout and elevation treatments of the proposed dwellings. The layout therefore follows the general principles set out in the new community masterplan in that it incorporates a key frontage along Highfield Spring and respects the existing form along Stephenson Way.

The Highfield Spring frontage provides a key interface between Highfield Spring and the built development and incorporates a number of 3 storey terraced and semi-detached dwellings. The siting of these dwellings are dictated by the existence of a drainage easement which has resulted in them being set back from Highfield Spring. Nevertheless, consistent spacing which assists in creating a natural rhythm to the streetscene has been achieved, which will stand in contrast to more varied streets internally. All car parking is located on plot or within either integral or detached garages, accessed off a proposed new estate road which will run parallel with Highfield Spring.

Having regard to the Stephenson Way frontage, detached properties are proposed that reflect the scale and massing of existing properties opposite with the exception of the apartment building which is 3 storeys in height and located on the junction of Stephenson Way and Highfield Spring, providing two 'book ends' acting as an entrance feature into the site.

A similar arrangement to that proposed along the Highfield Spring frontage is proposed along Mitchell Way. This is considered to provide a more dense form of development reflective of the local centre allocation within the Sites and Policies DPD of the land opposite.

The remainder of the development i.e. 'The Internal Streets' are less formal than the Highfield Spring/Mitchell Way/Stephenson Way frontages and comprise of a mix of building types at 2 storey's in height. A variety of materials including red and buff brickwork alongside white render similar to that previously approved in the

Waverley Central and Highfield Spring Character Areas are proposed, alongside soft landscaped front gardens without any formal means of enclosure. Rear gardens onto internal streets which result from outward facing development benefit from robust boundary treatments comprising 1800mm high pier and brick walls.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and the applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form.

### Compliance with the Design Code

Whilst not technically forming part of the Waverley New Community site, during discussions with the applicant and landowner at pre-application stage it was considered that the site should form part of the existing Phase 1 as the two sites are intrinsically linked. Accordingly, the applicant was requested to produce a Design Code which considered both this parcel of land and the adjacent Phase 11 site. In this regard the design code for this phase of development was submitted in response to the requirement of Condition 3 of the outline approval (RB2015/1460). This document provides a set of parameters which any detailed design proposal within these phases must adhere to. It sets out essential elements that must be delivered to implement the masterplan and are intended to be a mechanism to coordinate the implementation of different elements within the development and provide a framework for the entire site.

The applicants have prepared a design and access statement which amongst other things sets out how the development accords with the rules and parameters set out in the Design Code. As previously stated the proposed layout incorporates a primary frontage and respects the character of the existing built form. The layout also responds to the requirements in the code with respect to building lines, scale, architectural style, materials, boundary treatment and street widths.

Additionally, the layout identifies different street types including the use of landscaping features and pedestrian links as identified in the Design Code. The street scenes and separation distances between residential dwellings accord with the parameters of the approved Design Code and use of strong frontages along Highfield Spring/Stephenson Way ensure that the proposed development is in full compliance with the rules and parameters of the approved Design Code for this Phase of development and the overriding Master Plan Development Framework and Principles Document.

### Impact on neighbouring amenity

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

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

The SYRDG further advocates that a common minimum rear garden or amenity space distance of about 10 metres in depth.

The proposed residential units on this phase of development comprise of a mixture of, 3 and 4 bedroom dwellings and 2 bedroom apartments which are 2 and 3 storeys in height. The site is located adjacent to existing properties on Stephenson Way and the public house on the junction of Mitchell Way. Highfield Spring. Separation distances between the existing and proposed built form vary along the length of Stephenson Way, however maintain the minimum separation distances of 21m between habitable room windows. These distances, together with the comparable scale of the proposed units is considered to be acceptable and will not have an unacceptable impact on the living conditions of existing residents.

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 62sqm for 2 bed properties, 77sqm for 3 bed properties and 93sqm for 4 bed properties. All of the house types proposed have been designed to adhere to these space standards and each dwelling will have private rear gardens with the exception of the apartments, however these are located within close proximity to existing links which include the Greenway, located along the northern boundary of Phase II, the proposed open space adjacent to Highfield Lane and the wider open space adjacent the lakes. Adequate space about dwelling distances have also been achieved in line with the guidance in order to ensure that amenity value is high for residents with no potential for overshadowing or loss of privacy.

Having regard to all of the above and on balance, it is considered that the amended layout and proposed dwellings would conform with the advice guidance set out in the SYRDG and paragraph 17 of the NPPF.

### Transportation 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.”

The Council’s minimum parking standards – adopted June 2011, require 1 parking space per dwelling (1 or 2 bedrooms) and 2 parking spaces per dwelling (3 or 4 bedrooms).

Having regard to the above, the application is supported by a Transport Assessment (TA) that assesses the impact of the proposed development on the local and strategic highway network. It acknowledges that the primary access will be off Mitchell Way, via the existing junction providing access to the car park to the adjacent public house and assumes that the majority of residents will access the local highway network via the Highfield Spring/Mitchell Way roundabout. Existing bus routes operate along Highfield Spring, as well as Poplar Way to the north operating services between Sheffield/Rotherham and between Waverley and Meadowhall.

The TA then goes on to assess trip generation and distribution associated with the proposed development against committed development which includes the University Training Centre, Waverley New Community, Sheffield Business Park and residential developments at Catcliffe. Following a full analysis, the report confirms that *‘The current proposals for the Phase HC5 site will deliver fewer trips than the agreed proposals for the Highfield Commercial Masterplan Development Framework. This is a key finding in terms of our overall methodology and restricts the assessment to the local access junction only, on the basis that wider junction operation will be no worse off. It is demonstrated that no mitigation will be required to deliver the Phase HC5 site in isolation and that there are no grounds to withhold consent for Phase HC5.’*

The Council’s Transportation department have assessed the contents of the TA and confirm that they have looked at the data and the modelling presented and it appears to indicate a slight reduction in trips relative to the already granted Highfield Commercial permission for this site. The junction continues to operate within capacity up to 2020. Beyond that date there is an assumption that much of the Rotherham bound traffic will use the reinstated Highfield Lane and on that basis no objections are raised.

The TA also includes a Travel Plan which confirms that Travel Planning for the New Community is already in place. There is a named Travel Plan Coordinator and a Travel Plan Steering Group has been established which is comprised of representatives from RMBC and Harworth Estates, with invitations to meetings

extended to SYPTE and Highways England. The overall aim of the Waverley New Community Travel Plan is to reduce the impact of travel generated by residents and visitors to the site, particularly through reducing the reliance on single occupancy car use through the promotion of public transport, walking and cycling. Phase HC5 will be incorporated into the Travel Plan for the wider New Community site.

On the basis that this site will tap into the established travel plan, which appears to be working to reduce the reliance on car use it is considered that the information provided is sufficient at this time.

Turning now to the layout of development, the applicant, Avant Homes have worked closely with RMBC Officers to ensure the layout accords with the provisions of the South Yorkshire Residential Design Guide and the Council's minimum parking standards and on that basis it is considered that the layout of the development is appropriate for this site and the wider Waverley New Community.

Overall, the development is considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel' and the advice within the NPPF.

### Flood Risk and Drainage

An Outline Surface Water Strategy Report was submitted as part of the outline application for the wider Waverley New Community site and a Flood Risk Assessment has been submitted in support of this full application.

The report confirms that the site falls within land assessed as having less than a 1 in 1000 annual probability of river or sea flooding in any year (less than 0.1%), therefore all uses of the land are appropriate within this zone but an assessment of the effect of surface water run-off will need to be incorporated in any Flood Risk Assessment.

Taking the above into account, it is considered that the risks of flooding to the site are minimal and have not changed from those identified within the original FRA for the new community and wider Waverley site. All new properties within this phase of development will be set a minimum of 150mm above adjacent finished ground levels as stated within the submitted FRA, which is also a requirement of all new properties within the wider new community.

Having had regard to the above, it is considered that this full application conforms with the detail set out in the Waverley New Community Outline Surface Water Strategy and Site Specific Flood Risk Assessment as well as advice contained within the NPPF.

### Landscape and Ecology

The NPPF advises at paragraph 117 that: "*To minimise impacts on biodiversity and geodiversity, planning policies (amongst others) should:*

- *promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations,*

*linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.”*

Core Strategy Policy CS20 'Biodiversity and Geodiversity' states: *“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. Priority will be given to: (amongst other things)*

*c. 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;*

*l. Ensuring that development decisions will safeguard the natural environment and will incorporate best practice including biodiversity gain, green construction, sustainable drainage and contribution to green infrastructure.”*

The landscape proposal for the development has been designed in accordance with the content of the Design Code which states *‘High quality surface materials should be used to enhance public realm and encourage pedestrian activities. Hard and soft landscaping treatment and tree planting should be used where appropriate.’*

In this regard a landscape masterplan supports the application which shows the planting of 18-20cm trees along the Highfield Spring frontage to reflect the existing trees adjacent. Additional and replacement tree planting is also proposed along Stephenson Way, which will comprise of 20-25cm semi mature trees. Ornamental shrub planting and a grassed area is proposed along the intersection of Mitchell Way and Stephenson Way due to the fact that any planting in this area is constrained due to the existence of an easement and trees are therefore unsuitable.

Front garden areas are soft landscaped and open plan and the area around the proposed apartment block is shown to be grassed with shrub and tree planting. Boundary treatments consist of 1800mm high pier and brick walls where they abut a highway and 1800mm high timber fencing within rear garden areas.

No areas of open space are proposed within this phase of the development; however the site lies directly adjacent to the Waverley New Community and will benefit from the public open space within the development and the links into it. The site has a direct link along the greenway to the north of phase 1I and along Highfield Spring to the south of phase 1I. The nearest equipped play space is located approximately 450 metres to the east and the greenway to the north of phase 1I and along Tideswell Walk, Calver Way and Whirlow Chapel Road are located adjacent to the site and easily accessible from it, providing ease of access and recreational opportunities in their own right. It is therefore considered that the proximity of the site to this range of public open spaces and its links/proximity to Waverley New Community ensure it complies with the requirements of local planning policy.

The Council's landscape architect and green spaces team have assessed the proposals in line with the requirements of the Design Code and are happy that the proposal is in accordance with the document. It is therefore considered that the proposal is acceptable in terms of landscaping and open space provision.

Turning to the issue of management and maintenance, there is a requirement under the Waverley New Community outline S106 agreement to establish a management company to maintain all areas of open space within Waverley New Community. This has been established by Harworth Estates as the main landowner and whilst the site does not technically fall within the new community the landowner has confirmed that the management and maintenance of landscaping outside of individual curtilages will be carried out by the management company, which is funded by residents via an annual precept.

Having regard to the above, it is considered that sufficient landscaping and green infrastructure has been proposed within this phase of the development to contribute to the appearance of the proposed development and its appearance within the Waverley development as a whole.

Turning now to the ecological impact of the proposed development, the outline application for the new community was accompanied by an Environmental Statement and whilst it is acknowledged that the application site falls outside of the outline application site boundary, the search area included this and the remainder of the Highfield Commercial site to the north east. The report considered the key environmental impacts including the impact of development on ecology and biodiversity. In addition to the Ecology Assessment, the applicant also submitted a Biodiversity Action Plan and an Ecological Management Strategy. The Ecological Assessment described those habitats and species present on and adjacent to the site and assessed the impacts on those habitats to be created through the restoration proposals. The baseline conditions relating to habitats and species were identified through desktop surveys of national and local databases and from field surveys. Since this time regular habitat surveys have been undertaken and an Ecological pro-forma has been submitted in support of the application based on the findings of these surveys.

This pro-forma has been completed by the same consultant who prepared the ecological information for the new community outline application and confirms that breeding bird and reptile surveys have been carried out on an annual basis since 2012 and monitoring surveys for the 2016 season are currently underway. Winter bird surveys were undertaken during the 2015/2016 survey period. Brown hare and bat transects were also undertaken during 2015 survey periods. Furthermore, an ecological clerk of works will be appointed to undertake checking surveys prior to commencement and during peak breeding/dispersal periods.

The Council's Ecologist has assessed the submitted information and notes that *'The site currently comprises pioneer vegetation on compacted and disturbed bare ground with significant areas of ephemeral and ruderal vegetation. A dry perimeter ditch runs just inside the site boundary with High Field Spring (road). At least two local plants, hare's foot clover and yellow-wort, were recorded. Preliminary works to prepare the site for construction appear to have taken place and the site has little in the way of natural features. Decades of coal mining have presumably removed these. As a result, there is little of high ecological value on the site. A*

*biodiversity enhancement strategy should nevertheless be produced. I have no objections to the application.'*

Having regard to the above, it is considered that adequate safeguards are to be put in place in the form of a condition requiring the submission of a Biodiversity Enhancement Strategy and sufficient information is available in the form of annual surveys which review species and habitat and as such the development is not considered to have an unacceptable impact on ecology in accordance with guidance contained within the Paragraph 109 of the NPPF and Policy CS20 of the adopted Core Strategy.

#### Geotechnical & land Contamination Issues

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

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

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

The application is accompanied by a Ground Conditions Report, this report details the site's history of open cast mining and later compaction work and settlement data. It then goes on to consider contamination in the context of future development.

Having regard to the ground conditions, the aforementioned report states that *'On completion of the opencast mining and subsequent restoration work a programme of site investigation and validation work (the Global Validation Strategy, GVS) was carried out by RSK for the Waverley Development located immediately to the North East of HC5. This work was undertaken between 2009 and 2011 and demonstrated that the site could be developed with residential properties adopting shallow spread foundations. The GVS reports were issued and approved by all regulators and housing construction began in 2012.'*

Turning to land contamination the report confirms *'that the statistical analysis of the soil results indicated that the upper confidence limit of contaminants tested were not in excess of the GAC and therefore no remediation of soils was considered necessary. Ground conditions within HC5 are considered to be very similar to those within the wider Waverley development site. This is supported by the limited contamination testing carried out by RSK as part of the Geo-environmental assessment for the Marstons Inn within North West corner of HC5. The level of contamination within the Waverley site, which was based on a comprehensive*



*programme of chemical analyses of shallow soil samples, recorded generally inert soil conditions below RSK GAC values. On the basis that ground conditions are similar to the Waverley Development site it is recommended that gardens and landscaped areas within HC5 are provided with 300mm soil thickness.'*

The Council's Land Contamination Officer has been consulted on the application and whilst no objections to the proposed development are raised, the officer confirms that additional information is required in the form of a Phase II Intrusive Site Investigation to enable a full assessment of proposed mitigation measures. It is considered that a condition to this effect will allow for a full assessment of these measures to take place, in accordance with the provisions of the NPPF.

Affordable Housing:

With regard to affordable housing provision, paragraph 50 of the NPPF states that: *"...where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time."*

Policy CS7 Housing Mix and Affordability states that: *"Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community."*

*The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development: (which includes)*

- i. Sites of 15 dwellings or more or developments with a gross site area of 0.5 hectares or more; 25% affordable homes on site."*

This site was subject to a viability appraisal in 2016 when a similar proposed development was submitted in the form of a full application. This application was accompanied by a financial appraisal which concluded that the provision of 25% affordable housing on the site was unviable and only 10% could be provided. The appraisal was independently audited by the District Valuer who concluded that the site was viable to make a full affordable housing contribution as well as the offer of a travel pass to each household.

However, in assessing matters, the Council's Affordable Housing Manager subsequently appraised the findings of both reports and in the interests of securing an acceptable provision of affordable housing on site prior to the introduction of the impending starter homes agenda, concluded that the site was viable at 16%.

Having regard to this and given the short timescale and the similarities between the approved and proposed schemes it was the Council's opinion that there was no validity in carrying out a second viability appraisal as the outcome would remain

the same. On this basis the Affordable Housing contribution of 16% should be applied, along with the offer of Travel Passes.

This percentage equates to the provision of 10 units in the form of 6no. 2 bed apartments and 4no. bed dwellings to be offered for rent based on 52% open market value. Should there be no interest to purchase from registered providers or the Council, the developer will pay a commuted sum towards off site provision based on 40% open market value.

Having regard to the above, it is recommended that the Council enters into a S106 Agreement securing the required provision.

### **Conclusion**

Having regard to the above it is concluded that the proposed development would provide residential accommodation in this location and that the loss of land for employment use has been justified in this instance.

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

The proposals would not be detrimental in highway safety terms with adequate in curtilage parking. Furthermore the site is considered to be located in a sustainable location with access to a range of transport options. Finally, the proposal would take adequate steps to address potential ecology and contamination issues on the site.

As such the proposal complies with the NPPF, UDP, Core Strategy and South Yorkshire Residential Design and is subsequently recommended for approval, subject to the contribution towards affordable housing in the area as secured by way of the related S106 Legal Agreement.

### **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 6, 8, 9, 13, 16 & 22 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 numbers 6, 8, 9, 13, 16 & 22 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) except as shall be otherwise agreed in writing by the Local Planning Authority.

#### Site Layout

Location Plan - Dwg No. 1651.02

Planning Layout – Dwg No. (coloured) 4159-201 Rev J

Materials Layout – Dwg No. 1651.04 Rev C

Landscape Scheme – Dwg No. 2722/1 Rev E

#### House Types

Apartment Elevations – Plots 25 to 30 – Dwg No. APT-01

Apartment Floor Layout – Plots 25 to 30 – Dwg No. APT-02

Norbury Planning Drawing – Dwg No. NOR.01

Norbury Planning Drawing (Dual aspect) – Dwg No. NOR.02 Rev B (Plots 1, 14 & 20 only)

Ashbury Planning Drawing – Dwg No. ASY-01

Kempton Planning Drawing – Dwg No. KEM-01

Ledbury Elevations – Dwg No. LEY.01

Ledbury Floor Plans – Dwg No. LEY.02

Rosebury Planning Drawing – Dwg No. ROS.01

Tetbury Planning Drawing – Dwg No. TEY.01

Thirston Planning Drawing – Dwg No. THN.01

#### Boundary Treatment & Garage Detail

1.8m Screen Fence – Dwg No. 4142-212

1.8m Pier and brick panel wall – Dwg No. 4142-211 Rev A

0.6m Post & 2 rail fence – Dwg No. 4142-208

1.2m Metal Railings – Dwg No. 4142-522

Detached single garage – Dwg No. G.01

Detached Twin Garage – Dwg No. G.02

Reason

To define the permission and for the avoidance of doubt.

03

No built development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include the construction of a sample panel on site to include the correct colour mortar and window frames. The development shall be carried out in accordance with the approved details.

Reason

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

#### *TRANSPORTATION*

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 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.

05

Before the development is brought into use the car parking areas shown on the site layout plan Ref: 4159-201 Rev J 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.

06

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

Reason

No details having been submitted they are reserved for approval.

07

All garages hereby permitted shall be kept available for the parking of motor vehicles at all times.

Reason:

In order to ensure that adequate parking provision is available and to minimise on-street parking, in the interests of visual amenity and highway safety.

08

Prior to the commencement of development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be implemented during the entirety of the construction period.

Reason

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

### *DRAINAGE*

09

Development shall not begin until a foul and 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, has 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.

10

A flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, design of buildings to prevent entry of water, 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'.

11

The development shall be carried out in accordance with the details provide in the submitted Flood Risk Assessment (prepared by ARP Associates - Report 1546/06r1 dated December 2016) whereby surface water will be discharged to watercourse via attenuation ponds, unless otherwise agreed in writing with the Local Planning Authority

Reason

In the interest of satisfactory and sustainable drainage

12

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

## GROUNDWATER / CONTAMINATION AND GROUND CONDITIONS

13

Prior to the commencement of development a Phase II Intrusive Site Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Investigation shall 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) and be undertaken by competent persons and a written report of the findings must be produced.

Reason

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

14

Subject to the findings of the Phase II Intrusive Site Investigation and prior to the commencement of any remediation works, a Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Remediation works shall be carried out in in their entirety under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

15

Following completion of any remedial/ground preparation works a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. 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 Planning Authority.

Reason

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

16

Prior to the commencement of development details of gas protection measures comprising:

- a) a cast in situ floor slab with a lapped and taped minimum 1200g membrane (reinforced); or
- b) a beam and block or pre cast floor slab with a lapped and taped minimum 2000g membrane; and
- c) under floor venting in combination with either of (a) or (b) above
- d) All joints and penetrations should be sealed

Shall be submitted to and approved in writing by the local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighboring 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 Policy ENV3.7 'Control of Pollution'.

17

Installation of the gas protection measures approved as a result of condition 16, shall be verified by an independent third party and a validation report is to be forwarded to this Local Authority for review and comment.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

18

If subsoil and topsoil imported to site for landscaping works and garden areas, then these soils shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to the site then the results shall thereafter be presented to the Local Authority in 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 Policy ENV3.7 'Control of Pollution'.

19

If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out in the vicinity of the impact until the development has submitted and obtained written approval from the Local Planning Authority for a strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised 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 Policy ENV3.7 'Control of Pollution'.

## ENVIRONMENTAL

20

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0730 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays.

Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

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

21

Throughout the construction phases of development all machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities.



Reason

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

LANDSCAPE & ECOLOGY

22

Prior to the commencement of development a biodiversity mitigation statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The statement should include details of all measures given in the Waverley Ecological Checklist – Pre Work Assessment for Avant Homes HC5 (19.12.2016) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In the interest of biodiversity at the site in accordance with Policies in the NPPF.

23

Landscaping of the site as shown on the approved plan (drawing ref: Landscape Scheme – Dwg No. 2722/1 Rev E) 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'.

24

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

INFORMATIVE

01

The applicant is advised that the development would benefit greatly from being constructed to Secure by Design standards.

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>RB2017/0021</b>
<b>Proposal and Location</b>	Erection of extension to existing unit and erection of detached building for purposes of B1 (b & c) B2 and B8 and associated car parking and landscaping at X-Cel Superturn, Unit 3 Brindley Way, Advanced Manufacturing Park, Waverley, Rotherham S60 5FS
<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 forms part of the Phase 2 development at the Advanced Manufacturing Park (AMP) at Waverley and is approximately 0.84 hectares in size.

The site is accessed off Brindley Way, a cul-de-sac from Brunel Way. It is bound by existing industrial buildings to the south east, vacant development plots to the north east and south west and the Sheffield Parkway to the North West.

The site is presently unmade comprising of a formed valley with trees and other vegetation along the boundary with Sheffield Parkway. Work is currently underway to clear the site of vegetation and will be profiled with material from excavations elsewhere on the site to provide a predominantly flat area for development. The profiling and preparation of the site was granted planning permission in February 2016 under reference RB2015/1429.

Work is currently underway to clear the vegetation along the Sheffield Parkway boundary to facilitate the creation of development platforms.

## **Background**

The following applications are relevant to the application site –

RB2003/0046 - Outline application for development of an advanced manufacturing park including business uses in Class B1 & B2 with related infrastructure and landscaping. - Granted conditionally, subject to a legal agreement 06/04/2005

RB2008/0822 - Application for variation to condition 22 (highway improvements to be made to High Field Spring before 10,000m<sup>2</sup> of buildings are occupied), condition 23 (highway improvements to Poplar Way & Big W Roundabout to be made before 10,000m<sup>2</sup> of buildings are occupied) and condition 29 (bridge for footpath/bridleway over Sheffield Parkway to be provided before 10,000m<sup>2</sup> of buildings are occupied) and imposed by RB2003/0046 to allow 23,225m<sup>2</sup> of buildings to be occupied before all works are implemented, and for the variation of condition 35 (bus shelters to be provided on High Field Spring before any buildings are occupied) and imposed by RB2003/0046 to allow the bus shelters to be provided within one month after the completion of works required by condition 22, or within 12 months of the date of this planning permission, whichever is sooner - Granted conditionally 07/08/08

RB2008/1918 - Application to extend the time period for completion of the restoration of the site (variation of condition 1 imposed by RB2007/2205 which required completion by 15 May 2009) to 31 December 2010 - Granted Conditionally 19/03/2009

RB2010/1357 - Application to extend the time period for completion of the restoration of the site (Variation of Condition 1 imposed by RB2008/1918 requiring completion by 31 December 2010) to 31 December 2013 - Granted conditionally 05/09/2011

RB2013/1365 - Outline application to erect 3 No. units (use classes B1(b and c), B2 & B8) with all matters reserved – Granted 13/12/2013

RB2013/1568 - Details of layout, landscaping, scale, appearance and internal access for Units 3 and 4 (reserved by outline RB2013/1365) – Granted 30/01/2014

RB2015/1429 - Phased engineering works to form level development plateaus –  
Granted 02/02/2016

## **Proposal**

This is a full application submitted by X-Cel Superturn Ltd seeking permission for the erection of an extension to their existing unit (Phase 1) and the erection of a separate unit (Phase 2) (incorporating use classes B1, B2 & B8) with a total floorspace of 3,953sqm along with associated servicing, parking and landscaping areas.

The extension is shown to be located on the north western elevation of the existing building and the standalone unit to the south west. The scale and external appearance are reflective of the existing unit, incorporating entrance features on the elevations fronting Sheffield Parkway.

Access to proposed development will be gained via the existing service area from the main entrance off Brindley Way. The car parking areas are laid out as an extension to the service areas between the extension and the standalone unit to the North of the site, adjacent the proposed new road along the Parkway boundary.

A future access is shown via a new service road to the north; however this does not form part of these proposals and will be subject to a separate planning application.

Areas of on plot landscaping are shown surrounding each of the units along the north-western and south-western boundaries.

The application has been supported by the following documents –

Flood Risk Statement confirms that the site is located within a wider area allocated as Flood Zone 1 on the Environment Agency's Flood Maps. There are no other significant flood risks that will adversely impact on the development proposals that are the subject of the application. The proposals will not have an adverse impact on flood risk to areas adjacent to the site or increase downstream flood risks

Design and Access Statement confirms that the site is easily accessible to all modes of transport and provides easy access within the site curtilage. The application provides details of associated access, parking, servicing and Indicative landscaping. The application has been prepared to be consistent with both the existing and emerging development plan for Rotherham generally and the AMP Development Plan specifically. The proposals are also in accordance with the National Planning Policy Framework as they represent sustainable development and afford a commitment to securing economic growth to create employment and prosperity

Transport Statement assesses the impact of the proposed development on the local highway network and confirms that the AMP South roundabout has been designed to afford sufficient capacity to accommodate demand for the proposal both today and in 2020. The impact of new demand associated with the Application will have a negligible impact on flow through the Poplar Way/Highfield Spring/Morrisons roundabout junction. Based upon the above it would appear that

there are no highway reasons why the buildings as shown on this application proposal should not proceed.

Coal Mining Risk Assessment considers the potential effects of past coal mining activities on future developments and concludes that the base levels of the Waverley opencast have been recorded and there are several steps that result from different coal seams having been worked. The opencast backfill was compacted under third party supervision and additional surcharging was also undertaken to achieve satisfactory levels of compaction. The CA report also confirms that there are no recorded gas issues at the site and therefore mitigation is not required. A ground gas risk assessment has also been undertaken by RSK (321367-R2(00)), which identifies mitigation measures that are risk based and specific to site data.

### **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 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):

- CS9 'Transforming Rotherham's Economy'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS21 'Landscape'
- CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

- EC3.1 'Land Identified for Industrial and Business Uses'
- ENV3.7 'Control of Pollution'

### **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).”

### **Publicity**

The proposal was advertised in the press, on site and via letters to adjacent occupants. No representations have been received.

### **Consultations**

RMBC - Transportation and Highways Design – acknowledge that a Transport Statement (TS) has been submitted in support of the application which indicates that the proposal is expected to generate some 33 No. additional trips in the am peak and some 23 No. additional trips in the pm peak. The TS concludes that the highways in the vicinity will be able to satisfactorily accommodate the additional development traffic and I concur with this conclusion. Accordingly, the proposal is acceptable in highway and transportation terms subject to the imposition of conditions.

RMBC - Landscape Design is concerned that a strategic landscaping scheme has not come forward on the land immediately to the north, adjacent Sheffield Parkway, however acknowledges that this area is outside of the applicant’s ownership. Notwithstanding this the officer is confident that a suitable landscape scheme can be achieved on the site which can be secured via conditions.

RMBC – Drainage originally raised concerns regarding the method of surface water drainage, however following the submission of additional information which confirms that this will be dealt with via a new urban drainage system for the development, these concerns have been addressed.

RMBC – Ecologist no comments received

RMBC - Environmental Health acknowledges that the site is based in the commercial business and industrial area on Brindley Way, the nearest residential housing estate being some distance away off Stephenson Way to the south east being approximately 739 m away. The busy Sheffield Parkway runs directly north of the site. There is potential for neighbouring business or residential housing to be affected by noise and vibration depending on the type of industrial machinery installed and on the acoustic insulation provided to the buildings. On that basis it is recommended that a number of planning conditions are imposed on any approval of planning permission.

RMBC - Land Contamination has assessed the content of the Coal Mining Risk Assessment and requests a condition be imposed requiring the installation of gas protection measures.

The Coal Authority originally objected to the proposals on the grounds that a Coal Mining Assessment did not form part of the application documents, however following the submission of this document, their initial objections have now been withdrawn.

Environment Agency no comments received.

## **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 to take into consideration in the determination of the application are –

- The principle of the development
- Design and Layout
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues
- Geotechnical Issues

## The Principle of Development

The application site is allocated for industrial and business use within the adopted Rotherham Unitary Development Plan. In this instance the applicant is seeking permission to erect and extension to the existing building and a new unit for the purposes of B1 (b & c), B2 and B8 uses. The proposal is therefore considered to be acceptable in land use terms and is in accordance with policy CS9 'Transforming Rotherham's Economy' and UDP Policy EC3.1 'Land identified for Industrial and Business Use'. The proposal is also in accordance with the policies contained within the NPPF which has a presumption in favor of sustainable development, and aims to build strong, competitive economies. In this regard the proposal is considered to be acceptable in principle.

Additionally and under Part 3 Class V of the Town and Country Planning (General Permitted Development) Order, as amended an application can be submitted for a flexible permission which allows the unit to be changed to another use under the same permission without the need for a further application within 10 years from the date of the permission. The applicant could therefore use the unit for any of the uses outlined above within 10 years from the grant of planning permission, however following its continuous use for any single one of the uses for a period of 10 years or more, planning permission would be required for a change of use.

### Design, Layout and Visual Amenity

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.

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 proposed extension is shown to be located on the rear elevation of the existing building, on the north western elevation, whilst the stand alone building will be sited to the south west, behind the existing Metalysis building. Both buildings have been designed to reflect the scale and proportions of the existing building in terms of footprint and height and are representative of buildings elsewhere on the AMP.

Materials to be used in the construction of the buildings will also reflect those in the existing unit, comprising of horizontally laid sinusoidal metal cladding panels in metallic silver. The main entrances of the buildings are located on the corners and constructed in contrasting materials to provide identification and break up the massing of the building. The ancillary offices and amenity areas to be located at the entrance corners to the extension and stand alone building are similar in style to that of the existing unit and have been incorporated into the elevation facing the Sheffield Parkway to add interest into these important elevations. The windows and doors to the ground and first floor levels will be polyester powder coated double glazed aluminium sections which will continue the palette of materials used by Harworth Estates elsewhere on the AMP.

Access into the site will be gained via the existing site entrance off Brindley Way into a reworked car parking area and servicing yard central to the extension and the new stand alone building.

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 and Core Strategy policy CS28 'Sustainable Design'.

### Transportation Issues

Having regard to transportation issues, it is first important to recognise the proposals are in line with existing planning conditions attached to recent approvals on the wider AMP site. These state that not more than 47,480m<sup>2</sup> of gross floor area within AMP2 shall be occupied until both improvements to Highfield Spring and the Poplar Way/ Morrisons roundabout are provided. It has recently been calculated that the proposals associated with this application will exceed the 47,480m<sup>2</sup> trigger and require delivery of the specified highway works. However, Harworth Estates have progressed with those works which were completed in summer 2016. As such, the necessary works will be completed before the occupation of the proposed development.

The application is accompanied by a Transport Statement which confirms that vehicular trip rates and anticipated distribution profiles for AMP2 were established as part of the Waverley New Community (WNC) application. An assessment of various junctions has been carried out using existing and projected data which concludes that the development is expected to generate 33 new trips in the morning peak and 23 new trips in the evening peak equating to less than a 3% increase overall. This level of increase is considered to be acceptable in this location.

Vehicular access into the site from Brindley Way will not alter, although in order to access the proposed car parking area this will continue through the existing servicing area to the northern boundary of the site. Car parking provision has been calculated using the Council's approved parking standards for B1, B2 and B8 uses and show a total of 87 car parking spaces and 16 cycle parking spaces which are considered to be adequate to serve the existing and proposed development.

Turning to the submission of information to support sustainable travel, it is noted that the site lies close to a public transport route which offer bus services operating between Sheffield, Rotherham, Sheffield, Brinsworth and Harthill at regular intervals. It is also proposed that the proposed development will comply with the requirements of the existing Travel Plan for this site.

Having regard to the above, it is considered that the proposal is in accordance with UDP Policy T6 'Location and Layout of Development' and Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel', and is acceptable in Transportation terms, subject to appropriate conditions

### Drainage and Flood Issues

The application site is shown on the Environment Agency's flood risk map as being within Flood Zone 1 (i.e. land assessed as having less than a 1 in 1000 year

annual probability of river flooding), and there are no other significant flood risks that will adversely impact on the development.

The application site forms part of the Advanced Manufacturing Park which is provided with a surface water drainage system designed and installed in accordance with Sewers for Adoption on the assumption that no 'on-plot' attenuation would be provided as this is already provided on a site wide basis by the main Waverley Reservoir.

The AMP surface water system has two outfalls:

- The section of the AMP to the south of the eastern end of the site currently drains into a private surface water sewer installed by Sheffield City Council to serve the former Sheffield Airport.
- The section of the AMP to the south of the western end of the development site drains southwards and outfalls into a system of purpose built watercourses which eventually discharge into the Waverley Reservoir. The outflow from Waverley Reservoir is controlled providing a regional attenuation facility for the southern section of the AMP.

The AMP and the wider Waverley Site is provided with what is effectively a perimeter land drainage system.

A land drain runs along the valley to the northern boundary from West to East towards Poplar Way and discharges into the private surface water sewer installed by Sheffield City Council. However, the Phase 1 AMP extension earthworks to the south and the earthworks to form Plot 10 will have largely filled the valley. On this basis the land drain located through the centre of the development will be abandoned. The catchment which this serves will be replaced by a new urban drainage system for the development. Any residual land drainage on the site will be diverted by the developer to the retained land drain / watercourse to the north of the proposed development.

There is sufficient capacity in the existing reservoirs to receive an attenuated pass forward flow from the development. The limiting factor on the entire drainage system for the Advanced Manufacturing Park is the existing sewer pipes that were historically installed to serve the AMP development. Development area that has increased beyond the 2007 masterplan must be designed in accordance with the approved Site Wide Surface Water strategy document for the Waverley site and the specific requirements of Yorkshire Water in relation to the AMP area. Any development beyond the original masterplan will be restricted by means of attenuation to peak greenfield run-off rates of 5l/s/ha or by other limit agreed with Yorkshire Water

Having regard to the above, the Council's drainage engineer has assessed the submitted information and raises no objections to the proposed development subject to the run off rate being restricted to a greenfield rate of 5 l/s/ha, rather than the capacity of the surface water sewers which is greater.

It is therefore considered that the proposals would not have an adverse impact on flood risk areas adjacent to and downstream of the site. Conditions should be

attached to any approval to require the submission of detailed foul and surface water drainage with the reserved matters applications.

### Landscape and Ecology

With regard to Landscape and Ecology 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 application is supported by an indicative Landscape Plan which shows hard and soft landscaping within the application site boundary. Prior to assessing the merits of this particular development it is worth noting that proposals for strategic landscaping along the Sheffield Parkway corridor have been requested from Harworth Estates (landowner) and whilst it is disappointing that these have not come forward ahead of this application or indeed concurrently with it, it is considered that on plot landscaping can be considered independently in this instance whilst proposals on the wider landscaping are being considered.

In this instance the majority of landscaping is located along the north and south western boundaries and include grassed areas and shrubs in planting beds. The area set aside for soft landscaping is considered to be sufficient to enable an attractive outdoor area that will benefit future employees and the appearance of the AMP as a whole.

On this basis, the level and type of planting is consistent with that previously approved on the adjacent R-evolution site and as such is considered to be acceptable and in accordance with the provisions of Policy CS21 'Landscape'

Turning to ecology, the application is not accompanied by an ecological assessment, however the loss of vegetation along the Sheffield Parkway corridor was previously considered under application ref: RB2015/1429 and without a detailed landscaping plan no comments have been received from the Council's ecologist. It is therefore considered that the proposal will have a neutral impact on biodiversity/ecology within the area, however following the submission of a detailed landscaping plan, which will be secured via a condition, an opportunity will arise to influence the planting of species that will enhance ecology in the area.

Having regard to this, it is considered that in terms of ecological implications the application is acceptable and in accordance with Policy CS21 'Landscape', and the above issues raised can be secured via planning conditions

### General Amenity

The closest residential properties are those recently constructed on the Waverley site, approximately 740m metres away on Stephenson Way. It is acknowledged that there are other commercial premises already on the AMP and that the site is also in close proximity to a number of major arterial traffic routes, namely the A630 Sheffield Parkway and the M1 Motorway.

The proposal is for an extension to the existing building and an additional detached building for B1, B2 and B8 purposes. Following a site visit, the Council's Environmental Health Officer was informed that it is proposed to move the occupier's heavy engineering process from their existing site in Sheffield to the AMP. However, further correspondence advised that the intention is to move the lighter engineering processes from the Sheffield site. In light of this uncertainty the Council's Environmental Health department consider that there is potential for neighbouring business or residential properties to be affected by noise and vibration depending on the type of industrial machinery installed and on the acoustic insulation provided to the proposed buildings. However it is considered that this can be controlled by a series of conditions restricting noise and vibration levels emanating from the site.

On this basis it is considered that the proposed development can be accommodated on this site in compliance with the provisions of Policy ENV3.7 'Control of Pollution' which seeks to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

### Geotechnical Issues

A Coal Mining Risk Assessment has been submitted in support of the planning application and considers the potential effects of past coal mining activities on future developments. Historical records show several coalmines in the area and beneath the site up to eight seams are reported to have been worked within approximately 50m of the ground surface. Following abandonment of the coalmines and in more recent times, coal extraction was undertaken by opencast methods and this extended to the High Hazels coal seam.

Historical mine entries recorded on site include two shafts and three adits. Coal Authority data confirms that one of the shafts and two of the adits have been totally excavated by the opencast workings. The third adit is close to the site boundary and its orientation takes it off site at a relatively shallow depth and therefore this will have been totally excavated beneath the site. Abandonment details for the second shaft are not available and historical maps show a well at the same location. It is unlikely that the well / shaft extended deeper than the High Hazels coal seam, which was opencast (Waverley Opencast) in this area and therefore it is concluded that the feature has been totally removed by opencast mining. Mitigation of the mine entries is not considered necessary as they have all been totally removed.

The base levels of the Waverley opencast have been recorded and there are several steps that result from different coal seams having been worked. The opencast backfill was compacted under third party supervision and additional surcharging was also undertaken to achieve satisfactory levels of compaction

The Coal Authority report that there are no recorded gas issues at the site and therefore mitigation is not required. A ground gas risk assessment has also been undertaken by RSK, which identifies mitigation measures that are risk based and specific to site data.

This information has been assessed by the Coal Authority and the Council's Land Contamination Officer who concur with the findings of the report, however, in the absence of any mitigation measures relating to potential ground gas issues it is

recommended that a condition be appended to any planning approval requiring these be incorporated into the proposed development.

Based on the above information it is considered that the site is acceptable with respect to contamination subject to the imposition of conditions on any permission granted.

### **Conclusion**

The application seeks permission for the erection of an extension to the existing building and a separate stand alone building for the purposes of B1 (b) & (c), B2 and B8 uses on a site that is allocated for Industrial and Business Use within the adopted Rotherham Unitary Development Plan. The proposal is therefore considered to be acceptable in principle and in accordance with the provisions of the NPPF, Policy CS9 'Transforming Rotherham's Economy' and UDP Policy EC3.1 'Land identified for Industrial and Business Use' which supports B1, B2 and B8 uses.

Subject to the recommended conditions, the proposal is not considered to have any adverse effect on the character of the area or on residential amenity and therefore is considered to comply with UDP policy EC3.1 'Land Identified for Industrial and Business Uses'.

Furthermore the impact of the proposal on the local and strategic network is considered to be minimal. The site is considered to be in a sustainable location with access to public transport and subject to the submission of a robust Travel Plan, the development is not considered to have a detrimental impact on the free flow of traffic within the immediate locality. The development is therefore considered to be in accordance with the policies of achieving sustainable development in the NPPF, Policy CS3 'Location of New Development' and with UDP policy T6 'Location and Layout of Development'.

With regards to drainage, the proposal is considered acceptable in this respect and full details should be submitted as required by condition. Turning to landscaping and ecology, it is considered that the site can be appropriately landscaped, subject to the submission of full details, and that recommended mitigation measures are appropriate to encourage biodiversity gain at the site. The site will be levelled to create a development platform, and with regard to ground contamination, the imposition of conditions on any permission would render the proposal acceptable from this point of view.

It is therefore recommended that planning permission be granted 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 10 & 13 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 numbers 10 & 13 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)

- Site Location Plan – Plot 10 X-Cel Superturn Ltd.
- Site Layout as Existing – Dwg Ref. 16/12/SLEX
- Site Layout as Proposed – Dwg Ref: 16/12/PL01
- Site Layout Phasing as Proposed – Dwg Ref. 16/12/Phases
- Site Layout Indicative Landscaping as Proposed – Dwg Ref 16/12/PLLAND
- Phase 1 Floor Layouts and Elevations as Existing – Dwg Ref 16/12/PL04
- Phase 2 Floor Layouts & Elevations as Proposed – Dwg Ref: 16/12PL05
- Phase 3 Floor Layouts & Elevations – Dwg Ref: 16/12/PL04

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Policy CS28 'Sustainable Design' and UDP Policy ENV3.1 'Development and the Environment'.

04

Each building hereby approved shall be designed to achieve BREEAM Very Good rating as a minimum. Prior to the commencement of the development of each building a BREEAM Assessors report shall be submitted to and approved in writing by the Local Planning Authority. The building shall subsequently be developed in accordance with the approved details.

Reason

To achieve a sustainable form of development in accordance with the NPPF.

TRANSPORTATION

05

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

Before the development is brought into use the car parking area shown on the drawing ref: Site Layout as Proposed – Dwg No: 16/12/PL01 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

07

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.

LANDSCAPE

08

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- 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 within the first available planting season following occupation of the first phase of development in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice 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 Policy CS21 'Landscape', 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

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 Policy CS21 'Landscape' and 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'.

#### 10

Prior to the commencement of development a biodiversity mitigation & enhancement strategy and a schedule for implementation and long-term maintenance plan shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

#### Reason

To enhance the biodiversity gain in accordance with the NPPF.



## LAND CONTAMINATION

11

Gas protection measures are required in the extension and new build and shall comprise the following:

- a) Reinforced concrete cast insitu floor slab (suspended, non-suspended or raft) with at least a lapped and taped minimum 1200g membrane
- b) a beam and block or pre cast floor slab with a lapped and taped minimum 2000g membrane; and
- c) under floor venting or pressurisation in combination with either of (a) or (b) above depending on use
- d) All joints and penetrations should be sealed

A verification report shall thereafter be submitted to the Local Planning Authority prior to the occupation of the buildings confirming the gas protection measures have been installed and to an appropriate standard.

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.

## ENVIRONMENTAL

12

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

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Policy CS28 Sustainable Design and UDP Policy ENV3.1 'Development and the Environment'.

12

No noise generating plant, including mechanical ventilation or refrigeration/air conditioning, extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to achieve no more than 3dB(A) above the prevailing background levels, outside the windows of the nearest noise sensitive property during the quietest measured period. The assessment shall include a report on the potential for vibration from industrial machinery to affect neighbouring businesses or residential properties. The report shall address any remedial works that need to be carried in order to avoid any adverse impact on nearby noise sensitive receptors.

Reason

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

DRAINAGE

13

Development shall not begin until a foul and 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, has 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 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

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'.

POSITIVE AND PROACTIVE STATEMENT

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

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

Date 9<sup>th</sup> March 2017

Report of the Assistant Director of Planning, Regeneration and Transport

ITEM NO.    SUBJECT

1            Ref: RB2016/1506

Courtesy Consultation in respect of the construction of an extension to the shopping centre for leisure (Use Class D2), food and drink (Use Classes A3, A4 and A5), retail (Use Class A1), offices (Use Class B1), non-residential institution (Use Class D1), police station (Sui Generis Use), car parking accommodation (including multistorey car park), servicing, landscaping, and public realm works, vehicular and pedestrian access/egress and off-site highway works, partial demolition of decked car park, and external alterations to remaining decked car parking, alterations to the rear elevation of the existing cinema building, temporary car parking for contractors (and overflow visitors) on land to the north west of Meadowhall Drive at Meadowhall Shopping Centre for British Land

2            Ref: RB2017/0163

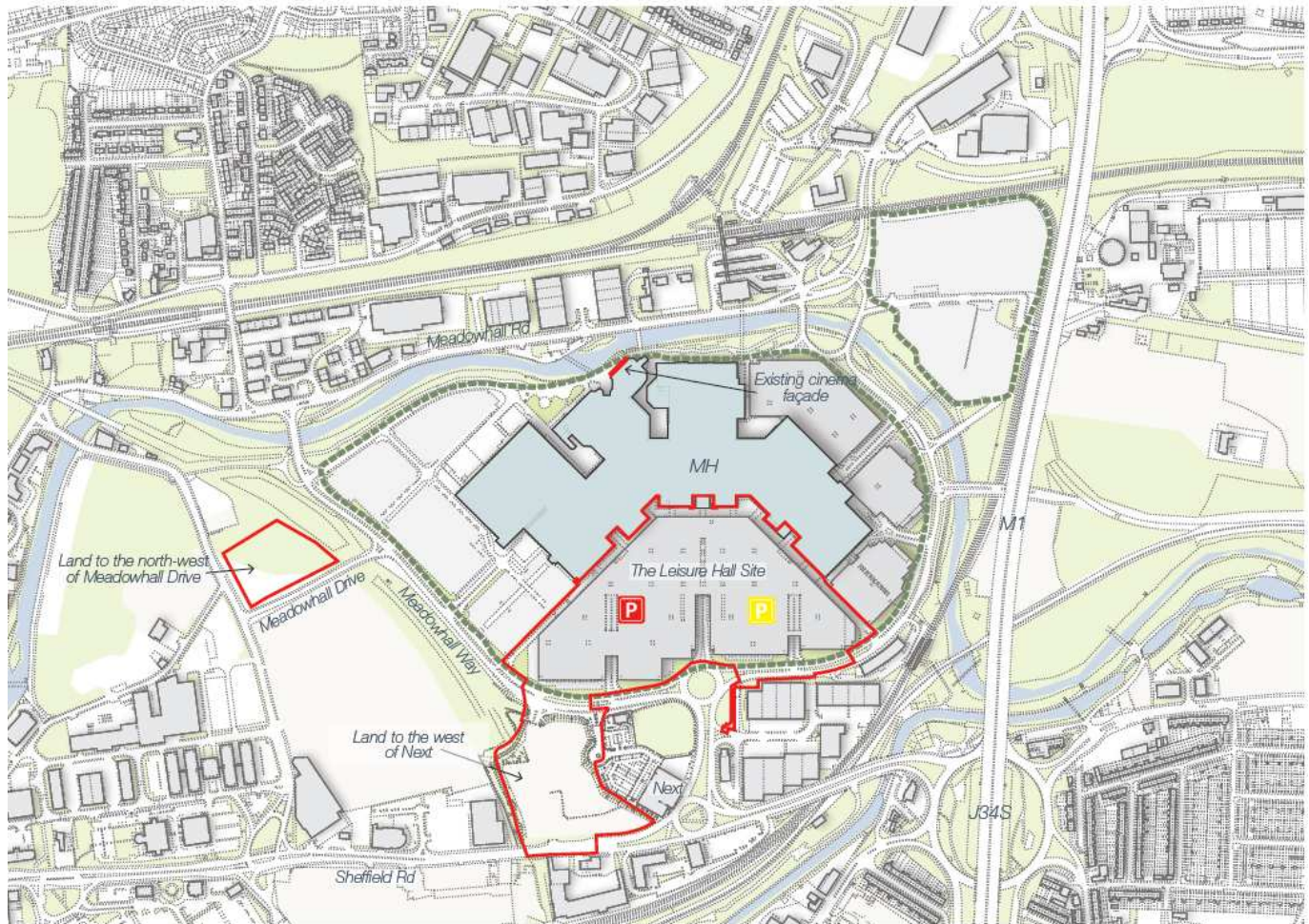
Courtesy Consultation in respect of Reserved Matters  
Application for the Approval of the Layout, Scale, Appearance and Landscaping Following Outline Application 14/00431/OUT – Erect 261 Dwellings including Open Space and Associated Service Infrastructure for Bassetlaw District Council

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO BOARD  
9<sup>TH</sup> MARCH 2017

<b>Application Number</b>	<b>RB2016/1506</b>
<b>Proposal and Location</b>	<p>Courtesy Consultation in respect of the construction of an extension to the shopping centre for leisure (Use Class D2), food and drink (Use Classes A3, A4 and A5), retail (Use Class A1), offices (Use Class B1), non-residential institution (Use Class D1), police station (Sui Generis Use), car parking accommodation (including multistorey car park), servicing, landscaping, and public realm works, vehicular and pedestrian access/egress and off-site highway works, partial demolition of decked car park, and external alterations to remaining decked car parking, alterations to the rear elevation of the existing cinema building, temporary car parking for contractors (and overflow visitors) on land to the north west of Meadowhall Drive at Meadowhall Shopping Centre for British Land</p>
<b>Recommendation</b>	<p>That Sheffield City Council be informed that whilst RMBC are generally supportive of development and investment within the Sheffield City Region, the scale and land uses proposed as part of the Meadowhall Shopping Centre expansion are likely to have a significant adverse impact on the vitality and viability of Rotherham town centre and planned investment in the Forge Island site as well as existing investment across the remainder of the town centre. Accordingly, Rotherham Borough Council <b>objects</b> to the proposals on the following grounds:</p> <ul style="list-style-type: none"> <li>• The proposed extension to Meadowhall Shopping Centre is likely to have a significant adverse impact upon the vitality and viability of Rotherham town centre; and</li> <li>• The proposed extension is likely to have a significant adverse impact upon planned investment in the Forge Island site and also existing investment across the remainder of the town centre</li> </ul>



## Background

Rotherham MBC has been consulted on the above planning application submitted to Sheffield City Council (SCC). This is a 'courtesy' consultation due to the close proximity of Rotherham Borough to the application site which is across the boundary in Sheffield. Rotherham MBC are invited to provide SCC with comments on the application and the impact of the proposal on Rotherham.

## Site Description & Location

The site lies within the administrative area of Sheffield City Council; however it is situated close to the boundary with Rotherham which is to the east, defined by the M1 Motorway.

The site extends to approximately 13.5 ha and is made up for four parcels of land falling within the curtilage of Meadowhall. It incorporates existing car parking (namely the "Yellow and Red Car Parks") along with two areas of land which are infrequently used on a temporary basis during the year for car parking for the shopping centre, at peak trading periods.

## Proposal

The planning application, which is submitted in full, proposes an extension on the southern side of Meadowhall Shopping Centre (MSC). The extension will provide new retail and leisure floorspace across three levels (lower mall, upper mall and terrace levels) along with a new multi-storey car park and associated infrastructure work.

The proposed extension will provide the following:

- Lower Mall level. This level will provide a new foodstore retail unit along with a large amount of Class D leisure floorspace. The foodstore unit will extend to 3,054sq m gross and the leisure floorspace will extend to 7,854sq m gross. Whilst this floorspace will sit at the same level as the existing lower mall of MSC, the only public access into this area will be from the car parking area to the south. The submitted plans indicate that the leisure unit sizes are not fixed.
- Upper Mall level. The proposed extension at this level will provide a mixture of Class A1 (retail) and Class A3 (restaurants and cafes), along with public seating areas and a large amount of circulation space. This level will connect into the upper mall of the existing shopping centre at three points: Park Lane, The Arcade and High Street. The Class A1 retail units are generally located at the connections to the existing shopping centre and the submitted plans show that some of these units will have mezzanine floors, although (according to the submitted plans) the number and size of units is not fixed.
- Terrace level. This level of the proposed extension will provide a multi-screen cinema along with several more food and beverage units and further public seating areas. The proposed cinema, which is intended to replace the existing cinema at MSC, will have 15 screens, which is an increase of 4 screens over the existing 11 screen cinema. The number of seats in the replacement cinema will increase from 1,941 to 2,290.

In summary, the proposed floorspace is tabled below:

Use Class	Maximum Floorspace (GIA)
Class A1 (Foodstore)	3,054 square metres
Class A1 (Transition – Comparison Goods Only)	
<i>Upper Ground Floor Level</i>	<i>5,573 square metres</i>
<i>(Potential) mezzanine Level</i>	<i>1,139 square metres</i>
Class A3-A5 (Catering)	10,682 square metres
Class D2 (Cinema)	4,903 square metres
Class D2 (Other)	7,854 square metres

No controls over the proposed retail floorspace, along with the existing retail and leisure floorspace at MSC have been formally offered to date. However, it is understood that the applicant has, in verbal discussions with SCC, indicated that it is prepared to consider the following controls:

- Retention of the existing cinema in Class D leisure use;
- Controls over retail use sizes in the proposed extension.

The supporting information also offers to remove permitted development rights (A3 to A1) from the existing Oasis food catering floorspace.

The components of the scheme are housed within a glazed, fully enclosed, free-form structure and includes new access and servicing arrangements, modifications to the car park, including the erection of a new multi-storey car park, landscaping and pedestrian and cycle linkages. The proposals do not however include any increase in car park provision.

Supporting documents submitted by the applicant include the following:

- Planning Report
- Planning Benefits Statement
- Design & Access Statement
- Economic Statement
- Employment, Training and Procurement Strategy
- Statement of Community Involvement
- Environmental Statement
- Historic Environment Desk Based Assessment
- Ecology Report
- Sustainability Statement
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Flood Risk Sequential Test
- Ground Conditions/Coal Mining Risk Assessment

### **Publicity**

It is incumbent upon Sheffield City Council to carry out appropriate publicity in the processing of this application to ensure any affected residents (including those in the Rotherham Borough) are aware of the proposals.

### **Consultations**

RMBC - Transportation and Highways Design have considered the submitted TA and its addendum which shows small residual delays for drivers in Rotherham on Meadowbank Road are minor (up to 10 seconds) and therefore unlikely to be of any significance. Furthermore, the addendum models the Tinsley Link and shows no adverse effects from the new development. Overall there would appear to be no reasons for Rotherham to object on traffic grounds.

RMBC - Landscape Design has considered the landscape detail submitted which is comprehensive and offers a good quality of design in terms of landscape and urban design. On this basis no objections are raised on landscape grounds.

RMBC - Drainage does not wish to comment on the detail of the application, but as this is located upstream of Rotherham and within the flood plain, there is a need to minimise runoff from the site whilst also ensuring that there is no loss of flood plain storage.

RMBC - Environmental Health envisage no significant loss of amenity by virtue of noise or land pollution impact.

## **Appraisal**

The main considerations relating to Rotherham are:

- Principle of Development, including
  - The Sequential Test
  - Impact on Rotherham town centre vitality and viability; and
  - Impact on town centre investment
- The impact on highway safety

### Principle of Development

In considering the relationship of the proposed development with prevailing retail, leisure and town centre planning policy it was considered necessary to instruct an external retail expert to act on behalf of the Council. In particular, the retail expert has provided advice on the relationship of the proposed development to the sequential and impact tests insofar as they relate to issues associated with RMBC. This advice has assisted the Council in formulating this consultation response to Sheffield City Council on the planning application which they are currently considering.

MSC lies in an out-of-centre location in relation to the defined 'town centre' hierarchy in Sheffield and is not allocated in the development plan for the proposed development. Therefore, SCC, when determining this planning application, must consider whether the proposal complies with the sequential test and whether the proposal will have a significant adverse impact upon the health of defined town centres in the catchment area of the proposed development.

### The Sequential Test

Given the location and planning policy status of the application site, national planning policy requires this proposal to be assessed against the sequential approach to site selection. In relation to consideration of alternative sites, the Planning Report (PR) notes that in relation to the consideration of alternative sites, the following parameters have been adopted:

- For city centre sites, a minimum site size of 2.56 hectares;
- For other sites, a minimum site size of 3.5 hectares has been adopted.



In terms of the alternative sites which have been examined by the applicants, these are listed in the PR. The sites in RMBC's administrative area include:

- Forge Island
- Drummond Street
- Outdoor markets site

Having regard to these it is considered that the above list of three sites reflects all potential development opportunities in and around Rotherham town centre and the only site which warrants any detailed consideration is Forge Island.

This site has been identified in the Rotherham Town Centre Supplementary Planning Document ('the Town Centre SPD') for leisure and residential development:

*"Forge Island will become Rotherham town centre's leisure hub. Proposals should seek to incorporate a mix of residential units and leisure developments, including restaurants, bars and entertainment (use classes A3/A4/D2), to help create a new and vibrant Leisure Quarter in the centre of Rotherham that complements the existing Retail Quarter. Market analysis suggests that there may be an appetite amongst cinema operators to locate within Rotherham as part of a wider leisure scheme. Support will therefore be given to locating a cinema on Forge Island as the anchor in a wider leisure scheme, most likely comprising A3/A4 units.*

*Proposals for non-residential or leisure uses, particularly proposals where retail would be the dominant use class, will be resisted in order to support other quarters within the town centre".*

As a consequence of the above, it is clear that the Forge Island site is considered suitable for some of the uses being proposed in the MSC extension scheme (cinema and food/beverage uses). The quantum of Class A3/A4/D2 uses for the Forge Island site are not outlined in the Town Centre SPD, although it should be noted that the site extends to 1.57 hectares and therefore is likely to be able to accommodate a substantial amount of floorspace.

A development strategy is being prepared on behalf of RMBC for the Forge Island site which involves a cinema, hotel and food/beverage uses. Therefore, the emerging masterplan reinforces the general suitability of the site for cinema and food/beverage uses, although they are at a different scale to the proposed development. However, the Town Centre SPD is also clear that a substantial amount of Class A1 retail floorspace is not to be encouraged on the Forge Island site and this would therefore conflict with the substantial retail floorspace which is being proposed in part of the MSC extension. Therefore, based upon the full content of the proposed MSC extension, the Forge Island site is not considered to be a suitable alternative.

In relation to availability, the retail unit on the site has been vacant for some time and this building together with the adjacent car park are currently owned by RMBC, having purchased the site recently with the intention of promoting the redevelopment as outlined in the Town Centre SPD and emerging masterplan. It is therefore considered that Forge Island is an available site for the purposes of the sequential test.

However, as it is not considered that it is suitable for the proposed full mix of development being proposed, it is not a sequentially preferable alternative to the application site. Whilst it can accommodate Class A3/A4 retail uses and Class D2 leisure uses, the Town centre SPD does not support the provision of Class A1 retail uses and this comprises a significant part of the proposed MSC extension.

On this basis it is considered that there are no sequentially preferable sites within Rotherham Town Centre as the Forge Island site is not considered to be a suitable alternative for the whole of the proposed development at MSC.

### Impact

The test of impact, as outlined in the NPPF, comprises two elements: the impact of retail and leisure proposals on existing, planned and committed public and private town centre investment and the impact of such proposals on the vitality and viability of town centres. Rotherham is considered to lie within the primary catchment area of MSC and it is therefore legitimate for SCC to assess the impact on Rotherham town centre in relation to these two tests which are considered in turn below.

#### 1) Impact on Rotherham town centre vitality and viability

In order to assess the overall impact of the proposed MSC extension on the health of Rotherham town centre, a number of factors need to be considered. These include the financial impact of the various elements of the scheme, the impact of the proposal on retail and leisure market shares and the health of Rotherham town centre now and over time, along with the extent of trading overlap between MSC and the town centre.

In order to address the impact assessment, the applicant has provided a forecast pattern of trade draw for the convenience and comparison goods floorspace. The same pattern of draw is used for both types of goods and which assumes that 15% of turnover is drawn from outside of the assumed primary catchment which is a reasonable assumption. However, concerns are raised that this is an over-estimate for convenience goods shopping given the more localised nature of such shopping and the lack of expenditure for the existing Marks & Spencer Foodhall at MSC. Therefore, whilst a modest amount of inflow should be allowed for, 15% is considered to be excessive.

Having regard to this, the retail expert instructed to provide advice on behalf of the Council have prepared their own updated financial impact assessment for comparison goods shopping and, for the purposes of the advice, have expanded the analysis to cover stores and centres within RMBC's administrative area. Consequently the analysis indicates that, depending upon the turnover scenario chosen, the direct financial impacts upon Rotherham's comparison goods sector vary between 1% and 3%. These equate to an annual loss of trade between £1.6m and £3.8m for the centre (2016-2022). When combined with the applicant's forecast impact of commitments, the cumulative impact on the town centre's comparison goods sector varies between 5% and 8%.

The overall proportionate impact on the retail sector in Rotherham is slightly lower than the comparison goods impact. This is due to the lower level of diversion from

convenience goods stores in the town centre, particularly the Tesco Extra supermarket. Overall, however, Rotherham town centre's Class A1 retail sector could see a reduction in turnover of between 1.1% and 2.5% in relation to its 2016/2021 turnover levels. Whilst these levels of proportionate impact may appear small on face value, it is considered that they need to be understood in the context of the trading overlap between MSC and Rotherham town centre, the contribution that these areas of overlap make towards the economy in the town centre and the general health of the centre.

In relation to the levels of trading overlap, the overall comparison goods turnovers are very different and over half of Meadowhall's turnover is derived from expenditure on clothing and footwear goods. This is much higher than the 17% of Rotherham's turnover, however, it is noted that both destinations share the same goods categories making the highest contribution to turnover: clothing/footwear, chemist/medical goods and luxury/sports goods. Therefore, whilst MSC is a higher order shopping destination, with a much wider choice, a noticeable amount of trading overlap remains (i.e. Primark and New Look).

In relation to the health of Rotherham town centre, the 2011 Rotherham Metropolitan Borough Retail and Leisure Study noted that:

*"In summary, we conclude that Rotherham town centre in recent years has lost ground in the national retail ranking and has fallen further behind its major rivals. Moreover, a number of retailers have closed their stores over the past few years and the vacancy rate has risen and is currently amongst the highest of any town in the country. As a result, the range and choice of stores is now limited for what should be the main retail destination in the borough, producing a strong qualitative need for further retail provision"*

And

*"Given the sheer scale of out of centre retailing that is located within the sub-region – Meadowhall, Parkgate Shopping and a number of other retail parks – combined with the size and strength of Sheffield City Centre, which will get a further boost if the approved 50,000 sq m gross Sevenstone retail quarter proceeds, it is not altogether surprising that the level of competition for Rotherham town centre is severe and this has manifest itself through rising voids, loss of multiple retailers and a big fall in its national retail ranking. In fact, the independent analyst PMA1 ranks Rotherham town centre as experiencing the greatest level of competition amongst the 200 UK centres within its Competition Indicator Model"*

The draft Retail and Leisure Study shares a number of the concerns of the earlier study. In particular, it identifies a continuing higher than national average vacancy level and lower than average proportions of comparison goods and service uses. The draft Retail and Leisure also indicates that the town centre continues to face considerable pressure from Meadowhall and has also now identified that Parkgate has a higher comparison goods turnover than the town centre.

The above indicates the fragility of the health of Rotherham town centre, which has been a trend for a number of years. The pressure comes from a number of surrounding shopping destinations and leads to the town centre being susceptible to

even low levels of impact. It is therefore considered that, based upon its recent/current health, along with the breadth of trading overlap with MSC, the impact on the vitality and viability of Rotherham town centre is likely to be significantly adverse. This impact is being driven by the Class A1 retail floorspace within the proposed extension and supported by the impacts associated with the proposed food/beverage floorspace. Due to the lack of leisure facilities in Rotherham town centre at present, the proposed floorspace in the MSC extension is unlikely to have a direct impact on the existing health of the centre but is nevertheless likely to be a contributory factor to a wider indirect impact on the centre due to the growing attractiveness of MSC.

## 2) Impact on Town Centre Investment

When considering the impact on town centre investment, consideration needs to be given to existing, planned and committed investment projects. The applicant's Planning Report & Leisure Review reports only deal with planned investment and concentrate upon the Forge Island and Drummond Street car parks in Rotherham town centre.

With regards to Forge Island, the Leisure Review notes that a cinema, residential and restaurants/bars/entertainment scheme is proposed within the Town Centre SPD but no cinema-led scheme has advanced. The Leisure Review goes on to note that a cinema coming forward on the Forge Island scheme would do so in the context of existing cinemas at MSC and Valley Entertainment and that a replacement cinema at MSC would not undermine the delivery of a facility at Forge Island. The Leisure Review also notes that the limited extent of food and beverage uses in Rotherham town centre would suggest that there would be demand for a leisure based scheme on the Forge Island site.

As noted earlier in this report, the emerging development scheme at Forge Island comprises food/beverage, hotel and cinema uses which would be provided as part of a comprehensive mixed use scheme. Examining, first, the individual elements, there is no overlap in terms of hotel uses as a hotel is not being included in the MSC scheme. It is likely that the cinema on the Forge Island site would be occupied by an independent operator and whilst there is some concern that the replacement cinema at MSC will compete for trade with a new facility in Rotherham, the overall view at the present time appears to be that the MSC cinema will not fundamentally affect operator interest in Rotherham in its own right.

However, there is a greater level of concern in relation to the food and beverage uses. In particular, given the close proximity of Rotherham town centre and MSC, concerns are raised that some operators will prefer MSC over Rotherham and operators will not have the confidence to invest at the Forge Island site due to the strength of MSC in the local catchment. There is also a need to attract sufficient interest in a critical mass of food/beverage uses to ensure the viability and delivery of the Forge Island development and unless the food/beverage uses are attracted then the cinema use will not be delivered.

The MSC extension would therefore be competing in the same catchment area as Rotherham town centre for food/beverage trade. Indeed the applicant's assessment confirms that a large part of the turnover of the food/beverage floorspace will come from Rotherham residents, further reinforcing the current situation.

As a consequence, it is considered that the MSC extension is likely to pose a significant threat to the investment in the Forge Island site. This is a threat to both public and private investment as RMBC has recently purchased the site with the intention of facilitating redevelopment. Private sector investment will also be affected as RMBC will not be able to secure a development partner to pursue the redevelopment as development viability will be affected.

Rotherham town centre has suffered over a number of years in terms of business confidence, with considerable competition from Sheffield city centre, MSC and Parkgate in Rotherham. This is evident from the high number of vacancies and the falling level of comparison goods retailers and the on-going threat of further retailers deciding to move to competing locations. As a consequence, with already low levels of confidence, we consider that the MSC extension is likely to have a significant adverse impact on existing investment in Rotherham town centre.

#### Impact on Highway Safety

The application is accompanied by a Transport Assessment which assesses the likely significant effects of the development with respect to transport and access. It describes the methods used to assess the effects, the mitigation measures required to prevent, reduce or offset any significant negative effects and the likely residual effects after these measures have been adopted.

Following the original submission, amendments have been made to the TA to reflect the possibility of a slightly different Leisure offer as part of the new development, analogous to the Legoland/Sea Life development at the Trafford Centre in Manchester. The figures used are therefore considered to be robust as the Trafford Centre does not currently have the benefit of tram or train connectivity.

The current proposal indicates that a considerable degree of mitigation will be achieved by alterations to lane markings and signal timings in Sheffield primarily at and around the junctions serving J34 N & S. Small residual delays for drivers in Rotherham on Meadowbank Road are minor (up to 10 seconds) and therefore unlikely to be of any significance. Some more considerable delays are seen on Sheffield Road to the West of J34 South, these will be of significance for Sheffield CC and for them to consider in their decision. Wider network effects are likely to be somewhat offset by the attraction of visitors at off-peak times, (i.e. weekends and school holidays) when traffic is usually reduced on the network. The new work models the Tinsley Link and shows no adverse effects from the new development.

RMBC's Transportation Unit have assessed the findings in the transport assessment and consider, on balance that there would appear to be no reasons for Rotherham to object on traffic grounds

## **Conclusion**

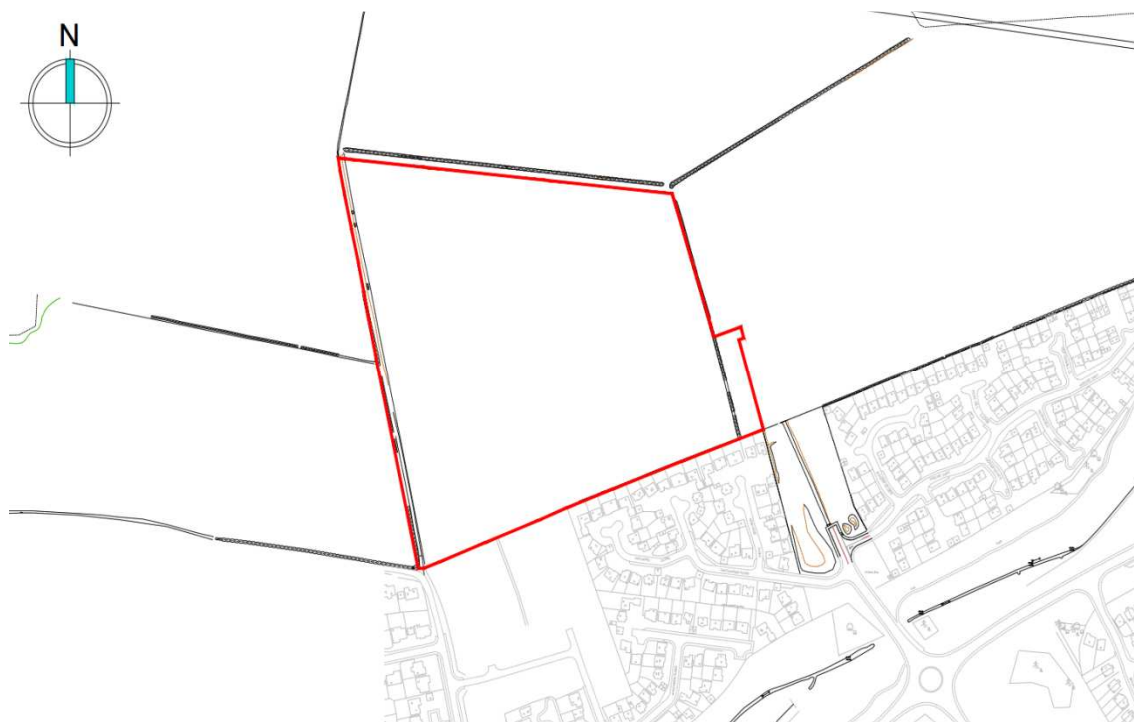
The advice received from the retail consultant suggests that the proposed expansion of MSC is likely to affect the health of, and investment within, Rotherham town centre. Having considered a number of indicators, including the trading impacts of the proposed retail and leisure floorspace, planned investment project, the health of the town centre and the extent of trading overlap between the two destinations, the following conclusions have been reached:

- The proposed extension to MSC is likely to have a significant adverse impact upon the vitality and viability of Rotherham town centre; and
- The proposed extension is likely to have a significant adverse impact upon planned investment in the Forge Island site and also existing investment across the remainder of the town centre.

## **Recommendation**

That Sheffield City Council be informed that whilst Rotherham MBC are generally supportive of development and investment within the Sheffield City Region, the scale and land uses proposed as part of the Meadowhall Shopping Centre expansion are likely to have a significant adverse impact on the vitality and viability of Rotherham town centre and planned investment in the Forge Island site as well as existing investment across the remainder of the town centre. Rotherham MBC therefore objects to the proposed development on these grounds.

<b>Application Number</b>	<b>RB2017/0163</b>
<b>Proposal and Location</b>	Courtesy Consultation in respect of Reserved Matters Application for the Approval of the Layout, Scale, Appearance and Landscaping Following Outline Application 14/00431/OUT – Erect 261 Dwellings including Open Space and Associated Service Infrastructure for Bassetlaw District Council
<b>Recommendation</b>	That Bassetlaw District Council be informed that Rotherham MBC raise no objections to the proposals



## Background

Rotherham MBC has been consulted on the above planning application submitted to Bassetlaw District Council. This is a 'courtesy' consultation as required due to the close proximity of Rotherham Borough to the application site which is across the boundary in Bassetlaw. RMBC are invited to provide Bassetlaw District Council with comments on the application and the impact of the proposal on Rotherham.

## Site Description & Location

The application site is an area of farmland to the north of Churchill Way in the Gateford Park area of Worksop. The site falls entirely within Bassetlaw District Council. The site is close to the boundary with Rotherham Metropolitan Borough Council which is Owday Lane to the south east of Woodsetts.

## Proposal

Outline planning permission (with all matters reserved except for access) was granted on 27 May 2015 by Bassetlaw District Council. This outline planning permission gave consent for access to the site from Churchill Way and Ashes Park

Avenue all being in Worksop. This was for the erection of up to 750 new homes. Rotherham MBC was not consulted on this application.

This current application is for the Reserved Matters including the details of the erection of 163 dwellings on part of the site and includes an area of open space and associated service infrastructure to be constructed for Bassetlaw District Council.

### **Publicity**

It is incumbent upon Bassetlaw District Council to carry out appropriate consultations in the processing of this application to ensure any affected residents are aware of the issues involved.

### **Consultations**

RMBC - Transportation and Highways Design: note that as Outline Planning Permission has already been granted at the site, which included the points of access and as the site is entirely within Bassetlaw DC no objections are raised to the proposal in a highway context.

### **Appraisal**

The main considerations relating to Rotherham are:

- The impact on highway safety.
- Impact on the setting of Rotherham Borough.

#### Impact on highway safety

The Council's Transportation and Highways Unit note that as Outline Planning Permission has already been granted at the site, which included the points of access and as the site is entirely within Bassetlaw DC no objections are raised to the proposal in a highway context.

#### Impact on the setting of Rotherham Borough

It is considered that the site is sufficiently distant from the boundary of Rotherham Borough Council and is partially screened by mature woodland. As such, it is considered that the development of the site would not have a harmful impact of the setting of Rotherham Borough Council land.

### **Conclusions:**

It is considered that no objections are raised to the application from a highways perspective.

It is therefore recommended that Bassetlaw District Council be informed that Rotherham Borough Council raises no objections to the proposals in terms of highways impact within the Borough.