

## PLANNING REGULATORY BOARD

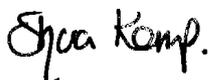
Date:- Thursday, 30 March 2017 Venue:- Town Hall, Moorgate Street,  
Rotherham. S60 2TH  
Time:- 9.00 a.m.

### 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 9th March, 2017 (Pages 2 - 5)
6. Deferments/Site Visits (information attached) (Pages 6 - 7)
7. Development Proposals (Pages 8 - 168)
8. Report of the Assistant Director of Planning Regeneration and Transport (Pages 169 - 172)
9. Updates
10. Date of next meeting - Thursday 20 April 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 - 09/03/17

**PLANNING BOARD**  
**Thursday, 9th March, 2017**

Present:- Councillor Atkin (in the Chair); Councillors Bird, M. S. Elliott, Jarvis, Sansome, Tweed, Walsh and Whysall, together with Councillor Fenwick-Green (as substitute for Councillor Khan) and Councillor Short (as substitute for Councillor D. Cutts).

Apologies for absence were received from Councillors Andrews, D. Cutts, Ireland, Khan, Price and R.A.J. Turner.

**65.           DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

**66.           MINUTES OF THE PREVIOUS MEETING HELD ON 16TH FEBRUARY, 2017**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 16th February, 2017, be approved as a correct record for signature by the Chairman.

**67.           DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended.

**68.           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 shown below:-

- Single storey side extension to public house and erection of 2 No. dwellinghouses to land at rear with associated access and triple garage at land rear of No. 16 Union Street, Harthill for Foemac Ltd. (RB2016/0914)

Mr. J. Foers (applicant)  
Mr. B. Cartwright (objector)

(2) That applications RB2016/0396 and RB2016/0564 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 RB2016/0914 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in

the submitted report and also to:-

(a) the alteration of the description of this application to read : Single storey side extension to public house, demolition of detached garage, alterations to car park layout/access and erection of 2 No. dwellinghouses to land at rear with associated access and double garage at land rear of No 16 Union Street, Harthill;

and

(b) subject to the following additional condition:-

The first floor windows on the side elevation of plot 1 facing South shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

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

(4)(a) That, with regard to application RB2016/1653, the applicant shall sign a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 for the purposes of providing 100% affordable housing units on the application site; and

(b) That, consequent upon the satisfactory signing of the Section 106 Legal Agreement, planning permission be granted for the reasons adopted by Members at the meeting and subject to the conditions set out in the submitted report.

(5)(a) That, with regard to application RB2017/0019, the Council shall enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing:-

- the delivery of 16% affordable housing across the application site, comprising 6 No. two-bed apartments and 4 No. three-bed dwellings to be offered for rent based on 52% open market value; and
- the 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;

(b) That, consequent upon the satisfactory signing of the Section 106 Legal Agreement, planning permission be granted for the reasons adopted by Members at the meeting and subject to the conditions set out in the submitted report.

(6) That application RB2017/0021 be granted for the reasons adopted by

Members at the meeting and subject to the relevant conditions listed in the submitted report and to the following amended condition:-

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

Reason

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

**69. COURTESY CONSULTATION FROM SHEFFIELD CITY COUNCIL - PROPOSED CONSTRUCTION OF EXTENSION TO SHOPPING CENTRE AT THE MEADOWHALL SHOPPING CENTRE, SHEFFIELD FOR BRITISH LAND (RB2016/1506)**

Consideration was given to a report submitted by the Assistant Director of Planning, Regeneration and Transport concerning the courtesy consultation from Sheffield City Council 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 multi-storey 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 (RB2016/1506).

The Planning Board considered the impact of this proposed development upon the viability and vitality of the Rotherham town centre.

Resolved:- (1) That the report be received and its contents noted.

(2) That Sheffield City Council be informed that, whilst Rotherham Metropolitan Borough Council is 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 the Rotherham town centre and the planned investment in the Forge Island site as well as existing investment across the remainder of the Rotherham town centre; accordingly, Rotherham Metropolitan Borough Council objects to the proposals on the following grounds:

(a) 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

(b) 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.

**70. COURTESY CONSULTATION FROM BASSETLAW DISTRICT COUNCIL - ERECTION OF 261 DWELLINGS AT LAND NORTH OF CHURCHILL WAY, GATEFORD PARK, WORKSOP (RB2017/0163)**

Further to Minute No. 57 of the meeting of the Planning Board held on 26th January, 2017, consideration was given to a report submitted by the Assistant Director of Planning, Regeneration and Transport concerning the courtesy consultation from the Bassetlaw District Council in respect of the reserved matters for the application for planning permission to construct 261 No. dwellings, including open space and associated service infrastructure at land to the north of Churchill Way within the Gateford Park area of Worksop (RB2017/0163). The report stated that outline planning permission (with all matters reserved except for access) had been granted on 27th May, 2015 by Bassetlaw District Council.

Resolved:- (1) That the report be received and its contents noted.

(2) That the Bassetlaw District Council be informed that Rotherham Metropolitan Borough Council raises no objections to these proposals as detailed within the submitted report.

**71. UPDATES**

Members were provided with brief details of the various applications for planning permission for housing development, which would be included on the agenda of the next meeting of the Planning Board.

**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 30 MARCH 2017**

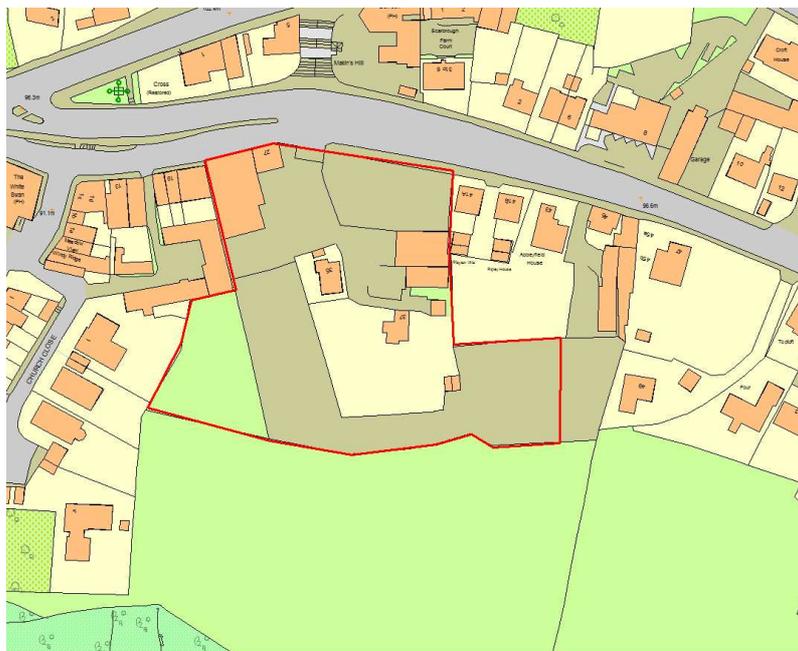
The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

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<b>RB2017/0122</b> <b>Erection of 22 No. dwellinghouses with associated external works, gardens and car parking at land at Rother View Road Canklow for Wates Residential</b>	<b>Page 151</b>

<b>Application Number</b>	<b>RB2015/1075</b>
<b>Proposal and Location</b>	Erection of 14 No. dwellinghouses and associated garages at land off Blyth Road, Maltby, S66 8HX
<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>Financial contribution of £140,000 towards the provision of affordable housing in the area.</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 major development.



### Site Description and Location

The site of application consists of a former industrial site which consisted of a former office building (now demolished) and a collection of industrial buildings. The site slopes steeply down from Blyth Road and splays out and is some 0.79 hectares in area. The applicant also owns fields to the south of the site designated as Green Belt. Within the centre of the site there is a large detached property with a large 'L' shaped garden known as No. 35 Blyth Road. This property has a right of way through the site but is entirely enclosed by it, and does not form part of the current application site. There is also another detached dwelling known as No. 37 Blyth Road which is enclosed within the site to the south east of No. 35. However, this property belongs to the applicant and also does not form part of the application site.

There are residential properties and a nursing home to the east of the site fronting Blyth Road with residential properties across the road and to the west on Blyth Road and Church Close.

There is a Grade II Listed cottage to the frontage of the site directly fronting onto Blyth Road. The property in question is constructed of Limestone with a natural clay pantile roof. This property was formally in a dilapidated state and has recently been extensively repaired and refurbished by the current applicant. There is a large commercial garage building to the side of No. 27 Blyth Road and physically attached to it.

## **Background**

RB1977/0460: First floor office extension - GRANTED 20/04/77

RB1987/1733: Extend parking erect fuel tanks lpg store, storage bays, lighting & main ramp - GRANTED CONDITIONALLY 15/12/88

## **Proposal**

The proposal is to erect 14 new dwellings on the site, and has been amended in terms of proposed access and layout since the original scheme was submitted. Originally it was proposed to use the existing access to the site, directly adjacent and to the east of No. 27 Blyth Road, though now the proposed access has been moved further to the east. This would allow for the construction of two terraces of 3 houses either side of the proposed access, fronting Blyth Road (plots 3 to 8). The properties would appear two storey with rooms in the roofspace when viewed from Blyth Road though due to the differences in levels on the site would be three storey (with rooms in the roofspace) when viewed from the rear. They would incorporate garages in the rear elevation at the lower ground level.

The commercial garage building attached to the listed building at 27 Blyth Road would be demolished and replaced with a pair of semi-detached properties (plots 1 & 2) fronting Blyth Road. They would be set further back on the site than the existing building to allow for the provision of a footpath on the road frontage as currently there is no such provision. These properties would not be split level and would have separate freestanding garages and parking to the rear, accessed off the internal road and not Blyth Road.

Plot 9 would be a detached dormer bungalow and would be located to the north of No. 37 Blyth Road and roughly adjacent to No. 35 Blyth Road. This property would be accessed off the internal road and would be directly behind plots 6 & 7.

Plots 10 & 12 would be detached two dwellings which are dormer bungalows with an attached double garage with rooms above. Plot 11 would be a detached bungalow with the same design as Plot 9.

Plots 13 & 14 would be located to the extreme south eastern corner of the site and would be accessed via the internal access road which would run through the site and around the curtilage of No. 35 Blyth Road. These properties would be detached two storey with an integral single garage.

The access to the site would be located off Blyth Road and the initial 'T' section would be adopted and provide for a turning head within the site. It would then lead off into a private drive that would curve around the side and rear of No. 35 Blyth Road.

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

The applicants have submitted a Planning Statement which states that: "It is considered that the proposed development is in accordance with Policy CS31 – Mixed Use Areas of the Core Strategy."

A single detached garage is proposed to the rear of the Listed Building No. 27 Blyth Road which is indicated to be constructed in materials to match the other properties across the site.

The application form indicates that the proposed dwellings would be constructed of red multi facing bricks and weathered pantiles with light oak coloured windows in UPVC with composite doors. The same materials would be used for the dwellings immediately adjacent to the Grade II Listed Building. The specific materials have not been specified as part of this application but the applicant indicates could be provided under any condition.

The applicant has submitted cross sections looking across the site which show the steeply sloping nature of the site and the relationship of the new dwellings to neighbouring properties.

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

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for Mixed Use purposes (MU32) in the UDP. However, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'Residential' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS7 'Housing Mix and Affordability'  
CS23 'Valuing the Historic Environment'  
CS24 Conserving and Enhancing the Water Environment  
CS31 'Mixed Use Areas'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

EC5 'Mixed Use Areas'  
ENV2.8 'Settings and Curtilages of Listed Buildings'  
HG5 'The Residential Environment'

HG4.3 'Windfall Sites'  
T6 'Location and Layout of Development'

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

SP1 Sites Allocated for Development.

## **Other Material Considerations**

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

The South Yorkshire Residential Design Guide (SYRDG).

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

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

National Planning Policy Framework: The NPPF came into effect on March 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 site notice and neighbouring residents have been notified in writing. No representations have been received by the Council.

## **Consultations**

RMBC - Transportation and Highways Design: Note that the initial 'T' junction provided within the site would serve the properties at the front as well as the bungalow on Plot 9, and then a private drive would serve 5 properties beyond. The revised layout plan is acceptable in a highway context and raises no objections to the proposals subject to conditions.

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

RMBC - Drainage: Raise no objections in a drainage context. However, they recommend conditions that require the submission of details of foul and surface water disposal and on site attenuation of surface water flows. An additional condition is also recommended for the submission of a flood route to across the site and how the new dwellings would be built to avoid potential flood damage.

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

RMBC - Affordable Housing Officer: Commented that the applicant has agreed to provide a commuted sum for affordable housing provision off the site. This has been agreed at a contribution rate of £10,000 per dwelling so a total of £140,000 in total.

RMBC - Landscape Design: Raise no objections to the proposals in terms of the layout of the development and the level of soft landscaped areas proposed. They recommend that if planning permission is granted in respect of this development standard landscaping conditions are attached to any planning permission granted in this respect.

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

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- i) The principle of the proposed development.
- ii) The design of the proposed building, and their impact on the visual amenity of the streetscene.
- iii) Impact on the setting of the Grade II Listed Building No. 27 Blyth Road
- iv) The impact on the amenity of future occupiers.
- v) The impact of the development on the amenity of neighbouring residents.
- vi) Highway issues.
- vii) Drainage issues.
- vii) Affordable housing provision.

The principle of the proposed development:

The application site is located within an area allocated for Mixed Use purposes within the Council's adopted Unitary Development Plan (UDP). Core Strategy Policy CS31 Mixed Use Areas states that "Within Mixed Use Areas to be shown on the Policies Map accompanying the Sites and Policies document, a variety of land uses will be acceptable. The particular uses appropriate to each area and any limitations or requirements pertaining to these uses or their location will be set out in the Sites and Policies document." It is noted that the Draft Sites and Policies Document has allocated this particular site as a housing site identified as MU17.

UDP Policy EC5 'Mixed Use Areas' states that "Within Mixed Use Areas shown on the Proposals Map, a variety of land uses will be acceptable; the particular uses appropriate to each area and any limitations or requirements pertaining to these uses or their location being set out in Chapter 7 of this Written Statement."

The UDP identifies this site as MU32 and lists appropriate uses for this land, these include amongst other things housing.

In addition, 'saved' UDP Policy HG4.3 'Windfall Sites' states that the Council will determine proposals for housing development in the light of their location within the existing built-up area and compatibility with adjoining uses, and compatibility with other relevant policies and guidance.

Finally, Sites and Policies SP1 Sites Allocated for Development identifies the site as allocation H68 that could accommodate up to 23 dwellings.

It is considered that the provision of residential development on this Mixed Use Site is acceptable in principle, as it is identified as being an acceptable use in the Adopted UDP and this site is allocated for residential development in the Draft Sites and Policies Document. It is noted that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development and Local Planning Authorities should approve development proposals that accord with the development plan without any delay. The development hereby proposed would be within a sustainable area and furthermore provide much needed residential accommodation.

It is noted that the allocation in the Sites and Policies Document suggests that the site could accommodate up to 23 dwellings which this development falls short of. However, it is considered that owing to the complex land ownership issues across the site the level of density is appropriate for the amount of land available for development to the developer.

In terms of the comprehensive development of the site it is noted that the retention of two existing residential properties in the middle of the site has resulted in a somewhat contrived layout, and that the inclusion of these properties in the redevelopment of the overall site would have allowed for a more comprehensive scheme. However, it is considered that if these properties were to be demolished in the future and the land incorporated into the site then appropriate access provision could be made to accommodate any additional development.

## Design issues and impact on streetscene:

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

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

The development proposes the erection of 14 No. new dwellings of differing designs and sizes across the site. The design of the units is mixed and includes a pair of semi-detached dwellings, two rows of town houses, four detached properties and two bungalows.

The site at present is occupied by a number of commercial and industrial buildings and is generally unattractive and appears out of place within the surrounding area, which is predominately residential. The site has been partially cleared with the former office building demolished.

It is noted that the immediately surrounding area is characterised by buildings of differing styles, designs, mass and materials. It is considered that the design of the dwellings is acceptable and that they would not appear out of place within the surrounding area or would harm the streetscene of Blyth Road.

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

## Impact on the setting of the Grade II Listed Building

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

Policy ENV2.8 ‘Settings and Curtilages of Listed Buildings’ states that “The Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context.”

The National Planning Policy Framework (NPPF) further states at paragraph 132: “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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

With regards to the impact on the setting of the adjacent Grade II Listed Building Known as No. 27 Blyth Road it is considered that the history and context of the site needs to be considered. The building in question had until recently been in severe disrepair for many years. It appears that the building in question has not been in habitation for at least 30 years and was in the same ownership of this site which has been in commercial use for many years.

The application site in close proximity to the listed building along with the attached building are unattractive and are considered to harm the setting of this Grade II Listed Building, which is a good example of an early C18th cottage and the pre-industrial past of Maltby.

The current owners have refurbished and repaired the building prior to the submission of this application and the proposed plans intend to give the dwelling a generous garden area along with its own vehicular access and garage. This is entirely to be welcomed and would help to make this property very attractive to a future purchaser and would help to secure its future.

It is noted that a stone building would be removed to make way for the erection of 2 No. dwellings identified as Plots 1 & 2 which is physically attached to this Listed Building. It is considered that this building in question is Listed as an attached structure but is not of special interest. As such, its removal would enhance the setting and the character and appearance of this Listed Building and is therefore in principle fully in accordance with the aforementioned policies and guidance. The materials of construction of the proposed dwellings close to the Listed Building would be important and a condition is recommended requesting details.

However, the gable end of this Listed Building will need to be made good and the details of this and how the attached building will be demolished will need to be submitted to the Local Planning Authority prior to the commencement of development it is considered reasonable to request these details as part of a condition attached to any planning permission granted in this respect. As this would involve specific demolition works to a Listed Building a separate Listed Building Consent application will need to be submitted which should detail how this structure would be demolished and how the gable end would be made good. It is considered that the applicant should be informed of this as part of an informative attached to any permission granted in this respect.

The impact on the amenity of future occupiers:

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

supports and complements the best practice guidance outlined in the South Yorkshire Residential Design Guide and paragraph 56 of the NPPF.

The proposed 14 no. dwellings all meet the minimum internal space standards set out within the South Yorkshire Residential Design Guide. The garden sizes for all of the dwellings either meet or exceed the minimum of 60 square metres for a 3 bedroom property. It is considered that the layout of the dwellings would avoid overlooking of the proposed dwellings and none of the properties would have an overbearing outlook or unacceptable levels of overshadowing. As such the scheme is in compliance with the NPPF, UDP Policy HG5 and the South Yorkshire Residential Design Guide.

### Impact on amenity of neighbouring residents:

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the South Yorkshire Residential Design Guide which sets out the Council's recommended inter-house spacing standards. The guidance states there should be a minimum of 21 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.

It is noted that these spacing standards are met on all plots except for Plot 10 where part of the garden area falls short of the 10 metre minimum distance at a distance of 9.7 metres. However, it is considered to be acceptable in this instance as the neighbouring property affected, No. 1 Church Close, is approximately 30 metres distant from this property. Therefore it is considered that no harm to the amenity of neighbouring residents would occur in terms of overlooking.

Furthermore, the layout would not breach any 45 degree lines measured from the windows on neighbouring adjacent properties except for No. 27 Blyth Road which would be affected by the positioning of Plot 2 which would breach this 45 degree line. Whilst this falls short of the Council's guidance it is considered that the existing building on the site currently has a much greater detrimental impact on the living conditions of this property in terms of overbearing impact and this would be removed as part of this application. Furthermore, it is considered that the generous curtilage of No. 27 Blyth Road along with the loss of the industrial unit currently attached to the building would greatly enhance the residential amenity of the occupants of this property.

It is therefore considered that the proposed development would not have any significant impact on the existing amenity levels of the occupiers of these neighbouring properties. This is because the proposal would not cause any loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. As such it is in accordance with Policy HG5 'The Residential Environment' of the UDP and the guidance in the NPPF.

### Highway issues:

The site would be accessed off Blyth Road with turning areas within the site. The Council's Transportation Unit raise no objections to the proposed layout subject to conditions, relating to details of the engineering details and access arrangements

being submitted to the Local Planning Authority and approved prior to the commencement of development. This should include details of the kerblines, footway and road markings being provided. They have also requested a condition requiring a suitable visibility display be provided fronting No. 35 Blyth Road which sits within the site.

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

In terms of the proposed access the Transportation Unit have raised no objections in highway safety terms.

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

### Drainage 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 Council's Drainage engineers raise no objections in a drainage context to the proposed development. However, they recommend conditions that require the submission of details of foul and surface water disposal and on site attenuation of surface water flows. An additional condition is also recommended for the submission of a flood route across the site and how the new dwellings would be built to avoid potential flood damage. As such, it is considered subject to these conditions that the scheme is acceptable in drainage and flood risk terms.

### Affordable housing provision

Core Strategy Policy CS7 Housing Mix and Affordability states that amongst other things:

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

- 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
- ii. Sites of less than 15 dwellings or developments with a gross site area of less than 0.5 hectares; 25% affordable homes on site or a commuted sum of £10,000 per dwelling to contribute towards provision off site. Any agreed commuted sums would be subject to the provision of a payment scheme agreed between the Council and the applicant.

The Council's Affordable Housing Manager has requested a commuted sum for the site rather than on site provision. The reason for this is that the Council is looking to develop older peoples housing elsewhere in Maltby and a financial contribution from this site would go towards supporting this.

### **Conclusion**

Having regard to the above it is concluded that the proposed development would provide valuable residential accommodation in this location. Furthermore it is considered that the proposed development by virtue of its scale and layout would be in keeping with the immediate surrounding area and would not have an adverse impact on the streetscene. The proposed development would not be detrimental to the occupiers of neighbouring properties by being overbearing, nor would it result in any overshadowing or loss of privacy due to its siting and relationship with neighbouring properties.

The proposed development would greatly enhance the setting of the Listed Building known as No. 27 Blyth Road and would generally enhance the character and appearance of the surrounding area.

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

The proposal is also considered to be acceptable in land drainage terms subject to the recommended conditions.

As such the proposal complies with the NPPF, NPPG, UDP, Core Strategy and South Yorkshire Residential Design and is subsequently recommended for approval, subject to the signing of the related S106 agreement in respect of the affordable housing contribution and 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. Condition numbers 10, 13 and 19 of this permission requires matters to be approved before development works begin; however, in this instance the condition is 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, 12 and 19 are fundamental to the acceptability of the development and the nature of the further information required to satisfy this condition is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

### General

01

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

#### Reason

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

02

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

Location Plan/ Plots 13 & 14/ Plots 1 & 2 Side Elevations/ Plots 1 & 2 Elevations/ Topographical Plan/ Tree Survey Plan) (Received 10/08/2015) (Amended Elevations Plots 10 & 11/ Amended Elevations Plots 3-8 / Amended Elevations Plots 9 -11) (Received 02/06/2016)(Amended Layout)(Received 21/11/2016)(Site Sections/ Sections)(Received 06/03/2017).

#### Reason

To define the permission and for the avoidance of doubt.

03

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

#### Reason

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

04

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

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' and CS23 'Valuing the Historic Environment' and UDP Policy ENV2.8 'Settings and Curtilages of Listed Buildings.'

Highways

05

No development above ground level shall take place until full engineering details of the site access arrangements and the proposed amendments to the highway layout in Blyth Road (new kerblines / footway / road markings) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the first dwelling.

Reason

In the interests of highway safety.

06

Before the development is brought into use the proposed inter visibility splay fronting No 35 Blyth Road shall be provided and thereafter maintained at all times. The area within the splay shall be a maximum 600mm above the height of the nearside road channel.

Reason

In the interests of highway safety.

07

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'.

08

Before the commencement of development 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 brought into use.

Reason

No details having been submitted they are reserved for approval.

09

Prior to the development being 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.

10

Prior to the commencement of works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

In the interests of highway safety.

### Landscaping

11

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- 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' and Core Strategy Policy CS28 'Sustainable Design.'

12

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

Reason

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

#### Ground Contamination

13

Prior to the commencement of development, an intrusive investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority.

The report should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 – 4).

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

Dependent upon the ground condition findings of Condition 12 above, ground gas monitoring may be required to determine the ground gassing regime at low and falling atmospheric pressure conditions. This will enable a current gas risk assessment to be undertaken, to determine if gas protection measures are required for the proposed development. If gas protection measures are required for the site, these will need to be agreed in writing by the Local Planning Authority prior to development commencing.

Reason

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

15

Subject to the findings of the Gas Monitoring Report, a Remediation Method Statement shall be provided and approved by this Local Planning Authority prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site

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

### Reason

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

16

If subsoils / topsoils are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Verification Report which shall be submitted to and approved in writing 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.

17

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

### Listed Building

18

Prior to the demolition of the building fronting Blyth Road and physically attached to the Grade II Listed Building known as No. 27 Blyth Road, a Method Statement shall be submitted to the Local Planning Authority and approved in writing. This Method

Statement shall set out how this building will be demolished and what measures will be taken to ensure that the attached Grade II Listed Building is not damaged during demolition. It shall also include details of the repairs works to the gable end of No. 27 Blyth Road, including details of how it would be stabilized and constructed. The development shall proceed in accordance with the approved details.

Reason

To protect the Grade II Listed Building known as No. 27 Blyth Road in accordance with Core Strategy Policy CS23 'Valuing the Historic Environment.'

Drainage

19

No development shall commence 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 a maximum of 12.1 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 and how provision for this maintenance is ensured for the lifetime of the development.

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.

20

A flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, external ground levels and 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'.

## **Informatives**

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

Listed Building:

It is noted that this application includes the demolition of a building physically attached the Listed Building. This work is an alteration to a Listed Building and therefore requires Listed Building Consent. Whilst no objections are raised in principle to this work the applicant is advised that this demolition requires Listed Building Consent and this planning permission does not grant Listed Building Consent for these works. As such, an application will need to be submitted and approved by the Local Planning Authority prior to the commencement of these demolition works.

03

Section 106 Agreements:

The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent owner of the site.

## **POSITIVE AND PROACTIVE STATEMENT**

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. During the determination of the application further amendments and additional information was requested from the applicant. It was considered to be in accordance with the principles of the National Planning Policy Framework.

<b>Application Number</b>	<b>RB2015/1530</b>
<b>Proposal and Location</b>	Erection of bonded warehouse and offices to replace existing warehouse, offices and repair buildings at The Green Group Warwick Road Maltby S66 8EW
<b>Recommendation</b>	<b>Refuse</b>

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



### Site Description and Location

The site to which this application relates is off Warwick Road, Maltby and accessed via a private road.

The overall site is bisected by the internal access road and contains an open hardstanding area used primarily for car parking adjacent to its western boundary with Hellaby Brook, which has further been enclosed by a 2 metre high bund adjacent to the former railway line which is a heavily screened tree boundary. A larger expanse of open hardstanding to the north is currently being used for storage of trailer backs and HGV tractor units, and to the east of the access road is the single storey brick built office and associated tarmac parking area. To the south of the site (and east of the access road) is located a brick built 1½ and 2 storey building used as store / maintenance shed incorporating additional office space with a large expanse of hard standing created which has further been enclosed by a 1.5 metre high bund to its south and east boundaries. The site boundaries beyond all the bund areas are enclosed by metal post & mesh fencing and access to the site is controlled via security gates. The site area is 2.1hectares.

## Background

The overall site in this location has been subject to the extraction of clay and associated manufacture of bricks for over 100 years and has a number of planning applications relating to the brickworks and minerals extraction dating from the 1950's to 2000. The latest mineral extraction permission was granted in 1979 and permitted the extension of workings to the north and north west of the original quarry (RB1978/0322) and at the same time sought to co-ordinate restoration of the various earlier incremental planning permissions under one comprehensive progressive scheme of site restoration. Condition 4 of this permission required a scheme for the restoration of the whole site and such a scheme for the restoration to an agricultural after-use at original ground levels (by allowing the importation of waste) was approved in 1983.

An application to review mineral conditions (ROMP) imposed by all the previous Minerals Planning Permissions was granted conditionally in July 2001 (RB2000/0822). An appeal against conditions set out by the Council in this was allowed in 2002.

Under reference RB2002/0090 the site was granted permission on 24 October 2004 for use of part of former brickworks as a railway contractor's depot, extensions to workshop to provide fabrication bay (retrospective) and stores, and extension to offices. The applicant at the time was DMQA Technical Services (UK) Ltd.

Condition 1 of the approval states that:

"Notwithstanding the provisions of any General Development Order or the schedule of the Town and Country Planning (use classes) Order, 1987, the premises shall be used as a railway contractors depot only and for no other purpose without the prior permission of the Local Planning Authority.

Reason:

The premises are not considered suitable for general use for reasons of its Green Belt allocation."

Condition 3 of the approval further stated:

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

Reason:

To prevent the land from becoming unsightly in the interest of visual amenity."

It is understood that the occupiers of the current application site commenced activities within the last 10 years, and have used the former railway contractor's building as offices. They subsequently erected a steel portal frame warehouse building and a retrospective application for the building (RB2013/0681) was refused on 12 July 2013 as the site is located within the Green Belt and no very special circumstances were submitted to justify the inappropriate development and its impact on the openness of the Green Belt. In addition, insufficient information had been submitted to properly assess the impact of the development on trees close to the building and in respect of contamination and landfill gas migration. An Enforcement Notice was served in March

2016 and gave a year to comply with the requirements to demolish the building, in the hope that a revised application could be submitted and considered which addressed the issues set out in the planning refusal notice.

## **Proposal**

The proposal relates to a substantial storage building, with a floor area of approximately 10,950sqm, as opposed to the existing buildings on site, that have a combined floor area of approximately 2,130sqm, however 702sqm of this are unauthorised.

The breakdown of the internal floorspace is proposed to be 1,350sqm of office floorspace, and 9,600sqm of storage and distribution floorspace. The building is proposed to be constructed from green profile cladding and glass panels, with corrugated roof sheeting.

The application form states that the proposal will provide for 160 car parking spaces and 90 lorry parking spaces.

The application form states that the site currently employs 105 full time employees and 10 part time employees, and that the proposed development would provide full time employment for 290 and part time employment for 25.

The operation is proposed to be 24hours a day.

The red line boundary on the site plan does not include part of the area shown for lorry parking, and the agent has confirmed that this area would be for additional parking if required.

The application was submitted with the following supporting documents:

Design and Access Statement – This states that the design of the building has been largely determined by the spatial requirements of the applicants and the need to erect a larger building to service their numerous and regular client base. It has been designed simply, and whilst it will be visible from outside the site, the dark colours and the topography and trees will screen the building. The existing access is to be maintained, however internal manoeuvring arrangements will be altered to take into account the new building.

Transport Assessment – This states that only a moderate increase in traffic associated with the development is likely and it is considered that the existing highway network does not need to be upgraded or altered.

Ecology Report - This states that Hellaby Bridge Brickworks is a Regionally Important Geological Site and lies adjacent to the survey area; no badger setts or badger field signs were identified within the surveyed area; no watercourses lie in close proximity to the survey area; no bats were recorded emerging from buildings and the overall level of bat activity over the site was very low and no large trees or other roosting potential was identified in site; vegetation on site would provide suitable habitat for various species of birds during the nesting season; there is little suitable habitat on the site for reptiles, red squirrels or dormice.

Tree Survey – This confirms that there are a number of trees on the application site, however the only trees that are proposed to be removed as part of the development are a group of self-set trees shown as Group G1, which contains mixed trees of between 10cm and 25cm. Few are reasonable specimens and others are multi stemmed and in need of thinning out even if retained. It is considered their removal would not materially affect the character or the visual amenity of the area. Trees close to the western and southern boundaries of the site are to be retained.

Air Quality Assessment – This states that the site is not identified as falling within an Air Quality Management Area. It is therefore deemed that in this particular case detailed Air Quality Assessment is not required.

Flood Risk Assessment – This states that the site lies in Flood Zone 1: Low probability of flooding. The proposal will incorporate measures to reduce the existing 1 in 1 year storm water run off by 30% and safeguard downstream receptors by designing all underground sewerage to a storm return period of 1 in 100 years plus 30%, and SUDS. A very small section of land is identified within Flood Zone 3, however this land falls outside the area of the site to be developed, and so no specific measures are required.. The floor level of the building will be set higher than ground level.

Noise Assessment – This states that proposed activities are the same as those already being undertaken at the site. Vehicle engines would be the main source of noise, however the building would be insulated and there is no perceived detriment to the amenity of the amenities of surrounding occupiers.

Geotechnical and Geo-Environmental Report – This states that there is potential for encountering contamination on the site due to its industrial history, however it is anticipated that the majority of the proposed site will be hard covered, and therefore contaminant/receptor pathways will be blocked. It recommends that prior to development further investigation is undertaken.

### **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 Green Belt purposes in the UDP. This allocation is retained in the Rotherham Local Plan 'Publication Sites and Policies.' For the purposes of determining this application the following policies are considered to be of relevance: A section of the site is designated as a Regionally Important Geological Site.

Core Strategy policy(s):

CS 3 Location of New Development

CS4 Green Belt

CS9 Transforming Rotherham's Economy

CS14 Accessible Places and Managing Demand for Travel

CS19 Green Infrastructure

CS20 Biodiversity and Geodiversity  
CS24 Conserving an Enhancing the Water Environment  
CS27 Community Health and Safety  
CS28 Sustainable Design

Unitary Development Plan 'saved' policy(s):  
EC1.2 Inappropriately Located Industry & Business.  
ENV2 Conserving the Environment  
ENV2.2 Interest Outside Statutorily Protected Sites  
ENV3.2 Minimising the Impact of the Development  
ENV3.4 Trees, Woodlands and Hedgerows  
ENV3.7 Control of Pollution  
ENV4.4 Contaminated Land.  
T6 Layout of Development

Sites and Policies

There are no Policies that add anything of significance over and above those in the Core Strategy and UDP.

### **Other Material Considerations**

Interim Planning Guidance - Development in the Green Belt, March 2014.

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 application was advertised in the press and a site notice was posted. One letter of support has been received from Sir Kevin Barron MP. His letter states that he is in support of the planning application for the expansion of jobs at Green Group in the Hellaby Ward and the building in what is classified as 'Green Belt'.

He states that he has had more than one visit on this matter, one with planning officers from Rotherham Council and was assured by the applicant that the application would not interfere with the trees on the site. Furthermore, the company would expect additional jobs of potentially over 150, which will be spread over

warehousing and transport, ideally suited for the lower skilled workforce. This has good potential to reduce unemployment in places like Maltby and Hellaby.

He states that he understands that because of the status of the land, notwithstanding its industrial past, this application would have to be referred to the Secretary of State as a departure from the Development Plan if Members were looking to support the proposals, and he would be more than happy to support this.

The applicant has requested the Right to Speak at Planning Board.

### **Consultations**

RMBC - Transportation and Highways Design: Have assessed the TA submitted with the application and they confirm that the impact on the highway network in the area will be minimal. Accordingly, they have no objections to the proposal from a highway/transportation aspect subject to recommended conditions.

RMBC - Tree Service Manager: The main impact on existing trees will be the loss of the small copse of trees that appears to have been planted rather than just self-set as reported in the Design and Access statement. Collectively, they provide useful screening to and from the site and associated benefits. However, it appears some of the trees have been severely pruned in the past to provide adequate clearance from the overhead power cables and this will reduce their future prospects. Also, it does not appear the area is overlooked by the public. For this reason it is doubtful that they provide valuable and important amenity to meet all the criteria for inclusion in a new Tree Preservation Order to ensure they are retained. If the removal of the trees is accepted it is recommended that new trees and shrubs are planted along the boundary to provide future amenity and screening.

RMBC - Landscape Design: The revised landscape proposals submitted are considered sufficient to mitigate for the loss of existing vegetation as far as it is considered to be a Green Infrastructure asset under Core Strategy Policy CS19. The proposal is considered satisfactory in terms of Landscape & Green infrastructure policy requirements.

RMBC – Drainage: The information currently provided falls well short of what we should have for a full application and it is not considered that their current proposal is feasible in its current form. However it is not expected that this would be a difficult problem to overcome, either in practical or planning terms, with some minor changes and use of conditions.

RMBC – Ecologist: Was satisfied that most of the issues raised initially had been answered by the ecological consultants in the first revision of their report submitted in May 2016. The main outstanding issue was the provision of a Phase 1 Habitat map (which has now been provided) and a commitment regarding the retention of boundary trees, more tree planting and a larger wildflower grassland. There are no issues with the revised landscaping proposals. The application is considered acceptable provided that the recommendations in the ecological report are adopted and the other commitments regarding ecology (mentioned in the agent's supporting letter) are also adopted.

RMBC - Environmental Health: They do not consider any significant loss of amenity by virtue of noise or air pollution.

RMBC - Land Contamination: Historically, the application site has been occupied by an engineering works and depot, with railway lines running along the western edge of the site. The land to the immediate north was formerly occupied by the Maltby Brickworks Site, with associated clay pits extending to the north, east and south. The clay pits are shown to extend up to the eastern perimeter of the site.

The application site is located within 225m of an active gassing landfill (a former clay pit) site located to the north east of the application site. The landfill site is known to have accepted a mix of wastes including household, commercial, industrial, clinical and special waste types which have given rise to the generation of landfill gas and leachate (contaminated liquid).

At present 3 large buildings occupy the application site comprising of a warehouse, offices and a vehicle repair workshop. A lorry washing facility is also located in the north east of the site. Two above ground tanks (one diesel tank, one unknown tank) are also reported to be present to the rear of the office buildings. The remainder of the site comprises a mixture of open hardstanding, macadam surfaced car parks, scrubland and wooded areas.

The surrounding land comprises of the former Brickworks and clay pits to the north/north east and undeveloped land to the east. An industrial estate is located to the west of the application site and a woodland area is located to the south.

Given the site's current, historic and surrounding land uses it is considered that potential contamination may exist within the ground and groundwater at the site. For the above reasons intrusive site investigations should be undertaken to investigate the ground/groundwater conditions, to determine the extent and depth of contamination and the potential risks posed by any contamination and hazardous ground gases on the end users of the site. Remediation works may be required to ensure the site is suitable for its proposed commercial/industrial end use. These matters can be addressed by way of conditions.

Environment Agency: No comments regarding flooding as the site is within Flood Zone 1. With regard to groundwater and contaminated land they consider the controlled waters at the site are of low environmental sensitivity and therefore have no objection in this regard either.

SYMAS: Confirm that the application has adequately considered the geological and mining legacy position for the site via the geotechnical report, there are therefore no objections.

Sheffield Area Geology Trust (SAGT): Have made no comment on the application.

SYAS: There are no archaeological concerns over the proposed development, and therefore no objections.

## Appraisal

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

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

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

The main issues to take into consideration in the determination of the application are –

- The appropriateness of the proposal within the Green Belt and the impact on the openness of the Green Belt
- Location of the development
- Design of the development
- Amenity issues
- Drainage and flooding issues
- The impact on traffic and highway safety.
- The impact on landscaping and ecology
- Very special circumstances to overcome harm.

### The principle of development in the Green Belt

The application site is within the Green Belt and there is a presumption against inappropriate development within the Green Belt which is, by definition harmful to the Green Belt and its openness.

Core Strategy Policy CS4 'Green Belt' states: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy."

Paragraphs 89 and 90 of the NPPF set out criteria for forms of development that are not inappropriate in the Green Belt, though the erection of a warehousing building is not included within these exemptions and, therefore, constitutes inappropriate development in the Green Belt.

Paragraph 79 of the NPPF states 'The Government attaches great importance to Green Belts. 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 80 of the NPPF sets out the 5 purposes that the Green Belt serves, including checking the unrestricted sprawl of large built up areas, preventing neighbouring towns from merging, and to assist in safeguarding the countryside from encroachment.

The proposal is for a very large bonded warehouse, which is significantly larger than the existing buildings on site, a 766% increase in floor space above the authorised buildings on site (bearing in mind that an existing warehouse building is unauthorised and should be demolished to comply with a current Enforcement Notice). The Councils Interim Planning Guidance – ‘Development in the Green Belt’ notes that any development in the Green Belt should have a minimal effect on the openness and appearance of the Green Belt. The physical effect buildings and structures have on the Green Belt depends on factors (size, design, position & screening, enclosures, and lighting) and by considering each of these factors, the physical effect a development has on the Green Belt can be reduced.

Taking account of the above and notwithstanding the wider clay extraction (which is due to be reclaimed and the land re-graded by 2025), the immediate locality is one that can be described as being free from permanent development and is an important gap between the settlements of Hellaby & Maltby. The landscaping of the site and its immediate environs contributes to the open character of the locality which represents undulating topography. Although the building has been designed to be as unobtrusive as possible (coloured in an appropriate finish and set down from adjacent land where possible) its presence, in terms of its significant size and mass taking up much of the application site, is considered to be of significance and any limited landscaping around the periphery of the site could only give minimal screening.

On 10th March 2017 the Inspector released the Main Modifications to the Sites and Policies Local Plan following the Examination in Public, and it is noted that no comment was made in relation to this site. It is therefore assumed that the allocation in the Local Plan is to remain as Green Belt despite representations being made through this process.

With this in mind it is therefore concluded that the proposal represents inappropriate development that would have a significant impact on the openness of the Green Belt, for this reason very special circumstances should be demonstrated to justify the harm caused by way of the inappropriateness, and any other harm. These are discussed in more detail below.

#### Location of the development

Core Strategy Policy CS3 Location of New Development sets out a range of sustainability criteria against which windfall developments should be assessed. Each point is addressed below –

- a. status as previously-developed (brownfield) land. – Part of the site, containing the existing buildings, is considered to be a brownfield site, the remainder (particularly the copse of trees) is not.
- b. proximity as prospective housing land to services, facilities and employment opportunities - Whilst the site is reasonably close to existing housing and employment uses this proximity is offset by the more remote nature and context of the site and its access.
- c. access to public transport routes and the frequency of services. - As part of a wider site (LDF411), this site has been assessed as a potential allocation in the Local Plan. Sites have been assessed by SYPTTE through their LUTI model. This rated the site red, where sites fall outside the acceptable walking distance to the public transport

network and are likely to require intervention to unlock development. However, this relates to the site as a whole, and the current application site is located closer to Rotherham Road than other parts of the overall site at the rear and it is considered that the site is close enough to public transport provision on Rotherham Road.

d. potential to relieve deprivation- The site could generate new employment opportunities which could help address deprivation. However this is also true of other allocated employment sites within the borough.

e. quality of design and its respect for heritage assets and the open countryside - The proposed development is larger than the existing built development and likely to have a greater impact

f. effect on other environmental matters - To be assessed through other planning policies below.

g. potential to maintain and create links to green infrastructure - To be assessed through other planning policies below.

h. potential to benefit from, support and improve existing infrastructure - It is not considered that the site would have any perceivable impact on existing infrastructure

i. ability to limit the loss of best and most versatile agricultural land (Grades 1,2 and 3a) - No impact on agricultural land

j. contribution to the creation of mixed and balanced communities - The site could generate new employment opportunities which could help address deprivation. However this is also true of other allocated employment sites within the borough.

j. ability to avoid, or suitably reduce the risk of, flooding - To be assessed through other planning policies below.

Taking into account the above criteria it is not considered that the sites performance is sufficiently positive as to accord with Policy CS3 Location of New Development.

Furthermore Core Strategy Policy CS9 Transforming Rotherham's Economy states that its economic performance and transformation will be supported by a list of criteria, the relevant ones being listed below -

1. Allocation of sufficient land in the Sites and Policies document to meet Rotherham's employment land requirement of 230 hectares of land for business and industrial development and 5 hectares of land for office floorspace for the Plan period in accordance with the Spatial Strategy set out in Policy CS1 Delivering Rotherham's Spatial Strategy. These allocations will support employment growth in sustainable locations and meet modern economic requirements.
2. Protecting viable employment sites and supporting the regeneration and intensification of previously developed land, including proposals which safeguard the viability of established industrial and business areas through improvements to buildings, infrastructure and the environment

It should also be noted that the Council is preparing its new Local Plan which will identify sites to meet employment land requirements over the next 15 years. Additional land is proposed to be allocated for employment use in the Hellaby area; the proposed site is not one of those. As noted above, the Inspector released the Main Modifications to the Sites and Policies Local Plan following the Examination in Public, and it is noted that no comment was made in relation to this site. It is therefore assumed that the allocation in the Local Plan is to remain as Green Belt despite representations being made through this process. As such, the development

of this site for commercial use would not safeguard the viability of established industrial and business areas. Therefore the proposal is not considered to accord with Policy CS9 Transforming Rotherham's Economy.

UDP Policy EC1.2 Inappropriately Located Industry or Business states that in instances where existing industries or businesses are allocated for other purposes on the Proposals Map, proposals for intensification, expansion, or redevelopment of the non-conforming uses will only be allowed if the Council considers that they would not result in an adverse effect on the amenity of the area. The supporting text to the Policy states that where possible, relocation of an existing commercial operation in the Green Belt to a more appropriate site will be the preferred long term solution for such businesses. It is considered that the proposal significantly intensifies the built form on the site as well as the use and with this in mind the proposal is considered to be contrary to UDP Policy EC1.2. Inappropriately Located Industry or Business.

### Design of the development

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. 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.

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

The building is proposed to be a steel portal framed building constructed from green cladding with a corrugated roof, which is generally dictated by the large size of the proposed structure.

Notwithstanding the Green Belt issues above it is considered that the modern, utilitarian design of the building achieves an appropriate standard of design having regard to Core Strategy Policy CS28 Sustainable Design and the advice within paragraphs 56 & 64 of the NPPF.

### Amenity issues

Paragraph 109 states that the planning system should contribute to and enhance the natural local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

Core Strategy CS27 Community Health and Safety states that development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities. Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development.

UDP Policy ENV3.7 Control of Pollution states that the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which:

- a) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water or ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place, or
- b) would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects arising from existing industries.

The application includes assessments which look at the impact on the development on air quality, noise, land contamination and drainage/flooding.

With regards to noise and air pollution, Environmental Health Section have assessed the submitted reports and concluded that the proposal would not have a significant impact on noise or air quality.

With regards to land contamination issues the Phase 1 Site Investigation Report was assessed by the Environmental Health who concluded that due to the site's current, historic and surrounding land uses that potential contamination may exist within the ground and groundwater at the site. For this reason it is recommended that if planning permission is to be granted conditions should be attached to require further intrusive site investigation works, ground gas monitoring and the submission of a Verification Report to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

As the building is located within a generally isolated locality, with the nearest residential properties located some 320 metres to the east, it is not considered that there would be any undue detriment arising from the development to impact upon existing residents through noise and distance, air or land pollution that would be considered harmful and therefore accordance with Policy CS27 Community Health and Safety, ENV3.7 Control of Pollution, and the advice within the NPPF is achieved.

#### Drainage and flooding 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 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.

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. The policy also makes mention of the improvement of water quality through the incorporation of Suitable Urban Drainage Systems (SUDS), or other sustainable drainage techniques.

With regards to flooding, as the site is within Flood Zone 1 there are no issues regarding this matter. The Environment Agency have also confirmed that the controlled waters at the site are of low environmental sensitivity.

With regards to drainage at the site insufficient information has been submitted with the application to allow a full assessment of the proposal even after numerous requests for the additional information. The information provided falls short of what is required for a proposal of this scale, and the current proposal does not appear feasible. However, it is considered that an acceptable drainage proposal could be provided for the site which could be secured by condition if planning permission was to be granted.

It is therefore considered that the proposal complies with policies contained within the NPPF as well as Core Strategy Policies CS24 Conserving and Enhancing the Water Environment and CS25 Dealing with Flood Risk .

#### The impact on traffic and highway safety.

Core Strategy Policy CS14 Accessible Places and managing Demand for Travel aims to, amongst other things, locate new development in highly accessible locations, which are well served by a variety of modes of travel.

UDP Policy T6 'Location and Layout of Development,' states: "In considering the location of new development, the Council will have regard to the increasing desirability of reducing travel demand by ensuring that:

- (i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure,
- (iii) the development of sites which cause unacceptable traffic congestion on motorways, and local approach roads and trunk roads is avoided,
- (iv) development patterns, where appropriate, provide opportunities for living close to places of work.

In addition, the detailed layout of development should have regard to accessibility by private car, public transport, service vehicles, pedestrians and cyclists and people with disabilities."

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):

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable."

The access to the site is taken off Warwick Road and the submitted Transport Assessment indicates that the projected increase in traffic/staff would be approximately 33%, and for this reason the impact on the highway network and junction in the area will be minimal. If planning permission is to be granted a Travel Plan should be submitted to promote sustainable modes of transport for the

employees at the site. It is further considered that the site is in a relatively sustainable location being close to the Quality Bus Corridor on Rotherham Road.

It is therefore considered that the proposal is considered acceptable in highway safety terms and complies with Core Strategy Policy CS14 Accessible Places and Managing Demand for Travel and UDP Policy T6 Location and Layout of Development

### The impact on landscaping 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.

UDP Policy ENV2 Conserving the Environment and ENV3.2 Minimising the Impact of Development both seek to minimise any adverse impacts of developments on the environment, and aim to protect resources whilst supporting appropriate development.

UDP Policy ENV3.4 Trees Woodlands and Hedgerows seeks to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.

Core Strategy Policy CS21 Landscapes states that new developments will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the boroughs landscapes.

The application site lies within the Green Belt and also within Maltby Strategic Green Infrastructure Corridor. Whilst the existing buildings are not particularly visible, the proposed warehouse is significantly larger than the existing scale of buildings on the site. The development could appear prominent and the landscape scheme will need to address this potential visual impact.

The development will involve the loss of vegetation, in wooded/ scrubby areas identified as G1 and G2 on the landscape plan. This vegetation is considered to be both a landscape feature and a Green Infrastructure (GI) asset in policy terms. Development which will result in loss or harm to landscape features and/ or GI assets will require a suitable scheme of landscape mitigation to be prepared.

With regards to trees on the site there is no objection to the removal of the trees in the south western corner which appear to be heavily pruned. However whilst the proposal shows replacement planting to compensate for the loss of trees and to provide screening, it is noted that these trees appear to be shown outside the application site boundary, and could therefore not be secured as part of the planning application. It is not considered that there is sufficient room within the application site for tree planting/landscaping along the eastern and southern boundaries to provide sufficient and meaningful screening.

For the above reason, it is not considered that the landscape proposals submitted are sufficient to mitigate for the loss of existing vegetation and to provide screening for the proposed development. Therefore the proposal is considered to be contrary to Core Strategy Policies CS19 Green Infrastructure, CS21 Landscapes and UDP Policies ENV2 Conserving the Environment, ENV3.2 Minimising the Impact of Development and ENV3.4 Trees Woodlands and Hedgerows.

It should be noted that if the tree planting along the eastern and southern boundaries as shown on the landscape plan was to be within the planning application site boundary, the landscaping scheme would be considered acceptable.

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.

UDP Policy ENV2.2 Interest Outside Statutorily Protected Sites states that proposals which would adversely affect, directly or indirectly, any significant geological feature will only be permitted where it has been demonstrated that the overall benefits of the proposed development clearly outweigh the need to safeguard the interest of the site/feature.

An Ecology Report was submitted with the application and additional information has been submitted in addition to the original report after a request from the Local Planning Authority. Survey work carried out included searches for badgers, water voles, otters, bats and bat roosts; reptiles; dormice; red squirrels and great crested newts. Searches were also done of watercourses and water bodies for crayfish.

The survey results showed that there were no badgers or sets on site. No watercourses were identified on site to provide habitat for otters, water voles or crayfish. The site itself provides low value foraging habitat for bats, although the vegetation and areas surrounding the site provide potentially ideal habitat. There is little habitat present on site for reptiles or for red squirrels or dormice.

In relation to great crested newts, the adjacent site (Ibstock) obtained a great crested newt mitigation licence from Natural England in 2010. The licence enabled the great crested newt population present on the old quarry site and in the water-bodies to be trapped and relocated into a designated, receptor site. There is a permanent amphibian fencing erected along a corridor of very poor great crested newt terrestrial habitat. The poor habitat and the amphibian fence prevent amphibians entering onto the very poor terrestrial habitat present on the application site. In conclusion whilst there is a medium population of great crested newts close to the application site, the mitigation measures that have been put in place on the adjacent site provide a high quality great crested newt and amphibian receptor area separate from the proposed

development areas by a strip of poor terrestrial habitat and the line of permanent amphibian fencing.

The Council's Ecologist has no objections to the proposal subject to recommendations included within the report being implemented on site. These would include biodiversity enhancements which include native planting; wildflower grassland areas; bat roost boxes; bird nesting boxes; log piles for amphibians and invertebrates, and insect homes.

A small part of the application site forms part of the much larger designated Regionally Important Geological Site. This part of the site is currently an area of planted trees, and it is considered that the important geological site relates to land outside of the application site and forms the exposed quarry face to the authorised clay extraction within the wider site to the east. Therefore it is not considered that there are any geological implications associated with the proposed development.

It is therefore considered that the proposal is in accordance with Core Strategy Policy CS20 Biodiversity and Geodiversity, UDP policy ENV2.2 Interest Outside Statutorily Protected Sites and guidance in the NPPF.

#### Very special circumstances

The NPPF notes at paragraph 87 that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances." Paragraph 88 states that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

The applicant's agent has provided information intended to demonstrate the very special circumstances for development within the Green Belt which are now discussed in further detail.

It is considered that the proposed development would be most appropriately located on land allocated for business and industrial use. This is reflected in Saved UDP Policy EC1.2 Inappropriately Located Industry or Business which states that in instances where existing industries or businesses are allocated for other purposes on the Proposals Map, proposals for intensification, expansion, or redevelopment of the non-conforming uses will only be allowed if the Council considers that they would not result in an adverse effect on the amenity of the area. The supporting text to this policy recognises that some longstanding businesses are located in the Green Belt but notes that where possible, relocation to a more appropriate site will be the preferred long term solution for such businesses.

The applicant indicates that a search assisted by RIDO resulted in only two alternative options. One of these sites is at Dinnington and is partly discounted by the applicant due to it being further away from the motorway network than the applicant's site. It is not considered that this is a reasonable reason to discount a site, particularly when previously the business model has been successfully operated with a warehouse at Worksop, some distance away.

There are sites allocated for such use within Rotherham which remain undeveloped and of sufficient size to accommodate the proposed development. The following are UDP sites over 5ha (other sites below this size are also available):

- E7 Manvers – Station Road – 5.5ha
- E16 Aldwarke – Stadium Land – 14.27ha
- E19 Aldwarke - Yorkshire Water Land – 10.07ha
- E32 Templeborough – London Scandinavia land – 6.65ha
- E39 Waleswood – 8.85ha
- E42 Dinnington – 9.10ha
- E46 Dinnington – 8.57ha
- E81 – Meadowbank Road – 5.75ha

In particular, significant areas of land remain available for development in the south of the borough at the former Dinnington Colliery, which also enjoys good access to the main road network.

Finally, the Sites and Policies Local Plan proposes a large employment site (E24) on land currently within the Green Belt on land directly adjacent to J1 of the M18 (between the motorway and Cumwell Lane). The Inspector's Main Modifications letter referred to above does not raise any comment in respect of this proposed allocation and as such this site would become available (subject to no further amendments to the proposed allocation) for commercial development once the Plan is adopted (expected end of 2017).

It is not, therefore, considered that there is a lack of alternative, suitable sites that could be considered as the 'very special circumstances' required by Green Belt policy.

The applicant also states that should development not be approved at the application site, the only alternative option for the business would be to relocate outside of the Borough. As previously indicated above, it is considered that there are sufficient sites allocated for employment use around the Borough which could accommodate the proposed development.

The proposal indicates that up to 100 extra jobs may be created. Indeed, it is noted that Sir Kevin Barron MP has written a letter of support for the application due to the proposed additional jobs that would be created in the local area. Whilst this is broadly supported having regard to Policy CS9 Transforming Rotherham's Economy, there is no evidence that a similar increase in employment could not be achieved in locating development on alternative sites not located within the Green Belt. As such, whilst job creation is a material consideration, it is not considered that this amounts to the 'very special circumstances' that outweigh the allocation of the site within the Green Belt and the impact of the large warehouse building on its openness.

It is also noted that the business model proposed is based on development on land owned by the applicant, however the applicant has long been aware of the location of the site within the Green Belt. Indeed, the original application for the smaller warehouse building erected on site without planning permission was refused in July 2013. Land ownership is not considered to represent the very special circumstances required by NPPF to justify development within the Green Belt.

The applicant seeks to draw comparisons between the previous permission on this site and the present proposal. With respect to the 2002 permission this related to a small extension and is not comparable in scale or nature to the proposed development. It is noted that the proposed development is substantially larger than the existing built development (including that development for which planning permission was refused in 2013).

In summary, it is not considered that the information submitted has demonstrated that the benefits arising from the development would outweigh the concerns raised above, or that the applicant has demonstrated the very special circumstances to justify the inappropriate development within the Green Belt.

## **Conclusion**

The proposed building represents an increase in floorspace of approximately 766% over and above that authorised at the site, which would have a significant impact on the openness of the Green Belt in this location and would, therefore, represent inappropriate development in the Green Belt. It is not considered that any of the submitted information put forward represent a very special circumstance to justify the inappropriate development proposed. No other very special circumstances have been put forward to overcome the inappropriate nature of the development and the harm by way of its impact on the openness of the Green Belt in this location. It is considered that the proposed employment use would be better located on land allocated for employment within the Borough and not on this Green Belt site.

The design of the building is considered appropriate taking into account the substantial size of the building proposed.

Issues relating to noise, air pollution and land contamination have been addressed and the proposal is considered acceptable with regards to these issues. Turning to drainage issues at the site, whilst insufficient information has been submitted with this application, it is considered that a suitable drainage scheme could be designed to ensure the effective drainage of the site.

With regards to traffic and transportation issues, it is not considered that the proposal would have a significant adverse impact on the local highway network or junction, and there are no objections in this respect.

A significant amount of proposed tree planting is outside the red edge application site, and for this reason the proposed landscape scheme is considered unacceptable. Surveys have been undertaken which show that the proposed development would not have an adverse impact on biodiversity or geodiversity interests at or adjacent to the site, and mitigation is proposed in this regard.

For the above reasons it is therefore recommended that planning permission is refused.

## **Reasons for refusal**

01

The Council considers that the proposal would result in inappropriate development that would have an adverse impact on the openness of the Green Belt in this location.

The applicant has failed to demonstrate any very special circumstances to justify this inappropriate development and the harm caused to the openness of the Green Belt, and any other harm. As such the proposal is considered to be contrary to Core Strategy Policy CS4 'Green Belt' along with the guidance contained in the National Planning Framework (NPPF).

02

The Council considers that there are other sites which are suitable and available within the Borough for the proposed development which are allocated for employment use on the UDP Proposals Map. As such the proposal is considered to be contrary to Core Strategy Policies CS3 Location of New Development and CS9 Transforming Rotherham's Economy and UDP Policy EC1.2 Inappropriately Located Industry or Business.

03

The Council considers that the landscaping scheme is unacceptable as the tree planting proposed along the eastern and southern boundaries of the site is outside the red edge planning application site boundary and there are no guarantees that the scheme can be implemented. The proposed landscaping scheme is therefore unacceptable and as such the proposal is considered to be contrary to Core Strategy Policies CS19 Green Infrastructure, CS21 Landscapes and UDP Policies ENV2 Conserving the Environment, ENV3.2 Minimising the Impact of Development and ENV3.4 Trees Woodlands and Hedgerows.

### 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. It was not considered that the scheme was in accordance with the principles of the National Planning Policy Framework, nor could it be amended to be so.

<b>Application Number</b>	<b>RB2017/0097</b>
<b>Proposal and Location</b>	Erection of 14 No. dwellinghouses, associated works, gardens and car parking, land at Conway Crescent, East Herringthorpe. S65 3LE
<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 site comprises of a roughly square shaped area of land that lies in East Herringthorpe between Conway Crescent to the west and Greenfield Road to the east. The land measures approximately 60 metres by 50 metres and slopes steeply down on an east-west access. No play equipment is located on the land, nor is any part marked out formal playing area.

The entirety of the application site is allocated as Urban Greenspace purposes in the UDP and the surrounding area is predominantly residential.

A public footpath crosses the site from south-east to north-west. The path is hardsurfaced and has a hand rail at its western end, but not illuminated and Highways and Rights of Way have confirmed that this is not formally adopted by the Council.

### Background

The site does not have any previous planning history. The site has been used as open space provision since the surrounding estate was built.

The site in question forms part of a series of planning applications which have been submitted simultaneously on 7 sites throughout the Rotherham area. In total the 7 sites propose 217 residential properties with this application site providing 14 properties all deemed to be affordable.

## **Proposal**

This is a full application for the erection of 14 two storey dwellings located along both Conway Crescent and Greenfield Road. The proposal involves 4 different types of properties and will be positioned in a mix of block types. Plots 5 and 6 comprise of large detached properties. The remainder comprise of either semi-detached properties or blocks of terraces.

There is a significant drop in land levels of several metres between Greenfield Road and Conway Crescent which would require a retaining wall between the proposed dwellings fronting onto Conway Crescent and those fronting onto Greenfield Road.

The following documents were also submitted in support of the application:

### Landscaping

This will consist of 3 elements;

- Planting Schedule, Hard Surfaces and Fencing / Walling.
- The paving access and patios for the properties will be provided by concrete paving with private parking to be surfaced in a contrasting Bitmac.
- 1800mm high timber close boarded fence while at the fronts of the properties 1100mm high metal railings.

### Details of Public Consultation

- A drop in event was held on Tuesday 13th December 2016 at High Greave School.
- 8 attendees signed the register, although total attendance was higher.
- Responses received were broadly supportive of the proposals.

### Drainage Strategy

- The Proposed Catchment plan shows the extent of impermeable areas drained to sewer. These areas must be fully mitigated through the use of attenuation within the site and parking areas fronting the properties.
- Foul water may drain into the public Combined Sewer network in Conway Crescent, as details show this to be 1.6m deep, this should be achievable by gravity.
- Assessment should take account of the 100 year event and Climate Change for the lifetime of the development and this currently indicates an approximate 30% increase in rainfall intensity for the lifetime of the development.
- Redevelopment of the site in the manner described in this report will fully mitigate additional volumes of Surface Water flows from the site and will provide a greater level of protection to the site and its surroundings by reducing the overall flood risk to the area.

### Transport Statement

- Conway Crescent and Greenfield Road are residential streets with a 5.5m wide carriageway and footways on both sides of the road.

- The development of 11 No units could generate 7 trips (2 in, 5 out) in the AM Peak Hour and the reverse in the PM Peak Hour.
- The generated traffic would not be noticeable within the daily fluctuation of traffic flows on the local highway network.
- Laudsdale Road is served by Public Transport, a convenient walking distance from the development.
- There site is considered sustainable in transport terms.

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

Core Strategy policy(s):

CS7 'Housing Mix and Affordability'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS22 'Green Space'  
CS21 Landscape  
CS28 Sustainable Design

Unitary Development Plan 'saved' policy(s):

HG4.3 Windfall Sites  
HG5 'The Residential Environment'  
ENV5.1 Urban Greenspace

### **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 press notice (Rotherham Advertiser 03 February 2017), and a site notice (02 February 2017) along with individual neighbour notification letters to adjacent properties (23 January 2017).

One letter of representation has been received, from an occupier of a property adjacent to the site and can be summarised as follows:

- Concern about possible damage occurring to property from retaining wall

### **Consultations**

#### RMBC

Affordable Housing Officer – the scheme is fully compliant with Affordable Housing policy.

Transportation and Highways Design – no objections subject to conditions

Leisure and Green Spaces Manager – concerns raised about loss of Green Space

Drainage – No objections to the amended details subject to conditions

Landscape Design – some concerns raised but can be addressed through a landscape condition.

Ecologist – no objections

Tree Service Manager – no objections

Environmental Health – no objections

External

Yorkshire Water – no objections subject to condition.

SY Police – no objections

South Yorkshire Archaeology – no objections

**Appraisal**

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

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

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

The main issues to take into consideration in the determination of the application are as follows:

- The principle of the development on a site allocated for Urban Greenspace
- Quality of design and layout
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues
- Affordable Housing
- Other issues

The principle of the development on a site allocated for Urban Greenspace

The land is allocated for Urban Greenspace purposes in the UDP and has remained as open space since the creation of the estate in the 1940s.

Policy ENV5.1 'Allocated Urban Green Space' states that 'development that results in the loss of open space will only be permitted if alternative provision of equivalent community benefit and accessibility is made or that it would enhance the local Urban Greenspace provision.

In addition, Core Strategy policy CS22 Green Space, proposals should look to compensate for any loss by providing either new accessible green space or an upgrade to existing provision where necessary as a result of the development.

In this instance the land is steeply sloping with no enclosure along its western boundary. Its use for active recreation is therefore more limited and it is not considered practical for ball games.

The Green Spaces Team have raised concerns that the loss of this site for Urban Greenspace would result in a deficiency in open space provision in the wider area. Although the existing play area at Laudsedale Road is within the recommended 280 metre walking distance, and that the open space needs for the new homes proposed in this application would be adequately met, the development of this site would leave the northern part of East Herringthorpe with inadequate access to recreational green space as defined by standards set out in the Green Space Strategy. The Green Spaces Team indicate that this could be addressed by retaining an open space of at least 0.2ha within the proposed development site.

In terms of the loss of Greenspace, this application seeks to provide specialist housing. Increasing opportunities for people to live independently in their own home contributes to both the Corporate Plan priority 'every adult secure, responsible and empowered' and the Health and Wellbeing agenda. If people are able to live in homes that meet their needs, with easier access to services and opportunities to connect with other people, their overall wellbeing will be improved. These new homes could help to prevent people from requiring residential or nursing care, thereby resulting in significant savings to Adult Care and Health budgets.

The T10 units on Conway Crescent are specialist housing units and the proposal includes the development of two independent living houses with connecting garden areas, suitable for people with autism or 18-30 year olds with learning disabilities. Accommodation and support will be available for up to seven people and will be wheelchair accessible.

In terms of the local needs and waiting lists Adult Care and CYPS have identified that there is a need in these localities, the occupants are still to be confirm

Overall therefore it is considered that although the proposal would result in the loss of open space, due to the topography of the site it is impractical to leave 0.2ha undeveloped and the benefits gained by the development, in particular the proposed sheltered accommodation for disabled applicants is considered to outweigh the harm from the loss of the Green Space.

As such whilst the proposal is considered to be contrary to policies ENV5.1 and CS22, the benefits of providing this type of specialist housing would outweigh those considerations in this instance. Policy CS7 of the Core Strategy seeks to ensure the provision of affordable housing within the Borough and this is given substantial weight in this consideration.

### Quality of design and layout

Core Strategy Policy CS28 'Sustainable Design,' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result

of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

'Saved' UDP policy HG5 'The Residential Environment,' requires the encouragement of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone.

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

The plans show differences in the proposed design, layout and appearance of the new units and some of the blocks have been given a staggered building line which is considered to create further interest at street level. Overall, the units have a bespoke appearance and are considered to have a high quality design.

The plots in the southern sections of the site have more restricted rear garden areas with window to window distances up to 2m below the recommended 21m distance as defined in the South Yorkshire Residential Design Guide. However, in this instance these spacing standards are between new properties and existing properties in the area are not affected. The site also slopes down significantly from east to west which through the submission of a cross section demonstrates that there is no direct line of sight between habitable room windows and thus no loss of privacy which this 21m guide seeks to protect.

In terms of the impact on the surrounding properties, all of the proposed plots meet minimum recommended spacing standards (12m to side gables and 21m to principal first floor windows) to existing properties. The houses are two storey in height which is comparable with the scale of the surrounding units and it is considered that the layout follows a similar linear style to the surroundings.

Overall the appearance and design of the properties is considered acceptable in this location and it is considered that this proposal would be in keeping with the general form and scale of the surrounding estate and is therefore in accordance with Core Strategy policy CS28, UDP Policy HG5 and the provisions of the NPPF.

### Transportation Issues

The proposal involves the removal of existing diagonal footpath, which although hardsurfaced and maintained by the Council is not illuminated, adopted or a recognised Public Right of Way. The loss of this footpath is therefore not considered harmful to the public accessibility around the site.

The Transportation Unit also confirm that the proposed car parking facilities comply with the Council's Car Parking Standards with all properties having a minimum of 2no.

off road spaces and the proposed landscaping between the plots softens the overall appearance.

Overall the Transportation Unit have raised no objections to the proposal subject to conditions.

### Drainage and Flood Issues

Any new vehicle accesses from Greenfield Road should maintain the level at the back of the footway to prevent water from the road flowing onto the site. The Drainage Officer has indicated that the flood route drawing does not show sufficient ground level information and in some areas the external ground levels shown are not lower than the finished floor levels so the flood routes would not be as indicated. This needs to be addressed through the submission of an amended flood route drawing will need to be submitted which is subject to a recommended condition.

Final details of maintenance of the SuDS features and how this will be guaranteed for the life of the development are also required.

The site does not lie within a recognised Flood Risk Area and overall there are no objections to the submitted scheme from a drainage and flood risk perspective subject to conditions.

### Landscape and Ecology

There are no trees or visible areas of vegetation on the site (other than grass) and it is considered that the site is unlikely to support any significant wildlife habitat.

In terms of the landscaping details, though the Council's landscape design team have suggested that a detailed final landscaping scheme is required and this is subject to a recommended condition.

### Affordable Housing

As indicated above the scheme is for the provision of a fully Affordable Housing scheme. This and its associated community benefit forms part of the reason for overcoming the loss of Urban Greenspace. The site is also currently within Council ownership but it is considered necessary that a planning condition is attached to the permission in order to safeguard the affordable housing on the site in perpetuity.

### Other issues

One resident has raised concerns about possible damage caused to their property to the north-west of the site, and the impact on the single storey side extension that has recently been completed. Currently the land is not retained and soil from the site spills into neighbouring land. As this requires a properly constructed retaining wall, it is considered that this would adequately safeguard this property.

## **Conclusion**

The principle of residential development in this location on land currently allocated for Urban Greenspace is considered acceptable due to the alternative equivalent benefit that would be obtained with a fully Affordable Housing scheme. The particular type of affordable housing proposed, including disabled access, which is in particularly short supply in this location is considered acceptable to overcome the loss of the Green Space.

The Transportation Unit have confirmed the highway layout is acceptable and Yorkshire Water and have confirmed the drainage discharges are acceptable.

The density of the development is considered comparable to the character of the surrounding residential area. Subject to conditions, including the removal of permitted development rights, the scheme is recommended for approval.

## **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 **08, 11, 13, 14** 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 **08, 11, 13, 14** 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 site plan 671.02 001MC4 Rev F, House type 1 005 MC4 Rev A, House Type 2/2A, Rev A)(received 21.03.17, 23.01.17)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing no House type 1 005 MC4 Rev A, House Type 2/2A, Rev A. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

The vehicular access drives served from Greenfield Road shall not exceed a gradient of 5 % for a distance of 2.5 metres measured from the highway boundary and 10 % thereafter.

Reason

In the interests of road safety.

05

The vehicular access drives served from Conway Crescent shall not exceed a gradient of 10% (1 in 10).

Reason

In the interests of road safety.

06

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

07

Before the development is 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.

08

Prior to the commencement of works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

In the interests of road safety.

09

Before the development is brought into use, 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'.

10

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough

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

11

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 a maximum of 5 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;
- Responsibility for the future maintenance of drainage features and how provision for this maintenance is ensured for the lifetime of the development.

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.

12

A flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, external ground levels and 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'.

13

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal.

14

The development shall not begin until a scheme for the provision of affordable housing across the whole of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- ii. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason

The development would not be acceptable without the provision of all of the dwellings being affordable in accordance with Policy CS7 of the Core Strategy and the provisions of the NPPF.

15

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 alterations otherwise Permitted under Part One Classes A and E shall be carried out to the approved development.

Reason

In order to preserve the spacing standards of the properties in accordance with the NPPF.

### **Informatives**

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries

02

On the Statutory Sewer Map, there is a 150mm diameter public combined water sewer recorded to cross through the red line site boundary. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000.

**SURFACE WATER** - The Drainage Strategy (prepared by Met Engineers - Report 12526-5077 (revision 00) dated 22nd December 2016) indicates the developer will follow the surface water hierarchy i.e.

- i) Soakaways are to be investigated (likely to be clay ground).
- ii) A watercourse is remote from the site.

iii) Alternatively, surface water may discharge to the public sewer - restricted as to not exceed 5 (five) litres/second.

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

**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>RB2017/0103</b>
<b>Proposal and Location</b>	Erection of 16 No. dwellinghouses, associated works, gardens and car parking, land at Farnworth Road, East Herringthorpe. S65 3RJ
<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 site comprises of a roughly rectangular shaped area of land that lies in East Herringthorpe between Farnworth Road to the west, Lockwood Road to the north and Lockwood Close to the east. The land measures approximately 120 metres by 20

metres. It is enclosed by a wall and railings and no play equipment is located on the land, nor is any part marked out for formal playing area.

The entirety of the application site is allocated for Urban Greenspace purposes in the UDP and the surrounding area is predominantly residential. The land had residential properties located on it although these were demolished over 20 years ago and the site grassed over.

An informal footpath crosses the site from south-west to the north-east though this is just a desire line and not adopted or maintained by the Council. The site slopes strongly downwards from east to west.

## **Background**

The site does not have any previous planning history and originally had housing located on it until approximately the 1990s when it was demolished and the site grassed over.

The site in question forms part of a series of planning applications which have been submitted simultaneously on 7 sites throughout the Rotherham area. In total the 7 sites propose 217 residential properties with this application site providing 14 properties all deemed to be affordable.

## **Proposal**

This is a full application for the erection of 16 dwellings located in a single row of properties along the eastern side of Farnworth Road. The proposed units involve split level properties being three storey to the front and two storey to the rear. The proposal involves 2 different designs of properties though they are all semi-detached.

The following additional documents were also submitted in support of the application and can be summarised as follows:

### Landscaping

This will consist of 3 elements;

- Planting Schedule, Hard Surfaces and Fencing / Walling.
- The paving access and patios for the properties will be provided by concrete paving with private parking to be surfaced in a contrasting Bitmac.
- 1800mm high timber close boarded fence while at the fronts of the properties 1100mm high metal railings.

### Details of Public Consultation

- A drop in event was held on Tuesday 13th December 2016 at High Greave School.
- 8 attendees signed the register, though total attendance was higher.
- Responses received were broadly supportive of the proposals

### Drainage Strategy

- The site has been vacant for a considerable period of time, the 5 litres per second rule will be applied, effectively assessing the site as Greenfield. Proposed catchment areas.

- Foul water may drain into the public Combined Sewer network in Farnsworth Road, as details show this to be 1.85m deep, this should be achievable by gravity.
- Assessment should take account of the 100 year event and Climate Change for the lifetime of the development and this currently indicates an approximate 30% increase in rainfall intensity for the lifetime of the development.
- Redevelopment of the site in the manner described in this report will fully mitigate additional volumes of Surface Water flows from the site and will provide a greater level of protection to the site and its surroundings by reducing the overall flood risk to the area.

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

Core Strategy policy(s):

CS7 'Housing Mix and Affordability'

CS14 'Accessible Places and Managing Demand for Travel'

CS22 'Green Space'

CS21 Landscape

CS28 Sustainable Design

Unitary Development Plan 'saved' policy(s):

HG4.3 Windfall Sites

HG5 'The Residential Environment'

ENV5.1 Urban Greenspace

### **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 press notice (Rotherham Advertiser 03 February 2017), and a site notice (02 February 2017) along with individual neighbour notification letters to adjacent properties (23 January 2017).

No representations have been received.

### **Consultations**

#### RMBC

Affordable Housing Officer – the scheme is fully compliant with Affordable Housing policy.

Transportation and Highways Design – no objections subject to conditions

Leisure and Green Spaces Manager – no objections

Drainage – no objections subject to conditions

Landscape Design – no objections

Ecologist – no objections

Tree Service Manager – no objections

Environmental Health – no objections

External

Yorkshire Water – no objections subject to condition.

SY Police – no objections

South Yorkshire Archaeology – no objections

**Appraisal**

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

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

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

The main issues to take into consideration in the determination of the application are as follows:

- The principle of the development on a site allocated for Urban Greenspace
- Quality of design and layout
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues
- Affordable Housing
- Other issues

The principle of the development on a site allocated for Urban Greenspace

The land is allocated for Urban Greenspace purposes in the UDP and has previously had residential properties located on it, though these were demolished over 20 years ago.

The Green Spaces Team have raised no objections to the loss of this site for residential purposes. The site was assessed in the Green Space audit as being low quality and low value. It is within five minutes walking distance of Herringthorpe Valley Park, and the loss of this green space would not result in any homes being left with inadequate access to a local green space (based on proposed accessibility standards in draft local plan policy).

Policy ENV5.1 'Allocated Urban Green Space' states that 'development that results in the loss of open space will only be permitted if alternative provision of equivalent community benefit and accessibility is made or that it would enhance the local Urban Greenspace provision.

In addition, Core Strategy policy CS22 Green Space, proposals should look to compensate for any loss by providing either new accessible green space or an upgrade to existing provision where necessary as a result of the development.

In terms of the loss of Greenspace, this application seeks to provide a 100% affordable housing scheme. Increasing opportunities for people to live independently in their own home contributes to both the Corporate Plan priority 'every adult secure, responsible and empowered' and the Health and Wellbeing agenda. If people are able to live in homes that meet their needs, with easier access to services and opportunities to connect with other people, their overall wellbeing will be improved.

Overall therefore it is considered that although the proposal would result in the loss of open space, the area is not deficient in open space provision and the Green Spaces team have confirmed that this site is low quality and low value. Therefore it is considered that the benefits of the development for 100% Affordable Housing would outweigh the loss of the Urban Greenspace.

As such whilst the proposal is considered to be contrary to policies ENV5.1 and CS22, the benefits of providing 100% affordable housing would outweigh those considerations in this instance. Policy CS7 of the Core Strategy seeks to ensure the provision of affordable housing within the Borough and this is given substantial weight in this consideration.

### Quality of design and layout

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

The plans show differences in the proposed design, layout and appearance of the new units and some of the blocks have been given a slightly staggered building line which is considered to create further interest at street level. Overall, the units have a bespoke appearance and are considered to be a standard of design appropriate for the locality.

The plots in the southern and central sections of the site have more restricted rear garden areas, though they do meet the 21m spacing distances between habitable room windows as advocated in the SYRDG. In this instance these spacing standards are between new properties and existing properties in the area are not affected. The site has reasonably generous front garden areas giving a combined amenity area that is well in excess of the minimum standards of 60sqm recommended in the SYRDG.

The southern section of the site is somewhat constrained by the presence of a turning head which, combined with the irregular shape of the site, reduces the amount of land available that can be incorporated into a future development.

In terms of the proposed landscaping, fencing to the rear of the properties will be 1800mm high timber close boarded fence while to the front of the properties 1100mm

high metal railings will be used to separate them. Overall it is considered that this will allow for security, whilst keeping the frontages open in a similar appearance to the existing estate.

In terms of the impact on the surrounding properties, all of the proposed plots meet minimum recommended spacing standards advised by the SYRDG (12m to side gables and 21m to principal first floor windows) to existing properties. The rear sections of the proposal are two storey in height which is comparable with the scale of the surrounding units and it is considered that the layout follows a similar style to the surroundings.

Overall the appearance and design of the properties is considered acceptable in this location and would be in keeping with the general form and scale of the surrounding estate and is in accordance with Core Strategy policy CS28.

### Transportation Issues

The site lies on a steeply sloping area of land and the proposal involves creating split level properties. The proposals utilise the existing road layouts with minimal changes to the adopted road network.

The revised proposals show a more convenient layout, particularly the proposed southern section of the site near the existing turning head. These properties also have two off road spaces provided which is in accordance with the Councils minimum parking standards.

### Drainage and Flood Issues

Following comments from the Council's Drainage Officer, amendments were made to the drainage strategy. This includes additional detail to the flood route drawing and the geocellular storage tanks. Further details of maintenance of the SuDS features and how this will be guaranteed for the life of the development are required, but this will be secured through the requirement of a specific condition.

Yorkshire Water have raised no objections to the proposals and the site does not lie within a recognised Flood Risk Area. As such there are no objections to the proposals from a drainage and flood risk perspective subject to conditions.

### Landscape and Ecology

There are no trees currently on the site which is mainly comprised of cut grass with limited boundary treatment on its periphery. The Council's Ecologist has indicated that it is unlikely that the site will be used for foraging badgers given the residential setting and street lights. The surrounding residential area is unlikely to support roosting bats because of its modern construction.

The Tree Officer has raised no objections to the proposal and the contents of the supporting combined Arboricultural Report are noted and generally accepted. Several trees are positioned off site, the roots of which extend within the site boundaries. Whilst most are categorised as 'C' category low amenity trees their future prospects will need to be safeguarded throughout any development in accordance with BS 5837

Trees in Relation to Design, Demolition and Construction. This is again secured by condition

In terms of the landscaping details, the Council's Landscaping Team have indicated that a detailed final landscaping scheme is required and this is subject to a recommended condition.

### Affordable Housing

As indicated above the scheme is for the provision of a fully Affordable Housing development. This and its associated community benefit forms part of the reason for overcoming the loss of Urban Greenspace. The site is also currently within Council ownership, it is also considered necessary that a planning condition is attached to the permission in order to safeguard the affordable housing on the site in perpetuity.

### Other issues

The Council's Environmental Health department have raised no objections in terms of future noise or contamination issues subject to final conditions and an informative. Regarding any contamination present on the site, the site investigation works comprised of 4 boreholes and the excavation of 5 trial pits showed no visible evidence of contamination.

Made ground was encountered at the site although no groundwater was evident during the site investigations. The risk from pollution of controlled waters associated with the proposed redevelopment is considered to be low and remedial measures will not be required in this respect.

### **Conclusion**

The principle of residential development in this location on land allocated as Urban Greenspace in the UDP is considered acceptable due to the low recreation value of the site and the overriding benefits that would be obtained with a fully Affordable Housing scheme.

The Transportation Unit have confirmed the revised highway layout is acceptable and Yorkshire Water have confirmed the piped water discharges are acceptable.

The density, scale and design of the development is considered acceptable in this location which has a mixed residential character. Subject to conditions, including the removal of permitted development rights, the scheme is recommended for approval.

### **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 **08, 10, 11, 12** 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 **08, 10, 11, 12** 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 site plan 671.02 001MC5 Rev F, House type 1 011 MC5 Rev A, House Type 2 MC5 Rev A)(received 24.02.17, 23.01.17)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing no House type 1 011 MC5 Rev A, House Type 2 MC5 Rev A. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

Policy HG5 'The Residential Environment'.

05

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

Reason

In order to promote sustainable transport choices.

06

Before the development is brought into use, 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'.

07

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

Reason

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

08

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 a maximum of 5 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 and how provision for this maintenance is ensured for the lifetime of the development.

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.

09

A flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, external ground levels and 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'.

10

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal.

11

The development shall not begin until a scheme for the provision of affordable housing across the whole of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- ii. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason

The development of the application would not be acceptable without the provision of all of the dwellings being affordable in accordance with Policy CS7 of the Core Strategy and the provisions of the NPPF.

12

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

Reason

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

13

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 alterations otherwise Permitted under Part One Classes A and E shall be carried out to the approved development.

Reason

To preserve the openness of the Green Belt in accordance with the NPPF.

**Informatives**

a) Yorkshire Water –

On the Statutory Sewer Map, there is a 150mm diameter public combined water sewer recorded to cross through the red line site boundary. It is essential

that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000.

SURFACE WATER - The Drainage Strategy (prepared by Met Engineers - Report 12526-5078 (revision 00) dated 22nd December 2016) indicates the developer will follow the surface water hierarchy i.e.

- i) Soakaways are to be investigated (likely to be clay ground).
- ii) A watercourse is remote from the site.
- iii) Alternatively, surface water may discharge to the public sewer - restricted as to not exceed 5 (five) litres/second.

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

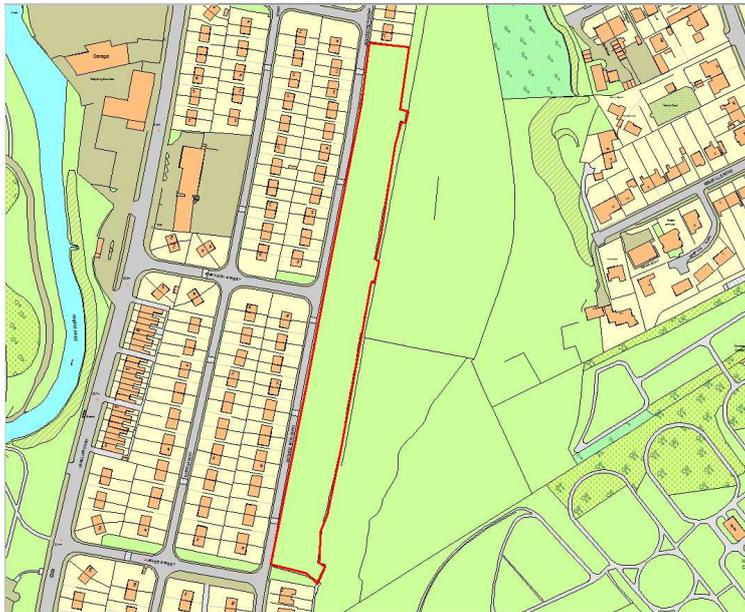
- b) RMBC's Transportation Unit have reminded that applicant that the grass quadrant at the Lockwood Road/Farnworth Road junction is part of the public highway and will require a Stopping Up Order under Section 247 Town and Country Planning Act, 1990.
- c) Police – This development would benefit from being built to Secured by Design standards.
  - All landscape should be kept low below 1m and trees to have no foliage below 2m.
  - All properties should have defensible space around them.
  - Lockable 1.8m high gates should be used as close to the front of the building as possible.
  - Front and back entrances should be well lit.
  - All doors and windows should be to PAS 24:2016 the required standards for Secured by Design.
- d) Construction Disturbance  
You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.
- e) Wildlife Legislation  
Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

**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>	RB2017/0105
<b>Proposal and Location</b>	Erection of 58 dwellinghouses associated works, gardens and car parking at land at Rother View Road, Canklow, Rotherham, S60 2UR.
<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 is located in the south of Rotherham within the Canklow area of the Borough. The site is situated along the eastern side of Rother View Road and is 1.1 ha in area. The site is an elongated shape that slopes steeply from south-east to the west; with the change in height between these points of approximately 15m.

There are residential properties to the north and south and directly opposite at a lower level. The properties to the north and west are of a post-war construction, while those to the south were built in the past 5 years. Public open space is situated to the east of the site.

Forming the site boundary to the east is a row of mature trees which provide a physical demarcation between the proposed site and the existing public open space. The western boundary is Rother View Road and its associated footpath. Until the mid-2000s the site comprised of a row of a number of semi-detached post-war dwellings similar to the ones on the opposite side of Rother View Road. The site has since been cleared and has been left to be grassed over.

## **Background**

There have been several planning applications submitted relating to this site:

RB2003/0180 – Application to determine whether prior approval is required of the method of demolition and restoration of the site re: Demolition of 4 dwellinghouses – Prior Approval Not Required – 27/02/2003

RB2003/1693 – Application to determine whether prior approval is required of the method of demolition and restoration of the site re: demolition of 23-65,73-113,119-229, 172 -198, Rother View Road, 2-16 Wood View Place and 2-16 Wood Terrace – Prior Approval Not Required – 20/10/2003

RB2012/1315 – Erection of 16no. dwellinghouses – Granted Conditionally – 06/11/2012

RB2013/0196 – Continuation of erection of 16 No. dwellinghouses with variation to Condition 02 (approved plans) imposed by RB2012/1315 – Granted conditionally – 09/04/2013

The site in question forms part of a series of planning applications which have been submitted simultaneously on 7 sites throughout the Rotherham area. In total the 7 sites propose 217 residential properties with this application site providing 14 properties all deemed to be affordable.

## **Proposal**

The proposal provides 58 dwellinghouses which are all to be affordable.

The development is in the form of a row of houses similar to other recent developments along Rother View Road. The proposal will provide two different house types in either semi-detached or terrace units. The property types and numbers are as follows:

Type 1 (8 no.) – three-storey, 3 bedroom, semi-detached house

Type 1 (22 no.) – three-storey, 3 bedroom terrace house

Type 2 (4 no.) – three-storey, 2 bedroom semi-detached house

Type 2 (24 no.) – three-storey, 2 bedroom terrace house

Due to site levels the houses will be three-storey to the front and two storey to the rear.

Parking will be provided to the front of the dwellings, with areas of soft landscaping to soften the overall appearance. The boundary to the rear will be a 1.8 metre high

timber close boarded, while at the front a 1.1 metre high metal railing will be used to separate the properties.

The dwellings will be constructed in a mixture of red brick and render in white and grey, with concrete tiles. Windows and doors will be white UPVc with grey rainwater goods and coloured GRP doors.

The existing footway on the eastern side of Rother View Road will be widened to 2m.

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

### Design and Access Statement

This statement provides details on the site, the proposed development in respect of design, scale, landscaping, appearance and access and the community consultation event.

### Transport Statement

The statement concludes that the generated traffic can be accommodated within the capacity of the existing highway network. There are public transport stops within a convenient walking distance from the development. The existing footway on the eastern side of Rother View Road will be widened to 2m. The site is considered to be sustainable in transport terms.

### Ecology Report

The Ecology Report has concluded that the site is of a limited ecological value with no evidence of protected or notable species recorded. The closest statutory designated site, which is cited as wetland supporting wetland bird species, is located 0.65km from the site and separated by buildings and hardstanding.

A range of mitigation and enhancement measures have been suggested.

### Flood Risk and Drainage Strategy

The report confirms that the site lies within zone 1 of the flood map and it is not believed the site has flooded or caused flooding to other property. The redevelopment of the site will increase the impermeable areas of the site compared to its current status.

### Phase 1 Desk Top Study

The study has assessed the historical land use of the site and coal mining reports.

### Tree Survey Report

The report identifies that there are no 'A' category trees identified, there are some classed as category 'B' and a number of hedges, trees classed as category 'C' but none of them are worthy of the retention.

## Geoenvironmental Report

The report provides a number of recommendations in respect of geo-environmental issues such as soil testing, gas monitoring, amongst others.

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

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

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

Core Strategy policy(s):

CS7 'Housing Mix and Affordability'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS21 'Landscape'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'  
HG5 'The Residential Environment'

### **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.

## Rotherham's adopted Parking Standards

### 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 press, and site notice along with individual neighbour notification letters to adjacent properties. 4 letters of representation have been received, from local residents, the school and a community group. The issues raised are summarised below:

- The additional residents will worsen the situation with regards to the local doctors and not being able to get an appointment.
- Residents would like additional playgrounds and better play equipment to make up for the loss of the playgrounds that used to be in the area.
- A gated play area on Rother View Road would help protect young children from playing on the open ground which is used for fly tipping and unauthorised motor vehicles.
- Request a lighted crossing to access the park on Canklow Road.
- Concerns about secondary school places at Brinsworth Comprehensive School.
- Request a new park, new bins and a second post box.
- The local primary school does not have the capacity to take the additional children the development will bring to the area.

Two Right to Speak requests have been received from a local resident and the local school.

### **Consultations**

RMBC - Transportation and Highways Design have no objections subject to conditions.

RMBC - Tree Service Manager has no objections to the tree / hedge loss.

RMBC - Affordable Housing Officer recognises that as this is a wholly affordable housing scheme which is being developed in partnership between the Council and Wates. All of the 58 properties will be purchased by the Council and added to Council stock and rented out as social housing units. Therefore the scheme more than complies with the affordable housing policy of 25% delivery on site.

RMBC - Landscape Design have no objections subject to conditions.

RMBC – Drainage have no objections subject to conditions.

RMBC - Leisure and Green Spaces Manager has stated no additional open space needs to be provided with this development.

RMBC – Ecologist has as no objections subject to conditions.

RMBC - Environmental Health have no objections subject to the standard working practices informative.

RMBC - Land Contamination have no objections subject to conditions.

RMBC – Education state that there is no requirement for an education contribution due to the dwellings all being for affordable housing as detailed in the Council's adopted Education Policy.

RMBC - Urban Design have no objections.

Environment Agency – Have no comments to make.

Yorkshire Water – Have no objections subject to conditions.

South Yorkshire Archaeological Service – Have no objections to the proposal

## **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
- General Amenity Issues
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- Other Considerations

## Principle

The site is allocated for residential purposes in the UDP and located within close proximity to local services and public transport services on Canklow Road and a short walk to Rotherham town centre. Therefore it is acknowledged that the site is within a highly sustainable location. In addition, the proposal would comply with Policy HG4.3 given the application site is allocated for residential purposes, surrounded by residential properties within a built-up residential area, and as such the proposal would be compatible with the land use of the site and adjoining residential uses.

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

Accordingly, in light of the above the principle of residential development on this land would be acceptable and would comply with the policies within the NPPF, Core Strategy and UDP.

Therefore as specified in the NPPF planning should be granted unless “any adverse impact of doing so would significantly and demonstrably outweigh the benefits.”

## 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 echoed by the NPPF.

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from a good planning, and should contribute positively to 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 scheme.”

Policy CS21 states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the Borough’s landscapes. In addition policy CS28 indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with well-designed buildings. 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 proposed development comprises of two different house types, although they both share the same contemporary design features and materials, albeit some will have a white render finish and some a grey render finish, above a red brick lower ground floor. The dwellings are of a similar height, appearing three-storey at the front and two-storey to the rear, due to the existing land levels.

It is noted that the proposed dwellings would not be in keeping with the older properties in this part of Canklow but that they would be in keeping with the newer dwellings constructed in the last 10 years along other sections of Rother View Road and in other parts of Canklow. Therefore it is considered that the proposed dwellings by virtue of their size, scale, form and design would not adversely affect the character or appearance of the area, but would help enhance the overall appearance of not only Rother View Road but the wider Canklow area.

The size of the proposed dwellings are considered appropriate in relation to the size of the site, as the proposed dwellings will be provided with an appropriate amount of floor space and private amenity space that accords with the guidance detailed in the South Yorkshire Residential Design Guide. Additionally, space for cars to be parked within the curtilage of each property, is to be provided which would be in accordance with the Council's adopted Minimum Parking Standards. Therefore the proposal will not result in the overdevelopment of the site.

It is further considered that whilst the layout is somewhat constrained by the topography and width of the site, the development as a whole is judged to be of an appropriate scale and an acceptable addition to the surrounding area, that will not introduce an unfamiliar feature within the area. This is due to the fact that in this part of Canklow there is a mix of old post-war housing and new modern dwellings.

In light of the above it is considered the proposal would represent an appropriate and acceptable form of development that would be in full compliance with the requirements of the NPPF and Core Strategy policy CS28 and would not adversely affect the character or appearance of the area.

### General Amenity Issues

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 proposed dwellings would be sited between approximately 27 and 29 metres from the principle elevation of the properties on the opposite side of Rother View Road. Therefore the spacing between the existing and proposed dwellings far exceeds the recommended distances in the South Yorkshire Residential Design Guide and even though the proposed dwellings would be at a higher land level, there would be no significant privacy or overlooking issues created by a result of the development. Furthermore, by virtue of the spacing distance between the properties and despite the three-storey nature of the proposed dwellings and the significant level changes, the new dwellings would not appear overbearing or affect the outlook from the existing dwellings.

Having regard to the above, it is considered that given the height, size, siting, design of the proposed building, together with the orientation of the site, land levels and proposed boundary treatment, the proposal would comply with the requirements of the Council's adopted guidance and the NPPF. Therefore, the proposal would not appear overly dominant or overbearing when viewed from surrounding properties and would not give rise to any overshadowing or privacy issues.

### Transportation Issues

The proposed layout, which has been dictated by the levels of the site, has resulted in parking spaces to the front of the properties, either side by side or one behind the other, similar to other recent developments along Rother View Road. The proposed on-site car parking facilities comply with the Council's standards.

In addition, it is proposed to increase the existing footway on the site frontage to a width of 2m, which has also been done on other recent developments along Rother View Road.

In light of the above, the proposed development would not give rise to any highway issues and the Council's Transportation and Highways Design section have raised no objections from a highways perspective to the proposal subject to conditions.

### Drainage and Flood Issues

The site is not within a flood zone, but surface water runoff from the hillside is a known problem in this area.

There are constraints on this site in respect of drainage due to the topography and steepness of the site and the earthworks required. Drainage and SuDs information has been submitted, along with a Flood Route Plan.

However, it is considered that whilst the drainage strategy is generally acceptable, insufficient drainage and SuDs information has been submitted, while the flood route plan is also not considered sufficient.

Notwithstanding the above, the Council's Drainage Engineer has confirmed that the information required by them can be conditioned and submitted prior to works commencing on site.

Yorkshire Water has raised no issues with the proposal subject to conditions.

It is therefore considered that subject to conditions, the proposed development would not give rise to any significant drainage or flooding issues to either the proposed or existing properties.

### Landscape and Ecology

The site lies within the River Rother strategic Green Infrastructure corridor, with a boundary to the east with Greenbelt and is well connected to existing public right of way network.

A Landscape Masterplan has been submitted with the application and in general the Council's Landscape Design team is satisfied with the proposal, but is still recommending a detailed landscape scheme be submitted as part of a condition to allow the applicant to explore the mix of landscape treatments and size of trees proposed.

The proposal will also involve the loss of some low amenity trees and hedges from the site, and none of the existing trees or hedges are proposed to be retained within

the site. The submitted Landscape Masterplan together with the detailed scheme to be submitted via the standard condition will provide sufficient mitigation for the loss of the existing trees and hedges.

The Council's Ecologist has stated that despite the suboptimal timing, the findings of the survey are accepted and there is no requirement for further surveys. Therefore, there are no objections to planning permission being granted from an ecological perspective subject to the mitigation and enhancement measures provided, which includes bat & bird boxes, new planting and wildlife friendly lighting being provided through a condition.

Overall it is considered that subject to conditions, the proposed development would be in compliance with policy CS21 of the adopted Rotherham Core Strategy.

Further to the above, the Council's Green Spaces Manager has indicated that the development is immediately adjacent to existing open space at Canklow Hillside, and within easy walking distance of Canklow Recreation Ground (which includes a children's play area and MUGA), Boston Park and Canklow Woods. Therefore no additional open space needs to be provided with this development.

### Other Considerations

In respect of archaeology, the site was included in the recent scoping review, by Wessex Archaeology, of potential allocation sites. That work suggested that there were little/no concerns about allocation from the archaeological point of view, because the site was developed with houses in the 1940s, which have since been cleared. The Wessex scoping report concluded for this site that "The likely survival of heritage assets at this site is considered to be poor due to extensive disturbances created by the construction and subsequent demolition of 20th century semi-detached housing." Accordingly, the South Yorkshire Archaeology Service have no archaeological concerns about the current proposal.

This is a wholly affordable housing scheme which is being developed in partnership between the Council and Wates, the applicant. All of the 58 properties will be purchased by the Council and added to Council stock and rented out as social housing units. Therefore the scheme more than complies with the affordable housing policy of 25% delivery on site. As the scheme is a partnership with the Council, there is no necessity to enter into a legal agreement to secure the affordable housing provision.

Further to the above, as the scheme is to provide 100% affordable housing and as detailed in the Council's Education Policy there is no requirement for a financial contribution towards education provision via a S106 agreement.

Notwithstanding this, the formulae in the Council's Section 106 policy relating to Education Contributions from housing developments, suggests for 80 dwellings (which would be the combined number at Canklow) an additional 17 pupils would be generated in the local primary school. However the pupil growth from these developments can take several years to materialise. As of the 8 February 2017 there were 196 pupils on roll leaving a surplus of 14 places across the primary school.

With regard to secondary school places at Brinsworth Comprehensive, which is an issue raised by a local resident, the Education Department have confirmed that there is no perceived issue that the additional children brought to this area by the development would significantly impact on pupil levels at Brinsworth Comprehensive. In addition, the Canklow area is also in the catchment for Oakwood Comprehensive School.

In respect of additional playgrounds and better play equipment, the Council's Green Spaces Manager has indicated that the development is within walking distance to existing open space at Canklow Hillside, the recreation ground and children's play area on Canklow Road, Boston Park and Canklow Woods. Accordingly, they have indicated that there is no requirement for any additional open space to be provided with this development.

### **Conclusion**

Having regard to the above, and the issues raised by the objectors, it is concluded that the issues raised would not warrant a refusal of this application on planning grounds and do not outweigh the fact that the proposed development would represent an acceptable and appropriate form of development in this sustainable location that would not affect the character or visual amenity of the area, the amenity of neighbouring residents or have an adverse effect on the highway network. This is a 100% affordable housing scheme that has been given substantial weight in the consideration of this application and therefore, subject to conditions the application is recommended for approval.

### **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 **08, 12, 13, and 15** 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 **08, 12, 13 and 15** 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)

671.02 (-- ) 011 MC2 Rev A, received 12 January 2017

671.02 (-- ) 012 MC2 Rev A, received 12 January 2017

671.02 (-- ) 001 MC3 Rev B, received 27 February 2017

671.02 (-- ) 005 MC3, received 27 February 2017

Reason

To define the permission and for the avoidance of doubt.

03

No construction works on the dwellings hereby approved shall commence 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

The footway on the site frontage with Rother View Road shall be increased in width to 2.0m.

Reason

In the interests of highway safety.

05

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

Before construction commences on the dwellings hereby approved footway 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

Prior to the completion of the first dwelling, 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 before the first dwelling is occupied.

Reason

In order to promote sustainable transport choices.

08

Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

In the interests of highway safety.

09

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 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 UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

10

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

Reason

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

11

Prior to the occupation of the first dwelling, details of RAMS, bat & bird boxes, new planting and wildlife friendly lighting as detailed on pages 3 and 4 of the submitted ecology report, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within a timeframe to be agreed with the Local Planning Authority and shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order to make adequate provision for species protected by the Wildlife & Countryside Act 1981 and in accordance with policy CS20 'Biodiversity and Geodiversity' of Rotherham's Core Strategy and the National Planning Policy Framework.

12

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 a maximum of 5 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 and how provision for this maintenance is ensured for the lifetime of the development.

The approved details shall be implemented within a timeframe to be agreed with the Local Planning Authority.

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.

13

Prior to the commencement of development a flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, external ground levels and 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'.

14

No construction development shall take place until details of the proposed means of disposal of surface water drainage, have been submitted to and approved by the local planning authority. The rate of discharge into the public sewer shall not exceed 5.0 (five) litres per second or the greenfield run-off rate, whichever provides the lowest rate of discharge. Furthermore, no discharge of surface water from any part of the site shall commence until the approved details have been implemented to the satisfaction of the Local Planning Authority.

Reason

In the interest of effective surface water management and to prevent downstream flooding.

15

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

Reason

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

16

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

Reason

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

17

All foundation works to be undertaken shall be carried out in accordance with sections 10.1 – 10.5 reported in the Geo-Environmental Investigation for Rother View Road South, Canklow – prepared by RGS Ltd, dated January 2017, reference J3702/16/E.

Reason

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

18

In the event that gas protection measures are required for any new builds then details of the gas protection measures to be installed will be forwarded to this Local Authority for review and comment. As a minimum the gas protection measures shall include either of the following:

- a) Reinforced concrete cast in-situ floor slab (suspended, non-suspended, or raft) with at least a 1200g DPM and underfloor venting: and/or
- b) Beam and block or pre cast concrete slab and a 2000g DPM / reinforced gas protection membrane and underfloor venting;
- c) All joints and penetrations to be sealed.

Reason

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

19

If subsoils / topsoils are required to be imported to site for remedial works or garden/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of testing will need to be presented in 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.

20

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

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.

21

The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- ii. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason

In accordance with policy CS7 of the Core Strategy

**Informatives**

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries.

02

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

03

The South Yorkshire Police Architectural Liaison Officer has stated that the development would benefit greatly from being constructed to Secure by Design. The development will have to comply with Approved Document Q anyway and the easiest way for this is to achieve Secure by Design. This will lead to the creation of a safer and more enduring community in with the National Planning Policy Framework. It is advised that:

- All landscape should be kept low below 1m and trees to have no foliage below 2m.
- All rear boundaries should be at least 1.8m high to prevent access into rear gardens.
- All properties should have defensible space around them. Therefore lockable 1.8m high gates should be used, as close to the front of the building as possible.
- Front and back entrances should be well lit, with a dusk to dawn sensor light fitted above each and positioned as high as practicable to prevent interference.
- All doors and windows should be to PAS 24:2016 the required standards for Secured by Design and Approved Document Q.
- All ground floor and vulnerable glazing must be laminated.

04 - Drainage

Existing Infrastructure - There are various 'minor' small diameter public sewers recorded crossing the site. The submitted site layout plan shows all the sewers will be affected. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations.

Surface Water - Sustainable development requires appropriate surface water disposal. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourses are not reasonably practical before even considering disposal to a public sewer.

In this case, we note the submitted Flood Risk and Drainage Strategy (prepared by met Engineers - Report 12526-5076 (revision 00) dated December 2016) is satisfactory from Yorkshire Water's viewpoint. The report indicates;

- i) Sub-soil conditions do not support the use of soakaways.
- ii) Therefore, surface water to discharge to the public sewer, at a restricted rate as to not exceed 5 (five) litres/second.
- iii) The developer is to utilise rainwater collection butts to reduce run-off.

Restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment

Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

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

05 – Water Supply

A new water supply can be provided under the terms of the Water Industry Act, 1991.

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>RB2017/0111</b>
<b>Proposal and Location</b>	Erection of 98 No. dwellinghouses, associated works, gardens & car parking at land off Braithwell Road, Maltby, S66 8AD
<b>Recommendation</b>	<p>A) That the developer provides a satisfactory Legal Agreement for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• Financial contribution of £2,342 per open market dwelling (83 x £2,342 = £194,386) towards the provision of education.</li> <li>• Financial contribution of £40,000 towards the improvement of existing green space, primarily for the purposes of children’s play within the Maltby area.</li> <li>• Financial contribution of £500 per unit towards the provision of sustainable transport measures.</li> </ul> <p>B) Consequent upon securing such an agreement, the Council resolves to grant planning permission for the proposed development subject to the relevant conditions.</p>

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



### Site Description and Location

The application site comprises a level piece of land which is rectangular in shape. Boundaries are defined by the rear gardens of dwellings located on Bevan Crescent to the west, Chadwick Drive to the south, Braithwell Road to the east and 8 newly constructed affordable homes off Newland Avenue to the north. Newland Avenue remains in situ on site and runs from an eastern entry point off Braithwell Road and curves to form an estate road running from the north of the site to the south where it forms a junction with Chadwick Drive. The site area also includes a small area of land to the south of Chadwick Drive, the northern and eastern boundaries of which are open whereas the southern and western boundaries are fenced from the adjoining properties.

Historically the entire site accommodated a number of Council owned 2 storey properties, however these were demolished and the site cleared between 2008 and 2012.

Surrounding the site are a mixture of two storey dwellinghouses, sited along Braithwell Road and Newland Avenue and single storey bungalows sited on Bevan Crescent. These bungalows share a rear boundary with the application site.

### Background

The site has a varied history which relates primarily to the erection of domestic extensions on properties that have now been demolished. The following applications are relevant to this application:

- RB2010/0286 - Erection of three pairs of two storey dwellinghouses & a pair of semi-detached bungalows with associated walls & fencing (Application under Regulations 3 & 9A of the Town and Country Planning General Regulations 1992) – Granted Conditionally 29/04/2010. This relates to land outside the application site, but part of the overall redevelopment proposals for the area.

- RB2008/1552 - Application to determine whether prior approval is required of the method of demolition and restoration of the site re: demolition of 11 No. dwellinghouses – Prior Approval Not Required
- RB2009/0269 - Application to determine whether prior approval is required of the method of demolition and restoration of the site re: demolition of dwellings - 14-18, 22, 24, 34, 36, 41-51, 59 Newland Ave and 75-97 - Prior Approval Not Required
- RB2009/1006 - Application to determine whether prior approval is required of the method of demolition and restoration of the site re: demolition of 6 No. dwellinghouses - 1, 3, 4, 9 & 11 Chadwick Drive & 57 - Prior Approval Not Required
- RB2011/0825 - Application to determine whether prior approval is required of the method of demolition and restoration of the site re 2 No. dwellinghouses – 83-85 Braithwell Road - Prior Approval Not Required
- RB2012/0012 - Application to determine whether prior approval is required of the method of demolition and restoration of the site re: demolition of 5 dwellinghouses - 8, 10, 12, 17 & 20 Braithwell Road - Prior Approval Not Required

### **Proposal**

This is a full application for the erection of 98 dwellings and apartments with associated access, drainage, landscaping & infrastructure on land off Braithwell Road in Maltby. The application forms part of a series of planning applications which have been submitted simultaneously on 7 sites throughout the Rotherham area. In total the 7 sites propose 217 residential properties with this application site providing 98 properties, 83 of these properties will be for sale and the remaining 15 properties will be designated as shared ownership and considered to be affordable, the profits from the open market sales will be cross subsidised into providing funds for the affordable properties being built on the remaining sites consisting of 119 Council rented properties to provide affordable housing.

The proposed dwellings have been sited primarily to front existing infrastructure which comprises of Braithwell Road, Newland Avenue, Bevan Crescent and Chadwick Drive. The apartment block has been sited along the eastern boundary fronting Braithwell Road with its front elevation facing westwards into the development.

The submitted drawings indicate three different house types, all two storeys in height and a single apartment block extending to 3 storeys. A materials drawing has not been submitted in support of the application, however the Design and Access Statement confirms that the proposed materials for this development include red facing brickwork similar in shade and texture to those used in the existing properties on Braithwell Road. Windows will be narrow module dark grey uPVC. Other key features include dark grey uPVC rainwater goods. A number of properties will have front and garage doors painted in Heritage Aquamarine otherwise the doors will be dark grey.

The site layout has been amended since submission, amendments relate primarily to the siting of the apartment block which is now shown in a more central location on the Braithwell Road frontage, the substitution of house types at Plots 97 and 98 to provide a pair of semi detached houses in lieu of 2 detached properties and slight amendments to corner plots to ensure adequate separation distances are met.

Access to the proposed development is provided off Braithwell Road or via the existing traditional estate roads (Newland Avenue or Chadwick Drive) which run around and through the site. There will be 2 no. mews courts, one providing access to the apartment parking court and 1 no. private drive taken from Newland Avenue. In the centre of the site there will be a public footpath which provides access to and from Braithwell Road.

Car parking provision will be provided on plot with the exception of the apartments which show provision to either side of the building within a parking court.

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

#### Design and Access Statement

This document follows the general guidance and principles outlined by South Yorkshire Residential Design Guide and the Planning Portal for the creation of Design and Access Statements. It explores the planning merits of the development and explains how the scale, layout and design of the proposed development is appropriate for this area.

#### Building for Life Assessment

This Assessment provides an analysis of the proposed development against the 12 points. It also provides a commentary evidencing of how the development scores against each point.

#### Transport Statement

This statement has been prepared to consider access by all modes, demonstrate the potential impacts of the development and identify any measures needed to mitigate such impacts. It concludes by stating "The site is well served by public transport and is sustainable in terms of transport, other than the private car. There are no highway / capacity / safety issues associated with this development".

#### Flood Risk & Drainage Strategy

This Strategy confirms that the site lies within Zone 1 of the EA's indicative flood plans and it is not believed that the site has flooded or caused flooding to other property. Redevelopment of the site will increase the impermeable areas of the site compared to its current status. Site investigations have revealed that the existing manholes on the Public Combined Sewers around the site have connection tails into the site proving that the original dwellings on the site were positively connected to the network.

#### Ecology Report

This report confirms that "The Site was assessed to be of limited ecological value with no evidence of protected or notable species recorded. The closest statutory designated site, which is cited for supporting calcareous grassland and geological features, is located 0.9 km from the Site and separated by buildings and

hardstanding. Therefore, there are considered to be no direct impacts to the SSSI from the Development. A range of mitigation and enhancement measures have been suggested.”

#### Arboricultural Survey

This Survey confirms that “It is considered that the retention of some trees on site would be beneficial to the local identity of the area. It is also considered that the site could readily be developed whilst retaining these more valuable trees which are potentially important to the green infrastructure and character of the area. The site also lends itself to possible further improvement of tree stock throughout the locality. This methodology could also be used to mitigate any loss of trees where the proposed layout makes the retention of trees impossible.”

#### Air Quality Assessment

This Assessment confirms that the proposals have the potential to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation, as well as expose future residents to any existing air quality issues/ However, assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by demolition, earthworks, construction and track-out activities was predicted to be not significant.

#### Geo-environmental Report

This report confirms that fieldworks were undertaken on the 23rd and 24th November 2016 and included the following:

- Eight windowless sample boreholes.
- Ten dynamic probes.
- Five gas monitoring standpipes.
- Two days of trial pitting (20No. trial pits)

As a result of these fieldworks recommendations for further work include:

- Complete the regime of gas monitoring.
- Consideration to undertake further soil testing to establish the extents of the known contamination ‘hot-spots’.
- Discussions with ground work contractors in relation to the requirement for testing of materials to be disposed off-site (Waste Acceptance Criteria) and the suitability of imported materials.
- Discussions with service providers regarding suitable materials for pipe work given the nature of chemical determinants found within the soils on site.
- Produce a validation report to demonstrate that the geo-environmental risks discussed in this report have been mitigated.
- Detailed design of the sub-structure

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

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham’s Local Plan together with ‘saved’ policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan ‘Publication Sites and Policies’ was published in September 2015.

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

Core Strategy policy(s):

CS7 'Housing Mix and Affordability'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscape'  
CS25 'Dealing with Flood Risk'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'  
ENV2 'Conserving the Environment'  
ENV3.2 'Minimising the Impact of Development'  
ENV3.4 'Trees, Woodlands and Hedgerows'  
ENV3.7 'Control of Pollution'  
ENV4.4 'Contaminated Land'

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

Policy SP1 'Sites allocated for Development' - Allocation Reference H67 'Newland Avenue / Braithwell Road / Chadwick Drive'

**Other Material Considerations**

Council's Car Parking Standards (adopted June 2011).

South Yorkshire Residential Design Guide (SYRDG).

South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

'Delivering Air Quality Good Practice Guidance'

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 referred to within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy and are not proposed to be amended as part of the Inspector’s Main Modifications

### **Publicity**

The application has been advertised as a major application in the press, on site and via neighbour notification letters. Letters of objection have been received from the occupiers of 7 nearby properties have been received. One is a request for clarification, five relate to objections and one of support. Following the submission of an amended site layout plan a further round of consultation took place; this resulted in further letters of representation from households previously objecting.

The points raised are summarised as follows:

### Comment

- Who will be responsible for maintaining the private road?
- A Tree Preservation Order should be placed on the large tree in the middle of Site B (land off Upperfield Close) – This site does not form part of the application.

### Objection

- Plots 97 and 98 are adjacent to an existing bungalow and should therefore also comprise of two bedroom council owned bungalows, which would allow the release of two larger accommodation properties in the area for families in need of a family home.
- Plots 97 and 98 are 4 bedroom houses which show parking for one vehicle. Statistics show that this size of home will have a least two or more vehicles, which will result on parking on the already dangerous junction. The layout of the road already prevents two vehicles passing each other without one having to stop.
- Building two storey properties is not in keeping with the local area plan. Bevan Crescent is an elderly people community. They do not need to have their privacy affected and be overshadowed by the proposed accommodation. We believe it is more fitting for these buildings to be bungalows so as to keep with the ethos of the street.
- People further down the street are having to put up with the noise of the houses that are being built behind them. Therefore, the residents of Bevan Crescent do not need to put up with vehicles speeding up and down the street as the four bedroom accommodation will undoubtedly have more than one car per household.

- There are no clear lines of sight in that area which would increase the possibility of there being a fatal accident.
- Cars will also be parked outside other peoples' properties on the street as the plans only show parking for one car and so it means inadequate parking. Access for emergency vehicles is already restricted and does not need to be further exasperated by more vehicles. Being elderly there is a higher probability of emergency services being required and fast as they may not be able to evacuate their properties with being immobile
- Bungalows are required for our aging community as life expectancy increases, also when elderly people move into this type of accommodation it frees up bigger properties elsewhere in the community.
- Two four bedroomed houses are to be built on the corner of Bevan crescent on the new development. This is right on a corner and with this road being narrow and on a tight bend both ways, with only one parking space per home I feel that this should be looked at again as there will be other cars in that household that will be parked on the road or worse still parked on the pavement in an area of retired homes .Also that area is all bungalows so wouldn't it look better for bungalows to be put there?
- The addition of extra driveways at the junction of Newland Avenue and Bevan Crescent at this is a very tight junction would be dangerous. It also is a very narrow road that already services a great number of properties on the Redland Estate and was only ever designed to service the bungalows on Bevan Crescent.
- My objection to the proposed plans relates only to properties 97/98 on the site. I have reason to visit Bevan Crescent, daily. The junction with Newlands Avenue is already a danger to both pedestrians/school children and motorists from nearby estate roads. To allow further vehicles to enter onto the junction from 97/98 is a disaster waiting to happen. I feel that 97/98 should be first two houses on Newlands Avenue, as the original layout before they were demolished.

### Support

- The development looks great and can only improve the current space;
- More houses are needed in the Maltby area and the over 55's is a great idea.

### Comments on Amended Plans

- Plots 97 & 98 should be built to follow in line with Plots 95 & 96, thus reducing traffic entering from Plots 97 & 98 onto the Bevan Crescent junction where the main traffic problem is already a safety issue;
- Original concerns regarding Plots 97 & 98 have not been addressed. In fact we now believe, due to this, that the best solution for this site is for the reorientation of the houses so that the houses and driveways are entered and exited from Newland Avenue. This is in keeping with the position of the houses that were previously on the site.
- A high volume of minor incidents have occurred on the junction adjacent to plots 97 & 98. These plots should be omitted from the scheme on the grounds of road safety.

One request to speak at the meeting has been received from a local resident.

## Consultations

RMBC - Transportation and Highways Design has confirmed that the Transport Statement (TS) submitted in support of the application is based on a development of 103 No. houses (98 No. actually proposed). This is expected to give rise to a maximum of 67 No. trips in the pm peak hour. Given the existing multiple points of access to the site the Transportation Unit would not expect any adverse impacts at junctions with Braithwell Road. Raise no objections subject to relevant conditions.

RMBC - Leisure and Green Spaces Manager confirms that the proposed development would be within 280 metres (five minutes walking distance) of existing green spaces, as recommended in the Green Space Strategy and included in draft policy SP40 for all developments of 36 dwellings or more. It is therefore suggested that a contribution be sought to improve existing green space(s) in the vicinity.

RMBC - Tree Service Manager regrets that there is a loss of one tree adjacent to Plot 76, however considers that this can be mitigated against with the planting of 2 replacement trees in the 2 quadrants at the junction of Chadwick Drive with Braithwell Road.

RMBC - Landscape Design has assessed the content of the Landscape Masterplan and is generally satisfied that there is scope to provide an attractive well landscaped setting for this development subject to the imposition of conditions requiring the submission of detailed plans.

RMBC – Drainage originally raised concerns about the methodology used in the submitted Flood Risk Assessment with regard to run-off rates and on site attenuation, however following the submission of additional information is now satisfied that the development will have no adverse impact on surface water flooding.

RMBC - Affordable Housing Officer acknowledges that this site forms part of the wider Cluster sites programme and in particular RB2017/0112 Gaitskell Close, which proposes 4 (100%) affordable houses. Both of these schemes fall within the same ward and are being developed under the same partnership arrangement between the Council and the developer Wates. They are being treated as a linked scheme and affordable housing policy of 25% affordable housing on site is being combined across both sites. The 15 apartments on this application site will be developed as affordable housing for shared ownership for those over 55 years of age. This being the case, no objections are raised.

RMBC – Ecologist raises no objections to the proposed development from an ecological perspective.

RMBC - Environmental Health (Air Quality) has assessed the contents of the Air Quality Assessment and concur with the methodology used and conclusions reached. On that basis no objections are raised.

RMBC – Education confirm that the site falls within Maltby Hall Primary schools catchment area. This popular school is currently operating at the Audit Commissions recommended 95% capacity, with numbers projected to further increase in future years. Primary contributions, as per our Section 106 policy attached, are £2,342 per

dwelling. In terms of how the contribution would be spent, discussions would need to be undertaken with the Chief Executive of the Maltby Learning Trust, as they control the majority of Maltby schools, with the exception of Craggs and St Mary's.

RMBC - Land Contamination have reviewed the submitted documents and given the site's history of accommodating residential development raise no objections subject to the imposition of conditions requiring the submission of a Remediation Method Statement.

Environment Agency confirms that the site lies within Flood Zone 1 on their flood maps, therefore no comments are raised on flood risk grounds

South Yorkshire Police suggest that the development would benefit from being constructed to Secure by Design.

Severn Trent Water raise no objections to the proposed development subject to the imposition of a condition requiring the submission of drainage details.

## **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
- Affordable Housing Issues
- Layout, Design and Visual Amenity
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues
- Planning Obligations

## Principle of Development

The Development Plan currently consists of the Unitary Development Plan (adopted in 1999) and the Core Strategy (adopted in September 2014). The site is allocated for 'Residential' use in the Unitary Development Plan and is considered to be a windfall site where development will contribute to the required housing figures for the Borough. The site contained housing across its whole area until relatively recently when all housing was demolished.

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

Paragraph 14 of the NPPF notes that "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development." It adds that: "For decision taking this means approving development proposals that accord with the development plan without delay (unless material planning considerations indicate otherwise)." Paragraph 49 of the NPPF adds that "...housing applications should be considered in the context of the presumption in favour of sustainable development." This is also supported by Core Strategy Policy CS33 'Presumption in favour Sustainable Development'.

The application site is surrounded by residential properties within a built-up residential locality, close to existing facilities and transport links, and as such the development would accord with the presumption in favour of sustainable development.

In addition, Paragraph 47 of the NPPF requires that Local Planning Authorities (amongst other things) identify and update annually a supply of specific deliverable sites sufficient to provide a five year supply of housing. Currently the Council cannot clearly demonstrate such a supply and the proposed development will contribute towards that supply, in the form of 100% affordable housing.

The principle of the proposed development is therefore considered to be acceptable and accords with UDP Policy HG4.3 'Windfall Sites,' and Core Strategy Policy CS33 'Presumption in favour of Sustainable Development', as well as the advice in the NPPF.

#### Affordable housing issues

Core Strategy Policy CS7 'Housing Mix and Affordability' states: "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:

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

Where it can be demonstrated that these targets would prevent the delivery of a viable scheme, the precise level of provision will be negotiated, based on a viability assessment."

In this regard, the application seeks permission for the erection of 98no. dwellings and apartments. For the purposes of delivering affordable housing this application is intrinsically linked to application RB2017/0112 at Gaitskell Close which seeks permission for the erection of 4 affordable dwellinghouses. Both of these schemes fall within the same ward and are being developed under the same partnership arrangement between the Council and the developer Wates. They are being treated as a linked scheme and affordable housing policy of 25% affordable housing on site is being combined across both sites.

In 2011, eight new Council houses for social rent were built on land to the north of the current site, which formed part of the clearance scheme for the overall Braithwell road site. Of the 98 units proposed in this current development, 15 apartments will be brought forward as affordable housing for shared ownership for those over 55 years of age. This gives the total number of homes built on this site as 106 (98 & 8) of which 23 (8 & 15) are affordable housing units.

These units combined with the 4 units of housing at Gaitskell Close will ensure the total number of units to be built on both sites equate to 110, of which 27 will be affordable housing units. This equates to 24.5% affordable housing to be delivered for social rent and in shared ownership. The inclusion of a lift, suitable for wheelchairs and mobility scooters in the proposed apartment block reduces the capacity of the building by one apartment. However, it is at the request of the Local Authority that a lift is included at the expense of an additional apartment. If another apartment was included this would bring the affordable housing total to 25.2% but the affordable housing officer is willing to allow slightly below policy as a lift is the priority for an older client group.

Having regard to this, it is considered that the level of affordable housing across both sites meets the requirement of Policy CS7 and their delivery will be secured by suitable conditions.

#### Layout, design and visual amenity

With regard to layout considerations UDP Policy HG5 'The Residential Environment,' encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF. This is further underpinned by Core Strategy, Policy CS28 'Sustainable Design' which states that: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."

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

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

Having regard to the above, it is considered that the layout as proposed generally respects the character and grain of the surrounding existing residential properties and it is worth noting at this point that the site did previously accommodate 2 storey residential properties, on a layout not dissimilar to what is proposed.

On the issue of design, it is proposed to use an overall mix of three, two storey dwelling types, along with a single three storey block of apartments. The dwellings comprise a mix of detached and semi-detached properties, some of which incorporate an integral garage and first floor projecting elements. Their footprint, overall scales and siting are considered to be appropriate for this location and are not considered to be detrimental to the visual amenity of the surrounding area. The apartment block is sited on the Braithwell Road frontage and has its principal elevation facing into the development site where access is gained from the parking court. During the determination of this application the location of the apartments has been amended to re-site the block closer to the public footpath link, which has enabled the inclusion of additional boundary planting which soften the overall appearance of this area and improving the development as a whole. Overall, it is considered that the scale, massing, and contemporary appearance respect the context without directly replicating the architecture.

With regards to the proposed materials of construction, this scheme originally proposed to utilise artificial faced stone, render and artificial stone heads, cills and lintels with dark grey windows and doors. In assessing the acceptability of these materials it was acknowledged that the properties on the eastern side of Braithwell Road are constructed from red brick; therefore the palette of materials has been amended to include red facing brickwork similar in shade and texture to those used in the existing properties on Braithwell Road. In light of this amendment it is considered that the choice of materials to be used in the construction of the proposed dwellings and subject to a condition requiring samples is acceptable in this location.

Turning to matters of landscaping, 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."

With regard to landscaping, a landscape masterplan has been submitted in support of the application which shows areas of soft landscaping which are primarily focused around front and rear gardens areas. Existing hedges along the western boundary will be cut back and retained where possible and the area around the apartment block will be turfed and include the planting of three trees. Additional tree planting is proposed adjacent to Plot 1 and within the majority of corner plots.

The Council's Landscape Design Service notes that the submitted landscape scheme is generally acceptable and should provide an attractive setting for the development.

Taking account of all of the above, it is considered that the proposal meets the terms of Building for Life 12 and further accords with the provisions of Core Strategy Policies CS28 'Sustainable Design,' and CS21 'Landscapes,' and UDP Policy HG5

'The Residential Environment,' as well as the advice contained within the NPPF and the National Planning Policy Guidance (NPPG).

### General amenity issues

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the South Yorkshire Residential Design Guide (SYRDG) The guidance states there should be a minimum of 21 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. The South Yorkshire Residential Design Guide also sets out minimum internal room sizes and minimum external garden sizes.

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.

On privacy issues and the impact on future residential properties, the proposed dwellings would be set in reasonably sized plots, and meet the minimum 10 metre garden depths. This is with the exception of the corner plots which by their very nature create a triangular shaped garden area. In all cases they provide a 10m garden depth taken from the midpoint of the rear facing first floor habitable room windows at 90° to the rear elevation of the properties, reducing to a minimum of 5m where the corner of the property meets the rear boundary. Despite this, all garden areas provide sufficient private amenity space to meet the standards set out in the SYRDG which includes 50sq.m for two bedroom homes and 60sq.m for three or more bedroom dwellings. On this basis and considering that these dwellings do not impact on the amenity of any existing dwellings the relationship is considered to be acceptable.

Turning to the amenity afforded to the future residents of the apartments, the SYRDG recommends that shared private space for flats must be a minimum of 50 square metres plus an additional 10 square metres per unit either as balcony space or added to shared private space. It is acknowledged that in this instance, no amenity space or balconies are proposed. The location of the apartments have however been moved to site them adjacent to the footpath that links Braithwell Road with Newland Avenue and whilst this does not constitute amenity space the link does ensure that the boundaries are softened by planting on the southern elevation in addition to the eastern and western to some lesser extent. Furthermore, given that the apartments are to be constructed as affordable housing for older residents, the Council's Strategic Housing Department has evidence to show that lack of amenity space is not detrimental to older person's apartments. The Council and their housing association partners have purchased apartment blocks with very minimal or no shared amenity space (e.g. Willow Tree Way, Wickersley, Flash Lane, Bramley). Demand for these apartments has been strong, even amongst older residents and the lack of outside space does not appear to be an issue. Additionally, the exclusion of very little or no amenity space reduces the level of service costs for the apartments. This is particularly attractive for older residents who may be on fixed or reduced pension incomes.

Having regard to the above it is considered that, on balance the lack of any amenity space would not be detrimental to the living conditions of future residents of the apartments.

Having regard to the impact of development on existing properties it is noted that representations have been received from residents on Bevan Crescent concerned that the development of two storey properties will have a detrimental impact on the amenity of the residents within the bungalows. In this regard it is acknowledged that with the exception of one dwelling, all other properties on Bevan Crescent consist of semi detached bungalows. These are sited along a staggered building line; however have substandard rear garden lengths when compared with present guidelines. Nevertheless, in all instances proposed properties fronting Newland Crescent have been sited to achieve a minimum of 21m between the rear elevations and whilst it is acknowledged that the proposed properties are 2 storeys in height, the separation distance will ensure that any impact will be kept to a minimum. Furthermore, it should be noted that the previous residential development included two storey dwellings in this location; therefore until relatively recently the outlook afforded to the Bevan Crescent residents was not dissimilar to that proposed. Having regard to this it is considered that the proposed development does not unduly create over dominating building forms or result in an unactable loss of daylight to adjacent properties.

The SYRDG further advises that for the purposes of daylighting and avoiding an overbearing relationship, back to side distances and the extent of rear extensions should be limited by the 45 degree rule, which is calculated by taking a horizontal line parallel to the back face of the building at the centre point of the lowest window closest to the side boundary, draw a line 45 degrees upwards and another 45 degrees outwards toward the side boundary.

Having regard to this guidance and referring specifically to the relationship between Plot 97 and the existing bungalow at No. 48 Bevan Crescent, original layout plans indicated a large 4 bedroom detached property at Plot 97 which was sited within a 45 degree line of the habitable room window in the rear elevation of No. 48. Following discussions with the applicant, the house types at Plots 97 and 98 have been substituted to show one pair of semi detached units which are sited a wider distance away from No. 48 and outside of the 45 degree line. It is acknowledged that representations have been received suggesting that these plots should comprise of bungalows, however the substitution to a smaller house type ensures that the relationship between the existing and proposed dwellings is acceptable and would not warrant a refusal of planning permission purely on this basis.

In summary and as a direct result of the amendments made to the proposed layout, it is considered that the development would not cause any loss of privacy or result in any overshadowing of neighbouring properties. Furthermore the scheme provides reasonable levels of amenity for the proposed occupiers. As such it is considered the scheme would comply with the guidance detailed within the South Yorkshire Residential Design Guide (SYRDG) and that contained in the NPPF.

#### Transportation issues

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' seeks to focus transport investment on making places more accessible and on

changing travel behaviour with accessibility being promoted through (amongst others):

- 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).
- b. Enabling walking and cycling to be used for shorter trips.
- f. Adopting car parking policies for vehicles and bicycles in accordance to national guidelines that support and complement public transport and the introduction of sustainable travel modes.
- 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.

Paragraph 17 to the NPPF further advises that amongst its 12 core land-use principles that planning should: "...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable."

Paragraph 32 to the NPPF advises that developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and decisions should take account (amongst others) 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 limits the significant impacts of the development."

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

Paragraph 35 to the NPPF advises where practicable, developments should:

- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- Consider the needs of people with disabilities by all modes of transport.

Paragraph 36 to the NPPF concludes that all developments which generate significant amounts of movement should be required to provide a Travel Plan.

Having regard to transportation issues, the application has been accompanied by a Transport Assessment (TA) which is based on a development of 103 No. houses despite only 98 No. actually being proposed. The Assessment proceeds to state that 103 dwellings are expected to give rise to 60 trips (15 in, 45 out) in the AM Peak Hour and approximately 67 trips (42 in, 25 out) in the PM Peak Hour. The Council's Transportation and Highways Design department have reviewed these figures and confirm that given the existing multiple points of access to the site it is not expected

that any adverse impacts at junctions with Braithwell Road would occur as a result of the proposed development. Furthermore, it is considered that these additional flows can be safely accommodated within the existing infrastructure, without improvement, and the environmental capacity would not be exceeded.

In terms of sustainability, Braithwell Road is a bus route with a bus stop and shelter located within the service road of Braithwell Road (west side) and a bus stop located on the main carriageway of Braithwell Road (east side). These stops are conveniently located between the junctions of Chadwick Drive and Newlands Avenue. Service No 87 provides a 60 minute frequency (Monday – Saturday) between Maltby and Sheffield Centre (via Bramley, Wickersley, Brinsworth, Meadowhall). Service X1 provides a 10 minute frequency (Monday to Saturday) between Maltby and Sheffield Centre (via Meadowhall and Rotherham) with a 20/30 minute frequency operating on Sundays. These services ensure that the site is relatively. Furthermore, the developers have offered to provide a Travel Master Pass for each new dwelling which will help mitigate the additional trips and be safeguarded within the unilateral undertaking.

Turning now to the proposed layout, this has been amended during the determination of the application to take account of concerns from a transportation context. A turning area from the mews court, adjacent to the proposed apartment block has been provided to accommodate a refuse/emergency vehicle and a revision to the siting of plots 48-51 has been undertaken to provide forward visibility across the highway bend. Car parking provision to the proposed dwellings meets the Council's minimum car parking standards, however parking allocated to the 15 apartments is below standard as it currently only provides 15 spaces plus 2 visitor spaces whereas the standards require one space per unit plus 50% provision. Based on these standards parking for the proposed apartments is deficient by 5 spaces, however given that Travel Master Passes are to be provided and due to the fact that the apartments are a specialist form of provision for over 55's living it is considered that on balance the deficiency is acceptable in this instance and will not give rise to any highway safety implications.

Having regard to all of the above, it is considered that the site is located in a highly sustainable location, close to public transport routes. The anticipated additional vehicular trips can be safely accommodated within the existing infrastructure, without improvement, and the proposed layout, as amended, is acceptable. The proposed development thereby complies with the provisions of Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel' and guidance contained within the NPPF.

#### Drainage and flood issues

Core Strategy Policy CS25 'Dealing with Flood Risk,' seeks to ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. It advises that this should be demonstrated through a sequential approach and having regards to its flood zone allocation as identified via the Environment Agency's flood maps. It should accord with the recommendations set out in the Strategic Flood Risk Assessment and be supported by a detailed Flood Risk

Assessment (FRA) having regard to the guidance in both the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

The NPPF notes that: “When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and, it can be demonstrated that:

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

With the above in mind, the application has been accompanied with a Flood Risk and Drainage Assessment which confirms that the site lies within Flood Zone 1 on the Environment Agency Flood maps. Despite this however it is acknowledged that redevelopment of the site will increase the impermeable areas of the site compared to its current status yet it should be noted that the site, until recently accommodated residential development similar in density to that proposed.

In assessing the content of the submitted Flood Risk and Drainage Strategy, the Council’s Drainage Engineer requested clarity regarding runoff rates, attenuation methods and calculated storage volumes. Following the submission of this information it was agreed that the site would drain direct into the surface water sewer network immediately adjacent the site at a restricted rate of discharge, with details to be conditioned. This approach is accepted by Severn Trent Water who raise no objection to the proposal subject to the imposition of a condition requiring the submission of drainage details for the disposal of surface water and foul sewage. Having regard to the above and subject to the recommended conditions/informative it is considered that the proposals accord with Policy CS25 ‘Dealing with Flood Risk,’ and the advice within the NPPF.

#### Trees, Ecology and Biodiversity Matters

Saved’ UDP Policy ENV3.4 ‘Trees, Woodlands and Hedgerows,’ notes: “The Council will seek to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.”

UDP Policy ENV2 ‘Conserving the Environment,’ 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 additionally advises at paragraph 117 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).

Additionally, the NPPF notes at paragraph 118 that: “When determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused,’ and further states: “...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.”

In assessing the proposal the Council’s Tree Service Manager has assessed the content of the tree report and notes that the application is supported by an Arboricultural Survey report by Surface Arboriculture dated, 5 January 2017. It contains details of the existing trees and hedges on or immediately adjacent to four potential housing sites. There are 13 individual trees and 2 groups of trees on the proposed development site at Braithwell Road, categorised in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction as below. The contents of the report are noted and generally accepted.

Of the existing trees T22, T25 and T27 are the better quality trees with reasonably good future prospects. The retention of the better quality trees is generally desirable, particularly when they will continue to contribute to wider amenity. In particular this applies to T27 because it is clearly visible to the public and it will continue to be clearly visible with any development. Indeed, the conclusion of the submitted report states that where they, (‘B’ category trees), can be included in the development they will provide character and maturity to the local landscape. T27 is not a common species to the area and it will provide a significant landscape feature if it is retained.

Following consultation with the applicant it was clarified that all of the aforementioned trees, with the exception of T27, will be retained and whilst the Tree Service Manager considers its removal to be regrettable, it is considered that the planting of two semi

mature sized trees within the 2 quadrants at the junction of Chadwick Drive with Braithwell Road will help to mitigate against its loss and on that basis no objections are raised. Accordingly the development is considered to comply with the provisions of UDP Policy ENV3.4 'Trees, Woodlands and Hedgerows.

Turning to ecological matters, an Ecology Report has been submitted in support of the application, the findings of which have been appraised by the Council's Ecologist who has confirmed that the survey was undertaken at a sub-optimum time of year. Despite which the surveyor's identified a reasonable number of plant species. There will also be limited badger activity given the site is surrounded by residential properties and the high level of human disturbance; badgers are therefore unlikely to be present on the site. Furthermore, the absence of buildings, paucity of mature trees and the well-lit streets will deter bats from roosting or foraging the site.

In summary no objections to the proposed development are raised from an ecological perspective and as such the development is considered to accord with the provisions of Core Strategy Policy CS20 'Biodiversity and Geodiversity'

### Planning Obligations

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

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

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

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

This is echoed in Paragraph 204 of the NPPF.

Having regard to the above the following obligations are proposed:

- Financial contribution of £2,342 per open market dwelling (83 x £2,342 = £194,386) towards the provision of education.
- Financial contribution of £40,000 towards the improvement of existing green space, primarily for the purposes of children's play within the Maltby area; and
- Financial contribution of £500 per unit towards the provision of sustainable transport measures.

### Education Provision

The site falls within Maltby Hall Primary schools catchment area. This popular school is currently operating at the Audit Commissions recommended 95% capacity, with numbers projected to further increase in future years. The projected numbers on roll are set out below, with the schools capacity being 420:

<b>15/16</b>	61	60	61	56	59	43	58	398
<b>16/17</b>	60	61	60	61	56	59	43	400
<b>17/18</b>	60	60	61	60	61	56	59	417
<b>18/19</b>	60	60	60	61	60	61	56	418

Primary contributions, as per the Council's adopted Section 106 policy dated 24.07.2013, require a payment of £2,342 per open market dwelling. In terms of how the contribution would be spent, discussions would need to be undertaken with the Chief Executive of the Maltby Learning Trust, as they control the majority of Maltby schools, with the exception of Craggs and St Mary's.

#### Provision of Green Space

Core Strategy Policy CS22 Green Space states that the Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear focused guidance to developers on contributions expected. In relation to the size of the development the proposal should make provision for on-site open greenspace, however only a small area in the east of the site is provided adjacent to the footpath link, which is negligible in size.

Having regard to this the Council's Green Spaces Manager has advised that the proposed development would be within 280 metres (five minutes walking distance) of existing green spaces, as recommended in the Green Space Strategy for all developments of 36 dwellings or more. Consequently new green space would not need to be provided on-site to meet the requirements of Core Strategy Policy CS22, instead a payment of £40,000 towards the improvement of existing green space, primarily for the purposes of children's play within the Maltby area is sought to ensure that the development is in accordance with the provisions of Core Strategy Policy CS22 Green Space and the Community Infrastructure Regulations 2010.

#### Contribution towards sustainable transport measures

The Council's Good Practice Guidance entitled 'Transport Assessments, Travel Plans and Parking Standards' dated October 2014 states that "*Where a planning obligation is used to secure a travel plan, it will comply with the law as expressed in the Town and Country Planning Act 1990. In order to promote sustainable transport a figure of approximately £500 per dwelling is proposed to fund a range of measures which might include, but not be limited to:*

- *Provision of a subsidised public transport ticket*
- *A discount voucher for a pedal cycle*
- *Individual or family cycle training*
- *Provision of an enhanced bus service (larger developments)*
- *Membership of a car club (where available)*
- *Provision of a car share group*
- *Mechanisms to deliver real time public transport information*
- *Personal journey planning"*

In this regard, the applicant has, in their supporting Transport Assessment, considered this guidance and has offered to provide the £500 per dwelling towards the purchase of Travel Master Passes for each dwelling which will help to mitigate the additional trips and given the site's location within easy access to local bus routes,

this provision is considered to be acceptable and in accordance with the guidance and the Community Infrastructure Regulations 2010

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

## **Conclusion**

Having regard to the above it is considered that the proposed residential development represents an acceptable form of development within a residential area and that the proposed dwellings by virtue of their layout, scale and design along with the associated landscaping, would not be detrimental to the overall character of the area.

It is further considered that the new dwellings would not have any undue detrimental impact in terms of overdominating building form or loss of privacy due to overlooking, by either the current occupiers of adjacent occupiers or future occupiers of the proposed dwellings.

Furthermore it is considered that adequate provision has been made for parking for the proposed dwellings such that it is not considered that the development will result in any impact on highway safety.

Overall, it 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 advice within the NPPF and NPPG.

In respect of other material considerations raised it is recommended that planning permission be granted subject to the signing of the relevant Legal Agreement and the suggested conditions set out below.

## **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 4, 6, 7, 14, 17, 19, & 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 4, 6, 7, 14, 17, 19, & 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

- Site Location – Dwg No. 671.02 Rev A
- Existing Site Plan – Dwg No. 671.02 Rev A
- Proposed Site Layout & Section – Dwg No. 671.02 Rev I
- Landscape Master Plan Strategy Drawing – Dwg No. 671.02 Rev A
- Proposed House Type 2 – Dwg No. 671.02 Rev A
- Proposed House Type 3 – Dwg No. 671.02 Rev B
- Proposed House Type 4 – Dwg No. 671.02 Rev B
- Proposed Apartment Elevations – Dwg No. 671.02 Rev C

Reason

To define the permission and for the avoidance of doubt.

03

No above ground 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 Policy CS28 Sustainable Design.

### AFFORDABLE HOUSING

04

No development shall take place until a scheme for the provision of affordable housing on the nearby Gaitskell Road site pursuant to planning application reference RB2017/0112 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be complied with in full thereafter. The scheme shall include:

- (i) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- (ii) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced; and

- (ii) The details of the standards to which the affordable housing shall be constructed

Reason

In the interests of securing affordable housing, having regard to Policy CS7 'Housing Mix and Affordability, coupled with the requirements of paragraph 174 and the definition in Annex 2 of the National Planning Policy Framework.

05

No more than 40% of the market housing dwellings (being such dwellings not allocated as affordable housing) within the development shall be occupied until 100% of the affordable housing on the nearby Gaitskell Road site has been provided in accordance with the approved scheme for affordable housing on the Gaitskell Road site.

Reason

In the interests of securing affordable housing, having regard to Policy CS7 'Housing Mix and Affordability, coupled with the requirements of paragraph 174 and the definition in Annex 2 of the National Planning Policy Framework.

06

The development shall not begin until a scheme for the provision of affordable housing on the site hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be complied with in full thereafter. The affordable housing shall be provided in accordance with the approved scheme and in any event 100% of the affordable housing within the development shall be provided and be ready for occupation prior to the occupation of no more than 60% of the market housing dwellings (being such dwellings not allocated as affordable housing). The scheme shall include:

- (i) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- (ii) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced; and
- (iii) The details of the standards to which the affordable housing shall be constructed

Reason

In the interests of securing affordable housing, having regard to Policy CS7 'Housing Mix and Affordability, coupled with the requirements of paragraph 174 and the definition in Annex 2 of the National Planning Policy Framework.

TRANSPORTATION

07

Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;

- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;

and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

08

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

09

Before the development is brought into use the car parking area shown on the Proposed Site Layout & Section – Reference. 671.02 Rev I plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

10

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 brought into use.

Reason

No details having been submitted they are reserved for approval.

11

Prior to the occupation of the first dwelling the existing kerbline and footways on the site frontages to Braithwell Road service road, Chadwick Drive and Newland Avenue shall have been reconstructed, and any affected street lighting columns re-sited, in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety.

12

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.

### LANDSCAPE & ECOLOGY

13

Two semi mature sized trees with minimum 25cm stem diameter and a minimum height of 5m at the time of planting shall be planted in the 2 quadrants at the junction of Chadwick Drive with Braithwell Road during the first available planting season after commencement of the development.

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'.

14

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

Reason

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

15

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.

- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme 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 UDP Policies ENV3 'Borough Landscape', and ENV3.4 'Trees, Woodlands and Hedgerows'.

16

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced 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', and ENV3.4 'Trees, Woodlands and Hedgerows'.

### LAND CONTAMINATION

17

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

#### Reason

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

18

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

Reason

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

19

Prior to development commencing a ground gas protection system shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in full accordance with the approved details.

Reason

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

20

In the event that subsoils / topsoils are required to be imported to site for remedial works, these soils shall 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 shall 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

21

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.

DRAINAGE

22

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 brought into use. 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 a maximum of 19 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 and how provision for this maintenance is ensured for the lifetime of the development.

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.

23

A flood route drawing showing how exceptional flows generated within or from outside the site will be managed, including overland flow routes and 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'.

INFORMATIVES

01

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your

proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

**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>RB2017/0112</b>
<b>Proposal and Location</b>	Erection of 4 No. dwellinghouses, associated works, gardens & car parking at land at Gaitskell Close, Maltby, S66 7JR
<b>Recommendation</b>	Grant Conditionally

This application is being presented to Planning Board as it is intrinsically linked to application reference RB2017/0111 through a condition for the purposes of delivering Affordable Housing in Maltby.



## **Site Description and Location**

The application site is a small area of grassed open space located at the end of Gaitskell Close in Maltby. It is surrounded by residential properties on all sides and is relatively square in shape. Forming the eastern boundary is Gaitskell Close itself, the remaining boundaries consist of public footpaths running between neighbouring properties. All the footpaths are fully lit by street lighting and maintained by the local authority.

Vehicular access to the site is gained via Gaitskell Close which is an adopted highway and pedestrian access is gained from a series of adopted footway links from adjacent roads. All boundaries to the site are open.

## **Background**

There is no planning history relevant to this site. The site in question forms part of a series of planning applications which have been submitted simultaneously on 7 sites throughout the Rotherham area. In total the 7 sites propose 217 residential properties with this application site providing 4 properties all deemed to be affordable.

## **Proposal**

This is a full application for the erection of four, two bedroom dwellinghouses in the form of two pairs of semi-detached units. The application forms part of a series of planning applications which have been submitted simultaneously on 7 sites throughout the Rotherham area. In total the 7 sites propose 217 residential properties with this application site providing 4 properties all to be developed as affordable housing for rent and will be purchased by the Council.

The house type proposed is traditional in appearance and provides accommodation over two floors. Materials include facing brickwork to the ground floor and a sand render to the upper floor

The dwellings have been sited to front Gaitskell Road along the same building line as the dwellings immediately to the south, with the exception of Plot 4 which has been set back to reduce the impact on the existing property to the north. Vehicular access to each plot will be gained off Gaitskell Close providing in curtilage parking in the form of side driveways to Plots one and two and hardstandings to the front of plots three and four.

Private garden areas are shown to the rear of all properties and will be enclosed by boundary treatment to be agreed.

The application is accompanied by the following documents:

### Design and Access Statement

This document follows the general guidance and principles outlined by South Yorkshire Residential Design Guide and the Planning Portal for the creation of Design and Access Statements. It explores the planning merits of the development and explains how the scale, layout and design of the proposed development is appropriate for this area.

### Building for Life Assessment

This Assessment provides an analysis of the proposed development against the 12 points. It also provides a commentary evidencing of how the development scores against each point.

### Transport Statement

This statement has been prepared to consider access by all modes, demonstrate the potential impacts of the development and identify any measures needed to mitigate such impacts. It concludes by stating “The generated traffic would not be noticeable within the daily fluctuation of traffic flows on the local highway network. Lansbury Avenue is served by Public Transport, with bus stops located within a convenient walking distance from the development. A 2m wide footway will be provided on the site frontage.”

### Drainage Strategy

The strategy confirms that “As the site has never been developed, the 5litres per second rule will be applied, effectively assessing the site as Greenfield. Foul water may drain into the 150mm diameter Foul Drain adjacent the southern boundary, as details show this to be 1.5m deep, this should be achievable by gravity. Assessment should take account of the 100 year event and Climate Change for the lifetime of the development and this currently indicates an approximate 30% increase in rainfall intensity for the lifetime of the development. Redevelopment of the site in the manner described in this report will fully mitigate additional volumes of Surface Water flows from the site and will provide a greater level of protection to the site and its surroundings by reducing the overall flood risk to the area.”

### Geotechnical Report

The report confirms that a Phase I Desk Study was undertaken in November 2016 and the finding of which have been used during the current intrusive investigation. Recommendations of the report include the following:

- Completion and reporting of recommended additional gas monitoring. Discussions with ground work contractors in relation to the requirement for testing of materials to be disposed off-site (Waste Acceptance Criteria) and the suitability of imported materials.
- Discussions with service providers regarding suitable materials for pipe work given the nature of chemical determinants found within the soils on site. Produce a validation report to demonstrate that the geo-environmental risks discussed in this report have been mitigated.
- Detailed design of the sub-structure.

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

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham’s Local Plan together with ‘saved’ policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan ‘Publication Sites and Policies’ was published in September 2015.

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

Core Strategy policy(s):

CS7 'Housing Mix and Affordability'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS22 'Green Space'  
CS25 'Dealing with Flood Risk'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG4.3 Windfall Sites  
HG5 'The Residential Environment'  
ENV5.2 'Incidental Urban Greenspace'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':  
None relevant.

### **Other Material Considerations**

Council's Car Parking Standards (adopted June 2011).

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

### **Publicity**

The application has been advertised on site and via neighbour notification letter. No letters of representation have been received.

## Consultations

RMBC - Transportation and Highways Design acknowledge that on site car parking facilities comply with the Council's standards and that an adoptable footway 2.0m in width is to be formed on the site frontage. This being the case, no objections are raised subject to the addition of conditions.

RMBC - Leisure and Green Spaces Manager notes that the land is a flat grassed area and is therefore suitable for informal recreation. It is possible that it is well-used by local residents. However, he acknowledges that the site is also close (around 120 metres straight line distance) to Cherry Tree Park which is a relatively large and well equipped recreational green space. There is also a green space not far away to the west at Albert Street. If the Gaitskell Close site were to be developed, he is satisfied that the houses in the vicinity would remain adequately served by other green spaces, as indicated by the accessibility standards recommended in the Green Space Strategy.

RMBC - Affordable Housing Officer acknowledge that this site forms part of the wider Cluster sites programme and in particular RB2017/0111 Braithwell Road. Both of these schemes fall within the same Ward and are being developed under the same partnership arrangement between the Council and the developer Wates. They are being treated as a linked scheme and affordable housing policy of 25% affordable housing on site is being combined across both sites. The 4 units of housing at Gaitskell Close will be developed as affordable housing for rent and will be purchased by the Council and added to our stock. This being the case, no objections are raised.

RMBC – Land Contamination raise no objections to the proposed development subject to the imposition of conditions requiring the submission of details in the event unexpected contamination is encountered during construction works.

Severn Trent Water raise no objection to the proposed development.

## Appraisal

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

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

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

The main issues to take into consideration in the determination of the application are

—

- The principle of the development
- Affordable Housing issues
- Layout, Design and Visual Amenity
- Transportation issues

- Drainage issues
- General Amenity issues

### Principle of development

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

For decision-taking this means:

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

Paragraph 47 of the National Planning Policy Framework notes that: “To boost significantly the supply of housing, local planning authorities should (amongst other things): identify and update annually a supply of specific deliverable 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 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.”

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

Currently the Council does not have a five year supply of housing. The NPPF states that in these circumstances paragraph 14 should be the starting point for the consideration of planning applications.

UDP Policy HG4.3 Windfall Sites states that proposals for housing development not specifically identified for housing development will be determined in light of their location within the existing built up area and compatibility with adjoining uses, and compatibility with other relevant policies and guidance.

In this instance the site is allocated for Residential purposes though acts as an area of Incidental Urban Greenspace.

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

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:
  - i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
  - ii. Creating or extending green links where feasible as part of green space provision in new developments."

In addition, 'saved' UDP Policy ENV5.2 'Incidental Urban Greenspace' states development that results in the loss of small areas of urban green space will only be permitted under circumstances that are outlined under ENV Policy 5.1 which in turn states that: "Development that results in the loss of Urban Greenspace as identified on the Proposals Map will only be permitted if:

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

These Policies conform with paragraph 74 of the NPPF which states that:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

As noted above, the application site acts as Incidental Urban Greenspace. In this regard the Green Spaces Manager has confirmed that the land is a flat grassed area that is suitable for informal recreation and it is therefore possible that it is well-used by local residents. However, he notes that the site is also close (around 120 metres straight line distance) to Cherry Tree Park which is a relatively large and well equipped recreational green space. There is also a green space within close proximity to the west at Albert Street. For these reasons it is considered that adequate green space provision is provided within an acceptable walking distance. It is also noted that no objections have been raised to the loss of the open space area.

It is therefore concluded that the loss of this site would not be detrimental to the level of green space provision in the area existing and future properties in the vicinity would remain adequately served by other green spaces, as indicated by the accessibility standards recommended in the Green Space Strategy.

In addition, the development would provide valuable affordable housing in the location and would contribute towards the Council’s 5 year land supply.

With the above circumstances in mind it is considered that the loss of the incidental Urban Greenspace is acceptable. As such the proposal accords with UDP Policies 5.1 & 5.2, Core Strategy Policy CS22 and the guidance contained within the NPPF.

#### Affordable housing issues

Core Strategy Policy CS7 ‘Housing Mix and Affordability’ states: “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:

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

Where it can be demonstrated that these targets would prevent the delivery of a viable scheme, the precise level of provision will be negotiated, based on a viability assessment.”

In this regard, the application seeks permission for the erection of 4no. 2 bed dwellings to be provided as affordable housing for rent and will be purchased by the Council. It is acknowledged that the provision of 4 dwellings falls below the 15 dwelling threshold as set out in Policy CS7, however it is important to note that this application is intrinsically linked to application RB2017/0111 at Braithwell Road which seeks permission for the erection of 98 dwellinghouses. Both of these schemes fall within the same Ward and are being developed under the same partnership arrangement between the Council and the developer Wates. They are being treated as a linked scheme and affordable housing policy of 25% affordable housing on site is being combined across both sites.

In 2011, eight new Council houses for social rent were built on land to the north of the current site, which formed part of the clearance scheme for the overall Braithwell road site. Of the 98 units proposed in the current proposed development off Braithwell Road (under RB2017/0111), 15 apartments will be brought forward as affordable housing for shared ownership for those over 55 years of age. This gives the total number of homes built on this site as 106 (98 & 8) of which 23 (8 & 15) are affordable housing units.

These units combined with the 4 units of housing at Gaitskell Close will ensure the total number of units to be built on both sites equate to 110, of which 27 will be affordable housing units. This equates to 24.5% affordable housing to be delivered for social rent and in shared ownership. The inclusion of a lift, suitable for wheelchairs and mobility scooters in the proposed apartment block reduces the capacity of the building by one apartment. However, it is at the request of the Local Authority that a lift is included at the expense of an additional apartment. If another apartment was included this would bring the affordable housing total to 25.2% but the affordable housing officer is willing to allow slightly below policy as a lift is the priority for an older client group.

Having regard to this, it is considered that the level of affordable housing across both sites meets the requirement of Policy CS7.

#### Layout, design 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.

'Saved' UDP policy HG5 'The Residential Environment,' requires the encouragement of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone.

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

The National Planning Policy Guidance - March 2014 (NPPG), 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.”

This site consists of a relatively flat area of grassland, surrounded by residential properties. These properties are all two storeys in height and have gable roof designs. Whilst properties to the east, south and north of the site front on to Gaitskell Close their front garden areas have the appearance of rear gardens, in that there are a number of outbuildings and garages present and a range of differing boundary treatments resulting in an inconsistent street scene.

The proposed development seeks to develop the site for residential purposes and provides two pairs of semi-detached properties, being two storeys in height and incorporating a gable roof design. The external appearance of the properties have been designed to reflect the style and proportions of surrounding dwellings and are sited to front onto Gaitskell Close along the same building line as the properties immediately to the south. The materials to be used in the construction of the properties include facing brickwork to the ground floor and stone render to the first and whilst render is not common to the existing properties in the immediate surrounding area, the use of buff brickwork has been used which is not dissimilar in colour to that proposed.

The dwellings have also been sited to provide sufficient space for large driveways down either side of plots 1 and 2, whilst plots 3 and 4 have areas of hardstanding to the front sufficient in area to accommodate a single car.

To the rear of the properties are private garden areas that abut existing public footpaths. Submitted plans indicate that boundary treatment will be provided, however do not specify type and height. In this regard it is noted that there is a variety of different styles surrounding existing properties in the area which include 1.8m high close boarded fencing, outbuildings and 1m high open boarded fencing. It is therefore considered that a condition requiring the submission of details relating to the proposed treatment should be attached to any planning approval prior to the occupation of the first dwelling.

Having regard to the above it is considered that the scale, siting and external appearance of the proposed dwellings are appropriate for this site and immediate surroundings. The development therefore complies with the provisions of Policies CS28 ‘Sustainable Design, HG5 ‘The Residential Environment and the guidance set out in the South Yorkshire Residential Design Guide and the NPPF.

#### General amenity issues

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard needs to be given to the South Yorkshire Residential Design Guide which states there should be a minimum of 21 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.

Furthermore, the NPPF at paragraph 17 states that 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. Amongst these 12 principles it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As previously reported, existing residential properties surround the site. The layout of the proposed development has been designed to respect the amenity of existing residents by providing separation distances in excess of 21m between proposed and existing properties on Cripps Close and the opposite side of Gaitskell Close.

The dwellings have also been sited along the same building line as those immediately to the south, thereby ensuring that the proposed dwellings will not have an overbearing impact on the amenity of these properties. This is with the exception of Plot 4, which has been re-sited to show a set back. This amendment was requested during the application process to ensure that the dwelling does not come within a 45 degree line of the nearest habitable room window of the adjacent property, directly to the north, as advocated within the SYRDG. This amendment therefore ensures that the relationship between existing and proposed dwellings is acceptable in this instance.

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 and suggests that private gardens of two bedroom houses should be at least 50sqm. The proposed dwellings provide 70sqm of internal floorspace and private rear garden areas in excess of 87sqm.

Having regard to the above, the proposals are not considered to result in harm to the neighbouring residential properties in accordance with the guidance set out in the South Yorkshire Residential Design Guide and the NPPF.

### Transportation issues

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' seeks to focus transport investment on making places more accessible and on changing travel behaviour with accessibility being promoted through (amongst others):

- c. 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).
- d. Enabling walking and cycling to be used for shorter trips.
- h. Adopting car parking policies for vehicles and bicycles in accordance to national guidelines that support and complement public transport and the introduction of sustainable travel modes.
- i. 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.

Paragraph 17 to the NPPF further advises that amongst its 12 core land-use principles that planning should: "...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable."

Paragraph 32 to the NPPF advises that developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and decisions should take account (amongst others) 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 limits the significant impacts of the development."

Paragraph 35 to the NPPF advises where practicable, developments should:

- Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- Consider the needs of people with disabilities by all modes of transport.

Having regard to transportation issues, the application has been accompanied by a Transport Statement which confirms that "Gaitskell Close is a cul-de-sac, presently serving 28 residential units with a 5.5m wide carriageway and footways on both sides of the road, except on the site frontage. To facilitate this development, a 2m wide footway will be provided on the site frontage.

The development for 4 residential units will generate approximately 3 additional trips in the AM and PM peak hours, however the generated traffic would not be noticeable within the daily fluctuations of traffic flows on the local highway network.

Lansbury Avenue (immediately to the south of Gaitskell Close) is a bus route with bus stops/shelter located within a convenient walking distance from the site. Service No. X1, operated by First, links Maltby to Sheffield via Meadowhall and Rotherham and provides a 10 minute service (Monday – Saturday) and a 20/30 minute service on Sundays."

The Council's Transportation and Highways Design department have assessed the contents of the Transport Statement and raise no objections to the proposed development subject to a 2m wide footway being provided along the site frontage. Furthermore, the layout of development provides sufficient on-plot parking for 2 bedroom dwellings as required by the Council's minimum car parking standards for residential development.

On that basis it is considered that the proposed development complies with the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel' and guidance contained within the NPPF and the Council's Car Parking standards.

### Drainage issues

Core Strategy Policy CS25 'Dealing with Flood Risk,' seeks to ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. It advises that this should be demonstrated through a sequential approach and having regards to its flood zone allocation as identified via the Environment Agency's flood maps. It should accord with the recommendations set out in the Strategic Flood Risk Assessment and be supported by a detailed Flood Risk Assessment (FRA) having regard to the guidance in both the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

With the above in mind, the application has been accompanied by a Drainage Strategy which confirms that "One of the largest sources of flooding in the Rotherham District is sewer flooding from the sewer network and this is exacerbated in areas of steep topography. Redevelopment of this site must not contribute increased flows to the drainage network but will seek to control and reduce flows during peak storm events through surface water balancing."

It further concludes by stating "Foul water may drain into the 150mm diameter Foul Drain adjacent the southern boundary, as details show this to be 1.5m deep, this should be achievable by gravity. Assessment should take account of the 100 year event and Climate Change for the lifetime of the development and this currently indicates an approximate 30% increase in rainfall intensity for the lifetime of the development."

Severn Trent Water have been consulted on the application and raise no objections to the proposed method of draining the site however recommend that the applicant contact them to make a formal application to the Company under Section 106 of the Water Industry Act 1991 if the use or reuse of sewer connections either direct or indirect to the public sewerage system is required.

### **Conclusion**

In conclusion it is considered that the proposal would be acceptable in principle and would provide an acceptable layout and design which would not cause harm to the residential amenity of the surrounding area and would not result in harm to highway safety. As such it is considered that the application should be granted 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. Condition number 9 of this permission requires matters to be approved before development works begin; however, in this instance the condition is 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 9 is fundamental to the acceptability of the development and the nature of the further information required to satisfy this condition 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

- Site Location Plan – Dwg No 671.02 Rev A
- Proposed Site Layout MC6 – Dwg No. 671.02 Rev C
- Proposed House Type 1 – Dwg Ref: 671.02 Rev B

Reason

To define the permission and for the avoidance of doubt.

03

The development shall not begin until a scheme for the provision of affordable housing across the whole of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- (i) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- (ii) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason

The development of the application would not be acceptable without the provision of all of the dwellings being affordable in accordance with Policy CS7 of the Core Strategy and the provisions of the NPPF.

04

No above ground 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 Policy CS28 Sustainable Design.

05

A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the occupation of the first dwelling.

Reason

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

TRANSPORTATION

06

Prior to the occupation of the first dwelling a 2.0m wide prospectively adoptable footway shall be provided on the site frontage with Gaitskell Close. 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 brought into use.

Reason

No details having been submitted they are reserved for approval, and in the interests of pedestrian safety

07

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.

08

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

Reason

In order to promote sustainable transport choices.

09

Prior to the commencement of works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

In the interests of highway safety.

### LANDSCAPE

10

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policy CS21 Landscape and UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

### LAND CONTAMINATION

11

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

Reason

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

12

If subsoils / topsoils are required to be imported to site for remedial works or garden/soft landscaping areas, then these soils shall 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 shall 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

**Informatives**

01

Severn Trent Water advise that if the use or reuse of sewer connections either direct or indirect to the public sewerage system is required, the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of their current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting the New Connections Team (Tel: 0800 707 6600).

02

Severn Trent Water further advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

**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>RB2017/0116</b>
<b>Proposal and Location</b>	Erection of 5 No. dwellinghouses with associated external works, gardens and car parking at land at Shakespeare Drive, Dinnington, S25 2PG
<b>Recommendation</b>	Grant Conditionally

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



### Site Description and Location

The application site is located between Shakespeare Drive to the north, Byron Road to the east and High Nook Road to the south. The site is currently green space with a pedestrian footpath crossing the site roughly north to south from Shakespeare Drive to High Nook Road. The area of land to the east of the footpath is adopted highway land. The site is steeply sloping from High Nook Road running down to Shakespeare Drive. There are residential properties to the west of the site with residential properties fronting the site on the surrounding roads. There is a bus shelter on the Byron Road frontage of the site.

### Background

RB1985/0342: Erection of a disabled persons bungalow on land adjacent to 34 Shakespeare Road - GRANTED 23/05/85. The site in question forms part of a series of planning applications which have been submitted simultaneously on 7 sites throughout the Rotherham area. In total the 7 sites propose 217 residential properties with this application site providing 5 properties all deemed to be affordable.

## **Proposal**

The applicant, Wates Residential, seeks full planning permission for the erection of 5 residential units to include a pairs of 2 bedroom semi-detached properties and one large 5 bedroom detached unit fronting Shakespeare Drive and a further pair of 2 bedroom semi-detached properties fronting Byron Road. The existing bus shelter on Byron Road would be retained.

The application is for 100% affordable homes at the site.

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 that would fit into the surrounding area. It details the form and appearance of the buildings, landscape and access.

### **Transport Assessment:**

The Transport Statement concludes that the generated traffic at the site would not be noticeable within the daily fluctuation of traffic flows on the local highway network. They also conclude that the site is considered to be a sustainable location in transport terms. The TA concludes that there is no highway or transport related issues that prevent the proposed residential development.

### **Ground Contamination Report:**

This concludes that there is no significant ground contamination at the site. However, the report makes recommendations to mitigate against potential ground contamination at the site for the new development.

### **Drainage Strategy:**

The Drainage Strategy sets out recommendations to deal with surface water drainage at the site. The Strategy concludes that the redevelopment of the land in the manner recommended in the Strategy will fully mitigate additional volumes of Surface Water flows from the site and will provide a greater level of protection to the land in question and its surroundings by reducing the overall flood risk to the area.

### **Building for Life Assessment:**

The Building for Life Assessment concludes that the site would integrate well into the surrounding area and would be sustainably located.

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for 'Residential' purposes in the UDP. The site is proposed to be retained for 'Residential' purposes 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):

CS7 Housing Mix and Affordability  
CS14 Accessible Places and Managing Demand for Travel  
CS22 Green Space  
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  
ENV3.7 Development and Pollution  
ENV5.1 Allocated Urban Greenspace  
ENV5.2 Incidental Urban Greenspace  
T7 Public Rights of Way

Sites and Policies

None relevant.

### **Other Material Considerations**

South Yorkshire Residential Design Guide

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 on site by two site notices, one on Shakespeare Drive and one on High Nook Road. The occupiers of neighbouring properties were consulted by letter, and the application was advertised in the press. The Council has received 5 objections from local residents and Dinnington Town Council has also objected to the application.

Dinnington Town Council raised the following comments:

- Object to the loss of local green space.
- The site is included in Dinnington's draft Neighbourhood Plan for preservation as a green space.
- The loss of this site would be directly contrary to paragraph 74 of the NPPF and the applicant has not made any assessment which clearly shows that the land is surplus to requirements, or would be replaced by equivalent or better provision.
- The loss of this site would lead to the loss of a safe play space for local children.
- The design is not in keeping with the locality.
- Local residents feel that the public consultation was wholly inadequate and did not adequately engage with local residents or indeed explain what the development would be.

Local residents made the following comments:

- The site is used as a play area by local children and is used by dog walkers and has been used for local community events.
- The land is protected Green Space in the proposed Dinnington Neighbourhood Plan
- The site is not identified for residential development in the UDP or in the emerging Sites and Policies Document nor is it identified as safeguarded land.
- The design is not in keeping with the locality.
- There are more suitable brownfield sites available in the locality for development.
- The development would lead to a loss of views across the site.

## Consultations

RMBC- Transportation and Highways Design: Have appraised the Transportation Assessment (TA) submitted and raised no objections to the proposals in terms of highway safety subject to recommended conditions, relating to suitable provision of an adoptable footway, the parking areas are suitably hard surfaced, the approval of a Construction Method Statement, and a condition promoting sustainable transport.

RMBC – Leisure and Greenspaces Manager: Has stated that this site was not assessed in the Green Space Audit as it is below the minimum threshold size. The Greenspace Manager notes that the site is within 5 minutes walking distance of the nearest green space site and play area at High Nook Road. As such, no objections are raised to the loss of this site for housing.

RMBC – Land Contamination: Have reviewed the submitted Ground Contamination Report and concluded that owing to the history of the site, there is very low risk to the

future users of the site from potential site contamination. No objections are raised subject to suitable conditions.

RMBC - Public Rights of Way: Raises no objections to the application.

## **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
- Transportation issues
- Design and visual appearance
- Drainage and flood issues
- General amenity issues
- Other issues raised by objectors.

### The principle of the development

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

For decision-taking this means:

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

Paragraph 47 of the National Planning Policy Framework notes that: “To boost significantly the supply of housing, local planning authorities should (amongst other things): identify and update annually a supply of specific deliverable 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 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.”

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

Currently the Council does not have a five year supply of housing. The NPPF states that in these circumstances paragraph 14 should be the starting point for the consideration of planning applications.

UDP Policy HG4.3 Windfall Sites states that proposals for housing development not specifically identified for housing development will be determined in light of their location within the existing built up area and compatibility with adjoining uses, and compatibility with other relevant policies and guidance.

In this instance the site is allocated for Residential purposes though acts as an area of Incidental Urban Greenspace.

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

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:
  - i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature

- ii. Creating or extending green links where feasible as part of green space provision in new developments.”

In addition, ‘saved’ UDP Policy ENV5.2 ‘Incidental Urban Greenspace’ states development that results in the loss of small areas of urban green space will only be permitted under circumstances that are outlined under ENV Policy 5.1 which in turn states that: “Development that results in the loss of Urban Greenspace as identified on the Proposals Map will only be permitted if:

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

These Policies conform with paragraph 74 of the NPPF which states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

In terms of the impact of this area of Incidental Urban Greenspace, the site is publically accessible green space and its loss to the community needs to be assessed as part of this application. Furthermore, it is noted that Dinnington Town Council and local residents have objected to the loss of this land in terms of community and amenity impact. It is accepted that the proposal would lead to a loss of Incidental Urban Greenspace and no alternative provision of equivalent community benefit and accessibility is made, and it would not enhance the existing local Urban Greenspace provision.

The Council’s Greenspace Manager has stated that this site was not assessed in the Council’s Green Space Audit as it is below the minimum threshold size. However, he notes that as the site is within 5 minutes walking distance of an existing and established green space play area on High Nook Road he has no objections to the loss of this land for housing development.

It is also considered that this site, particularly owing to its steeply sloping nature, makes it unsuitable for many recreational and sporting activities. Whilst it is accepted that there would be some loss of amenity for local residents in terms of visual amenity and in providing opportunities for informal recreation, it is noted that as the site is being redeveloped for affordable housing this is in itself a public benefit. Furthermore, it is considered that the loss of this incidental public open space is minor and there is sufficient provision for outdoor recreation and children’s play areas within the immediate local area.

In conclusion it is noted that the whole of the application site is allocated for residential use within the adopted UDP and in the Sites and Policies Plan, and that the site provides only very limited recreational beneficial use to the local residents, with alternative provision available close by. It is considered that significant weight should be given to the provision of 5 affordable homes, the scheme being 100% affordable, and it is noted that the Council cannot provide a five year housing supply. For these reasons, it is considered that the development is considered acceptable.

It is noted that Dinnington Town Council and a neighbouring resident raised concerns that this land was included as protected Urban Greenspace in the draft Dinnington Neighbourhood Plan. Whilst this is noted the Dinnington Neighbourhood Plan has not been adopted and therefore only very little weight can be afforded to it. In addition, the Neighbourhood Plan must be in accordance with the Development Plan, which does not, and is not intending to, specifically allocate this site as Urban Greenspace. The Inspector dealing with the recent Examination in Public did not raise issue about the allocation in this location. It is considered that other material considerations have outweighed the value of this land as Incidental Urban Greenspace and that residential development is acceptable in this instance.

#### 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). It is not considered that the provision of 5 additional dwellings would generate significant additional traffic movements, though the applicant has submitted a 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, owing to the low key nature of the scheme being for only 5 houses, that the impact on the local highway network would be barely discernible. 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 directly across the application site. The proposal will involve the closure of this footpath, and the land to the east of it within the application site, and redirecting pedestrians onto public footpaths. It is noted that the applicants have submitted details of a footway along the roads surrounding the site. It is considered that the proposed closure of the public footpath and adjacent land would not inconvenience pedestrians as walking distance between Shakespeare Drive and High Nook Road would not significantly increased. Furthermore, the Council's Rights of Way Officer has raised no objections to the closure of this footpath. 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 consists of two pairs of semi detached properties and a large detached property. It is noted that the design and appearance and the scale of the large dwelling is different from neighbouring properties. However, it is considered that the design and appearance of the properties is acceptable and whilst it is slightly different from the general uniformity of the estate it would not appear unattractively within the streetscene or the surrounding area. As such, it is considered that the design and appearance of the properties is acceptable and is in accordance 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 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 Drainage Strategy which sets out recommendations to deal with surface water drainage at the site. The Strategy concludes that the redevelopment of the site in the manner recommended in the Strategy will fully mitigate additional volumes of surface water flows from the site and will provide a greater level of protection to the site and its surroundings by reducing the overall flood risk to the area.

The information contained within this supporting document 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 Policy CS25.

#### 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 complies with the standards. With regards to existing properties it is noted that the large detached dwelling proposed (Plot 1) falls slightly short of the 10m spacing standard between the proposed property and the boundary with the garden area of properties on High Nook Road. However, it is noted that as this property is

located at a significantly lower level to these neighbouring properties it is considered that subject to suitable boundary treatment being erected then no significant loss of amenity would occur in terms of overlooking and overbearing impact.

It is noted that two secondary first floor windows are proposed in the side elevation of Plot 1 serving a bedroom and bathroom and overlooking the side elevation of the proposed dwelling on Plot 2 . It is considered that these windows have the potential to overlook neighbouring residents. As such, it is considered reasonable to append a condition which requires that these windows are obscure glazed and non opening. It is noted that habitable rooms windows are proposed at ground floor level on the same side elevation. However, it is considered that subject to a condition requiring the submission of suitable boundary treatment, no overlooking would occur to neighbouring residents from these windows.

Furthermore, it is considered that the other four properties owing to their siting would not harm the residential amenity of neighbouring residents in terms of overlooking, overbearing impact or harm to outlook.

It is therefore considered that the proposal is in accordance with the 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.

#### Other issues raised by objectors

It is noted that a number of objections have been received from neighbouring residents and Dinnington Town Council , many of which have been dealt with above in this report. However, other issues raised include that there are more appropriate sites for residential development in the Borough. Whilst this is noted it is considered that each application is considered on its own merits and this site, which is allocated for Residential purposes, is considered to be acceptable for residential development.

A neighbouring resident also objected to the application on the basis of loss of view. Whilst this is noted it is considered that this is not a material planning consideration and cannot be taken into consideration in regards to this application.

Dinnington Town Council raised an objection that the public consultation exercise undertaken by the applicant for this site was inadequate and misleading. Whilst this is noted this exercise was undertaken by the applicant and it is not a statutory requirement for them to undertake public consultation for development proposals as small as this.

#### **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 involves the loss of Incidental Urban Greenspace though it is considered that owing to the fact that there is better quality provision within close proximity of the site and as the site is allocated for residential development, the proposal is acceptable in this instance. In addition, weight is given to the fact that the scheme is for 100% affordable housing, the Council cannot currently meet its 5 year housing target, and the site is also allocated for housing within the Sites and Policies Plan.

The site is located in a sustainable location, close to Dinnington 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. 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.

### **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. Condition numbers 08 and 09 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 numbers 08 and 09 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

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

Reason

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

02

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

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

Drawing Numbers, 617.02 (-) 021 MC7, 617.02 (-) 001 MC7, 617.02 (-) 005 MC7, 617.02 (-) 006 MC7, 617.02 (-) 007 MC7, 617.02 (-) 022 MC7 (Received 13/01/2017)

Reason

To define the permission and for the avoidance of doubt.

03

No above ground 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 Development.'

04

The development shall not begin until a scheme for the provision of affordable housing across the whole of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- (i) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- (ii) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason

The development of the application would not be acceptable without the provision of all of the dwellings being affordable in accordance with Policy CS4 and CS7 of the Core Strategy and the provisions of the NPPF.

05

A 2.0m wide prospectively adoptable footway shall be provided on the site frontage with Byron Road, Shakespeare Drive and High Nook Road prior to the closure of the existing adopted footpath. Footpath 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, and in the interests of pedestrian safety.

06

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

07

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

Reason

In order to promote sustainable transport choices.

08

Prior to the commencement of works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

In the interests of highway safety.

09

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property

and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10

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

Reason

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

11

If subsoils / topsoils are required to be imported to site for remedial works or garden/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.

12

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

13

Prior to the occupation of the dwellings hereby approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be

submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the dwellings are occupied.

Reason

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

14

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'.

15

The window(s) on the first floor side elevation of Plot 1 facing Plot 2 shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

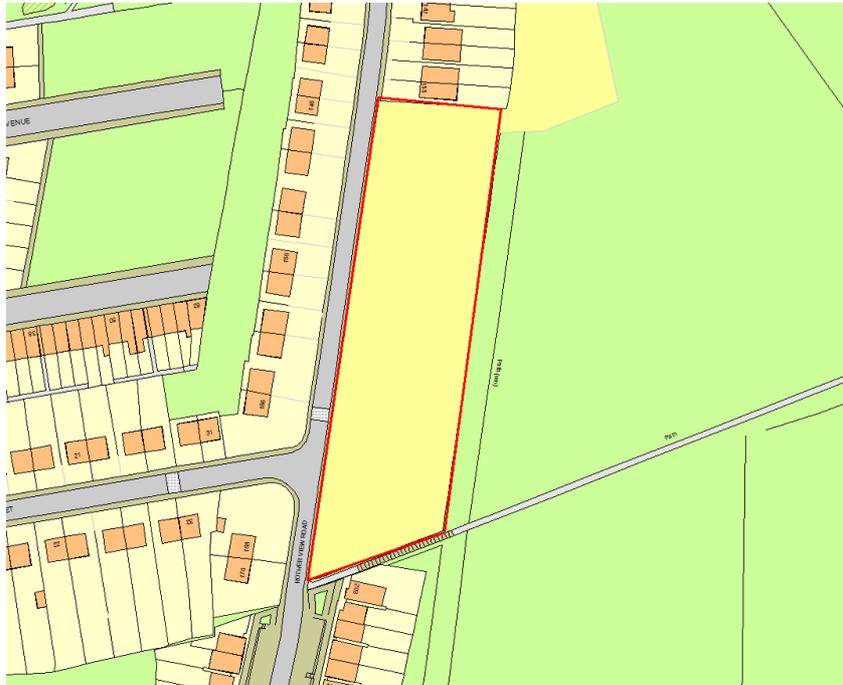
In the interests of the amenities of the occupiers of the adjoining property.

#### 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>	RB2017/0122
<b>Proposal and Location</b>	Erection of 22 dwellinghouses associated works, gardens and car parking at land at Rother View Road, Canklow, Rotherham, S60 2UW.
<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 is located within the Canklow area of the Borough. The site is situated along the eastern side of Rother View Road and is 0.54 ha in area. The site is an elongated shape that slopes steeply from a high point in the north east of the site to a low point in the south-west corner; the change in height between these points is approximately 12.7 metres.

There are residential properties to the north and south and directly opposite at a lower level. The properties to the north and south were built in the past 5 years, while those on the opposite side of Rother View Road are of a post-war construction. Public open space is situated to the east of the site. The site is overgrown, with access to the public open space.

Forming the site boundary to the east is a row of mature trees which provide a physical demarcation between the proposed site and the existing public open space. Until the mid-2000s the site comprised of a row of a number of semi-detached post-war dwellings similar to the ones on the opposite side of Rother View Road. These dwellings have since been demolished and the site left for redevelopment.

### Background

There have been two previous applications submitted relating to this site:

RB2010/1526 – Display of 3 no. non-illuminated signs – Granted conditionally – 11/01/2011

RB2010/1530 – Use of land as temporary storage – Granted conditionally – 05/01/2011

The site in question forms part of a series of planning applications which have been submitted simultaneously on 7 sites throughout the Rotherham area. In total the 7 sites propose 217 residential properties with this application site providing 14 properties all deemed to be affordable.

### **Proposal**

The proposal provides 22 dwellinghouses, all of which will be affordable.

The development is in the form of a row of houses similar to other recent developments along Rother View Road. The proposal will provide two different semi-detached house types as follows:

Type 1 (10 no.) – three-storey, 3 bedroom, semi-detached house

Type 2 (12 no.) – three-storey, 2 bedroom semi-detached house

Due to site levels the houses are 3 storey to the front and 2 storey to the rear. Parking will be provided to the front of the dwellings due to the topography of the site, with areas of soft landscaping to soften the overall appearance. The boundary to the rear will be a 1.8 metre high timber close boarded fence, while at the front a 1.1 metre high metal railing will be used to separate the properties.

The dwellings will be constructed in a mixture of red brick and render in white and grey, with concrete tiles. Windows and doors will be white UPVc with grey rainwater goods and coloured GRP doors.

The existing footway on the eastern side of Rother View Road will be widened to 2m.

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

### Design and Access Statement

This statement provides details on the site, the proposed development in respect of design, scale, landscaping, appearance and access and the community consultation event.

### Transport Statement

The statement concludes that the generated traffic can be accommodated within the capacity of the existing highway network. There are public transport stops within a convenient walking distance from the development. The existing footway on the eastern side of Rother View Road will be widened to 2m. The site is considered to be sustainable in transport terms.

### Ecology Report

The Ecology Report has concluded that the site is of a limited ecological value with no evidence of protected or notable species recorded. The closest statutory designated site, which is cited as wetland supporting wetland bird species, is located 0.8km from the site and separated by buildings and hardstanding.

A range of mitigation and enhancement measures have been suggested.

### Flood Risk and Drainage Strategy

The report confirms that the site lies within zone 1 of the flood map and it is not believed the site has flooded or caused flooding to other property. The redevelopment of the site will increase the impermeable areas of the site compared to its current status.

Information of a flood route has also been supported.

### Phase 1 Desk Top Study

The study has assessed the historical land use of the site and coal mining reports.

### Tree Survey Report

The report identifies that there are no 'A' category trees identified, there are some classed as category 'B' and a number of hedges, trees classed as category 'C' but none of them are worthy of the retention.

### Geo-environmental Report

The report provides a number of recommendations in respect of geo-environmental issues such as soil testing, gas monitoring, amongst others.

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

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

Core Strategy policy(s):

CS7 'Housing Mix and Affordability'

CS14 'Accessible Places and Managing Demand for Travel'

CS21 'Landscape'

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'

HG5 'The Residential Environment'

### **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.

Further to the above, guidance set out within the following documents is also relevant in assessing this application:

#### Rotherham's adopted Parking Standards

#### South Residential Design Guide

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 press, and site notice along with individual neighbour notification letters to adjacent properties. 4 letters of representation have been received, from local residents, the school and a community group. The issues raised are summarised below:

- The additional residents will worsen the situation with regards to the local doctors and not being able to get an appointment.
- Residents would like additional playgrounds and better play equipment to make up for the loss of the playgrounds that used to be in the area.
- A gated play area on Rother View Road would help protect young children from playing on the open ground which is used for fly tipping and unauthorised motor vehicles.
- Request a lighted crossing to access the park on Canklow Road.
- Concerns about secondary school places at Brinsworth Comprehensive School.
- Request a new park, new bins and a second post box.
- The local primary school does not have the capacity to take the additional children the development will bring to the area.

Two Right to Speak requests have been received from a local resident and the local school.

### **Consultations**

RMBC - Transportation and Highways Design – Have no objections subject to conditions.

RMBC - Tree Service Manager – Have no objections to the tree / hedge loss.

RMBC - Affordable Housing Officer – This is a wholly affordable housing scheme which is being developed in partnership between the Council and Wates, the applicant. All of the 22 properties will be purchased by the Council and added to Council stock and rented out as social housing units. Therefore the scheme more than complies with the affordable housing policy of 25% delivery on site.

RMBC - Landscape Design – Have no objections subject to conditions

RMBC – Drainage – Have no objections subject to conditions.

RMBC – Ecologist – Has no objections subject to conditions.

RMBC - Environmental Health – Have no objections subject to the standard working practices informative.

RMBC - Land Contamination – Have no objections subject to conditions.

RMBC – Education – No requirement for an education contribution due to the dwellings all being for affordable housing as detailed in the Council's adopted Education Policy.

RMBC - Urban Design – Have no objections.

Yorkshire Water – Have no objections subject to conditions.

## **Appraisal**

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

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

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

The main issues to take into consideration in the determination of the application are –

- The principle of the development
- Design and layout
- General Amenity Issues
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- Other Considerations

## Principle

The site is allocated for residential purposes in the UDP and located within close proximity to local services and public transport services on Canklow Road and a short walk to Rotherham town centre. Therefore it is acknowledged that the site is within a highly sustainable location. In addition, the proposal would comply with Policy HG4.3 given the application site is allocated for residential purposes, surrounded by residential properties within a built-up residential area, and as such the proposal would be compatible with the land use of the site and adjoining residential uses.

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

Accordingly, in light of the above the principle of residential development on this land would be acceptable and would comply with the policies within the NPPF, Core Strategy and UDP.

Therefore as specified in the NPPF planning should be granted unless “any adverse impact of doing so would significantly and demonstrably outweigh the benefits.”

## 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 echoed by the NPPF.

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from a good planning, and should contribute positively to 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 scheme.”

Policy CS21 states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the Borough’s landscapes. In addition policy CS28 indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with well-designed buildings. 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 proposed development comprises of two different house types, although they both share the same contemporary design features and materials, albeit some will have a white render finish and some a grey render finish, above a red brick lower ground floor. The dwellings are of a similar height, appearing three-storey at the front and two-storey to the rear, due to land levels.

It is noted that the proposed dwellings would not be in keeping with the older properties in this part of Canklow but that they would be in keeping with the newer dwellings constructed in the last 10 years along other sections of Rother View Road and in other parts of Canklow. Therefore it is considered that the proposed dwellings by virtue of their size, scale, form and design would not adversely affect the character or appearance of the area, but would help enhance the overall appearance of not only Rother View Road but the wider Canklow area.

The size of the proposed dwellings are considered appropriate in relation to the size of the site, as the proposed dwellings will be provided with an appropriate amount of floor space and private amenity space that accords with the guidance detailed in the South Yorkshire Residential Design Guide. Additionally, space for cars to be parked within the curtilage of each property, is to be provided which would be in accordance with the Council’s adopted Minimum Parking Standards. Therefore the proposal will not result in the overdevelopment of the site.

It is further considered that whilst the layout is somewhat constrained by the topography and width of the site, the development as a whole is judged to be of an appropriate scale and an acceptable addition to the surrounding area, that will not introduce an unfamiliar feature within the area. This is due to the fact that in this part of Canklow there is a mix of old post-war housing and new modern dwellings.

In light of the above it is considered the proposal would represent an appropriate and acceptable form of development that would be in full compliance with the requirements of the NPPF and Core Strategy policy CS28 and would not adversely affect the character or appearance of the area.

### General Amenity Issues

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 proposed dwellings would be sited approximately 33 metres from the principle elevation of the properties on the opposite side of Rother View Road. Therefore the spacing between the existing and proposed dwellings far exceeds the recommended distances in the South Yorkshire Residential Design Guide and even though the proposed dwellings would be at a higher land level, there would be no significant privacy or overlooking issues created. Furthermore, by virtue of the spacing distance between the properties and despite the three-storey nature of the proposed dwellings and the significant level changes, the new dwellings would not appear overbearing or affect the outlook from the existing dwellings.

Having regard to the above, it is considered that given the height, size, siting, design of the proposed building, together with the orientation of the site, land levels and proposed boundary treatment, the proposal would comply with the requirements of the Council's adopted guidance and the NPPF. Therefore, the proposal would not appear overly dominant or overbearing when viewed from surrounding properties and would not give rise to any overshadowing or privacy issues.

### Transportation Issues

The proposed layout, which has been dictated by the levels of the site, has resulted in parking spaces to the front of the properties, either side by side or one behind the other, similar to other recent developments along Rother View Road. The proposed on-site car parking facilities comply with the Council's standards.

In addition, it is proposed to increase the existing footway on the site frontage to a width of 2m, which has also been done of other recent developments along Rother View Road.

In light of the above, the proposed development would not give rise to any highway issues and the Council's Transportation and Highways Design section have raised no objections from a highways perspective to the proposal subject to conditions.

### Drainage and Flood Issues

The site is not within a flood zone, but surface water runoff from the hillside is a known problem in this area.

There are constraints on this site in respect of drainage due to the topography and steepness of the site and the earthworks required. Drainage and SuDs information has been submitted, along with a Flood Route Plan. However, it is considered that whilst the drainage strategy is generally acceptable, insufficient drainage and SuDs information has been submitted, while the flood route plan is also not considered sufficient.

Notwithstanding the above, the Council's Drainage Engineer has confirmed that the information required by them can be conditioned and submitted prior to works commencing on site.

Yorkshire Water has raised no issues with the proposal subject to conditions.

It is therefore considered that subject to conditions, the proposed development would not give rise to any significant drainage or flooding issues to either the proposed or existing properties.

### Landscape and Ecology

The site lies within the River Rother strategic Green Infrastructure corridor, with a boundary to the east with Greenbelt and is well connected to existing public right of way network.

A Landscape Masterplan has been submitted with the application and in general the Council's Landscape Design team is generally satisfied with the proposal, but is still recommending a detailed landscape scheme be submitted as part of a condition to allow the applicant to explore the mix of landscape treatments and size of trees proposed.

The proposal will also involve the loss of some low amenity trees and hedges from the site, and none of the existing trees or hedges are proposed to be retained within the site. The submitted Landscape Masterplan together with the detailed scheme to be submitted via the standard condition will provide sufficient mitigation for the loss of the existing trees and hedges.

The Council's Ecologist has stated that despite the suboptimal timing, the findings of the survey are accepted and there is no requirement for further surveys. Therefore, there are no objections to planning permission being granted from an ecological perspective subject to the mitigation and enhancement measures provided, which includes bat & bird boxes, new planting and wildlife friendly lighting being provided through a condition.

Overall it is considered that subject to conditions, the proposed development would be in compliance with policy CS21 of the adopted Rotherham Core Strategy.

### Other Considerations

This is a wholly affordable housing scheme which is being developed in partnership between the Council and Wates, the applicant. All of the 22 properties will be purchased by the Council and added to Council stock and rented out as social housing units. Therefore the scheme more than complies with the affordable housing policy of 25% delivery on site. As the scheme is a partnership with the Council, there is no necessity to enter into a legal agreement the affordable housing provision.

Further to the above, as the scheme is to provide 100% affordable housing, and as detailed in the Council's Education Policy there is no requirement for a financial contribution towards education provision via a s106 agreement. Furthermore, even if

this wasn't an affordable housing scheme this application is under the threshold of 25 dwellings to request any education contribution.

Notwithstanding this, the formulae in the Council's Section 106 policy relating to Education Contributions from housing developments, suggests for 80 dwellings (which would be the combined number at Canklow) an additional 17 pupils would be generated in the local primary school. However the pupil growth from these developments can take several years to materialise.

As of the 8 February 2017 there were 196 pupils on roll leaving a surplus of 14 places across the primary school.

With regard to secondary school places at Brinsworth Comprehensive, which is an issue raised by a local resident, there is no perceived issue that the additional children brought to this area by the development would significantly impact on pupil levels at Brinsworth Comprehensive. In addition, the Canklow area is also in the catchment for Oakwood Comprehensive School.

In respect of additional playgrounds and better play equipment this application is of a size that would not warrant any commuted sum towards additional play equipment in the area. However the Council's Green Spaces Manager has indicated that the development is within walking distance to existing open space at Canklow Hillside, the recreation ground and children's play area on Canklow Road, Boston Park and Canklow Woods. Accordingly, they have indicated that there is no requirement for any additional open space to be provided with this development.

## **Conclusion**

Having regard to the above, and the issues raised by the objectors, it is concluded that the issues raised would not warrant a refusal of this application on planning grounds and do not outweigh the fact that the proposed development would represent an acceptable and appropriate form of development in this sustainable location that would not affect the character or visual amenity of the area, the amenity of neighbouring residents or have an adverse effect on the highway network. This is a 100% affordable housing scheme that has been given substantial weight in the consideration of this application and therefore, subject to conditions the application is recommended for approval.

## **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 **08, 12, 13 and 16** 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 **08, 12, 13 and 16** 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)

671.02 (-- 011 MC2 Rev A, received 13 January 2017

671.02 (-- 012 MC2 Rev A, received 13 January 2017

671.02 (-- 001 MC2 Rev C, received 27 February 2017

671.02 (-- 005 MC2, received 27 February 2017

Reason

To define the permission and for the avoidance of doubt.

03

No construction works on the dwellings hereby approved shall commence 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

The footway on the site frontage with Rother View Road shall be increased in width to 2.0m.

Reason

In the interests of highway safety.

05

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

Before construction commences on the dwellings hereby approved footway 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

Prior to the completion of the first dwelling, 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 before the first dwelling is occupied.

Reason

In order to promote sustainable transport choices.

08

Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

In the interests of highway safety.

09

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 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 UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

#### 10

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

#### Reason

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

#### 11

Prior to the occupation of the first dwelling, details of RAMS, bat & bird boxes, new planting and wildlife friendly lighting as detailed on pages 3 and 4 of the submitted ecology report, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within a timeframe to be agreed with the Local Planning Authority and shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

#### Reason

In order to make adequate provision for species protected by the Wildlife & Countryside Act 1981 and in accordance with policy CS20 'Biodiversity and Geodiversity' of Rotherham's Core Strategy and the National Planning Policy Framework.

#### 12

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 a maximum of 5 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 and how provision for this maintenance is ensured for the lifetime of the development.

The approved details shall be implemented within a timeframe to be agreed with the Local Planning Authority.

#### 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.

13

Prior to the commencement of development a flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, external ground levels and 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'.

14

No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the water main i.e. a protected strip width of (6) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

#### Reason

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

15

No construction development shall take place until details of the proposed means of disposal of surface water drainage, have been submitted to and approved by the local

planning authority. The rate of discharge into the public sewer shall not exceed 5.0 (five) litres per second or the greenfield run-off rate, whichever provides the lowest rate of discharge. Furthermore, no discharge of surface water from any part of the site shall commence until the approved details have been implemented to the satisfaction of the Local Planning Authority.

Reason

In the interest of effective surface water management and to prevent downstream flooding.

16

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

Reason

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

17

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

Reason

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

18

All foundation works to be undertaken shall be carried out in accordance with sections 10.1 – 10.5 reported in the Geo-Environmental Investigation for Rother View Road South, Canklow – prepared by RGS Ltd, dated January 2017, reference J3702/16/E.

Reason

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

19

In the event that gas protection measures are required for any new builds then details of the gas protection measures to be installed will be forwarded to this Local Authority for review and comment. As a minimum the gas protection measures shall include either of the following:

- a) Reinforced concrete cast in-situ floor slab (suspended, non-suspended, or raft) with at least a 1200g DPM and underfloor venting: and/or
- b) Beam and block or pre cast concrete slab and a 2000g DPM / reinforced gas protection membrane and underfloor venting;
- c) All joints and penetrations to be sealed.

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.

20

If subsoils / topsoils are required to be imported to site for remedial works or garden/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of testing will need to be presented in 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.

21

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

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.

22

The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme.

The scheme shall include:

- i The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- ii. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason

In accordance with policy CS7 of the Core Strategy

### **Informatives**

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries.

02

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

03 – Water Supply

Existing Infrastructure - Company records indicate a live water main of 8" diameter crosses part of the red line site boundary. The presence of the main may affect the layout of the site and therefore I consider it to be a material consideration in the determination of this application. It is recommended that no obstruction encroaches within 3 metres on either side of the main i.e. a protected strip width of 6 metres.

The exact line of the main will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the main to be diverted under s.185 of the Water Industry Act 1991. These works would be carried out at the developer's expense. The cost of these works may be prohibitive.

For further information and advice, the Distribution Asset Manager should be contacted, by letter, at the following address: Service Delivery (Water Network Assets

- South), C/o Yorkshire Water, Morrison Utilities Yarra Park Industrial Estate Station Road Ecclesfield Sheffield S35 9YR

A water supply can be provided under the terms of the Water Industry Act, 1991.

#### 04 - Drainage

Existing Infrastructure - There are various 'minor' small diameter public sewers recorded crossing the site. The submitted site layout plan shows all the sewers will be affected. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations.

Surface Water - Sustainable development requires appropriate surface water disposal. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourses are not reasonably practical before even considering disposal to a public sewer.

In this case, we note the submitted Flood Risk and Drainage Strategy (prepared by met Engineers - Report 12526-5076 (revision 00) dated December 2016) is satisfactory from Yorkshire Water's viewpoint. The report indicates;

- i) Sub-soil conditions do not support the use of soakaways.
- ii) Therefore, surface water to discharge to the public sewer, at a restricted rate as to not exceed 5 (five) litres/second.
- iii) The developer is to utilise rainwater collection butts to reduce run-off.

Restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

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

#### POSITIVE AND PROACTIVE STATEMENT

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

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL****PLANNING REGULATORY  
BOARD****PLANNING AND REGENERATION SERVICE****REPORT TO BOARD  
30<sup>TH</sup> MARCH 2017**

ITEM NO.    SUBJECT

1            Ref: RB2017/0300

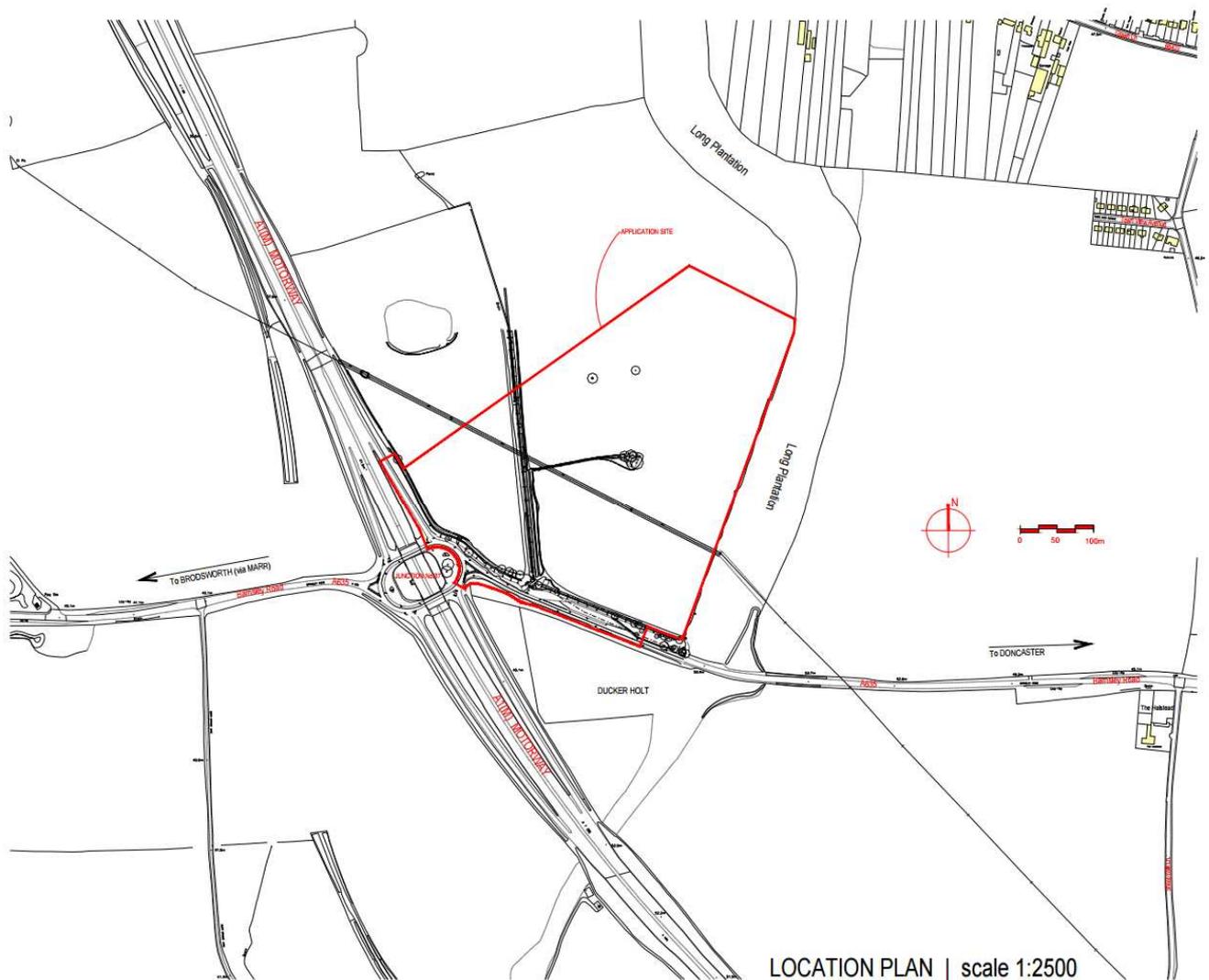
Courtesy Consultation for construction of new Motorway Service Area ("MSA") to comprise: amenity building, lodge, drive thru coffee unit, associated car, coach, motorcycle, caravan, HGV and abnormal load parking and a fuel filling station with retail shop, together with alterations to the adjacent roundabout at Junction 37 of the A1(M) to form an access point and works to the local highway network. Provision of landscaping, infrastructure and ancillary works at land north-east of J37 of the A1(M) Motorway, Marr Roundabout, Doncaster, DN5 7AS for Moto Hospitality Limited

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**Recommendation:**

That Doncaster Metropolitan Borough Council be informed that the Council have no objections to the proposal.



## **Background**

Rotherham MBC has been consulted on the above planning application submitted to Doncaster Metropolitan Borough Council. This is a 'courtesy' consultation as required due to the close proximity of Rotherham Borough to the application site. RMBC are invited to provide Doncaster MBC with comments on the application and the impact of the proposal on Rotherham in terms of such planning related issues as the environment, flooding, traffic and the vitality / viability of Rotherham town centre.

## **Site Description & Location**

The proposed Motorway Service Area occupies the northeast quadrant off the junction 37 roundabout on the A1(M) at its intersection with the A635 Barnsley Road.

Doncaster is located to the southeast via the A635. The site has a common boundary with the motorway along its western boundary. The southern boundary is formed by the A635 leading south-easterly into Doncaster, linking Doncaster to Barnsley to the west.

The proposed site encompasses an area of c37.28 acres / 15.1 hectares and comprises two fields in agricultural use, divided by the Mellinder Dike drain running north / south through the site.

Rotherham's boundary at Wath is approximately 9 km south-west of the site.

## **Proposal**

The application submitted to Doncaster MBC is for a MSA which comprises of the following:

- Entry / exit points to highway network at the roundabout at junction 37
- Internal road circulation
- Main amenity building, including external seating, plant buildings and service yard areas
- Lodge building and associated gardens
- Fuel filling station (for all vehicles)
- Drive-thru unit (coffee)
- Other freestanding mobile kiosk units in close proximity to main amenity building entrance
- Parking for:
  - Main amenity building and lodge (includes cars and motorcycles)
  - HGV parking
  - Coach parking
  - Caravan parking
  - Staff parking
  - Cycle parking (staff)
  - Abnormal load parking bay
- External works comprising:
  - Soft landscaping
  - Hard landscaping
  - Water features

- Picnic areas
- External seating areas
- Dog walking areas
- Signage
- Lighting
- Site-wide surface water drainage via sustainable drainage systems (SuDS)

### **Consultations**

RMBC - Transportation and Highways Design – Have indicated that the development is unlikely to have a material adverse impact on highways in the Rotherham.

RMBC - Landscape Design – Have no objections to raise to the development on landscape grounds.

RMBC – Air Quality – Have stated that there is not likely to be any impact of levels of air pollution within Rotherham.

RMBC - Environmental Health – Have no issues with the development in respect of its impact on the environment of the Borough or its residents.

### **Appraisal**

The main issues with the proposal affecting Rotherham would include the impact on traffic levels within the Borough and the impact on the general environment for the Borough's residents.

In terms of impact on the Borough's highway network, due to the distance of the proposal from the Borough boundary, it is unlikely that it would have a material adverse impact on highways in the Rotherham area. Furthermore, it is not anticipated that there will be any significant impact on air quality in Rotherham from this proposal. Therefore there will be no adverse impact on Rotherham's highway network or the health of Rotherham's population via increased air pollution.

It is also considered that given the distance between the site and the Borough boundary, along with the intervening topography and vegetation (Brookfield park 40ha new woodland lies within the top NE corner of the borough), will effectively neutralise any effects the development would have on views from the Borough. Therefore the proposal would have no impact on the landscape of the Borough or views from within it.

It is therefore considered that given the distance from the Borough boundary to the site, together with the topography and character of the land between, the proposals would have no adverse impact on the highway network, environment and population of Rotherham.

### **Conclusion**

Having regard to the above it is concluded that there would be no impact on Rotherham and as such it is recommended that Doncaster MBC should be notified that RMBC raise no objections to the proposals.