

PLANNING REGULATORY BOARD

**Date:- Thursday, 19 April 2018 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH**
Time:- 9.00 a.m.

Meetings of the Planning Board can all be viewed by live webcast by following this link:-
<https://rotherham.public-i.tv/core/portal/home>

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 29th March, 2018 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (Pages 7 - 60)
8. Update - Appeal against non-determination of application for planning permission for construction of an exploratory well on land at Common Road, Harthill (RB2017/0805) (Pages 61 - 69)
9. Updates
10. Date of next meeting - Thursday, 10th May, 2018

Membership of the Planning Board 2017/18

Chairman – Councillor Atkin
Vice-Chairman – Councillor Tweed



SHARON KEMP,
Chief Executive.

Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Ireland,
Jarvis, Price, Taylor, R.A.J. Turner, Vjestica, Walsh and Whysall.

A handwritten signature in black ink that reads "Sharon Kemp". The script is cursive and fluid, with the first name "Sharon" and last name "Kemp" clearly distinguishable.

SHARON KEMP,
Chief Executive.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

MEMBERS' DECLARATION OF INTEREST

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

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

1. Disclosable Pecuniary

☐

2. Personal

☐

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

(Please continue overleaf if necessary)

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

Signed:-

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

PLANNING BOARD
Thursday, 29th March, 2018

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, D. Cutts, Price, Taylor, R.A.J. Turner, Tweed, Vjestica and Walsh.

Apologies for absence were received from Councillors M. S. Elliott, Fenwick-Green, Ireland and Whysall.

The webcast of the Council Meeting can be viewed at:-
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73. DECLARATIONS OF INTEREST

Councillor Tweed declared his personal interest in application RB2017/0892 (Erection of new grain store and new internal access road to site at Hatfield Farm, Thorpe Lane, Shireoaks for M. J. Blagg) because of his brief social meetings with the applicant in the past. Having declared that interest, Councillor Tweed remained in the meeting and participated in the Planning Board's consideration of this application and voted thereon.

74. MINUTES OF THE PREVIOUS MEETING HELD ON 8TH MARCH, 2018

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 8th March, 2018, be approved as a correct record for signature by the Chairman.

75. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

76. 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 following applications:-

- Erection of new grain store, and new internal access road to site at Hatfield Farm, Thorpe Lane, Shireoaks for M. J. Blagg (RB2017/0143)
- Mr. Mr. J. Blagg (Applicant)
- Demolition of existing reservoir and construction of new 12,000 m³

service reservoir with associated valve house structure, dosing housing structure, below ground pipework, earth embankments and perimeter security and construction of new water pumping station with associated underground pipework with new access road, car parking and associated earth works at Boston Park, Boston Castle Grove, Moorgate, Rotherham for Yorkshire Water Services Limited (RB2017/0892)

- Mr. A. Rayner (on behalf of the applicant Company)
- Mrs. J. Worrall (objector)
- Mrs. A. Rodgers (objector)
- Mr. M. V. Skellum (objector)
- Mr. T. Brannen (objector)
- Mr. J. Platts (objector)
- Councillor T. Yasseen (objector, on behalf of the Borough Ward Councillors of the Boston Castle Ward)

(2) That application RB2017/0143 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3)(a) That, with regard to application RB2017/0892, the developer shall provide a satisfactory unilateral undertaking made under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing a financial contribution of £30,000 in order for the Council to undertake and implement a full Playing Pitch Strategy in accordance with Sport England's recommended guidance; this contribution will cover the Playing Pitch Strategy only; any further improvement works or land-transfer sale agreed by the applicant and the Council will be subject to a separate Agreement and does not form part of the planning application.

(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.

(Councillor Tweed declared his personal interest in application RB2017/0892 (Erection of new grain store and new internal access road to site at Hatfield Farm, Thorpe Lane, Shireoaks for M. J. Blagg) because of his brief social meetings with the applicant in the past. Having declared that interest, Councillor Tweed remained in the meeting and participated in the Planning Board's consideration of this application and voted thereon)

77. UPDATES

Discussion took place on the following matters:-

(1) Members were invited to notify officers of any suggested sites for inclusion in the Planning Board's tour of completed developments, due to

take place during June or July, 2018;

(2) Proposed leisure resort and theme park etc. at land off Mansfield Road, Wales (planning permissions RB2016/1454 and RB2016/1455) – further to Minute No. 62 of the meeting of the Planning Board held on 16h February, 2017, reference was made to the development of the whole site taking place over a number of years; to facilitate this process, a Local Development Order was being drafted which would enable the developer to continue with the development of this site without the need to obtain several different planning permissions for individual aspects; this draft Order would shortly be the subject of a public consultation exercise, after which the draft Order will be submitted for consideration at a 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 THE
19TH APRIL, 2018**

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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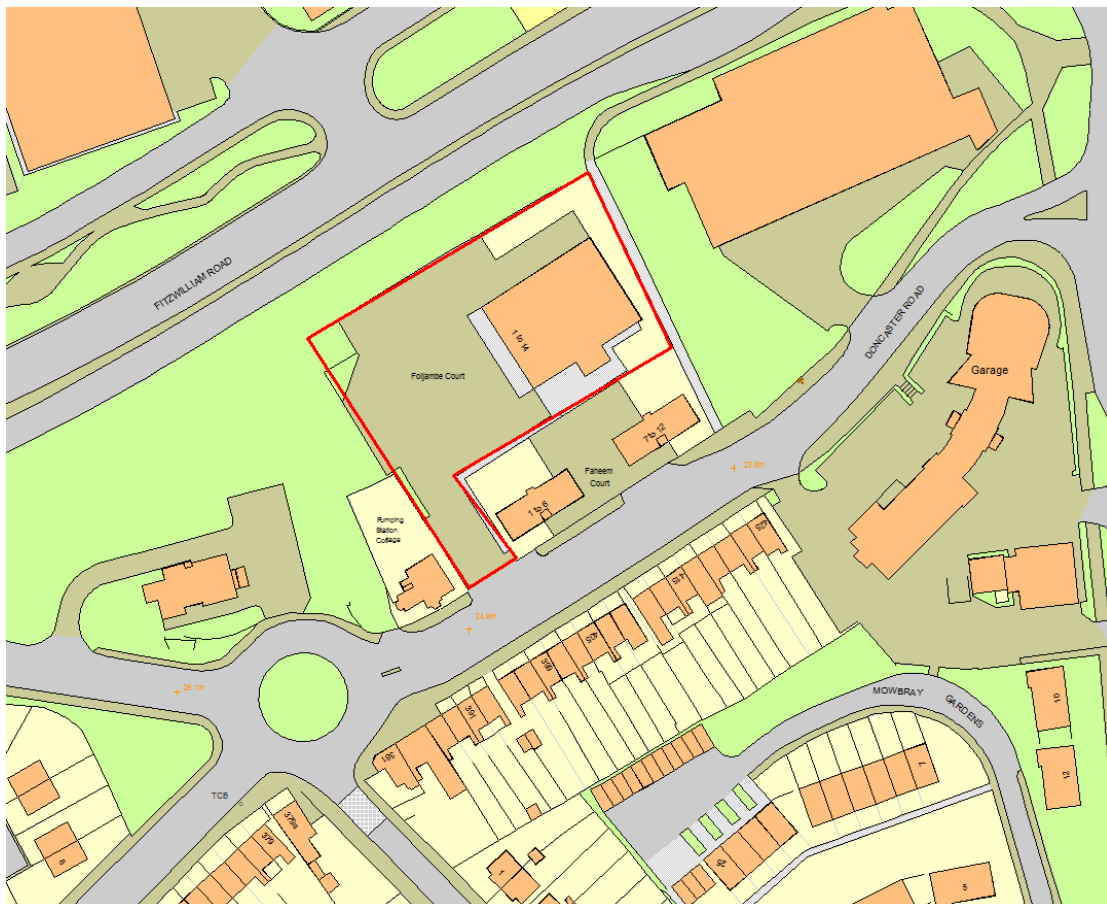
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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 19TH APRIL, 2018

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

Application Number	RB2017/1103
Proposal and Location	Erection of three storey building to form day nursery (use class D1) with external play area and 14 No. apartments above at Foljambe Court, Doncaster Road, Eastwood, S65 2UF
Recommendation	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 & Location

The site has recently been redeveloped and is situated to the south of the busy Fitzwilliam Road (A630) which is a dual carriageway and connects Rotherham Town Centre with Dalton and beyond. Directly to the east of the site is a public footpath that connects Doncaster Road with Fitzwilliam Road and beyond this lies the former Burberry factory and Mushroom Roundabout. To the south and west of the site is the main East Dene residential area. The northern section of the site has a landscaping buffer than separates it from Fitzwilliam Road.

The site lies approximately less than 500 metres south-east of the local East Dene shopping parade and does not lie within a flood risk area. There are a number of trees along the western boundary of the site.

This site relates to an area of land that is directly to the north of the former Foljambe Arms Public House. This pub was demolished in 2010 and a new development comprising of 12 apartments and a nursing home was approved in July 2010 under RB2010/0641. The 12 no. apartments approved by this permission have now been completed and are occupied as Faheem Court although the nursing home element associated with this development was never started. A new development was approved under RB2014/0126 comprising of 14 apartments with 2 no. retail units in place of the previously approved nursing home.

Background

The proposed site area is approximately 0.4 hectares and falls below the threshold that would require the LPA to undertake a Screening Opinion.

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

The planning history of the site can be summarised below.

Alterations and improvements to the pub were approved in 1974 and 1980.

In 1996 the northern part of the site had permission for temporary use for car sales and erection of marquee and portacabins (RB1996/0630). This was conditioned for a maximum of 6 months and any evidence of this use is no longer visible.

In 2009 an application for residential development was withdrawn (RB2009/1459).

In 2010 the site obtained planning permission for the demolition of the existing public house and the erection of a three storey nursing home and 2 No. three storey apartment buildings (12 apartments in total) under RB2010/0641. The southern section of the site (Faheem Court) was constructed and are now occupied though the nursing was never built out.

In 2014 the site obtained planning permission for the erection of a three storey building to form 2 No. retail units and 14 No. apartments under RB2014/0126. The building was constructed and the apartments are now occupied though the external appearance of the building has not been built in accordance with the approved plans and the retail units have never been occupied.

Proposal

This application is to regularise the external appearance of the building and to use the ground floor of the premises as a day nursery (use class D1) with an associated external playing area.

The alterations of the building from that which was previously approved include the overall height of the building is approximately 0.7m higher; alteration to the design of windows and conversion of 2 no. shop fronts with additional brickwork, window and door for the proposed nursery.

The proposed opening hours are to be 0800 – 1800 Mondays to Fridays (closed Saturdays, Sundays and Bank Holidays) and it is expected to accommodate circa 100 children aged from 0-4 years old. It is proposed to employ both full and part time staff who will be working in shifts and it is anticipated to create 10 – 15 jobs.

A noise assessment has been submitted with the application and it concludes that “due to the relatively high airborne sound insulation provided by the existing separating floor, predicted noise levels associated with the proposed nursery are at least 11dB below the existing daytime noise levels within the overlying flats and significantly below the 35dB daytime good standard outlined in BS8233”.

Stage 1 Contamination Land Assessment has been submitted and it is recommended that some remediation of the soft landscaping area is required.

The site comprises of 66 no. off-street parking spaces for the Foljambe Court apartments and the proposed nursery.

Development Plan Allocation and Policy

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

The application site lies within a mixed residential and urban greenspace allocation. For the purposes of determining this application the following policies are considered to be of relevance:

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

Unitary Development Plan 'saved' policy(s):
HG1 'Existing Housing Areas'
ENV5.1 'Allocated Urban Greenspace'
ENV3.7 'Control of Pollution'

Other Material Considerations

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

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is

sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

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

Publicity

Neighbouring properties were notified in writing on 25 July 2017 and a site notice was displayed and was advertised in the local press on 04 August 2017.

No representations have been received.

Consultations

RMBC Consultees

Streetpride (Transportation and Highways Design) – No objections subject to conditions

Streetpride (Ecology) – No objections

Streetpride (Drainage) – No objections

Neighbourhoods (Environmental Health) – No objections subject to conditions

Neighbourhoods (Contamination) – No objections subject to conditions

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of a mixed use development
- Design, scale and appearance
- Impact on neighbouring amenity
- Highway safety

Principle of a mixed use development

Whilst there are alterations to the design of the building itself from that which was previously approved, the apartments are now occupied and there is no alteration to the actual number of the apartments. With this in mind, it is considered that the residential

use of the development has already been considered to be acceptable when the previous planning application was being considered.

It is acknowledged that the threshold for affordable housing provision has changed since the previous approval for which the creation of 14 no. of apartments would now require a financial contribution of £10,000 per unit. However, the residential element of the development has not been changed from the previous approval and has been built out. As such, it is considered that it would be unreasonable to request a financial contribution for affordable housing in this instance.

It is considered that the proposed nursery would help to improve childcare provision within the local community and subject to there being no detrimental impact on the amenities of the neighbouring residents, it is considered that the creation of a nursery would be compatible with the adjacent residential use.

Design, scale and appearance

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

Bearing in mind that the building is set back from the public highway and is screened by Foheem Court, it is considered that the proposed building which has an increased height of 0.7m from that previously approved is acceptable in this location and a proposal of this scale will not have a detrimental impact on the amenities of surrounding residential areas or have an excessively dominant impact on the street scene.

Furthermore, it is considered that the external alterations are minor in nature and would match with the rest of the windows, Juliet balconies and doors on the building without resulting in any detrimental impact on the character and appearance of the building.

Overall it is considered that the proposed external alterations to the building are of an appropriate design which will comply with the general advice within the NPPF and Core Strategy Policies CS28 'Sustainable Design'.

Impact on neighbouring amenity

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

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

The main concern of providing a nursery in this location is the potential noise and general disturbance that would be generated from the use and the external play area.

In consultation with the Environmental Health Officer, the applicant has submitted a noise assessment and this additional information has been accepted which confirms

that the internal partitions within the building are of a high standard and which will mitigate any additional noise impact on residents.

Furthermore, it is considered that the proposed opening hours being 0800 – 1800 Mondays to Fridays are reasonable and would not result in any adverse impact on residential amenity in the early morning or late evening.

Different to the previous scheme, it is proposed that the land which extends around the building will be used as an external play area and this has raised concerns about the potential for contamination from previous uses. The results of the soil testing in this area have revealed elevated concentrations of various Polyaromatic Hydrocarbons (PAHS) that exceed governmental guideline values for a residential end use. Therefore, some remediation of this soft landscaping area would be required. It is proposed that the outdoor play area will be covered with artificial grass surfacing overlaying an engineered sub-base to prevent any exposure to contamination. It is considered that the proposed mitigation is acceptable and a planning condition is recommended.

Taking account of the above, it is considered that the proposed development would be in accordance with the advice contained in paragraph 17 of the NPPF and would not significantly harm the amenity of neighbouring occupants.

Highway safety

Turning to the issue of highway safety, the Council's Transportation Unit raise no objections to the proposals in highway safety terms subject to a recommended condition relating to the redundant vehicular access crossing of the footway fronting Doncaster Road being reinstated in the interests of pedestrian safety and convenience.

Conclusion

Overall the principle of a mixed residential and day nursery development in this location is considered to be acceptable and satisfactorily conforms to the provisions of the NPPF, the Core Strategy and the UDP. The day nursery element is considered to be a satisfactory use at this location, subject to conditions and the revised design of the elevations is considered to be acceptable and in accordance with the general design advice within the Core Strategy CS28.

The proposal is not considered to have a detrimental impact on residential amenity, highway safety and contamination risk.

Conditions

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Proposed GF Plan MS/IDN/17/01, Proposed Elevation Plan MS/IDN/17/02, Proposed FF Plan MS/IDN/17/04D, Proposed SF Plan MS/IDN/17/05D, Location Plan)(received 25/07/2017)
(Proposed Site Plan MS/IDN/17/06)(received 25/10/2017)

Reason

To define the permission and for the avoidance of doubt.

02

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 Proposed Elevation Plans MS/IDN/17/02 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'.

03

The ground floor unit shall be used for Day Nursery only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987).

Reason

The premises are not considered suitable for general use within the Class quoted for policy reasons and in accordance with UDP Policy ENV3.7 'Control of Pollutions'.

04

The day nursery use hereby permitted shall operate only between the hours of 08:00 and 18:00, Mondays to Fridays. There shall be no operation on Saturdays, Sundays or Bank Holidays.

Reason

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

05

The noise levels present in the apartments above the day nursery shall not exceed those set out in BS8233:2014. Specifically, this is a maximum of 35dB LAeq in any room assuming daytime use.

Reason

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

06

Within 3 months of the date of this permission hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

07

The day nursery shall not be brought into use until the redundant vehicular crossings of the highway indicated on the attached plan have been reinstated in accordance with details which shall be submitted to and approved by the Local Planning Authority.

Reason

In the interest of highway safety.

08

The day nursery shall not be brought into use if subsoils/topsoils are required to be imported to site for soft landscaping areas until such time as all validation data has been approved by the Local Planning Authority. 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 placement of a geotextile membrane, a sub-base and the artificial grass shall be validated by an independent third party. The results of any chemical testing and inspections which shall be presented in the format of a validation report which is submitted for review and approval by the Local Planning Authority.

Reason

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

09

A Phase 2 Intrusive site investigation is to be undertaken, in line with the recommendations of Desk Study Report reference BAS/R/LCDsk.v1. A report detailing the findings of the investigation and the subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be submitted to the Local Planning Authority for approval in writing.

The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR 2-4). A Phase II Intrusive Site Investigation should assess both the potential geotechnical and geo-environmental constraints at the site.

If appropriate given the findings of the report submitted, a Remediation Method Statement shall be provided and approved by this Local 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 Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

Informatives

01

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

02

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise which may arise from the approved use. 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.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2018/0096
Proposal and Location	Outline application for demolition of existing sports & social club and erection of 10 No. dwellinghouses including access & layout at Rawmarsh Club, Willowgarth, Rawmarsh
Recommendation	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 & Location

The application site measures approximately 0.24ha and is currently occupied by a brick built, two storey sports and social club and associated car park. The building was built approximately 50 years ago and has been modestly extended. Adjoining the site to the south is Roundwood Brook, beyond which is an area of greenspace. To the west are a number of two storey detached dwellings which are separated from the site by a public footpath linking Willowgarth to Dale Road. Further to the east is Willow Court, a development of 6 flats, and the surrounding area is a mixture of house types and designs in what is a predominantly residential area.

The main entrance to the property and parking areas are all accessed from Willow Garth.

Background

The site has a number of applications for extensions to the existing Sports and Social Club which are not relevant to this application.

The following application is however relevant:

- RB2005/2141 - Demolition of existing building and erection of residential development comprising 5no three storey dwellinghouses and 8no two storey dwellinghouses – Granted Conditionally 26/01/2006

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

Proposal

The application seeks permission for the demolition of the existing sports and social club and outline permission for the erection of 10 dwellinghouses including details of access and layout.

The layout comprises of a set of three terraces, which incorporate 2no. sets of three dwellings and 1no. set of four. Whilst no details are provided regarding the internal layout and scale of the dwellings, the submitted Design and Access Statement indicates that the dwellings will comprise of 7no. three bed, two storey dwellings which will provide an approx gross internal area of 80 sqm each within plots 1-7 and 3no. four bed, two & ½ storey dwellings which will provide an approx gross internal area of 100 sqm each, within plots 8-10 .

In curtilage vehicular parking is provided to the front of each dwelling and a separate car parking area is provided to the east of the site.

The application is supported by the following documents:

Design and Access Statement which sets the context for the application and provides a detailed assessment of how the development reflects the architectural character of the wider area.

Flood Risk Assessment which demonstrates that the proposed development is not at significant flood risk, and simple mitigation measures can be incorporated to address any residual risks that may remain.

Development Plan Allocation and Policy

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

The application site forms part of a wider residential allocation in the adopted UDP and. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS3 'Location of New Development'
CS6 'Meeting the Housing Requirement'
CS7 'Housing Mix and Affordability'
CS21 'Landscape'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'
ENV3.7 Control of Pollution
T8 'Access'

The Rotherham Local Plan 'Publication Sites and Policies' document policy(s):

SP12' Development in Residential Areas'
SP58 'Design Principles'

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

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

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

Publicity

The application has been advertised by way of press, and a site notice along with individual neighbour notification letters to adjacent properties. No representations have been received.

Consultations

RMBC - Transportation and Highways Design – confirm that the proposed layout is acceptable from a highway aspect subject to conditions.

RMBC- Drainage – originally raised concerns regarding the lack of information submitted in support of the application. Following the submission of details regarding surface water flood risk these concerns were removed and subject to conditions requiring detailed design of the proposed means of disposal of surface water drainage no objections are raised to the proposed development.

RMBC Landscape – raise no objections subject to a condition requiring a detailed landscape scheme as part of any future application for Reserved Matters.

RMBC Urban Design – have provided comment on the design of the dwellings and boundary treatment, however given this is an outline application with external appearance reserved for future consideration, these comments should be referred to when preparing an application for reserved matters.

RMBC Environmental Health – have confirmed that the development has the potential to cause dust and noise nuisance to the surrounding at residents during the demolition and construction process. Accordingly a number of conditions have been recommended to mitigate against this.

Yorkshire Water – raise no objections to the proposed development subject to conditions requiring the submission of information relating to the disposal of foul and surface water.

South Yorkshire Police – acknowledge that burglary figures within the area are quite high, therefore the scheme would benefit from being constructed to Secure by Design. Further comments on the design of the dwellings and boundary treatment are provided, however given this is an outline application with external appearance reserved for future consideration, these comments should be referred to when preparing an application for reserved matters.

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:

- The principle of development.
- Design & Layout
- Impact on neighbouring amenity.
- Highway safety
- Drainage Issues

Principle of the development

The application site is allocated for residential purposes within the adopted Unitary Development Plan and is also allocated for the same use within the emerging Sites and Policies document.

Furthermore, it is noted that at the heart of the NPPF, and as supported by Core Strategy Policy CS33 'Presumption in Favour of Sustainable Development', there is a presumption in favour of sustainable development, and planning permission that accords with the development plan should be approved without delay.

It is considered that the site is within a sustainable location given its close proximity to existing housing, facilities, services and local public transport.

Paragraph 53 of the NPPF states: "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens". The Council do not currently have a policy that specifically restricts the development of gardens.

Accordingly, it is considered that the principle of developing the site for residential purposes is acceptable and would comply with the requirements detailed within UDP policy HG4.3 'Windfall Sites', insofar as the application site is surrounded by residential properties within a built-up residential estate and would be compatible with adjoining uses. Policy HG4.3 also requires development to be compatible with other relevant Policies and guidance, and these are referred to in more detail below.

Turning to the building's existing use as a Social Club, this falls within a D2 Use Class. The loss of which is not given the same protection as public houses under Core Strategy Policy 29 'Community and Social Facilities' which states that 'The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency.'

Despite its lack of policy protection, the applicant has provided information relating to its existing use and lack of demand. This is further evidenced by financial information detailing the club's losses on a year by year basis. Further information has been provided relating to existing social clubs within the area to support the claim that the loss of this facility will not be detrimental to the local community. These are:

- Rawmarsh Trades & Labour Club - Whiteleys Ave, Rawmarsh, Rotherham S62 7QJ
- Roundwood Golf Sports & Social Club - Green Ln, Rawmarsh S62 6LA
- Ryecroft Club - 33 South St, Rawmarsh, Rotherham S62 5RF

- Horse & Jockey - Dale Rd, Rawmarsh, Rotherham S62 5AB
- Fighting Cocks - Claypit Ln, Rawmarsh, Rotherham S62 5JT (Run by the brewery)

Having regard to all of the above, the loss of the social club and its replacement with a residential development, given the context of the surrounding uses, is considered acceptable. The development will provide residential use on a brownfield site in a sustainable location well served by public transport. Residential development is therefore considered acceptable subject to meeting all other planning considerations.

Design & 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.” Paragraph 17 further states planning should always seek to secure a high standard of design.

Policy CS28 ‘Sustainable Design,’ of the Rotherham Core Strategy states: “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...Design should take all opportunities to improve the character and quality of an area and the way it functions.”

Core Strategy Policy CS6 ‘Meeting the Housing Requirement’ further states that: “Housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area.”

Having regard to the above, the application site is located within a predominantly residential area where the scale and external appearance of dwellings vary greatly within the street scene. The application is in outline form, therefore only details relating to the siting of the dwellings and their access are submitted for consideration.

Having regard to the siting of the dwellings, guidance contained within the SYRDG stipulates that private gardens of three or more bedroom houses/bungalows should be at least 60 square metres and have a distance of 10m from the rear elevation of the property to the rear boundary.

Applying this to the proposed layout, all dwellings exceed these guidelines and therefore provide an adequate amount of private amenity space. Furthermore, all proposed dwellings maintain the minimum separation distances of 12m between habitable room windows and blank elevations and 21m between habitable room windows. These distances, together with the comparable scale of the proposed units are considered to be acceptable and will not have an unacceptable impact on the living conditions of future residents.

Having regard to the above, it is considered that the layout of the proposed development offers an acceptable balance between achieving an efficient use of the

land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and the applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form.

Impact on neighbouring amenity

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

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

‘Saved’ Housing Guidance 3: Residential infill plots.” The Council’s inter-house spacing standards outlined within this Guidance indicate that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing habitable room windows at first floor should be located within 10 metres of a boundary with another property.

The guidance goes on to state that “where there is potential for loss of amenity to the adjacent dwellings, the dwelling should be either single-storey with a double pitched roof or should only have rooms in the roof with roof lights.”

The South Yorkshire Residential Design Guide (SYRDG) notes that: “For the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth.”

Having regard to the above, it is noted that the site is reasonably close to other residential properties on Willowgarth however they are physically separated from the site to the north by a footpath and to the south by the proposed car parking area. The proposed dwellings are also sited a sufficient distance back from Willowgarth for them to minimise any impact on the properties on the opposite side of the road.

It is acknowledged that no details of external elevations are provided as part of this application, however given the separation distances between existing and proposed dwellings it is considered that acceptable house types can be provided as part of any future scheme whilst also maintaining adequate separation distances.

In conclusion and taking account all of the above, it is considered that the proposed development would be in accordance with the advice contained in paragraph 17 of the NPPF and would not significantly harm the amenity of neighbouring occupants.

Highway safety

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

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

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

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

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

With regard to the proposed layout, it is necessary to create individual accesses for each of the dwellings, together with a separate access to the car parking area of Willowgarth. These new access arrangements have been assessed by the Council's Transportation and Highways department and are deemed to be in accordance with guidance contained within the SYRDG. .

Having regard to the level of parking provision, each dwelling is provided with 1 space per dwelling within the curtilage of each individual dwelling and a second space within the car parking area to the east of the site. This arrangement accords with the Council's car parking standards for residential developments of this size and also prevents a car dominated street scene from being created.

In general, the site has good access to public transport and local facilities, being within easy walking distance to bus stops, therefore taking all of the above into consideration; it is considered that this proposed development has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policy CSS14 and guidance contained within the NPPF.

Drainage Issues

The site falls within Flood Zone 1 as identified on the Environment Agency's flood maps, nevertheless given the proposal is for a major development a Flood Risk Assessment (FRA) has been submitted in support of the application. This assessment demonstrates that the proposed development is not at significant flood risk, and simple mitigation measures have been recommended to address any residual risks that may remain.

The Council's Drainage Engineer has assessed the content of the FRA together with details contained within the Drainage Strategy plans and whilst full details of the design of the foul and surface water drainage have not been submitted, the Council are satisfied that a suitable solution can be achieved. It is therefore recommended that suitable worded conditions are attached to any approval of planning permission requiring the submission of this information prior to the commencement of any development on site.

Accordingly the application is considered to have regard to Policies CS25 'Dealing with Flood Risk and SP50 Understanding and Managing Flood Risk and Drainage, together with guidance contained within the NPPF.

Conclusion

The new residential use of the land is considered acceptable in principle and will not result in an unacceptable form of development. The proposed development would provide housing of an acceptable scale and would contribute to existing shortfall in housing provision in the Borough.

The scheme would not lead to an adverse effect on the residential amenities of adjacent occupiers by way of overlooking or overshadowing. Furthermore the scheme would not be detrimental in highway safety terms. In view of the above it is recommended that planning permission be granted.

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 1, 8 & 9 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 1, 8 & 9 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.'

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

Reason

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

02

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

- Site Location Plan – Dwg No. 001 Rev P01
- Proposed Site Plan – Dwg No 105 Rev P01

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 Policy CS28 Sustainable Design.

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

Before the development is brought into use the car parking area shown on the Proposed Site Plan – Dwg No 105 Rev P01 shall be provided, marked out and thereafter maintained for car parking.

Reason

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

06

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.

07

Reserved matters applications submitted in accordance with this outline permission shall include a detailed landscape scheme. The Landscape scheme should be prepared in accordance with RMBC landscape guidance document and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

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', ENV3.1 'Development and the Environment' 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 equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features including the watercourse and how this is to be guaranteed 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

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 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.

10

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

The drainage details submitted on drawing C-50 dated November 2017 that have been prepared by Topping Engineers are not acceptable to Yorkshire Water. The following points should be addressed. For further information, the developer should contact our

Developer Services Team (telephone 0345 120 84 82, technical.sewerage@yorkshirewater.co.uk):

- a) the submitted drawing should show the site-surveyed position of the public sewer crossing the site
- b) the submitted drawing should show the required building stand-off (of 4 metres) from public sewer -- or an agreed alternative scheme
- c) evidence should be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted
- d) evidence of existing impermeable areas positively draining to the public sewer is required to prove rate of discharge
- e) there is a separate surface water system along the southern and eastern boundary of the site. If point 1) is satisfied, surface water should discharge to either Roundwood Brook or the 750mm diameter public surface water with a restricted discharge rate of 30% less than the existing rate from the site.

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

2) On the Statutory Sewer Map, there is a 675mm diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, a stand-off distance of 4 (four) metres is required at each side of the sewer centre-line.

3) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

Yorkshire Water promote the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

It is understood that Roundwood Brook is located adjacent to the southern boundary of the site. This appears to be the obvious place for surface water disposal.

Please note further 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 landowners consent will be required for the construction of a new outfall structure.

As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

02

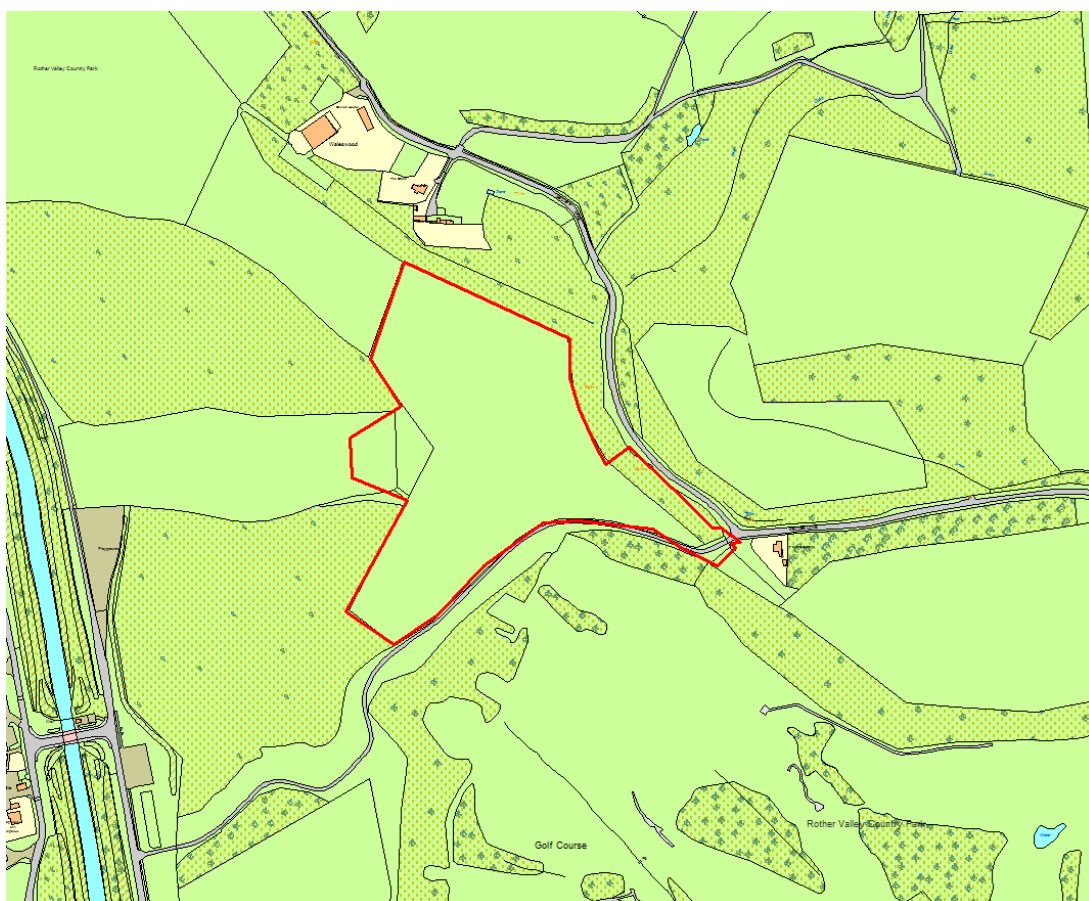
You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure 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.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2018/0264
Proposal and Location	Change of use of land to form camp site for touring caravans/motorhomes (129 Pitches) and tents (34 pitches). Including erection of reception building with café/shop, 2 No. toilet/laundry blocks, associated vehicle and pedestrian hardstanding, soft landscaping, service points, dog wash area and children's play area, Rother Valley Country Park, Delves Lane, Wales
Recommendation	Grant Conditionally

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



Site Description & Location

Rother Valley Country Park (RVCP) is located close to the border with Sheffield and north-east Derbyshire, to the west of the Wales village. Covering an area of approximately 560 acres the country park has four lakes offering a wide range of leisure activities alongside nature reserves.

The park was officially opened in 1983 reclaiming the land from the former quarrying and mining activity associated with Beighton pit.

The proposed camp site is to be accessed off Delves Lane, a small rural lane linked to Mansfield Road. The fields are currently used for cattle grazing and surrounded by maturing woodland planted in the 1980s as part of original RVCP landscaping scheme.

Background

The site has a long Planning History with applications determined by Rotherham and Derbyshire County Council. Part of the site fell within Derbyshire prior to a boundary change in the 1980s. Important applications include:

KP1958/0863 - Coal outcropping fields - GRANTED CONDITIONALLY

RB1979/0578 - Outline application for development of land as a recreational park - GRANTED

RB1981/1590 - Details of Rother Valley park (reserved by outline RB1979/0578) _ GRANTED

To the north of the site the following applications have recently been approved, (relating to the proposed 'Gullivers' theme park) which are relevant to this application:

RB2016/1454 - Change of use of land to leisure resort including themed accommodation and glamping facilities; formation of access, circulation roads, car parking and landscaping; and erection of 2 themed hotels, 12 lodges, services building, community building, ecology centre, reception building, boundary fencing and security hut - GRANTED CONDITIONALLY

RB2016/1455 - Proposed theme park comprising of themed leisure facilities; indoor leisure attractions; a 40m observation tower; a pet resort; supporting restaurants/food outlets; ancillary retail facilities; themed hotel, boundary fencing, new access; car parking and landscaping - GRANTED CONDITIONALLY

Proposal

The application seeks consent to create a caravan/camp site for 129 touring caravan pitches and 34 tent pitches, including ancillary buildings and associated facilities within Rother Valley County Park.

The caravan and tent pitches will be short term, holiday use although it is proposed that the site is open all year round.

Two facilities blocks are proposed as part of the scheme, each including toilets, showers and washing facilities. The buildings will be constructed in a mixture of render and natural stone cladding, with natural slate roof. The buildings will measure 5.5m high, by 13.5m wide and 16m deep.

A reception/café building is proposed to be constructed in a mixture of render and natural stone cladding, with natural slate roof and will also include a games room and outside dining area. The building will measure 5.8m high, by 14.5m wide and 15.7m deep.

Access to the site would be from Delves Lane, at the point where the road bends to the north just beyond Fauconberg and Conyers Cottage. It would follow the line of Wales Footpath No. 7 before entering the site itself. Entrance/exit barriers would be erected to control traffic.

Public Right of Way (Wales footpath no.7) will be diverted. The new route will be surfaced and gated to allow better access for all and users will benefit from the campsite facilities and panoramic views.

Fencing around and within the site would consist of a mix of post and rail timber and metal railings. The site would also contain small play areas and soft landscaping in the form of hedges to the boundaries and planting within the site between pitches and to screen parking areas.

Access would be opened up into an area of woodland between the proposed caravan/camp site and Delves Lane for informal dog walking.

Foul effluent from the site is proposed to be piped to a new underground pumping station that will solely serve this development. It is then proposed to discharge to the 300mm public combined sewer in Delves Lane near to A618 / B6059 crossroads, locally known as Wales crossroads.

In addition, to off-set the loss of on street parking on Delves Lane to the front of the 22 terraced properties within 'South Terrace', an additional parking area is proposed on land to the rear of those properties (19 spaces). It is noted that 3 of the properties are already provided with off-street parking within front garden areas.

Various supporting documents have been submitted with the application including the following (which are summarised below).

Planning Statement:

- The rural location and proximity to existing and proposed leisure provision at Rother Valley Country Park and Gulliver's respectively makes this site an ideal proposition for camping.
- Although within Green Belt the land is of low visual and biodiversity value and the scheme has been designed to minimise visual impact. The Landscape and Visual Impact Assessment concludes that the proposed development will not result in any long term significant adverse landscape and visual impacts.
- The economic advantages the proposed development will bring to the area will include: increased employment opportunities for local people; attracting new people to the area; generating additional expenditure within the local area from guests and supporting other local businesses through providing a complementary land use.
- A Transport Assessment concluded that any potential adverse impacts resulting from the development proposals could be mitigated. The close proximity of RVCP and the proposed Gulliver's development further enhance the sites sustainable credentials with regard to travel and accessibility to leisure activities.

- The Local Authority Ecologist considered the site to have low interest to wildlife given its current arable use. An Ecological Assessment has been commissioned to identify any potential adverse impacts the development may have and an extensive landscape scheme has been developed to enhance biodiversity.
- The development proposals have aimed to achieve the highest camp site standard, AA 5 pennant accreditation. The Landscape and Visual Impact Assessment has demonstrated that it will sit very well within its landscape context and will protect the visual amenity of the Green Belt. The proposed height, scale and massing of the buildings are considered appropriate in this location having regard to the nature and context of the surrounding area. The built form of the development proposals has been designed and sited as a sympathetic and appropriately scaled addition to the site.
- The site will have limited on-site flood risks and the design has been developed through consultations with the Local Authority Drainage Officer to include soakaways and the use of permeable hard paving. No mitigation is needed to address the risk of flooding, to or from the development, from rivers, watercourses, groundwater, drainage systems, and man-made reservoirs, lakes and canals. There are also no residual risks to manage in relation to these risks. Therefore, no recommendations are needed to manage these sources of risk.
- It is our belief that the development accords with key policies contained within the Core Strategy. Furthermore, the development is in accordance with retained UDP policies relating to Tourism and Visitor Development and the Environment, Conserving the Environment, Minimising the Impact of Development and Trees Woodlands and Hedgerows. The NPPF supports a pro-growth agenda and prioritises economic development and contributing to protecting and enhancing our natural environment.

Biodiversity Report:

- The 4.5 ha site comprises an improved grassland field used as pasture, semi improved grassland and hardstanding. Adjacent off-site habitats include further pasture, semi-improved grassland, tall ruderal vegetation, scrub and woodland blocks. Site habitats are considered to be of importance to nature conservation at the Site level only. The loss of the site habitats will be required to facilitate the creation of tent, caravan and motorhome pitches, a pumping station and upgrade the existing main access track, and these proposals have been considered during the assessment of impacts.
- There are no ponds on site to support great crested newt breeding and given the current management regime, the terrestrial habitats are not considered suitable for shelter and are suboptimal for foraging. Great crested newts are known to be present within the wider area, although the risk of dispersal across site is considered to be low. Taking the above into consideration, works proceeding under a Local Planning Authority (LPA) agreed Precautionary Method Statement is considered to be appropriate.
- Badgers (and hedgehog) are not considered to be resident on site but are likely to currently access the site from the surrounding area and as such, a best practice approach to works is recommended. Any deep excavations should be covered overnight unless completely fenced off and any unfenced/uncovered

shallow excavations should have a scaffold board or equivalent placed in them to one side to act as an escape ramp should badgers, or other small mammals, fall in.

Roosting bats are not considered to be a receptor given the lack of potential roost sites and no further survey is recommended. Commuting and foraging bats may use the boundaries of the field, but the central open expanse provides limited foraging opportunities due to the cropped nature of the grassland. The field boundaries are to be retained and artificial light spill of these features will be avoided and therefore impacts on local bat populations will be negligible. As such further surveys to assess the sites foraging / commuting are not recommended.

- Should any works other than light pruning be required on trees adjacent to the site, these should be undertaken outside of bird breeding season i.e. undertaken between September to February inclusive. If it is not possible to schedule works for these months, a nesting bird check undertaken by a suitably qualified ecologist will be required no more than two days prior to works, to check for the presence of active bird nests.
- Reptiles have been recorded within the wider area, but presence on site is considered to be no more than low risk, due to the exposed very short grasslands which does not provide shelter or hibernation opportunities. In the unlikely event that any reptile is encountered on site, works should cease in the area and an ecologist be contacted for advice.
- Ecological enhancement recommendations appropriate to the site have been included within the report and include new habitat creation and the provision of bats and bird boxes.
- New naturalistic walks and footpaths are proposed within some of the woodland areas, adjacent to the main caravan park site. The precise location and route of these walks should be informed by the trees on site and if required special construction methods could be used for any paths between existing trees, using 'no dig' principles so as to avoid root damage.

Landscape Assessment:

- The Landscape and Visual Impact Assessment notes that there are adverse landscape impacts caused by the removal of the pasture farmland which in turn impacts on the field pattern, the character of the application site and Local Area.
- However the loss of open fields and resulting adverse impacts when developing a green field site is not unexpected.
- The Local Landscape Character Assessment identifies the site as being in a 'Major recreation and wildlife corridor'. It is considered that the development will not be out of context with the local character and the setting of Rother Valley Country Park and will in the long term enhance some of its key characteristics.
- There are also slight adverse visual impacts as a result of the development, however they can all be sufficiently mitigated through the implementation of a comprehensive landscape scheme including screen planting.

Flood Risk Assessment

- No mitigation is needed to address the risk of flooding, to or from the development, from rivers, watercourses, groundwater, drainage systems, and man-made reservoirs, lakes and canals. There are also no residual risks to manage in relation to these risks. Therefore, no recommendations are needed.

- A drainage hierarchy has been considered and has identified that soakaways (to made ground) are the preferred method of disposal for the building roof drainage proposed. By dealing with the increased surface water runoff within the site, this will ensure that the risk of increasing the flood risk outside the site boundary is avoided.
- For grassed areas and permeable surfaces, no positive drainage is to be provided.
- Overdesign events would result in overland flow routes for surface water runoff. Open routes will need to be provided between buildings, with property threshold levels raised to ensure that there is no flooding to new buildings. This issue will need to be considered further as part of the development's design process to manage these sources of risk.
- Foul effluent from the site is proposed to be piped to a new pumping station that will solely serve this development. It is then proposed to discharge to the 300mm public combined sewer in Delves Lane near to A618 / B6059 crossroads, locally known as Wales crossroads. The exact discharge point is dependent on Yorkshire Water Service Limited's response to the pre-planning sewerage enquiry

South Yorkshire Mining Advisory Service (SYMAS) Mining Report:

- The site is stable from deep mining aspect and should remain so far in the foreseeable future.
- Recommends area suitable for facilities buildings on site subject to soil investigation.

The Site Investigation Report:

- This investigation has demonstrated that underlying the topsoil, made ground comprising reworked soft to firm and stiff clay over loose to medium dense clayey gravel was revealed to the full depths investigated. In view of the significant thickness of made ground present, it is considered that raft foundations on soils treated by ground improvement methods to depths of 6m could be used for the proposed structures. Alternatively, a piled raft solution taken to rock head could be utilised for the foundations. For pavement construction it is considered that CBR values of about 3% could be taken. However, it should be appreciated that some collapse compression could occur within the fill.
- Testing has indicated that soakaways could be utilised, although they should be located away from proposed buildings and also roads if possible. Furthermore, chemical testing has revealed a hot spot of lead contamination and elevated levels of carbon dioxide have also been found to be present. Therefore, some remediation measures will be required at this site.

The Applicant's Supplementary Information states that:

- Large areas of the park were assessed as being unsuitable for a caravan site, based on the following criteria:-
- Flood risk: The main part of the park is a flood storage area.
- Topography: Much of the land in the park is too steep to develop.

- Landscape and ecology: Much of the site is a Local Wildlife Site, and there are further areas of maturing woodland.
- Distance from the main park facilities.
- Control of land: Much of the park is leased out.
- As part of the business case development for the facility, an alternative option with 82 caravan pitches, 34 camping pitches, one reception block and just one toilet block was also modelled. This was found to be less viable.
- The Rotherham Economic Growth Plan seeks to deliver 10,000 net new jobs in the private sector over the next 10 years, from the 2015 figure of 92,900. If the 2024 target is to be achieved, then the Sports, Leisure and Culture sector in Rotherham will need to increase jobs in the sector by 800 jobs (from 6,600 to 7,400), a prudent 12.1% growth given national trends. The proposed caravan site at RVCP would contribute to this target by creating jobs both directly and indirectly by stimulating tourism-based demand for services. A 2015 report by Kirklees Council - 'A guide to setting up a camping or caravan site in Kirklees' - stated that overnight visitors to that borough at that time spent an average £66.66 per day, and £143 per trip. Currently, there are few touring caravan pitches in the Sheffield and Rotherham area, so the proposed new site at RVCP would have a significant impact on the availability of such accommodation locally.
- The need for a new caravan site has also been demonstrated by results of consultation and communication activity undertaken by Rother Valley Country Park over recent months, including the following:-
 - Consultation via the park web-site has generated 175 positive responses, with requests for further information when bookings are available,
 - A Facebook poll attracted 383 votes, of which 77% stated that they would use a caravan site if one was opened at the park,
 - Items posted on the park's Facebook page have been viewed 40,747 times and have generated over 300 positive comments.

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 as 'Green Belt' in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document also allocates the site for Green Belt 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):

CS4 Green Belt

CS11 Tourism and the Visitor Economy

CS14 Accessible Places and Managing Demand from Travel

CS19 CS Green Infrastructure

CS20 Biodiversity and Geodiversity

CS21 Landscape

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):
EC6.4 Tourism and Visitor Developments and the Environment
ENV2 Conserving the Environment
ENV3.2 Minimising the Impact of Development
ENV3.4 Trees Woodlands and Hedgerows
ENV3.7 Control of Pollution
ENV4.3 Unstable Land
ENV4.4 Contaminated Land
T7 Public Rights of Way

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':
SP2 Development in the Green Belt
SP10 Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt

Other Material Considerations

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

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

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

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 accordance with both the NPPF and the Core Strategy. The weight given to these Policies is dependent on the status of the Local Plan at the time of consideration and on the comments received from the Inspector (dealing with the adoption of the Local Plan) in relation to each specific Policy following the Examination in Public. The Inspector wrote to the Council on 3 November 2017 setting out the Proposed Main Modifications he considers necessary to make the plan sound and the consultation on the Main Modifications is programmed for 8 January to 19 February 2018. The Inspector's final report has now been produced, with adoption of the plan by the Council expected in July 2018.

Publicity

The planning application was advertised in the press and on site (2 site notices were erected to the entrance to the site and on Delves Lane) as a departure from the Unitary Development Plan. In addition, the occupiers of neighbouring properties were notified by letter.

Letters of objection have been received from the occupiers of 6 properties in the area, and two letters in support have been received from Marketing Peak District & Derbyshire and Accessible Derbyshire, the contents are summarised below –

The objectors state that:

- The application has been poorly advertised.
- Unacceptable levels of increased traffic on Mansfield Road, along with recently approved Gulliver's World development.
- The traffic lights at Walesbar are already unacceptable and inadequate.
- The access on Delves lane is grossly inadequate for the type of traffic proposed and should be improved.
- The residents of Walesbar will be left with unacceptable levels of traffic passing their properties.
- The proposed parking area at rear of properties on South Terrace should be 'resident parking' only to prevent visitors to Rother Valley Country Park using them.
- No visitors to the caravan/camping site should take place between 4.00pm – 6.30pm to avoid peak traffic times.
- No need for additional caravan and camping accommodation.
- Extra noise, people and rubbish and no benefit to local people.
- May become a Traveller's site over time.
- Possible cost to local tax payers.
- Delves lane requires a pedestrian footpath, and requires re-surfacing and widening.
- Access should be from roundabout on Chesterfield Road (as originally proposed for Gulliver's development).
- Surface water run-off will cause flooding issues.
- Opening up adjacent woodland area to dog walkers will damage wildlife therein.

Marketing Peak District & Derbyshire state that:

- They support the development at Rother Valley Country Park.
- The proposal will invest in the quality of visitor experience and complement the existing tourism offer in Derbyshire/Peak District.
- The proposal fits our needs and we are keen to support such a venture.
- There is a lack of accommodation of this kind in the area.

Accessible Derbyshire states that:

- The development includes the creation of accessible shower and toilet facilities with the provision of an adult sized changing bench and hoist as well as the creation of a sensory garden.

- The proposed accessible amenities at the Rother Valley campsite will enable the area to better meet that increasing need and increase its share of this valuable market.
- The proposed camp site at Rother Valley will be ideally located to enable visitors to take advantage of the many accessible leisure opportunities afforded in the wider area too.

The applicant has requested the right to speak at the Meeting.

Consultations

RMBC - Transportation and Highways Design

The Transport Statement (TS) submitted with the application was reviewed based on a development of 129 No. caravan/motorhome pitches, 34 No. tent pitches and associated buildings eg. shop, small café, toilet/laundry facilities etc.

Average trip rates contained in the TRICS database have been used to estimate likely trip generation. In terms of traffic impact, the proposed development is predicted to generate a two-way traffic flow (ie. arrivals plus departures) of around 350 vehicles on a weekday (07:00 to 19:00 hours) and around 400 vehicles per day at weekends. The proposal would generate a peak two way traffic flow of 41 vehicles per hour (vph) in the weekday midday period (11:00 to 12:00 hours) and 36 vph in the weekday evening peak (17:00 to 18:00 hours).

It would generate a peak two way traffic flow of 44 vph on a typical Saturday/Sunday (11:00 to 12:00 hours). When this data is applied to the junction of Delves Lane/Mansfield Road/School Road, it indicates that the junction should continue to function within its design limits.

However, in order to make certain that traffic turning right into Delves Lane does not delay traffic moving ahead on the A618, it is recommended that an extended turning pocket be provided to allow vehicles to be separated from the main traffic flow.

In addition, the existing waiting restrictions in Delves Lane should be extended and car parking provided on land at the rear of the terraced houses (at South Terrace) to accommodate those parked vehicles displaced by the extended waiting restrictions. The submitted plans indicate the provision of 19 spaces on this land which does not form part of the application site. However, the land is within the ownership of Wales Parish Council who are supportive of the formation of additional parking provision.

In terms of road safety, no personal injury accidents have been recorded on Delves Lane during the last 5 years or at the Delves Lane/Mansfield Road/ School Road junction. The increased volume of towed caravan traffic using the junction will create a different hazard to that which has existed in the past and could increase the risk of an accident occurring, however small, though overall the proposal is supported in highway/transportation terms subject to the highway improvements referred to above.

With regard to the comments from objectors the Transportation Unit note that the Transport Statement (TS) which supports the application indicates that the development traffic can be safely accommodated within the highway network. The highway improvements safeguarded by recommended conditions should provide additional capacity at the Delves Lane/Mansfield Road crossroads. The TS also confirms that the

carriageway at Delves Lane is capable of accommodating the additional vehicular traffic and improvements to Definitive Footpath No. 6 are intended which link the site with Mansfield Road.

RMBC - Trees Service Manager

No objections in principle to the application to appropriate conditions.

RMBC - Landscape Design

The proposed development is supported by an adequate landscape masterplan and the Landscape and Visual Impact Assessment has demonstrated that there will be no significant adverse landscape or visual effects arising from the development. On this basis, no objection is raised to the proposal on landscape grounds.

RMBC - Ecologist

Is satisfied that the Ecological report is a good and proper record of what is on the site, and subject to the agreed further work to be secured via conditions raises no objections. In respect of the comment from the objector about access into the adjacent woodland area for dog walkers the Ecologist does not consider that any impact would be significant, subject to a condition in respect of the exact route and construction of the paths.

RMBC – Drainage

No objections subject to recommended conditions.

RMBC - Public Rights of Way

Wales footpath No.7 will require diverting and this has been discussed with the applicant and local users including the Parish Council who, whilst they have raised issues regarding increased traffic along Delves Lane, are satisfied that the diversion would improve the current level of the public footpath, however this is subject to separate legislation and full public consultation.

They note that any proposed barriers erected along the proposed route or other public rights of way will require to conform to the BS 5709 and that temporary closures required during construction will need to be applied for, which are included as Informatives.

RMBC - Environmental Health

No objections subject to compliance with the “Model Standards 2008 for Caravan Sites in England” which would be attached as an Informative.

South Yorkshire Police

Note that all buildings should be built to Secure by Design standards and recommends low landscaping etc to maintain good visibility.

Yorkshire Water

The Flood Risk Assessment & Drainage Strategy is acceptable. In summary, the report states that foul water will discharge to public combined sewer pumped to the 300 mm diameter public combined sewer in Delves Lane 700 metres east of the site and surface water to discharge to soakaway or watercourse.

As surface water from the site is not proposed to discharge to the public sewer network no assessment of the capacity of the public sewers to receive surface water has been

undertaken. Should the surface water disposal proposals change further consultation with Yorkshire Water will be required.

Therefore no objections subject to conditions.

Coal Authority

The Coal Authority considers that the content and conclusions of the information prepared by South Yorkshire Mining Advisory Service is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has 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 in this Green Belt location.
- Transportation issues.
- Design and visual appearance.
- Drainage and flood issues.
- Landscape.
- Ecology.
- General amenity issues (noise, dust and air quality).
- Contamination issues.
- Other matters.

The principle of the development in this Green Belt location

The application site is allocated as Green Belt land within the adopted Rotherham Unitary Development Plan. The National Planning Policy Framework (NPPF) states that the Government attaches great importance to Green Belts, and that once they have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged or derelict land.

Core Strategy Policy CS4 Green belts states that land within Rotherham's Green Belt will be protected from inappropriate development as set out in national planning policy.

Emerging Local Plan Policy SP2 – Development in the Green Belt, as proposed to be amended by Main Modification MM4, states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances”, and that all proposals for development should satisfy other relevant policies of the Local Plan and National Guidance.

Paragraph 90 of the NPPF identifies certain forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The change of use of land is not specifically referred to in the NPPF though it is noted that the draft amendments to the NPPF currently being consulted on include an additional paragraph in this section to cover; “material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds, so long as the development would preserve openness).”

In addition, the NPPF states at paragraph 89 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. It then sets out exceptions to this, and these include “provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.”

In terms of some of the purposes for including land within the Green Belt, the development as a whole is not considered to be appropriate to be located within an urban area, and the development would not lead to urban sprawl, nor would it lead to neighbouring towns merging into one another. However, the development as a whole would inevitably result in an encroachment within the countryside, one of the other purposes of including land within the Green Belt. In addition, whilst some of the proposed development could be argued to provide appropriate facilities for outdoor recreation, the provision of the significant built form on the site, along with the siting of a significant number of caravans and tents, would not preserve the openness of the Green Belt. As such, the proposal represents inappropriate development in the Green Belt and very special circumstances need to be demonstrated to overcome the harm caused.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state 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.

In this instance, Core Strategy Policy CS11 ‘Tourism and the Visitor Economy’ states: “The Council recognises the contribution that tourism can make to sustainable economic development and job creation. The Council will support development proposals for hotels, conference centres, leisure-related tourism facilities, transport facilities, camping and caravanning sites and visitor accommodation in appropriate locations. Proposals focused on the borough's canals and rivers will be supported where they can be delivered safely and in line with relevant flood risk policy.

Tourism and visitor developments will be supported which;

- a. improve the quality and offer of Rotherham’s visitor economy
- b. improve the image and perception of Rotherham and promote the borough as a visitor destination

- c. attract investment to the local area and increase job creation
- d. increase the skills base in tourism associated areas
- e. enhance and conserve the borough's urban and rural heritage, and
- f. utilize existing or replacement buildings wherever possible, particularly outside of existing settlements
- g. are consistent with town centre regeneration objectives
- h. enhance the character and role of Rotherham's country parks, including the provision of appropriate additional recreation, leisure and tourist facilities.

The Council will support proposals for a comprehensive, regional scale leisure and tourist attraction north of Rother Valley Country Park compatible with its location within the Green Belt.

In considering the appropriateness of the location of proposed tourism and visitor developments regard will be had to the proximity to existing and connectivity with other visitor attractions, destinations and amenities, particularly by public transport, walking and cycling.”

UDP Policy EC6.4 Tourism and Visitor Developments and the Environment states that all such proposals shall be assessed against the capacity of the area to cope with the pressures generated and will be required to demonstrate, amongst other things, that they respect the form character and setting of any settlement involved; do not conflict with policies to conserve the natural environment and heritage; conform with policies for transport and public transport and conflict with surrounding land uses is minimised. Many of these issues are addressed in the report below.

SP10 Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt states “provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries, will be acceptable as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it providing that:

- a. proposals will not give rise to undue disturbance caused by an increase in noise, the attraction of significant numbers of additional people into the area, or an increase beyond current levels of traffic at any one time;
- b. they are sited and designed so as to avoid any adverse impact on identified landscape character, heritage, nature conservation or agricultural interests;
- c. the proposals would not pollute surface and groundwater; and
- d. they can satisfy other relevant policies of the Plan and National Guidance;
- e. the applicant will need to demonstrate that the impact of the proposals will not be detrimental to the preservations of the openness of the Green Belt or to its character.”

The facilities buildings and cafe/shop building are considered to be proportionate to the recreational activities on site and are intended for on site use only. The overall scale of the caravanning/ camp site is also considered to be appropriate to compliment the scale of the RVCP and the watersports activities etc that take place.

In addition, paragraph 18 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of low carbon future. Paragraph 19 of the NPPF also adds that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an

impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

The economic benefits of the proposed development are both direct and indirect benefits. The proposal will positively contribute to the local economy and tourism opportunities creating up to 3 full time jobs as well as temporary construction jobs. The proposal will attract tourists to Rotherham which would be beneficial for the local economy. Both the applicant and Marketing Peak District & Derbyshire have highlighted the lack of such facilities in the locality and the significant economic benefits tourism brings which Rotherham currently is missing out on. The caravan and camp site also compliments the existing watersports and outdoor activities at Rother Valley Country Park and reflects the original vision for RVCP which included a caravan and camping within this locality.

This part of the Rother Valley Country Park has been specifically chosen due to its good highway access, the proximity to existing amenities at the lake, the low ecological value of the site and the screening provided by existing woodland to mitigate the harm to the Green Belt. Considering all these factors this site is considered the most suitable for a camp site within the Rother Valley Country Park. Furthermore such a camp site would not be suitable outside of a rural Green Belt setting such as Rother Valley Country Park close to complementary recreational activities.

With the above factors in mind the application meets the requirements of CS11 'Tourism and the Visitor Economy' by:

- (a) significantly improving the quality of tourist accommodation within Rotherham, providing the highest quality and largest camp site within the Borough.
- (b) Improving the image of Rotherham by bringing in tourists to the Borough and linking in with tourism elsewhere in Yorkshire and Derbyshire.
- (c) Attracting investment and creating 3 full time jobs as well as temporary construction jobs.
- (h) Most significantly enhance the role of Rother Valley Country Park creating a Country Park with both outside activities and tourist accommodation, which formed part of the original vision for the Park.

It is therefore considered that the reasons above should be given significant weight when considering the application, and that they amount to very special circumstances which outweigh the potential harm to the Green Belt by reason of inappropriateness, and other harm.

The proposal is therefore considered to comply with policies within the NPPF and Core Strategy Policy CS4 'Green Belt' and CS11 'Tourism and the Visitor Economy'.

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. Plans and decisions should take account of whether:

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

or refused on transport grounds where the residual cumulative impacts of development are severe.

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. Employers should adopt Travel Plans to promote sustainable travel. It states that larger developments should be supported by Transport Assessments.

The application was supported by a Transport Assessment which considered the potential traffic and transport effects associated with the proposed development. It concludes that the junction of Delves Lane/Mansfield Road/School Road should continue to function within its design limits, subject to amendments to the junction which can be addressed by way of a recommended condition. It is also recommended that the existing waiting restrictions in Delves Lane should be extended and car parking provided on land at the rear of the terraced houses to accommodate those parked vehicles displaced by the extended waiting restrictions. This can also be controlled by way of a condition as, whilst outside of the application site, the landowner (being Wales Parish Council) has indicated that it has no objections to the works being carried out.

It is therefore considered that the proposal is acceptable from a highway safety and transportation aspect, and meets the aims of policies in the NPPF and Core Strategy Policy CS14.

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. 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 will be expected to secure sustainable design and construction, ensuring the flexibility and adaptability of new development and increasing the energy and water efficiency of buildings.

Policy CS30 Low Carbon & Renewable Energy Generation states that developments should seek to reduce carbon dioxide emissions through the inclusion of measures, minimising energy requirements through sustainable design and construction and incorporating low carbon and renewable energy sources.

This caravan and camping site has been specifically designed to fit in within the landscape and incorporates a comprehensive landscape scheme to provide a pleasant environment for both customers and to minimise the visual impact. The three permanent buildings proposed have been designed to a high standard with natural slate roofs and a mixture of stone cladding and render to reflect the rural setting as well as having a modern interesting appearance.

The application indicates that sustainable building techniques will be incorporated into the project, including natural materials, the potential for solar panels and other design features to minimise and mitigate impacts of climate change. This shows a commitment to securing sustainable design and construction measures and to reducing carbon dioxide emissions consistent with the aims of Core Strategy Policies CS28 and CS30.

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.

Policy CS24 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.

The applicant's Flood Risk Assessment states that no mitigation is needed to address the risk of flooding, to or from the development, from rivers, watercourses, groundwater, drainage systems, and man-made reservoirs, lakes and canals. There are also no residual risks to manage in relation to these risks. Therefore, no recommendations are needed.

A drainage hierarchy has been considered and has identified that soakaways (to made ground) are the preferred method of disposal for the 694m² of building roof drainage proposed. By dealing with the increased surface water runoff within the site, this will ensure that the risk of increasing the flood risk outside the site boundary is avoided.

It is considered that with appropriate proposed mitigation the development during both the construction and operation phase will not have a significant adverse impact of flooding on the site or elsewhere, or on the hydrology and hydrogeology environment. It is therefore considered that the proposal complies with policies contained within the NPPF as well as Core Strategy Policies CS24 and CS25.

Landscape and visual impact

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

Whilst the site is within the Green Belt it is noted that is not designated as an Area of High Landscape Value as it is a former restoration site, and much of the landscaping on the site is relatively immature. The undulating land levels have also allowed the development to be designed to ensure that developed areas are located so to minimise visual impacts where possible.

The site and the surrounding river Rother corridor lie within a regionally important strategic Green Infrastructure corridor, the key enhancement opportunities for this Green Infrastructure corridor are to increase linkages between the river and surrounding water and wetland sites, enhancing current recreational opportunities sensitively, and securing the long term management of the Green Infrastructure assets.

The key considerations for landscape and visual effect is how the caravanning and camping can be accommodated without significant negative effects on the existing Landscape Character. The site itself is at the brow of hill, although somewhat screened by maturing woodland.

The applicant's submitted Landscape and Visual Impact Assessment notes that the loss of pasture farmland will have a moderate adverse impact upon the landscape as with any 'greenfield' development, although the significance is low in intensity.

Due to the screening effect of the existing rolling topography, woodlands and built forms the visual envelope of the site is primarily constrained to the south, west and north. The site is partially visible through gaps in the vegetation and woodland that are located on the boundary of the site.

In addition it is considered that the development will not be out of context with the local character and the setting of Rother Valley Country Park and will in the long term enhance some of its key characteristics.

It is therefore considered that the proposal conforms with policies in the NPPF and complies with the aims of UDP Policies ENV2, ENV3.2, ENV3.4 and Core Strategy Policies CS19 and CS21.

Ecology

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.

Paragraph 118 of the NPPF states that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles –

- if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- opportunities to incorporate biodiversity in and around developments should be encouraged

Core Strategy Policy CS20 Biodiversity and Geodiversity states that the Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

The application has been submitted with a Biodiversity Report which considers the potential effects on habitats and protected or notable species. The surveys carried out include desktop surveys, habitat surveys and faunal surveys.

The Biodiversity Report does not highlight any significant ecological constraints and recommends improvement and mitigation measures. The Council's Ecologist considers that the methods used in the survey were appropriate and agrees with the findings and evaluation. Given the field comprises improved grassland and the adjoining woodland and other habitats are young in age as a result of previous coal-mining, the impacts on protected species, principal habitats and local wildlife sites should be low.

The proposed Masterplan incorporates mitigation measures which includes a comprehensive landscape plan and bat and bird boxes, which will provide additional ecological benefits.

In respect of the objection from the local resident about dog walkers within the adjacent woodland areas the supporting information notes that new naturalistic walks and footpaths are proposed within some of the woodland areas, adjacent to the main caravan park site. The precise location and route of these walks should be informed by the trees on site and if required special construction methods could be used for any paths between existing trees, using 'no dig' principles so as to avoid root damage. This could be addressed by way of a planning condition.

It is therefore considered that the proposal complies with policies set out in the NPPF, and the aims of Core Strategy CS20.

General amenity issues

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

Paragraph 123 of the NPPF states that planning decisions should avoid noise giving rise to significant impacts on health and quality of life as a result of new development. Paragraph 125 states that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

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.

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.

The site is relatively isolated and screened by wooded areas which would assist to mitigate the noise impact. Additionally, construction noise will be limited as no major buildings are to be constructed and the formation of caravan pitches would not involve heavy construction.

Furthermore the new pitches or buildings would not overlook neighbouring residents on Delves Lane or appear overbearing. Finally the site or approach roads do not fall within an Air Quality Management Zone and as such no air pollution concerns will arise.

In conclusion it is considered that the impact on local residents, including potential noise pollution during operation, can be mitigated against so that the proposal does not cause any significant adverse effects to the locality in this regard. In this regard the proposal is considered to accord with policies within the NPPF, UDP policy ENV3.7 and Core Strategy Policy CS27.

Geotechnical and contamination issues

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by preventing new developments from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil or water pollution or land instability, and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 121 states that planning decisions should ensure that the site is suitable for its new use taking into account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

UDP Policy ENV4.3 Unstable Land states that the Council will liaise with relevant informed agencies, having regard to the question of potential ground instability, with particular regard to coal mining subsidence. Where conditions of instability are

suspected, the council will require prospective developers to demonstrate that such circumstances have been thoroughly investigated where appropriate, remedial steps incorporated into schemes which are being promoted.

UDP Policy ENV4.4 Contaminated Land states that where land may have been contaminated as a result of a previous use, is proposed for development the Council will need to be satisfied that the nature and extent of contamination has been assessed and where necessary measures for removal and/or treatment are proposed.

Core Strategy Policy 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. It goes on to state that when the opportunity arises remedial measures will be taken to address existing problems of land contamination or land stability.

Rother Valley Country Park has been subject to a significant industrial past including a colliery and both underground and opencast mining. The applicant has submitted a Mining Report and Site Investigation Report. The Mining Report indicates that the site is stable from deep mining. The Site Investigation Report does not indicate any specific issues within the site which cannot be mitigated against during construction.

Taking into account the above, it is considered that the proposal complies with the policies within the NPPF and UDP policy ENV3.7, ENV4.3, ENV4.4 and Core Strategy policy CS27.

Other matters

A number of objectors have raised concerns regarding the publicity surrounding the application. The application has been advertised by way of neighbour notification letter to the residents on Delves Lane, two site notices and press advert. In addition a public meeting has been held in Wales to outline the proposals to local residents. As such it is considered that the level of publicity exceeds the required minimum set by Central Government.

Finally an objector has raised concerns that the site may be used by Travellers. The proposal is for short term holiday use only and not for permanent caravans or Gypsy/Traveller use. A condition has been attached ensuring that the caravans are touring only rather than permanent residences.

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.

The proposed development is considered to constitute inappropriate development within the Green Belt, however very special circumstances are considered to exist due to the economic benefits of the development in terms of increased local employment opportunities and the increase in numbers of tourists and visitors to Rotherham. Caravan and camping facilities are supported in principle by Core Strategy Policy CS11

Tourism and the Visitor Economy and it is considered that the proposals comply with the requirements of this Policy in this instance.

The submitted Transportation Assessment concludes that any potential adverse impacts resulting from the development proposals could be mitigated, and this is accepted subject to conditions, including the improvements to the junction of Delves lane with Mansfield Road and the provision of alternative parking at the rear of properties on South Terrace.

The proposal has been designed to blend in with the landscape wherever possible using existing woodland areas as screening, and proposes additional landscaping on the boundaries and within the site to soften the visual impact. .

The details submitted with the application indicate that the application can be drained effectively and will not be prone to flooding or cause flooding elsewhere, and that there will be no significant impact on ecology. In addition, the applicant has demonstrated that geological and geotechnical issues will not arise as a result of previous mineworkings in the area. Finally, it is not considered that the proposed development would have a significant adverse impact on nearby residents.

In view of the above it is recommended that planning permission be granted subject to the following conditions.

Conditions

General

01

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

Reason

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

02

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

(Toilet Block A 55/1/55/101) (Received 13 February 2018)

(Toilet Block A 55/1/55/102) (Received 13 February 2018)

(Masterplan L4933_102) (Received 13 February 2018)

(Contour Plan L4933_104) (Received 13 February 2018)

(Amended Reception Block Plan 55/1/55/103) (Received 26 March 2018)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of any buildings approved shall be as set out in the submitted Design and Access Statement, unless otherwise agreed in writing with the Local Planning Authority.

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 site shall be used for touring caravans/motorhomes only and not for static caravans.

Reason

For the avoidance of doubt as the site is only considered suitable for touring caravans/motorhomes.

Highways

05

The development shall not be brought into use until details of the junction improvements to Delves Lane/Mansfield Road, indicated in draft form on plan No.R132/A618/Option C, have been submitted to and approved in writing by the Local Planning Authority and the approved details subsequently implemented.

Reason

In the interest of highway safety.

06

The development shall not be brought into use until the scheme to provide residential parking to the rear of South Terrace, as indicated in draft form on plan No.126/18/TT710 Rev A, has been implemented.

Reason

In the interest of highway safety.

07

Sight lines 2.4m x 43m shall be provided and thereafter maintained at the site access to Delves Lane, the areas denoted by the sight lines shall be cleared and remain clear of all obstructions to visibility in excess of 900mm in height measured above the nearside road channel.

Reason

In the interest of highway safety.

Drainage

08

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The peak pumped foul water discharge shall not exceed 6 litres per second.

Reason

In the interest of satisfactory and sustainable drainage.

09

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority on the Flood Risk Assessment & Drainage Strategy (prepared by Rotherham MBC - report dated February 2018).

Reason

To ensure that the site is properly drained and in order to prevent overloading surface water is not discharged to the foul sewer network.

10

Above ground development shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

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

11

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 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.

Ecology

12

Prior to development being commenced a great crested newt Method Statement shall be produced to include specific details of measures to be taken during the construction phase to avoid/minimise impacts on newts. It is recommended that measures include a toolbox talk to contractors and precautionary working methods employed under the supervision of an Ecological Clerk of Works (ECoW). In the unlikely event that great crested newt were encountered, the works should cease and the situation be assessed by the ECoW.

Reason.

In the interests of the local ecology in accordance with advice in the NPPF.

13

Prior to the development being brought into use details of bird boxes and bat roost features to be incorporated into the development shall be submitted to the Local Planning Authority for approval and shall thereafter be implemented in accordance with the agreed details before the development is brought into use.

Reason.

In the interests of the local ecology in accordance with advice in the NPPF.

14

Details of any new naturalistic walks and footpaths within the woodland areas, adjacent to the main caravan park site shall be submitted to and approved by the Local Planning Authority. The precise location and route of these walks shall be informed by the trees on site and if required special construction methods shall be used for any paths between existing trees, using 'no dig' principles so as to avoid root damage. The approved details shall thereafter be implemented before the development is brought into use.

Reason

In the interests of the local ecology in accordance with advice in the NPPF.

Land contamination and ground conditions

15

Prior to the commencement of development A Phase II Intrusive Site Investigation should be undertaken to assess both the potential geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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.

16

Subject to the findings of the Phase II Intrusive Site Investigation , a Remediation Method Statement shall be provided and approved by this Local 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.

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 Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

Reason

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

18

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.

Landscaping

19

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

Reason

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'.

20

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

21

Prior to the development being brought into use a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscape scheme shall have regard to the Illustrative Landscape Masterplan (L4933) approved under this consent and shall be prepared to a suitable scale (1:500, 1:200) and shall clearly describe the following :

- 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.
- 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.

Tree planting within key public realm areas, such as main public car parks, main public entrances, and main public circulation routes, shall comprise advanced nursery stock. As a minimum the trees shall be prepared, supplied and transplanted in accordance with B.S. 4043.

The loss of low quality grassland on site shall be mitigated by enhancing species-diversity through the use of native, species-rich wildflower seed mixes for areas that will be subject to infrequent disturbance e.g. walking path edges, corners of the site, edges of the informal play area. In addition, species mixes similar to the existing scrub mix (with the exception of Japanese rose) shall be incorporated. Alternatively, species shall maximise flowering, pollen/nectar production and/or berries/fruit production to benefit invertebrates, birds and small mammals.

The planting 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'.

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 12 & 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 12 & 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.'

INFORMATIVES

Waiting restrictions

The parking scheme referred to in Condition 6 is required due to the proposed extension of existing waiting restrictions in Delves Lane which will need to be pursued separately.

RMBC - Environmental Health

The development should comply with The "Model Standards 2008 for Caravan Sites in England".

South Yorkshire Police

The development should have consideration for the following recommendations:

- Boundary treatment should be robust enough to stop intrusion and to define the site as a private area.
- Vehicle access must be access controlled and covered with CCTV.
- Pedestrian access must be defined and guided through the site with clear sightlines.
- All landscape should be kept as low as possible to aid surveillance opportunities.
- Reception/Café and toilet blocks to have doors and windows to be Secured by Design standards. All ground floor glazing should be laminated.
- The site should have a good lighting scheme, especially around the communal areas.
- Consideration should be given to applying access control to the toilet blocks for customers use only.
- The play area should have means of surveillance over it, from the café etc. Keep sightlines open around the play area. This area should have a fence/railings around it to keep small children safe.

Public Rights of Way

Any proposed barriers erected along the proposed route or other public rights of way will require to conform to the BS 5709 and that temporary closures required during construction will need to be applied for.

Badgers

As badgers have some potential to move across the Site from time to time, taking a best practice approach, all deep excavations (> 1 m) should be covered overnight during demolition/construction works. Shallow excavations (< 1 m) should have a scaffold board or equivalent placed in them overnight to allow any badgers to exit, should they fall in, and all chemicals should be stored securely in accordance with best practice guidelines. No open pipework should be left overnight.

Birds in adjacent woods

The trees adjacent to site have potential to be used by nesting and foraging common bird species during the nesting season. It is recommended that should any works other than light trimming be required, these should be undertaken outside of bird breeding season i.e. undertaken between September to February inclusive. If it is not possible to schedule works for these months, a breeding bird check undertaken by a suitably qualified ecologist will be required no more than two days prior to clearance, to check for the presence of active bird nests. An active nest would require an exclusion zone to be established and adhered to until chicks have fledged (to be monitored and confirmed by an ecologist).

Bird boxes should be installed within the adjacent woodland areas should they fall within the ownership of the applicant.

Hedgehogs

Should a hedgehog be discovered on Site at any time during the works, it should be moved carefully with gloved hands to a sheltered area away from the footprint of works e.g. into adjacent woodland.

Timber fencing is proposed for demarcating boundaries. To allow for continued dispersal of small mammals across the site the incorporation of small gaps beneath or between fence panels will be needed if closed board timber fencing is to be used.

Natural gaps should be left under or around fencing, or where this is not feasible, gaps measuring a minimum of 13 cm x 13 cm could be created to the base of panels to allow the movement of hedgehogs across the development. Further information and examples of such fencing gaps put into practice can be found in the following webpage: <http://www.hedgehogstreet.org/pages/link-your-garden.html>.

Alternatively, the use of railing and hedgerows provide free passage for hedgehogs.

Invasive species

As a precautionary measure and following best practice it is recommended that the Japanese rose should be cleared, grubbed out and chipped, with care taken to avoid spread through transfer of rose hips in particular. The chipped arisings should be transported to a licenced composting/green waste facility in a covered container to avoid inadvertent spread of plant material. The receiving waste facility should be made aware of the nature of the green material.

Should removal of coralberry be required at any stage, it should be treated in the same manner.

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.

URGENT ITEM REPORT**TITLE**

Update to appeal against non-determination of application for construction of an exploratory well on land at Common Road, Harthill – reference RB2017/0805.

RECOMMENDATION

That the Council's reason for resisting the appeal against non-determination on highways grounds be withdrawn from the appeal process in light of additional information submitted by the appellants.

Background

Members will recall that an appeal against non-determination was submitted by the applicant in December 2017. Following the appeal submission, Members considered the proposals (at that time) at the Planning Board Meeting of 25th January 2018 and endorsed the following reasons for resisting the appeal:

01

The Council considers that vehicular access to/egress from the site is intended to be via country lanes which are considered to be unsuitable to cater for the significant increase in commercial vehicular traffic to be generated by the proposal in terms of their limited width, restricted visibility, adverse alignment and lack of separate pedestrian facilities. The development, if implemented, would therefore increase the risk of vehicular conflict with vulnerable road users and other vehicles to the detriment of road safety, contrary to the National Planning Policy Framework which expects developments to include safe and suitable access for all people.

02

The Council also considers that the supporting ecological information is deficient with no breeding bird survey details submitted, insufficient bat survey details, and a substandard Phase 1 Habitat Survey carried out in January. Accordingly the applicant has not sufficiently demonstrated that the development can satisfactorily mitigate the potential for harm to the ecology of the surrounding rural environment, contrary to paragraph 118 of the National Planning Policy Framework which indicates that if significant harm resulting from a development cannot be avoided then planning permission should be refused.

The application will be determined via a Public Inquiry which is due to commence on Tuesday 24th April.

The appellant submitted a revised Traffic Management Plan (initially received on 23rd March, shortly before submission of Proofs of Evidence). This was then formally submitted to the Planning Inspectorate and circulated to third

parties by the appellant via an email on 10th April 2018. The Council subsequently published this additional data on its website.

Officers are disappointed with the extreme lateness of the initial submission of this additional information (less than 3 working days before the deadline for the submission of Proofs of Evidence). The formal submission on 10th April, within 14 days prior to the start of the Inquiry, has also resulted in an unsatisfactory level of time for full consultation with third parties to take place.

Additional information submitted by appellant

An additional revised Traffic Management Plan (reference AECOM review of Traffic and Transport Matters) was formally submitted to both the Planning Inspectorate and the Council on 10th April 2018. The appellant indicates that the TMP has been enhanced and the main changes and alterations can be summarised as follows:

- *An increased number of passing places which addresses outstanding concerns regarding conflict between traffic, cyclists and pedestrians.*

The TMP submitted with the application included the provision of 6 new formal passing places along Bondhay Lane (5) and Packman Lane (1), combined with the use of a series of existing, unsurfaced informal passing places along Bondhay Lane, Packman Lane and Common Road.

The provision of new formal passing places remained the same in number in TMP Addendum 1 submitted on 15 September 2017 whilst TMP Addendum 2, submitted on 1 December 2017, increased the number from 6 to 7 by the addition of a further surfaced passing place on Packman Lane (increasing the number from 1 to 2).

The Enhanced TMP incorporates the provision of 23 formal passing places along Bondhay Lane (11), Packman Lane (10) and Common Road (2) to the site, as indicated on Curtins Drawing TPMA 1529- 129 REV I. These passing places provide inter-visibility for drivers travelling in opposite directions apart from two sections which will be subject to traffic management control in accordance with Chapter 8 of the Traffic Signs Manual.

There are also a number of additional informal areas along the route of sufficient width for pedestrians to step off the highway. However, these are additional and the, now proposed, number of formal passing places does not require these additional informal areas to provide inter-visibility.

This level of passing place provision also provides betterment and long lasting community benefit.

- *A passing place specification recommendation that accommodates anticipated vehicle use and is visually sympathetic to the rural nature of the route.*

The previous proposal for six passing places was to provide them with a concrete surface finish.

AECOM has undertaken similar works at numerous locations using a grass reinforcement technique and specification which provides for required vehicle loading and is much more visually sympathetic, considering the rural location.

The system uses an interlocking ground reinforcement system which is filled with top soil and seed which overlays a layer of Type1 unbound sub-base material. Grass reinforcement blends in well with surrounding verge whilst providing vehicle loading. Areas could be identified by signage. The specification to be adopted would be the subject of discussion with RMBC officials. Options include concrete, 'grasscrete' or grass reinforcement. AECOM would recommend grass reinforcement.

All of the above options for the 23 proposed passing places ensure that their use in damp or wet weather conditions will enable the carriageway surface to remain free of mud being potentially deposited which could create a hazard for other road users, particularly cyclists, motorcyclists and pedestrians.

All of the above options would be suitable for pedestrians to use as a refuge. Curtins Drawing TPMA 1529-129 REV I and the swept path analysis drawings in Appendix G indicate the requirement for carriageway widening within the highway boundary to cater for construction traffic. The widening could be either using grass reinforcement or tarmacadam surfacing. This would be a matter for discussion with RMBC officials.

- *Compliance with Chapter 8 of the Traffic Signs Manual in relation to temporary traffic control*

The enhanced provision of inter-visible passing places significantly reduces potential conflict along the access route. However, inter-visibility of passing places is not possible at two locations along the access route such that temporary traffic control in accordance with Chapter 8 of The Traffic Signs Manual (Chapter 8) is required as follows:

1. *Curtins Drawing TPMA 1529-129 REV I provides chainage details measured from the A619/Bondhay Lane junction. Temporary traffic control, using "STOP/GO" signs, is proposed between the passing places at chainage 2000 and chainage 2475 – a distance of 475m. This location is the northern most part of Bondhay Lane and the most southern part of Packman Lane and is a 475m length of carriageway which is a combination of horizontal and vertical curves followed by tall hedges. Vehicles passing through this section do not have satisfactory forward visibility.*

A Curtins letter to RMBC dated 1 December 2017 indicates an average two way background traffic daily flow at this location of 221 vehicles equating to potentially 18 two way vehicles/hour and 1 two way vehicles/3 min. Background traffic levels are, therefore, nominal in

scale compared with the level of traffic that is capable of being temporarily controlled over this length.

Anticipated speeds of HGVs and abnormal loads are 20 mph (32 kph) and 5 mph (8 kph) respectively. The times taken to pass through the controlled length would, therefore, be approximately 0.9 minutes and 3.6 minutes respectively. One way background traffic can be expected to be 1-2 vehicles on Bondhay Lane and 1 vehicle on Packman Lane in the time period associated with an abnormal load movement. A layby length of 12m (excluding tapers) is proposed at the Bondhay Lane end (chainage 1975) and a layby length of 12m (excluding tapers) at the Packman Lane end (chainage 2500). An additional layby of 12m length has been provided in the middle of the section adjacent to Harthill Field Road to assist road users from Harthill Field Road during convoy movements.

- 2. Temporary traffic control, using "STOP/GO" signs, is also proposed between 12m passing places at chainage 2600 and chainage 2830 – a distance of 230m. This location is in the southernmost part of Packman Lane immediately after Harthill Field Road and is a 230m length of carriageway with tall hedges present on both sides of the carriageway and a hill brow in the vicinity of the farm. Vehicles passing through this section do not have satisfactory forward visibility.*

A Curtins letter to RMBC dated 1 December 2017 (Appendix F) indicates an average two way background traffic daily flow at this location of 221 vehicles equating to potentially 18 two way vehicles/hour and 1 two way vehicles/3 min. Background traffic levels are, therefore, nominal in scale compared with the level of traffic that is capable of being temporarily controlled over this length.

The times taken to pass through the 230m controlled length would, therefore, be approximately 25 seconds and 1 minute 43 seconds respectively. One way background traffic can be expected to be 1 vehicle in such time periods. The layby length of 12m (excluding tapers) at each end of the controlled length is, therefore, considered satisfactory.

The full document can be viewed on the following link:

<http://rotherham.planportal.co.uk/view.aspx?id=RB2017/0805&docid=3681827>

Publicity

No formal publicity has to be carried out by the Council in respect of the late submission of additional information by the appellant. The revised TMP details were formally submitted via email by the appellant on 10th April who copied in relevant third parties (Harthill and Woodall and Thorpe Salvin Parish Councils, CPRE and Harthill Against Fracking residents group).

The additional information has also been published on the Council's website.

Consultations

Streetscene - Transportation and Highways Design has considered the additional information and states:

"As you are aware, the Appellants have submitted further evidence in the form of a "Review of Traffic and Transport Matters", dated 22nd March 2018 which includes an "Enhanced Traffic Management Plan" (ETMP).

The ETMP includes the provision of additional, formal passing places along the intended route for construction traffic and an alternative form of temporary traffic control which does not involve diverting traffic along a one way system via Packman Lane, Common Road and Harthill Field Road.

A total of 10 No. formal passing places are now intended along Packman Lane between its junctions with Harthill Field Road and Common Road whereas only 3 No. were previously intended. The highway in these locations is wide enough to enable carriageway widening of between 5.5 metres and 6 metres. A width of 5.5 metres will allow a car to pass a lorry or two lorries to pass with care (source Manual for Streets). Furthermore, there is the potential to provide a further passing place on the western side of Packman Lane to the north of the culvert and there are potential informal pedestrian passing places along the route. 2 No. formal passing places are now intended along Common Road between the Packman Lane junction and the site access, whereas none were intended previously. It is considered that these additional passing places would significantly reduce the risk of vehicular conflict with other road users along the intended route.

Whilst the Appellant recommends that the passing places be constructed with grass reinforcement, this is not acceptable and a full tarmac construction will be required. In this respect, the Appellant acknowledges that the specification would be subject of discussion with RMBC officials. Indeed, an Agreement under S278 of the Highways Act 1980 would be required regarding any works within the highway.

Whilst most of these passing places will be inter-visible, those along the southern part of Packman Lane, which has always been considered to be the most sensitive location in road safety terms, will not. Furthermore, there is limited opportunity here to provide passing places due to the narrow width of highway measured between substantial boundary hedges.

To address this, the Appellants now propose to control traffic movements by means of "STOP/GO" signs along two lengths of the route ie. the northern part of Bondhay Lane/southern part of Packman Lane and along a further length of Packman Lane. These temporary traffic control measures would comply with Chapter 8 of The Traffic Signs Manual which recommends traffic safety measures and signs for road works and temporary situations. This proposal is acceptable in principle to the Council's Highways Inspection and

Streetworks Manager and it is considered that these measures would be appropriate mitigation along this part of the route.

As you will recall, the Appellant's previous intention was to seek a Temporary Traffic Regulation Order (TTRO) under Section 14 of The Road Traffic Act, 1984. This was considered to be unacceptable since the alternative route for diverted traffic was not considered to be suitable ie. the one way traffic system along Packman Lane, Common Road and Harthill Field Lane. A TTRO is no longer intended or required since traffic movements are to be controlled by the alternative means outlined above.

The Appellants have submitted drawings indicating the tracking of vehicles along the route. These include details of a 17.9 metres long low loader with trailer steering and a 16.4 metres long articulated vehicle successfully negotiating the Packman Lane/Common Road junction, subject to carriageway widening within highway limits. Whilst the Council does not have access to the necessary software to undertake a tracking exercise of a low loader, the Appellants have provided a video animation of their tracking exercise and there are no grounds to suggest that their exercise is flawed. Furthermore, the Transportation Unit has tracked a standard articulated vehicle based on the Ordnance Survey and measurements taken on site. Whilst not based on a topographical survey, it is considered that this has demonstrated that such vehicles could negotiate the junction following localised widening which would form part of the S278 Agreement.

The issue of severely restricted visibility at this junction is to be addressed by the use of a banksman.

In view of the above, it is considered that the ETMP measures constitute a significant improvement and satisfactorily address the road safety concerns. Opposition to the development on road safety grounds could not therefore, be justified subject to appropriate conditions regarding the design and implementation of the ETMP and highway improvements outlined above."

Conclusions:

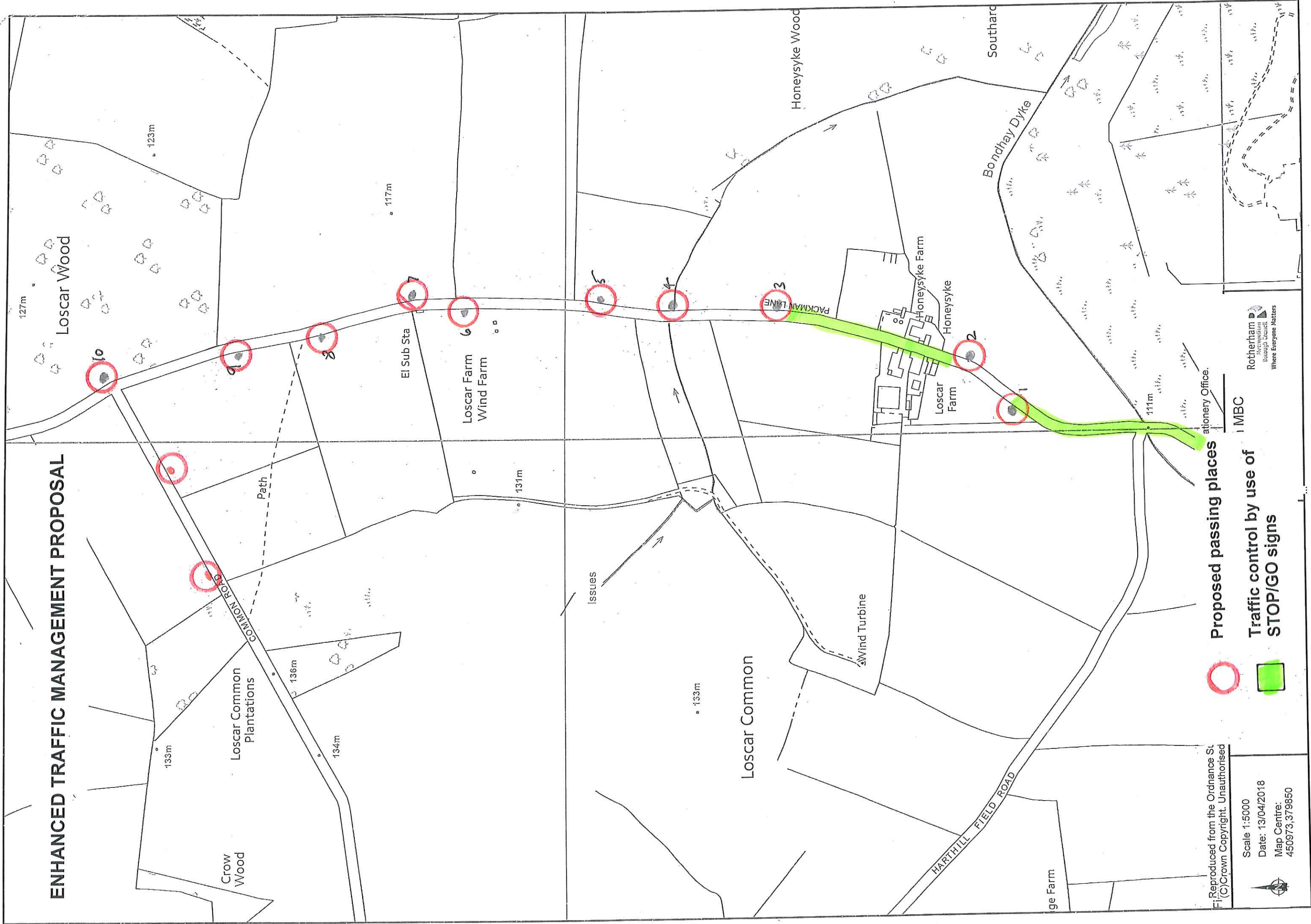
Having had regard to the additional Enhanced Traffic Management Plan, RMBC's Transportation Unit has concluded that the additional information now addresses the Council's highways concerns, and thus the Council's reason for resisting the appeal on highways grounds should therefore now be withdrawn from the appeal process. Planning Board Members are recommended to endorse this stance, in consideration of the officers' view that the late information overcomes the highways reason for resisting the appeal.

Members should be aware that there is the potential for the appellant to submit an application for costs if they consider that the Council has behaved unreasonably (such as requesting an adjournment to the Public Inquiry to consider the late additional information). The opportunity to review the late submitted information is done strictly without prejudice as to any submissions

and/or related applications the Council may make in due course as to the timing and nature of the late information submission.

The Council will maintain its secondary reason for resisting the appeal on ecology grounds, and all other relevant material considerations (including highway concerns raised by third parties) which will be discussed at the Public Inquiry.

ENHANCED TRAFFIC MANAGEMENT PROPOSAL





Scale 1:5000
Date: 17/04/2018
Map Centre:
451189,379750



Proposed passing places

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Rotherham MBC

